

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

6.	<p>Committee Minutes (Pages 1 - 132)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Community Planning Strategic Board 8 September 2016 (b) Galashiels Common Good Fund 8 September 2016 (c) Eildon Area Forum 8 September 2016 (d) Jedburgh Common Good Fund 14 September 2016 (e) Kelso Common Good Fund 14 September 2016 (f) Cheviot Area Forum 14 September 2016 (g) Pension Fund 15 September 2016 (h) Pension Fund Board 15 September 2016 (i) Police, Fire & Rescue and Safer Communities Board 16 September 2016 (j) Local Review Body 19 September 2016 (k) Executive 20 September 2016 (l) Teviot & Liddesdale Area Forum 20 September 2016 (m) Scrutiny 22 September 2016 (n) LLP Strategic Governance Group 22 September 2016 (o) Civic Government Licensing 23 September 2016 (p) Audit & Risk 26 September 2016 (q) Planning & Building Standards 3 October 2016 (r) Executive 4 October 2016 (s) Petitions & Deputations 6 October 2016 (t) Executive 18 October 2016 (u) Jedburgh Common Good Fund 19 October 2016 (v) Civic Government Licensing 21 October 2016 	5 mins
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(a)	Community Planning Strategic Board	8 September 2016
(b)	Galashiels Common Good Fund	8 September 2016
(c)	Eildon Area Forum	8 September 2016
(d)	Jedburgh Common Good Fund	14 September 2016
(e)	Kelso Common Good Fund	14 September 2016
(f)	Cheviot Area Forum	14 September 2016
(g)	Pension Fund	15 September 2016
(h)	Pension Fund Board	15 September 2016
(i)	Police, Fire & Rescue and Safer Communities Board	16 September 2016
(j)	Local Review Body	19 September 2016
(k)	Executive	20 September 2016
(l)	Teviot & Liddesdale Area Forum	20 September 2016
(m)	Scrutiny	22 September 2016
(n)	LLP Strategic Governance Group	22 September 2016
(o)	Civic Government Licensing	23 September 2016
(p)	Audit & Risk	26 September 2016
(q)	Planning & Building Standards	3 October 2016
(r)	Executive	4 October 2016
(s)	Petitions & Deputations	6 October 2016
(t)	Executive	18 October 2016
(u)	Jedburgh Common Good Fund	19 October 2016
(v)	Civic Government Licensing	21 October 2016

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SCOTTISH BORDERS
COMMUNITY PLANNING STRATEGIC BOARD

MINUTE of MEETING of the
COMMUNITY PLANNING
STRATEGIC BOARD held in the
Council Chamber, Council
Headquarters, Newtown St
Boswells on 8 September 2016 at
2.00pm.

Present:- Councillors D. Parker (Chairman), S. Bell, C. Bhatia, M. Cook; Mr T. Burrows (Eildon Housing); Superintendent A. Clark (Police Scotland); Ms G. Crosier (Borders College); Councillor G. Edgar (SESTRAN); Mr S. Gourlay (Scottish Fire and Rescue Service); Mrs M. Hume (3rd Sector Interface); Mr A. McKinnon (Scottish Enterprise); Mr J. Raine, Dr D. Steele (NHS Borders).

Apologies:- Councillor J. Brown; Mr P. Duncan (Live Borders); Mr G. Farries (Scottish Fire and Rescue Service); Mr T. Jakimciw (Borders College); Chief Superintendent I. Marshall (Police Scotland); Mrs R. Stenhouse (Waverley Housing).

In Attendance:- Mrs J. McDiarmid (SBC Depute Chief Executive [People]); Mr R. Dickson (SBC Corporate Transformation and Services Director); Ms J. Davidson (NHS Borders Chief Executive)[from para.5]; Mr T. Patterson (Joint Director of Public Health – SBC/NHS); Ms S. Smith (SBC), Clerk to Council.

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 9 June 2016.

DECISION

APPROVED the Minute for signature by the Chairman.

2. **ACTION TRACKER**

There had been circulated copies of the Action Tracker for Strategic Board decisions. With reference to the decision at paragraph 4 of the Minute of Meeting of 9 June 2016, it had been anticipated that the Charter for a Tobacco-Free Generation would have been signed by partners at this Strategic Board meeting but this had been postponed due to illness. In terms of the decision at paragraph 5 of the Minute of 9 June 2016 regarding a report on the process for implementing the key elements of the Guidance and Regulations for Community Planning, members were advised that the finalised Guidance was still to be issued.

DECISION

NOTED.

3. **ALCOHOL AND DRUGS PARTNERSHIP ANNUAL REPORT 2015/16**

There had been circulated copies of a report by the Chair of the Alcohol and Drugs Partnership advising members of the information in the Borders Alcohol and Drugs Partnership Annual Report for 2015/16 along with a copy of the draft Annual Report and Delivery Plan. Tim Patterson, Joint Director of Public Health, introduced the paper and Fiona Doig, Strategic Lead – ADP and Health Improvement, gave a presentation highlighting various aspects of the Annual Report. The Borders Alcohol and Drugs Partnership was a partnership of agencies and services involved with drugs and alcohol, which provided strategic direction to reduce the impact of problematic alcohol

and drug use. Nationally, there had been a reverse in the downward trend in consumption of alcohol, which was more affordable, more available and more heavily marketed than at any time over the previous 30 years. The effects of alcohol, either within the family or through crime, impacted on 50% of people. Statistics for the prevalence of alcohol and alcohol related hospital stays and mortality were also given. In terms of drugs nationally, there had been a change in the heroin market and subsequent decline in treatment demand for heroin, along with a decline in injecting drug use. The prevalence of new psychoactive substances (so-called 'legal highs') was increasing. Drug related hospital stays were increasing along with an increase in mortality which could be linked to an ageing cohort of drug users. Details were given of service provision for treatment and recovery. Adult Services had reported improvements in alcohol/drug use; physical health; emotional health; and meaningful use of time. Children and Family Services had reported improvements in alcohol/drug use; emotional wellbeing; attending education/employment; and safety. Early intervention and prevention took a 'whole population approach' and included working with the Licensing Board on access and availability, alcohol brief interventions, and workforce development. The challenges for the Alcohol and Drug Partnership included inequalities, stigma/recovery, and attitudes. The Board discussed various aspects of the report including the consistency and clarity of the message around recommended drinking levels, funding, cancer risks associated with consumption of alcohol, and the performance measures for intervention and recovery. The Chairman thanked Ms Doig and Dr Patterson for their presentation and the work of the Alcohol and Drugs Partnership.

DECISION

NOTED the Alcohol and Drugs Partnership Annual Report 2015/16.

4. CARE INSPECTORATE REPORT – JOINT INSPECTION OF SERVICES FOR CHILDREN AND YOUNG PEOPLE IN THE SCOTTISH BORDERS

With reference to paragraph 8 of the Minute of 3 March 2016, there had been circulated copies of a report by the SBC Depute Chief Executive (People) which provided a summary of the key findings of the Care Inspectorate Report on the joint inspection of services for children and young people in the Scottish Borders, identifying key strengths, along with areas for improvement and how these improvements would be delivered. The joint inspection took place between December 2015 and February 2016, covering a wide range of partners and services across the Community Planning Partnership which had a role in providing services for children, young people and families. This was the first such inspection to have taken place in the Borders, covering all service areas involving children and young people, from voluntary agencies delivering play and youth facilities, through to domestic violence, education, health and children protection. The Children and Young People's Leadership Group had examined the findings and developed an improvement action plan, detailed in Appendix 1 to the report, which was being actively progressed. The Depute Chief Executive further advised that no child had been found to be at risk, there were no surprises in the report as areas for improvement had already been identified, and no follow up visit was planned. In terms of the parenting strategy, this was about bringing everything together and letting parents know what was available to help them and what was acceptable, but this needed a little more articulation. The Chairman thanked all those involved in the inspection and for their continuing good work.

DECISION

NOTED:

- (a) the key strengths and the improvement work that was being progressed to address the key findings of the Care Inspectorate Report on the Joint Inspection of Services for Children and Young People in the Scottish Borders; and**

- (b) that an update on the progress of the inspection improvement plan would be given to the Strategic Board meeting within 12 months.**

5. COMMUNITY PLANNING PARTNERSHIP GOVERNANCE

- 5.1 With reference to paragraph 6 of the Minute of 9 June 2016, there had been circulated copies of a report providing members with the outcome of the review of Community Planning Partnership governance and proposing amendments to the current structure. The review was undertaken by officers from the Statutory partners and reported back to the Joint Delivery Team. It took account of the Scottish Government's national outcomes along with the requirements of the Community Empowerment (Scotland) Act 2015. Nine other Community Planning Partnerships structures were also considered. Most of these had a lead strategic group which had an overview of the work of the Partnership by agreeing, monitoring and evaluating the Single Outcome Agreement Strategic Plan. While it was not a requirement of legislation that the Strategic Board should be a formal Council committee, this was a convenient mechanism for the Council as it ensured that decisions of the Strategic Board were in fact formal decisions of Council. The Community Planning Partnership had no authority – whether it operated as an unincorporated body or as a Council committee – to require organisations to comply with any decisions, although the Statutory partners (the Council, NHS Borders, Scottish Enterprise, Police Scotland, and Scottish Fire and Rescue Service) were required to work together as per the Community Empowerment (Scotland) Act. Some partners raised the issue of the format, style and interaction at Strategic Board meetings, which they felt was contributing to a lack of engagement by members. This could be addressed within the current working of the Strategic Board and was not an issue in respect of the Board being a formal Council committee.
- 5.2 In light of the structures of other Community Planning Partnerships, officers concluded that the Scottish Borders Community Planning Partnership would be best served by having two groups – a large consultative group to set the strategic direction, and a smaller decision making group to ensure the strategic direction was being followed. The Community Planning Partnership Consultative Group would not be a formal committee of Council and would meet a minimum of once per annum for a planning workshop exploring the content and development of the Locality Improvement Plan and the individual Locality Plans, thus preparing the foundation for the work of a smaller Strategic Board. A revised, smaller Strategic Board would be retained as a decision making group for the Community Planning Partnership. Membership of this Board would be the 5 Statutory partners plus representatives from Borders College, Registered Social Landlords, and the Third Sector. While the Strategic Board would remain a formal Council committee, the style and form of meetings would change to reflect a more open discussion on community planning matters taking account of the outcomes of the Community Planning Partnership Consultative Group planning workshop(s). The main remit of the Strategic Board would be to approve, monitor and evaluate progress on the Local Outcomes Improvement Plan and the individual Locality Plans, and provide the Consultative Group with an annual assessment of community planning in the Scottish Borders. It was proposed that these new governance arrangements be reviewed after 18 months to assess their effectiveness. Members considered various aspects of the proposed governance arrangements including keeping the Strategic Board as a formal Council committee, the need to oversee the work of the Joint Delivery Team and Themed Teams, the focus proposed for the Strategic Board and the planning of agenda items, and the future pooling of resources.

**DECISION
AGREED:**

- (a) the new governance arrangements for the Community Planning Partnership in the Scottish Borders as detailed in Section 5 of the report;**
- (b) that all partners approve the new governance arrangements within their own organisational decision making structure as appropriate; and**

(c) the governance arrangements be reviewed in 18 months time to assess their effectiveness.

6. DATES OF NEXT MEETINGS

There had been detailed on the agenda the dates for the meetings of the Strategic Board for 2016/17.

**DECISION
NOTED.**

The meeting concluded at 3.10 p.m.

SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the GALASHIELS
COMMON GOOD FUND SUB COMMITTEE
held in the Transport Interchange,
Galashiels, on Thursday, 8 September, 2016
at 5.00 pm

Present:- Councillors B White (Chairman), S. Aitchison, B Herd and J. G. Mitchell;
Community Councillor R. Kenney.

In Attendance:- Managing Solicitor, People and Court (C. Donald), Capital & Investments
Manager (K. Robb), Democratic Services Officer (F. Walling).

Public - 1

1. **MINUTE.**

1.1 There had been circulated copies of the Minute of 12 May 2016.

DECISION

NOTED the Minute

1.2 With regard to paragraph 3 of the Minute, the Chairman referred to a communication from the Estates Surveyor giving an update with regard to the Ladhope Tree Planting project. The planting design had been guided and approved by the Forestry Commission and the plans had been supported by the Langlee Community Woodland group. Detailed planting design in terms of proportion of each species was being finalised in order to input public consultation which was still to be arranged.

DECISION

NOTED

2. **FINANCIAL 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 three months to 30 June 2016, full year projected out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. Capital and Investments Manager, Kirsty Robb, highlighted the main points of the report and appendices. Appendix 1 to the report provided a projected Income and Expenditure position which showed a projected deficit of £55 for the year and a projected closing cash balance of £6,478. The projected Balance Sheet as at 31 March 2017, in Appendix 2 to the report, showed a projected decrease in the Revaluation reserves of £36,247 due mainly to the projected depreciation charge. Appendix 3 provided a breakdown of the property portfolio. There was no rental income and no property expenses for the properties owned by the Common Good. With regard to non-property related income, the proposed budget for 2016/17 was based on a distribution to 2.0% from the Newton Fund Investments which would be subject to the overall performance of the fund. An amount of £3,000 had also been projected for income received from donations from the Ladhope Estate and Ex Provost Mercer Bequest. There had been no requests for financial assistance as at 30 June 2016 leaving a total unallocated Grants budget of £2,000. The current position of the investment in the Newton Fund was shown in Appendix 4. The market value of Galashiels Common Good investments at 30 June 2016 had yielded a 6%

unrealised gain on the total invested to date. Ms Robb advised that there would be a seminar for Trustees on 19 October 2016, at Council Headquarters. In addition to the presentation of the annual accounts for the charitable funds and an update on Trust reorganisation, the seminar would be attended by Newton Fund managers who would be available to answer questions.

DECISION

- (a) AGREED the projected Income and Expenditure for 2016/17 in Appendix I to the report.**
- (b) NOTED within the appendices to the report:-**
 - (i) the projected Balance Sheet value as at 31 March 2017 in Appendix 2;**
 - (ii) the summary of the property portfolio in Appendix 3; and**
 - (iii) the current position of the investment in the Newton Fund in Appendix 4.**

3. APPLICATION FOR FINANCIAL ASSISTANCE

There had been circulated copies of an application for financial assistance from Mr Ian Middlemass, on behalf of Reivers Sports Bar, Galashiels. A grant of £900 was requested to refurbish the pool tables at the Reivers Sports Bar and to improve the entrance to the hall to bring it up to a good standard. Mr Middlemass and Mr Kieren Riddell, attended the meeting to provide further information and answer Members' questions. Mr Middlemass explained that £6,000 had been invested in pool tables at the Reivers Sports Bar and that last year there had been 3 major pool competitions in which the best players in the UK had taken part. These competitions were of significant benefit to the local economy with the associated demand for accommodation and facilities. With the success of the competitions around £450 had recently been donated to local charities and there were plans in place to raise more money and to become self-sufficient. The pool tables were also used by local young people and people with special needs, with coaching being provided and junior competitions being planned. The room was fitted with CCTV. The popularity of the facility had led to the need to refurbish the tables. A committee and bank account had recently been set up and the group had also just affiliated with the Scottish Pool Association, with the result that the Reivers Bar was now on the Association's list of venues. In response to questions Mr Middlemass emphasised that there was no bar in the pool hall and no under-18s were allowed in the bar area. In this respect the room was the only facility available for young people to play pool within the Borders. Members indicated that they were in support of the development of this pool facility particularly as a resource for young people. However they were not comfortable with the application in its present form, were concerned that the group did not yet have a club or constitution and did not believe the Common Good Fund to be an appropriate source of funding. Mr Kenney advised the applicants to set up a club and to seek advice and affiliate with Club Sport Ettrick and Lauderdale. This would then entitle the club and members to access financial assistance that was on offer through various schemes. The Chairman thanked Mr Middlemass and Mr Riddell for attending and wished them well with their project.

DECISION

AGREED:-

- (a) to support in principle the development of a club to promote the sport of pool at the Reivers Sports Bar; but**
- (b) not to give a grant for the refurbishment of the pool tables as there would be more appropriate sources of funding available once the club was established.**

The meeting concluded at 5.35 pm

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SCOTTISH BORDERS COUNCIL EILDON AREA FORUM

MINUTE of Meeting of the EILDON AREA FORUM held in the Waverley Chambers, Transport Interchange, Galashiels, on Thursday, 8 September, 2016 at 6.30 pm

- Present:- Councillors B White (Chairman), S. Aitchison (from para 2.2), M Ballantyne, G Edgar, I. Gillespie (from para 2.3), B Herd, J G Mitchell.
Community Council representatives:- R Kenney (Galashiels), T Cotter (Lilliesleaf, Ashkirk & Midlem), J McLaren, Employee Director (NHS Borders).
- Apologies:- Councillors V. M. Davidson, D. Parker and J. Torrance; Inspector M Bennett (Police Scotland), K Langley (Scottish Fire & Rescue Service).
- In Attendance:- Neighbourhood Area Manager (C Blackie), Democratic Services Officer (F Walling).
- One member of public.

1. ORDER OF BUSINESS

The Forum was not quorate until paragraph 2.3 of the Minute as there was not an elected Member present from each Ward at the beginning of the meeting. The Chairman therefore varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

2. PRESENTATIONS

2.1 Raising concerns about alcohol in your community

Licensing Standards Officer, Mike Wynne, and Senior Development Officer, Alcohol and Drugs Partnership, Susan Walker, were in attendance to give a presentation on behalf of the Scottish Borders Licensing Forum. The presentation was in support of the publication of the Toolkit Resource for communities, copies of which were provided 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. In response to the question 'Why is alcohol licensed?' Mr Wynne advised that due to the harm associated with the product, alcohol was deemed a high risk product and therefore subject to regulation. The licensing system existed to regulate the sale of alcohol to minimise harm. There were three types of alcohol license: permanent (premises); temporary (occasional); and personal in respect of managers/supervisors that managed the sale of alcohol. The Licensing Board was made up of 10 elected Councillors but also involved in the process of deciding who could sell alcohol were the Licensing Standards Officers, Police, Health Board, Community Councils, Local Licensing Forum and members of the Community. The presentation went on to summarise the licensing application process and how Community Councils could raise concerns, if they wished, about alcohol in the community. Community Councils could report problems to the Police or Licensing Standards Officer; input to the planning process; get involved with the Local Licensing Forum; comment on alcohol licence applications; and speak to their local Councillor. Further details and advice about how to raise concerns were outlined in the toolkit booklet. Parties putting in an objection or representations in respect of an application would be invited by the Licensing Board to attend the hearing at which the license would be considered. For reference Ms Walker drew attention to the Alcohol Profile 2014/15, copies of which were also available at the meeting. This was the third report by the Local

Licensing Forum which aimed to collectively present 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 Wynne and Ms Walker concluded the presentation by answering questions from those present.

MEMBER

Councillor Aitchison joined the meeting.

2.2 Earlston Locality Learning and Youth Work Partnerships

In attendance to give a presentation about the work of the Earlston Learning Community Partnership was Susan Law, Earlston Voluntary Sector Manager. Handouts relating to the presentation and a profile of the Earlston Learning Community were provided at the meeting in addition to a sheet summarising Voluntary Youth Services in the Earlston catchment area. It was explained that there were currently 2,328 young people in the Earlston catchment area with a High School roll of approximately 1050. The figures for deprivation in Earlston were relatively low. However geographical access was a major contributing factor to lack of youth opportunities. Youth Work Development involved partnership working with schools and other local and borders-wide organisations to bring more opportunities to young people to tackle issues such as young carers, mental health and drug and alcohol misuse. Aims were to increase and support youth services in the eight towns and villages within the Earlston catchment; give direction to the part time Development Worker and newly appointed sessional staff; submit, monitor and review funding applications for salary, core costs and service development; provide educational and recreational opportunities for all young people; and to look at the long term development of the organisation to make it sustainable into the future. Ms Law highlighted work being carried out in relation to the priorities identified: Education, with a focus on the number of people 16+ years with few or no qualifications; the cost of and access to transport which affected access for young people to extra-curricular activities and work experience; and the promotion of healthy lifestyles and support for mental health issues. With regard to staffing of the services, the manager was contracted for 21 hours per week. A grant of £10k, received from the Moffatt Trust, was being used to pay for the present sessional youth worker and youth work opportunities were supported by 14 adult volunteers. Funding was in place until December 2017 for the manager's post but the organisation was continually looking for funding for project costs and sessional staff. Every pound received from Scottish Borders Council had been matched with £3 from other sources. New board members were required as a matter of urgency. Members indicated their keen interest in the issues raised in the presentation. In particular they discussed the need for a specific community space, for young people to go, in Earlston and it was understood that the Earlston Community Development Trust may also be exploring this issue. It was noted that, when asked for their views, having a place to get together outside school was the main priority for young people. Councillor Aitchison offered to follow up this issue with officers within the Council's Education section.

MEMBER

Councillor Gillespie joined the meeting.

2.3 Galashiels Hydropower Project

A presentation on the Galashiels Hydropower Project was given by Hans Waltl. Also present was Stan Johnston to give further information about the water engine technology involved. The project aimed to unlock the potential and to revive the caulds and mill lades of the Gala Water as an energy source for Galashiels. In his introduction Mr Waltl referred to the history of the Gala Water and its mill lades in providing power for industry and around which the town of Galashiels was developed. A timeline was shown starting in 1699 when the first town lade was developed and a map and photographs illustrated the water infrastructure as it now appeared. There were many types of water engineering technology available but a key challenge was the relatively low water head heights of the waterways in Galashiels. It was proposed to use innovative hydro generation technology

'the Water Engine' as a solution to capture the energy potential in these cases. The proposed string of sites were indicated on a plan of the Gala Water and lades. The aim was to provide power to nearby premises with an estimate of 3GWh production which would meet 20% of domestic demand. It was pointed out that the project could provide a demonstrator that, if successful, may be applicable to many other waterways across the Borders and Scotland. Mr Johnston explained that the Water Engine used a system of floats which were raised and lowered by water engineering. A system of hydraulic rams was used to convert this motion into high pressure fluid which could be used in numerous ways including for hydro-electricity. The project would be managed by two community-owned companies which would also be run for community benefit. One, which would be grant funded, would work to restore the lades and caulds and the other would be concerned with the generating equipment. The companies would work in partnership with Scottish Borders Council, SEPA, River Tweed Commission, Tweed Forum, Borders College, Scottish Borders Housing Association and Energise Galashiels. In the ensuing discussion Members recognised this as an innovative and fascinating project with exciting potential for Galashiels. In response to questions about financial plans relating to capital investment and the issue of shares, Mr Waltl advised that the intention was to publish a prospectus early in November.

- 2.4 The Chairman thanked those attending who had given the interesting and informative presentations and in view of the disappointing Community Council representation at the Area Forum asked for copies of the presentations to be circulated to all Community Councils following the meeting.

DECISION

- (a) **NOTED the presentations.**
- (b) **AGREED that copies of the presentations be circulated for information to Community Councils.**

MEMBER

Councillor Edgar left the meeting.

3. **NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE FUND**
Neighbourhood Area Manager, Craig Blackie, gave a verbal update on the progress of schemes and projects under the Small Schemes and Quality of Life budgets. It was noted that details continued to be circulated to Members for approval by email. Mr Blackie also gave an update about the work of the environmental wardens who were introduced from the end of May 2016 to specifically address litter and dog fouling issues. A total of 31 fixed penalty notices had been issued in the area, two of which were for dog fouling and the remainder for litter. Apprehension of dog fouling incidents was mainly intelligence-led and Mr Blackie pleaded for information about habitual offenders to be passed to him via the Council website. He stressed that the environmental wardens were being employed as part of a year's trial following which a report would go back to Council on how effective they had been. Although it was not currently the Council's policy to advertise where, in the Borders, the wardens would be operating Members believed that it would be effective to release advanced information about where they were patrolling to raise awareness and reduce dog fouling and litter offences.

DECISION

NOTED the update.

4. PARTNER UPDATES

4.1 NHS Borders

Employee Director John McLaren gave a verbal update. He reported that a recent NHS Borders Annual Review had been well attended. The main issue for discussion at the Annual Review and at the Integrated Joint Board meetings was the financial challenge

facing the services in the forthcoming year and beyond. In this respect, Mr McLaren confirmed that he would keep the Area Forum informed of any issues which involved public engagement. He concluded his update with confirmation that WiFi would be available in the dining area and in some wards at the Borders General Hospital from early September.

4.2 **Police Scotland**

Inspector Mike Bennett was unable to attend the meeting but his report had been circulated and he asked that any issues raised be passed on to him. In an introduction, the report advised that a new Divisional Commander had been appointed for the Lothians and Scottish Borders area. Chief Superintendent Ivor Marshall took up his role on 18 May 2016 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.” The report went on to give details of the focus of police work in the Multi Member Ward areas of Galashiels and District, Selkirkshire and Leaderdale and Melrose. With regard to the Local Festivals, police had been involved with committees in the organisation and delivery of the local common ridings and festivals. This year’s events had been a great success with very little in the way of disorder. This was due largely to the good communication and planning that went into these events, most of which the public were not aware of. Police Scotland would like to thank the organisers for working in partnership to deliver these events. The report concluded with a reminder that Police Scotland’s public consultation process was online and would be open all year. The consultation, which would be a completely transparent process, would shape the way that policing was coordinated across Scotland and in local communities.

