

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

7.	<p>Committee Minutes (Pages 1 - 122)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Scrutiny (b) Innerleithen Common Good Fund (c) Executive (d) Standards (e) Planning & Building Standards (f) LLP Strategic Governance Group (g) Audit & Risk (h) Executive (i) Hawick Common Good Fund (j) Teviot & Liddesdale Area Forum (k) Civic Government Licensing (l) Local Review Body (m) Peebles Common Good Fund (n) Scrutiny (o) Community Planning Strategic Board (p) Executive (q) Selkirk Common Good Fund (r) Planning & Building Standards (s) Jedburgh Common Good Fund (t) Kelso Common Good Fund 	<p>27 October 2016</p> <p>27 October 2016</p> <p>1 November 2016</p> <p>3 November 2016</p> <p>7 November 2016</p> <p>8 November 2016</p> <p>14 November 2016</p> <p>15 November 2016</p> <p>15 November 2016</p> <p>15 November 2016</p> <p>18 November 2016</p> <p>21 November 2016</p> <p>23 November 2016</p> <p>24 November 2016</p> <p>24 November 2016</p> <p>29 November 2016</p> <p>29 November 2016</p> <p>5 December 2016</p> <p>7 December 2016</p> <p>7 December 2016</p>	5 mins
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(a)	Scrutiny	27 October 2016
(b)	Innerleithen Common Good Fund	27 October 2016
(c)	Executive	1 November 2016
(d)	Standards	3 November 2016
(e)	Planning & Building Standards	7 November 2016
(f)	LLP Strategic Governance Group	8 November 2016
(g)	Audit & Risk	14 November 2016
(h)	Executive	15 November 2016
(i)	Hawick Common Good Fund	15 November 2016
(j)	Teviot & Liddesdale Area Forum	15 November 2016
(k)	Civic Government Licensing	18 November 2016
(l)	Local Review Body	21 November 2016
(m)	Peebles Common Good Fund	23 November 2016
(n)	Scrutiny	24 November 2016
(o)	Community Planning Strategic Board	24 November 2016
(p)	Executive	29 November 2016
(q)	Selkirk Common Good Fund	29 November 2016
(r)	Planning & Building Standards	5 December 2016
(s)	Jedburgh Common Good Fund	7 December 2016
(t)	Kelso Common Good Fund	7 December 2016

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SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY
COMMITTEE held in COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Thursday, 27 October
2016 at 10.00 am

Present:- Councillors G. Turnbull (Chairman), W. Archibald, K. Cockburn, A. Cranston,
I. Gillespie, B Herd, W. McAteer and A. J. Nicol.
Apologies:- Councillor J. Torrance.
Also Present:- Councillor G. Edgar.
In Attendance:- Clerk to the Council, Democratic Services Officer (J Turnbull)

1. **MINUTE**

There had been circulated copies of the Minute of 22 September 2016.

DECISION

AGREED the Minute.

2. **MATTERS ARISING FROM THE MINUTE**

The Committee requested that Councillor Logan, the former Chairman, be thanked for undertaking the role of Scrutiny Chairman over the past two years.

DECISION

AGREED to thank Councillor Logan for his contribution as the previous Chairman.

3. **SOCIAL WORK DUTY HUB - CUSTOMER SERVICES PROJECT**

3.1 With reference to paragraph 5 of the Minute of 22 September 2-016, the Chairman welcomed to the meeting Mr Les Grant, Customer Services Manager; Mr Graeme Dobson, Project Manager; Ms Claire Tracy, Lead Officer Customer Services; and Ms Jane Robertson, Development Manager (Adult Services). The officers were in attendance to give a presentation to Scrutiny Committee on the Social Work Duty Hub, Customer Services Project.

3.2 Mr Grant began the presentation by advising that the Social Work Duty Hub had been in operation since 2006. Since inception, several attempts had been made to measure and quantify the impact of the Hub. Evidence suggested that the Hub had provided a limited positive impact on the quality, efficiency and effectiveness of the Social Work Duty Service in the Borders. Mr Grant explained that the overall volume of telephone calls which went un-answered, had regularly been more than 25%, which was unacceptable. Staffing levels also meant that it was often difficult to handle calls out-with normal working hours. In view of the nature of the work, a cautious approach had been taken in terms of applying changes. The decision to evaluate the transfer of the management of Social Work calls and core duty business processes from the Duty Hub to Customer Services was finally taken in late 2012. Various options had been considered, with the preferred model - introduced in June 2014 - providing a centralised Customer Service Unit, offering a single point of contact for all customers. This model enabled Customer Services to provide information, answer questions and signpost services. The model also delivered an interface to the parallel locality duty system for the transfer of customer core information, referral, screening and immediate social work intervention. By changing the model and utilising Customer Services for the day to day management of incoming calls, Social Work could target resources more effectively and efficiently.

- 3.3 Mr Grant further advised that all Social Work calls were transferred to a core group of Customer Services Advisors, trained to effectively manage Social Work enquiries. Evidence from August 2013 to August 2016 showed a clear improvement in response to calls and a reduction in call abandonment rates. When a call was received via 0300 100 1800 it was either resolved at point of contact, referred to Social Work Locality or the caller was signposted to appropriate information or third party services. Mr Grant went on to advise that ongoing work included: reviewing Social Work webpages to ensure information was more customer focused; establishing reporting requirements to provide Social Work with statistics about their service; and, the development of Customer Relationship Management (CRM) scripting. A post implementation plan was also being developed which included: working with Social Work on the Community Led Conversation programme; ongoing involvement in the Framework System Users Groups; Online self-referrals and referrals direct to Border Care and Repair for minor equipment enquiries. Mr Grant concluded the presentation by advising that, going forward, training would be delivered to every Customer Service Advisor, to ensure a greater pool of trained staff was available.
- 3.4 The Chairman thanked officers for the concise and informative presentation. Discussion followed and Members raised a number of questions. Mr Grant explained that Customer Satisfaction Surveys had an extremely low response rate and trying to engage with customers for their views on the service was difficult. However, usage rate for the service was fairly consistent. More calls were now answered on the first point of contact and abandonment rates had reduced. With regard to Customer Services taking on additional services, Mr Grant advised that any additional work streams would have to be resourced and therefore they would need to ensure that staff were fully trained and had the capacity to meet any additional demands. Mr Dobson added that there were discussions ongoing regarding the provision of signposting for Border Care & Repair, key safes, etc. Currently, these enquiries were referred to Social Work. Customer Services Advisors were in the process of being trained to identify such calls and refer enquiries direct to SB Cares. The sharing of the model with other authorities was discussed. Mr Grant advised that they continued to engage with colleagues in other areas to adapt and improve the model, with the support of Social Work. Ms Robertson added that from a Social Work perspective, the model had streamlined and reduced delays for customers and would continue to be developed going forward in terms of integration and partnership. Across the 32 partnerships across Scotland, 50% had chosen a similar model. The other 50% had increased resources within their Social Work departments. With regard to interaction with social media, they could respond to twitter feeds, Facebook enquiries, email enquiries, etc. The website was also being developed to incorporate links to referral websites e.g. Citizens' Advice Bureau.
- 3.5 In answer to a question regarding how calls were supervised when transferred from the initial point of contact, Ms Tracy advised that a new referral and screening form had been developed for Customer Service Advisors. Enhanced training had also been given in adult protection and social care awareness. As Customer Service Advisors developed their knowledge, they would be able to make an initial assessment to either resolve the call at point of contact, or refer the caller to Social Work. Mr Grant added that although Customer Services were dealing with adult services, staff had received training on child protection issues and were aware of the referral process. Regarding monitoring of the service, Ms Tracy advised that an external inspection of adult services was imminent and this would include the quality of customer experience. Call handling rates were also reported to Corporate Management Team (CMT) and the Executive Committee as part of performance monitoring and were challenged if required. The Chairman thanked the officers for the information provided and the helpful way in which questions were answered.

DECISION

NOTED the presentation, which would be issued to Members for information.

4. **REVIEW OF BRIDGES**

- 4.1 With reference to paragraph 5 of the Minute of 22 September 2016, there had been circulated copies of a report by the Service Director – Assets & Infrastructure providing information to Members on the Council's bridge assets, including a list of all bridges in the Scottish Borders, current processes for inspection and maintenance, planned investment, key issues around bridge condition and plans for improvement. Mr Martin Joyce, Service Director Assets and Infrastructure; Mr David Girdler, Chief Officer Roads; Mr Colin Ovens, Infrastructure Manager; and Mr David Richardson, Asset Manager, were in attendance at the meeting. Scottish Borders Council (SBC), under the requirements of the Roads (Scotland) Act 1984, was responsible for maintaining over 1,100 bridges and 155 culverts across the region, many of which were ageing and in need of repair, but were of critical importance to the Scottish Borders, both economically and socially. The current SBC Roads Asset Management Plan (RAMP), approved in 2014, helped the Council deliver the road services and detailed what was required to manage the road network assets, including bridges. However, ensuring that all bridges were inspected regularly to assess condition and then undertaking necessary works was increasingly difficult in the current financial climate. The report presented the current planned investment in bridges and the process around identifying planned maintenance work with future planned actions around performance reporting.
- 4.2 Mr Ovens advised that there was a wide variety of bridge structures, including 562 of masonry arch construction. Responsibility for many of the bridges was shared, for example, 57 of the bridges with Network Rail and several with Northumberland County Council (NCC). He explained that bridges had a limited life and their repair and renewal became necessary due to wear and tear, damage and inclement weather. Additionally, older bridges were not designed to deal with the current volume and weights of traffic which led to more expensive repair requirements.
- 4.3 The RAMP was one of the key strategic plans to be delivered by the Asset and Infrastructure team. As with other services, resource constraints meant that decisions about prioritisation needed to be taken to ensure that public safety was protected and there was appropriate network investment to enhance the Scottish Borders, both socially and economically. The Code of Practice for Management of Highway Structures (CoPMHS) recommended that Councils' adopted the standards contained in the Code. For bridges, this meant that biennially, a visual examination of all parts of the structure should be carried out for all bridges and culverts of 1m diameter and greater. Every six years, a principal inspection – a close examination, using access equipment - should be undertaken on those larger structures identified as requiring a greater level of assessment. Historical inspection information from 2009/2011 was mainly used to make current prioritisation decisions. However, works could be prioritised due to concerns raised about a bridge's condition.
- 4.4 Mr Ovens further advised that the use of data and the RAMP process ensured that SBC met its statutory duty. However, inspections recommended under the CoPMHS had not been undertaken since 2009/11. It was considered that the risks faces by both SBC and road users would be better managed by more regular and planned inspections in line with CoPMHS recommendations. However, it was recognised that additional resources would be required to deliver this enhanced inspection regime. The approximate 'core' annual budget allocation to bridges was £818k. In 2014/15 the Council had invested £1.3 m, which was higher than the annual allocation. This was as a result of replacement of Carlowse Bridge. Again in 2015/16 an investment of £1.9 m was required due to the replacement of Selkirk Footbridge at £700k and bridge repairs linked to the major flood events of January and February 2016. Mr Ovens continued that recent issues had highlighted concerns over the condition of two bridges – Clackmae, on the back road between Earlston and Lauder, and Melrose Bridge (Lowood Bridge) on the link road between Melrose and Galashiels. Clackmae Bridge was in very poor condition; engineers were assessing the extent of repairs required but these might be in the region of £500k. Melrose Bridge repair cost could be circa £800k. These two examples demonstrated that

the annual core budget may be insufficient to perform the required level of inspections and work required, but the Council also had other priorities to consider.

- 4.5 Presently, the list of planned works within the Infrastructure Team was primarily compiled from 2009/11 condition information and records of previous load carrying assessments to determine which bridges were safe to carry heavy loads. The SBC Roads Review currently underway included work to address the gaps around the robustness of performance information on inspections undertaken and condition of bridges. Mr Ovens concluded his report by advising that officers hoped to complete, on an annual basis, the performance reporting table as promoted by the Society of Chief Officers on Transport in Scotland (SCOTS) and look to integrate this measure into the existing performance reporting to the Executive Committee. Principal inspections would populate the major investment plan for the bridge assets. However, distribution of funds would continue to be targeted towards those bridges which the Infrastructure Team considered to be in need or urgent repair. Until such time as officers had a fully developed inventory of asset conditions, this would continue to be determined using existing condition data, adhoc inspections, engineering knowledge and experience.
- 4.6 Following discussion, a number of questions were raised and answered by officers. In terms of repair materials, Mr Richardson confirmed that if possible, this was carried out on a like for like basis. In respect of the Tweed Bridge, Mr Ovens advised that the repair works were being funded by Transport Scotland and the pedestrian bridge would transfer into the ownership of the Council once the works were completed. The cost of bringing all bridges up to an optimum standard was discussed. Mr Ovens advised that until they had carried out the inspection process it was difficult to quantify a cost. Officers advised that where possible, external funding or partner working was considered for every bridge repair. For example, the Union Chain Bridge repairs were being funded by Heritage Lottery Funding, and the Historic bodies in both Scotland and England, as part of a joint project with Northumberland County Council. Mr Joyce added that in each instance potential funding streams were investigated to minimise the impact on the Council's budget. Regarding windfarm developers contributing to the cost of repairs of bridges, the officers gave an example of the strengthening work to Martin's Bridge, which had been funded by a windfarm developer. Officers confirmed that no inspections were carried out on private bridges, only those on the public list. In terms of the Council's position compared to other authorities, some were ahead of the Council and others in the same position. In terms of prioritisation of repairs to bridges, this was assessed regularly using the results of inspections, the potential use of weight restriction, impact on communities, cost, ability to phase work, etc. Members also considered the potential costs of repairs and how this had to fit in with other competing Council priorities e.g. care for elderly, new schools, etc. Following further discussion it was unanimously agreed that the need to carry out inspections on the bridges asset was paramount in order to prioritise repairs using the CoPMHS recommendations. Once the inspection of bridges had been carried out, the results could then be incorporated into the regular performance monitoring reports to Executive Committee. The Committee also asked that officers continued to assess, on a case by case basis, any opportunities for funding to assist with future repairs to bridges.

DECISION

(a) AGREED to NOTE:

- (i) The size of the bridges asset and the challenges this presented;**
- (ii) The current process for carrying out inspections, for assessing the current condition of the bridges asset and the process used in identifying planned maintenance works; and**
- (iii) The improvements being considered to improve data on the overall condition of the bridges asset and subsequent prioritization.**

- # (b) **AGREED to RECOMMEND to the EXECUTIVE COMMITTEE that:**
- (i) **the current Roads Review should take account of the need to inspect bridges within the Code of Practice for Management of Highway Structures recommendations and that, if possible, some additional resources be identified to allow this work to be carried out in line with the priorities within the Roads Asset Management Plan;**
 - (ii) **once the inspection of bridges has been carried out, that the condition of all bridges be categorised and incorporated into the regular performance monitoring reports to the Executive Committee; and**
 - (iii) **when considering future repairs to historic and iconic Borders bridges, officers continue to assess on a case by case basis any opportunities for external funding.**

MEMBER

Councillor McAteer left the meeting following consideration of the above report.

5. SCRUTINY REVIEWS

- 5.1 With reference to paragraph 5 of the Minute of 22 September 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. The Clerk to the Council advised that she would pursue with the Service Director Children and Young People, the provision of an update on home schooling to be brought to either the November or January meetings. In February 2017, there would be a report listing all the recommendations made by Scrutiny Committee and the impact of the decisions made.
- 5.2 The Chairman, Councillor Turnbull, asked if the work of integrated Boards such as the Health and Social Care Integrated Board and the Police, Fire & Rescue, and Safer Communities Board could be included on the Review list. The Clerk to the Council suggested that two separate reports may be appropriate, one concentrating on the Health and Social Care Integrated Joint Board, the other on the Police, Fire & Rescue and Safer Communities Board. The reports could also incorporate information on how these areas were covered in other local authority areas and bring in information from other organisations such as Cosla and Audit Scotland.

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, 24 November 2016.

**DECISION
NOTED.**

The meeting concluded at 11.30 am

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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 2017.
Scrutiny	The impact of third party use on the Local Authority’s road network, e.g. timber transportation and wind turbine transportation.		26 January 2017

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 to pursue further.	14 October 2015. Completed.

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
INNERLEITHEN COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the INNERLEITHEN
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Memorial Hall,
Innerleithen on 27 October 2016 at 3.00 p.m.

Present:- Councillors G. Garvie, (Chairman), S. Bell, G. Logan.
Community Councillor Marshall Douglas.

In Attendance:- Chief Financial Officer, Principal Solicitor (H. MacLeod), Democratic
Services Officer (K. Mason), Business Director, LIVE Borders (L. Wood)
(para 4).

Member of the Public:- Mr Ross McGinn, Chairman, Innerleithen Community Trust.

1. APPOINTMENT OF CHAIRMAN

Councillor Logan, seconded by Councillor Bell moved that Councillor Garvie be appointed Chairman of the Sub-Committee.

DECISION

AGREED that Councillor Garvie be appointed Chairman of the Sub-Committee.

2. MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2016

There had been circulated copies of a report by the Chief Financial Officer providing details of the assets held by the Innerleithen Common Good Fund as at 30 September 2016, a full year projected revenue out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. The report advised that the Memorial Hall was recognised as a Common Good asset on 1 April 2015 – the Chief Financial Officer undertook to check that date. The table in paragraph 3.3 of the report detailed how the three elements of the Hall were valued and depreciated during 2015-16. Appendix 1 to the report provided a projected Income and Expenditure account for the year to 31 March 2017. Appendix 2 to the report provided a projected balance sheet as at 31 March 2017. It showed a projected decrease in the reserves of £17,039. Paragraph 3.3 of the report referred to the three elements of the hall at transfer on 1 April 2015, the Chief Financial Officer undertook to check that date. It was noted that there was a risk with any property that works would be required during its life, which the Common Good did not hold funds for. This risk was mitigated by agreements in place between Scottish Borders Council and LIVE Borders. Operational costs were met by LIVE Borders and major repairs by Scottish Borders Council. The Solicitor advised that Members of the Common Good Fund were, as owners of the Memorial Hall, landlords to the managers of the facility - LIVE Borders. In discussing the condition of the meeting rooms in the Memorial Hall which were in a challenging state therefore unattractive to let, Members were advised that the responsibility for revenue repairs lay with LIVE Borders and maintenance responsibilities were with the Council. The Solicitor confirmed there was a 25 year agreement with LIVE Borders to manage the Memorial Hall. Mr McGinn advised that several years ago Innerleithen Community Trust had actioned a condition survey on the building, this had been checked over by Mr G. Smith, Property Officer, but the survey would be out of date now. He further explained that Innerleithen Community Trust had no funding but in previous years there had been commitments from individuals and businesses which could possibly be revived.

DECISION

(a) AGREED the projected income and expenditure for 2016/17 detailed in Appendix 1 of the report as the revised budget for 2016/17.

- (b) **NOTED the projected balance sheet value as at 31 March 2017 as detailed in Appendix 2 of the report.**

3. REVIEW OF HERITABLE ASSETS IN FORMER BURGH OF INNERLEITHEN

With reference to paragraph 6 of the Minute of Meeting of Council of 31 March 2016, there had been circulated copies of a list of assets prepared by the Council's Legal Services. Council at the meeting held on 31 March 2016 agreed that the Innerleithen Common Good Fund Sub-Committee would, at an early opportunity, review the list of assets and confirm its agreement with Officers that these had been correctly identified. Any reallocation of assets to the Common Good as a result of the review would be agreed with the Section 95 Officer. The Principal Solicitor gave background information of the methods of determining whether a property was on the Common Good Account. She had inspected Minutes of Burgh meetings which were a useful tool to establish if property was common good and a determination also had to be made on whether the property was inalienable or alienable. In discussing Innerleithen Library and Victoria Park, and having heard legal advice from the Principal Solicitor, Members agreed to accept the information provided in the list of assets and that there be no changes made to the list. A question was raised about the Jubilee Clock on the building previously known as the Cleikum Mill, which had now been developed into flats. Mr McGinn advised that the Town Council Minutes of 1903 stated that the clock was to be retained in the ownership of the public. He advised he would forward a copy of an extract of the Minute to the Principal Solicitor to enable her to investigate the ownership of the clock. A suggestion was made that the title deeds of the flats could be used to establish if the owners had a responsibility to maintain the clock. Members went on to discuss Provosts' robes and chains. The Principal Solicitor advised that if the Innerleithen Provost's Chain pre-dated 1975 and was of a civic nature then it should be listed in the Common Good. Mr McGinn confirmed it was gifted to the town in the early 1920's by expatriates from South Africa. The Chief Financial Officer undertook to ascertain if the chain was insured and who was responsible for its custody.

DECISION

AGREED that:-

- (a) **the assets had been correctly identified;**
- (b) **Mr McGinn would provide a copy of the Town Council Minutes of 1903 to the Principal Solicitor to enable her to investigate the ownership of the clock;**
and
- (c) **the Chief Financial Officer would ascertain if the Innerleithen Provost's chain was insured and who was responsible for its custody.**

4. LIVE BORDERS – MANAGEMENT OF THE MEMORIAL HALL

Mr Lindsay Wood, Business Director, LIVE Borders was in attendance to update the Sub-Committee on the management of Innerleithen Memorial Hall. He gave background information in relation to the establishment of LIVE Borders and advised of a restructure which was currently taking place. In regard to the Memorial Hall he advised that there were 3 regular hires each week which provided a regular income stream. The Chairman advised that the Sub-Committee together with Innerleithen Community Council and Innerleithen Community Trust would be happy to work in partnership with LIVE Borders to make the Memorial Hall a better place for the Community. Mr Wood was not aware of any queries for office space within the Memorial Hall. He suggested that both he and Alan Scott (also LIVE Borders) be invited to future meetings to take things forward. It was agreed that copies of the condition survey carried out several years ago should be made available for discussion at the next meeting which would take place in January 2017.

DECISION

AGREED that

- (a) **the Sub-Committee together with Innerleithen Community Council, Innerleithen Community Trust and LIVE Borders should work together to make the Memorial Hall a better place for the Community;**
- (b) **representatives from LIVE Borders be invited to future meetings of the Sub-Committee; and**
- (c) **a copy of the condition survey for the Memorial Hall be made available to Members of the Sub-Committee for discussion at the next meeting.**

5. DATE OF NEXT MEETING

Members agreed that the next meeting of the Sub-Committee take place in January 2017 on a date to be determined.

DECISION

AGREED that the next meeting of the Sub-Committee take place in January 2017 on a date to be determined.

The meeting concluded at 4.00 p.m.

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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,
TD6 0SA on Tuesday, 1 November, 2016 at
10.00 am

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

Also present:- Councillors I Gillespie, S. Marshall, W. McAteer, A. Nicol.

Apologies:- Councillors S. Aitchison

In Attendance:- Corporate Transformation and Services Director, Service Director Regulatory Services, Chief Financial Officer, Chief Officer Economic Development, Democratic Services Team Leader, Democratic Services Officer (F. Walling).