4.3 **Scottish Fire and Rescue Service**

Station Manager, Keith Langley, had circulated his report but sent apologies for his absence. The report summarised response and resilience activity in the Eildon Area since the last Area Forum meeting. Fire prevention and protection activity continued to be key to reducing the number of fires, casualties and losses, thus minimising the economic and social impact of fire on communities. The report drew attention to activity ongoing within the Eildon Area. One of these, the TD1 Initiative, involved a one-day a week, six-week course over the school holidays. During the pilot, fire fighters were paired with TD1 candidates working on the Bronze Youth Initiative. The syllabus included team building, health and well-being, CPR, consequence of fire, developing employability etc. All candidates achieved the Bronze Youth Initiative award. Moving into the Autumn, the seasonal community safety calendar and thematic action plan would focus activities on older and vulnerable persons; bonfire safety; student safety; and electrical and chimney safety. The Local Authority Liaison Officer was in post within Council Headquarters in order to continue to improve partnership working. The primary aims of this activity were to help ensure the safety and welfare of vulnerable persons and to seek to reduce the overall numbers of accidental dwelling fires, fire casualties and fire fatalities in homes.

DECISION

NOTED the updates.

5. **COMMUNITY COUNCIL SPOTLIGHT**

Lilliesleaf, Ashkirk and Midlem Community Councillor, Tom Cotter, gave information about a coffee morning being held in Midlem Village Hall on 24 September from 10 am – 12 pm,

at which a Pensions Adviser from the Citizens Advice Bureau would be in attendance to give advice.

**DECISION
NOTED.**

6. OPEN QUESTIONS

There were no open questions.

**DECISION
NOTED.**

7. MINUTE

7.1 There had been circulated copies of the Minute of 12 May 2016.

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

7.2 With regard to paragraph 2.2 of the Minute, Councillor Aitchison gave some clarification about consultation in relation to the review of the school estate provision and to rural schools in particular. Views had been put forward in the pre-consultation that the Council should engage with communities at an early stage when school rolls were dropping, to look at what sustainability actions could be taken. Letters would therefore be sent shortly to parents and guardians of pupils in those schools with rolls of less than 50 to explain how this would be taken forward.

**DECISION
NOTED.**

8. FUTURE AGENDA ITEMS

The following would be on the agenda of the next meeting:-

- (a) Community Empowerment Bill
- (b) TD1 Youth Hub Exhibition 'Youth Poverty and Homelessness'

The Chairman expressed his disappointment at the low turnout of Community Council representatives and advised of his intention to contact Community Councils prior to the next meeting to encourage better attendance.

**DECISION
NOTED.**

9. DATE OF NEXT MEETING

The next meeting would be held on Thursday 8 December 2016 at 6.30 pm at the Transport Interchange, Galashiels.

The meeting concluded at 8.35 pm

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SCOTTISH BORDERS COUNCIL
JEDBURGH COMMON GOOD SUB-COMMITTEE

MINUTE of MEETING of the JEDBURGH
COMMON GOOD FUND SUB-COMMITTEE
held in the Boardroom, Jedburgh Grammar
School, Jedburgh on 14 September 2016 at
4.30 p.m.

Present:- Councillors J. Brown, R. Stewart, S. Scott, Community Councillor Mr. H. Wight.
In Attendance:- Capital and Investments Manager (Kirsty Robb), Estates Manager, Solicitor
(Karen Scrymgeour), Democratic Services Officer (F. Henderson).
Members of the Public:- 0.

MINUTE

1. There had been circulated copies of the Minute of the Meeting held on 1 June 2016.

**DECISION
NOTED.**

MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2016

2. There had been circulated copies of a report by the Chief Financial Officer which provided details of the income and expenditure for the Jedburgh Common Good Fund for the 3 months to 30 June 2016 and full year projected out-turn for 2016/17. Appendix 1 provided a projected income and expenditure for 2016/17 and a projected deficit of £333 for the year. Appendix 2 provided Balance Sheet value to 31 March 2016 and a projected decrease in reserves of £3,405, due to depreciation of assets, the surplus generated in the year and movements in the value of investments. Appendix 3 provided a breakdown of the property portfolio showing actual rental Income and property Expenditure to 31 March 2016 where applicable and the 2015/16 depreciation charge. Appendix 4 detailed the value of the Newton Fund to 31 March 2016.

DECISION

(a) NOTED:-

- (i) the actual projected Income and Expenditure for 2015/16 as shown in Appendix 1 to the report;**
- (ii) the final balance sheet value to 31 March 2016 in Appendix 2;**
- (iii) the summary of the property portfolio in Appendix 3 to the report; and**
- (iv) the current position of the investment in the Newton Fund in Appendix 4 to the report.**

(b) AGREED the proposed budget for 2016/17 as shown in Appendix 1 to the report.

3.0 APPLICATIONS FOR FINANCIAL ASSISTANCE

3.1 Jedburgh Community Council – Christmas Lights

There had been circulated copies of an Application for Financial Assistance from the Jedburgh Community Council towards providing Festive Lights in Jedburgh. The application

which was in the sum of £30,000 towards the costs of replacing and upgrading the Festive Lighting in Jedburgh. The Sub-Committee were advised that since submitting the application the Community Council has been successful in securing funding of £5,000 from SBC Community Grant Scheme and £10,000 from Awards For All, which left a balance of £15,000. It was hoped that some of the previous lighting could be salvaged, which would reduce the costs further.

**DECISION
AGREED**

- (a) **in principle to support the cost of replacing the Festive Lighting up to a maximum of £15,000.**
- (b) **that final costs be agreed by e-mail between all SBC Councillors and Community Councillor Wight prior to being awarded.**

DECLARATION OF INTEREST

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

3.2 Cheviot Youth Project – Community Connections Project Hub – 5/7 High Street, Jedburgh

There had been circulated copies of an Application for Financial Assistance from the Cheviot Youth Project in respect of the Community Connections Project Hub at 5/7 High Street, Jedburgh. The application was in the sum of £9,403 towards developing by Community Hub Office in the town centre which would provide meeting and work space from which to support, guide and direct the Community Connections Project programme. The funding being sought would allow internal restructuring of the space and the work that was needed to convert the building from a shop into a Community Connections Hub. The Application was broken down as follows:-

Plumbing	£3,082
Electrics	£1,295
Joinery	£5,026
TOTAL	£9,403

The application detailed the Community Connections programme which would be running from the space and applications submitted to other funding sources. The Sub- Committee raised concerns with regard to the disabled access into the property at 5/7 High Street and the tenure over the property.

**DECISION
AGREED:-**

- (a) **to support the application in principle;**
- (b) **that a special meeting be convened, should it be required, to consider additional information when received; and**
- (c) **to request a Business Case and proposed funding for next two years be submitted prior to a decision being made.**

4. URGENT BUSINESS

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

4.1 LEASE OF COMMON GOOD PROPOERTIES TO LIVE BORDERS

Community Councillor Wight had requested copies of the leases in respect of the Castle Jail and Mary Queen of Scots Museum which were being leased to Live Borders. Karen

Scrymgeour, Solicitor advised that they were to be known as Licences rather than leases and circulated at the meeting copies of the draft Licences for the Castle Jail and Mary Queen of Scots Museum. In response to a question about the maintenance of the properties, Ms Scrymgeour advised that Live Borders was responsible for the internal maintenance and the maintenance of the Exterior was with the Landlord. Community Councillor Wight requested copies of the plan which were referred to within the draft Licences.

DECISION

- (a) **NOTED.**
- (b) **AGREED that the plans referred to within the draft Licences be circulated forwarded to all members of the Sub-Committee.**

The meeting closed at 5.30 p.m.

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SCOTTISH BORDERS COUNCIL
KELSO COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the KELSO COMMON
GOOD FUND SUB-COMMITTEE held in the
Boardroom, Jedburgh Grammar School, Jedburgh
on 14 September 2016 at 5.30 p.m.

Present:- Councillors T. Weatherston (Chairman), Councillor S. Mountford, A. Nicol,
Community Councillor Mr John Bassett.
In Attendance:- Capital and Investments Manager (Kirsty Robb), Estates Manager, Solicitor
(Karen Scrymgeour), Democratic Services and Elections Officer (F.
Henderson).
Members of the Public:- 0.

MINUTE

1. There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 1 June 2016.

DECISION

AGREED to note the Minutes for signature by the Chairman.

PINNACLEHILL WOODLANDS

2. With reference to paragraph 4 of the Minute of 1 June 2016, the Estates Manager confirmed that he had met with Mr Coates, Greystones, 22 Pinnaclehill Park, Kelso who had been resident there for the past thirty years. Mr Coates had confirmed that his title stated that the boundary of his property was to the inside of the fence, the hedge surrounding the properties on the inside of the fence belonged to the owners and was cut and well maintained. The path running alongside the fence had been adopted by SBC in 1999, although, following the review of Common Good Assets in 2011 was now the responsibility of the Common Good. Mr Hastie further explained that Mr Coates was not seeking total renewal of the fence, but new posts to be provided and installed, where required and the fencing repaired where required, which had previously been undertaken by the Council, while the matter was the responsibility of another Council Committee prior to the Common Good Asset Review. The estimated cost of replacing the fence was between £2,000 and £5,000. The Sub-Committee were of the opinion that there was no need for the substantial wooden fence as the hedge was well established and requested that an estimate for a post and wire fence be obtained, which was what the Council were legally required to provide. It was suggested that the Estates Manager speak to Mr Coates again, offering the cost of a post and wire fence and should Mr Coates wish another type of fence, he contribute the difference.

DECISION

(a) NOTED the cost of replacing the fence as it stands.

(b) AGREED that the Estates Manager:-

(i) obtain an estimate for a post and wire fence;

(ii) negotiate with Mr Coates with regard to the Common Good providing a post and wire fence and, should Mr Coates desire the same kind of fence, he be asked to contribute to the cost.

MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2016

3. There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Kelso Common Good for 3 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 I provided the projected income and expenditure for 2015/16 which showed a deficit of £3,326 for 2016/17. Appendix 2 provided the projected balance sheet value to 31 March 2016 and projected a decrease in reserves of £45,826. Appendix 3 provided a breakdown of the property portfolio showing projected rental income for 2016/17 and actual property expenditure to 30 June 2016. Appendix 4 showed the value of the Newton Fund to 30 June 2016. It was explained that should the budget of £1,000 be not used, the deficit would be reduced. The Capital and Investments Manager advised that there would be a Seminar with representatives from the Newton Fund on Wednesday, 19 October 2016 which all stakeholders could attend. In response to questions, the Capital and Investments Manager advised that there was no investment in Bonds and that her team were still working on providing a column for comparative figures, previously requested.

DECISION

(a) NOTED:-

- (i) the projected Balance Sheet value to 31 March 2017 in Appendix 2 of the report;**
 - (ii) the summary of the property portfolio in Appendix 3 of the report; and**
 - (iii) the current position of the investment in the Newton Fund in Appendix 4 of the report.**
- (b) AGREED the projected Income and Expenditure for 2016/17 contained in Appendix I to the report.**

The meeting closed at 6.05 p.m.

SCOTTISH BORDERS COUNCIL
CHEVIOT AREA FORUM

MINUTE of the MEETING of the
CHEVIOT AREA FORUM held in
The Assembly Room, Jedburgh
Grammar School, Jedburgh on
Wednesday, 14 September 2016
at 6.30 p.m.

Present:- Councillor T Weatherston (Chairman), J. Brown, S. Mountford, A. Nicol,
S. Scott, R. Stewart.
Community Councillors J. Bassett, A. Drummond, D. Herriot, J. Taylor,
E. McNulty, Mr Andrew Girrity, Station Manager (Scottish Fire and
Rescue Service), Inspector John Scott (Police Scotland – J Division).

Apologies:- Community Councillors C. Cook, D. Stark, S. Stewart, L. Johnston, P.
Bridgewood, A. Leitch, D. Ogilvie, , Locality Team Leader (Ms K.
Horsley), Inspector Wood (Police Scotland – J Division)

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

Members of the Public:- 0

1. **WELCOME**

The Chairman welcomed everyone to the meeting.

2. **MINUTE**

There had been circulated copies of the Minute of the Meeting of the Cheviot Area Forum of 1 June 2016.

DECISION

AGREED to approve the Minute for signature by the Chairman.

3. **UPDATE ON DOG FOULING**

With reference to paragraph 3 of the Minute of 1 June 2016, Mr Craig Blackie, Neighbourhood Area Manager (Eildon) was present at the meeting to update Members on a new refreshed approach being taken to tackle dog-fouling in the Scottish Borders. Mr Blackie explained that the Wardens appointed, to cover the whole of the Scottish Borders had commenced their duties in May 2016. To date across the Borders they had issued 32 Fixed Penalties – 9 in Kelso; 2 in Jedburgh and 1 in Ancrum. There had been 2 Dog Fouling notices issued, although not in the Cheviot Area. The Wardens worked on intelligence and had been working earlier and later in the day to catch perpetrators. New posters and advertising would be distributed. A full report would be brought to Council on completion of the 12 month trial period. In terms of the Green Dog Walking Scheme, this had been very successful in Newtown St Boswells and interest in the scheme had been expressed in the Peebles area. The Chairman thanked Mr Blackie for his update.

**DECISION
NOTED.**

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.

RAISING CONCERNS ABOUT ALCOHOL IN YOUR COMMUNITY

4. Licensing Standards Officers, Mike Wynne and Ian Tunnah were in attendance to give a presentation on behalf of the Scottish Borders Licensing Forum. The presentation was in support of the publication of the Toolkit Resource for communities, copies of which were provided 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. In response to the question 'Why is alcohol licensed?' Mr Wynne advised that due to the harm associated with the product, alcohol was deemed a high risk product and therefore subject to regulation. The licensing system existed to regulate the sale of alcohol to minimise harm. There were three types of alcohol license: permanent (premises); temporary (occasional); and personal in respect of managers/supervisors that managed the sale of alcohol. The Licensing Board was made up of 10 elected councillors but also involved in the process of deciding who can sell alcohol were the Licensing Standards Officer, Police, Health Board, Community Councils, Local Licensing Forum and members of the Community. The presentation went on to summarise the licensing application process and how Community Councils could raise concerns about alcohol in the community. Community Councils could report problems to the Police or Licensing Standards Officer; input to the planning process; get involved with the Local Licensing Forum; comment on alcohol licence applications; and speak to their local Councillor. Further details and advice about how to raise concerns were outlined in the Toolkit booklet. Parties putting in an objection or representations in respect of an application would be invited by the Licensing Board to attend the hearing at which the license would be considered. This was the third report by the Local Licensing Forum which aimed to collectively present 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 Wynne and Mr Tunnah concluded the presentation by answering questions from those present.

DECISION NOTED.

COMMUNITY EMPOWERMENT ACT

5. Shona Smith, Communities and Partnership Manager was in attendance to give a presentation on the Community Empowerment (Scotland) Act – a locality approach. The Community Empowerment (Scotland) Bill which was passed by the Scottish Parliament on 17 June 2015 and received Royal Assent on 24 July 2015 provided a legal framework that would promote and encourage community empowerment and participation. It recognised that further regulations and guidance were required for most parts of the legislation and the timescale for operational completion was October 2016. The Sections of the Act were - National Outcomes; Community Planning; Participation Requests; Community Rights to Buy Land; Asset Transfer Requests; Delegation of Forestry Commissioners' Functions; Football Clubs; Common Good Property; Allotments; Participation in Public Decision-Making; Non-Domestic Rates. In terms of Community Planning it placed Community Planning Partnerships (CPPs) on a statutory footing and imposed duties on them around the planning and delivery of local outcomes, and the involvement of community bodies at all stages of community planning. Tackling inequalities would be a specific focus, and CPPs would have to produce "locality plans" at a more local level for areas experiencing particular disadvantage. The act placed a duty to support shared leadership and collective

governance on five named CPP partners i.e. the local authorities, NHS, Police Scotland, Scottish Fire and Rescue Service and Scottish Enterprise while expanding the number of public bodies that were subject to community planning duties. What would this mean for Communities – the right for a Community to request to participate in improving outcomes of service delivery for example – how to better meet the needs of service users; offer volunteers to support a service or take over a service or facility. When a Community Body requests participation, they require to specify an outcome that results from the provision of the service related to the request, set out the reasons for its participation, detail the knowledge, range or experience and provide an explanation of the improvement in the specified service outcome which may arise from its participation. Under the Asset transfer community bodies have the right to request to purchase, lease, manage or use land and buildings from authorities and other public bodies (including ALEO's) that they feel they can make better use of. Transparent assessment of requests would be based on specified criteria and requests would be agreed unless reasonable grounds for refusal – does not have to be assets that are surplus to requirements. In terms of Allotments the Act updated and simplified legislation on allotments. It required local authorities to take reasonable steps to provide allotments if waiting lists exceed certain trigger points and strengthens the protection for allotments. It required fair rents to be set and allowed tenants to sell surplus produce grown on an allotment (other than with a view to making a profit). The local authorities were required to develop a food growing strategy for their area, including identifying land that may be used as allotment sites and identifying other areas of land that could be used by a community for the cultivation of vegetables, fruit, herbs or flowers. In terms of Common Good Property, the Act required a register of property to be maintained as part of the common good, following publication of those properties which it was proposed to place on the register. Prior to any decision to dispose of, or change the use of such property, the details would be published, and consultation must be undertaken with appropriate bodies. The Act provided for a new power for councils to create and fund their own localised business rates relief schemes, in addition to existing national rates relief. The Local Authority required to prepare and publish a local outcomes improvements plan (LOIP) and identify smaller areas within the local authority area which experienced the poorest outcomes, prepare and publish locality plans to improve outcomes on agreed priorities for these communities. The LOIP required to be reviewed and progress towards the local outcomes and Locality plans would be reported publicly in order to ensure the suitability of these plans continued. The LOIP and Locality Plans required to be produced by October 2017. Miss Smith concluded her presentation by explaining the next steps in developing the Cheviot Locality Action Plan, which would include Supporting the Economy in Cheviot; Health and Wellbeing; Keeping People Safe; Attainment, Achievement and Inclusion and Housing, Neighbourhoods, Asset and Estate.

**DECISION
NOTED.**

6. LOCALITY PROPERTY PLANS

Mr Martin Joyce, Service Director Assets and Infrastructure and Mr James Lamb, Portfolio Manager, were in attendance to give a presentation on Locality Property Planning. Mr Joyce gave an overview on why locality plans were being developed, what properties there were in the Cheviot Area which totalled 257, Property Issues and Developments for Public Services, what a locality property plan would look like, opportunities for communities and collaborative working, timescales, views and what happened next. Mr Joyce went onto explain the key property issues facing Scottish Borders Council, NHS Borders, Police Scotland, and Scottish Fire and Rescue Service. In terms of timescales for developing the Cheviot Locality Plan, it was explained that the Property and Asset Registers were expected to be published by the

end of September 2016 with pre-consultation events being held on 20 October in Jed & District and on 27 October in Kelso District. An initial draft would be developed by the end of January 2017 and consultation on the 1st Draft in February 2017. It was hoped that the Plan could be finalised by June 2017 and that all the Locality Plans could be signed off by CPP Partnerships by October 2017 and plans published by October 2017. The Locality Plans would be reviewed and developed regularly between 2 – 5 years. Views would be sought on - what public services such as the NHS, Council, Police and other local public service providers were doing well when it comes to their land and property in the Cheviot area; what could they do better; given the need to make substantial savings, where do you think the public service providers should be prioritising their resources when it comes to properties and land; what role do you think communities could play in the running of properties; and what support might communities need if they were developing a project that involved managing or buying a property.

DECISION NOTED.

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

Inspector John Scott was present at the meeting to update the Cheviot Area Forum on performance, activities and issues across the Ward for the period up to 1 September 2016. The Ward Plan Priorities for Jedburgh and District were highlighted as Drug Dealing and Misuse, Road Safety, Anti-Social Behaviour and Rural Crime. In relation to Rural Thefts, Police Scotland had launched a series of information documents to keep rural communities safe. The rural communities of Scotland were safe places in which to live and work. However, the nature of the environment and way of life meant there were some crime prevention tips particularly relevant to rural life that were worth bearing in mind. Much of the crime prevention advice outlined in other areas of ‘Keep Safe’ was equally relevant to urban or rural area, but there were issues unique to rural communities such as: Protecting Livestock; Securing Farm Machinery; Theft from fuel tanks; Securing tools and horse tack. The information could be accessed at the following link <http://www.scotland.police.uk/keep-safe/home-and-personal-property/rural-crime>.

- 7.1 In terms of Road Safety, there have been 8 instances of drink driving in the Kelso area in the reporting period, and police continued to receive calls from the public in relation to this and will always act on these calls, with officers making extensive enquiries to detect offenders. The public were encouraged to report all drink drivers either directly to the police on 101 or anonymously to Crimestoppers on 0800 55 111. The Skills for Life programme and young drivers programme continued to run. This provided free driver training and could be accessed through the Skills For Life page on Scottish Borders Council website. With the rural roads and challenging driving conditions encountered in the Borders, new and young drivers were encouraged to take advantage of the excellent service. There have been 13 drugs offences in the Kelso area in the reporting period and across the Scottish Borders there had been a number of cannabis cultivations detected by the police including 2 in Selkirk being the biggest seen in the country. It was highly likely that criminals would be growing cannabis often on industrial scale in properties in our area. The signs to look for are: people visiting the property on a regular basis to tend the plants; blacked out windows, either through curtains or bin liners etc; a smell of cannabis, the plants have a very strong smell; and rented properties that do not have people living in them. Information from the community was always being sought, and any suspicions should be reported to either the local police station or call 101 or Crimestoppers on 0800 555 111. All information will be treated confidentially and the Police would always act on the information.

- 7.2 In terms of Jedburgh and District, it was reported that official stop and search figures would be reported to the Police and Fire Scrutiny Board. Officers stopped a vehicle where the occupant was believed to be in possession of controlled substances. On searching the vehicle the officers found different kinds of drugs which had an approximate value of between £13,800 - £29,000. After struggling violently with officers, the male was arrested and charged with a number of offences. He appeared at court the following day where he was remanded in custody. A further two individuals had been charged with possessing controlled substances over the last three months. In relation to Road Safety, during the reporting period a number of road checks had been carried out. This resulted in one driver being given a warning for the anti social use of a vehicle in Jedburgh. A number of drivers had been charged with various road traffic offences following incidents or accidents over the last three months: two people had been charged with drink driving; three people had been charged with careless driving; and two people had been charged with dangerous driving. On 11 July 2016, Police in Jedburgh stopped a provisional licence holder driving his vehicle. The male proceeded to try and drive off from the officers whilst one of them was still dealing with him, which resulted in the Officer being dragged along the ground for some distance before being thrown to the ground. The car made off however the driver was subsequently traced and arrested. He was charged with culpable and reckless conduct as well as other driving offences and has appeared at court. There was one fixed penalty ticket issued over the reporting period for anti-social behaviour the police continued to engage with those responsible for any antisocial behaviour in the ward area and there were a number of ongoing matters being dealt with in Jedburgh. These are being addressed through partnership with the Anti Social Behaviour Unit and relevant Landlords. In terms of rural crime , there had been very few reported crimes during the last three months. There was a fire reported on 30 August where hay was set alight in a field near Ancrum and a small amount of damage caused to a combine harvester. Enquiries are ongoing into this incident.
- 7.3 Police Scotland consultation continued and Inspector Scott asked that all community councils promote this across their communities. They were interested in hearing from all sections of the community including minority groups and young people, as all views would shape the future priorities of the police in the area. The online consultation was open all year which allowed everyone to participate when it suited them and gave the flexibility of being able to re-submit the consultation if their priorities changed. The link for the survey is <https://www.surveymonkey.co.uk/r/8LMB9WX>

DECISION

NOTED the report.

8. FIRE AND RESCUE SERVICE UPDATE

Mr Andrew Girrity, Station Manager explained that the purpose of the report circulated was to inform the Cheviot Area Forum on Scottish Fire and Rescue Service activity since the last meeting on 1 June 2016. The report detailed that during the period of the report there had been 2 House Fires (1 x cooking related and 1 x electrical), Fire – Open 10, occurrence of Special Services 10 and 11 unwanted Fire Alarm Signals. In relation to partnership working, The Scottish Fire and Rescue Service (SFRS), Community Action Team (CAT) within the Scottish Borders core work centred on the on-going delivery of the SFRS Home Fire Safety Visit (HFSV) policy. The team continued to expand its partnership working with the Key agencies including Police Scotland, Health, Social Care and Housing in order to focus on members of local communities at High Risk from fire and achieve outcomes in helping to reduce overall numbers of accidental dwelling fires.

- 8.1 Fire prevention and protection activity over recent years had been key to reducing the number of fires, casualties and losses in Scotland thus minimising the economic and

social impact of fire on communities. The seasonal community safety calendar provided the catalyst for a number of initiatives and schemes throughout the calendar year.

- 8.2 Activity which was ongoing within the Cheviot Ward area included Scottish Fire and Rescue Service staffs in all local stations providing Home Fire Safety Visits all year round. The visits provided the householder with a home visit, focussing on identifying and reducing the risks of fire in the home. Smoke detectors with a 10-year battery life were provided as part of this free service; Firesharp was an initiative for Primary 6 pupils, providing face-to-face education within local Primary schools on matters of fire risk and prevention; The SFRS Safeguarding Policy and Procedure for Protection of Children and Adults at Risk of Harm was implemented to link into adult and child protection. The introduction of the policy had created closer ties with Social Services within Scottish Borders and ensured those people and families that fire crews identify as at risk were brought to the attention of Social Services and had resulted in joint visits to homes to reduce risk to those occupiers. A strong partnership was being developed with the local Domestic Abuse Advocacy Service and involvement in MARAC (Multi Agency Risk Assessment Conference). The Local Authority Liaison Officer (LALO) and Scottish Borders Station Manager for Prevention and Protection were fully involved in all local MARAC processes, attending the monthly conferences and all steering group meetings.
- 8.3 Road Safety Community Action Team (CAT) had delivered road safety awareness to secondary schools throughout the Scottish Borders with the support of the local whole time personnel from Galashiels and Hawick. Fire Safety Audits provided a targeted examination of business premises and their relevant documents to ascertain how the premises were being managed regarding fire safety. The enforcement officer also engaged with members of staff to confirm their level of fire safety awareness; Unwanted Fire Signals were being addressed by phased intervention actions which identified premises which were producing 'false alarms', provided guidance on how to reduce a reoccurrence. Crews were actively involved in the Summer Thematic Action Plan which were underway and focussed on Grass and Wildland fires, Rubbish and refuse fires and Outdoor fire safety. Work continued with all partners in the Scottish Borders Council Safer Communities Team, as well as local partnerships, to promote preventative work. The LALO was in post within Scottish Borders Council HQ in order to improve partnership working, with a particular focus on the elderly and more vulnerable members of society. The primary aims of the partnership activity were to help ensure the safety and welfare of vulnerable persons throughout the community, and to seek to reduce the overall numbers of accidental dwelling fires, fire casualties and fire fatalities in homes. Fire stations in Kelso and Jedburgh were at full establishment. In response to a question about fires at Hendersyde Horse Trials, Kelso and a Barn at Proctors Smithy, Kelso, Mr Girrity advised that he had not been briefed about the incidents and would forward the information to Councillors.

DECISION

NOTED the report.

LIVING SAFELY IN THE HOME PROJECT

- 9.0 With reference to paragraph 6 of the Minute of 1 June 2016, Mr Girrity reported that Living Safely in the Home was part of the Scottish Borders Community Planning Partnership Reducing Inequalities Strategy. The Scottish Fire and Rescue Service (SFRS) and the Scottish Borders Safer Communities Team would lead jointly on the 'Keeping People Safe' theme. Within this theme, it had been identified that older people were more likely to suffer an accident in the home resulting in an A&E admission to Hospital. Recent figures indicated that 64% of emergency admissions for

adults in the Scottish Borders were because of falls in the home. Further analysis showed that over 75% of these falls involved persons over 75 years of age. With an ageing population, this trend will only continue without increased prevention activities. This pilot initiative was proving very successful and a number of direct referrals had been made in respect of elderly people and small aids provided since the launch in June 2016.

DECISION

NOTED the Update.

10. ENGAGEMENT WITH NHS BORDERS

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

DECISION

NOTED.

11. NEIGHBOURHOOD SMALL SCHEMES UPDATE

With reference to paragraph 8 of the Minute of 3 February 2016, there were circulated at the meeting copies of Appendices A and B which detailed the current position in terms of the Neighbourhood Small Schemes and Quality of Life Scheme previously approved. The Area Neighbourhood Manager advised that the allocated budget (£47,099) for small schemes was available through Neighbourhood Services for the Cheviot Area in 2016/17. There remained £25,311 for future schemes, although any budget remaining at the close of the financial year would be lost as there was no carry forward provision. In addition, a budget of £31,072 was available for Quality of Life Schemes in the Cheviot Area in 2016/17. It had previously been agreed that this budget would be split equally between Kelso and District and Jedburgh and District Wards. There was a remaining budget of £11,422 in Kelso and District Ward and £14,372 in Jedburgh and District Ward for future schemes.

DECISION

(a) NOTED:-

(i) the following new Neighbourhood Small Schemes agreed by e-mail:-

(1) Formation of timber stepped access at Ancrum Play Area/ Duke's Path	£ 120
(2) Provision of signs at Heiton Village	£ 680
(3) Resurface entrance to car park at Stichill Village Hall	£1,025
(4) Replace 6 No. street name plates in Town & Kirk Yetholm	£1,030
(5) Upgrade Woodland Path	£ 322
(6) Refurbish Railings in Bridge End Park, Kelso	£2,300
(7) Formation of Path at Morebattle Cemetery	£ 480

(ii) to delegate authority to the Service Director Neighbourhood Services to allocate the funds for the current financial year to Neighbourhood Small Schemes, subject to consultation with and approval by all six members of the Cheviot Area Forum via email.

(b) NOTED:-

the following new Quality of Life Schemes previously approved by e-mail:-

- | | |
|--|--------------|
| (1) Contribution towards Venue Costs, Healthy Cooking Programmes | £ 275 |
| (2) Installation of Bronze Panel on Kelso Stane, The Square, Kelso | £ 680 |
| (3) Supply of Litter Pickers for various communities in Jedburgh District | £ 500 |
| (4) Upgrade electric supply pillar at Ancrum Village Green | £ 930 |

12. OPEN QUESTIONS

There were no issues raised.

**DECISION
NOTED.**

13.0 COMMUNITY COUNCIL SPOTLIGHT

- 13.1 Skiprunning Burn, Jedburgh (Flood Protection Scheme)** – With reference to paragraph 10.1 of the Minute of 1 June 2016, the Area Neighbourhood Manager advised that the main (Phase 2) works were completed in March 2016. Following this a confined space contractor was appointed to undertake repairs to the culvert, which were identified in the 2012 inspection and 2014 CCTV survey. The repair works commenced on the 22 August for 1 week. However, the Contractor quickly brought to our attention that the number of repairs required within the culvert had changed from the original inspection/ CCTV survey. It was agreed with the Councils Asset Team that the Contractor would spend the week concentrating on tackling the most significant repairs. Going forward it was proposed that a further detailed inspection (similar to that undertaken in 2012) was required to accurately identify and prioritise the work required to the culvert. This would be undertaken in spring/ summer 2017 so the works could be planned, priced and carried out within the same dry period to avoid significant changes to the planned works.

**DECISION
NOTED the report.**

14. FUTURE AGENDA ITEMS

The Chairman asked all present for future agendas items.

**DECISION
NOTED.**

15. DATE OF NEXT MEETING

The Chairman confirmed that the next meeting of the Cheviot Area Forum was scheduled for Wednesday, 7 December 2016 in Kelso.

**DECISION
NOTED the date of the next meeting of the Cheviot Area Forum and that the venue was to be confirmed.**

16. **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

1. **MINUTE**
The Area Forum considered the private section of the Minute of 1 June 2016.

The meeting concluded at 8.15 p.m.

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SCOTTISH BORDERS COUNCIL PENSION FUND COMMITTEE & PENSION BOARD

MINUTES of Meeting of the PENSION FUND
COMMITTEE AND PENSION BOARD held
in Council Chamber, Council Headquarters
on Thursday, 15 September, 2016 at 11.00
am

Present:- Councillors B White (Chairman), J Campbell, J G Mitchell, S Mountford;
S Aitchison, Mr E Barclay, Mr M Drysdale, Mr C Hogarth, Ms L Ross,
Mr P Smith and Ms C Stewart.

Apologies:- Councillors M Cook, G Edgar and G Logan.

In Attendance:- Chief Financial Officer, Capital & Investments Manager, HR Shared Services
Manager, Senior Finance Officer, Mr D O'Hara (KPMG), Mr F Ashraf
(KPMG) Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 16 June 2016.

DECISION

NOTED for signature by the Chairman.

2. **STRATEGIC INVESTMENT REVIEW**

2.1 There had been circulated a report by Chief Financial Officer providing the Committee and Board with an update on the outcome of the Strategic Investment Review and presenting the resulting recommendations for the revised asset allocation. The investment strategy was key to ensuring assets continued to grow to meet the long term liabilities of the Fund and, as far as possible, that contribution rates from employers remained stable. A review of the current strategy had been undertaken by KPMG and the findings were detailed in Appendix 1 to the report. As part of the review, the currency hedge arrangement had also been assessed and the findings were detailed in Appendix 2 to the report.

2.2 Mr Robertson advised that the Fund had performed well over the last five years. However, it remained significantly exposed to equity markets which could be volatile and did not offset the Fund's exposure to inflation and interest rate rises. To align the Fund's asset performance, in line with increasing liabilities, a number of adjustments to the pattern of investment was proposed. KPMG's report set out the suggested changes which would evolve the strategy.

2.3 Mr O'Hara, Director – Investment Advisor and Mr Ashraf, KPMG, were present at the meeting. Mr O'Hara advised that the Pension Fund Investment & Performance Sub-Committee had discussed, at their meeting on 22 August, alternative strategies. Strategy 3(b) detailed in the report, was agreed as their preferred strategy. This strategy reduced UK and Overseas equities to 50%; Diversified Alternatives to 10% and Diversified Credit Opportunities to 10% (from 65%, 15% and 10.5% respectively), combined Corporate Bonds (2.25%) and Fixed Interest Gilts (2.25%) and replaced with Index Linked Gilts 5%. This strategy also introduced investment in Long Lease Property (10%) and Private Credit Opportunities (10%). Balanced Property remained at 5%. Mr O'Hara explained that this strategy would be stable and robust in a difficult market environment and gave a similar level of return to the existing portfolio. If the Committee and Board agreed to the alternative investment strategy, there would be a detailed discussion with the Fund's Actuary. Mr Robertson added that if the Actuary did not approve the alternative strategy then it would not be implemented and there would be further discussion with the Committee and Board.

- 2.4 Mr O'Hara went on to discuss the currency hedge and the underlying concern that the hedge did not serve the Fund's best interest and also had a significant cost. Mr O'Hara explained that investments in overseas markets came with a currency risk as exchange rates fluctuated. The rationale for hedging the currency exposure was to reduce volatility in the Fund's asset returns. In the short term, currency hedging worked well, particularly against the US Dollar and Japanese Yen. However, KPMG's perspective was that the Fund could manage volatility and that the hedge should be removed. Moreover, new legislation was being introduced which would make the management of the hedge more expensive and difficult. Mr O'Hara further advised that one caveat for reduction of the hedge was that it be gradually reduced over the next 12 months.
- 2.5 In answer to questions, Mr Robertson advised that a number of alternative strategies had been considered by the Sub-Committee. Following discussion, the Sub-Committee had concluded that strategy 3(b) was the preferred strategy. It has also been agreed that the strategy would be introduced in a phased manner which could be changed to reflect market conditions. The Fund's liquidity in respect of transfers out of the Pension Fund had been factored into the scale of the investment recommended. The Actuary would be consulted on the proposals and should be able to give a decision quickly. There would then be the need to procure a manager to implement the new strategy. It was agreed that the Actuary's views and timeline for implementation of the new strategy would be presented to the next meeting of the Pension Fund Committee and Pension Board.

**DECISION
AGREED:-**

- (a) **The investment strategy as detailed in paragraph 5.2 of the report;**
 - (b) **The removal of the Currency Hedge on a phased basis;**
 - (c) **To delegate authority to the Chief Financial Officer, in agreement with the Chair of the Pension Fund Committee and the Fund's Actuary, based on the advice of the Investment Advisor to implement the revised strategy;**
 - (d) **To delegate authority to the Chief Financial Officer, in agreement with the Chair of the Pension Fund Committee, and based on advice of the Investment Advisor the removal of the Currency Hedge at the most appropriate time; and**
 - (e) **That a further report be presented at the next meeting of the Pension Fund Committee and Pension Board.**
3. **ADMISSION AGREEMENT**
- 3.1 There had been circulated a report by Chief Officer Human Resources seeking approval for the admission of CGI into the Local Government Pension Scheme (LGPS) to provide access to the scheme for those members transferring from Scottish Borders Council to CGI. The current provision of Information Technology Services by the Council was scheduled to transfer to CGI on 1 October 2016. The Council had agreed, as part of the contract signed on 25 March 2016, that staff who were currently members of the Council's Pension Scheme would remain members following the TUPE transfer to CGI and they would apply for membership of the Local Government Pension Scheme (LGPS), entering into the appropriate admission agreement. The admission agreement reflected that those employees who were transferring and were not currently pension scheme members would retain the right to opt in to the LGPS at any point in the future. Included within the Admission Agreement was the requirement for CGI to provide a Bond to underwrite the risk of CGI membership of the Pension Fund should the company cease to trade. It was noted that CGI, under the terms of the service provision agreement, was precluded from varying the terms of the admission agreement without the approval of Council and the Pension Fund.

- 3.2 Mr Angus, HR Shared Services Manager, advised that the bond would be £813k and the employee contribution 19.8%. In answer to a question Mr Angus advised that the Fund was a closed Fund, only open to employees who were eligible for the scheme. New CGI employees would not be permitted to join the scheme.

DECISION

AGREED to enter into an appropriate agreement with CGI to admit the body to membership of the Pension Fund on terms and conditions to the satisfaction of the Chief Executive and Chief Financial Officer.

4. **RISK REGISTER UPDATE**

With reference to paragraph 8 of the Minute of 16 June, there had been circulated a report by Chief Financial Officer which formed part of the risk review requirements. The report provided members with an update on the progress of management actions to mitigate risks, a review of new risks and highlighted changes to risks contained in the Risk Register. Identifying and managing risk was a corner stone of effective management and was required under the Council's Risk Management Policy and process guide and CIPFA's guidance "Delivering Governance in Local Government Framework 2007". It was further reflected and enhanced in the "Local Government Pension Scheme" published by CIPFA. Appendix 1, to the report, detailed the risks within the approved Risk Register identifying management actions and the progress of these actions to date. The recent vote to leave the European Union was highly likely to have an impact on the Pension Fund. While the actual timing and consequence of the change was unknown, it was evident that the Pension Fund investment strategy would have to adapt over time as the implications were quantified. Further reports and updates would therefore be provided as these implications became known. The Committee and Board highlighted that one of the risks to the Pension Fund was governance and the turnover of elected Members following an election. Mr Robertson advised this risk was mitigated by professional advisors, officers, succession planning and training.

MEMBER

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

DECISION :-

(a) **AGREED to a key risk review being undertaken in December 2016 and reporting of progress on risk management actions.**

(b) **NOTED:-**

(i) **The management actions progress as contained in Appendix 1 to the report; and**

(ii) **The emerging position with regard to 'Brexit' continued to create uncertainty; no new quantifiable risks have been identified since the last review.**

5. **ANNUAL ACCOUNTS UPDATE**

Mr Robertson advised that KPMG had concluded their audit of the annual accounts and these would now be presented to Audit Committee on 26 September. KPMG's audit had highlighted that the financial position of the Fund was 101%. The number of pensioners had increased in the year with a corresponding net withdrawal to the Fund. KPMG had also noted that the Fund continued to perform well and exceeded the benchmark return. They considered that governance arrangements and transparency were satisfactory.

DECISION

NOTED.

MEMBER

Councillor Aitchison returned to the meeting following consideration of the above report.

6. TRAINING UPDATE

With reference to paragraph 4 of the Minute of 16 June, Mrs Robb advised that there was an additional place, as a day attendee, at the training event in September. Any member interested should advise her by 16 September. There were eight places for the 'Generating Growth for your Fund' training event on the 27 and 28 October

DECISION NOTED.

7. SCHEME ADVISORY UPDATE

There had been circulated the Scottish Local Government Pension Scheme Advisory Board's first Annual Report 2015/16 and Bulletin (June 2016) for information. Councillor Mitchell was the Fund's representative on the Board and advised that the next meeting would be held on 29 September. The Board had begun to investigate investment fees and pooling. Mrs Robb added that she would forward the Board's website link to members following the meeting.

DECISION

AGREED to request the Scottish Local Government Pension Scheme Advisory Board's website link be forwarded to members.

8. PUBLIC SERVICE PENSION ACT 2013 - GOVERNANCE REVIEW CONSULTATION

There had been circulated correspondence from the Scottish Public Pension Agency (SPPA) regarding the forthcoming Review of the effectiveness of the operation of governance arrangements introduced under the Public Service Pensions Act 2013. The main objectives of the Review included good practice, clarity of Board purpose, role and responsibility; diversity of the Board and the frequency and location of meetings. Mrs Robb stated that a few LGPS Pension Funds had noted the difficulty with achieving a quorum at Pension Board meetings.

DECISION NOTED.

9. PRIVATE BUSINESS

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business contained in the following items on the ground that they involved the likely disclosure of exempt information as defined in paragraphs 6 and 8 of the part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

10. MINUTE

The Committee noted the Private Minute of the meeting of 16 June 2016.

11. PENSION FUND APPOINTMENT SUB-GROUP

The Committee noted the Private Minute of the Meeting of the Pension Fund Sub-Committee of 16 June 2016.

12. PENSION FUND INVESTMENT PERFORMANCE SUB-COMMITTEE

The Committee noted and agreed the Private Minutes of the Meetings of the Pension Fund Investment Sub Committees on:-

- (a) 24 August 2015.

- (b) 22 February 2016.
- (c) 22 August 2016.

13. **INVESTMENT REPORT - QUARTER TO 31 JUNE 2016**

The Committee noted a report by KPMG.

14. **CUSTODIAN PROCUREMENT**

The Committee noted and agreed a report by Chief Financial Officer.

The meeting concluded at 1.00 pm.

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SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTE of Meeting of the PENSION BOARD held in Council Chamber, Council Headquarters, Newtown St Boswells on Thursday, 15 September, 2016 at 1.00 pm

Present:- Mr A Barclay (Chairman), Councillor S Aitchison, Mr M Drysdale, Mr C Hogarth, Ms L Ross, Mr P Smith, Ms C Stewart.
In Attendance:- Capital & Investment Manager, Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 16 June 2016.

DECISION

NOTED for signature by the Chairman.

2. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 1.1 of the Minute of the 16 June, it was noted that appointment as Chairman and Vice-Chairman might be subject to change, depending on the outcome of the Local Government Election to be held on 4 May 2017.

DECISION

NOTED.

3. **JOINT MEETING OF PENSION COMMITTEE AND PENSION BOARD**

3.1 Mrs Robb referred to KPMG's Strategic Investment Review and confirmed that any changes to the strategy would be validated by the Actuary prior to implementation. The Board discussed the alternative strategy and the removal of the currency hedge and agreed the approach recommended by KPMG. Cognisance was taken as to the complexity of the reports presented to the joint meeting. It was noted that members of the Board appreciated officers' advice and guidance in relation to the information provided.

3.2 Mrs Robb advised that Board members would receive a copy of the Annual Accounts when updated. In respect of the Baillie Gifford training event, they would be sent packs which would detail the training sessions they were to attend. Mrs Robb further advised that the Scottish Public Pensions Agency (SPPA) had requested Board members' email addresses and they might therefore be consulted on SPPA's 'Review Of The Operation Of Governance Arrangements'.

3.3 The Chairman advised that Mrs Black had left the employment of Scottish Borders Council and Ms Kay Marie Hughes would fill the vacancy on the Board.

DECISION

AGREED that Ms Kay Marie Hughes be appointed to the Pension Board.

4. **PENSION FUND INVESTMENT PERFORMANCE SUB-COMMITTEE**

Mrs Ross, had attended the Pension Fund Investment Performance Sub-Committee as the Pension Board representative, she advised that the alternative strategies suggested by KPMG, had been subject to a detailed discussion. It was agreed that Mr Campbell replaced Mrs Black as representative on the Pension Fund Investment Sub-Committee. Mr P Smith was the other Board representative on the Sub-Committee.

DECISION

AGREED that Mr C Hogarth be appointed as Board representative on the Pension Fund Investment Performance Sub-Committee.

5. PENSION BOARD MEETINGS

With reference to paragraph 3 of the Minute of 16 June 2016, members of the Board advised that the pre-meetings should continue prior to the joint meeting. There was also a discussion on whether the Pension Board should meet prior to the joint meeting; following the joint meeting, with or without a break; or, on a different day. It was agreed that the Board continue to meet immediately following the joint meeting of the Pension Fund Committee and Pension Board.

DECISION

AGREED that the Pension Board continue to meet immediately following the joint meeting of the Pension Fund Committee and Pension Board.

The meeting concluded at 1.25 pm

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

MINUTE of MEETING of the POLICE, FIRE &
RESCUE AND SAFER COMMUNITIES BOARD
held in the Council Headquarters, Newtown St.
Boswells on Friday 16 September 2016 at
9.30am.

Present: Councillors D. Moffat (Chairman), S. Aitchison B. Herd, A. Nicol, G. Turnbull. Mr G. Higgs, Voluntary Sector, Dr D. Steele, NHS Borders

Apologies: Councillor R. Stewart, Ms J. Mulloy, SBHA.

Absent: Ms F. Young, CJA, Mr H. Waltl, Business Sector.

In Attendance: Superintendent A. Clark, Chief Inspector A. McLean, Police Scotland, David Farries, LSO, Scottish Fire & Rescue Service, Group Manager A. Girrity, Scottish Fire & Rescue Service, Group Manager S. Gourlay, Scottish Fire & Rescue Service, Mr D. Scott, Senior Policy Adviser SBC, Inspector J. Hulford, Safer Communities SBC, K. Mason, Democratic Services Officer, SBC.

1. CHAIRMAN'S REMARKS

The Chairman advised that two Scottish Borders projects were recently shortlisted at the Scottish Community Safety Network awards. These National Awards celebrated community based projects and there had been 64 entries across four categories. The Safer Communities team won in one of the four categories, the Innovative Media Campaign. Led by the Police and supported by Scottish Fire and Rescue Service and the National Farmers Union, this followed 18 months of promoting their Rural Crime Prevention project which led to a 62% reduction in the value of rural theft. In the Wider Partnership category the emergency planning team were runners up for their work on the Safety Advisory Group process. This provided a structured process for event organisers to follow to ensure that the safety of participants and members of the public was treated as a priority. PC Nick Turner and Sergeant Justin Hulford, Safer Communities Team were present at the meeting and the Chairman presented them with their award.

**DECISION
NOTED.**

2. MINUTE

There had been circulated copies of the Minute of the meeting held on 3 June 2016.

**DECISION
APPROVED the Minute.**

3. MATTERS ARISING

(a) With reference to paragraph 4.3 (b) (i) of the Minute relating to Police Scotland investigating the possibility of providing statistics to a future meeting in regards to the number of Police complaints which were upheld and partially upheld. Chief Inspector McLean advised he had been informed that it would not be possible to provide this information because of the manner in which

records were kept. Members expressed disappointment and Superintendent Clark undertook to re-investigate this request.

DECISION

AGREED that Superintendent Clark would re-investigate the request for the provision of providing statistics to a future meeting in regards to the number of Police complaints which were upheld and partially upheld.

- (b) With reference to paragraph 4.3 (b) (ii) Inspector Hodges was asked to provide a flow chart on the process partners used to share information on anti-social behaviour matters. Mr Scott advised that this would be dealt with in the Safer Communities Presentation.

**DECISION
NOTED.**

4. PROGRESS REPORTS/UPDATES ON CONSOLIDATION AND SUSTAINABILITY

- 4.1 Superintendent Clark referred to ongoing national issues such as budget challenges and a number of emerging crimes such as cybercrime and changes to legislation. In referring to the delivery of a quality service and building in the confidence of the public in the Borders he advised that in regard to divisional resources, 899 were deployed across 4 local authorities (West Lothian, East Lothian, Mid Lothian and the Scottish Borders). This was made up of 20% Community Officers and 80% Response officers. Response Officers were spread across the Scottish Borders in different locations and they would immediately respond in times of crisis and they were tasked by the area control room working where the demand was. Community Officers worked out of three community policing areas. He explained that morning meetings took place at 8.30 a.m. when Chief Inspector McLean would review what had happened over the past 24 hours, he would then feed the information to Superintendent Clark's meeting and a decision would be taken on the priorities for the division at that point. He assured Members that when demand and priority was in the Scottish Borders, the response would be from across the Division and he was comfortable that a first class local area Commander was in place to look after the area. He referred to the dedication of Inspectors, Sergeants and Police Constables who would do their best for the Scottish Borders. This was highlighted by the current investigation into the serious assault and robbery in Galashiels earlier in the month, which had seen a significant level of specialist resources from across the Division deployed to the case. The Chairman asked if it would be possible for an Officer from Bilston Glen to attend the next meeting of the Board to give a presentation on the work being carried out in the control room at Bilston Glen and it was agreed that Superintendent Clark would action this. In response to questions raised about Special Constables, Superintendent Clark advised that there was a significant amount of effort being spent at the moment on the recruitment of Special Constables. There were difficulties retaining Special Constables because they sometimes used this as a stepping stone to becoming a regular Police Officer. A question was raised relating to the general security of the network and Superintendent Clark advised that he would report on information relating to airwaves at a future meeting.
- 4.2 Discussions took place relating to Police Officer presentations at local area fora at which sometimes only a few community councillors were present and a question was asked about how the information could be filtered down to members of the

community and Superintendent Clark gave information on police use of local media. Mr Scott was asked to look into how SB Alert might be a useful link for this purpose.