ECONOMIC DEVELOPMENT BUSINESS

Present: Mr J. Clark, Mr G. Henderson

CHAIRMAN

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

1. ECONOMIC DEVELOPMENT UPDATE

- 1.1 With reference to paragraph 1 of the Minute of 4 October 2016, there had been circulated copies of a briefing note providing an update on recent Economic Development activities. The Chief Officer Economic Development, Bryan McGrath, advised that for the period from 1 September 2016 to 31 October 2016 the Scottish Borders Business Fund received 4 applications and approved 2 grants valued at £4,198.23 supporting projects with a value of £8,396.47. These projects were forecast to create 2 jobs with an estimated economic impact of £70,078 GVA. In the same period the Scottish Borders Business Loan Fund received 1 application and approved 1 loan valued at £20,000. This loan was forecast to create 2.5 jobs with an estimated forecast economic impact of £146,245 GVA. Work on the Business Loans Scotland was nearly complete and a launch was imminent for the new £100k loan scheme.
- 1.2 In terms of Regeneration, the Borders Railway Ambassadors Pilot would conclude at the end of October. Funding was in place to deliver the Ambassadors service for 2017 with funding from the Council and £16.5k from the Borders Railway Blueprint Fund. The Council had submitted three applications for the first stage of the Scottish Government Regeneration Capital Grant Fund. The Newcastleton Hub and Community Fuel Pumps project had been invited by Scottish Government to submit a Stage 2 application. With regard to tourism support, Destination Scottish Borders were currently planning a Christmas shopping campaign in Galashiels, Selkirk, Hawick, Jedburgh, Melrose, Lauder and Kelso over two weekends in December. The Community Rail Partnership had been approached for financial support. This would be used to gather evidence for a bigger Christmas project in 2017, where there would be direct links to the Edinburgh Christmas experience. In terms of funding the LEADER Local Action Group met in October 2016 and approved grant funding for two business projects, totalling £68,650 against projects valued at £286,257. The next application deadline for LEADER funding was 30 November 2016.

DECISION

NOTED the update.

2. IMPLICATIONS OF UK REFERENDUM VOTE TO LEAVE THE EUROPEAN UNION FOR THE SCOTTISH BORDERS

- 2.1 There had been circulated copies of a report by the Chief Executive setting out the implications of the UK Referendum Vote to Leave the European Union for the Scottish Borders and Scottish Borders Council and outlining how issues arising from this outcome were being addressed. The main implications related to : financial issues for the agricultural sector and for rural, regional and local economic development arising as a result of losing access to EU funding streams in the longer term; lack of access to major funding for economic development that may have arisen through the Southern Scotland NUTS 2 proposal; significant number of export orientated businesses in the Scottish Borders needing continued access to the Single European Market for trade purposes; and uncertainty of the long term status of the approximately 3,500 EU nationals living in the Scottish Borders. The report explained that, since the vote, the UK Government had taken actions which had sought to mitigate some of these issues. It had announced continued support for the farming sector on the same basis as the EU Common Agricultural Policy (CAP) up to 2020. Funding commitments had also been given for EU funded structural and investment projects signed after the Autumn Statement 2016 and which would continue after the UK had left the EU. In terms of the way forward, the Council Leader had recently written to the Prime Minister to raise the concerns of Scottish Borders Council and local businesses following the Referendum Vote. The South of Scotland Alliance also met with South of Scotland MSPs on the 28 September 2016 and discussed the implications of Brexit for the economy of the South of Scotland. The Alliance intended to meet Scottish Members of the European Parliament from the main political parties to discuss the Southern Scotland NUTS 2 proposal and develop an advocacy strategy on this matter.
- 2.2 In the ensuing discussion Mr Henderson reported that, in research carried out since the vote, there were two additional implications not included in the report about which members of Federation of Small Businesses (FSB) were also concerned. One issue was access to seasonal workforce essential for the operation of certain businesses and also there was concern about the knock-on costs of additional work to comply with regulations for export to different countries if the UK did not remain in the single market. Senior Policy Adviser, Douglas Scott, agreed to engage with Mr Henderson to take into account these points in the strategy being taken forward. It was recognised that there were still opportunities to influence the debate over the conditions of exit from the EU and to shape the future. Members referred to the significant challenge of the negotiations. It was emphasised that the Council should co-ordinate an ongoing lobbying strategy with organisations such as FSB, Chamber of Commerce, NFU and Higher Education establishments and Members agreed to add this to the recommendations. It was also agreed that the concerns of Scottish Borders Council on the implications of the UK vote to leave the EU and how these were being addressed should be incorporated into a press release.

DECISION

- (a) **NOTED the report and work already being carried out to highlight the implications for the Scottish Borders of the UK vote to leave the EU.**
- (b) **AGREED that the Council:-**
- (i) **support the South of Scotland Alliance to develop an advocacy strategy focused on securing special status for the South of Scotland in relation to future regional policy, so that the economic challenges facing the area were appropriately addressed; and**

- (ii) **work with other stakeholders in creating and executing a lobbying strategy.**

3. **BUSINESS GATEWAY PROGRESS REPORT 1 APRIL - 30 SEPTEMBER 2016**

With reference to paragraph 2 of the Minute of 10 May 2016, there had been circulated copies of a report by the Corporate Transformation and Services Director presenting an update on the performance of Business Gateway in the Scottish Borders, covering the period 1 April to 30 September 2016. The report advised that Business Gateway continued to perform well as an integrated part of the Council's Economic Development service. The introduction of area-focussed Growth Advisers in April 2016 had seen an improved spread of activity across the Borders, increased acceptance by private sector intermediaries and new business enquiries from companies who had not previously accessed the service. Progress against key performance targets was detailed within the report and the Performance Improvement Plan and progress to date was set out in an Appendix to the report. It was noted that performance against target had been strong when compared to last year. Events continued to be a key part of the success of Business Gateway. Principal Officer, Phil McCreadie, advised that 7 workshops had been held across the area during the period, in Kelso, Eyemouth and Galashiels with a total of 28 attendees. These were in addition to the regular weekly workshops that were run at Ettrick Riverside, Selkirk and which continued to be well attended. Mr McCreadie reminded Members of the Scottish Borders Business Week 2016 which would run from 7 – 11 November 2016 and would involve 12 events in addition to the Borders Business Excellence Awards on Friday 11 November, run by Scottish Borders Chamber of Commerce. Members discussed the report and received answers to their questions. With regard to European Regional Development Fund (ERDF) targets recorded in the table within the report, Mr McCreadie agreed to the request to inform Members of the actual number of businesses assisted to export for the first time when this information became available. Members recognised the need to focus on assistance to businesses to export particularly in view of the implications of the UK vote to leave the EU.

DECISION

- (a) **NOTED the successful performance of the Business Gateway Service in this period and the actions planned for the future.**

- (b) **AGREED to:-**

- (i) **continue to receive regular progress reports to monitor performance; (a)and**
- (ii) **request that the Business Gateway provide an annual report and update to Committee in June 2017.**

4. **VISITSCOTLAND INFORMATION PROVISION**

- 4.1 With reference to paragraph 5 of the Minute of 3 November 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on how VisitScotland was responding to changes in the way visitors now accessed information and made holiday decisions and how this was impacting on the performance of the manned visitor information service in the Scottish Borders. The Chairman extended a welcome to Douglas Wilson, Regional Director of VisitScotland, who was in attendance. Mr McGrath highlighted the main points of the report. VisitScotland currently operated and managed five VisitScotland iCentres in the Scottish Borders, providing face to face information services, including an accommodation and ticketing service. The VisitScotland iCentres were partially funded via an annual Minute of Agreement (MOA) between Scottish Borders Council and VisitScotland. The centres located in Jedburgh, Peebles and Hawick operated all year round while centres in Melrose and Kelso operated on a seasonal basis. The report referred to trends indicating that online usage for visitor information and booking would continue to rise. In line with

this trend, Scottish Borders VisitScotland iCentres had experienced an overall decline in footfall in recent years while there had been a significant rise in website visits and digital referrals to Scottish Borders businesses. Overall, Scottish Borders VisitScotland iCentres had experienced a 12% decline in footfall between 2015/16 and 2014/15. There was also a 21.9% fall in the overall number of bookings made in the same period. The specific results and analysis were set out in an appendix to the report. Recognising the change in consumer behaviour and demand, VisitScotland was undertaking a national review of information provision and the overall customer experience, looking at the best way to ensure that information was delivered to more people in more places using the channels that visitors used the most.

- 4.2 In a discussion of the report and the visitor iCentres data provided, local Members for Hawick pointed out that the numbers visiting the iCentre in Hawick had actually increased by about 4,000 over the last 5 years and they expressed disappointment with the negative perception of the figures given within the report. It was suggested that the prominent position of the iCentre next to the Heart of Hawick complex may have contributed to the increase in visitor numbers at this location. With regard to the business membership of VisitScotland and the management of bookings Members recognised that there were a number of issues impacting on the figures. They suggested a distinction between those businesses who managed their own marketing through other prominent well-used tourist websites and those who joined VisitScotland for marketing services and booking arrangements. Mr Wilson emphasised that the key to the way forward was the way people were accessing information and that the reality was a decline in physical visitor numbers to centres. He accepted that the question of how to include and engage with the section of businesses referred to was challenging as VisitScotland may not necessarily fit their business models. It was agreed that the provision of tourist information was part of digital transformation not necessarily centred on buildings. Members indicated that they would like to see more use of 'Interactive Screens' at key outdoor locations and it was agreed that free WiFi and/or improved mobile coverage in town centres would be a significant attraction for visitors.

**DECISION
AGREED:-**

- (a) **to invite senior managers from VisitScotland to provide a briefing for all elected Members on VisitScotland's Customer Experience Strategy and its developing approach to information provision in the Scottish Borders and the rest of Scotland; and**
- (b) **to request that a further report on tourism information provision be brought to the Committee in 2017 once VisitScotland had finalised its review.**
5. **SCOTTISH BORDERS COUNCIL EVENTS PLAN 2014 - 2020 - PROGRESS REPORT**
- 5.1 With reference to paragraph 3 of the Economic Development Group Minute of 20 March 2014, there had been circulated copies of a report by the Corporate Transformation and Services Director presenting an update on the Scottish Borders Council's Events Plan 2014-2020. The Council successfully facilitated and supported the delivery of a wide range of regional, national and international events. This coordinated and targeted approach to promoting events in the Scottish Borders has had a significant impact on the economy, generating an estimated economic impact of £8 million per year. These events raised the profile and enhanced the reputation of the Scottish Borders, and delivered social and community benefits. The Economic Development Service currently had a budget of £100k annually to support events development in the Scottish Borders. This did not include direct financial support to local Common Ridings and Festivals. The Events Plan 2014-2020 was included as an appendix to the report. This outlined the approach to prioritising event support activity and progress to date. Some of the key highlights since 2014 were listed. The aim was to build on the rich heritage of events

currently in the Borders and to encourage new and different events that could offer a unique experience to visitors.

- 5.2 Members discussed the report and expressed views about where funding support should be directed and at what point an event should cease to be subsidised by the Council and be expected to be financially sustainable. Mr McGrath agreed to look into the provision of support for equestrian events which, it was accepted, contributed significantly to economic activity in the area and where opportunities could be currently missed. A question was raised about the lack of facilities for camping /caravanning in many areas of the Borders and that the provision of this type of facility for accommodation was a contributing factor towards the success of events, as demonstrated at Springwood Park. In response to a question about the value of in-kind support for events provided by other services across the Council, which was in addition to the £100k annual investment, the Corporate Transformation and Services Director agreed to look into this and provide an approximate figure.

DECISION

- (a) **NOTED the achievements and progress made in relation to the Scottish Borders Council Events Plan 2014-2020.**
- (b) **AGREED:-**
- (i) **to approve the updated Scottish Borders Council Events Plan until 2020 to support the events sector to maximise economic impact and legacy; and**
 - (ii) **the need to prioritise and target the available resources towards events with the most potential to raise the profile of the Scottish Borders and benefit the economy.**

6. SCOTTISH BORDERS CYCLE TOURISM STRATEGY

- 6.1 With reference to paragraph 11 of the Minute of 7 June 2016, there had been circulated copies of a report by the Corporate Transformation and Services Director updating Members on the consultation process and seeking approval for the Scottish Borders Cycle Tourism Strategy 2016-2021. It was explained that the overall aim for the Scottish Borders Cycle Tourism Strategy was to boost the Scottish Borders economy and accelerate the growth of cycling from an events and tourism perspective. The Scottish Borders was already a recognised destination for cycling in the UK and, in line with the Council's manifesto 'Ambitious for the Borders', the vision was to be seen as one of Britain's premier destinations for cycling by 2021. A consultation exercise, which invited views from relevant partners, stakeholders and interested groups, resulted in over 70 responses being received. The draft strategy was subsequently updated and an action plan produced. The Scottish Borders Cycle Tourism Strategy 2016-2021 was included as Annex 1 to the report with an Action Plan specifically for 2017/2018 set out in Annex 2. The report also referred to The Tour o' the Borders closed-road cycling event which was an excellent example of the type of event that could help to raise the profile of cycling in the Scottish Borders. In discussion with officers the event organisers had confirmed that the race would shift to a new date for next year, 3 September 2017. This was later than previous years and would now avoid the school holidays. It also put the event into the 'shoulder' months, which helped support a longer season for tourism businesses.

MEMBER

Councillor Edgar left the meeting during the business discussed below.

- 6.2 Members welcomed the report and Cycle Tourism Strategy. In the ensuing discussion a distinction was made between support for leisure and event cycling. Members would like to see infrastructure developed for leisure cycling and suggested where this should be

carried out but the significant resource implications were recognised. It was noted that the Council had identified £57k from Economic Development which could be targeted to support cycling events activity. However a further £58k would require to be identified from Council and partner sources to deliver actions relating to additional marketing and infrastructure development. In relation to recommendation (c), Members stressed that the Council should support cycling and cycling events across all areas of the Borders.

Councillor Smith, seconded by Councillor Bhatia moved as an amendment that the following words be removed from recommendation (c): 'and to continue supporting and encouraging this cycle event and others as part of the Cycle Tourism Strategy' and that a further recommendation (d) be added as follows: Agreed 'the importance of supporting and encouraging cycle events across the Borders'. The motion was unanimously agreed.

- 6.3 In response to a question about the background to the change of date of the Tour o' the Borders, Members were advised that this decision had followed consultation with Council officers and with interested parties.

VOTE

Councillor Davidson, seconded by Councillor Renton, moved as an amendment that the first word of recommendation (c) be changed from 'support' to 'note'.

Councillor Cook, seconded by Councillor Brown, moved against this amendment.

On a show of hands Members voted as follows:

In favour of the amendment - 4 votes

Against the amendment - 6 votes

The amendment accordingly fell.

DECISION

AGREED:-

- (a) to approve the Scottish Borders Cycle Tourism Strategy 2016-2021 as set out in Annex 1 to the report;**
- (b) to approve the Action Plan for 2017/2018 as set out in Annex 2 to the report and note the actions that were already resourced and those for which resources were still to be identified;**
- (c) to support the decision to move the Tour o' the Borders closed road cycle event to 3 September 2017; and**
- (d) the importance of supporting and encouraging cycle events across the Borders.**

7. SCOTTISH GOVERNMENT REVIEW OF ENTERPRISE & SKILLS REPORT ON PHASE 1

With reference to the recent announcement by the Scottish Government in respect of the Review of Enterprise and Skills, there had been circulated copies of the Scottish Government report on Phase 1. The Chairman welcomed the findings of the review and particularly the announcement that there would be a new vehicle created to meet the enterprise and skills needs of the South of Scotland. He expressed thanks to all the officers involved in the considerable amount of work over a long period of time advocating the South of Scotland position now being reflected in this decision. The report outlined the background and focus of the review and summarised the key themes which had emerged. It was explained that the review had benefited from the input of the Ministerial Review Group which comprised individuals with business expertise, business organisations, colleges and universities, the National Union of Students, COSLA and the

STUC. The review would be carried out in two phases and the report covered the findings of the first phase. It set out headline aims and the changes needed now to deliver on economic growth and inclusion ambitions. The Chairman highlighted the important sections of the report but stressed that the detail of how the board would operate, and the boundary of the South of Scotland area, had yet to be defined. Members noted that this development was long overdue and that detail of staffing and resource structure was still to be provided. However, they welcomed the initiative and direction of travel and recognised the opportunities that the proposal could present.

**DECISION
NOTED.**

ADJOURNEMENT

The meeting adjourned at 11.55 am and reconvened at 12.10 pm.

OTHER BUSINESS

CHAIRMAN

Councillor Parker took the Chair for the remaining business.

8. MINUTE

The Minute of meeting of the Executive Committee of 18 October 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman.

9. WINTER SERVICE PLAN FOR YEAR 2016/17

There had been circulated copies of a report by the Service Director Assets and Infrastructure. The report presented a review of the performance of Scottish Borders Council's Winter Service during 2015/16, including the impact of severe storms on the roads infrastructure. The report went on to present the Council's Winter Service Plan for 2016/17 which was attached as an appendix. It was explained that the Council provided a winter service on nearly 3,000km of roads across the Scottish Borders. The winter of 2015/16 was not particularly bad in terms of snow and ice but the region did experience very wet conditions, storms and flooding that led to deterioration of the roads network and subsequent pressures on the Roads service. These pressures, in dealing with the aftermath of storms and works required through Bellwin, had meant that the resources had not been available to do a full review of the 2015/16 Plan. Therefore the Winter Service Plan for 2016/17 was similar in terms of policy, priorities, routes, call out arrangements and resource planning. It should be noted however that significant work had been done on the plan prior to 2015/16, including public consultation. Reference was also made to the approval given by the Executive Committee, on 29 September 2015, to amend the 2015/16 Winter Service Plan by defining a secondary salting route network in urban and rural areas across the Scottish Borders. It was agreed that particular issues and questions from Members about the Winter Service should be taken up with the Infrastructure Manager at a drop-in session on 16 November 2016.

DECISION

(a) NOTED the performance of the SBC Winter Service during 2015/16 and the impact of last winter and the damage caused to the roads infrastructure as a result of severe storms.

(b) AGREED:-

(i) to endorse the Winter Service Plan for 2016/17 as detailed in the appendix to the report; and

- (ii) **to consider amendments to the plan for Winter 2017/18 in the Autumn of 2017.**

MEMBER

Councillor Edgar returned to the meeting during the discussion below.

10. **HIGH STREET OUTDOOR TABLES AND CHAIRS - TRIAL PERMIT PROPOSAL**

There had been circulated copies of a report by the Chief Officer - Roads, proposing the introduction of a 3 year trial permit system, with review after one year, to allow catering establishments across the Scottish Borders to place tables and chairs temporarily outside their premises. The report advised that the Council's Roads Network section was aware that carefully placed tables and chairs on High Streets could greatly enhance the look and feel of the area, as well as contributing to sustainable economic growth within the Scottish Borders. Currently, some establishments applied for planning permission to place tables and chairs but some did not. This led to variations in quality and could compromise public safety, especially for those who were visually impaired. It was therefore recognised that there was a need to have a consistent approach in place to make sure that tables and chairs were placed in a safe and sensible manner and were of a quality that would not be detrimental to the look and feel of High Streets. The report, based on the temporary placement of tables and chairs as well as the necessary associated temporary barriers, proposed that a 3 year permit trial was undertaken to ensure that streets were kept safe and to enhance townscapes across the Scottish Borders. Listed within the report were the terms and conditions proposed for the tables and chairs permit. In their discussion of the report Members agreed in principle that the 'café culture' in High Streets should be encouraged and that there should be consistency of approach towards the issue of tables and chairs. However there were questions raised about the detail behind the proposal and different views expressed about certain of the proposed conditions to be fulfilled in order for a permit to be issued. After a lengthy debate it was agreed to defer consideration of the introduction of the permit system to allow officers to consult with relevant businesses and interested parties and to come back with further information. With regard to a timeline for the proposal, the aim would be to enable a permit system to be put in place by summer of 2017.

DECISION

AGREED:-

- (a) **to defer, for further information, consideration of the introduction of a trial permit system, to allow tables and chairs to be placed outside catering establishments; and**
- (b) **to request the Chief Officer - Roads to carry out a consultation in respect of the proposed permit system with interested parties to include:**
 - (i) **those businesses who had been identified as having placed tables and chairs outside their establishment when weather allowed;**
 - (ii) **Community Councils; and**
 - (iii) **local Access Panels.**
- (c) **to request the Chief Officer - Roads to include, in his report to a future meeting, the findings of the consultation, information on the implications to businesses of the proposed permit system and policies operated by other Local Authorities in this regard.**

MEMBERS

Councillors Davidson and Renton left the meeting during the discussion below.

11. **UNAUTHORISED SIGNS AND OBSTRUCTIONS WITHIN THE ROAD BOUNDARY**

There had been circulated copies of a report by the Chief Officer - Roads, presenting three options to revise the existing policy to allow officers to deal with unauthorised signs, banners, posters, sandwich boards and other obstructions frequently found in and around towns in the Scottish Borders. It was explained that Scottish Borders Council had statutory duties under the Roads (Scotland) Act 1984 and under the Town and Country Planning (Control of Advertising) (Scotland) Regulations 1984 to ensure that roads remain unobstructed, safe and free from unauthorised signage. A policy was developed and approved by the Executive on 16 October 2007. In addition, as property owner, the Council had common law rights to regulate whether any items could be attached to or deposited on its own property. For reference, Appendix 1 to the report contained information on relevant generic definitions currently applicable and Appendix 2 the Policy/Guidance on Unauthorised Signs and Obstructions within the Road Boundary. Despite a policy being in place, the Council received frequent complaints, relating to road safety and aesthetic issues, from members of the public concerning signs and banners erected on footways and road sides. The vast majority of these signs and barriers were contrary to the relevant legislation in place and as such a review of the policy was proposed. One option would be a policy devised to completely ban all unauthorised signs, banners, posters and other obstructions. Another option to ignore the issue unless complaints were received was not considered an appropriate way forward. The recommended option was to develop a revised policy that would better define what items such as advertising banners, trader's goods and sandwich boards may or may not be tolerated, ensuring that the whole community could benefit both socially and economically. Members discussed at length the terms of the recommended option which were listed within the report. There was general agreement that there should be a coherent policy approach to the control of unauthorised signs and obstructions. However, differing views were expressed as to whether this should be the prescriptive approach favoured in the report or whether there should be some flexibility for the application of discretion and the approach be one of guidance rather than policy. In respect of commercial advertising, Members recognised the need to balance the pressures on businesses to advertise with concerns relating to road and pedestrian safety. It was accepted that revision of the policy was being brought forward to Members to consider in response to complaints from the public. In conclusion it was agreed that further information about the practical application of the proposed option was required before a decision could be made.

DECISION

AGREED:-

- (a) **to defer, for further information, consideration of the policy revision regarding unauthorised signs and obstructions within the road boundary; and**
- (b) **to request the Chief Officer Roads to provide a report to a future meeting with information about the practical application of the recommended option for policy revision including a worked-up example of application of the proposed policy in a particular location.**

12. **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.

13. **MINUTE**

The Committee approved the Private Minute of 18 October 2016.

The meeting concluded at 1.20 pm

SCOTTISH BORDERS COUNCIL **STANDARDS COMMITTEE**

MINUTE of MEETING of the STANDARDS
COMMITTEE held in Committee Room 1, Council
Headquarters, Newtown St. Boswells on 3
November 2016 at 10.00 a.m.

Present:- Councillors A. Nicol (Chairman), S. Aitchison, J. Greenwell, G Logan.
Apologies:- Councillors W. Archibald, C. Bhatia, F. Renton.
Absent:- Councillor B. Herd.
Also Present:- Monitoring Officer and Service Director Regulatory Services, Democratic
Services Officer (K. Mason).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting of the Standards Committee of 12 November 2015.