- 4.3 The Chairman advised that he hoped that a representative from both the Police Scotland Board and the Scottish Fire and Rescue Services Board would be able to attend future meetings of this Board.
- 4.4 Chief Inspector A. McLean presented the Police Progress report covering the period April 2016 to June 2016 which had been circulated. The report detailed the figures for the six Priority areas to date and compared them to the figures for the same period in 2014/15,
- 4.5 Priority 1 – Protecting People, referrals for the first quarter of 2016/17 were showing a 4.8% increase on the 2015/16 figures. 19 more adult at risk referrals had been made which was positive.
- 4.6 Priority 2 –Reducing Violence, Disorder and Antisocial Behaviour, showed a 19.1% increase in Common Assaults reported in the first quarter of 2016/17 when compared to 2015/16 and this equated to 33 more victims. In respect of reducing the number of anti-social behaviour incidents there had been a 2.6 % reduction (33 fewer incidents) in the first quarter when compared to the same time period in 2015/16 which was positive. With regards to increasing the reporting of hate crime, there had been a decrease in the number of recorded victims in the first quarter of 2016/17 compared to the same time period in 2015/16.
- 4.7 Priority 3 - Tackling substance misuse. During the period 01/04/2016 to 30/06/2016, officers in the Scottish Borders conducted a total of 81 stop and searches, of which 26 proved positive (32.1%). There had been a 78.3% decrease in the number of visits to licensed premises, which equated to 350 fewer visits.
- 4.8 Priority 4 - Making our Roads Safer, there had been a 40% increase (8 more casualties) in the first quarter of 2016/17 when compared to 2015/16. The number of people killed this year to date was 7, which was 4 more fatalities than the first quarter last year. The number of serious injuries had also increased compared to last year in the same time period
- 4.9 Priority 5 - Tackling serious and organised crime, cash seizures were lower than the value seized in the first quarter of 2015/16. There were strict criteria which had to be present to allow seizures under the POCA legislation and unfortunately there had been occasions when the criteria had not been met, which meant no seizures could be made. It was encouraging to see a 41.7% increase in the number of detections for drug supply in the first quarter of 2016/17 when compared to the same time period in 2015/16.
- 4.10 Priority 6 -Tackling Acquisitive Crime. There had been a decrease in the number of housebreaking to dwellings in the first quarter of 2016/17, with 3 fewer victims reported. There had been a 37.5% reduction in theft of motor vehicles in the year to date which equated to 6 fewer victims of this type of crime.

DECISION

- (a) NOTED the report.**

- (b) **AGREED that Superintendent Clark would liaise with Officers from Bilston Glen and ask that a representative attend the next meeting of the Board to bring members up to date with work being carried out in the control room at Bilston Glen.**

5.1 Fire and Rescue Service

LSO David Farries advised that the public consultation period had ended for the new Scottish Government Fire and Rescue Framework for Scotland. Further, the public consultation on the SFRS Strategic Plan 2016-19 had closed on 9th August. A new forum had been created at which the SFRS Board would meet at least twice yearly with COSLA, for information sharing purposes. He referred to the service transformation agenda and the pilots which had taken place in the Scottish Borders. Living Safely in the Home in the Cheviot Ward had proved successful so far and had already led to positive outcomes with 9 referrals being made by SFRS crews to occupational therapists for help with aids or adaptations to make living at home safer. Out of hospital cardiac arrest attendances for SFRS continued at quite a pace and were now almost “business as usual” even although this work was still at a trial stage. It was anticipated that due to the evolving nature of the safety advice SFRS were currently giving to members of the community in their homes the current “Home Fire Safety Visits” would at some stage become known as “Home Safety Visits”. The TD1 youth initiative had ran a course across the school summer holidays and 6 young people from Galashiels had been presented with certificates after successfully completing the course. The relationships established with the young people would continue through a Role Model Mentoring program. He advised the SFRS was committed to ensure there was a good level of training to make fire fighters safer and gave information on hot fire training facilities available for use at Dumfries and Thornton. A portable training and entrapment unit was also located in Lauder to assist in training of crews in the Scottish Borders. The review of specialist equipment was coming to fruition with the impending removal of the high volume pump from Hawick. This was being replaced with the swift water safety team. The next retained duty system station visit for members would be at Peebles Fire Station on 17 January 2017.

- 5.2 There had been circulated copies of the SFRS Performance Report covering the period 1 April to 30 June 2016. In summarising the report, Group Manager A. Girrity advised that with regard to Priority 1: Reduction of Dwelling Fires, the SFRS had attended 21 dwelling fires in comparison to 34 for the same Year to Date (YTD) reporting period last year, this represented a 62% decrease. Two of these fires had been started deliberately. Cooking continued to be the most common cause accounting for nearly 60% of all accidental dwelling fires. A quarter of these incidents involved persons 65 years of age or over. Priority 2: Reduction in Fire Fatalities and Casualties, the report noted that there had been 3 fire related casualties in this YTD reporting period, Unfortunately, an adult female in Hawick had died in a fire fatality in April. The other two casualties in this reporting period suffered slight smoke inhalation with one attending hospital as a precautionary measure. Priority 3: There had been 32 deliberate fires in this YTD reporting period, a decrease of 12 in comparison to the same reporting period last year. On a less positive note, comparison to the previous quarter showed an increase of 20 incidents of this type. Over half of deliberate fires were started in Tweeddale East, Galashiels and Jedburgh districts collectively. The majority of these incidents once again involved refuse, grass and woodland. It would be reasonable to suggest that the quarterly increase could be attributed to the change in seasons and weather. Priority 4: Reduction in Road Traffic Collisions (RTCs) indicated that the SFRS attended 30 RTCs, compared to 18 for the same reporting period last year. There had been 38 RTC related casualties in this YTD period with four of these being fatalities. The Service used Hydraulic Rescue Equipment on nine occasions during this YTD period to extricate casualties. Priority 5 related to the

Reduction of Unwanted Fire Alarm Signals and it was noted that there had been 190 Unwanted Fire Alarm Signals during this quarter, representing a decrease of 7 incidents compared to the same reporting period last year.

- 5.3 There had been circulated copies of the report on Prevention and Protection Activities. In referring to home fire safety visits Group Manager Gourlay advised that 570 visits had been delivered during this reporting period and a breakdown of the delivery was provided by ward area as detailed in the report. He referred to the TD1 youth project and advised on another similar pilot scheme for Peebles High School. The Community Action Team along with the SFRS Youth engagement team successfully delivered a Fire skills programme at Polmont Young Offenders Institute which involved 10 young people in June. This was a direct response to work planned through the Community Justice priorities in the Scottish Borders. Housing Association referrals total for this quarter was 113, which included those received from the Homelessness Service and Domestic Abuse Advocacy Service. Group Manager Gourlay answered questions relating to referrals from Housing Associations and explained that information relating to fly tipping could be reported to Crime Stoppers.
- 5.4 There had been circulated copies of a report on the Local Fire Plan Development. LSO Farries advised that the purpose of the report was to seek the Board's views on the development of the next iteration of the Scottish Borders Local Fire Plan (the Plan). He explained that the current, and first, Scottish Borders Local Fire Plan 2014-17 was approved through local scrutiny arrangements in March 2014. The Plan was a 3 year plan and was due to expire at the end of March 2017, a copy of the plan was attached to the report. In recognising that the Plan must reflect national organisational priorities and objectives and meet community needs and expectations, from a local perspective, there was a range of drivers which would support an argument to delay production of the next plan. The LSO recognised the need for SFRS to be fully engaged with the production of the LOIP in the Scottish Borders and highlighted a desire to encompass this work in the local Fire plan. Taking into consideration the main drivers the Local Senior Officer for Midlothian, East Lothian & Scottish Borders proposed that the current Plan was extended until December 2017. The extension of the Plan would allow a Plan development timeline to be adopted as follows:-
- (a) Monitor and horizon scan emerging SFRS organisational, and external stakeholders, strategic priorities, objectives and plans (June -Dec 2016),
 - (b) Conduct in depth data analysis of local activity/incidents and emerging risks to inform local priorities and needs in the Scottish Borders area (Jan -March 2017),
 - (c) Engage with key stakeholders, partners and members of the community on first tranche priorities, objectives and expectations (April-June 2017),
 - (d) Develop new draft Plan for the Scottish Borders (May-July 2017),
 - (e) Consult with key stakeholders, partners and members of the community on the draft Plan (August -October 2017), and
 - (f) Submit draft Plan for the Scottish Borders for Council approval November – December 2017.

DECISION

- (a) **NOTED the reports.**

- * (b) **AGREED to recommend to Council that the current Scottish Borders Local Fire Plan be extended until December 2017 and to approve the proposed timeline for the production of the next Scottish Borders Local Fire Plan.**

6. **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.

7. **PRESENTATION – COMMUNITY SAFETY UNIT**

Mrs Jeanette McDiarmid, Depute Chief Executive People gave a presentation on the Service Review of the Scottish Borders Safer Communities Function. In undertaking the review the following were taken into consideration:- (a) The Community Empowerment (Scotland) Act 2015; (b) Community Planning Localities Model; (c) Community Planning Reducing Inequalities Strategic Plan; (d) The Community Justice (Scotland) Act 2016; and (e) Police and Fire Service Reform. The Community Justice (Scotland) Act meant working together to prevent and reduce reoffending. The national intelligence model was a key process for taking forward local community safety work and this comprised (a) undertaking a strategic assessment and priority setting, (b) tasking and coordination; (c) identifying problems/targets and manage risk; (d) developing a strategic direction; and (e) making tactical and resource decisions. The Community Safety Unit would follow the national intelligence model. If the right intelligence was available then there would be an awareness of what was happening in the community. Mrs McDiarmid referred to ongoing community safety issues such as anti-social behaviour, problems over the festive period and doorstep crime. A robust interview process would be put in place for the recruitment of the leader of the Community Safety Unit and it was suggested that Julia Mulloy be invited to be a member of the interview team. Mrs McDiarmid was thanked for her informative presentation.

DECISION NOTED.

PROGRESS REPORTS/UPDATES ON CONSOLIDATION AND SUSTAINABILITY

8. **Safer Communities**

- 8.1 Sergeant Hulford referred to the new format of the report which reflected the work carried out earlier in 2016 to assess the strategic priorities of the team. The report was presented under five priority headings (Gender Based Violence, Substance Misuse, Antisocial Behaviour, Accident Prevention Roads, Accident Prevention Home). In relation to gender based violence a number of actions had been taken to help improve the service further and to streamline processes so that victims were supported sooner. This had included changing the way referrals from Police Scotland were received, disclosing information under the Power to Tell and Right to Ask processes, and meeting with the Court Service to establish better victim outcomes. Sexual offences which were domestic abuse related had increased but the figures remained relatively low and would include historical offences, these could be from many years past and reflected the improved confidence of these victims. In relation to substance abuse work continued to reduce the level and impact and three new performance indicators had been introduced. Although the number of alcohol related ASB incidents had risen slightly, this was still part of an ongoing downward five year trend. The Safer Communities Team continued to intervene at the earliest opportunity and

this had included multi-agency activity in two hotspots in this period, carried out by the Police ASBU and Registered Social Landlords (RSLs).

- 8.2 A new process had commenced whereby when any tenant of a RSL who had their house searched under warrant resulting in drugs production or supply charges, a disclosure would be made to the RSL to enable them to take appropriate action. Previously RSLs would not do this until conviction which could, owing to the seriousness of the charges, not be for many months. Safer Communities continued to deliver a wide range of road safety initiatives and the trend of there being zero children killed or seriously injured continued in the first quarter. 130 young drivers had attended the Skills for Life programme over the last two years. A pre driver event had been held at Charterhall with 90 young people attending over two days where they were able to experience driving in a safe environment. The first older driver event had been piloted with another planned for 2016 and a motorcyclist focussed event had also been held with over 40 participants.

**DECISION
NOTED.**

9. **DATES OF FUTURE MEETINGS**

Future meetings of the Board were scheduled to take place at 9.30am in the Council Chamber, Council Headquarters, Newtown St Boswells on:-

Friday 11 November 2016
Friday 10 February 2017
Friday 9 June 2017

**DECISION
NOTED.**

The meeting concluded at 12.45 p.m.

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 19 September, 2016 at 10.00 am

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

Apologies:- Councillors J. A. Fullarton

In Attendance:- Lead Officer Plans and Research, Chief Legal Officer, Democratic Services Team Leader.

1. **REVIEW OF APPLICATION 16/00494/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, to review the decision to refuse the planning application in respect of the erection of poultry building and erection of altar, sacred well and stance for statue in field no. 0328, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review including the Decision Notice; officer's report; papers referred to in the report; consultations; and list of relevant policies. Members noted that there had been a wide range of development proposals for this site and the surrounding land and expressed concern as to how this proposal would relate to other uses on such a limited area of land. Members considered that there was a need for the applicant to produce a masterplan, demonstrating how his land could be used in a coherent way without giving rise to issues of conflict of use.

DECISION

AGREED that:-

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

2. **REVIEW OF APPLICATION 16/00495/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of extension to form animal flotation unit in field No. 0328 at Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review including the Decision Notice; officer's report; papers referred to in the report; consultations; and a list of relevant

policies. Members agreed that the same issues applied to this application as in paragraph 1 above and requested that officers make it clear to the applicant that a coherent and comprehensive business plan was required before any of his proposals could be properly considered. Economic justification was a major factor given the site lay within the Tweed Valley Special Landscape Area.

DECISION

AGREED that:-

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

DECLARATIONS OF INTEREST

Councillors Ballantyne and White declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

3. REVIEW OF APPLICATION 16/00397/FUL

There had been circulated copies of the request from Wilson G Jamieson, per Peter Macleod, 122 Scott Street, Galashiels, to review the decision to refuse the planning application for change of use of land to commercial storage and siting of 42 No storage containers (retrospective) on land east of Langlee Mains Farmhouse, Galashiels. The supporting papers included the Decision Notice; Notice of Review; officer's report; previous applications referred to in the report; consultations; and a list of relevant policies. It was noted that new material had been submitted as part of the LRB submission. This related to questionnaires sent out by the applicant to users of the containers in order to give support to the proposal. Members considered that, while having regard to the statutory test set out in section 43B of the 1997 Act, they would accept this new material. Members noted that the proposal was close to the Council's recycling centre so there was already some industrial activity in the area and agreed that with appropriate screening this facility could be acceptable at this location. Members also noted the appellant's suggestion of a 3 year temporary consent and that this would allow activities on the site to be monitored and any issues considered when a request for a further approval was received. It was also agreed that the site should be restricted to Use Class 6.

DECISION

AGREED:-

- (a) that the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be contrary to the Development Plan but that there were other material considerations that would justify departure from the Development Plan; and**

- (d) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, as detailed in Appendix III to this Minute.**

4. **CONTINUATION OF REVIEW OF APPLICATION 15/01484/FUL**

With reference to paragraph 3 of the Minute of 16 May 2016, and paragraph 5 of the Minute of 18 July 2016, there had been re-circulated copies of the request from Mr & Mrs M Dick, 5 East High Street, Lauder to review the decision to refuse the planning application in respect of replacement windows at 5 East High Street, Lauder. Included in the supporting papers were the Decision Notice, Notice of Review, officer's report, drawings and a list of relevant policies. As requested a sample of the window type was brought to the meeting for Members to inspect. Members were pleased to note the design of the astragals on the sample window and considered that as it was sufficiently similar to the existing windows in the property it was a suitable replacement.

DECISION

AGREED:-

- (a) **the review could be determined without further procedure on the basis of the papers submitted and the sample window provided;**
- (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, for the reasons given in Appendix IV to this Minute.**

MEMBERS

Councillors Gillespie and Moffat left the meeting as they had not be present when the following application had been previously considered and therefore could not take part in the discussion.

5. **CONTINUATION OF REVIEW OF APPLICATION 16/00126/FUL**

With reference to paragraph 4 of the Minute of 15 August 2016 there had been circulated copies of the additional information which had been requested by the Local Review Body in respect of the application for replacement windows and door at 62 Castle Street, Duns. Also re-circulated were copies of the original request from Mr A J Redpath for the review of the refusal of the application. The additional information requested regarding the condition of the existing windows and doors had been provided and confirmed that they were beyond repair. Members noted that the property was a B listed building and located within the Duns Conservation Area, although outwith the identified core area. A separate appeal against the refusal of listed building consent was being considered by Historic Environment Scotland. Members agreed that the proposed door and windows, so far as could be ascertained from the information provided, complied with the criteria tests within the Guidance for properties outwith core areas. It was agreed that the replacement door and windows could be accepted subject to the design being agreed with the planning officer and that they were consistent with those in the neighbouring properties.

DECISION

AGREED:-

- (a) **the review could be determined without further procedure on the basis of the papers submitted and the report on the condition of the existing windows provided;**
- (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, for the reasons given in Appendix V to this Minute.**

The meeting concluded at 1.20 pm



APPENDIX I

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

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00023/RREF

Planning Application Reference: 16/00494/FUL

Development Proposal: Erection of poultry building and erection of altar, sacred well and stance for statue

Location: Field no 0328, Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

DECISION

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

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and structures will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and structures that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appear suited either to the proposed use for which it is intended or the size of the holding on which it would be situated, which further undermines the case for justification in this location.

- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.
- 4 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the uses proposed for the building would not have an adverse impact on the local environment and the amenity of nearby residents.

DEVELOPMENT PROPOSAL

The application relates to the erection of poultry building and erection of alter, sacred well and stance for statue at Kirkburn, Cardrona. The application drawings consisted of the following drawings :

Plan Type	Plan Reference No.
Elevations	196 44
Site Plan	196 42
Block Plans	196 43
Floor Plans	196 45

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 19th September 2016 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review including Decision Notice; b) Officer's Report; c) Papers referred to in Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicant for a site inspection, further written submissions and one or more hearing session.

REASONING

The determining issues in this Review were:

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

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

- Local Plan policies : PMD2, EP5 and ED7

The LRB noted that the applicant sought planning consent for a poultry building and an altar, sacred well and stance for a statue within his 8acre smallholding at Kirkburn, Cardrona on the B7062 to Peebles. The site is a part of a larger north facing field which slopes downwards from the south towards the B7062.

The proposed poultry building measured 12m(h) x 12m(l) x 8m(w) and would include the use of natural stone and a wet dash finish. The altar, sacred well and stance for a statue would be located to the south of the poultry building on a higher area of land.

Members noted that this was a very similar proposal to a previous application on the same site which had been refused. Whilst some elements are no longer part of the current proposal (e.g. steel containers, water storage building), members also noted that the proposed 4no storey poultry building was considerably higher than the previously proposed poultry building. The plans now propose a 12m high building which members considered would be a very prominent feature within its elevated site position which is within the Tweed Valley Special Landscape Area.

It was noted that further information had been required by consultees. This included a Landscape and Visual Assessment to check the impact of the proposal on the surrounding landscape and the SLA, further information regarding traffic generation and the consequent suitability of the access to accommodate such vehicles, a business plan and an Environmental Statement in respect of the poultry use. This had not been forthcoming.

Members noted that the proposed chicken building would be located at a distance of less than 400m from the existing residencies to the east of the site and the approved chalets within the smallholding site. In the absence of any further Environmental Information, the LRB considered that there was no evidence that problems arising from the lack of separation could be adequately addressed.

Members noted that there have been a wide range of development proposals within the smallholding including, for example, the chalet development, poultry buildings, a mushroom store, a rabbit shed and a biomass building. They were concerned as to how this proposal would relate to that variety of uses and how compatible they would each be with one another on such a limited area of land. Members considered that perhaps there was a need for the applicant to produce a masterplan, demonstrating how he sees his land being used without giving rise to issues of conflict of use.

CONCLUSION

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

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..... 29 September 2016



APPENDIX II

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

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00024/RREF

Planning Application Reference: 16/00495/FUL

Development Proposal: Extension to form animal flotation unit

Location: Field no 0328, Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

DECISION

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

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

DEVELOPMENT PROPOSAL

The application relates to an extension to form an animal flotation unit at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Elevations	196 40
Site Plan	196 41A

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 19th September 2016 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review including Decision Notice; b) Officer's Report; c) Papers referred to in the report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicants for a site inspection, further written submissions and one or more hearing session.

REASONING

The determining issues in this Review were:

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

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

- Local Plan policies : PMD2, EP5 and ED7

The LRB noted that the applicant sought planning consent for an animal flotation unit within his 8acre smallholding at Kirkburn, Cardrona on the B7062 to Peebles. The site is a part of a larger north facing field which slopes downwards from the south towards the B7062. The flotation unit measures 24m (l) x 6m (w) x 5.5m (h) in charcoal grey corrugated sheeting.

Members noted that the application was a resubmission of a previous application which now omitted a storage building which was located on the eastern part of the site. Members noted that the proposed flotation unit was positioned in the same location as previous on elevated land on the southern side of an existing building at upper yard level. It is identical in height and size, albeit with the monopitched roof sloping down to the north as opposed to previously sloping down to the south.

The Review Body noted that the site lies wholly within the Tweed Valley Special Landscape Area (SLA) which recognises the special character of the valley. Members discussed the importance of the SLA of the Tweed Valley, and were concerned that there would be a negative impact on it from the scale and height of the proposals. The Review Body concluded that the scale and height of the proposal would have a negative impact on the character and quality of the landscape.

It was noted the Council's Landscape Architect had requested a Landscape and Visual Assessment to check the impact of the proposal on the surrounding landscape and the SLA. It was also noted that Roads Planning had requested further info regarding traffic generation and Economic Development had requested a business plan. This information had not been produced and the LRB therefore considered there was no material before them that would either demonstrate that an exceptional consent should be granted for economic reasons, nor that that the development could proceed without unacceptable detriment to road safety.

The LRB also had concerns as to how compatible this proposal would be, without a conflict of uses, with other approved and proposed uses within the smallholding given the limited size of the site.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the proposal was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently the decision of the appointed officer was upheld.

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.....29 September 2016

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APPENDIX III

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

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00025/RREF

Planning Application Reference: 16/00397/FUL

Development Proposal: Change of use to commercial storage and siting of 42no storage containers

Location: Land East of Langlee Mains Farmhouse, Galashiels

Applicant: Wilson G Jamieson Ltd

DECISION

The Local Review Body (LRB) reverses the decision of the appointed planning officer and grants planning permission as set out in the decision notice.

DEVELOPMENT PROPOSAL

The retrospective application relates to the Change of use to commercial storage and siting of 42no storage containers. The application drawings consist of the following :

Plan Type	Plan Reference No.
Location Plan	001
Site Plan	101
Site plan	102
Elevations	GP Dimensions
Roof plan	GP roof
Elevations	GP Door End
Elevations	GP side Wall
Elevations	GP End Door
Other	Bottom side rail
Elevations	Side Wall Panels
Other	Container Floor Sheets
Photos	

Elevations
Sections
Elevations

Rear End Wall
GP Wall Section
GP Underfloor

PRELIMINARY MATTERS

The LRB considered at its meeting on 19th September 2016, that the review had competently been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included a) the Decision Notice; b) Notice of Review; c) Officer's Report; d) Applications referred to in Report; e) Consultations and f) List of Policies, the LRB considered they had enough information to determine the review and proceeded to consider the case. In coming to the conclusion, the LRB noted the request from the appellant for a site inspection and one or more hearing sessions.

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 Local Development Plan 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were :

- Local Development Plan policies : PMD2, ED7 & EP6

New material had been submitted as part of LRB submission. This related to questionnaires sent out by the applicant to users of the containers in order to give support to the proposal. Members considered whether they could properly have regard to this material in light of the statutory test set out in section 43B of the 1997 Act.

While acknowledging that items were new material which could have been prepared earlier, it was prepared in direct response to the reasons for refusal and it was further considered that this was useful information in order to gauge how well used the facility was and its value to small local businesses. Consequently members agreed to have regard to the new material.

Members noted this was a retrospective application. The proposed commercial storage facility is identified within the applicant's supporting statement as being a side-line to his forestry and fencing contractor business. The proposal will diversify that business' activities. The proposal falls within Class 6 (Storage and Distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The supporting statement advises that its customers are anticipated to be rural businesses or businesses serving rural customers. The applicant operates his fencing and forestry business from the site where he recently was granted retrospective planning consent.

Members noted adopted Local Development Plan policy tests. In particular these related to policies PMD2, ED7 & EP6 which in essence seek to ensure this was an appropriate proposal in this rural location in terms of its use. They gave consideration to the appearance and number of containers and whether an alternative location within a settlement boundary would be available and a preferable location.

Members noted that the proposal was close to the Council's recycling centre so there is already some industrial activity in the area. It was not considered there were many realistic opportunities for operating this business within the settlement boundary of any nearby built up area and it was further noted that Economic Development had raised the question as to whether such storage proposals were in actual fact a good use of industrial land. It was agreed that this type of proposal did provide benefit to other small businesses in the vicinity.

In terms of visual appearance it was considered that the containers were neither particularly tall nor prominent and therefore if hedge screening was to be carried out along the roadside boundary it would be sufficient to give adequate screening to the proposal.