DECISION

APPROVED the Minute for signature by the Chairman.

- 1.1 With reference to paragraph 8(b) of the minute, the Monitoring Officer advised that he had contacted the Scottish Government and the Standards Commissioner to obtain clarification regarding what the current situation was in terms of Community Councils and the conduct of Community Councillors. Their responses indicated that Scottish Borders Council had no control over the conduct of Community Councillors. Although Community Councillors signed up annually to the Code of Conduct for Community Councillors there were no enforceable sanctions within this Code. At the request of Members, the Monitoring Officer agreed to prepare a private paper for Members providing advice on possible sanctions which could be actioned by Community Council Chairmen if Community Councillors were being disrespectful to Members. The Monitoring Officer stressed that the Local Authority Councillors Code of Practice did not apply to Community Councillors.

DECISION

AGREED that the Monitoring Officer prepare a private paper for Members providing advice on possible sanctions which could be actioned by Community Council Chairmen if Community Councillors were being disrespectful to Members.

2. **ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2015-2016**

- 2.1 There had been circulated copies of a report by the Monitoring Officer which provided details on Scottish Borders Council's compliance with the Ethical Standards Framework for 2015 – 2016 and also considered matters relating to Training, Register of Interest and the Hospitality Register.
- 2.2 During 2015-16 the Commissioner for Ethical Standards in Public Life referred 8 complaints, where he determined that there had been a breach of the Code of Conduct, to the Standards Commission for Scotland ("The Commission").
- 2.3 During 2015-16, 4 complaints were lodged against 4 Scottish Borders Councillors. Of the 4 complaints, 1 was internal, i.e. submitted by a Councillor or Officer, and 3 were external, i.e. submitted by a member of the public or external organisation. The complaints received in 2015-16 covered the following areas:- (a) Inappropriate involvement in operational matters/conflict of interest; (b) Conflict of Interest/Declarations of Interest; and (c) Conduct/Respect (2 cases). None of the complaints received resulted in reports by the

Standards Commissioner to the Standards Commission. Two of the complaints were resolved internally following internal investigations. In one instance it was concluded that no breach had occurred. In the second case no further action was deemed necessary following acknowledgment of inappropriate actions and receipt of an apology. The two remaining complaints were referred by the complainant to the Commissioner. The Commissioner concluded that there had been no breach of the Code of Conduct in either of those cases and took no further action in respect of those complaints.

- 2.4 The report went on to explain that the Elected Members' Registers of Interests were published on the Council's website and were also available to view in paper format from Democratic Services. The Registers were reviewed every six months and were amended according to the information provided by the Members. They were maintained in accordance with the Ethical Standards and Public Life etc. (Scotland) Act 2000 (Register of Interest) Regulations 2003, as amended. Members were also required to comply with Section 4 of the Code of Conduct whereby the Registers were updated when a Registerable Interest changed.
- 2.5 Elected Members were required, on a monthly basis, to complete a Hospitality Register within which they would declare hospitality/gifts offered (valued at over £50), whether accepted or not. Members were also required to send a completed monthly pro-forma return (including nil returns) to Democratic Services, who maintained the Members' Hospitality Register. All forms were scanned electronically and published on the Council's website. In addition, a summary sheet of all responses for the current financial year was kept with the paper copy of the Register for ease of reference. A quarterly report was submitted to the Service Director Regulatory Services in his role as Monitoring Officer.
- 2.6 Section 5 of the Ethical Standards in Public Life etc (Scotland) Act 2000 ("The 2000 Act") required Councils to promote the observance by its Councillors of high standards of conduct; and to assist them to observe the Councillor's Code. The current Guidance on the Code of Conduct stated that "*Councils should make arrangements to hold or attend training and induction sessions on Ethical Standards, and they should strongly encourage attendance by all of their Councillors and senior officers at such sessions*". Scottish Borders Council had held a number of training sessions on the Ethical Standards Framework over the last few years and had also participated in joint training sessions with Midlothian and Dumfries and Galloway Councils. Training was also provided on the Ethical Standards Framework to Members as part of their Induction Programme in May 2012 and individual Induction had been delivered to any Member joining the Council as a result of a subsequent by-election. The Council had arranged for the Public Standards Commissioner for Scotland and the Standards Commission's Secretary to attend the Scottish Borders Council Standards Committee on 29 August 2012 to give a presentation on the Ethical Standards Framework to Members. This presentation was open to all Elected Members and formed part of the continuing Ethical Standards training. Members of the Planning and Building Standards Committee received additional training on the Code of Conduct on 10 December 2012. Members also attended a seminar, hosted by the Commissioner, in early 2013. A further refresher training event was provided on 26 March 2015 and a further event was provided for all Members following the presentation of the 2014/15 Annual Report in November 2015. A new electronic library of Member Guidance was also launched following that training event.
- 2.7 Discussion followed and the Monitoring Officer answered questions raised by the Members. The Monitoring Officer advised that after the Local Government Elections in May 2017 induction courses for new members would focus on the new ALEO'S operating model for services. The Standards Commissioner had just issued new guidance relating to Councillor's declarations of interest which would provide helpful information. In relation to other areas of training, Members discussed the implications of forwarding emails from Officers to their constituents and asked that training for new Members, following the Local Government Elections in May 2017, include relationships between Members and Officers and how to deal with external and internal communications including the use of social media.

The Monitoring Officer would also determine what training was required for Members of the Planning and Building Standards Committee before any meetings took place.

DECISION

AGREED:-

- (a) to accept the report;**
- (b) that the Monitoring Officer be instructed to bring forward a report on Ethical Standards Framework compliance for 2016-17 at the appropriate time;**
- (c) that the Monitoring Officer, following the Local Government Elections in May 2017 include training for Members relating to (a) relationships between Members and Officers; and (b) procedures for dealing with external and internal communications including the use of social media; and**
- (d) that the Monitoring Officer would determine what training was required for Members of the Planning and Building Standards Committee before any meetings took place.**

The meeting concluded at 10.40 a.m.

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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 7 November 2016 at 10.00
a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford.
Apologies:- Councillor B. White.
In Attendance:- Chief Planning Officer, Principal Roads Planning Officer, Solicitor (Graham Nelson), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 3 October 2016.

DECISION

APPROVED for signature by the Chairman.

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

With reference to paragraph 2 of the Minute of 5 September 2016, 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 the report, to be used as a basis for a 12 week public consultation, following approval by Council. Mr Johnson, Principal Officer Plans and Research, Environment infrastructure 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 previous report had included reference to the proposed Tapestry Building, however, as a decision had not yet been made with regard to the preferred location and the site in Tweedbank lay outwith the zone, all references had been removed from the report. 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. Members discussed the proposal and although some Members expressed concern that there was insufficient evidence to prove this was the best way forward it was agreed that the report be presented to Council in December.

DECISION

AGREED that:-

- (a) **the Supplementary Guidance and Simplified Planning Zone Scheme be presented to Council for consideration at their meeting in December; and**

- (b) **subject to Council approval, that the Planning and Building Standards Committee receive a report back following the consultation for both the Draft Supplementary Guidance and Draft Simplified Planning Zone Scheme.**

DECLARATION OF INTEREST

Councillor Mountford declared an interest in Application 16/00141/S36 & 16/00145/S36 in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

ORDER OF BUSINESS

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

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.

DECISION

DEALT with the application as detailed in the Appendix 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) **there remained four appeals outstanding in respect of:-**
- (i) **Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles**
 - (ii) **62 Castle Street, Duns**
 - (iii) **Land North West of Whitmuir Hall, Selkirk**
 - (iv) **22 Bridge Street, Kelso**
- (b) **a review request had been received in respect of removal of existing summer house and erection of garden room at Beechwood, Lawyer's Brae, Galashiels – 16/00953/FUL.**
- (c) **the Local Review Body had overturned the Appointed Officers decision to Refuse the following:-**
- (i) **Replacement windows at 5 East High Street, Lauder – 15/01484/FUL;**
 - (ii) **Replacement windows and door at 62 Castle Street, Duns – 16/00126/FUL;**
 - (iii) **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;**
- (d) **the Local Review Body had upheld the Officers decision to refuse the following:-**

- (i) **Erection of poultry building and erection of alter, sacred well and stance for statue in Field No 0328, Kirkburn, Cardrona – 16/00494/FUL; and**
- (ii) **Extension to form animal flotation unit in Field 0328 Kirkburn, Cardrona – 16/00495/FUL**
- (e) **The Section 36 Public Local Inquiry in respect of the Construction of Wind Farm (Revised Scheme) comprising 19no. wind turbines, associated access tracks, crane hardstandings, 1 no. meteorological mast, substation, construction compound and 2 no. borrow pits on Land North of Nether Morynut Cottage (Aikengall Ila), Cockburnspath – 14/00169/S36 was sustained.**
- (f) **there remained one Section 36 appeal outstanding in respect of (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir.**

The meeting concluded at 1.30 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00141S36 & 16/00145/S36	1. Erection of 12 additional turbines and associated Infrastructure (ref 16/00145/S36) 2. Variation of Condition 2 of the Fallago Rig Wind Farm to extend the operational life of the Wind Farm by a further 5 years (16/00141/S36)	Fallago Rig 2 Longformacus

Decision: Contrary to Officer recommendation the Planning and Building Standards Committee determined to advise Scottish Ministers that Scottish Borders Council objects to both applications for the following reasons:

16/00145/S36

The proposed development would be contrary to Policy ED9 of the Scottish Borders Local Development Plan in that:

- (a) it would result in unacceptable cumulative visual impacts
- (b) it would be detrimental to the landscape character of the area, resulting in the proposed turbines extending out with the natural confines of the landscape bowl the existing windfarm sits within
- (c) the acceptability of noise impacts on residential receptors were not proven
- (d) the wider economic benefits of the development were not proven, and
- (e) there would be unacceptable adverse impacts on recreational receptors on the Southern Upland Way.

16/00141/S36

It would be inappropriate to extend permission for the existing turbines at Fallago Rig windfarm on the basis of the decision to object to application 16/00145/S36 for the additional 12 turbines.

Note. There was a brief adjournment of the meeting to allow Members to seek officer advice with regard the terms of their objection.

Councillor Ballantyne, seconded by Councillor Fullarton moved that the Council object to the application in the terms detailed above.

This proposal was accepted by all Members present with the exception of Councillor Gillespie who abstained from taking part in the decision making process in light of comments he had made during the discussion of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00747/FUL	Alterations and extension to Care Home	Peebles Nursing Home, Tweed Green Peebles

Decision: Approved contrary to Officer recommendation, subject to the following conditions and informative:

1. The wall to be extended using matching materials and coping, samples of which should firstly be submitted to, and approved by, the Planning Authority.
Reason: To safeguard the character of the property and the amenity of the Conservation Area.

2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the proposed extensions and alterations to the Peebles Nursing Home have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to the building and its setting within the Peebles Conservation Area.
3. Details of all proposed flood gates, including a flood gate to the new entrance to the northern boundary wall, to be agreed with the Planning Authority before their installation and thereafter they shall be installed in accordance with approved details and within an agreed timescale.
Reason: The property is at risk of flooding and to safeguard the character of the property and the amenity of the Conservation Area.
4. No development shall commence on site, until engineering details are submitted to and approved by the Planning Authority for the proposed 3 parking spaces adjacent to Tweed Avenue. The required details shall include construction make-up, dimensions, levels, drainage and adjustments to the roadside wall in respect of junction visibility. The parking spaces shall be constructed to the agreed standard and available for use on site prior to the nursing home becoming operational.
Reason: In the interests of road safety and to ensure that reasonable parking levels are provided for the nursing home.
5. No development shall commence until a scheme for the management of parking in the vicinity of the site, including the possible alterations/extension to the yellow lines on the opposite side of Tweed Avenue, has been submitted to and agreed by the Planning Authority, thereafter the scheme shall be implemented in accordance with approved details and within an agreed timescale. Any associated costs for such measures to be met by the developer.
Reason: In the interests of road safety and to ensure that reasonable parking levels are provided for the nursing home.

Informative

1. The Council Flood Protection Officer advises the following:
We would expect the wall to be constructed using flood resistant materials and appropriate construction techniques. We also recommend the applicant reviews the Online Planning Advice on Flood Risk. The applicant should ensure that the wall can withstand the pressure of the increased water height to mitigate against collapse during a flood event.

NOTE

Mr D Farmer, Agent for the Applicant spoke in support of the application.

Reference

16/00317/FUL

Nature of Development

Erection of boundary wall with timber fence over and gates

Location

Hawthorn Bower, Tweed Avenue

Decision: Approved subject to the following condition and Informative:

Condition

1. A sample of the walling material and the colour of the fence stain to be agreed with the Planning Authority before the development commences.
Reason: To safeguard the character of the property and the amenity of the Conservation Area.

2. Details of all proposed flood gates, including a flood gate to the new entrance to the northern boundary wall, to be agreed with the Planning Authority before their installation and thereafter they shall be installed in accordance with approved details and within an agreed timescale.

Reason: The property is at risk of flooding and to safeguard the character of the property and the amenity of the Conservation Area.

Informative

1. The Council Flood Protection Officer advises the following:

We would expect the wall to be constructed using flood resistant materials and appropriate construction techniques. We also recommend the applicant reviews the Online Planning Advice on Flood Risk. The applicant should ensure that the wall can withstand the pressure of the increased water height to mitigate against collapse during a flood event.

NOTE

Dr A Fleming, Owner spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00343/FUL	Increase in height of front (west) boundary wall, formation of opening in north boundary wall and installation of gates.	Priorsford Tweed Green Peebles

Decision: Approved subject to the following conditions and an Informative:

Conditions

1. The wall to be extended using matching materials and coping, samples of which should firstly be submitted to, and approved by, the Planning Authority.
Reason: To safeguard the character of the property and the amenity of the Conservation Area.
2. Details of all proposed flood gates, including a flood gate to the new entrance to the northern boundary wall, to be agreed with the Planning Authority before their installation and thereafter they shall be installed in accordance with approved details and within an agreed timescale.
Reason: The property is at risk of flooding and to safeguard the character of the property and the amenity of the Conservation Area.

Informative

1. The Council Flood Protection Officer advises the following:

We would expect the wall to be constructed using flood resistant materials and appropriate construction techniques. We also recommend the applicant reviews the Online Planning Advice on Flood Risk. The applicant should ensure that the wall can withstand the pressure of the increased water height to mitigate against collapse during a flood event.

NOTE

Mr Packer, Owner spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00792/FUL	1. Removal of condition 1 (occupancy restriction)	'Noanswood'

16/00793/FUL	from planning consent 02/00456/OUT	and surrounding
16/00796/MOD75	2. Removal of condition 1 (occupancy restriction) 02/01656/REM	land at Orchard Farm by Hawick
	3. Discharge of planning obligation pertaining to planning permission 02/00456/OUT	

Decision on 16/000792/FUL – Approved as per recommendation.

Decision on 16/00793/FUL - Approved as per recommendation.

Decision on 16/00796/MOD75 - Approved as per recommendation, subject to the necessary legal adjustment of the existing section 50 and 75 agreements before issue.

ORDER OF BUSINESS

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

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00614/FUL	Erection of agricultural building and formation of soil bund (retrospective)	Todshawhaugh Farm, Roberton

Decision: Approved but requires to be notified to Scottish Ministers due to the formal objection of SEPA :

1. The bund to be sown with grass seeds and planted with willows, as appropriate, during the first planting and seeding seasons following the granting of planning permission, in accordance with a scheme that has first been submitted to and approved in writing by the Planning Authority. The planting to be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting and seeding.
Reason: To enhance the visual amenities of the area.

NOTE

Mrs Hobday, Owner spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00816/FUL	Alterations to landscaping, access, fencing and garage location (amendments to previous consents 09/01098/PPP, 11/00983/AMC and 15/00531/FUL	Land South West of Carnethy Medwyn Road West Linton

Decision: Approved subject to the following conditions:

1. Before any further development takes place on the site, details of the proposed low level lighting will be submitted to and approved by the planning authority and thereafter they shall be installed in accordance with approved details and before the occupation of the first house on the site.
Reason: To ensure that the lighting is appropriate to the site and its surroundings.
2. Before the gabion baskets are install along the access, details of the proposed method for securing the gabions to the ground shall be submitted to and approved by the planning authority and thereafter they shall be installed in accordance with approved details and before the occupation of the first house on the site.

Reason: To ensure a satisfactory form of development and that the stability of the structure is appropriately addressed.

3. Before the fence along the access and the boundary with Carnethy is erected, details of the design and materials of the fence shall be submitted to and approved by the planning authority thereafter the fence shall be installed in accordance with approved details and before the occupation of the first house on the site.

Reason: To ensure a satisfactory form of development appropriate to its surroundings.

**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 Tuesday, 8th November,
2016 at 2.00 pm

Present:- Councillors F. Renton (Chair), J. Brown, J. G. Mitchell and B White. Ms K. Hamilton (NHS Borders).
Apologies:- Councillor J. Greenwell.
In Attendance:- D Robertson (Chief Financial Officer SBC), 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 welcomed everyone to the meeting of the Limited Liability Partnership - Strategic Governance Group.

**DECISION
NOTED.**

2. **MINUTE**

There had been circulated copies of the Minute of the meeting of 22 September 2016.

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

3. **SB CARES BUDGET MONITORING TO 30 SEPTEMBER 2016** With reference to paragraph 4 of the Minute of 22 September 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 30 September 2016. Members noted that a contribution of £46k had been achieved for the first six months of the financial year and that the target contribution for the whole year was £747k. The Senior Management Team had developed a programme of projects which, when fully implemented, would deliver full year savings of £704k. SB Cares Senior Management Team had further identified a one-off opportunity to meet the contribution for the current year and was now forecasting that a contribution of £747k would be paid in 2016/17. A breakdown of how this contribution would be funded for 2016/17 was detailed in the report along with the target figures for a contribution of £778k in 2017/18. Discussion followed regarding the stock valuation and the resultant opportunity for the one-off contribution mentioned previously and it was agreed that further information would be provided to Members as work progressed. Members also noted that the External Auditor's opinion was awaited in respect of SB Cares and this would be presented to the Executive Committee on 15 November 2016 if available by that date.

**DECISION
NOTED:-**

(a) SB Cares financial position as at 30 September 2016;

- (b) **the progress being made to deliver the target contribution of £747k for 2016/17; and**
- (c) **that the information would be shared with Scottish Borders Council to inform the revenue monitoring position.**

4. **SB CARES PERFORMANCE MONITORING** 4.1 With reference to paragraph 5 of the Minute of 22 September 2016, there had been circulated copies of a report by the Financial and Commercial Director of SB Cares updating Members on the performance of SB Cares through its strategic Key Performance Indicators (KPIs) and the progress on the continuing development of the agreed performance monitoring for the business. Following approval of the strategic KPIs by Members in September 2016, Ms Collins advised of performance in three areas, namely: 86% of services delivered had met Care Inspectorate National Standards of "Good" or above; 99.9% of Home Care delivered within contract parameter and 100% in all other services; 100% of financial targets forecast to be met. Development work was ongoing for the remaining two KPIs. Members noted that that an update report would be presented in February 2017 and that SB Cares were working toward presenting future Performance Monitoring reports being presented in a similar format to that used across Council departments.

4.2 There were a number of requests for clarification and officers provided additional information as requested. In particular, Members referred to the number of missed visits (39) recorded in the first six months of 2016/17. Ms Crombie explained in detail the reasons for this and discussion followed in respect of hospital discharge policy which, on occasion, allowed patients to be discharged late at night or over weekends. Problems arose when notification was not received by the Home Care Service resulting in no home visit being carried out. Issues relating to discharges at these times would be referred to NHS Borders for consideration and Ms Hamilton would report back to Members as appropriate. Members were advised that an analysis of all missed visits was undertaken and a formal review would be carried out whenever missed visit resulted in harm to a client. It was noted that there were currently issues relating to how Self-Directed Support was managed and how families made use of this process. Ms Crombie advised that work was ongoing to establish Best Practice in this area and this would consider care packages required for discharge from home and care packages put in place to prevent hospital admissions in the first place. It was agreed that detailed information on delayed discharges and missed visits be collated in order that recurring issues could be identified and improvements made.

DECISION

NOTED:-

- (a) **the performance of SBC Cares for the first six months of 2016/17 against the agreed available strategic KPIs; and**
- (b) **the further progress being made to develop the monitoring of SB Cares performance.**

5.0 **CARE INSPECTORATE**

5.1 With reference to paragraph 6 of the Minute of 22 September 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, the final inspection report for St Ronan's Care Home had been received, noting that there were no changes and that grade 5 had been awarded for both Quality of Environment and Quality of Staffing. Oakview Day Service was in receipt of its draft report, receiving grade 4 for three out of the four Quality Themes inspected and Quality of Environment graded at 3. Further information was detailed in Appendix 1 to this report.

- 5.2 The draft report for Hawick Community Support Service had been received. The grades awarded were: grade 5 for Quality of Staffing; Quality of Care and Support; and grade 4 for Quality of Management and Leadership. The draft inspection report for Tweeddale Day Services was currently awaited and a further two inspections were currently being carried out, namely Deanfield Care Home and Lanark Lodge Learning Disability Day Services. An application to register the South Area Home Care Service had been submitted in July of this year and an updated status on registration would be provided in due course. Ms Crombie clarified some of wider implications resulting from environment issues and in terms of the increasing dependency levels of residents in care homes.
- 5.3 Following discussion, it was agreed that action plans would be included in future reports for each recommendation made by the Care Inspectorate.

**DECISION
NOTED:-**

- (a) **St Ronan's improved Care Inspectorate grades from 4 to 5 for both themes;**
- (b) **Hawick Community Support Service improved grades for two themes from 4 to 5;**
- (c) **the application to register the South Area Care at Home service was still in progress;**
- (d) **the percentage of services achieving grades 4 and above; and**
- (e) **that the Equalities & Diversity section was included in Care Home information pack at section 6.**

6. **DATE OF NEXT MEETING**

The next meeting of the LLP SGG was scheduled to take place on 7 February 2017.

**DECISION
NOTED.**

7. **VISITS**

Members discussed their availability in terms of visits to other establishments/services within the Scottish Borders and it was agreed that they would confirm their preferences directly to Ms Crombie who would then make arrangements for the visits to take place.

**DECISION
NOTED.**

8. **PRIVATE BUSINESS
DECISION**

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

SUMMARY OF PRIVATE BUSINESS

9. **MINUTE**

Members approved the Private Section of the Minute of 22 September 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 AUDIT AND RISK COMMITTEE

MINUTES of Meeting of the AUDIT AND RISK held in Council Chamber, Council Headquarters, Newtown St Boswells on Monday, 14 November 2016 at 10.15 am

Present:- Councillors M. Ballantyne (Chair), B White (Vice-Chairman), J. Campbell, I. Gillespie and S. Scott and Mr M. Middlemiss.

Apologies:- Councillor A. J. Nicol.

In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk, Chief Officer HR (for Item 5), Depute Chief Executive Place, Chief Officer Roads, and Asset Manager (for Item 6), Chief Officer Children and Young People Support (for Item 7), Democratic Services Officer (P Bolson); Mr A Haseeb – Audit Scotland and Mr G Samson – Audit Scotland.