It was agreed the site had not been used for agricultural purposes for some time and given the current condition of the land and the recently approved use for the applicant's business it was most unlikely the use of the site would ever revert back to agricultural use. Members noted the appellants suggestion that a 3 year temporary consent could be considered. This would allow activities from the site to be monitored and at the expiry of the temp period an application could be made for an extension or a permanent approval.

CONCLUSION

After considering all relevant information, the Local Review Body considered that the containers were not unduly prominent on the site and that adequate screening would further lessen any visual impact into the landscape. It was considered the proposed use of the site was appropriate in this location and alternative site options were very limited. However as there was potential for negative impact on the road network to arise from the use, it was further agreed that any permission should be for a limited period of time to monitor that impact.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

CONDITIONS

1. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include

- i. schedule of plants to comprise species, plant sizes and proposed numbers/density
- ii. programme for completion and subsequent maintenance

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

2. Hard surface within the site to be upgraded to the specification of the Local Planning Authority and at all times properly maintained thereafter.

Reason: To ensure that adequate access within the site for pedestrians and vehicles.

3. The use hereby permitted shall be discontinued, the containers shall be removed and the land restored to its former condition on or before 19th September 2019 unless a further permission is obtained.

Reason: To enable the Local Planning Authority to monitor the impacts and suitability of the approved temporary use within this rural location

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, (or in any equivalent provision in any statutory instrument revoking and re-enacting that Order) the use of this site shall be restricted to Class 6 Use (Storage and distribution) only and shall be used for no other purpose

Reason: To ensure that the use remains compatible within the site.

Informative

Any lighting installation used on the premises should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.

For the information of the applicant the comments from Scotia Gas Networks Ltd are attached for the applicant's consideration and action.

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..... 29 September 2016



APPENDIX IV

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

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00009/RREF

Planning Application Reference: 15/01484/FUL

Development Proposal: Replacement Windows

Location: 5 East High Street, Lauder

Applicant: Mrs M Dick

DECISION

The Local Review Body (LRB) reverses the decision of the appointed planning officer and grants planning permission as set out in the decision notice.

DEVELOPMENT PROPOSAL

The application relates to replacing timber sash and case windows with UPVC sliding sash windows at 5 East High Street, Lauder. The application drawings consist of the following :

Plan Type	Plan Reference No.
Location Plan	
Specifications	SPECTUS
Elevations	P37845

PRELIMINARY MATTERS

The LRB first considered this review at its meeting on 16th May 2016, when it determined that that the review had competently been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included a) the Decision Notice; b) Notice of Review; c) Officer's Report; d) Drawings and e) List of Policies, the LRB

considered they required further procedure to enable them to determine the review. They therefore requested the appellant to provide a sample of the proposed uPVC window frame and stick-on astragals for examination by the Local Review Body.

This sample was produced and the LRB considered the matter once more at its meeting of 19th September 2016. At that time they considered that they now had enough information to determine the review and proceeded to consider the case. In coming to the conclusion, the LRB noted the request from the appellant for a site inspection and one or more hearing sessions.

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 Local Development Plan 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were:

- Local Development Plan policies : PMD2 & EP9

Another material document the LRB referred to was:

- SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015

Members noted that the proposal was an end terraced property within the prime frontage / core area of the Lauder conservation area. The plans proposed to install 7no replacement windows. The existing windows are traditional single glazed sliding sashes in white-painted timber frames with astragals. The proposed replacements are described as replicating exactly the external appearance (glazing pattern) and opening mechanism (sash and case) of the existing windows, but these would be double-glazed white-coloured uPVC units. An accompanying 'Spectus VS' brochure offers generic descriptions of windows and the final page describes the use of 'stick-on' Georgian glazing bars.

The Council's approved SPG on Replacement Windows and Doors states that (para 3.28) the principle of the replacement of timber units in uPVC is acceptable where the design pattern, dimensions and method of opening are retained within the new windows and where the proposals address the 'General Principles' set out in Section 3.7 of the same SPG. The General principles require that consideration be given to: (i) the position of the window(s) proposed for replacement, specifically whether or not these are publically visible and/or relate to more modern extensions; (ii) whether or not these windows are originals; (iii) the predominant character of surrounding properties; and (iv) whether or not the proposals maintain or improve the current position. The SPG also states (para 3.29) that within prime frontage / core areas of Conservation Areas the use of stick-on astragals will not be permitted.

Members considered that 3no of the windows were located to the rear of the property and that as these were most inconspicuous from public view they had no objections to replacing those. Members also discussed that there was a range of existing types within the Lauder Conservation Area.

On examining the sample window which was presented to the LRB at the meeting on 19th September, Members considered that the window proportions, the sliding sash appearance and opening mechanism were an acceptable replica of the original windows. In terms of the astragals it was considered that as there was a mid bar between panes of glass the astragals did appear to be an integral part of the window and that the astragals were well fitted and it appeared they would be a permanent fixture within the double glazed unit. Members further considered that the astragal was of the same proportion and design as the existing windows astragal.

CONCLUSION

After considering all relevant information, the Local Review Body considered that the proposed windows were appropriate in this part of the Lauder Conservation Area and consequently approved the plans.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

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.....29 September 2016

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APPENDIX V

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

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00019/RREF

Planning Application Reference: 16/00126/FUL

Development Proposal: Replacement Windows

Location: 62 Castle Street, Duns

Applicant: AJ Redpath

DECISION

The Local Review Body (LRB) reverses the decision of the appointed planning officer and grants planning permission as set out in the decision notice.

DEVELOPMENT PROPOSAL

The application relates to replacing timber sash and case windows with UPVC sliding sash windows and installing a replacement timber door at 62 Castle Street, Duns. The application drawings consist of the following:

Plan Type	Plan Reference No.
Location Plan	
Brochures	Renaissance
Photos	
Photos	
Photos	
Photos	

PRELIMINARY MATTERS

The LRB first considered this review at its meeting on 15th August 2016, when it determined that the review had competently been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included a) Additional Information Requested; b) Notice of Review; c) the Decision Notice; d) Officer's Report; e) Consultation and f) List of Policies, the LRB considered they could not determine the review without further procedures as they wished to confirm whether the windows could be repaired as opposed to being replaced. Consequently they requested the applicant should give details of the condition of the existing windows and the door from an accredited source.

This information was provided by the Appellant and was presented to the LRB at its meeting of 19th September 2016. At that time the LRB determined that it had enough information to determine the review and proceeded to consider the case. In coming to the conclusion, the LRB noted the request from the appellant for a site inspection and one or more hearing sessions.

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 Local Development Plan 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were:

- Local Development Plan policies : PMD2 & EP9

Another material document the LRB referred to was:

- SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015

Members noted that the property is a B listed building and located within the Duns Conservation Area, although it is outwith the identified core area / prime frontage. The proposal was to replace 7no sash and case windows with a six over six glazing pattern on the front elevation (including the 2 no dormer windows) with wood effect uPVC windows and install a new oak boarded front door. The proposed windows would be UPVC double glazed frames with a sliding sash opening mechanism.

Members acknowledged that although the building was B listed, a separate appeal against the refusal of listed building consent was being considered by Historic Environment Scotland and consideration of any impacts on the property from a listed building perspective was not a matter for the LRB. This LRB appeal was against the refusal of the application for full planning consent which required cognisance of the LDP's policies PMD2 and ED9.

In considering the conditions survey, Members noted the condition of the door and the window and did feel these were predominantly beyond repair.

Reference was made to page 8 of the Council's Supplementary Planning Guidance on Replacement Doors and Windows which states guidance regarding replacement windows within conservation areas but outwith prime frontage / core areas. Members noted that appropriately designed and proportioned UPVC could be permissible and it was agreed that the windows proposed complied with the criteria tests within the Guidance.

CONCLUSION

After considering all relevant information, the Local Review Body considered the proposed replacement windows and door were appropriate for this property within this part of the Duns Conservation Area and approved the application. In order to ensure the windows best matched those of adjoining properties members requested that further discussion is had with the planning case officer with regards to whether external horns should be applied to any of the windows.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

INFORMATIVE

As requested by the Local Review Body, in order to ensure the windows best matched those of adjoining properties the applicant should contact the planning case officer as to whether external horns should be applied to any of the proposed windows.

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.....29 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 20 September 2016 at 10.00 am

Present:- Councillors D. Parker (Chairman), S. Aitchison, S. Bell, J. Brown, M. Cook, C. Bhatia, V. Davidson (from para 2), G. Edgar, J. G. Mitchell, D. Moffat, D. Paterson, F. Renton, R. Smith.

Also Present:- Councillor I. Gillespie.

Apologies:- Councillor S. Bell.

In Attendance:- Chief Executive, Depute Chief Executive (People), Depute Chief Executive (Place), Chief Financial Officer, Corporate Transformation and Services Director, Service Director Regulatory Services, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE**

The Minute of meeting of the Executive Committee of 6 September 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman.

2. **DELIVERING EXTRA CARE HOUSING IN THE SCOTTISH BORDERS: A DELIVERY FRAMEWORK 2017 - 2022**

There had been circulated copies of a report by the Service Director Regulatory Services which set out the proposed delivery framework for up to six extra care housing developments across the main towns in Scottish Borders in order to meet identified need and deliver on the Council's corporate priorities of shifting the balance of care. The initial priorities for investment had been identified as Duns, using Trust Housing and Langhaugh, Galashiels using Eildon Housing Association. The report explained that the needs assessment for extra care housing previously undertaken, and reported to Members in March 2016, concluded that there was a large projected need for this type of housing model across all the main towns in the Scottish Borders. Through an option appraisal approach, the study also concluded that it would be best value if the projects were developed, owned and managed by Registered Social Landlords. The proposed delivery framework utilised Council owned sites where feasible and maximised the Scottish Government grant provision, including RSL private sector borrowing over the next five years of the Strategic Housing Investment Plan. It was anticipated that these would be high cost projects that were likely to require some gap funding from the Council's Affordable Housing Budget. It was envisaged that these developments would provide extra care housing for social, mid-market rent and shared equity options, all of which were considered as being compliant with the Council's Affordable Housing Policy definitions. Further individual site specific feasibility studies were required to test the financial modelling. Cathie Fancy, Group Manager (Housing Strategy & Services) was present at the meeting to answer Members questions. In relation to the future management of the proposed facilities, Ms Fancy advised that there would be a further report presented, detailing the management arrangements. In response to questions Ms Fancy advised that the framework was flexible enough to take account of needs as they arose and the service was always interested in new sites which became available. In response to a question on what work was being done in rural areas, Ms Fancy advised that work was being done Council wide in areas where most need had been identified she also commented on work that had been done with Bridge Homes for young people in rural areas.

DECISION

- (a) **ENDORSED** the approach to deliver new extra care housing developments in the Scottish Borders and for inclusion in the Strategic Housing Investment Plan 2017-2022, commencing with developments in Duns and at Langhaugh, Galashiels.
- (b) **AGREED:-**
- (i) to assist the development of these extra care housing projects by using the 2nd Homes Council Tax budget to compensate the 10-year Capital Investment Programme (where applicable) on the basis of affordable housing valuation for the sites.
 - (ii) in principle to use 2nd Homes Council Tax and Developer Contributions to address the funding gap associated with this type of development potentially above affordable housing benchmark eligible grants.
- (c) **NOTED:-**
- (i) the Extra Care Housing Strategy set out in the report provided a major investment in the care sector that would make a significant contribution to the care and support of elderly and vulnerable adults across the Scottish Borders.
 - (ii) that a further progress report will be submitted when costed design specifications have been completed for Duns and Langhaugh.

MEMBER

Councillor Davidson joined the meeting during consideration of the following item.

3. 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 6 and 9 of part 1 of schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

4. MINUTE

The Committee approved the private Minute of 6 September 2016.

5. THE GLEN HOTEL, SELKIRK – WALL REFURBISHMENT

The Committee approved a report by the Depute Chief Executive Place subject to the amendment of the recommendations.

The meeting concluded at 10.50 a.m.

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, 20
September, 2016 at 6.30 pm

Present:- Councillors: G Turnbull (Chairman), W McAteer, D Paterson, R Smith,
Community Councillors: Ms G Crew (Denholm), Ms B Elborn
(Newcastleton), Mr I Robson (Upper Teviotdale and Borthwick Water), Mr R
Scott (Upper Liddesdale & Hermitage), Mrs M Short (Hawick).

Apologies:- Councillor S Marshall, Community Councillors: Mr C Griffiths (Hobkirk), Mr W
Roberts (Denholm), Mr S Wilson (Newcastleton). Inspector C Wood, Police
Scotland.

In Attendance:- Neighbourhood Area Manager (Mr F Dunlop), Sergeant Quinn (Police
Scotland), Station Manager Mr R Bell (Scottish Fire and Rescue Service), Mr
B Young, Network Manager (Items 1 to 4), Mr R Cramb, Assistant Engineer
Traffic & Road Safety (Items 1 to 5), Democratic Services Officer (J Turnbull).

Members of the Public:- 8 in attendance

1. **WELCOME AND INTRODUCTIONS**

Councillor Turnbull welcomed Members, officers and the public to the meeting. He advised that he had acted as Returning Officer for the Upper Liddesdale and Hermitage Community Council By-Election and congratulated Ms Angela Graham and Mr Steven Hartley who had been elected to the community council unopposed.

**DECISION
NOTED.**

2. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 16 August 2016.

**DECISION
AGREED to approve the Minute.**

3. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 2 of the Minute of the Meeting of 16 August, the Chairman advised that Chief Superintendent Marshall was scheduled to attend the November meeting to discuss crime/incident statistics. With reference to paragraph 7 of the Minute, Councillor Edgar had requested clarification with respect to the bus cuts referred to. Members discussed the request and agreed that a revised bus service had been implemented and not to pursue at the present time. With reference to paragraph 8.4 of the Minute, the Chairman advised that the public meeting on the Flood Protection Scheme had been positive and well attended. Mrs Crew, Chair, Denholm Community Council, added that Denholm Community Councillors had attended the event.

**DECISION
NOTED.**

4. **PRESENTATION: TIMBER TRANSPORT**

4.1 The Chairman welcomed Mr James England, South of Scotland Timber Transport Officer, Mr Roland Stiven, National Timber Transport Officer and Mr Brian Young, Network Manager, Scottish Borders Council. The presentation commenced with a short video

which showed the different stages of forestry resource and management over 40 years, from tree planting to harvesting. Mr Stiven then advised that commercial forestry covered 14% of Scotland (18.5% in the Scottish Borders). In 1976, Scotland had produced 1m tonnes of timber, rising to 7.4m tonnes in 2014, with a gross value of £1bn per annum. The Scottish Borders had the highest concentration of forestry in the UK, producing one seventh of output. The industry contributed significantly to the rural economy, employing 25,000 people in Scotland, of which 3,000 were employed from the South of Scotland. 90% of timber was used locally for construction, packing, fencing and landscaping. Forests planted in the 1970s were now maturing and therefore timber production had increased, consequently there had been a substantial increase in timber traffic. Mr Stiven acknowledged that there were no timber processing facilities located in the Scottish Borders. However, these facilities were located nearby in Carlisle. Mr Stiven further advised that timber harvested now, would be restocked as commercial forests, which were typically located in remote areas with poor access. Therefore, the importance of maintaining and upgrading the road infrastructure would continue.

- 4.2 Mr England referred to the Scottish Borders Woodland Strategy, one of the key actions of which was to address issues associated with timber transport infrastructure. He went on to advise that there was a National Timber Transport Forum and 11 Regional Timber Transport Groups, including the Scottish Borders Timber Transport Group. The Forum promoted best practice and produced guidance. The Group included representatives from SBC, Councillors, Police and hauliers. Mr England explained the route classification for timber transportation. A/B routes were classified as Agreed Routes which could be used for timber transportation without restriction. Consultation Routes were B roads and minor roads, which had been recognised as being key to timber extraction but which were not up to Agreed Route standard. Consultation with the Local Authority was required before these routes could be used. Roads classified as Severely Restricted Routes would not normally be used and consultation with the Council was required to achieve an agreed management regime to avoid land locking of timber. Finally, excluded routes should not be used for timber transport. Roads were continually assessed as they improved and categories changed. A map of the route classification was available on the Borders Timber Transport Group website at www.timbertransportforum.org.uk
- 4.3 Mr England and Mr Stiven then went on to discuss various initiatives which had been introduced to lessen the impact of timber transportation on the road infrastructure. For example, working with hauliers to encourage responsible timber haulage; central tyre inflation system (CTI) which allowed the load to be lowered and therefore caused less impact on roads; vehicle tracking with speeds logged, and the 'Wait a Minute' campaign, which encouraged hauliers not to drive in convoy format.
- 4.4 There followed a discussion and a number of questions were raised. Mr England advised that the forestry industry did contribute to the upgrading of roads, often by constructing passing places. However, they would not fund the upgrading of a complete road. Mr Stiven added the Scottish Government's focus on lessening environmental impact, meant that any upgrading to roads had to be justified. There was further discussion regarding timber transport vehicles using severely restricted routes e.g. Backdamgate, Hawick town centre and the Roberton to Craik route. Various alternatives were suggested and Mr England noted the concerns and advised that he would investigate outwith the meeting. He acknowledged that he did not have any statutory powers for enforcement. However, he had positive relationships with hauliers and forestry managers and would investigate any issues.
- 4.5 Mr Stiven went on to advise that Scottish Government awarded £3m each year to improve roads. However, often the funding was only available at short notice and had to be utilised within a short timeframe, proving difficult for project delivery. Mr Young added that the Council had to match fund schemes by 50%. SBC had applied to Scottish Government for the last tranche of funding but had been unsuccessful. However, they continued to investigate funding streams. Mr Stiven added that issues could also arise

when landowners or forestry owners would not agree to works that impacted on their land. He advised that the Code of Practice was voluntary and included restrictions or time limits on transportation. Mr England concluded the presentation by advising that his role as South of Scotland Timber Transport Officer was to enable timber to reach markets with the minimum impact on communities, public roads and the environment. Any issues or concerns should be referred to him and he would be pleased to investigate to resolve any issues and examine solutions. The Chairman thanked Mr Stiven and Mr England for their attendance and the extremely informative presentation.

DECISION

NOTED the presentation.

5. TRAFFIC REGULATION ORDER - VARIOUS STREET, HAWICK

5.1 There had been circulated a report by Service Director Asset and Infrastructure proposing to amend the Traffic Regulation Order (TRO) for Hawick. Mr Cramb, Assistant Engineer, Traffic and Road Safety, was in attendance and advised that since the previous amendment in 2014, a number of comments had been collated for proposed amendments. The report contained those amendments which would aid the movement of traffic within the town. The amendments had been promoted due to safety concerns or accessibility issues particularly for service buses where vehicles habitually parked. Amendments were proposed for the following locations:

- Albert Road
- Anderson Place
- Branxholme Road
- Bright Street
- Buccleuch Street
- Burns Road
- Cheviot Road
- Crumhaugh Road
- Drumlanrig Place
- Eildon Road
- Fraser Avenue
- Guthrie Drive
- Hamilton Road
- Howdenbank
- Kenilworth Avenue
- Linden Crescent
- Myreslawgreen
- O'Connell Street
- Ramsay Road
- Renwick Terrace
- Silverbuthall Road
- St George's Lane
- St Ninian's Road
- Stonefield Place
- Queen's Drive.

5.2 The amendment proposed on Eildon Road, to remove a length of no waiting at any time restriction, was due to the fact that this length was not required for Traffic Management or Road Safety reasons.

5.3 In addition amendments were proposed at the following locations due to loading and unloading difficulties that were currently experienced:

- Bourtree Place
- Earl Street

- High Street

5.4 Members requested that the TRO included no waiting restrictions at Moat Crescent and further restrictions at Ramsay Road and Renwick Terrace. The Forum agreed to delegate powers to officers to incorporate these further amendments, if appropriate.

DECISION

AGREED:-

- (a) **the advertising of the proposed amendments as detailed in the Appendices to the report;**
- (b) **the making of the Order; and**
- (c) **to delegate powers to the Service Director Assets and Infrastructure to incorporate no waiting restrictions at Moat Crescent and further restrictions at Renwick Terrace and Ramsay Road, if appropriate.**

6. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE

6.1 With reference to paragraph 4 of the Minute of 16 August 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: install handrail at O'Connell Street, Hawick; Carry out additional weed control on Hawick High Street; cut back trees at Mart Street, Hawick; prepare and paint "welcome to" signs at Newcastleton; re-line car park bays at Mayfield Drive and Bothwell Court, Hawick.

6.2 The following Quality of Life Scheme had also been requested for consideration by Teviot and Liddesdale Members: Supply and install handrail at link path between McLagan Drive and Burnfoot Road, Hawick.

DECISION

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

(i)	Install handrail at O'Connell Street, Hawick	£ 580
(ii)	Carry out additional weed control on Hawick High Street	£ 140
(iii)	Cut back trees on Mark Street, Hawick	£ 615
(iv)	Prepare and paint "welcome to" signs at Newcastleton; and	£ 296
(v)	Re-line car park bays at Mayfield Drive and Borthwell Court, Hawick	£1,000

- (b) **AGREED the supply and installation of a handrail on the linking path between McLagan Drive and Burnfoot Road, Hawick at a cost of £3,410 under the Quality of Life Scheme.**

- (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.**

7. POLICE SCOTLAND

7.1 There had been circulated a report from Inspector Carol Wood, Police Scotland. Sergeant Quinn, was in attendance and highlighted the ward priorities from the report. With regard to the Drug Dealing and Misuse priority, he advised that through intelligence gathered, operations had been carried out against people and premises involved in drug dealing and misuse, as detailed in the report. Police Scotland would remain visible in the community

and continue to work with partners combining education and enforcement strategies. With regard to the road safety priority, Community Officers had been trained in the use of speed guns. They had used these to detect drivers for speeding whilst deterring other forms of antisocial driving. The camera safety vehicle had also been utilised at various locations. Sergeant Quinn went on to discuss the Violent Crime priority and highlighted the robbery at Millersknowes and an incident of threatening behaviour and vandalism in Ramsay Road. The Antisocial behaviour priority was then discussed; Sergeant Quinn advised that there had been three fixed penalty notices issued and three police warnings given during August.

- 7.2 The Forum then went on to discuss the racist incidents detailed in the report. These had varied from inappropriate stickers placed in windows to comments made to Eastern European residents. Many of the offences committed had been conducted by youths. Officers were working with schools to ensure education measures were taking place. Members were unanimous in their support of initiatives that reinforced racism would not be tolerated. Sergeant Quinn concluded his report by advising that if any person felt at risk, or they felt that someone else was at risk, they should not hesitate to call 999.

**DECISION
NOTED.**

8. **SCOTTISH FIRE & RESCUE SERVICE**

Station Manager, Russell Bell, Hawick Fire Station, presented information on response and resilience activities for the month of August 2016. An update report had been circulated prior to the meeting. Mr Bell advised that there had been two house fires, two open fire occurrences (one woodland and one outdoor structure), four special service with one fatality and 13 unwanted fire alarm signals. The swift water rescue training had been completed and they were waiting to go 'live' to meet the needs of the community. Mr Bell went on to discuss the out of hospital cardiac arrest trial and advised that since the trial began, survival rates and increased by 23%. In answer to a question, Mr Bell confirmed that it was the intention to roll out the trial throughout Scotland.

**DECISION
NOTED the report.**

9. **OPEN QUESTIONS**

Sergeant Quinn was asked to investigate the issues with cars speeding on Liddesdale Road and Ladywell Road. Councillor McAteer advised that Building Control had inspected the fence at the tyre factory and had been in contact with the owners. Councillor McAteer further advised that Environmental Control were dealing with the rat problem at the school picnic area. It was noted that redundant unused sites were becoming a problem in Hawick.

**DECISION
NOTED.**

10. **COMMUNITY COUNCIL SPOTLIGHT**

- 10.1 Community Councillor Gwen Crew (Denholm) advised that there were still two vacancies on the Community Council. They had been delighted that the boundary changes were no longer proceeding and thanked Members for their support. Mrs Crew referred to the unsatisfactory consultation process carried out by the Boundary Commission and hoped that lessons would be learnt for future consultations.
- 10.2 Community Councillor Marion Short (Hawick) reported that Hawick had achieved second place in the Floral Gateway's Large Town category. One comment from the judges was the need for local businesses to participate by providing floral displays. Perryman's buses had been attending Community Council meetings and this had been constructive.

- 10.3 Community Councillor I Robson (Upper Teviot and Borthwick Water) praised the community police officer and reported that there had been no recent rural thefts during the summer. There had been concern that a joy rider had been in the area, his vehicle had gone off the road and been abandoned. The landowner had to pay for removal of the vehicle. There had been three sites identified for location of defibrillators and volunteers would be trained in their use as soon as possible. They had identified core paths for maintenance and with the assistance of SBC's Senior Access Officer were pursuing grants to move forward with improvements.
- 10.4 Community Councillor Barbara Elborn (Newcastleton) advised that they were still awaiting final confirmation of the position for the bus shelter. Scottish Water had been consulted regarding an overflowing street drain that was causing concern. The Council's Environmental Health department were investigating. Two digital forums were planned which would focus on broadband and mobile phone coverage.
- 10.5 Community Councillor Robert Scott (Upper Liddesdale and Hermitage Community Council) advised that there had been three resignations, two of which had been filled. An emergency meeting had been scheduled to discuss the removal of the telephone box.