1. WELCOME

The Chairman welcomed those present to the meeting and introduced Mr Asif Haseeb from Audit Scotland who would represent the Council's external auditors on the Audit and Risk Committee along with his colleague, Mr Graeme Samson, in the absence of Mrs Gillian Woolman. The Chief Officer Audit and Risk informed the Committee that Mr Howard Walpole had resigned from the Committee due to unforeseen circumstances. On behalf of the Audit and Risk Committee, the Chairman thanked Mr Walpole for his attendance at the previous meetings.

**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.

**DECISION
NOTED.**

3. MINUTE

3.1 There had been circulated copies of the Minute of 26 September 2016.

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

3.2 It was noted that all relevant reports had been presented to Council as detailed in the Minute of 26 September 2016.

**DECISION
NOTED.**

4. EXTERNAL AUDIT - INTRODUCTION TO AUDIT SCOTLAND

The Chairman introduced Mr Haseeb, Senior Audit Manager with Audit Scotland, Scottish Borders Council's newly-appointed external auditors. Mr Haseeb gave a brief description of Audit Scotland's role in delivering public audit in Scotland and explained how that role related to the Auditor General and the Accounts Commission. Audit Scotland provided independent assurance that public money was being spent properly whilst at the same time providing best value. This included carrying out relevant and timely audits of the way the public sector managed and spent money; by reporting the findings and conclusions of these audits in the public domain; and by identifying risks and making recommendations

on mitigating these risks. Overall, Audit Scotland audited 227 public bodies whilst observing the principles of public audit. Mr Haseeb advised that, in addition to the Annual Audit Reports, Audit Scotland expected to present a separate Best Value Assurance Report at least once during their 5 year appointment. The representatives from Audit Scotland had met with KPMG (the Council's previous external auditors), the Chief Officer Audit and Risk, and representatives from the Council's Corporate Management Team and this had resulted in a useful sharing of information prior to the changeover of external auditors.

DECISION

NOTED the report.

5. RISK MANAGEMENT IN SERVICES

- 5.1 Ms C Hepburn, Chief Officer HR, was in attendance to give a presentation on the strategic risks facing Human Resources, the internal controls and governance in place to manage and mitigate those risks and the way in which risk management was embedded within the service. Ms Hepburn explained that there were three sections within HR, namely the Shared Services team; the Advisory team; and the Organisational Development (OD) team with each team leader being responsible for the risks within their individual teams. The Service Risk Register had been developed through Financial, People and Business Planning processes and was owned by the team managers with regular reviews undertaken by the HR Management Team. HR Management Team would escalate risks to Corporate Management Team (CMT) as necessary.
- 5.2 Ms Hepburn explained that HR had a dual role in Risk Management, namely to ensure that systems and practices were operating effectively to manage the corporate risks associated with staff, and to manage the risks within the HR team itself. There were currently a number of pressures being experienced, ranging from Financial Pressures; Changing Service Delivery Models within Directorates; the Implementation of the Business World Enterprise Resource Planning (ERP) system; Legislation and Government policies, such as the Apprenticeship Levy and the Integration of Health and Social Care; and Maintaining a positive Employee Relations Climate whereby monthly meetings were held with the Trades Unions in order to produce regular updates. Managing Risk within the HR service included: Effective Project, Programme and Change Management; Delivery of Risk Workshops and appropriate Training for Staff; Regular Monitoring of the Corporate and Operational risks; and clear Key Performance Measures which were monitored on a regular basis. Ms Hepburn went on to explain that, in order to deliver the corporate objectives, it was necessary for a number of systems and practices to be in place. By way of illustration for Corporate Risk Register number 13 to ensure the Council had suitably qualified, experienced and motivated staff, Ms Hepburn outlined the risk mitigation actions: People Planning had already been rolled out across most services; the Council's redeployment scheme had been established for some time with opportunities for staff to move to a different role within the Council or to retrain in order to be redeployed; effective training linked to competencies was being introduced; a staff appraisal system was in place which enabled both employee and line manager to review performance and development over an agreed time period; and flexible working practices had been successfully introduced a number of years ago. Since its introduction, there had been a positive uptake for the Council's employee benefits scheme, particularly to purchase IT under the salary sacrifice option, and Ms Hepburn advised that the aim going forward was for more local offers to be added to the scheme.
- 5.3 By way of illustration in terms of the HR Risk Register number 6, Ms Hepburn explained that it was essential that managers understood HR practices, policies and procedures and that these were embedded in the culture to ensure that there would be no successful claims against the Council. A range of measures were in place, including the Development of Business World ERP; Training for line managers and eLearning for all employees; and the Staff Appraisal system. HR worked in partnership with managers across Council services and there were ACAS accredited mediators to assist

management and staff as required. Following discussion, Members suggested that more detailed statistical data would be helpful and it was agreed that this would be included in future presentations as appropriate. The Chair thanked Ms Hepburn for her attendance.

DECISION

NOTED the presentation.

6. SCOTTISH BORDERS COUNCIL ROADS EXPENDITURE

6.1 There had been circulated copies of a report by the Accounts Commission on Maintaining Scotland's Roads and copies of a report by the Depute Chief Executive Place on Scottish Borders Council Roads Expenditure were circulated at the meeting. Mr Barr explained that the SBC report provided a review of the historic expenditure that the Council had made on its Roads and Bridges Infrastructure, the factors linked with this expenditure that could influence the overall measurable road condition and a review of the key findings of the Accounts Commission report entitled "Maintaining Scotland's Roads" which was published in August 2016. Table 3.1/1 in the SBC report detailed the Revenue and Capital spend that the Council invested in its roads, bridges and street lighting infrastructure between 2011/12 to 2015/16 and showed that in the region of £10m per annum had been invested in general maintenance and improvement. The increases in investment during 2015/16 were as a direct result of the emergency repairs required following the severe floods during December 2015 and January 2016 and were subject to recovery under the Bellwin Scheme from the Scottish Government. The report summarised the types of planned and preventative maintenance undertaken within the Scottish Borders, including the Street Lighting Energy Efficiency Programme (SLEEP), Selkirk Flood Relief Scheme and Galashiels Inner Relief Road, noting an average spend of £7m per annum over the past 5 years. Severe winter weather conditions required reactive repairs such as making good potholes and patching and drainage work, regularly accounting for expenditure of around £2m per year. Mr Barr explained that expenditure on projects such as SLEEP and emergency repairs, whilst an important investment, did little or nothing to positively influence measurable overall road condition, and achieving measurable road improvements depended more on how the money was used rather than the gross amount spent. It was also emphasised that much of the 3,000 kilometres of roads in the Scottish Borders was B, C and unclassified roads and this was an added pressure in maintaining and improving the overall road condition rating.

6.2 With reference to the Accounts Commission report, Mr Barr provided some background in respect of how the data used in that report was collected. He responded to a number of comments made in the Accounts Commission report and these observations were detailed in paragraph 4.2 of the SBC report. Members raised a number of questions and officers provided clarification in terms of: materials used to repair and maintain roads and carry out surfacing; HGV usage of class B, C and unclassified roads; and positive ditching and the responsibilities of private landlords. Exhibit 10 of the Accounts Commission report identified that Scottish Borders Council had agreed to invest an additional £67.3m in roads maintenance over 20 years from 2015 in order to slow down the rate of decline of road condition and achieve a target of 55% of roads in an acceptable condition (currently 54.5%).

DECISION

NOTED:-

(a) **The extent and nature of the historic expenditure made by Scottish Borders Council in its roads and bridges infrastructure; and**

(b) **The observations made with respect to the Accounts Commission report "Maintaining Scotland's Roads".**

6.3 With reference to the Progress with Implementation of Internal Audit Recommendations (Item 9), officers were asked to report on progress in relation to Roads Management

actions currently outstanding. In response, Members were advised that the Roads Review was currently in progress and that, once concluded, the Roads Asset Management Plan would be taken forward and developed as recommended in the Internal Audit report. New Service Standards and Performance Targets and Measures had been developed as part of the Roads Review to progress the actions to develop a Road Maintenance Manual and to receive Performance Information relating to road safety inspections and repairs. Future reports on Internal Audit recommendations would include further progress made by Roads Management.

**DECISION
NOTED.**

ADJOURNMENT

The meeting was adjourned at 11.40am and reconvened at 11.50am.

7. SOCIAL WORK IN SCOTLAND

7.1 There had been circulated copies of a report by the Accounts Commission on the delivery of Social Work services in Scotland. The Chief Officer Children and Young People Support was in attendance to present the report to Committee. The summary included in the report advised that current approaches to delivering social work services was not sustainable in the longer term and there were risks, should costs be reduced further, which could affect the quality of service provision. The report included key recommendations for Local Authorities and Integration Joint Boards.

7.2 Members discussed aspects of the report such as the stability of the local authority workforce within Social Work and Mrs Blackie advised that this was very positive in the Scottish Borders. She went on to explain that qualifications offered by local Colleges did not necessarily match current employment opportunities and further work was needed to make progress in this area. Discussion followed on how an early intervention approach could be developed further through multi-agency partnerships and on how Resilient Communities/community-led social work services could contribute to this. With regard to recovery and aftercare for adults, health and social work staff worked closely with families and local support networks to enable people to return home as soon as possible after treatment. By way of clarification, Mrs Blackie confirmed that in certain circumstances, looked-after children included young people up to 26 years of age, with 40 looked-after children currently under SBC's care. Members acknowledged that there was clearly a need to find alternative ways of maintaining this responsibility within the current financial constraints. Following discussion, Members agreed to recommend to Council that the self-assessment checklist as detailed in Supplement 4 of the Accounts Commission 'Social Work in Scotland' report be issued to all Elected Members to raise their understanding of social work in the Council. Members further discussed the merits of developing similar checklists covering a range of responsibilities, for example their corporate parenting role, and how these could be used to assist them in their roles. The Chair thanked Mrs Blackie for her attendance.

DECISION

(a) **NOTED the Accounts Commission report.**

* (b) **AGREED TO RECOMMEND that the self-assessment checklist as detailed in Supplement 4 of the Accounts Commission 'Social Work in Scotland' report be issued to all Elected Members to raise their understanding of social work in the Council.**

8. MID-TERM TREASURY MANAGEMENT REPORT 2016/17

- 8.1 There had been circulated copies of a report by the Chief Financial Officer providing the mid-year report of treasury management activities for 2016/17, in line with the requirements of the CIPFA Code of Practice, including Prudential and Treasury Management Indicators. Following consideration by the Audit and Risk Committee, the report would then be presented to Council for approval. Appendix 1 to the report contained an analysis of the performance against the targets set in relation to Prudential and Treasury Management Indicators and proposed revised estimates of these indicators in light of the 2015/16 outturn and experience in 2016/17 to date for discussion by the Committee prior to presentation to Council for approval. It was also noted that any changes to the report following presentation to the Executive Committee on 15 November 2016 would be reflected in the final version to be considered by Council on 15 December 2016.
- 8.2 The Chief Financial Officer advised that all of the 2016/17 target indicators reported on were based on those agreed as part of the strategy approved by Council in February 2016. The mid-year report for 2016/17 was detailed in Appendix 1 and covered: the economic update for the first six months of the current year; reviews of the Treasury Management Strategy Statement and Annual Investment Strategy; Council's capital expenditure (prudential indicators); Council's investment portfolio for 2016/17; Council's borrowing strategy for the current year; and compliance with Treasury and Prudential Limits for 2016/17. Members' requests for clarification on interest rates and deferred borrowing were met and the Chief Financial Officer advised that deferred borrowing had not impacted on the Pension Fund returns. With regard to housing development, it was noted that the current market had not allowed Bridge Homes to build its target number of new houses and it was likely that the actual number built would be in the region of 100 homes by 2019.

DECISION

(a) **NOTED that treasury management activity in the six months to 30 September 2016 had been carried out in compliance with the approved Treasury Management Strategy and Policy; and**

* (b) **AGREED TO RECOMMEND that the Treasury Management Mid-Year report 2016/17, as contained in Appendix 1 to the report and as amended by Executive Committee on 15 November 2016, be presented to Council for approval of the revised indicators.**

9. **PROGRESS WITH IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS**
There had been circulated copies of a report by the Chief Officer Audit and Risk providing an update on the implementation by Management of audit recommendations as agreed in Internal Audit reports since December 2013. Information relating to Internal Audit recommendations which had not yet been fully implemented was detailed in the Appendix to the report and Members noted that the completion dates for a number of these had been extended. Discussion followed and Ms Stacey advised that recommendations were now assigned more realistic timescales for completion. Work was still required by services to ensure that internal monitoring was carried out and risks were managed appropriately. Members were advised that there had been one outstanding recommendation in respect of SB Contract's ordering process and that completion was anticipated by 15 November 2016. Further updates would be presented to Members in future reports. In response to a question on "risk acceptance", Ms Stacey advised that this was discussed with management at the end of each audit and their views would be reflected in the final recommendations. A general discussion followed on how Covalent was used across Council services and it was acknowledged that it was not yet totally embedded with managers. It was agreed that managers would be called back to the Audit and Risk Committee after 6 months to explain any outstanding recommendations and that a final report would be prepared for consideration by the incoming Committee following the Local Government elections in May 2017.

DECISION

(a) **ACKNOWLEDGED** the progress made by Management in implementing audit recommendations.

(b) **AGREED** that:-

(i) **managers be called back to the Audit and Risk Committee after 6 months to explain any outstanding recommendations; and**

(ii) **a final report be prepared for consideration by the incoming Committee following the Local Government elections in May 2017.**

10. INTERNAL AUDIT MID TERM PERFORMANCE MONITORING REPORT 2016/17.

With reference to paragraph 6 of the Minute of 29 March 2016, there had been circulated copies of a report by the Chief Officer Audit and Risk which provided details of the progress made towards completing the Internal Audit Annual Plan 2016/17 during the period to 30 September 2016. The report also summarised the outcomes of assessments of the Internal Audit service against the Public Sector Internal Audit Standards (PSIAS). Internal Audit provides assurance to Management and the Audit and Risk Committee on the effectiveness of internal controls and governance within the Council. Details of the half-yearly progress with the delivery of the programme of work were set out in the Appendix to the report and it was expected that the Internal Audit Annual Plan 2016/17 would be delivered on target. The report noted that during the period to 30 September 2016, there had been 413 actual days of Internal Audit work carried out as opposed to the 378 planned days originally scheduled. The report advised that there had been some rescheduling of audits based on service requirements and planning, and detailed the changes within the section's staffing resource, noting that the Internal Audit Annual Plan 2016/17 could still be delivered in full by 31 March 2017, based on expected staffing levels for the remainder of the financial year. The report also provided an update on progress that had been made towards the improvement actions identified within the Quality Assurance and Improvement Plan (QAIP) to ensure continued conformance with the PSIAS.

DECISION

(a) **APPROVED** the progress made by Internal Audit in completing the Internal Audit Annual Plan 2016/17.

(b) **ACKNOWLEDGED** that it was satisfied with the performance of the Internal Audit service.

11. NEXT MEETING

The next meeting of the Audit and Risk Committee was scheduled to take place on 16 January 2017.

**DECISION
NOTED.**

The meeting concluded at 1.15 pm

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, 15 November, 2016 at
10.00 am

Present:- Councillors D. Parker (Chairman), S. Aitchison, S. Bell, C. Bhatia, M. J. Cook,
V. M. Davidson (from para 2.2), G. Edgar, J. G. Mitchell, D. Moffat, F. Renton,
R. Smith

Apologies:- Councillors D. Paterson

In Attendance:- Depute Chief Executive - Place, Corporate Transformation and Services
Director, Chief Financial Officer, Clerk to the Council, Democratic Services
Officer (F. Walling).

1. **MINUTE**
The Minute of meeting of the Executive Committee of 1 November 2016 had been circulated.

DECISION
APPROVED for signature by the Chairman.

2. **QUARTERLY CORPORATE PERFORMANCE REPORT (QUARTER 2, 2016/17)**
 - 2.1 With reference to paragraph 4 of the Minute of the Executive Committee of 16 August 2016, there had been circulated copies of a report by the Chief Executive presenting a summary of Scottish Borders Council quarterly performance information for Members. In her introduction, the Corporate Performance and Information Manager, Sarah Watters, explained that this was the 11th report over a 3 year period of reporting against the 8 priorities that the Council wished to be addressed. Performance Indicators had continued to evolve to reflect policy and service changes; a summary of the main changes being provided in Section 4 of the report. One of the changes was to reflect work done by Health and Social Care Locality Co-ordinators and to include locality data within the infographic. This would be built upon as local health and social care work developed. A high level summary of performance against the Council's corporate priorities was given in Section 5 of the report with a more detailed presentation and explanation of each Performance Indicator (PI) provided in the Appendix to the report. Where possible, information that was collected on a quarterly basis was presented but this was not possible for all areas of Council business, for example, school attainment. All information contained within the report was also made available on the SBC website using the public facing part of SBC's Performance Management software (Covalent). This could be accessed at http://www.scotborders.gov.uk/info/691/council_performance/1353/our_performance_as_a_council and by clicking on "Scottish Borders Performs".

MEMBER

Councillor Davidson joined the meeting during the discussion below.

- 2.2 Mrs Watters referred to the main improvement areas and key concerns summarised within the report and Members asked questions about the background to the data provided. Responses were given about the way in which Adult and Child Protection concerns and incidents were recorded and any relationship between improving attainment in schools and the number of exams taken. Clarification was also given about how the measurement of energy consumption had been calculated. With regard to the reduction in average time to determine planning applications it was noted that this trend should

continue due to implementation of Scottish Planning Policy to reduce the use of legal agreements and replace these where possible with planning conditions. In a discussion about the occupancy rate for Council-owned industrial and commercial units it was suggested that this quarter's rate of 86% was an acceptable balance between the desire for income from occupation of lets and ensuring availability of vacant property for businesses to move into. It was agreed that it would be useful to receive data on occupancy rates at a locality level in future performance reports. In relation to Priority 3 'Provide High Quality Support, Care and Protection' a question was asked about the impact to services of the increase in uptake of the Self Directed Support (SDS) approach. In recognising the complexity of the issues Members agreed with officers' suggestion that a report on SDS be brought to a future meeting.

DECISION

(a) NOTED:-

- (i) the changes to performance indicators outlined in Section 4 of the report; and**
- (ii) the performance presented in Section 5 and within Appendix 1 and the action being taken within Services to improve or maintain performance.**

(b) AGREED:-

- (i) that data on occupancy rates of Council-owned industrial and commercial units be provided on a locality level in future Corporate Performance Reports; and**
- (ii) that the Depute Chief Executive – People would present a report on the impact to services of the increase in uptake of the Self Directed Support approach to a future Executive Committee meeting.**

3. MONITORING OF THE GENERAL FUND REVENUE BUDGET 2016/17

- 3.1 There had been circulated copies of a report by the Chief Financial Officer which provided the budgetary control statements for the Council's General Fund based on actual expenditure and income to 30 September 2016 and explanations of the major variances between projected outturn expenditure/income and the current approved budget. The revenue monitoring position set out in the report was based on actual income and expenditure to 30 September 2016. The Chief Financial Officer confirmed that the Council was projecting a balanced position to 31 March 2017 with identified pressures currently being managed within departmental budgets. This balanced position assumed that £0.539m relating to the IT contract, where CMT had given a corporate commitment to fund the pressures, would be addressed in the remainder of the financial year. Pressures of £0.290m to support the Corporate Transformation programme also required to be funded. At 30 September 2016, 71% of savings had been delivered (£6.959m planned efficiency savings delivered as per the Financial Plan with £0.108m achieved by alternative, permanent measures and £1.759m delivered temporarily). The remaining 29% (£3.534m) was profiled to be achieved during the remainder of 2016/17. A detailed review of remaining savings was given in Appendix 3 to the report. Further emphasis during 2016/17 needed to be placed on delivering the savings permanently as required by the Financial Plan. The current value of savings delivered temporarily in 2016/17 was £1.759m; these savings needed to be delivered on a permanent basis and considered as part of the budget process. Full details of pressures, risks and challenges were detailed in Appendix 1 to the report alongside the significant majority of areas of the Council's operation where approved budget plans remained on track. Appendix 2 detailed budget virement requirements.

- 3.2 Members discussed the report and received answers to their questions. With regard to the CGI contract, the Chief Financial Officer confirmed that the Enterprise Resource Planning (ERP) solution was on track to go live on 1 April 2017. Members expressed concern regarding the continuation of the delay in the Scottish Wide Area Network (SWAN) project, referred to in the report as an area of significant pressure. Officers gave further information on the current position and about the action being taken by the Council to pursue recompense for excess costs. It was agreed to provide a further update to the Executive Committee on the SWAN project within the budget monitoring report in 3 months. Discussion continued on the Children and Young People's Service and the area of potential pressure relating to External Placements. Members requested a report with some analysis of the results of the work of the Multidisciplinary Team around the child, to which additional financial resource had been directed and on how the Council's approach to out of area placements was assisting with pressures and improving outcomes for children. With regard to the pressure relating to planning and the income from planning fees it was noted that, in an independent review of the Scottish Planning System, a two-stage process to raise fees had been recommended to ensure that planning authorities were better resourced. Following the review, the Scottish Government aimed to consult fully on a White Paper which should be published soon.

DECISION

(a) NOTED:-

- (i) the corporate monitoring position projected at 30 September 2016, the underlying cost drivers and the identified areas of financial risk as reflected in Appendix 1;**
- (ii) the progress made in achieving Financial Plan savings in Appendix 3 and the ongoing action to ensure delivery of 2016/17 Financial Plan savings on a permanent basis; and**
- (iii) that all management teams were focused on delivering measures to ensure a balanced outturn position was delivered in 2016/17 including delivery of £0.539m of savings to fund IT contract costs and £0.290m to support Corporate Transformation.**

(b) APPROVED:-

- (i) the virements attached as Appendix 2 to the report; and**
- (ii) the transfer of £1.683m into Allocated Reserves to contribute towards IT Transformation (£0.177m) and agreed contribution to the 2017/18 Financial Plan (£1.506m).**

(c) AGREED:-

- (i) to receive an update on the SWAN project as part of the monitoring report in February 2017; and**
- (ii) that the Depute Chief Executive – People would present a report, on the work of the Multidisciplinary Team around the child as this related to the budget pressure associated with External Placements, to a future meeting of the Executive Committee.**

There had been circulated copies of a report by the Chief Financial Officer providing an update on the progress of the 2016/17 Capital Financial Plan, and seeking approval for projected outturns and associated virements, and the reallocation of funds. Details of the update were shown in four appendices to the report. The monitoring tables in Appendix 1 reported on actual expenditure to 30 September 2016. Key issues identified in these tables were summarised within the main report. The tables identified a projected net variance of £2.179m against the approved budget. The net in-year budget increase of £1.162m was primarily due to a gross-up of external funding received from the Society of Chief Officers for Transport in Scotland (SCOTS) of £0.503m for Roads and Bridges and an increase in the projection for the Plant and Vehicle Replacement, fully funded from the Plant and Vehicle Fund. The net budget timing movements to future years amounted to £3.341m, the most significant of which was £0.6m for the Street Lighting Energy Efficiency Project, £0.485m for Selkirk Flood Protection and £1.475m for Early Learning and Childcare. Appendix 3 contained a summarised list of timing and budget movements within the 2016/17 Capital Plan. Appendix 2 contained a list of the block allocations approved for this year and the various approved and proposed projects to be allocated from them within the 2016/17 Capital Plan. A list of estimated whole project capital costs for single projects which would not be completed in the current financial year was included in Appendix 4. The Chief Financial Officer highlighted the key parts of the report and answered questions on specific points. With regard to the Street Lighting Energy Efficiency project, he explained that the timing movement of £0.6m to 2017/18 was the result of savings made in the current works programme due to a reduction in the cost of lanterns. Members welcomed this saving and noted that the decision about whether to use this balance to extend the programme or use elsewhere would be made as part of the budget process.