**DECISION
NOTED.**

11. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETING**
The next meeting of the Teviot and Liddesdale Area Forum was scheduled for Tuesday, 15 November 2016 at 6.30 pm in the Lesser Hall

**DECISION
NOTED.**

The meeting concluded at 8.20 am

Public Document Pack

SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY
COMMITTEE held in the COUNCIL
CHAMBER, COUNCIL HEADQUARTERS,
NEWTOWN ST BOSWELLS on Thursday,
22nd September, 2016 at 10.00 am

Present:- Councillors G. Logan (Chairman), W. Archibald, K. Cockburn, I. Gillespie,
B Herd, W. McAteer and A. J. Nicol.
Apologies:- Councillors A. Cranston and J. Torrance.
Also Present:- Councillors S Aitchison, D Paterson.
In Attendance:- Service Director Children & Young People, Chief Officer Education & Lifelong
Learning, Service Director Neighbourhood Service, Waste Manager,
Democratic Services Team Leader, Democratic Services Officer (J Turnbull).

1. **MINUTE**

- 1.1 There had been circulated copies of the Minute of 18 August 2016. With reference to paragraph 3.6 of the Minute of 18 August 2016, it was agreed that the following amendment be added to the Minute.

Paragraph 4.7, line 6 – change “non-competitive action” to “single tender action”.

- 1.2 It was noted, that the amendment had been incorporated in the final version of the Scrutiny Working Group’s report – ‘A Review of the Process in Respect of Decision-Making’.

DECISION

AGREED the Minute subject to the above amendment.

2. **ASYMMETRIC WEEK**

- 2.1 With reference to paragraph 2 of the Minute of the Meeting of 18 August, the Chairman welcomed Ms Donna Manson, Service Director Children and Young People; Ms Michelle Strong, Chief Officer Education and Lifelong Learning; Mr Paul Fagan, Depute Headteacher, Peebles High School and Ms Anne Marie Bready, Headteacher, Edenside Primary School, Kelso. The officers were in attendance to give a presentation on the implementation of the Asymmetric Week.
- 2.2 Mr Fagan began the presentation from a secondary school perspective. He explained that previously there had been a 30 period week which had been inherently inefficient because of teachers’ class contract time, resulting in 25 – 45 minutes of teaching time lost each week. The Asymmetric Week had introduced a 33 period week which had enabled efficient timetabling, facilitated the introduction of a greater number of courses for students and increased student support. Mr Fagan referred to Selkirk High School where there had been a reduction in the number of teachers. However, efficiencies in the Asymmetric Week had enabled the school to retain their existing timetable. The 33 period week had also meant that there was less need for supply teachers as there was greater flexibility within schools. More efficient timetabling has also resulted in savings for supply budgets.
- 2.3 Mr Fagan advised that feedback from eight secondary schools had shown an overwhelmingly positive response that the Asymmetric Week had increased breadth and choice for students. Mr Fagan gave an example of Eyemouth High School where, as a result of rurality, certain opportunities had not been taken up. With the introduction of the

Asymmetric Week the school had been able to utilise two additional periods, on a Wednesday afternoon, to enhance the learning experience for students, providing a leadership qualification, whilst protection class time.

- 2.4 Mr Fagan went on to advise that in respect of Peebles High School, all students now had a personal support period, with one learning support teacher assigned to every 15 students. The sessions had proved positive for students. However, the sessions would not have been possible under the 30 period week, when there had been insufficient teacher capacity.
- 2.5 Mr Fagan further advised that feedback received from four secondary schools showed that the Asymmetric Week had also had a positive impact on attainment. Jedburgh High School had used the additional time available to offer six periods of Higher education, previously this had been five. Peebles High School had seen increased attainment in literacy and numeracy; every student now having five periods of mathematics and additional tuition in English. Mr Fagan went on to advise that the Asymmetric Week afforded schools more flexibility and increased options. There was now a greater alignment of timetables with best practice shared between schools. Kelso High School and Jedburgh High School were working together as was Eyemouth High School and Berwickshire High School. Borders College had also aligned their timetable to secondary schools making their courses more viable in terms of increased attendance.
- 2.6 Mr Fagan concluded by stating that the Asymmetric Week had been a resounding success in Peebles High School. Students had an enhanced learning experience with supported learning and greater choice. As a result attainment had increased. Parents had also welcomed the increased choice. Staff morale had also improved, teachers using Friday afternoons for reflection and preparation for the following week.
- 2.7 Discussion followed and Members raised a number of questions. Ms Manson advised that HM Inspectors had not inspected secondary schools since the introduction of the Asymmetric Week. However, Scottish Borders Council (SBC) had carried out an inspection and had evidence to support the positive change the introduction of the Asymmetric Week had achieved for students and teachers. The change to school hours was discussed and Mr Fagan explained that initially there had been concern that a reduction in the lunchbreak from one hour to 50 minutes would affect access to lunchtime sporting activities. To mitigate against this, Peebles High School had improved access to lunch with "grab and go" meals, for students participating in lunchtime activities. There had also been a positive impact in terms of students' behaviour during lunchbreaks. Mr Fagan advised that it was a requirement that students received two periods of physical education each week, a 33 period week had allowed this to be increased to three periods per week. Ms Strong added that in addition, a number of schools now delivered school sports on a Friday afternoon. Mr Fagan acknowledged that the introduction of the Asymmetric Week had been cost neutral. However, now teacher capacity was used more efficiently, therefore providing greater opportunities for students.
- 2.8 Ms Anne Marie Bready, Edenside Primary School, was in attendance to give a primary school's perspective on the Asymmetric Week. She explained that the children's working day had moved to four longer days, Monday to Thursday 9 am to 3.30 pm, with a shorter day on Friday – 9.00 am to 12.50 pm. Edenside Primary School, had one of the larger school rolls with 325 pupils and had introduced staggered lunchbreaks for older and younger children. The schools' focus on the morning was literacy and numeracy. Teachers welcomed the extension in the afternoon, to three teaching blocks, to allow for interdisciplinary learning, art and science. Ms Bready advised that younger children did the bulk of their learning in the morning. The older children, with more learning stamina, continued into the afternoon. The Asymmetric Week enabled teachers to attend cross authority training on Friday afternoons e.g. motivational speaker sessions, GIRFEC and pastoral meetings without disruption to teaching time

- 2.9 Discussion followed and Members raised a number of questions. Ms Breadie advised that provision of additional childcare had not been viable with only three parents stating they would utilise the service. Parents planned ahead and family members assisted or they had a parents' rota for childcare. There had not been a huge demand for After School Friday Clubs; families choosing to make their own arrangements for childcare or choosing to maximise this time with their children. Ms Breadie acknowledged the public perception that teachers had more time off, explaining that teachers had a huge commitment to learning. Teachers used Friday afternoons to collaborate with other teachers and to discuss the needs of vulnerable children.
- 2.10 Councillor Aitchison, Executive Member for Education, was in attendance and thanked officers for their interesting presentation which highlighted that small changes could make a significant difference. Children were spending less time in school but results had improved. Friday afternoons were now spent with parents and grandparents which was positive for families and children. The Asymmetric Week had been a success; children and staff were more focused and motivated with increased opportunities for children.
- 2.11 The chairman thanked Councillor Aitchison and officers for their very informative and interesting presentation.

DECISION

NOTED the presentation.

3. MEMBER

Cllr McAteer left the meeting following consideration of the above item.

4. COMMUNITY RECYCLING CENTRES - UPDATE ON RE-USE/REMARKETING OF GOODS

- 4.1 With reference to paragraph 2 of the Minute of the Meeting of 18 August 2016, there had been circulated a report by Service Director Neighbourhood Services providing an update on the re-use/remarketing of goods received at Community Recycling Centres. Ms Jenni Craig, Service Director Neighbourhood Service and Mr Ross Sharp-Dent, Waste Manager were in attendance. Mr Sharp-Dent advised that over the last 10 years the Council had made significant changes to the way it managed waste with a focus on improving recycling performance and reducing waste going to landfill. As people moved towards a more circular economy, where they kept products and materials in use for as long as possible, this focus was likely to shift to waste prevention and re-use. Progress had been made by the Council in relation to re-use in the following areas:

- Supporting local re-use organisation
- Bulky Waste
- Waste Electrical and Electronic Equipment (WEEE)
- Selkirk Re-Use Pilot
- Just Cycle – Bicycle re-use
- Wood and Furniture re-use
- Textiles.

- 4.2 The Waste Resource Action Programme (WRAP) had undertaken re-use case studies and developed a best practice guide for Household Waste Recycling Centres (HWRC's). This confirmed that there were further opportunities to improve re-use at the Council's Community Recycling Centres. Mr Sharp-Dent highlighted that it was important to recognise that the Council faced a number of key challenges in improving re-use at Community Recycling Centres including : A lack of space for providing re-use facilities; a disconnect between the number of customers who wished to deposit items for re-use versus those that wanted to purchase re-used items; impending financial and legislative drivers which required a continued focus on recycling and diversion from landfill, at least in the short to medium term. It was clear that re-use was going to play an ever important

role as we moved towards a circular economy and this required the Council to continue to make progress and explore opportunities in this area.

- 4.3 Mr Sharp-Dent further advised that a number of re-use organisations, most of which had charitable status, operated across the Scottish Borders e.g. Homebasics, Berwickshire Furniture (BFR) and Just Cycle. The Council provided financial support as part of Service Level Agreements currently with Homebasics, Scrap Store and Book Donors. In return those organisations provided information on re-use, which supported the Council's recycling performance figures.
- 4.4 The Council also accepted Waste Electrical and Electronic Equipment (WEEE) at Community Recycling Centres. This equipment was uplifted free of charge under contract by a Producer Compliance Scheme (PCS). However, recent changes to WEEE's Code of Practice could mean that providers might be less inclined to support this concept going forward. Mr Sharp-Dent went on to discuss the Selkirk Re-Use Pilot whereby the Council provided a shipping container and a Service Level Agreement with Homebasics to provide them with large domestic appliances. This pilot had been successful. Unfortunately, not all recycling centres had the capacity to implement this scheme due to lack of space.
- 4.5 Mr Sharp-Dent referred to Galashiels Men's Shed where the Council provided bicycles for repair and re-use. The project had now developed into Just Cycle, a locally registered charity based at Tweedbank. Just Cycle recycled unwanted bicycles and made them available at an affordable price. The Waste Services section was working with Just Cycle to expand the number of bike donations at its waste facilities across the Borders. Selkirk Community Recycling Centre would be the next facility to accept bike donations.
- 4.6 Mr Sharp-Dent continued that the Waste Service section was exploring other re-use opportunities such as wood re-use. The Council had identified space at Galashiels Community Recycling Centre for storage of wood and it was hoped to commence this operation shortly. If this project was successful it would be extended to other sites. Mr Sharp-Dent went on to advise that 78% (119 tonnes) of textiles went for re-use. As part of the arrangement with Nathan Wastesavers, SBC received an income which supported wider waste services. SBC would continue to work with the third sector to identify and develop partnership working.
- 4.7 Councillor Nicol had circulated information regarding Oskars, a recycling facility in Paisley, and asked if SBC could introduce a similar scheme. Mr Sharp-Dent advised that Oskars provided a similar facility to Homebasics and BFR. He emphasised it was important that the Council continued to work in tandem with these organisations and utilise their expertise to ascertain which waste streams they were able to recycle.
- 4.8 Following discussion, a number of questions were raised. In terms of staff training, Mr Sharp-Dent advised that staff had a good knowledge of what was reusable. However, the material needed to be placed in separate, clean containers and not all sites had this storage capacity. The lack of space was a real challenge and would require investment. Ms Craig added that in terms of making a success of re-use and remarketing of goods, SBC needed to look at where investment was required and work with charitable organisations to draw down funding. Strengthening partnership working was a way to progress. With regard to the re-use of light bulbs from PPI schools in primary schools, Ms Craig would discuss with the Service Director Asset and Infrastructure and advise Members outwith the meeting. There was a discussion on the temporary closure of sites, without notice, when goods for recycling were being uplifted. Mr Sharp-Dent advised that a split level site enabled the site to remain open e.g. Hawick, Kelso and Selkirk sites. However, in Galashiels the site had to be closed for public safety. It was also not feasible to advise in advance when the site would be closed as the operator travelled to many sites and was unable to specify an exact time for collection. However, site managers did try to minimise disruption. Hopefully, in the future, sites would be improved to allow operators to access the site without requiring closure to the public. Mr Sharp-Dent

concluded by advising that organisations such as Homebasics provided significant benefits in terms of recycling and re-use of goods. However, these organisations were voluntary. Most of their funding came from Zero Waste Scotland and was limited. Recycling and re-use was the right way to progress but this was not a statutory requirement. However, SBC would continue to facilitate recycling and re-use by working closely with organisations, to continue to develop and progress the service across the Borders.

- 4.9 Councillor Paterson, Executive Member for Environmental Services, was in attendance and stated that community recycling centres did a fantastic job. Feedback from the public was extremely positive. He referred to Hawick Men's Shed Organisation who were repairing and recycling old furniture. He emphasised the importance of recycling and re-use continuing, supported by SBC.
- 4.10 The Chairman thanked officers for the interesting presentation. After further discussion it was agreed that SBC's Waste Management Member Officer Working Group be asked to consider ways in which Council could facilitate and encourage arm's length organisations to continue and expand this valuable upcycling/recycling facility.

DECISION

(a) NOTED:-

- (i) The progress made in providing re-use facilities at Community Recycling Centres;**
- (ii) The challenges in providing re-use facilities at the Council's Community Recycling Centres; and**
- (iii) Supports the continued development of re-use facilities at Community Recycling Centres, where affordable and practicable.**

AGREED to RECOMMEND that the Waste Management Member Officer Working Group be asked to investigate initiatives to facilitate Arm's Length Organisations continuing and expanding the valuable re-use and remarketing facility at the Council's Community Recycling Centres, as part of their consideration of the new Waste Management Plan.

5. SCRUTINY REVIEWS

- 5.1 With reference to paragraph 2 of the Minute of 18 August 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.
- 5.2 The Democratic Services Team Leader explained the current status of the reviews listed and Members discussed a number of the items on the timetable. It was agreed to progress the review of the Community Empowerment Act on 26 January 2016, together with the review on Timber Transportation. Councillor Gillespie advised that he would liaise with the Service Director Children and Young People regarding a suitable date for the review on Home Schooling. Councillor McAteer had requested the review on Policies and Procedures for Competitive Marketing and Management of Information be presented this year, and this was agreed. Members were keen that all reviews were timetabled before the end of their current term of office.

DECISION

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

6. **DATE OF NEXT MEETING**

The next meeting of the Scrutiny Committee would take place on Thursday, 27 October 2016.

DECISION

NOTED.

The meeting concluded at 11.45 am

Scrutiny Committee – Review Subjects 2016/17

Timetabled for Scrutiny Meetings

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
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 Martin Joyce, Service Director Assets and Infrastructure.	27 October 2016
Councillor Torrance	Social Work Duty Hub.	Graeme Dobson, Project Manager, Les Grant, Customer Services Manager.	27 October 2016.
Scrutiny Committee	Drugs and Alcohol Strategy.	Elaine Torrance, Chief Social Work Officer; Tim Patterson, Joint Director of Public Health, Fiona Doig.	24 November 2016
Scrutiny Committee	Policies and Procedures for Protective Marking of Documents and Management of Information.	Information Governance Board to make presentation.	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, Senior Policy Advisor on Communities and Partnership.	26 January 2016.
Scrutiny	The impact of third party use on the Local Authority’s road network, e.g. timber transportation and wind turbine transportation.		26 January 2016

Review Subjects to be considered/awaiting further information

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
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 secondary school education.	Donna Manson, Service Director Children & Young People will provide private updated.	Private Briefing for Members in September/October 2016. Cllr Gillespie to discuss with Ms Manson and advise at next meeting.
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 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 and 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
Councillor Nicol	Recycling Centres. Update on remarketing of goods for recycling at Community Recycling Centres, including how other authorities approached this.	Presentation by Jenni Craig, Service Director Neighbourhood Services and Ross Sharp-Dent, Waste Manager.	22 September 2016. Completed.
Councillor Cockburn	Asymmetric Week	Presentation by Donna Manson, Service Director Children & Young People, Ms M Strong, Chief Officer Education & Lifelong Learning; Mr P Fagan & Ms A M Bready, Headteachers.	22 September 2016. Completed.
Ettrick and Yarrow Community Council	Great Tapestry of Scotland Working Group – Report	Report by Scrutiny Committee Working Group, presented by Councillor Mountford	18 August 2016. Completed.
Greenlaw and Hume Community Council	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 Dona Manson, 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 of 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.

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date.
Councillor Logan	Support for Highly Able Learners in Schools	Presentation by Donna Manson, 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 legislation is applied to local festivals, in particular where the Council awards grants.	None.	24 March 2016. Completed.
Councillor Bhatia	Protection of Private Water Supplies – “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.”	Recommendation to be considered by Executive Committee on 22 March 2016.	18 February 2016. Completed.
Ettrick and Yarrow Community Council. Allocation of budgets for rural 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	None – briefing session	29 October 2015. Completed.
Scrutiny Committee	Faith Schools } } the same meeting.	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 to wish	14 October 2015. Completed.

		to pursue further.	
Source	Issue/Description	Stage	Scrutiny Committee Meeting Date.
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 Clare Malster, Strategic Community Engagement Officer	11 June 2015. Completed.
Scrutiny Committee	Presentations on Planning Enforcement and Building Inspection Regime.	Presentation from Alan Gueldner, Lead 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 & 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.

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

MINUTES of Meeting of the LIMITED
LIABILITY PARTNERSHIP - STRATEGIC
GOVERNANCE GROUP held in the Council
Chamber, Council Headquarters, Newtown
St Boswells on Thursday, 22nd September,
2016 at 2.00 pm

Present:- Councillors F. Renton (Chair), J. Brown, J. Greenwell, J. G. Mitchell and
B White. Ms K. Hamilton (NHS Borders).
In Attendance:- E Torrance (Chair Project Board), J Wilson (Chairman SB Cares), P Barr
(Managing Director SB Cares), D Collins (Finance and Commercial Director
SB Cares), L Crombie (Operations Director SB Cares), Paul Cathrow (Service
Development Manager SB Cares), Democratic Services Officer (P Bolson).

1. **WELCOME**

The Chairman opened the meeting of the Limited Liability Partnership Strategic Governance Group (LLPSGG). Introductions followed and the Chairman welcomed Ms Hamilton, representing NHS Borders, to her first meeting of the LLP SGG.

**DECISION
NOTED.**

2. **MINUTE**

There had been circulated copies of the Minute of the meeting of 17 May 2016.

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

3. **MATTER ARISING**

3.1 **Ability Equipment**

With reference to paragraph 4.2 of the Minute of 17 May 2016, the Service Development Manager SB Cares advised that the sale of stock continued via the Ability Store and that, with the development of a new building for the Store, improved facilities and increased sales were anticipated.

**DECISION
NOTED.**

4. **SB CARES BUDGET MONITORING AS AT 31 JULY 2016**

With reference to paragraph 4 of the Minute of 17 May 2016, there had been circulated copies of a report by the Finance and Commercial Director of SB Cares, informing Members of the financial position based on the actual income and expenditure at 31 July 2016. Members noted that a contribution of £22k had been achieved for the first four months of the financial year and that the target contribution for the whole year was £747k. Phase 1 of a programme of projects which included efficiencies and new business was well underway to deliver a forecast contribution of £200k and further work was being developed to deliver the remaining £473k in Phase 2. Detail of profit and loss within SB Cares up to 31 July 2016 was included in the report and Ms Collins acknowledged that there were challenges for SB Cares going forward to achieve the total target contribution. Ms Collins also explained that there was a time delay in the delivery of the financial contribution from Phase 1 and indicated that the full year effect would be delivered in 2017/18. In addition, SB Cares

Management Team was considering options of one-off contributions to meet the gap in Phase 1 contributions for 2016/17. Discussion followed and Members raised questions relating to proposed efficiencies and any associated risks. Officers confirmed that there would be no risk to service provision and that all appropriate protocols would be adhered to. In relation to arrangements made with Registered Social Landlords (RSLs), Members were advised that arrangements were in place whereby RSLs could purchase community alarms from SB Cares at a competitive price.

DECISION

NOTED:-

- (a) SB Cares financial position as at 31 July 2016;**
- (b) the progress being made to deliver the target contribution of £747k; and**
- (c) that the information would be shared with Scottish Borders Council to inform the revenue monitoring position.**

5. **SB CARES PERFORMANCE MONITORING** With reference to paragraph 5 of the Minute of 17 May 2016, there had been circulated copies of a report by the Financial and Commercial Director of SB Cares updating Members on the development of SB Cares Key Performance Indicators (KPIs) to monitor the delivery of its Business Plan and contract performance. The report explained that five Strategic KPIs had been developed to monitor delivery of SB Cares' Business Plan and these were detailed in Appendix 1 to the report. Appendix 2 specified the KPIs for monitoring the contract between SB Cares and SBC and Appendix 3 provided an assessment of SB Cares' current position. Further work was in progress to develop the reporting process and data currently recorded manually would be included in the system as appropriate to ensure that all performance reporting requirements were met. It was reported that the absence rate for the rolling year up to end of August had shown a reduction from 7.7 to 6.4. This took account of staff who had been absent previously and who had now left SB Cares as a result of the absence management process. With regard to the Care Inspectorate grades, SB Cares had achieved 80% overall to meet the standard for Good or above, ranging from 100% in Day Services to 77% for Care at Home and 73% in Care Homes. Further information in relation to the KPIs would be available in November 2016.

DECISION

- (a) NOTED the progress being made to monitor SB Cares contractual performance.**
- (b) APPROVED the 5 Strategic KPI's to monitor the delivery of SB Cares Business Plan.**
- (c) AGREED that:-**
 - (i) performance reporting to the Limited Liability Partnership Strategic Governance Group for the 5 strategic KPI's and contract KPI's would commence from November 2016; and**
 - (ii) a development programme for the remaining contractual performance monitoring be brought to the meeting of the Limited Liability Partnership Strategic Governance Group in November 2016.**

6. **CARE INSPECTORATE**

- 6.1 With reference to paragraph 6 of the Minute of 17 May 2016, there had been circulated copies of a report by the Operations Director of SB Cares giving the updated position on the inspection of SB Care services by the Care Inspectorate. Ms Crombie advised that since the last report to LLP SGG in May 2016, the Care Inspectorate reports on Victoria Park, Home Care East and Home Care West had been finalised with no changes. Final

Reports for the Katharine Elliot Centre, the Ability Centre and Teviot Older People Day Services had also been received and action plans had been developed by these units to meet all requirements and recommendations. Details of the actions plans were included in Appendix 1 to the report. One further inspection was currently underway for Hawick Community Support Service and this would be reported to the LLP SGG in due course. Quarterly progress reporting to the LLP SGG on the delivery of all action plans would continue.

- 6.2 Members raised a number of points for clarification. With reference to Appendix 2 of the report, under "Quality of Management and Leadership" Members noted that the grading awarded was currently at 4 – Good, and asked whether any work was in progress to raise this to Grade 5 or above. Ms Crombie explained that SB Cares was looking into development of a management and leadership training programme and that further information would be presented in due course. On request by Members, more detail would be included in future reports relating to specific areas of scoring by the Care Inspectorate and the inclusion of an equalities paragraph would also be considered as appropriate. Ms Crombie also explained that the way in which Care Inspectorate reports were presented could be confusing, eg when a report on a service assigned grades of 5 – very good and 6 – excellent whilst still making 15 recommendations. Discussion followed in respect of applications to the Care Inspectorate for variations in the documentation to allow some level of flexibility in areas such as sharing of buildings and separate entrances. Following on from the preceding discussion, Members had requested that arrangements be made for them to visit one or more establishments to gain a deeper understanding of the issues being dealt with and it was noted that this would take place in October 2016. In response to a question relating to Care Inspectorate reports where there were no recommendations, Ms Crombie advised that SB Cares management would take account of the whole report to identify areas where they considered improvement could be made.

DECISION

NOTED:-

- (a) **the improved Care Inspectorate grades achieved by the Ability Centre and Teviot Day Services;**
- (b) **that the Katharine Elliot Centre had maintained Good and Very Good gradings;**
- (c) **that all actions identified for Katharine Elliot Centre, The Ability Centre and Teviot Day Services were being implemented to meet all requirements and recommendations;**
- (d) **the progress being made to deliver the requirements and recommendations set out in Appendix 1 to the report;**
- (e) **that SB Cares Management would continue to monitor the delivery of agreed action plans and report progress to the Limited Liability Partnership Strategic Governance Group on a quarterly basis.**

7. DATES OF FUTURE MEETINGS

Future meetings of the LLP SGG had been scheduled as follows:

8 November 2016;
7 February 2017;
7 March 2017; and
6 June 2017.

DECISION

NOTED the dates for scheduled meetings of the Limited Liability Partnership Strategic Governance Group.

8. DISCHARGE PROCESS

With reference to the discharge process for users of care at home services, Ms Crombie was asked how the process was managed within SB Cares. Members were advised that the whole process pathway was considered to ensure a smooth transition for the individual. Managers met weekly to discuss service requirements and it was emphasised that the preferred situation was to prevent the initial hospital admission in the first instance. Discussion followed and Members were advised of the complexities of discharge and how different agencies, families and service users contributed to the process to ensure that need corresponded to provision in the most efficient and effective way.