DECISION

(a) AGREED:-

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

(b) NOTED:-

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

5. PROJECTED BALANCES AT 31 MARCH 2017

There had been circulated copies of a report by the Chief Financial Officer which provided an analysis of the Council's balances as at 31 March 2016 and advised Members of the projected balances at 31 March 2017. The unaudited Council's General Fund useable reserve (non-earmarked) balance was £7.082m at 31 March 2016. The first monitoring position reported to the Executive Committee in August 2016 reflected a balance of £5.638m in line with the approved Financial Strategy. The report confirmed that the projected balance as at 31st March 2017 remained £5.638m. The Council's allocated reserve balance was £3.360m at 31 March 2016 and was projected to be £5.501m at 31 March 2017. The increase from the last reported position was as a result of an allocation of £0.177m from the revenue budget into the IT Transformation allocated reserve and an allocation of £1.506m from the revenue budget to support the 2017/18 Financial Plan as approved by full Council on the 11 February 2016. The total of all useable balances,

excluding developer contributions, at 31 March 2017 was projected to be £20.570m, compared to £31.163m at 31 March 2016. The difference related almost entirely to earmarking. As the financial year progressed, earmarked balances to be carried forward to 2017/18 and future years were expected to increase. The report explained that the projected balance on the Capital Fund of £1.350m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year. There followed a discussion on the approach taken to the balance being maintained in the Council's general fund reserve. It was noted that Scottish Borders Council's strategy was to use reserves to manage unforeseen risks and support the delivery of the financial plan including the major transformation programme being taken forward to ensure sustainability of the budget in the face of future challenges and risks. In response to a question about the Council's future development and use of renewable energy it was confirmed that this was a major part of the Transformation Programme.

DECISION

NOTED:-

- (a) the projected revenue balances at 31 March 2017 as detailed in Appendices 1 and 2 to the report;**
- (b) the projected balance in the Capital Fund detailed in Appendix 3; and**
- (c) the allocation of £1.683m from the revenue budget to the allocated reserve to support IT contract as approved by Council and the 2017/18 Financial Plan both reflected in the revenue monitoring report.**

6. CORPORATE TRANSFORMATION PROGRESS REPORT

With reference to paragraph 8 of the Minute of 16 August 2016, there had been circulated copies of a report by the Corporate Transformation and Services Director which provided an update on progress in developing and delivering the Council's Corporate Transformation Programme and set out planned activity in the reporting period to February 2017. The current areas of work within the Programme were detailed in the tracker in Appendix 1 to the report under the 8 Corporate Priorities. Included was a brief description of the purpose of each Programme, a summary of progress made to date (rating them Red, Amber or Green) and key milestones in the next quarter. Section 4 of the report set out the key highlights over the last reporting period. The Borders Railway reached its one year anniversary in September 2016 with over 1 million passengers having used the service in the first year. Significant progress was being made across the Blueprint programme. Detailed performance reporting infographics relating to the Borders Railway and Sustainable Transport were set out in Appendices 2 and 3 to the report. The Corporate Transformation and Services Director drew attention to the key sections of the report. With regard to the Digital Transformation Programme, he referred to the emerging collaborative approach, with two meetings of the Borders Digital Forum having taken place. Representatives were in attendance from communities across the Borders in addition to suppliers and regulators. With regard to the Borders Railway, the Director advised that the Council had held discussions with ScotRail about service performance issues which had been the focus of concern. Members welcomed the approval of funding for the ScotRail Retail Hub at Tweedbank Station. There was further discussion and questions asked about the rate of progress of the Localities Programme. The Director explained how the programme was linked to the Community Planning Partnership and to the opportunities presented through the Community Empowerment Act. It was confirmed that the timing of the development of Local Outcome Improvement Plan and the Locality Plans would be discussed at the next meeting of the Community Planning Strategic Board.

DECISION

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

7. **SCRUTINY COMMITTEE RECOMMENDATION**

7.1 There had been circulated copies of a Minute extract from the Scrutiny Committee meeting of 27 October 2016. This followed a report to the Committee by the Service Director Assets and Infrastructure providing information on the Council's bridge assets. The report included a list of all bridges in the Scottish Borders, current processes for inspection and maintenance, planned investment, key issues around bridge condition and plans for improvement. The Service Director had explained at that meeting that the current Scottish Borders Council's Road Asset Management Plan (RAMP), approved in 2014, detailed what was required to manage the road network assets, including bridges. However, ensuring that all bridges were inspected regularly to assess condition and then undertaking necessary works was increasingly difficult in the current financial climate. The report presented the current planned investment in bridges and the process around identifying planned maintenance work with future planned actions around performance reporting. After discussion the Scrutiny Committee had agreed that the need to carry out inspections of the bridges asset was paramount in order to prioritise repairs using the Code of Practice for Management of Highway Structure recommendations. Once the inspections had been carried out, the results could then be incorporated into the regular performance monitoring reports to Executive Committee. The Committee also asked that officers continued to assess, on a case by case basis, any opportunities for funding to assist with future repairs to bridges.

MEMBER

Councillor Edgar left the meeting during the discussion below.

7.2 In a discussion of the Minute extract and recommendation, Members welcomed the work carried out by the Scrutiny Committee and agreed that it was right to highlight the importance of regular inspection of the Council's bridge assets. They also agreed that it was appropriate to receive an annual report on the condition of bridges and a prioritised list for repair. However the view of Members was that an annual report on the condition of bridges should be incorporated into the Roads Asset Management Plan (RAMP) process rather than through the quarterly performance reports to the Executive Committee. It was therefore agreed to amend the part of the recommendation regarding the reporting procedure.

DECISION

AGREED:-

- (a) **to endorse the following parts of the recommendation from the Scrutiny Committee that:-**
 - (i) **the current Roads Review should take account of the need to inspect bridges within the Code of Practice for Management of Highway Structures recommendations and that, if possible, some additional resources be identified to allow this work to be carried out in line with the priorities within the Roads Asset Management Plan;**
 - (ii) **when considering future repairs to historic and iconic Borders bridges, officers continued to assess on a case by case basis any opportunities for external funding**
- (b) **that, once the inspection of bridges had been carried out, the condition of all bridges be categorised and incorporated into an annual report to the Executive Committee as part of the Roads Asset Management Plan process.**

The meeting concluded at 11.40 am

SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the HAWICK
COMMON GOOD FUND SUB-COMMITTEE
held in Lesser Hall, Town Hall, Hawick on
Tuesday, 15 November 2016 at 4.00 pm

Present:- Councillors G Turnbull (Chairman), A Cranston, W McAteer, S Marshall, D Paterson, R Smith, Mr J Little.
Apologies: Councillor D Paterson, Estates Surveyor.
In Attendance:- Managing Solicitor (R Kirk), Estates Manager (N Hastie), Senior Finance Officer (J Yallop), Democratic Services Officer (J Turnbull).
Members of the Public 3

1. ORDER OF BUSINESS

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

2. MINUTE

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

DECISION

APPROVED the Minute for signature by the Chairman.

3. FINANCIAL ASSISTANCE

The Sub-Committee considered applications for financial assistance from the following:-

3.1 Hawick Honorary Provosts Council

There had been circulated copies of an application for financial assistance from Hawick Honorary Provosts Council requesting £2,000 towards their running costs.

DECISION

AGREED to award a grant of £2,000 towards the running costs of Hawick Honorary Provosts Council.

3.2 Hawick Reivers' Association

There had been circulated copies of an application for financial assistance from Hawick Reivers' Association requesting £2,500 towards the overall running costs of the Festival. Ms Catherine Elliott, Hawick Reivers' Association Chairman, was in attendance. Ms Elliott acknowledged that the Association applied for funding every year and explained that they had secured £12k from other sources for the Festival. However, the difficulty was that such funding was given for a specific purpose and it was proving difficult to secure funding for the day to day running costs of the Festival. The Committee discussed the application and it was agreed to grant £2,500 towards the running costs of the Festival.

DECISION

AGREED to award a grant of £2,500 toward the overall running costs of the Festival.

3.3 Hawick Royal Albert FC

There had been circulated copies of an application for financial assistance from Hawick Royal Albert Football Club for £500.00. The grant would be used to off-set the cost of bus hire to Elgin to enable the Club to participate in the 3rd round of the Scottish Cup. Mr Borthwick was in attendance representing the Football Club (FC). In answer to a question

he confirmed that the FC were also receiving assistance from the Scottish Football Association towards transport costs. The Sub-Committee congratulated the Football Club on their achievement and wished them success in their match against Elgin.

DECISION

AGREED to award a grant of £500 to Hawick Royal Albert Football Club for transport costs to enable their participation in the 3rd round of the Scottish Cup.

3.4 The Heart of Hawick Children's Book Award

There had been circulated copies of an application for financial assistance from the Heart of Hawick Children's Book Award for the purchase of sets of books to donate to schools. The grant would also assist costs associated with the 10th Anniversary Awards Ceremony. Ms Scott, was in attendance and explained that although the initiative was based in schools, it was run by Heart of Hawick in collaboration with the library. The books chosen were not on the school curriculum, but chosen to stimulate the interest of reluctant readers and encourage reading for enjoyment. As well as providing schools with books, Heart of Hawick carried out workshops in schools. Ms Scott advised that they had carried out fundraising events and that many local businesses supported the initiative. The funding was important to ensure that they could plan for next year's event. In answer to a question, Ms Smith advised that with regard to the Awards Ceremony, they provided authors with funding for one night's accommodation in the town. After discussion, it was unanimously agreed to award the grant.

DECISION

AGREED to award a grant of £2,000 towards the cost of sets of books to donate to schools and assistance with the 10th Anniversary Award Ceremony.

3.5 Wilton Bowling Club

There had been circulated copies of an application for financial assistance from Wilton Bowling Club for the purchase of 11 sets of junior bowls. Mr McCartney was in attendance and advised that the previous year the Club had held a Super Bowl event throughout the Winter. Children had been encouraged to participate. However, they had to use adult bowls which were not suited for smaller hands. The funding would be used to purchase junior bowls which would encourage children to participate in the sport.

DECISION

AGREED to award £1,100 for the purchase of 11 sets of junior bowls.

4. COMMON HAUGH - APPLICATION FOR FAMILY FUN FAIR

With reference to paragraph 6 of the Minute of 17 November 2015, an application had been received by K Stuart, Family Fun Fair, requesting permission to lease part of the Common Haugh on two weekends, in March and April 2017 for a Fun Fair. Members discussed the application and Mr Stuart, Fairground Proprietor, who was in attendance, responded to questions. Members agreed the application and the early start time of 6.00 pm but refused the request for the Sunday opening.

DECISION

AGREED

To grant a lease of the Common Haugh, to K Stuart, Family Fun Fair, as follows:

(a)	Thursday	23 March 2017	6.00 pm to 9.30 pm
	Friday	24 March 2017	6.00 pm to 10.00 pm
	Saturday	25 March 2017	1.00 pm to 10.00 pm
(b)	Thursday	30 March 2017	6.00 pm to 9.30 pm
	Friday	31 March 2017	6.00 pm to 10.00 pm
	Saturday	1 April 2017	1.00 pm to 10.00 pm.

5. MONITORING REPORT FOR SIX MONTHS TO 30 SEPTEMBER 2016

- 5.1 With reference to paragraph 3 of the Minute of 16 August, there had been circulated a report by the Chief Financial Officer providing details of the income and expenditure for the Hawick Common Good Fund for the six months to 30 September 2016 and full year projected out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. Appendix 1 to the report provided the actual income and expenditure. This showed a surplus of £18,504 for the year. Appendix 2 provided a balance sheet value to 31 March 2017. It showed a projected decrease in the reserves of £21,088. Appendix 3 provided a breakdown of the property portfolio showing projected rental for 2016/17 and actual property expenditure to 30 September 2016. Appendix 4 showed the value of the Newton Fund to 30 September 2016. Mr Yallop, Senior Finance Officer, was in attendance and advised that the £18,504 surplus was significantly less than anticipated due to increased spending at the Common Haugh and Pilmuir Farm. Correspondingly this had caused a decrease in the reserve to £21,088. Mr Yallop further advised that given the financial assistance awarded above, the budget allocated to grants was now overspent. He therefore suggested an increase of £5k to £10k to the grants budget to cover the shortfall and also provide some budget capacity for further grant awards for the remainder of 2016-17.
- 5.2 Councillor Smith, seconded by Councillor Turnbull, moved that the Grants & Other Donations budget be increased by £2,300 to cover the current budget shortfall.
- 5.3 Councillor McAteer, seconded by Councillor Marshall moved as amendment that the budget be increased by £5k.

VOTE

On a show of hands Members voted as follows

Motion - 2 votes
Amendment - 3 votes

The amendment was accordingly carried.

- 5.4 Mr Yallop further advised that the Newton Fund was performing well, despite the turmoil in the markets due to Brexit and the US Election. The cash reserve held by the Common Good was currently £152k; he suggested that an amount of the cash reserve could be further invested in the Newton Fund. The Committee discussed the proposal and it was agreed that an update would be provided by Mr Yallop containing a proposed further investment amount.

DECISION

(a) AGREED:-

- (i) The projected income and expenditure for 2016/17 as shown in Appendix 1 to the report;**
- (ii) To increase the Grants and Other Donations budget by £5,000;**
- (iii) To receive an update from the Senior Finance Officer in the form of a proposed amount for further investment in the Newton Fund.**

(b) NOTED:-

- (i) The actual projected balance sheet value as at 31 March 2017 in Appendix 2 to the report;**
- (ii) The summary of the property portfolio in Appendix 3 to the report; and**

(iii) The current position of the investment in the Newton Fund in Appendix 4

6. MOVEABLE ASSETS INVENTORY

With reference to paragraph 5 of the Minute of 25 May 2015, there had been circulated copies of a report summarising the potential Common Good ownership of heritage objects held in Hawick Museum and Hawick Town Hall. The report also updated Members as to research carried out over 2016 and made a number of recommendations where ownership should be reclassified to Hawick Common Good rather than Scottish Borders Council (SBC). Following concern that there were potential omissions in the Hawick Common Good Moveable Asset Register, the Council's (now Live Borders) Museum Service had agreed to undertake a review of heritage collections and some civic collections held by Scottish Borders Council to see if any items held in Hawick Museum and Hawick Town Hall should be reclassified as belonging to Hawick Common Good. The report listed the assumptions used and the collections reviewed. Based on evidence available the report concluded that there were 14 items in the fine art collection, one museum item and 22 items in the Town Hall which should be classified. Mr Ian Brown, Cultural Services Manager and Ms Shona Sinclair, Area Curator, Live Borders, were in attendance. The Sub-Committee thanked Mr Brown and Ms Sinclair for their work in preparing the Inventory. Following discussion, Councillor McAteer, seconded by Councillor Marshall proposed that the Moveable Assets Inventory should be shared with key local stakeholder organisations, to seek their agreement that the list reflected, to their best belief and understanding, the relevant assets belonging to Hawick Common Good. That upon agreement of the stakeholders this information be forwarded to the Sub-Committee to make a recommendation to Council to add the said removal items to the Hawick Common Good Moveable Asset Inventory. This was unanimously agreed by the Sub-Committee.

DECISION

(a) NOTED the suggested reclassification of those moveable items listed in the report and in Appendix 2 to the report, as assets belonging to Hawick Common Good.

(b) AGREED:-

(i) To consult with stakeholder organisations to seek their agreement that the Moveable Asset Inventory reflected, to their best belief and understanding, the relevant assets belonging to Hawick Common Good;

(ii) That upon agreement of the stakeholders, this information be presented to the Hawick Common Good Sub-Committee to make a recommendation to Council, to add the said removal items to the Hawick Common Good Moveable Asset Inventory; and

(iii) To commission a valuation report on the items so listed in the report.

7. DATE OF NEXT MEETING

The next meeting of Hawick Common Good Fund Sub-Committee was scheduled to take place on Tuesday, 21 February 2017.

8. PRIVATE BUSINESS

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

SUMMARY OF PRIVATE BUSINESS

9. **PRIVATE MINUTE**
Members approved the private section of the Minute of 16 August 2016.
10. **PROPERTY UPDATE**
The Sub-Committee considered and approved verbal reports by the Property Officer.
11. **VOLUNTEER PARK, HAWICK**
The Sub-Committee considered and approved a report by Service Director Asset & Infrastructure
12. **URGENT ITEM**
Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed
13. **HORNSHOLE**
The Sub-Committee noted a verbal update from the Managing Solicitor.
14. **HAWICK MARKET**
The Sub-Committee discussed Hawick Market and agreed an update on progress at the February meeting.
15. **THE UPCOMING 250TH ANNIVERSARY OF THE LAST PERAMBULATION OF THE BOUNDARIES OF HAWICK'S FULL COMMON**
The Sub-Committee considered and agreed a verbal report from Property Officer.

The meeting concluded at 5.40 pm.

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SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA FORUM

MINUTES of Meeting of the TEVIOT AND LIDDESDALE AREA FORUM held in Lesser Hall, Town Hall, Hawick on Tuesday, 15 November 2016 at 6.30 pm

Present:- Councillors: G Turnbull (Chairman), A Cranston, S Marshall, W McAteer, R Smith, Community Councillors: Ms G Crew (Denholm), Mr C Knox (Hawick) Mr P Kerr (Southdean), Mr J Curtis (Hobkirk).

Apologies:- Councillor D Paterson, Station Manager Mr R Bell, (Scottish Fire and Rescue Service), Community Councillors: Mrs M Short (Hawick), Mr W Roberts (Denholm)

In Attendance:- Neighbourhood Area Manager (Mr F Dunlop), Inspector Carol Wood (Police Scotland), Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 20 September 2016.

DECISION

AGREED to approve the Minute.

2. **POLICE SCOTLAND - DIVISIONAL COMMANDER BRIEFING**

- 2.1 The Chairman welcomed Chief Superintendent Ivor Marshall, Divisional Commander J Division. Chief Superintendent Marshall was in attendance to give a briefing on Police Scotland's priorities. Chief Superintendent Marshall began by advising that he had been employed by the Police for 27 years, in a range of roles. He had been Divisional Commander for Lothian and the Scottish Borders for six months. He explained that their main priorities were: violence, sexual crime, roads policing, house break-ins, and anti-social behaviour. He highlighted that as his officers, lived and worked in the Scottish Borders they had a real ownership and pride in the area. However, he emphasised that dealing with crime was only 20% of their role; the Police were available 24 hours a day and 80% of their time was dealing with social care issues.
- 2.2 Chief Superintendent Marshall then invited questions. In response to a question regarding the use of CCTV, he advised that it was an effective tool in terms of recording incidents and gathering evidence. However, it needed to be proactively monitored which was both labour and cost intensive. For any crime investigated, CCTV was examined. With regard to a question on the importance of local knowledge and local resources, he agreed that community intelligence combined with partnership working was essential. He reiterated that 80% of Police Scotland's duties involved mental health or societal issues. He gave an example of foodbanks, explaining that if people in need were not able to access this facility then they could get into difficulty. Local knowledge and collective working with partners allowed conversations and understanding of these issues and the needs of communities. He went on to refer to recent press coverage regarding a review of police stations, which had included Hawick Police Station. He stressed the importance of Hawick Police Station; it had been included in the review as part of an assessment of local estates and consideration of the possibility of joint working with partners in the facility. With regard to Galashiels Police Station, being the Police Headquarters for the Scottish Borders, he advised that resources needed to be located in proximity to where there was the greatest need. Performance measures were analysed frequently and if they indicated a delay in response time, because of location,

consideration would be given to relocation, wherever that might be. The priority was to ensure that they had the resources to provide the best service. There followed a discussion on the proceeds of crime initiative and the redistribution of income. Chief Superintendent Marshall advised that the Police did not benefit; the funds were distributed through the Scottish Government to good causes or charitable organisations. Factors such as level of deprivation and community projects were taken into consideration. Inspector Wood added that Police Scotland could not bid for funding; for example, the grant from the fund for Hawick Leisure Centre had been arranged by the Community Grants Officer at Scottish Borders Council.

- 2.3 Chief Superintendent Marshall further advised that the level of drug availability and misuse in the Scottish Borders was at the lower end of the spectrum; Narcotics being more prevalent in larger cities where organised crime units targeted larger markets. However, cannabis cultivation often occurred in rural locations and there had been a significant seizure fairly recently. He then went on to discuss the 'Your View Counts' public consultation and advised that the priorities remained the same: anti-social behaviour; house break-ins; drug dealing and misuse; and, violent crime. Police Scotland was also developing a Ten Year Plan, which incorporated One, Three and Five Year Plans. This Plan was important in terms of police operations, budget pressures and the balance between warranted officers and police support officers. Chief Superintendent Marshall ended his briefing by advising that any issues could be referred to Police Scotland. He thanked the Forum for the engagement opportunity, their questions and concerns, which he had noted. The Chairman thanked Superintendent Marshall for attending the Forum and for the informative and interesting briefing.

DECISION

NOTED the briefing.

3. POLICE SCOTLAND

Inspector Carol Wood, Police Scotland, was in attendance to present an update report on the ward priorities, a report had been circulated prior to the meeting. Inspector Wood advised that there had been a purge on illegal parking on the High Street at the weekend. They would continue to be active in dealing with parking issues, whenever possible. There followed a discussion on rural crime, Inspector Wood advised that although it was not a ward priority, they continued to target rural crime. Community Officers has received additional training and there had also been collective working with the Farmers' Union for target information days at Newtown St Boswells Auction Mart. Members praised the diligence of the local Hawick and Hermitage Police Officer, PC Paterson. The Forum went on to discuss the recent closure of the A7 because of a police incident at Langholm, Chief Superintendent Marshall advised that, from a divisional point of view, there was no perceived threat or risk of this type of incident becoming prevalent.

DECISION

NOTED the report.

4. ENGAGEMENT BY NHS BORDERS

- 4.1 Mr D Davidson, Dr Steele and Ms June Smyth, Director of Workforce and Planning, were in attendance at the meeting to update on NHS Borders initiatives. Ms Smyth advised that there had been no substantial progress with Crumhaugh House other than the statement issued to the local press in October. However, she would bring further updates to the Forum as the development progressed. Ms Smyth discussed NHS Borders' waiting times, the target of which was that every unscheduled appointment should receive treatment within four hours. For the weekend of the 6 December they had achieved 95% of the target. She explained that any patient not seen within four hours was considered a breach and subject to in-depth analysis in order that they could identify any issues and improve going forward. NHS Borders' target standard was 97% which compared favourably with the Scottish Government standard of 95%. Ms Smyth went on to advise that at the recent Scottish Health Awards, a local GP from Jedburgh had won the

prestigious Doctor of the Year Award and Ms Isobel Burton from Hawick Dental Centre had also been presented with an award.

- 4.2 There followed a discussion and a number of questions were raised. In answer to a question regarding NHS Borders' performance compared with national targets. Ms Smyth advised that they monitored performance on a monthly basis, for example, sickness absence, delayed discharge. NHS Borders performed significantly higher than national targets. She would bring further details to the February meeting of the Forum. With respect to Hawick Community Hospital, local targets were in place to drive forward improvements such as, mental health care, post diagnostic support and satisfaction rates from patients. She would arrange for a representative from the community hospital to attend the next meeting with an update. Mr Davidson added that one of the major issues for the Health and Social Care integration Board was delayed discharge. Partnership working to enable the provision of safe, supported care at home was a priority. He would request that the new Chief Officer for Health and Social Care Integration present an update at the February meeting.

DECISION

(a) **NOTED the report.**

(b) **To request NHS Borders representatives bring back to the February 2017 meeting reports on:-**

- (i) **Crumhaugh House, Hawick;**
- (ii) **Performance monitoring and comparison with national targets;**
- (iii) **Hawick Community Hospital; and**
- (iv) **Update from the new Chief Officer for Health and Social Care Integration.**

5. SCOTTISH FIRE & RESCUE SERVICE

There had been circulated a report from Station Manager Russell Bell, Hawick Fire Station, presenting information on response and resilience activities for the month of October 2016. The report highlighted that there had been two house fires, two open fire (outdoor refuse deliberate ignition) and ten unwanted fire alarm signals. There had also been three special service incidents with one fatality. The report also advised that Hawick Whole-time crews had completed their water based; swift water rescue training and a proportional number had also been trained as boat operators. The high volume pump would leave Hawick as the Water Rescue skillset was confirmed as live.

**DECISION
NOTED.**

6. TRAFFIC REGULATION ORDER - FRASER AVENUE AND HILLEND DRIVE

With reference to paragraph 5 of the Minute of 20 September 2016, there had been circulated a report by Service Director Asset and Infrastructure proposing to amend the Traffic Regulation Order (TRO) for Hawick. Mr Dunlop was in attendance and advised that since the previous amendment in 2014, a number of comments had been collated for proposed amendments. Along with other amendments to the TRO for Hawick currently being processed, the need for a no waiting restriction had been highlighted, at the junction of Fraser Avenue and Hillend Drive in the town. The amendment had been promoted due to safety concerns and accessibility issues particularly for service buses where vehicles habitually parked. The Forum welcomed the additional amendment to the TRO. Inspector Wood asked the time limit for the consultation period, Mr Dunlop intimated that he would advise out with the meeting.

**DECISION
AGREED:-**

(a) **the advertising of the proposed amendments as detailed in the Appendices to the report; and**

(b) **If there were no adverse comments or objections, the making of the Order.**

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

With reference to paragraph 6 of the Minute of 20 September 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: remove grass area and tree and reinstate with tar at the Loan, Hawick; clear vegetation and rubbish at old garage area at Charles Street, Hawick; provide and install street name plate at Melrose Court, Hawick; and, provide and install two street names plates at Croft Field, Denholm. Mr Dunlop advised that the clearing of vegetation at Charles Street including weed killing in the spring. Timescale was weather dependent, but would hopefully be completed this year.

DECISION

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

(i)	Remove grass area and tree and reinstate with tar at the Loan, Hawick,	£3,911
(ii)	Clear vegetation and rubbish at old garage area at Charles Street, Hawick,	£ 860
(iii)	Provide and install street name plate at Melrose Court Hawick; and	£ 280
(iv)	Provide and install two street name plates at Croft Field, Denholm	£ 300

(b) **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.**

8. **OPEN QUESTIONS**

There were no open questions.

9. **COMMUNITY COUNCIL SPOTLIGHT**

9.1 Community Councillor Gwen Crew (Denholm) advised that a new community councillor had been appointed. However, there was still one vacancy and they would encourage anyone interested to contact the Community Council. Community Council's meetings continued to be taking up with windfarms in the area, presently these were Pine Burn and Birneyknowe. Mrs Crew further advised that Denholm had hosted a Firework Display and Folk Festival on 4 and 5 November, which had been successful. The Community Council had also funded the costs of medals for the recent children's rugby event hosted in Denholm; the Community Council encouraged all sporting organisations and events.

9.2 Mr Philip Kerr (Southdean) advised that windfarm developments also featured highly at their meetings, at the moment there were three: Highlee, Pine Burn and Birneyknowe. The Community Council had been involved with the Digital Forum, there being no broadband and a limited mobile signal in the community. They were pursuing, with Hobkirk and Newcastleton Community Councils, the various initiatives suggested at the Forum. Mr Kerr further advised that representatives from Southdean Community Council would be attending the Borders National Park Stakeholder Event to be held in Jedburgh on 17 November.

- 9.3 Mr Knox (Hawick) advised that there had been a report and discussion on the Cobble Cauld potential for a hydropower installation. He further advised that they were preparing for the Christmas Parade which would be held on Thursday 1 December, a change from the Saturday at the request of a primary school. The Christmas lights would also be installed by Sunday. Mr Knox further advised that the next meeting of Hawick Community Council would be on 5 December at The Well.
- 9.4 Mr John Curtis (Hobkirk) advised that the Community Council could be interested in taking over the redundant Primary School building at Hobkirk. They were in discussion with The Bridge regarding setting up a trust and grant availability.

**DECISION
NOTED the reports.**

10. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETING**
The next meeting of the Teviot and Liddesdale Area Forum was scheduled for Tuesday, 13 December 2016 at 6.30 pm in the Lesser Hall.

**DECISION
NOTED.**

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

12. **LOCAL PUBLIC HOLIDAYS 2017 - TEVIOT AND LIDDESDALE**
There had been circulated copies of the proposed local public holidays for 2017 in Teviot and Liddesdale.

**DECISION
AGREED to determine the Public Holidays for Teviot and Liddesdale as set out in Appendix (A) to this Minute.**

13. **HAWICK INTERNATIONAL WELCOME GROUP**
Councillor Smith advised that Hawick's twin town Bailleul, France, had invited Hawick to participate in their 50th anniversary celebrations to commemorate the twinning link with their first twin town, Werne in Germany. The event would also celebrate the 25th Anniversary of their twinning link with Izegem, Belgium. The event would take place from 24 to 30 July 2017. It is anticipated that travel costs would be in the region of £100-£150. All five of Bailleul's twin towns had been invited to attend the event. Anyone interested, between the ages of 14 and 17 years, should contact the Councillor Smith.

**DECISION
NOTED.**

The meeting concluded at 8.25 am

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SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in COMMITTEE ROOMS 2 AND 3,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Friday, 18 November
2016 at 10.40 a.m.

Present:- Councillors W. Archibald (Chairman), J. Campbell, J. Greenwell, B. Herd, G. Logan, D. Paterson, J. Torrance, T. Weatherston, B. White.
Apologies:- Councillor R. Stewart.
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officer (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 21 October 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 12 October 2016 and 9 November 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 – CRAIG GILLIES**

With reference to paragraph 6 of the Private Minute of 21 October 2016. In the further absence of Mr Gillies at the meeting, the Committee agreed to treat the application as withdrawn.

ORDER OF BUSINESS

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

2. **GRANT OF TAXI DRIVER LICENCE – MICHAEL McCANN**

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

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

With reference to paragraph 4 of the Private Minute of 21 October 2016, the Committee agreed to continue consideration of Mr McLaren's Taxi Driver renewal application until the additional information requested by the Committee in respect of the application could be provided and to suspend Mr McLaren's Taxi Driver licence with immediate effect until the application for renewal could be determined .

MINUTE

4. The Private section of the Minute of 21 October 2016 was approved.

The meeting concluded at 11.10 a.m.

Public Document Pack

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 21 November 2016 at 10.00 am

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

In Attendance:- Chief Planning Officer, Managing Solicitor – Property and Licensing, Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **REVIEW OF APPLICATION 16/00953/FUL**

There had been circulated copies of the request from Mr and Mrs Doyle, per A. McGill Architectural Services, Galamoor House, Netherdale, Galashiels, to review the decision to refuse the planning application in respect of the removal of existing summer house and erection of garden room at Beechwood, Lawyer's Brae, Galashiels. Included in the supporting papers were the Notice of Review; Decision Notice; officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members accepted in principle the proposal to replace the existing summer house with the larger garden room and noted that the siting of the proposed building minimised any impact on the setting of the house. Taking into account the layout and elevated position of the site, their ensuing discussion focused on whether or not there would be an adverse visual impact from the removal of screening and erection of the larger building closer to the boundary wall of the property. After a lengthy debate, Members' opinion remained divided.

VOTE

Councillor Campbell, seconded by Councillor Moffat, moved that the decision to refuse the application be upheld.

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

On a show of hands Members voted as follows:-

Motion - 4 votes

Amendment - 5 votes

The amendment was accordingly carried.

DECISION

DECIDED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**

- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal was consistent with the Development Plan and there were no 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 and for the reasons as detailed in the Appendix to this Minute.**

The meeting concluded at 11.00 am



APPENDIX

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

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

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

Local Review Reference: 16/00026/RREF

Planning Application Reference: 16/00953/FUL

Development Proposal: Removal of existing summer house and erection of garden room

Location: Beechwood, Lawyer's Brae, Galashiels

Applicant: Mr & Mrs Doyle

DECISION

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

DEVELOPMENT PROPOSAL

The application relates to the removal of an existing summer house and erection of garden room at Beechwood, Lawyer's Brae, Galashiels. The application drawings consist of the following:

Plan Type	Plan Reference No.
Location Plan	LOC-01
Existing layout Plan	EX-01
Site Plan	PL-01
General	PL-02
Existing Photographs	Other
Specifications	Forest Garden Woodbury Log Cabin

PRELIMINARY MATTERS

The LRB considered at its meeting on 21st November 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) Notice of Review); b) the Decision Notice); c) Officer's Report; d) papers 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.

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, HD3, EP13 and EP8

Other material considerations the LRB referred to were:

- SBC Supplementary Planning Guidance on Householder Development 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008

The Local Review Body was content that as a garden room already existed in the front garden of Beechwood, a replacement building was acceptable in principle. They also accepted that, whilst the proposed building was significantly larger, it was not out of context with the scale and character of the house and its garden. The building had been positioned sensibly and discreetly to minimise any impact of the setting of the house.

Members noted that the existing garden room was well screened by existing trees, hedgerows and vegetation and by the boundary wall to Lawyer's Brae. The critical question therefore related to whether the removal of the screening vegetation and the erection of the larger garden room, closer to the boundary wall with Lawyer's Brae, would be unduly prominent and have an adverse visual impact.

After a lengthy debate, the Review Body concluded that the nature of the adjoining streets, which are characterised by changes in levels, and the nature of the eastern boundary wall to Lawyer's Brae assisted in limiting visibility of the garden room from the immediate area. There may be longer range views of the proposed building but in their assessment these were not critical. They also concluded that the limited visual impact of the building could be further minimised by agreeing an appropriate colour for the external walls of the garden room and the provision of suitable screen planting along the eastern boundary of the property with Lawyer's Brae, incorporating the hedgerow, trellis and climbing plants suggested by the applicant.

The Review Body acknowledged that there had been no neighbour objections and in their view, there would be no direct impact on the privacy of neighbouring properties. However, they did feel that, dependent on how the garden room was used, there may be some potential for noise nuisance for neighbours. The Review Body asked that their concern in this regard be brought to the attention of the applicant.

CONCLUSION

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

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 be commenced until the colour of the external walls of the garden room has been approved in writing by the Local Planning Authority. Thereafter, no development shall take place except in strict accordance with those agreed details.
Reason: The colour of the structure requires further consideration to ensure a satisfactory form of development, which integrates appropriately to its setting.
2. No development shall be commenced until a scheme for the screening of the proposed garden room has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be carried out in accordance with the approved details and within an agreed timescale.
Reason: The landscaping scheme is required to provide screening for the proposed garden room to ensure a satisfactory form of development, which integrates appropriately to its setting.

INFORMATIVE

During their deliberations on this case, the Local Review Body noted that there was potential for noise nuisance impacting on immediate neighbours from the use of the garden room. Members asked that their concern be drawn to the applicant's attention and that the applicant take this potential impact into account when using the building.

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.....21 November 2016

SCOTTISH BORDERS COUNCIL
PEEBLES COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Council Offices,
Rosetta Road, Peebles on 23 November 2016
at 5.00 p.m.

Present:- Councillors W. Archibald (Chairman), S. Bell, K. Cockburn, G. Garvie, G. Logan.
Community Councillor L Hayworth.

Apologies:- Councillor C. Bhatia.

In Attendance:- Solicitor (G. Nelson, from para 4), Senior Finance Officer (J. Yallop), Estates Surveyor (A. Graham), Democratic Services Officer (K. Mason).

Member of the Public:- 1.

1.1 MINUTE

The Minute of Meeting of Peebles Common Good Fund Sub-Committee of 31 August 2016 had been circulated.

**DECISION
NOTED.**

- 1.2 With reference to paragraph 7 of the Minute, Community Councillor Hayworth advised that the Royal Burgh of Peebles and District Community Council was setting up a working group in regard to an audit of the sports and leisure facilities in Peebles and the use of parks and open spaces would fall into this. A series of questions would be drawn up including parks and public spaces and it was hoped that a public engagement event would be held in the Burgh Hall.

**DECISION
NOTED.**

2. MONITORING REPORT FOR 3 MONTHS TO 30 SEPTEMBER 2016

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the six months to 30 September 2016 and full year projected out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. Appendix 1 to the report provided a projected Income and Expenditure position. This showed a projected surplus of £7,110 for the year. Appendix 2 to the report provided a projected Balance Sheet to 31 March 2017. It showed a projected decrease in the reserves of £30,330. Appendix 3 to the report provided a breakdown of the property portfolio showing projected rental income for 2016/17 and actual property expenditure to 30 June 2016. Appendix 4 to the report showed the value of the Newton Fund to 30 June 2016. The Senior Finance Officer highlighted the main points in the report and answered Members' questions. Members unanimously agreed to add to the recommendations that a further £25,000 be invested in the Newton Fund, and there would be a corresponding transfer of the same amount between revenue and capital reserves.

**DECISION
AGREED:-**

- (a) **the projected Income and Expenditure for 2016/17 as detailed in Appendix 1 to the report as the revised budget for 2016/17;**

- (b) to note the projected Balance Sheet value as at 31 March 2017 as detailed in Appendix 2 to the report;
- (c) to note the summary of the property portfolio as detailed in Appendix 3 to the report;
- (d) to note the current position of the investment in the Newton Fund as detailed in Appendix 4 to the report; and
- (e) that a further £25,000 be invested in the Newton Fund, and there would be a corresponding transfer of the same amount between revenue and capital reserves.

3. APPLICATIONS FOR FINANCIAL ASSISTANCE

DECLARATION OF INTEREST

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

(a) Peebles Golf Club

There had been circulated copies of an application for financial assistance from Peebles Golf Club in the sum of £5,000 to be used to fund the buildings costs of a proposed 3 bay driving and swing studio which would include floodlighting. Members discussed the application in detail and the Estates Surveyor advised that a planning application lodged by Peebles Golf Club was being processed. In general Councillors were supportive of the application and Councillor Bell advised that this was a visitor asset and was disappointed that the encouragement for visitors to use the facility was not mentioned and he asked that this comment be passed on to the Golf Club. Community Councillor Hayworth advised he had sought the views of community councillors on the application and some concern had been expressed bearing in mind that most of the grant funding set aside for this year had been spent and because of the reserves and assets the Golf Club had. Members were minded to grant the application.

DECISION

AGREED to grant the sum of £5,000 to Peebles Golf Club towards the building costs of a proposed 3 bay driving and swing studio which would include floodlighting, subject to (a) appropriate planning consents being in place; and (b) all other funding applications being successful.

(b) Peebles Lawn Tennis Club

There had been circulated copies of an application for financial assistance from Peebles Lawn Tennis Club in the sum of £10,000 towards the court/floodlighting project. It was noted that the Club planned to replace 3 old blaes courts and install new floodlighting. Members of the Tennis Club's Sub-Committee for the court development project, Mr Gordon Russell and Mr Adrian Moir were present and they gave background information into the Tennis Club's plans, in particular they discussed problems and answered Members' questions relating to flooding, other sources of funding, and floodlighting issues. It was hoped that the provision of an all-weather facility would see an increase in club membership and it was noted that the courts would be playable between October and April. Members were minded to approve the application.

DECISION

AGREED to grant the sum of £10,000 to Peebles Lawn Tennis Club towards the court/floodlighting project, subject to (a) appropriate planning consents being in place; and (b) all other funding applications being successful.

4. **KINGSMEADOWS ROAD CAR PARK, PEEBLES**

With reference to paragraph 6 of the Minute of 31 August 2016, the Solicitor advised in relation to the Kingsmeadows Road car park that the relevant Traffic Regulation was 40 years old and that there was not a specific provision to prevent overnight parking of camper vans. However the Traffic Regulation did enable vehicles to be removed if they were unremoved for more than 2 days in the car park. When asked where the information had come from about people staying in caravans/camper vans overnight, Community Councillor Hayworth advised that a note expressing concern about the issue had been sent to the Community Council's public access box. Members agreed that this was not a problem at the moment and agreed that meantime no action be taken, however a request was made to ascertain clarification from the Legal Department on the current position in relation to existing the Traffic Regulation Orders within car parks in Peebles

DECISION

AGREED that the Legal Department be asked to prepare a report for consideration at a future meeting on the current position in relation to the existing Traffic Regulation Orders within car parks in Peebles.

The meeting concluded at 6.00 p.m.

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SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

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

Present:- Councillors G. Turnbull (Chairman), A. Cranston, I. Gillespie, B Herd,
W. McAteer, A. J. Nicol and J. Torrance.
Apologies:- Councillors W. Archibald and K. Cockburn.
In Attendance:- Joint Director of Public Health, Clerk to the Council, Democratic Services
Team Leader, Records Manager, Democratic Services Officer (P. Bolson).

1. **MINUTE**

There had been circulated copies of the Minute of 27 October 2016

DECISION

AGREED the Minute.

2. **EXTRACT OF MINUTE OF EXECUTIVE COMMITTEE OF 15 NOVEMBER 2016** There had been circulated copies of an extract from the Minute of the Executive Committee of 15 November 2016 regarding the Scrutiny Committee recommendation in respect of the Review of Bridges. The Executive Committee had amended the recommendation of the original recommendation to reflect that, once the inspection of bridges had been carried out, the condition of all bridges be categorised and incorporated into an annual report to the Executive Committee as part of the Roads Asset Management Plan process.

DECISION

AGREED the Executive Committee's amended recommendations:-

- (a) **to endorse the following parts of the recommendation from the Scrutiny Committee that:-**
- (i) **the current Roads Review should take account of the need to inspect bridges within the Code of Practice for Management of Highway Structures recommendations and that, if possible, some additional resources be identified to allow this work to be carried out in line with the priorities within the Roads Asset Management Plan;**
 - (ii) **when considering future repairs to historic and iconic Borders bridges, officers continued to assess on a case by case basis any opportunities for external funding; and**
- (b) **that, once the inspection of bridges had been carried out, the condition of all bridges be categorised and incorporated into an annual report to the Executive Committee as part of the Roads Asset Management Plan process.**

MEMBERS

Councillors Nicol and Herd joined the meeting during consideration of the following item of business.

3. **DRUGS AND ALCOHOL STRATEGY**

- 3.1 With reference to paragraph 5 of the Minute of 27 October 2016, there had been circulated copies of the Alcohol and Drug Partnership Strategy 2015-2020 which presented the strategy and overall vision of the Borders Alcohol and Drug Partnership for people in the Scottish Borders. Mr Tim Patterson, Joint Director of Public Health and Ms Fiona Doig, Strategic Lead – Alcohol and Drug Partnership (ADP) and Health Improvement attended the meeting to give a presentation on the Strategy, its progress and challenges to date. Ms Doig explained the way in which the ADP Governance was delivered and how NHS Borders, Scottish Borders Council, the Community Planning Partnership and the Integrated Joint Board contributed to this. The structure of the ADP included a support team; six operational groups covering Alcohol Brief Interventions; Data and Performance Management; Drug Trends Monitoring Group; Quality Principles Group; Take Home Nalaxone/Injecting Equipment Provision; and Workforce Development. These groups reported to the ADP Executive Group chaired by the Joint Director of Public Health and ultimately to the Borders ADP, chaired by the Chief Social Work Officer of SBC. A further layer in this structure was the Drug Death Review Group which reported to the Borders ADP and the Critical Services Oversight Group (CSOG.)
- 3.2 The key aims of the ADP Strategy were to reduce the prevalence of alcohol and drug use by 5% by 2020 through: prevention and early intervention; reduction of alcohol and drug-related harm to children and young people; improvement of recovery outcomes for service users and reduction in the number of deaths from accidental drug use to fewer than four per year; and the strengthening of partnerships and governance structures. Ms Doig explained each of these key aims in detail. The number of alcohol-related hospital stays had remained relatively stable between 2003/04 and 2014/15, with a decrease in overall rates since 2007/08. An increase in the number of alcohol-related deaths had been reported and further analysis was being carried out to look at reasons or trends for this.
- 3.3 With regard to harm caused to children and young people, work was ongoing around support for children affected by parental substance misuse; a review of the substance misuse policy in schools; and the availability and enforcement issues relating to “legal highs”. Generally, there had been a reduction over time in the alcohol-related hospital admissions and the amount of alcohol and drug use in young people. There had been an increase in recovery activities such as user group projects and Ms Doig reported that more client reviews were carried out now on a regular basis. Ms Doig summarised the barriers facing the ADP, advising that a reduction in Government funding; availability of alcohol along with attitudes towards drinking; and the stigma attached to the use of drugs and alcohol, all contributed to these challenges.
- 3.4 Discussion followed and Members raised questions relating to the interpretation of the available data and how the information differentiated between drug and alcohol related deaths. Ms Doig confirmed that where drugs were involved, the death would be recorded as drug-related. In terms of successful outcomes, a wider community approach was being taken to address alcohol issues, with an emphasis on getting the cultural and educational messages out into the localities. Members asked for clarification on some of the terminology used in the report, eg “use” and “abuse”. Ms Doig advised that this could be complicated and that potentially, doctors could apply either term depending on their opinion of the cause of death. General discussion followed in relation to how medical care was provided to clients and in terms of investing resources into the areas most in need. The Chairman thanked Ms Doig and Mr Patterson for their attendance.

DECISION

NOTED the presentation.

4. **PROTECTIVE MARKING OF DOCUMENTS** 4.1 With reference to paragraph 5 of the Minute of 27 October 2016, the Chairman welcomed Mr Bill Edwards, Interim ICT Programme Manager/Head of IT and Mrs Teresa Maley, Information Manager to the meeting who were present to give a presentation to Members on Protective Marking of documents. Mrs Maley began the presentation by explaining that Protective Marking of

information ensured secure communications between Government and its agencies. The Cabinet Office had introduced a new Government Classification Scheme in 2014 which included: Official and Official (Sensitive); Secret; and Top Secret. Each classification provided a baseline set of personnel, physical and information security controls that offered an appropriate level of protection against a typical threat profile. Protective Marking was part of this process, for example, for the Council to obtain Public Sector Network (PSN) accreditation. In terms of Council use, only two categories were applicable, namely Official, which was not usually marked as all Council information fell into this category; and Official (Sensitive) which did need to be marked. Mandatory training was provided by the Council for all employees on Information Awareness and guidance was available on how to apply Protective Marking to ensure that all staff understood their responsibility to keep information safe. It was necessary that the Council was able to balance its duties to both meet the growing expectation by the public for openness with respect to the information it collected and managed, whilst at the same time fulfilling its duty to protect information in its care.