**DECISION
NOTED.**

**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 contained in the following items on the ground that they involved the likely disclosure of exempt information as defined in paragraphs 6 and 8 of the part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

10. MINUTE

Members approved the Private Section of the Minute of 17 May 2016.

11. SB CARES BUSINESS PLAN DELIVERY 2016/17

Members considered the Business Plan for SB Cares for the period 2016/17.

The meeting concluded at 3.30 pm

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, 23 September
2016 at 11.30 a.m.

Present:- Councillors W. Archibald (Chairman), J. Campbell, J. Greenwell, G. Logan,
D. Paterson, R. Stewart, , B. White.
Apologies:- B. Herd, J. Torrance, T. Weatherston.
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 T.
Hodges, P.C P. Robertson, - Police Scotland.

1. **MINUTE**

The Minute of the Meeting of 19 August 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 11 August 2016 and 14
September 2016.

DECISION

NOTED.

3. **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

GRANT OF TAXI DRIVER LICENCE – KRISTIAN DOBSON

1. In the absence of Mr Dobson, the Committee agreed to continue consideration of the
application to the next meeting.

2. **GRANT OF TAXI DRIVER LICENCE – MARIUSZ KORLAGA**

The Committee considered an application from Mariusz Korlaga for the grant of a Taxi
Driver Licence and agreed that the application be refused.

3. **REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE – GRZEGORZ
RABCEWICZ**

The Committee considered a request to suspend the Taxi Driver Licence and agreed to
continue the suspension until the outcome of a pending Court case.

4. **RENEWAL OF TAXI DRIVER LICENCE – COLIN MCLAREN**

The Committee considered an application from Colin McLaren for the renewal of a Taxi Driver Licence and agreed that the matter be continued with delegated powers for further information otherwise referred to a future meeting.

5. **GRANT OF STREET TRADER LICENCE – EDWARD MILLER**

The Committee considered an application from Edward Miller for the grant of a Street Trader Licence and agreed that the application be refused.

MINUTE

6. The Private section of the Minute of 19 August was approved.

The meeting concluded at 12.50 p.m.

SCOTTISH BORDERS COUNCIL AUDIT AND RISK

MINUTES of Meeting of the AUDIT AND RISK held in Council Chamber, Council Headquarters, Council Headquarters, Newtown St Boswells on Monday, 26 September 2016 at 10.15 am

Present:- Councillors M. Ballantyne (Chair), B White (Vice-Chairman), J. Campbell, I. Gillespie, A. J. Nicol and M Middlemiss. Mr M. Middlemiss.
Apologies:- Councillor S. Scott. Mr H. Walpole.S. Scott and H Walpole
In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk (from Item 8), Capital and Investments Manager, Democratic Services Officer (P Bolson); Mr H Harvie – KPMG and Mr M. Swann – KPMG.

1. WELCOME AND INTRODUCTIONS

The Chairman welcomed those present to the meeting and introduced Mr Asif Haseeb from Audit Scotland who would now represent the Council's external auditors on the Audit and Risk Committee.

**DECISION
NOTED.**

2. ORDER OF BUSINESS

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

3. MINUTE.

3.1 There had been circulated copies of the Minute of 28 June 2016.

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

3.2 With reference to the decision at paragraph 3(b) of the Minute of 28 June 2016, it was noted that the informal briefing on Management's utilisation of Covalent as a tool in respect of Risk Management had taken place.

**DECISION
NOTED.**

4. SCOTTISH BORDERS COUNCIL ANNUAL AUDIT REPORT 2015/16.

4.1 There had been circulated copies of the Scottish Borders Council Annual Audit report from the Council's External Auditors, KPMG. The report summarised the findings of KPMG in relation to the audit of Scottish Borders Council for the year ended 31 March 2016, highlighting the key issues and financial position. In respect of the financial reporting framework, legislation and reporting requirements, KPMG expected to issue an unqualified audit opinion for 2015/16. KPMG's report also presented information on financial sustainability; governance and transparency; financial management and value for money. Only minor internal control deficiencies had been identified and these were outlined in Appendix 6 to the report. The report concluded that Scottish Borders Council had engaged in the National Fraud Initiative (NFI) 2014/15 and recognised that improvement had been achieved during 2015/16 though no alleged or actual fraud had been identified through the NFI in the current year. Appropriate arrangements were in place for both securing Best Value and monitoring ALEOs and following the public pound.

Governance and transparency were considered to be operating appropriately, with an observation that national guidance on establishing a clear and documented process in respect of compromise agreements would be beneficial.

- 4.2 Mr Harvie of KPMG provided clarification to Members on a number of points within the report and Members noted that details in respect of compromise agreements and financial packages might not be in the public domain due to the commercial sensitivity of information. In response to a question on financial risk, the Chief Financial Officer advised that the Council continued to operate within the lowest quartile of Scottish Local Authorities. Discussion followed in relation to the level and utilisation of the Council's Financial Reserves and in terms of financial planning in general. A Scottish Government-led programme to revalue assets was introduced from 1 April 2016 with a new Accounting Code due for publication in April 2017. Implementation of this programme would present a considerable challenge for Local Authorities and Members would receive further information in due course. The Chairman thanked KPMG and the Council's Finance Service staff involved in presenting this very positive report.

DECISION

NOTED the Annual Audit Report from the Council's External Auditors.

5. **SCOTTISH BORDERS COUNCIL PENSION FUND ANNUAL AUDIT REPORT 2015/16; ANNUAL REPORT AND ACCOUNTS 2015/16**
- 5.1 With reference to paragraph 8 of the Minute of 28 June 2016, there had been circulated copies of the above reports in respect of the Scottish Borders Council Pension Fund. The Chairman advised that, as these reports were closely connected, they would be considered as a single item.
- 5.2 With reference to the Annual Audit report, Mr Harvie of KPMG advised that all benchmarks within the remit of the report had been met. Councillor White, Chairman of the Pension Fund Committee, further advised that benchmarking returns had increased, the Pension Fund was currently outperforming and that this was partly as a result of the Fund diversifying over a number of years. In response to a question about the increase of £0.4m in management expenses, the Chief Financial Officer explained the method by which payments to Fund Managers were calculated and advised that these amounts could vary throughout any given year.
- 5.3 With reference to paragraph 8 of the Minute of 28 June 2016, there had been circulated copies of a report by the Chief Financial Officer presenting the finalised Pension Fund Annual Report and Financial Statements for 2015/16. Members noted that the draft report had been previously presented to the Committee and agreed to endorse the final version.

DECISION

NOTED the reports.

6. **SCOTTISH BORDERS COUNCIL ANNUAL ACCOUNTS 2015/16**
- With reference to paragraph 7 of the Minute of 28 June 2016, there had been circulated copies of a report by the Chief Financial Officer presenting the Council's audited Annual Accounts for 2015/16. The report explained that KPMG, the Council's external auditors, had now completed the audit of the Council's Annual Accounts for 2015/16 and had given an unqualified audit opinion in all cases. In addition, KPMG concluded positively on the high quality of working papers; management's accounting treatment and judgements; and in respect of financial sustainability, financial management, governance, transparency and value for money.

DECISION

AGREED to approve the following for signature by the appropriate individuals:-

- (a) the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 1 to the report;
- (b) the Scottish Borders Council's Pension Fund audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 2 to the report;
- (c) the Scottish Borders Council Common Good Funds' (Charity SC031538) audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 3 to the report;
- (d) the SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 4(i) to the report;
- (e) the SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 4(ii) to the report;
- (f) the SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 4(iii) to the report;
- (g) the Thomas Howden Wildlife Trust (Charity SC015647) audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 4(iv) to the report;
- (h) the Ormiston Trust for Institute Fund (Charity SC019162) audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 4(v) to the report;
- (i) the Scottish Borders Council Charity Funds' (Charity SC043896) audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 4(vi) to the report;
- (j) the Bridge Homes LLP audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 5 to the report;
- (k) the SB Supports audited Annual Accounts for the year to 31 March 2016 as detailed in Appendix 6 (i) to the report; and
- (l) the SB Cares audited Annual Accounts for the year to the 31 March 2016 as detailed in Appendix 6 (ii) to the report.

7. SCOTTISH BORDERS HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD - ANNUAL AUDIT REPORT 2015/16; ANNUAL REPORT AND ACCOUNTS 2015/16; FINANCIAL GOVERNANCE AND MANAGEMENT

7.1 There had been circulated copies of the above reports in respect of the Health and Social Care Integration Joint Board (IJB). The Chairman advised that, as these reports were closely connected, all three would be considered as a single item.

7.2 Mr Harvie and Mr Swann introduced the first KPMG Annual Audit report since the Board was established and as such were brief but included all required information. The IJB was in a positive position after its first year and all parties continued to work in partnership. The key challenge would be to ensure and maintain effective budget management going forward and this would continue to be monitored. KPMG expected to issue an unqualified audit opinion with recommendations only within the area of financial sustainability, namely that: the IJB should agree funding levels for 2017/18 and 2018/19 to allow for budget setting and planning; plans should be in place as a matter of urgency for efficiency savings; budget provision should also be in place for areas of emerging pressures with a Risk Register established for monitoring of financial risks; and budget

and financial plans should be updated regularly to reflect these risks. Mr McMenam, Interim Chief Financial Officer IJB, was in attendance and confirmed that the Risk Register was now in the final stages of development.

- 7.3 Mr McMenam advised that this first Annual Report of the IJB provided an update on the process of production, audit and approval of IJB accounts for the period to 31 March 2016. This laid the foundation for future reports and was compliant with the Code of Practice. Further information would be included in subsequent reports as the Board developed and Mr McMenam acknowledged that there were substantial financial challenges to be faced going forward. Members were advised that the report which would be presented to the IJB on 17 October 2016 would include detail in respect of the direction and resources available; and services commissioned and the resources in place to meet such commitments. The IJB would also require to develop a new Strategic Plan with clear priorities set for the future. There was discussion around the timetables for the different budget setting processes for the Council and NHS Borders. Mr McMenam confirmed that pressures and priorities would be reflected within these timetables.
- 7.4 Mr McMenam advised that the report on the IJB Financial Governance and Management provided an update on the progress within the Health and Social Care Integration Programme (HSCIP) in relation to compliance with the legislative provisions within The Public Bodies (Joint Working) Scotland Act 2014 and the subsequent recommended best practice guidance issued by the Scottish Government/Integrated Resources Advisory Group (IRAG). The provisions related to the establishment of arrangements for Financial Governance and Management within NHS Borders, Scottish Borders Council and the Scottish Borders Health and Social Care Partnership. Members noted that there were 69 key finance-related provisions/recommendations within the IRAG guidance that required consideration. These were detailed in Appendix 1 to the report. The report also detailed the current "RAG" ratings for all Actions with the timescales for progressing and completion as appropriate. It was noted that 8 provisions did not currently apply, 36 were complete and the remaining provisions were within the red, amber or yellow categories. Members requested clarification on the IJB Audit Committee management arrangements. Ms Stacey advised that governance for the IJB Audit Committee was now in place, with membership comprising two members from each SBC and NHS Borders, none of whom could hold the post of Chair of the IJB. It was noted that membership of the IJB Audit Committee was drawn from the full IJB and there was some concern over potential conflicts of interests. Members were assured that appropriate governance arrangements were in place and that proper evaluation would be undertaken to ensure that there were no conflicts of interests. Discussion in relation to financial planning followed and it was noted that meetings would take place between the Chair of the IJB and the Chairs of SBC and NHS Audit Committees to ensure clarity and understanding.

**DECISION
NOTED:-**

- (a) Scottish Borders Health and Social Care Integration Joint Board Annual Audit Report 2015/16 from the Council's external auditors;**
- (b) the draft Statement of Accounts for the operating activities of the Scottish Borders Health and Social Care Integration Joint Board from the period of its establishment (6 February 2016) to 31 March 2016;**
- (c) the further progress made to date in the development and implementation of the financial and governance arrangements which require to be in place across NHS Borders, Scottish Borders Council and the Health and Social Care Partnership; and**

- (d) **the Scottish Borders Health and Social Care Integration Joint Board plan of actions for the remaining work to be completed during the remainder of 2016/17.**

MEMBER

Councillor White left the meeting during consideration of the above item of business.

8. ANNUAL TREASURY MANAGEMENT REPORT 2015/16

- 8.1 With reference to paragraph 7 of the Minute of 29 September 2015, there had been circulated copies of a report by the Chief Financial Officer presenting the annual report of treasury management activities undertaken during 2015/16 financial year to the Audit and Risk Committee for review as part of their scrutiny role in relation to treasury management activities in the Council. The CIPFA Code of Practice on Treasury Management in the Public Services required an annual report on treasury management to be submitted to Council following the end of the financial year. Appendix 1 to the report comprised the annual treasury management report for 2015/16 and contained an analysis of performance against target set in relation to Prudential and Treasury Management Indicators. All of the performance comparisons reported upon were based on the revised indicators agreed as part of the mid-year report approved on 17 December 2015.
- 8.2 The report advised that the Council's actual capital expenditure for 2015/16 was £45m which was £5.7m less than estimated and further detail was included in the Appendix to the report. The Appendix also showed the Council's borrowing requirement to fund capital investment undertaken during 2015/16, how much the Council actually borrowed against the sums budgeted and the level of external debt carried on the Council's balance sheet within approved limits. The Council had, whenever possible, deferred borrowing and used surplus cash rather than undertake additional long term borrowing during the year. Treasury management activity had been undertaken in compliance with approved policy and the Code and the Council remained under-borrowed against its Capital Financing Requirement (CFR) as at 31 March 2016.
- 8.3 Members requested further explanation of "spend to save" and officers suggested examples of when this was best demonstrated. The SLEEP programme for the replacement of street lights and the programme of replacement windows were projects where initial spend was required in order to save in the longer term.

DECISION

- (a) **NOTED that treasury management activity in the year to 31 March 2016 was carried out in compliance with the approved Treasury Management Strategy and Policy.**
- (b) **AGREED that the Annual Treasury Management Report 2015/16, as detailed in Appendix 1 to the report, be presented to Council.**

9. INTERNAL AUDIT WORK TO AUGUST 2016.

- 9.1 With reference to paragraph 5 of the Minute of 9 May 2016, there had been circulated copies of a report by the Chief Officer Audit and Risk which provided details of the recent work carried out by Internal Audit, the recommended audit actions agreed by management to improve internal controls and governance arrangements and internal audit work currently in progress. The work carried out by Internal Audit during the period 1 April to 31 August 2016 was detailed in the Appendix to the report and it was noted that during the current period, a total of six final internal audit reports had been issued, namely: Performance Management – Statutory Performance Indicators (SPIs) and Local Government Benchmarking Framework (LGBF); Revenues (Council Tax); Selkirk Conservation Area Regeneration (CARs) Scheme; Carbon Management Programme; Public Services Network (PSN) compliance; and ICT Change Programme (previously ICT Review Project). No recommendations had been made. An executive summary of the final internal audit reports issued, including audit objectives, findings, good practice,

recommendations and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was included in the Appendix to the report. Area of work in progress included LEADER Grants Compliance with SLA; European Maritime Fisheries Fund Compliance with SLA; Procure to Pay; Salaries and Expenses; and Schools. The Chief Officer Audit and Risk summarised other consultancy work that Internal Audit had been involved with and Members noted that Internal Audit's restructuring had now taken place.

- 9.2 Reference was made to paragraph 3.5.3 of the report in respect of Covalent and how outstanding and overdue audit recommendations were reviewed. It was noted that Internal Audit was satisfied that progress had been made to implement previous recommendations and that appropriate control mechanisms were in place. A mid-term report by Internal Audit would identify any outstanding recommendations and where progress had been less than anticipated. Discussion followed in respect of management of the contract with CGI. Members were advised that this would transfer to the Chief Financial Officer in due course and that cognisance would be taken of legal, financial and risk requirements.

DECISION

NOTED the recent work carried out by Internal Audit and the work currently in progress.

10. **THANKS**

As this was the final meeting of the Audit and Risk Committee that Mr Harvie and Mr Swann would attend on behalf of KPMG, signifying the end of their 5-year external auditor appointment, the Chairman thanked them for their attendance at meetings on behalf of the Members.

DECISION

NOTED.

11. **FUTURE MEETING DATES**

The scheduled dates for future meetings of the Audit and Risk Committee were as follows:-

14 November 2016;
16 January 2017;
28 March 2017; and
27 June 2017.

The meeting concluded at 12.25 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.

- 1 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.
- 2 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

- 1 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.
- 2 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
- 3 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'.
- 4 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, TD6 0SA on Tuesday, 4 October 2016 at 10 a.m.

Present:- Councillors S. Bell (Chairman – Economic Development Business), D. Parker, (Chairman - Other Business), J. Brown, M. J. Cook, V. Davidson (during para 1.1), G. Edgar, J. Mitchell, D. Moffat, D. Paterson, F. Renton.

Also Present:- Councillors I. Gillespie, W. McAteer, A. Nicol, G. Turnbull.

Apologies:- Councillors S. Aitchison, C. Bhatia, R. Smith. Mr. J. Clark.

In Attendance:- Corporate Transformation and Services Director, Chief Officer Economic Development, Service Director Neighbourhood Services, Clerk to the Council, Democratic Services Officer (K. Mason).

ECONOMIC DEVELOPMENT BUSINESS

Present: Mr B. Simpson, Mr G. Henderson

CHAIRMAN

Councillor Bell chaired the meeting for consideration of the Economic Development business. He advised that, in terms of the Scheme of Administration, Mr Simpson – who was attending instead of Mr Clark - could not contribute to the meeting but merely note the proceedings as substitutes were not allowed.

1. ECONOMIC DEVELOPMENT

- 1.1 With reference to paragraph 1 of the Minute of 10 May 2016, there had been circulated copies of a briefing note providing an update on recent Economic Development activities. The Chief Officer Economic Development, Mr Bryan McGrath, referred to the paper and highlighted the main points. Under the Business section of the update it was reported that for the period 1 April 2016 to 31 August 2016 the Business Gateway team assisted 83 business start-ups, of which 5 had the potential to be high growth. The advisers had delivered 31 start-up workshops and 21 Growth workshops with 299 attendees. Officers continued to work with partners on the actions contained in the Hawick Action Plan which included identifying buildings for future development, a workshop with Tourism Businesses on 26 September, survey work and a focus group to discuss the future of the High Street. This work had resulted in an announcement from the Scottish Government of significant capital investment.
- 1.2 In terms of Tourism and Events, the “runaway seat” campaign ran from the 2 – 8 August, involving a train seat being placed at secret locations around Edinburgh, Midlothian and the Borders. Using Social media and through the website, people were asked to help find it, and if they did so, upload a picture on Twitter using the #RunawaySeat which entered them into a prize draw. A partnership of Midlothian and Scottish Borders tourism groups had successfully secured funding to deliver a two year business to business project between both areas. The project would start on 1 November, would have a dedicated PM and Tourism business advisor and would deliver: (a) a travel trade development programme; (b) joint packaging and ticketing for the Railway; (c) World Host Training for businesses in both area; (d) digital tourism training; (e) digital apps; and (f) fam trips, market research and benchmarking. There had been a good response to the Scottish Borders Tourism Cycling Strategy consultation. A final version of this would be brought to the Executive Committee at the beginning of November.

- 1.3 In terms of funding, the LEADER Local Action Group met in July 2016 and approved grant funding of £74,739 to three projects, with total project values of £145,859. Two approvals were for community groups, the third was grant funding for a rural business and a fourth community group application was rejected by the panel. Applications for Round 2 closed on 31 August and five project applications for funding would be considered by the Local Action Group at its meeting in October. The first round of applications to the Forth Fisheries Local Action Group for grant finance from the European Maritime Fisheries Fund would be considered at the Group's meeting in October 2016. The Scottish Government had confirmed funding for the Scotland's Employer Recruitment Incentive (SERI) Scheme in 2016/17. The Scheme was relaunched on 1 April, targeting young people with multiple barriers to employment. Barnardo's Works had been contracted to deliver this scheme, eight places were allocated and five places had been filled to date.
- 1.4 During the discussions which took place it was noted that some of the directional cycling route signs were faded and Members were advised that signage improvement would be included in the cycling tourism strategy, which aimed to pull together all the different elements which cycling had to offer. It was confirmed that the Business Gateway workshops operated on a peripatetic basis which was why they were held in Galashiels and Eyemouth this time, with workshops due to take place in other towns in future. The local business loan fund was being replaced by the Business Loans Scotland fund, although there had been a slight delay in that coming on stream. The shopfront improvements scheme in Galashiels had now finished and the Galashiels Town Centre Co-ordinator was also coming to an end. It was confirmed that there was a commitment from Transport Scotland to run steam trains to the Borders and while the Council could try to influence further charter trains coming to the Borders, it could not control the routes used by the individual charter companies. It was reported that at a meeting of the Cultural Forum held the previous evening, the Forum was still asking for a meeting with railway operators regarding the promotion of arts and crafts in the area and the Corporate Transformation and Services Director advised he would instruct an Officer to take this forward.

DECISION

NOTED the update.

2. ST ABBS HARBOUR CAR PARK MANAGEMENT - UPDATE

With reference to paragraph 8 of the Minute of 16 August 2011, there had been circulated copies of a report by the Corporate Transformation and Services Director which presented information on the current car park management agreement with St Abbs Harbour Trust and proposed to extend the agreement beyond April 2017 for a period of 10 years. The successful integration of car park management arrangements at St Abbs had enabled the Harbour Trustees to develop a programme of maintenance work and infrastructure improvements at the Harbour, which benefitted Harbour users, visitors and the local community. Car park income, collected by the Trust, had been used to part-fund these works which had made the Harbour a safer and more attractive place for commercial and leisure users. Average annual expenditure on repairs and maintenance was now in the region of £22k, and the Trustees were developing an ongoing programme of Harbour improvements. The Trust had requested an extension to the car park management agreement to part-fund this programme. The current car park management agreement ended on 31 March 2017 so it was proposed to extend the agreement to 31 March 2027, subject to 3-yearly reviews. In response to a question raised, the Principal Officer (Rural Development), advised that he was not aware of any significant difficulties relating to the signage within the car park about charges for parking.

DECISION

- (a) NOTED the content of the St Abbs Harbour Trust car park management report for the period to 31 October 2015.**

- (b) **AGREED to extend the car park management agreement beyond 31 March 2017 for a period of 10 years to 31 March 2027, subject to 3-yearly reviews.**

3. **TOWN CENTRE REGENERATION**

There had been circulated copies of a report by the Corporate Transformation and Services Director about future actions in relation to town centres. The report updated members on recent activity and recommended a potential change to the Council's approach to town centre regeneration. The review of recent activity included the Galashiels Town Centre Manager Role. A new Town Centre Resilience Index was proposed measuring a range of regularly collected statistics in order to better understand each town and to provide an objective basis for prioritising public sector interventions. Finally it was proposed to establish a new three year rolling town centre action plan to be approved on annual basis following consultation with stakeholders. A suggestion was made that it might be helpful for members to have a copy of the Ryden LLP Report on Town Centres Retail Study and the Chief Officer Economic Development undertook to circulate this. Discussions took place in respect of Appendix 3 to the report – Town Index 31 August 2016 – Extract, with Members referencing towns within their own Wards. Some of the measures/criteria needed further refinement and Members unanimously agreed to an amendment to the recommendation at paragraph 2.1(a) in the report "...and agrees to use the Index to prioritise its town centre interventions and investments" in that this be amended to read "...and agrees that this be refined and updated on an ongoing basis for use in prioritising its town centre interventions and investments".

DECISION

- (a) **NOTED the development of a new Town Centre Resilience Index, detailed in Appendix 3 to the report, and agreed that this be refined and updated on an ongoing basis for use in prioritising its town centre interventions and investments.**
- (b) **AGREED to establish a rolling three year Town Centre Action Plan to be approved on an annual basis, no later than 31 March each year, and monitored by the Economic Development Executive on a quarterly basis. The first such Action Plan to be approved by 31 March 2017 following consultation as detailed in paragraph 5.8 of the report.**

4. **JEDBURGH CONSERVATION AREA REGENERATION SCHEME (CARS)**

There had been circulated copies of a report by the Corporate Transformation and Services Director updating the Committee on progress of the development of a potential Jedburgh Conservation Area Regeneration Scheme (CARS). The report sought formal approval for a funding bid to Historic Environment Scotland (HES), formerly Historic Scotland. Jedburgh town centre had declined since 2008 with reduced footfall, significant retail leakage and increasing vacancy rates. There had also been an increase in the number of buildings in the core of the town centre which had significantly deteriorated and were considered to have critical issues with external fabric and stonework. Following the model used for other successful heritage based town centre initiatives in Kelso and Selkirk, a heritage focused regeneration proposal had been developed for Jedburgh. The proposal would seek to begin to reverse the decline by conserving and enhancing key properties within the Jedburgh Conservation Area and act as a catalyst for wider regeneration in the town. The proposal included a five year programme of works from 2017/18 – 2021/22 with a total project budget of eligible costs of £1,327,000. Officers were thanked for the speed in which proposals for the Scheme had been progressed.