- 4.2 A number of questions were raised by Members. In response, Mrs Maley advised that the Council's Information Governance Group was chaired by the Monitoring Officer and considered areas of risk relating to information and how such risks could be addressed within the Council's policy. New legislation had taken effect in 2008 and this had increased penalties for information security breaches. Mrs Maley explained that the process for reporting concerns/potential breaches would usually be initiated by a call to the CGI Service Desk, which would then be referred to IT Security. The category to which information was allocated should be clearly identified on all documentation and reasons given when it was restricted. It was noted that on occasion, websites via a hyperlinks within official emails might be "blocked". Members were advised that when access to such websites was required for Council business, "unblocking" should be requested through the CGI Service Desk. The Chairman thanked Mr Edwards and Mrs Maley for their attendance.

DECISION

NOTED the presentation.

5. SCRUTINY REVIEWS

- 5.1 With reference to paragraph 5 of the Minute of 27 October 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. With reference to the Review Subjects 2016/17, it was agreed that more detail was required in respect of Items 5(a) and 6(a) on the list of subjects for review. Following discussion, it was agreed that for each item, a general update was required, with the emphasis on how the Boards had progressed their business programmes to date. In addition, information was requested relating to key issues that the Health and Social Care Integration Joint Board had identified. In terms of the Police, Fire & Rescue and Safer Communities Board, Members asked that details of key decisions made by the Board be included in that review.

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, 26 January 2017.

DECISION

NOTED.

The meeting concluded at 11.50 am

Scrutiny Committee – Review Subjects 2016/17

Timetabled for Scrutiny Meetings

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
1(a) 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 2017
2(a) Scrutiny	The impact of third party use on the Local Authority’s road network, e.g. timber transportation and wind turbine transportation.		26 January 2017
3(a)	Health and Social Care Integrated Joint Board – to include: a general update with emphasis on how the Board had progressed its business programmes to date; and information relating to key issues that the Health and Social Care Integration Joint Board had identified.	To be arranged.	Feb or March 2017 meeting.
4(a)	Police, Fire & Rescue and Safer Communities Board – a general update with emphasis on how the Board had progressed its business programmes to date; and details of key decisions made by the Board.	To be arranged.	Feb or March 2017 meeting.
5(a)	Scrutiny Committee Decision	Report listing all recommendations and the impact decisions have made.	16 February 2017

Review Subjects to be considered/awaiting further information

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
1(b) 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 November 16/ January 17. Clerk to the Council to discuss with Ms Manson and advise at next meeting.
2(b) 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.
3(b) 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
1(c) 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 & Infrastructure	27 October 2016. Completed.
2(c) Councillor Torrance	Social Work Duty Hub	Graeme Dobson, Project Manager, Les Grant, Customer Services Manager	27 October 2016. Completed.
3(c) 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.
4(c) 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.
5(c) Etrick 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.
6(c) 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.
7(c) Councillor Torrance	School Transport and Escorts	Presentation by Dona Manson, Service Director Children and Young People.	28 April 2016 Completed.

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
8(c) 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.
9(c) Councillor Logan	Support for Highly Able Learners in Schools	Presentation by Donna Manson, Service Director Children & Young People.	28 April 2016. Completed.
10(c) Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels – to include subsidy arrangements and departure charges.	None	24 March 2016. Completed.
11(c) 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.
12(c) 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.
13(c) 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.

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
14(c) Graeme Donald	Religious Observance } Policy } These were } presented together at	None – briefing session	29 October 2015. Completed.
15(c) Scrutiny Committee	Faith Schools } } the same meeting.	None – briefing session.	29 October 2015. Completed.
16(c) 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 to pursue further.	14 October 2015. Completed.
17(c) Scrutiny Committee	Attainment levels in Schools in Deprived Areas.	None – briefing session.	24 September 2015. Completed.
18(c) Scrutiny Committee	Mainstream Schools and Children with Complex Additional Support Needs	None – briefing session.	24 September 2015. Completed.
19(c) Scrutiny Committee	Funding available to Community Councils	Presentation from Clare Malster, Strategic Community Engagement Officer	11 June 2015. Completed.
20(c) 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.
21(c) 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.
22(c) 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.

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
23(c) Scrutiny Committee	Drugs and Alcohol Strategy.	Elaine Torrance, Chief Social Work Officer; Tim Patterson, Joint Director of Public Health, Fiona Doig.	24 November 2016. Completed.
24(c) Scrutiny Committee	Policies and Procedures for Protective Marking of Documents and Management of Information.	Information Governance Board to make presentation.	24 November 2016. Completed.



SCOTTISH BORDERS COMMUNITY PLANNING STRATEGIC BOARD

MEETING

- Date:** 24 November 2016 from 2.00 to 4.05 p.m.
- Location:** Council Chamber, Scottish Borders Council, Council Headquarters, Newtown St Boswells
- Attendees:** Councillor Jim Brown (SBC) [Chair]
Councillor Stuart Bell (SBC)
LSO David Farries (Scottish Fire and Rescue Service)
Mrs Marjorie Hume (Third Sector)
Mr Tony Jakimciw (Borders College)
Mr Alastair McKinnon (Scottish Enterprise)
Councillor Simon Mountford (SBHA – RSL representative)
Superintendent Bryan Rodgers (Police Scotland)
Mr John Raine (NHS Borders)
Councillor Frances Renton (SBC)
Dr Doreen Steele (NHS Borders).
- Also in attendance:** Colin Banks (SBC), Rob Dickson (SBC), Jeanette McDiarmid (SBC), Tim Patterson (NHS/SBC), Shona Smith (SBC), Jenny Wilkinson (SBC).

MINUTE AND ACTION POINTS

- 1. Apologies**
None.
- 2. Minute of Meeting of Community Planning Strategic Board – 8 September 2016**
The Minute of the previous meeting of the Joint Delivery Team had been circulated.
APPROVED the Minute.
- 3. Action Tracker**
The Action Tracker had been circulated. With reference to the meeting held on 8 September 2016, members of the Board confirmed that they would ensure that - if required - the new governance arrangements for the Community Planning Partnership were approved within their own organisations.
Noted.
- 4. Reducing Inequalities: Developing Our Young Workforce**
 - 4.1 Kevin McCall, SBC Education Lead Officer, gave a presentation on Developing the Young Workforce, a programme of positive destinations for school leavers which cut across schools, College, Skills Development Scotland, Job Centre Plus, etc. An explanation was given of the various pathways linked to the

programme, which took account of new issues, policies and guidance to put in place a structure to make this happen for young people. Key highlights for 2016 included a grant for £450k in October 2016 to enhance industry leadership and capacity for engagement with partners and this had enabled work with a wide range of employers. In March 2016 there were 585 Modern Apprenticeships offered by 99 companies in the Borders and work with Registered Social Landlords had increased the range of these apprenticeships. Borders College had a formalised permanent post for dedicated time and an aligned timetable was in place with secondary schools, Borders College and the Schools Academy. Better use had been made of data to design vocational pathways over the next 10 years so different types of apprenticeships were coming in and were being explored.

- 4.2 The Schools and Pathways Group had developed a regional action plan which provided a whole range of opportunities within schools, although pupils were sometimes still being channelled through traditional routes. With regard to vulnerable groups activity, Stage 3 Employability Training had involved training for 66 young people, with work experience opportunities and transport funding support. Project SEARCH had involved 8 young people with learning disability or autism being given employability support in conjunction with Borders College and NHS Borders. Other support had been provided to looked after and accommodated children and the most vulnerable young people. In terms of outcomes, the system now produced live data about positive destinations. In October 2016, 95.8% of school leavers were in a positive destination. That still left 4% (about 60 young people) not accounted for within the system and the challenge was to find and support those young people.
- 4.3 Members of the Board discussed the issues facing young people in seeking work experience, including volunteering. Reference was made to the Inspire Awards, run by young people and overseen by the Third Sector, which recognised and rewarded young individuals or groups who have been outstandingly successful in a particular field or had overcome considerable obstacles to make a contribution to their local community. Jedburgh Grammar School had tracked Inspire as a portfolio and had registered every S1 pupil with the Scheme. Transport could be a challenge for young people but schools worked closely with transport planners and on timing of courses with Borders College to try to mitigate against the reality of the Borders being a rural area. With the focus on local employer contact and work experience, it was hoped transport would become less of an issue. The relevance and breadth of work experience opportunities was still an issue at times but these were steadily improving by matching pupils' needs and aspirations, fitting better to the individual, and also recording the learning experience better so there was evidence that skills had improved. It would be helpful if more work experience opportunities were available in the STEM sector (science, technology, engineering and mathematics), in particular digital technology and connectivity. Alastair McKinnon offered to provide details of 'Women into Construction' to assist with getting females into work areas traditionally dominated by males. Opportunities could also exist out-with the boundaries of the Borders but transport could be an issue for these. Specific work had been undertaken over the last year to support looked after and accommodated children; as an example of partnership working, the College had created a role whereby someone worked with individuals before and after college to provide advice and practical assistance which would usually come from parents. The Employment Support Service had brought in a Modern Apprenticeship scheme targeting looked after children, but there was more to be done.

Action:

Details of Women into Construction be provided to Kevin McCall to assist with getting females into work areas traditionally dominated by males.

**Alastair
McKinnon**

5. Reducing Inequalities: Equally Safe Strategy 2016 – 2021

This item was withdrawn.

6. Scottish Borders Community Justice Outcomes Improvement Plan 2017 – 2020

Jeanette McDiarmid, SBC Depute Chief Executive – People, explained that the Plan was a requirement under the Community Justice (Scotland) Act 2016 and had to be published by 31 March 2017. Scottish Government had provided a national strategy and guidance which was reflected in the Plan. The existing Community Justice Authority would cease on 31 March 2017 and Community Justice Scotland would take the Plan forward from 1 April 2017. Key facts and issues were detailed in the Plan along with outcome improvement actions. It was confirmed that the Third Sector supported this work, although not mentioned specifically as a partner. The Plan gave good opportunities for partnership working to help offenders, their families and communities to stop or reduce offending and avoid repeat offending. There was significant scope for partner organisations to make a contribution and identify how offenders could be rehabilitated. The College had offenders attending courses and there were protocols in place. Members of the Board queried a couple of figures in the Plan, which Jeanette McDiarmid undertook to check. Some concern was expressed that the Plan and consultation document may be too technical for members of the public to understand.

Action:

AGREED that the consultation on the Community Justice Outcomes Improvement Plan be issued and a report of the outcome be brought back to the Strategic Board in due course.

**Jeanette
McDiarmid**

7. Community Empowerment (Scotland) Act 2015 – Scottish Government Guidance and Timescales

Shona Smith, SBC Communities and Partnership Manager, advised the Board that the Community Planning part of the Community Empowerment legislation was due to come into force on 20 December 2016, with the Asset Transfer section coming into force on 23 January 2017. It was anticipated that final guidance would be issued by the Scottish Government shortly, with 'plain english' guidance coming out to communities and partners. A set of FAQs for both staff and public had been developed, along with an e-learning module and drop-in workshops. These resources were available for all partners to access.

Noted.

8. Community Empowerment (Scotland) Act 2015 – LOIP and Locality Plans

- 8.1 Jeanette McDiarmid, SBC Depute Chief Executive – People, advised of previous work that the Council had been undertaking in the Cheviot Area, which had included the Living Safely in the Home programme delivered with the Fire & Rescue Service to elderly people in their homes to prevent fires and falls. There were now draft economic development and locality property plans for Cheviot. Councillor Brown explained that by having a Locality Plan, communities could then be involved in prioritising actions for their own area. Colin Banks, SBC Lead Officer for Localities, gave a presentation on the Community Empowerment (Scotland) Act 2015 as it related to Community Planning, focussing in particular on the Local Outcomes Improvement Plan (LOIP) and the

Locality Plans. These Plans were due to be published by 1 October 2017, with all needing to show a clear, evidence-based and robust strong understanding of local needs, circumstances, and aspirations of their local communities. Details were given of the proposed structure and content for both the LOIP and the Locality Plans. The Board considered the proposed structure and content to be a good start but this needed to be translated for communities so that they were connected in from the start, as at the moment there was a big disconnect from the centre to Area Forums and Community Councils. Partners would contribute to Locality Plans with collaborative actions from existing plans and any plans which were being refreshed to reflect the CPP priorities. The intention was that these Plans would be concise, simple documents. However, it was vital that communities were involved in their development and that communities' own ambitions were reflected otherwise these Plans may not succeed.

- 8.2 Colin Banks then advised of one issue with the legislation which placed a maximum population figure of 30,000 on a locality, but Eildon area population was 35,000. Further consideration would be given to this but it was likely the Eildon Locality Plan would cover the whole area and not be split. The draft LOIP and Locality Plan templates along with the timelines would be considered at a development day for the CPP Joint Delivery Team being held in December. As part of consultation the aim was to use the Scottish Government's "Place Standard – How Good is Our Place?" which was a tool to help evaluate the quality of a place (14 aspects, such as housing & community, social interaction, work & local economy, etc.) as well as helping to identify priorities. Local community groups, the People's Panel, Community Councils, etc. would all be invited to participate, including using on-line surveys, and if there was enough response from communities then they would be included in the Plans and would be a strong baseline for the future. The value was about bringing communities together to allow them to take forward their own work. While it was recognised that the timelines were not ideal, there was also a need to be pragmatic about getting the first iteration of Plans published by the October 2017 deadline; many pieces of work were already within partners' plans so just needed to be brought together. IT and connectivity, health and social care, and transport were likely common issues across all localities. The Plans would be living documents and continually refreshed.

Action:

(a) a copy of the slides be issued to members of the CP Strategic Board;

**Jenny
Wilkinson**

(b) any comments on the timelines for the development of the Plans be sent to Colin Banks.

All

9. Update from Economy and Low Carbon Delivery Team

Rob Dickson, SBC Transformation and Corporate Services Director, presented the papers on the work of the Economy and Low Carbon Delivery Team. In particular, reference was made to the recent Scottish Government publication of the Phase 1 report for the Enterprise and Skills Review and the proposed new vehicle for South of Scotland. This was a huge opportunity for the CP Partnership to seize and to work together for the best outcome for the area. This was not about having a local enterprise company back again, but something new and different about innovation, skills, and enterprise, including social enterprise. Tony Jakimciw advised that Borders College and Dumfries & Galloway College Boards had recently held a meeting to work out their joint purpose so that they did not end up in competition. While the 2 Councils, Scottish Enterprise and the business sector worked together in the South of Scotland Alliance, this currently did not include the college sector and consideration should be given to widening out the stakeholder group or setting

up a new group. In response to a question about the Chancellor's Autumn Budget Statement, it was confirmed that the potential increase in Council Tax on higher end properties in Scotland and the difference in Stamp Duty rates between Scotland and England should not have any greater impact on the Borders than elsewhere in Scotland. It was further confirmed that the Borders railway performance recently reported in the media was not as bad as had been made out – at present punctuality was 89% within 5 minutes of the timetable, and the aim was 92%. This meant 9 trains out of 10 arrived within 5 minutes of timetable. The problem was to do with infrastructure and capacity and would have affected the previous franchise holder in much the same way as it was currently doing for Abellio. The Council Leader and Chief Executive had recently met with the Chair of Network Rail.

Noted.

10. Schedule and Format of Future Meetings

Board members discussed the format of future meetings of the Strategic Board to ensure the Board's work was focussed and engaged not only at Board meetings but also members were ensuring community planning was embedded within their own partner organisation. The key to community planning was that the public and communities bought in to it. Historically it was recognised that the Council had taken the lead on the work for community planning and this needed to change so that partners were far more involved in development work rather than at the end of the process for the decision. This should ensure that Locality Plans had partner input and that the Board was kept updated with the work of the Delivery Teams. A forward plan for agendas would be developed. Members were in agreement that a workshop be held for the Strategic Board sometime after Spring 2017.

Action:

- (a) Board agendas would reflect Board responsibilities All
i.e. the Local Outcomes Improvement Plan, the 5
Locality Plans, and work of the Delivery Teams;
and**
- (b) a workshop would be organised for the members All
of the CP Strategic Board.**

11. Community Planning – Current Issues

No issues were raised for discussion/consideration.

12. AOCB – Conference for Community Planning Consultative Group

It was suggested that work on the content for the proposed conference/workshop for the wider Community Planning Consultative Group in August 2017 be started early in 2017.

Action:

- Work on the content of the proposed conference/
workshop for the wider Community Planning
Consultative Group would begin in early 2017. Shona
Smith/All**

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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 29 November 2016 at 10.00 am.

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

Also Present:- Councillor I. Gillespie.

Apologies:- Councillors M. Cook, D. Parker, F. Renton.

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

1. **MINUTE**

The Minute of meeting of the Executive Committee of 15 November 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman.

MEMBER

Councillor Davidson joined the meeting during the discussion below.

2. **STRATEGIC HOUSING INVESTMENT PLAN 2017-2022**

2.1 There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the Strategic Housing Investment Plan (SHIP) 2017 -2022 prior to submission to the Scottish Government by 30 November 2016. The report provided comment on how affordable housing priorities would be addressed through assistance from the Scottish Government's Affordable Housing Supply Programme and the SHIP identified housing projects which were anticipated to be delivered in Scottish Borders over a five year period within this funding framework. The report explained that Local Authorities were required to produce and submit their SHIP to the Scottish Government bi-annually for review. Scottish Borders Council, with the involvement of its key partners via the SHIP Working Group, had prepared the SHIP submission. The SHIP articulated how the Council and its RSL partners would seek to assist the Scottish Government fulfil its commitment to deliver at least 50,000 new affordable homes during this Parliament and to extend delivery beyond that time period, and how the Council's affordable housing investment needs and priorities identified in the Council's forthcoming Local Housing Strategy (LHS) 2017-2022 would be delivered in practice over a five year period.

2.2 Underpinned by a verbal resource planning assumption from Scottish Government officials of between £8.6m up to as much as £15m per annum, along with RSL partner private sector borrowing and a commitment from the Council's Affordable Housing Budget, the SHIP set out how, when and where the Council and its partners could potentially deliver up to as many as 1,192 affordable homes over the period of SHIP and beyond. This was providing that all identified challenges and infrastructure issues were resolved in a timely manner, the anticipated grant funding was forthcoming, the sector had the capacity to deliver on such a scale, then Officers and partners were optimistic that substantially more affordable homes could be delivered which also included a number of additional extra care housing developments in key Borders towns. Group Manager (Housing Strategy and Service) and

the Housing Strategy Manager were present at the meeting to answer Members' questions. Members discussed the SHIP and raised issues such as the capacity of the construction industry to meet the increased target and what support they would require, the financial capacity of the Council and Partners to deliver agreed funding, the low uptake of funding from the Rural Housing Fund and the Southern Upland partnership. In response, the Group Manager explained that there had been a Housing needs study carried out to identify where people needed to live rather than demand and investigations were ongoing with regard to the possibility of securing funding for a post to tackle empty homes. Councillor Bell moved the following motion to include an additional recommendation:-

'request that officers rapidly engage with the Local House construction sector to inform them of these opportunities and get their feedback on the practicalities and that a short report on these discussions be submitted to a future Executive meeting.'

The meeting unanimously agreed to include the additional recommendation, changing the timescale of the report back to Executive to a maximum of 6 months.

DECISION

- (a) APPROVED the SHIP 2017-2022 for submission to the Scottish Government More Homes Division by 30 November 2016.**
- (b) AGREED:-**
 - (i) to request that Officers rapidly engage with the Local House construction sector to inform them of these opportunities and get their feedback on the practicalities; and**
 - (ii) that a short report on these discussions be submitted to an Executive meeting within six months.**

The meeting concluded at 11.40 a.m.

SCOTTISH BORDERS COUNCIL SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK
COMMON GOOD FUND SUB COMMITTEE
held in the Council Chamber, Council HQ on
Tuesday, 29 November 2016 at 3.00 pm

Present:- Councillors G. Edgar (Chairman), M. Ballantyne and V. M. Davidson (from
para 2).
In Attendance:- Solicitor (J Webster), Senior Finance Officer (J Yallop), Estates Strategy
Surveyor (N. Curtis), Democratic Services Officer (F Walling).

Member of press.

1. MINUTE

- 1.1 There had been circulated copies of the Minute of 30 August 2016.

DECISION

APPROVED the Minute for signature by the Chairman

- 1.2 With reference to paragraph 2.2(c) of the Minute, the Estates Strategy Surveyor had circulated a communication to advise that Scottish Water had included the provision of a new water storage tank on South Common in their 2015-2021 investment period. However this was likely to be completed towards the end of that period and Scottish Water would be making contact with the Common Good about proceeding with the lease.

DECISION NOTED

2. COMMON GOOD FUNDING PLAQUE

With reference to paragraph 4(b) of the Minute, there had been circulated for consideration a sample design for a small plaque to be used to indicate where Common Good funds had contributed towards particular projects. Also circulated was a quote of £7.11 for each plaque based on a minimum order of 50 being placed. After detailed discussion, Members agreed that an order should be placed using the proposed design, material and wording of the example circulated.

DECISION

AGREED that the Estates Strategy Surveyor order plaques using the proposed design, material and wording of the example circulated.

3. FINANCIAL MONITORING REPORT TO 30 SEPTEMBER 2016

There had been circulated copies of a report by the Chief Financial Officer providing the details of income and expenditure for the Selkirk Common Good Fund for the six months to 30 September 2016, full year projected out-turn for 2016/17 and projected balance sheet values as at 31 March 2017. Senior Finance Officer, John Yallop, highlighted the main points of the report and appendices. Appendix I to the report provided a projected income and expenditure position. This showed a projected surplus of £16,164 for the year. Mr Yallop outlined two budget changes which had an immaterial effect on this surplus. With regard to the return on the capital reserve investment in the Newton Fund, the proposed budget was based on a distribution of 2.0% of 2015/16 investments. However additional investment of £55,000 in 2016/17 had led to a higher level of dividends received. It was therefore proposed to increase the budget to £5,000. With regard to grants and donations, approval of grants at the last meeting had taken the total

committed grant expenditure to £26,908. It was therefore proposed to increase the 2016/17 budget of £26,500, for grants and donations, by a further £3,500 to £30,000. Appendix 2 to the report provided a projected Balance Sheet to 31 March 2017. It showed a projected decrease in the reserves of £60,194 due mainly to the further investment in the Newton Fund. A breakdown of the property portfolio showing projected rental income for 2016/17 and actual property expenditure to 30 September 2016 was detailed in Appendix 3 to the report. With regard to the Newton Investment over the quarter to 30 September 2016 the Fund again delivered a positive absolute return and although being behind its benchmark figure for the quarter remained well ahead for the year to date. The Fund had delivered a significant proportion of global-equity performance (in Sterling terms) since the start of the year, whilst managing to exhibit reduced levels of volatility and demonstrating an impressive ability to preserve capital. The value of the Fund and performance against the benchmark was shown in Appendix 4 to the report.

DECISION

- (a) **AGREED the projected income and expenditure for 2016/17 shown in Appendix 1 to the report as the revised budget for 2016/17;**
- (b) **NOTED:-**
 - (i) **the projected Balance Sheet value to 31 March 2017 in Appendix 2 to the report;**
 - (ii) **the summary of the property portfolio in Appendix 3 to the report; and**
 - (iii) **the current position of the investment in the Newton Fund in Appendix 4 to the report.**

4. PROPERTY

There was a general discussion on property issues. With regard to the let of winter grazing on Selkirk Hill it was noted that, as yet, no sheep had been put onto this piece of land. The Chairman referred to the fact that the ground needed to be grazed to control vegetation and maintain its appearance and accessibility. The Estates Strategy Surveyor was asked to make enquiries about this and to check that the grazing was still required by the current tenant. There was also discussion about the unkempt state of the Toll banking at Selkirk, it being suggested that options for improving its appearance should be looked at again. Members were aware that an ideal solution would be to have it landscaped into tiers. However it was accepted that this would entail major engineering works and significant costs. It was agreed to ask the Neighbourhood Area Manager and the Landscape Architect to look at the options with a view to presenting a proposal for improvement.