DECISION

AGREED:

- (a) **to approve the proposed bid for a Jedburgh Conservation Area Regeneration Scheme on the basis of match funding contributions from the Council of £150,000 from the Council's Revenue budget and £50,000 from within the Capital Programme; and**

- (b) **to formally approve the funding bid to Historic Environment Scotland CARS Programme.**

5. **HAWICK HIGH STREET – NON-DOMESTIC RATES REVIEW AND LOAN PROPOSAL**

There had been circulated copies of a joint report by the Corporate Transformation and Services Director and the Service Director Neighbourhood Services providing a review of Hawick Town Centre Non-Domestic Rates and proposing a Business Loan and Grant Scheme. Officers had undertaken a detailed review of Non Domestic Rates payable by businesses in Hawick High Street, and the Reliefs already in place. Officers had also reviewed a submission from Future Hawick on the matter. The review concluded that a pilot Non Domestic Rates Local Relief Scheme for Hawick High Street should not be pursued. The extensive reliefs from non-domestic rates already available such as Small Business Bonus Scheme, Empty Relief exemption for listed buildings and Fresh Start Relief would, it was considered, largely negate the effectiveness of the Scheme. Instead, a Scheme based on business loans and grants should be put in place. The High Street Loan Scheme proposed would be targeted at the subdivision of existing larger retail units, improving their attractiveness for letting, as well as a grant incentive for businesses to relocate to the newly formed premises. The Chief Officer Economic Development answered questions relating to the control of rental costs and the recently announced Scottish Government funding, which was targeted at a much wider area than the High Street. During the discussions it was noted that Dunfermline was a good example of changing premises into smaller units, and the closing date for comments being lodged to the Barclay Review about business rates in Scotland was 7 October 2016.

DECISION

AGREED that:-

- (a) **a new initiative as an initial pilot for 2017/18 should be put in place to support property owners in Hawick to appropriately divide key vacant units in order to make them more lettable in the new economic climate as proposed in section 7 of the report; and**
- (b) **the Corporate Transformation and Services Director present a report in due course on the success of the new initiative.**

OTHER BUSINESS

6. **CHAIRMAN**

Councillor Parker chaired the meeting.

7. **MINUTE**

The Minute of meeting of the Executive Committee of 20 September 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman, subject to amending the sederunt as Councillor Gillespie's name appeared twice.

8. **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 and 9 of part 1 of schedule 7A to the Act.

9. **Minute**

The Committee approved the Private Minute of 20 September 2016.

The meeting concluded at 11.20 a.m.

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SCOTTISH BORDERS COUNCIL PETITIONS AND DEPUTATIONS COMMITTEE

MINUTE of Meeting of the PETITIONS AND DEPUTATIONS COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells, on Thursday, 6 October, 2016 at 10.00 am

Present:- Councillors A. J. Nicol (Chairman), D. Paterson, J. Torrance and T. Weatherston

Apologies:- Councillors S. Bell and D. Parker

Also Present:- Councillors W. McAteer, S. Marshall, G. Turnbull.

In Attendance:- Team Leader – Road Safety and Traffic Management, Assistant Engineer Traffic and Road Safety, Clerk to the Council, Democratic Services Officer (F. Walling).

Deputation:- Mr Derick Tait (Chairman – Future Hawick), Mr Lindsay Grieve, Mrs Libby Potts.

CHAIRMAN

The Chairman welcomed Mr Derick Tait, Mr Lindsay Grieve and Mrs Libby Potts to the meeting and asked for a round of introductions from the Members and officers present.

1. **MINUTE**

There had been circulated copies of the Minute of 31 May 2016.

DECISION

APPROVED and signed by the Chairman.

2. **THE DEPUTATIONS PROCEDURE**

There had been circulated copies of an extract from the Scottish Borders Council Deputations Procedure which set out the process to be followed at the meeting.

DECISION

NOTED.

3. **PARKING PROBLEMS ON HAWICK HIGH STREET**

There had been circulated copies of a deputation received from the organisation Future Hawick, regarding parking problems on Hawick High Street. There had also been circulated copies of a briefing note by the Depute Chief Executive (Place) in response. It was stated within the deputation submission form that the removal of the warden service had seen a marked increase in the abuse of parking regulations on Hawick High Street, to such an extent that it was having a detrimental effect on High Street businesses and that a solution was required. The deputation was presented at the meeting by Derick Tait, Chairman of Future Hawick. He explained that parking regulations were constantly flouted in Hawick and that the parking problems in the High Street had become a regular topic for discussion at meetings of Area Forums, Community Councils and Future Hawick, and were a constant feature in the local press. Correspondence with local Community Policing Inspector Carol Wood advised that present levels of policing did not have the capacity to enable more than random enforcement. Mr Tait referred to the 3-day survey carried out by the Council as detailed in the Depute Chief Executive's briefing note. He pointed out that the survey was a general overview that did not deal with specifics. It did not cover early morning or late afternoon periods and the recording circuits were not

relevant to the 30 minute restrictions in place. He was also very surprised that there was no record of double parking. A survey carried out by Future Hawick had showed instances of congested parking on single and double yellow lines; all-day parking by residents and visitors; over-long loading and unloading procedures; parking in designated loading bays and bus stops; double parking preventing through traffic; and parking at or near road junctions preventing vehicle access. When combined, these issues posed serious problems, for emergency vehicles for example, and resulted in a decreased footfall on Hawick High Street at a time when a lot of businesses were suffering an economic downturn. Businesses were trying to deal with the situation by contacting the police and in some cases had placed their own 'warning notices' on vehicles, but to little avail. The situation had reached the stage where action was required. Mr Tait also produced a report of a meeting of residents and business owners on 26 November 2015 which provided a list of specific examples of ignoring parking regulations and the resulting problems caused in the High Street. He emphasised that businesses were having to deal with a situation which was not of their making. They paid their rates and needed more consideration by the Council.

- 3.2 Lindsay Grieve, proprietor of a butcher's shop in the High Street, reiterated the fact that the problems had increased since the removal of the Traffic Warden Service. A survey of sales carried out by his wife had proved that the business was losing trade due to the inability for customers to park outside or near the shop. Many cars near the shop were noted to be parked all day and longer. A phone call to police about a van parked outside the shop for 4 days did not result in a fixed penalty ticket as the van was moved before the police arrived. It was not possible for police to enforce parking regulations if they were not present to record the length of time vehicles had been left. When Mr Grieve took action and placed cones outside his shop to reserve parking space for a delivery van that was expected, he himself was reported to the police. Mr Grieve accepted that many of the cars that were parked all day on the street belonged to owners or staff of shops on the High Street. He also referred to Council staff at the Town Hall and pointed out that there tended to be an abundance of cars when people attended meetings there. Libby Potts owned a pet shop on the side of the High Street that was subject to parking regulations that restricted parking until after 10 am to allow for deliveries. She told the Committee that these restrictions were never followed and that the side of the street was full of vehicles by 9 am. This caused particular problems for deliveries to her shop, exacerbated by the fact that the type of goods involved were heavy e.g. 25kg bags of bird feed. This very often resulted in the need for double-parking, which obstructed the road, or the requirement to carry goods over a long distance and leaving the shop unattended as a consequence. It was noted that a Traffic Regulation Order was currently being processed by the Council to put in a loading bay outside the shop but Mrs Potts had observed that a loading bay in another part of the High Street was not being respected. She confirmed that trade at the pet shop was being lost due to lack of parking and that staffing levels were being affected as a result. Customers had told her that they had driven several times down the High Street and, as there were no parking spaces, had finally gone to a supermarket instead.
- 3.3 Councillors sympathised with the situation. In response to a question about any connection between the one-way system and the parking problems being experienced, Councillors were told that although initially against the one-way system business-owners now believed this did alleviate previous traffic problems. However, it was not the one-way system that had increased the parking problems but the removal of the traffic wardens. With regard to whether police seen patrolling the street were actually issuing penalty tickets where parking regulations were contravened, Mr Tait believed that police action in this respect tended to be reactive rather than proactive and police could only do as much as resources allowed. Generally police took action only if the offending vehicle was causing an obstruction.
- 3.4 The Council's response to the deputation was presented by Jim McQuillin, Team Leader for Road Safety and Traffic Management and Russell Cramb, Assistant Engineer Traffic and Road Safety. Mr McQuillin referred to the briefing note which gave the background

to the review of on-street parking and traffic management. In February 2014 Police Scotland withdrew their Traffic Warden Service in Scotland. On-street parking transgressions in the SBC area remained a criminal offence and enforcement responsibility lay solely with Police Scotland regardless of the fact that they no longer had a dedicated Traffic Warden Service. It was explained that Decriminalised Parking Enforcement (DPE) was a regime which enabled a local authority to administer its own parking penalties. In areas with DPE, stationary traffic offences ceased to be criminal offences enforced by the police and instead became civil penalties enforced by the local authority. DPE could only be introduced on an authority wide basis. There was no mechanism for pilot studies or permanent schemes on a reduced area or town by town basis. It was however entirely up to individual local authorities how it applied its resources once DPE was introduced. An alternative to DPE was to use The Police and Fire (Reform) Act 2012 as a mechanism to require the police to address parking enforcement as part of the local policing plan. This would be in addition to any current enforcement that was being undertaken. The Council was currently considering its position with regard to the future management of on-street parking and it was hoped a decision would be made on this in the near future. The Council had agreed at its meeting of 29 June 2016 to undertake parking surveys at key town centres across the Scottish Borders to establish the scale of the problem prior to recommending a way forward.

- 3.5 In Hawick the surveys were undertaken on 3 consecutive days starting on Thursday 11 August 2016. Pre-warning of the survey was not given to business owners as this may have distorted the results. The findings were as follows:

Occupancy Levels:

In overall terms the town centre was at times close to, but always below capacity. The High Street itself was typically at between 80% and 90% of capacity on weekdays and somewhat less than that on a Saturday.

Length of Stay:

Generally, this was very positive with a significant majority (85%) of vehicles only staying for under an hour at a time. Where there were exceptions to this it tended to be for much longer periods, often for the whole 8 hour survey period.

Turnover Levels:

This was mixed across the area with poor turnover in O'Connell Street, but reasonable to good turnover in most of the High Street and the north side of Bourtree Place.

Observations on Restricted Parking:

There were a number of observations of parking on double yellow lines but in the main most restricted sections were actually quite well observed. A marked exception to this was a 26 metre length on High Street where there was much more regular abuse. Officers indicated the stretch in question on a map they produced at the meeting. With the occasional exception, those observed as parking on either double yellow lines or a single yellow line were gone by the time of the next recording circuit (i.e. within the half hour). There was also observance of vehicles parked - or waiting - on zig-zag markings, keep clears and disabled bays when not entitled to do so. Again this tended to be for short periods.

- 3.6 Unfortunately there was no comparable survey in Hawick prior to the removal of traffic wardens. Comparison between before and after on-street parking studies in Peebles High Street and Eastgate however, suggested that the withdrawal of traffic wardens had not had as big an impact as was generally perceived and parking habits had not actually changed significantly over the period. Officers recommended that the Committee took no further action at this stage and that it allowed the Council to take a view on the preferred way forward in relation to on-street parking and traffic management when a report came before it in November. It was noted that the use of a disc parking scheme in some areas was one of the measures under consideration and that, if introduced, should assist in the enforcement of parking restrictions.

- 3.7 With regard to length of stay findings, Mr Tait asked the officers if the survey had revealed figures for the percentage of cars parked for under 30 minutes which was the length of time permitted under the regulations. Mr McQuillin explained that the recording circuits had been based on a 30 minute beat and would have to have been doubled-up to record every 15 minutes to give that figure. He confirmed that some vehicles remained in the same place for the whole 8 hour period. Mr Tait noted the suggestion in the briefing note that the withdrawal of the Traffic Warden Service had not had as much effect as predicted. He said he would dispute that. In response to Mr Grieve's observation that a uniformed Council warden walking down the High Street en route to checking off-street parking in the nearby pay and display car parks had the effect of cars along the street being removed and a period of relative adherence to restrictions, Mr Quillin advised that the warden was asked to take the long route along the High Street for that very reason. In further discussion Mr McQuillin agreed with the point made by Councillors that the parking problems being experienced in Hawick were reflected in other towns across the Borders.
- 3.8 Councillors discussed the information that had been presented in the deputation and the response from officers. Sympathy was expressed by all the Councillors about the problems being experienced by the businesses along Hawick High Street as a result of parking problems. A point was also made that on occasion the presence of a traffic warden could dissuade people from parking and therefore not be good for business. It was agreed that a common sense approach was needed around the enforcement of parking regulations and that traffic wardens also had an important role in keeping traffic moving. Members noted that there was an issue about the timing of the deputation and therefore agreed with the recommendation to allow Council to take a view on the preferred way forward in relation to on-street parking when a report was presented in November. However the Committee went on to discuss whether there were any small steps that could be taken in the meantime to help mitigate against the particular problems being experienced on Hawick High Street. As, had been noted, a large percentage of offending vehicles in the High Street actually belonged to the businesses who operated there, it was suggested and agreed that a letter should be written from the Council to all occupiers of property along the street. The letter should explain that the Council would be looking at the way forward for management of on-street parking in the near future but that in the meantime it was in their own interests to abide by the 30 minute parking restrictions which were in place. It was also agreed to post notices in the Town Hall to remind staff and visitors not to park in the High Street if their visit would last longer than 30 minutes and to give directions to the nearest car parks. Police Scotland should be kept informed of the steps being taken.
- 3.9 On behalf of the Council, the Chairman expressed his gratitude to the representatives of Future Hawick for bringing the deputation forward for consideration, and thanked the officers for their attendance. Mr Tait thanked the Committee for hearing the deputation, for being constructive and for the steps being taken.

DECISION

(a) NOTED:-

(i) the deputation; and

(ii) that a report would be presented to Council in November to allow consideration on the preferred way forward in relation to on-street parking and traffic management.

(b) AGREED that in the meantime in an attempt to alleviate the parking problems experienced in Hawick High Street, the Depute Chief Executive (Place) be requested to:-

(i) write to all occupiers of property on the High Street, Hawick to explain that the Council would be looking at the future management of on-

street parking but to remind them in the meantime of the current parking restrictions in place for the High Street and that it was in their interests to abide by these;

- (ii) post notices in the Town Hall to remind staff and visitors not to park in the High Street if their visit would last longer than 30 minutes and to give directions to the nearest car parks: and**
- (iii) keep Police Scotland informed of the steps being taken.**

The meeting concluded at 11.00 am

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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 18 October 2016 at 10.00 a.m.

Present:- Councillors S. Aitchison (Chairman – Education Business), C. Bhatia, J. Brown, V. Davidson, G. Edgar, J. G. Mitchell, D. Moffat, D. Parker (Chairman), D. Paterson, F. Renton, R. Smith.
Also Present:- Councillors I. Gillespie, J. Greenwell.
Apologies:- Councillor S. Bell, M. Cook, Mr. J. Walsh.
In Attendance:- Chief Executive, Depute Chief Executive (People), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

EDUCATION BUSINESS

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

CHAIRMAN

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

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.

1. VISIT TO HOUSES OF PARLIAMENT

There were present at the meeting Ceri Hunter, Engagement and Participation Officer, Pam Rigby, Youth Engagement Worker and Members of the Scottish Youth Parliament (MSYP) to make a presentation on their recent trip to the Houses of Parliament in London. Funding had been secured through Westminster Education Department and Local Rotary Clubs to send Members of the Scottish Youth Parliament to London for the day. A guided tour of Westminster, while Parliament was sitting had been a wonderful experience for the Young People together with a debating workshop, the trip finished with a flying visit to some of the main tourist attractions. In response to questions from Members, it was reported that one representative from each High School and the SYP Members had been invited to attend and it was hoped to provide the opportunity to more Young People in the future. A visit was planned to attend the Scottish Parliament during First Ministers question time. The Chairman thanked the MYSYPs for their most interesting presentation.

DECISION NOTED.

2. SCOTTISH YOUTH PARLIAMENT MENTAL HEALTH CAMPAIGN

There had been circulated copies of a report 'Our generation's epidemic' which was based on research carried out by the Scottish Youth Parliament (SYP) and their partners which represented all of Scotland's young people. Their vision for Scotland was of a nation that listened to and valued the participation of children and young people. Their goal was to do their utmost to make the vision a reality which they considered vital in ensuring Scotland was the best place in the world to grow up. The report explained that each year the Scottish Youth Parliament ran a national campaign focusing on an issue which young people care

about. In October 2015, the Members of the Scottish Youth Parliament (MSYPs) voted for the 2016 campaign to focus on young people's mental health. The campaign, called 'speak your mind', had been developed by young people and its objectives were:-

- To increase young people's awareness and understanding of the issues associated with mental health.
- To encourage the use of a common language in order to promote positive conversations and tackle stigma associated with young people's mental health.
- To identify young people's awareness and experience of mental health information and services for young people across Scotland.
- To advocate for high quality mental health services and information provision for all of Scotland's young people, with supporting guidance on best practice for service providers.

Cian Gullen and Cory McFarlane were present at the meeting to give a presentation on the work undertaken and answer members questions. The Chairman thanked those present for their very informative presentation.

DECISION NOTED.

3. EDUCATIONAL ATTAINMENT

Catherine Thompson, Senior Lead Officer gave a presentation on the 2016 Exam Performance. She explained that following three years of Curriculum for Excellence there was an improving picture in terms of attainment. Over the period of Curriculum for Excellence the percentage of pupils gaining qualifications in five subjects at Level 5 in S4 had risen steadily from 37.3% in 2013/14 to 52.6% in 2015/16. In terms of pupils gaining five subjects at Level 6 in S5 this had also increased from 14.9% in 2013/14 to 16.6% in 2015/16. The % of Pupils gaining five subjects at Level 6 in S6 had increased from 30.0% to 33.9%. The presentation went on to highlight attainment at National 5 in English, Maths, PE and Practical Woodwork compared to the National Statistics and Higher English, Mathematics, History and French compared with the National Statistics which were above the national average each year. The Presentation further highlighted that 20 subjects at Advanced Higher were offered within Secondary Schools in the Scottish Borders. There had been 70 entries for English with an 89% pass rate, 62 entries for Maths with an 82% pass. 90% of pupils presented for Advanced Higher History passed with an 87% pass in Chemistry and Geography and 100% pass in Music. In terms of improving Literacy and Numeracy, the presentation explained that Scottish Borders Council compared favourably against their virtual comparator in terms of SCQF level 4 and 5. Scottish Borders Council also matched the National and Virtual Comparator in terms of improving attainment for all S4 and S5 pupils. In terms of tackling disadvantage by improving the attainment of lower attainers relative to higher attainers, Scottish Borders had improved. The next steps included forensic analysis of data per School, subject and specifics including gender, LAC, SIMD, ASN, EAL. There would be, learning visits to schools in and outwith SBC, an Action plan prepared, targeted support, the sharing of good practice and working with learning partners. In response to questions about links with businesses for vocational training, it was explained that some young people needed to go onto work rather than further education and a prolonged period of work experience rather than the traditional one week was being developed where there was mutual gain for both parties. Work was being carried out through the Developing Young Workforce Programme and each School also had a Developing Young Workforce co-ordinator who would make links with local businesses. It was acknowledged that there was a balance to be struck between attainment and a good quality learning experience. The Depute Chief Executive People advised that a more

detailed report on the Developing Young Workforce Programme would be submitted to a future meeting.

**DECISION
NOTED.**

4. NATIONAL IMPROVEMENT FRAMEWORK

There had been circulated copies of a report by the Service Director Children and Young People which provided an update on the new Strategic Policy and to raise Members' awareness of the change in national policy to assessing and reporting children's progress. The report explained that raising attainment and achievement had been a key priority locally and nationally for a number of years. In 2016 a significant shift of emphasis occurred when the "National Improvement Framework for Scottish Education" was published. The document set out a clear vision for both excellence and equity in Scottish Education. It also included the introduction of national assessment and reporting of attainment levels for primary aged children. The report outlined how Scottish Borders Council was taking forward the practice set out in the National Improvement Framework. The report went on to detail the background, and the implications. Members were in agreement with the National Improvement Framework but did express some concerns with regard to making the data publically available. Councillor Aitchison acknowledged these concerns but advised that a final decision had not yet been taken on what exactly would be published. Liz Wharton, Senior Lead Officer was present at the meeting and answered Members questions. She confirmed that once teachers' confidence grew with increased participation in moderation practice and working with the recently published national benchmarks in literacy and numeracy, there could be a higher degree of confidence in the data.

DECISION

- (a) AGREED that a communication be sent to all parents about the National Improvement Framework, including the changes taking place regarding the assessment and reporting of children's progress.**
- (b) NOTED:-**
 - (i) the contents of the National Improvement Framework for Scottish Education; and**
 - (ii) the levels of achievement in schools across the Scottish Borders in respect of Reading, Writing and Numeracy as per the National Improvement Framework.**

ADJOURNMENT

The meeting adjourned at 11.25 a.m. and reconvened at 11.30 a.m.

MEMBERS

Councillors Davidson and Edgar left the meeting.

OTHER BUSINESS

CHAIRMAN

When the meeting reconvened, Councillor Parker took the Chair for the remaining business.

5. MINUTE

The Minute of meeting of the Executive Committee of 4 October 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman.

6. **PRIVATE BUSINESS**

DECISION

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

SUMMARY OF PRIVATE BUSINESS

1. **INSURANCE SHARED SERVICES**

The Committee considered a report by the Chief Financial Officer which set out a proposal to establish a shared service of insurance services with the City of Edinburgh Council and agreed the recommendations contained in the report.

The meeting concluded at 11.35 a.m.

SCOTTISH BORDERS COUNCIL
JEDBURGH COMMON GOOD SUB-COMMITTEE

MINUTE of MEETING of the JEDBURGH
COMMON GOOD FUND SUB-COMMITTEE
held in Committee Room 4, Council
Headquarters, Newtown St Boswells on 19
October 2016 at 1.00 p.m.

Present:- Councillors J. Brown, S. Scott, Community Councillor Mr. H. Wight.
Apologies:- Councillor R. Stewart.
In Attendance:- Senior Finance Officer (John Yallop), Solicitor (Karen Scrymgeour), Democratic
Services Officer (F. Henderson).
Members of the Public:- 0.

1.0 APPLICATION FOR FINANCIAL ASSISTANCE

Cheviot Youth Project – Community Connections Project Hub – 5/7 High Street, Jedburgh

With reference to paragraph 3.2 of the Minute of 14 September 2016, there had been circulated copies of an Application for Financial Assistance from the Cheviot Youth Project in respect of the Community Connections Project Hub at 5/7 High Street, Jedburgh. Also circulated were copies of the Community Connections Business Case, Cheviot Youth Community Connections Project Workplan and additional information in support of the application. The Sub-Committee again raised concerns with regard to the ownership of the property, the fact that the building would be improved for the Landlord and there did not appear to be any lease agreement, which would require to be for more than 1 year. Community Councillor Wight highlighted that the owner was looking for a 10yr lease and the papers circulated indicated that the Community Connections Project wanted to secure a 5yr lease. The general consensus was to support the Project although there were a number of matters which required to be resolved prior to payment being made.

DECISION

AGREED:-

- (a) to support the application in principle;**
- (b) that no funding be made available until the following matters were resolved:-**
 - (i) the Common Good Sub-Committee have sight of a signed lease between the Landlord and Cheviot Youth Project, including a lease period of no less than 5 years;**
 - (ii) the broken window at the premises be repaired;**
 - (iii) appropriate insurance be put in place; and**
 - (iv) all required consents were in place i.e. change of Use, any planning consents.**
- (c) that written representation be requested in terms of the entrance of 5/7 High Street, Jedburgh to ensure DDA compliance;**
- (d) A further report be brought back to the Sub-Committee to confirm that all the above work detailed at (b) had been completed which would allow the Sub-Committee to make a final decision on the release of funding.**

The meeting closed at 1.20 p.m.

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, 21 October 2016
at 12.35 p.m.

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

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.

1. **MINUTE**

The Minute of the Meeting of 23 September 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 15 September 2016 and 11 October 2016.

DECISION

NOTED.

3. **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

1. **GRANT OF TAXI DRIVER LICENCE – ROBERT BOURHILL**

The Committee considered an application from Robert Bourhill for the grant of a Taxi Driver Licence and agreed that the application be refused.

RENEWAL OF TAXI DRIVER LICENCE – COLIN MCLAREN

2. With reference to paragraphs 8 and 9 of the Private Minute of 23 September 2016, the Committee considered an application for the renewal of a Taxi Driver Licence and agreed that as Mr McLaren was not present the matter be continued on the basis as determined at the meeting on 23 September 2016.

3. **GRANT OF TAXI DRIVER LICENCE – KRISTIAN DOBSON**

With reference to paragraph 1 of the Private Minute of 23 September, the Committee considered an application from Kristian Dobson for the grant of a Taxi Driver Licence, as Mr Dobson was not present, the Committee agreed that the application be withdrawn.

4. **GRANT OF TAXI DRIVER LICENCE – CRAIG GILLIES**

In the absence of Craig Gillies, the Committee agreed to continue consideration of the application to the next meeting.

MINUTE

5. The Private section of the Minute of 23 September 2016 was approved.

The meeting concluded at 1.05 p.m.