DECISION

AGREED that:-

- (a) **the Estates Strategy Surveyor look into the position regarding the let of winter grazing on Selkirk Hill; and**
- (b) **the Neighbourhood Area Manager, in consultation with the Landscape section, explore the options for improvement of the Toll banking in Selkirk.**

5. PRIVATE BUSINESS

DECISION

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

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

SUMMARY OF PRIVATE BUSINESS

6. MINUTE

Members approved the private section of the Minute of 30 August 2016.

7. SERVITUDE FOR NEW WATER SUPPLY TO BUXTON COTTAGE, SELKIRK.

Members considered a report by the Service Director Assets and Infrastructure.

8. MANAGEMENT OF TREES ON VICTORIA PARK.

Members considered an update by the Estates Strategy Surveyor and quote to cut back trees on Victoria Park.

The meeting concluded at 3.30 pm

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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 December 2016 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne (from application 16/00869/FUL),
J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.
Apology:- Councillor I. Gillespie.
In Attendance:- Chief Planning Officer, Principal Roads Planning Officer, Solicitor (Graham
Nelson), Democratic Services Team Leader, Democratic Services Officer (F
Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 7 November 2016.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

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

DECISION

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

3. **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:-

(a) **the Appeal decisions in respect of:-**

(i) **Erection of windfarm comprising 7 No wind turbines up to 115m high to tip, access tracks, sub-station and ancillary works on Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles – 15/00818/FUL;**

(ii) **Replacement windows and door at 62 Castle Street, Duns – 16/00125/LBC; and**

(iii) **Provision of illuminated sign, at 22 Bridge Street, Kelso – 15/00141/ADVERT**

(b) **Appeal outstanding in respect of Land North West of Whitmuir Hall, Selkirk;**

(c) **Review requested in respect of the Erection of 2 No dwellings for holiday let, and associated infrastructure works on Land North West of 4 Rink Farm Cottages, Galashiels – 16/00844/FUL;**

- (d) that the Local Review Body had overturned the Appointed Officers decision to refuse the removal of existing summer house and erection of garden room at Beechwood, lawyer's Brae, Galashiels – 16/00953/FUL; and
- (e) that there remained one Section 36 appeal outstanding in respect of (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir.

4. **PLANNING PERFORMANCE FRAMEWORK 2015-16**

There had been circulated copies of a letter together with the Performance Marker Report 2015/16. The Chief Planner Officer advised that the report had scored Scottish Borders Council with mainly Green RAG ratings against the set performance Markers, with one Amber for processing agreements. It was highlighted that there had been 2 red ratings against Local Development Plan and the Development Plan Scheme. The Committee considered this unjust as the only reason the Council were late in adopting the LDP was because of the time taken for DPEA to report their findings. Members agreed that their views on this delay should be conveyed to the Minister for Local Government and Housing

DECISION

AGREED that the Chairman send a letter to the Minister requesting that the red RAG ratings be reviewed in light of the fact that the delays were forced upon the Council.

The meeting concluded at 12.45 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00744/FUL	Erection of 2 No distilleries with associated visitor centres, bottling hall, maturation warehousing, office, gatehouse with associated roads and infrastructure, and change of use of hotel to form office and staff accommodation	Land North of Former Jedforest Hotel and Jedforest Hotel (now known as Mossburn House)

Decision - Approved in principle by the Committee, subject to the approval of the Scottish Ministers on flooding matters, and to the following conditions.

Committee is requested to issue delegated authority to Officers, to allow the Agent time to resolve further Regulatory matters of detail with SEPA concerning Groundwater Dependent Terrestrial Ecology (GWDTE) issues and Pollution Prevention and Control measures.

Conditions

1. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding the following:
 - a. A detailed construction programme and projected timetable for implementation of the development, to include proposals for the phasing of the development, including phasing of the landscaping plan, and provision of all building and associated infrastructure including access roads, parking and drainage;
 - b. the location, design and layout of any temporary construction compound(s), to include (but not limited to) areas for staff welfare accommodation and areas for storage of construction materials and plant and machinery, etc., the positioning of any static plant as far as practicable from site boundaries, the location orientation and size and height of all site compound buildings to be stationed on the site, (and positioned so as to act as a sound barrier) and the location and design including height of any barriers to be erected around the site to reduce the level of noise, etc.
 - c. notwithstanding the specification indicated on the submitted drawings, which are not hereby approved, detailed specifications and/ or samples of the external finishing materials for all buildings to be erected on the site, to include the use of dark coloured external materials for the warehouse buildings.

Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable form of development and to mitigate the landscape and visual impact of the development (as recommended in the applicant's submitted ES) in the interests of the landscape and visual appearance and amenity of the development upon the surrounding Special Landscape Area.

2. All landscaping works including tree and shrub planting, hedgerows; grass and hard landscaping features to be undertaken in accordance with the drawings hereby approved. Notwithstanding changes;
 - a. Changing specification of River birch *Betula nigra* in 'Riverside Trees' since this is not native.
 - b. Using cell grown or pot grown stock as opposed to bare root stock.
 - c. Further details of hard landscaping features
 - d. Further details of Landscape Art Feature

and no part of the development shall commence until details have been submitted to and approved in writing by Council, as Planning Authority, regarding the timescale for undertaking all planting and seeding works which form part of the approved landscaping works together

with a programme for the long-term management and maintenance of all landscape areas within the site. This timetable shall be informed by the construction and phasing programme as required by condition 1 above and include provision for early establishment of all planting following earth works around the site boundary, including the vehicular access. Thereafter, all landscaping shall be provided and implemented in accordance with the approved details.

Reason: Details of the timetable for implementing the proposed/required landscaping arrangements are lacking from the submission and in order to ensure that the approved landscaping works are carried out timeously, including boundary treatments, to ensure the development is screened and absorbed into the landscape and to reduce the landscape and visual amenity impact of the development upon the Special Landscape Area.

3. Any trees, shrubs and seeding/ turfing which within a period of 5 years from planting, are removed or become damaged or diseased shall be replaced no later than by the end of the first planting season with others of similar size, number species and or seeding mix, unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that all approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the character, appearance and amenity of the development and the surrounding areas.

4. Construction works associated with the development, audible at any point on the boundary of any noise sensitive dwelling, shall be permitted between 0700-1900 hours, Monday to Friday and 0700-1600 hours on Saturday only, and at no other times outwith these permitted hours shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/ stated hours of working.

Reason: To minimise the potential disturbance and impact from construction operations occurring within the site upon the amenity of the surrounding area including the nearest noise sensitive properties.

5. No development shall commence until a proposed lighting plan for limited unidirectional lighting to avoid large illumination in the rural site has been submitted to and approved in writing by the Planning Authority. This lighting plan should be designed by a qualified lighting designer in accordance with the Institution of Lighting Engineers; "Guidance Notes for the Reduction of Obtrusive Light". Thereafter development to only be undertaken and lit in accordance with this plan.

Reason: To protect neighbouring residential amenity and protect the rural character and appearance of the surrounding landscape.

6. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- b) If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.

- c) Limited intervention of features, or expansion of trenches will only take place if approved by the Council's Archaeology Officer
- d) Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- e) Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
- f) Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- g) If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

The results of additional excavations and an appropriately resourced post-excavation research design shall be submitted to the Council for approval within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

7. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- b) Historic Building Survey will be in accordance with the ALGAO:Scotland guidance as requested by the Planning Authority.
- c) In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- d) Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- e) Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- f) Results will be summarised in *Discovery and Excavation in Scotland* (DES) within one year of on-site completion.
- g) The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

8. Prior to the development commencing a new access to the site shall be constructed and the existing access closed off. The new access to the development shall substantially match the part of the new junction which accesses the site as detailed in the drawing (Drg No EC21062:95:001) submitted by Blyth + Blyth dated 9 May 2016, in support of the application, but excluding the right turn lane. The access shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with

Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.

Reason: To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved. To maintain safety for both the trunk road traffic and the traffic moving to and from the development

To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

9. Prior to the development commencing, a Traffic Management Plan for construction traffic shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland, as Trunk Road Authority.

Reason: To maintain safety for both the trunk road traffic and the traffic moving to and from the development

10. The full junction as detailed in the drawing dated 9 May 2016 (Drg No EC21062:95:001), submitted by Blyth + Blyth in support of the application, shall be constructed prior to the occupation of the development.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

11. The gradient of the access road shall not exceed 1 in 40 for a distance of 15 metres from the nearside edge of the trunk road carriageway, and the first 15 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

12. Wheel washing facilities shall be provided within the site.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety

13. Traffic bollards (Glasdon Admiral bollard or approved equivalent) to be erected within the trunk road verge on either side of the access at locations to be approved by the Planning Authority , after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that road safety is improved by highlighting the location of the access.

14. Prior to the development commencing a Parking Study shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority.

Reason: To ensure that sufficient parking spaces are provided within the development. (The Applicant should be advised that the Parking Study is required due to discrepancies within the Visitor Appraisal Study. Parking is based on visitor numbers and car occupancy which is

stated as being assumed to be 2.7 people per car but Paragraph 2.7 in the same report states that Department of Transport figures indicate 1.51 people per car. This discrepancy must be resolved and the Parking Study should also include figures from similar development types to validate the assumed figures in the Transport Statement, based on the Visitor Appraisal Study.)

15. Prior to the development commencing plans shall be submitted to show;
- Pedestrian connections to and from the nearest bus stop on the A68.
 - Plans to demonstrate replacement of the nearest bus stop on the A68
 - Plans to demonstrate how the existing access road will be physically stopped up.
- These shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority.
Thereafter development to be undertaken in accordance with these approved plans.

Reason: To ensure sufficient access to the development by sustainable transport methods and in the interests of road safety.

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

Reason: To protect the residential amenity of nearby properties.

17. All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.
Reason: To protect the residential amenity of nearby properties.

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

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

19. Waste arising from the development shall not be disposed of other than in accordance with Chapter 2 Section 5.5 of the Environmental Statement, without the written agreement of the Planning Authority.

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

20. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

- a) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- c) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- d) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

21. Prior to the commencement of works an Ecological Clerk of Works (ECoW) shall be appointed to carry out pre-construction ecological surveys, to inform a Construction Environmental Management Plan and to oversee compliance with the Construction Environment Management Plan (CEMP) and Species Protection Plan, (“the ECoW works”). The terms of the appointment shall be submitted for the approval in writing by the Council, as Planning Authority, in consultation with SEPA and SNH. The terms shall include the requirement to
- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Statement and other information lodged in support of the application, the Construction Environmental Management Plan and other plans; and
 - b. Require the ECoW to report to the Company’s nominated construction project manager, the Planning Authority, SNH and SEPA any incidences of non-compliance with the ECoW works.

Reason: To ensure the protection of the Tweed SAC and European protected species.

22. Prior to the commencement of works a Construction Environment Management Plan shall be submitted for the approval in writing by the Planning Authority. The CEMP shall include
- a) Risk assessment of potentially damaging construction activities,
 - b) Identification of “biodiversity protection zones”.
 - c) Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
 - d) A Drainage Management Plan
 - e) A Site Waste Management Plan
 - f) An Accident Management Plan
 - g) Responsible persons and lines of communication
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW)
 - i) Actual location of outfall and abstraction as identified in the CAR Licence.

The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the protection of the River Tweed SAC and European protected species.

23. Prior to the commencement of development a Species and Habitat Protection Plan (including supplementary surveys and measures for; GWDTES, bats, otter, badger, breeding birds and

amphibia as appropriate) is to be submitted to for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme. Reason: To ensure the protection of the River Tweed SAC, European protected species and GWDTES.

24. Prior to the commencement of works, a Landscape and Habitat Management Plan, including measures to compensate for habitat loss and enhance existing habitats including through woodland creation and management, conservation management of grassland and wetlands, provision of a scheme of bat and bird boxes, an artificial otter holt and provision of appropriate access and interpretation, to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme. Reason: To ensure the protection of the River Tweed SAC, European Protected species and enhancement of the ecological interest.

ADVISORY NOTES

1. Transport Scotland:

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement

2. Environmental Health:

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

The Applicants should liaise with the Councils Licensing Section to establish whether or not the proposed staff accommodation requires to be licenced as a House in Multiple Occupation. liquorandlicensing@scotborders.gcsx.gov.uk

NOTE

Mr G Fry, Jedvalley Community Council, although not as an objector, raised concerns and Mr H Wight, Jedburgh Community Council spoke in support of the application.

Reference

16/00869/FUL

Nature of Development

Erection of sixty dwellinghouses with associated Works.

Location

Cooperknowe Phase 4
And 5, Coopersknowe
Crescent, Galashiels

I recommend the application is approved subject to the following conditions and informatives:

1. All approved residential units shall meet the definition of “affordable housing” as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance “Affordable Housing” 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.

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

2. The development shall be carried out in accordance with the plans and drawings approved under this consent, including floor plan layouts specified on the approved plans, unless otherwise agreed with the Planning Authority, or requiring to be amended by this or other conditions in this schedule. If floor plans are inconsistent with elevation drawings, a remedial scheme for the same shall be submitted to and approved by the Planning Authority and the development shall be completed in accordance with the approved scheme.

Reason: To ensure the development is carried out in accordance with the approved plans and drawings unless amendments are specified by or agreed by the Planning Authority

3. No development shall commence on flatted blocks on plots 17-22;26-31; and 32-39 or H5 house types, notwithstanding plans and drawings approved under this consent, until revised elevation drawings and supporting floor plans have been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved plans and drawings

Reason: To achieve design improvements to these aspects of the development

4. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme

Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved residential development

5. No development shall commence until a phasing programme for the development has been submitted to and approved by the Planning Authority. This shall include all buildings, roads, paths, parking areas, cycle storage, water, foul and surface water drainage services. Development shall only be carried out in accordance with the approved phasing programme. All flatted blocks shall be provided with cycle storage (one per unit) in the locations identified on the approved site plan (Plan PL(01) Revision T) and in accordance with details of the visual appearance of the cycle storage units which shall be submitted to and approved by the Planning Authority prior to their installation

Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure and services.

6. No development shall commence until a) written evidence on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply and b) until a final surface water drainage scheme, based on the approved site layout (Plan PL(01) Revision T) have been submitted to and approved by the Planning Authority. The surface water drainage scheme shall specify permeable paving/surfacing for all parking spaces, underground storage and swale; shall demonstrate that this shall maintain greenfield run-off levels; shall include full details of the swale (sufficient to establish its visual appearance);

and, shall specify future maintenance of the scheme. The approved services shall be installed in accordance with the approved phasing scheme (Condition 5)

Reason: To ensure the development can be adequately serviced and minimise risk of off-site surface water run-off

7. No development shall commence until a scheme of details for the children's play area has been submitted to and approved by the Planning Authority. Details shall include the layout, levels, specification, implementation date(s) and future maintenance of the play area. The play area shall be installed and maintained in accordance with the approved scheme of details.

Reason: To ensure the development is provided with adequate children's play space.

8. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of landscaping and boundary planting (incorporating layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within the site) has been submitted to and approved by the Planning Authority. The development shall only be carried out in accordance with implementation and maintenance of the approved scheme.

Reason: Further information is required to achieve an acceptable landscape scheme for the site.

9. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of boundary treatments (walls and fencing and bin store enclosures) has been submitted to and approved by the Planning Authority. The scheme shall include the layout/route of all existing and proposed walls and fencing, and their detailed design, height and materials. All boundary treatments within the application site shall accord with the approved scheme.

Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.

10. No development shall commence until a scheme of external materials (including specifications and samples of materials and colours) for all buildings within the development, and of all roads, paths and parking areas, has been submitted to and approved by the Planning Authority. The road surfacing layout shall accord with Plan PL(01) Revision T. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area, and that the road layout accords with the approved layout, in the interests of road and pedestrian safety

11. No development shall commence until further details of proposed levels within the site have been submitted to and approved by the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and flat floor levels (incorporating a variation in level between plots 1 and 2); and retaining wall height and specifications. The levels shall relate to a fixed, off-site datum. The development shall be carried out in accordance with the approved details

Reason: To ensure levels and retaining walls within the site achieve a sympathetic visual appearance

12. No development shall commence on the roadway until a revised specification for the 'build-out' at Plot 5 has been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the approved specification

Reason: A minor adjustment is required to achieve a better visual interruption to the road at this point, in the interests of safeguarding road and pedestrian safety

13. The driver visibility splay for the proposed junction onto the C77 (illustrated by the perforated green line on the approved plan PL (01) Revision T) shall be provided free of

obstruction prior to occupancy of the first dwellinghouse/flatted dwelling within the development and maintained free from obstruction thereafter (with the exception of the tree to be retained).

Reason: In the interests of road and pedestrian safety.

14. The existing tree within the site adjacent the proposed C77 junction, and trees adjacent the boundary of the site with the industrial estate alongside plots 48-60 shall be safeguarded during the construction of the development in accordance with a Tree Protection Plan that shall be submitted to and approved by the Planning Authority prior to development commencing. The Tree Protection Plan shall apply BS5837:12. The development shall only be implemented in accordance with the approved plan. The existing tree adjacent the C77 shall be retained following completion of the development and shall not be lopped, felled or otherwise disturbed without the prior written approval of the Planning Authority

Reason: To safeguard a tree of value within the site and minimise risk to trees on land adjacent the site, in the interests of the visual amenity of the surrounding area and the amenity of future residents

15. A window shall be installed within the western gable of Plot 16 prior to occupancy of the dwellinghouse in accordance with a scheme of details submitted to and approved by the Planning Authority prior to works commencing on this plot

Reason: To provide overlooking of the adjacent lane in the interests of visual amenity

16. First floor window openings on the westerly facing elevation of Plot 15 and south-facing elevation of Plot 50 shall be fitted with obscure glazing prior to occupancy of the dwellinghouse in accordance with a specification agreed with the Planning Authority. The windows shall not be later altered or replaced with a different specification, notwithstanding the General Permitted Development (Scotland) Order 1992 as amended 2011 or any subsequent amendment or replacement Order

Reason: To maintain privacy between dwellings and gardens within the development.

17. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

i. Development at (Note 1)

ii. Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.

iii. The development comprises (Note 5)

iv. Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

18. No permission is granted for the proposed houses on plots 59 and 60 identified on the approved site layout plan. Details of the landscaping of this land (plots 59 & 60) shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Thereafter, the approved scheme shall be carried out in accordance with the approved details and within an agreed timescale.

Reason: The Planning & Building Standards Committee considered that there needed to be visual break between the development at Coopersknowe Crescent and the proposed development and that the provision of a landscape area at this point would assist the transition between the two distinctly different phases of development.

Informatives

1. If future maintenance of the play area and communal open space planting/landscaping is to be adopted by the Council, this shall require a legal agreement to cover financial contributions for this arrangement.
2. Colours and finishes for external materials shall be expected to be sympathetic to the varied palette evident within adjacent and nearby housing areas, in particular Coopersknowe Crescent
3. Roads Construction Consent will be required. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.
4. Field drains (understood to be potentially affected by Plot 59), pipelines and other infrastructure are matters the applicants must account directly for prior to commencing work on site. It is also understood from previous application correspondence for this site that that a tail drain for a septic tank (Rowallan) is believed to fall within the site. The applicants/developers should address these matters directly with the owners and utility companies
5. Where alterations to the buildings are required to incorporate zero/low carbon technologies, such works may require separate Planning Permission, unless these do not materially alter the approved development. Amenity implications for neighbouring properties and other residents within the development (in particular, air quality and noise) should, in any event, be accounted for when designing and locating such works.
6. Development should be carried out in a manner consistent with British Standard guidance on constriction works, to maintain neighbouring amenity, in particular BS5228.
7. Any unauthorised disturbance to protective species habitats is an offence under European and UK habitat legislation. The applicants/developers should ensure precautions are taken before commencing work on site (including vegetation clearance) and the advice of an ecologist is recommended.
8. The Notes required of Condition 17 should be completed as follows:
 - Note 1: Insert address or describe the location of the development
 - Note 2: Delete "subject to conditions" if the planning permission is not subject to any conditions
 - Note 3: Insert the name and address of the developer
 - Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
 - Note 5: Insert the description of the development.
 - Note 6: Insert the application reference number.
9. The Planning & Building Standards Committee in considering the application highlighted that care should be taken to provide appropriate edging for the landscaped area in the centre of the square, to ensure that it is retained as a feature and not compromised by road users and pedestrians travelling over it.

VOTE

Councillor White, seconded by Councillor Ballantyne moved that a site visit be arranged prior to a decision being taken on the application.

On a show of hands Members voted as follows:-

For - 4 votes

Against - 4 votes

There being an equality of votes, the Chairman exercised his casting vote against the holding of a site visit. It was accordingly decided that no site visit be held.

VOTE

Councillor Fullarton, seconded by Councillor Ballantyne moved that the application be approved with the removal of plots 59 and 60.

Councillor Brown, seconded by Councillor Moffat, moved that the application be approved as per the officer's recommendations.

On a show of hands Members voted as follows:-

Motion - 5 votes

Amendment - 3 votes

The motion was accordingly carried.

NOTE

Mr Birnie, Coopersknowe Residents Association spoke against the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01090/FUL	Erection of dwellinghouse	Land East of Fordings, Lower Green, West Linton

DECISION: approved subject to the completion of a Section 75 legal agreement in respect of Developer contributions and the following conditions:

1. The development hereby approved shall be carried out wholly in accordance with the amended site plan ref BROW01PL003 dated 24 October 2016.
Reason: To ensure that the development is carried out as approved by the Local Planning Authority.
2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. Before any development commences on site details of the construction of the proposed parking and turning areas shall be submitted to and approved by the planning authority. The two parking spaces and turning areas shall to be retained in perpetuity.
Reason: To ensure that there is adequate off road parking and turning area within the site in the interests of road safety.
4. The minimum finished floor level of the ground floor of the dwellinghouse shall be 235.1mAOD.
Reason: To protect the property from any potential flooding
5. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning

Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

6. Before any development commences on site details of height of proposed boundary fencing shall be agreed with the local planning authority and the fence shall be erected prior to any demolition or construction work taking place on the site.
Reason: to protect the residential amenity of nearby residents.
7. Before any development commences on site precise details of valley gutter shall be submitted to and approved by the local planning authority.
Reason: To ensure that the new dwellinghouse does not affect the fabric of existing adjacent properties.
8. Prior to the development commencing, a Traffic Management Plan for construction traffic shall be submitted and approved by the Planning Authority. The plan shall then be implemented in accordance with the approved details.
Reason: To maintain safety for residents living in proximity of the site and traffic moving to and from the development.

NOTE

Mr Roger Brown, Applicant spoke in support of the application.

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**SCOTTISH BORDERS COUNCIL
JEDBURGH COMMON GOOD SUB-COMMITTEE**

MINUTES of Meeting of the JEDBURGH
COMMON GOOD SUB-COMMITTEE held in
The Town Hall, The Square, Kelso on
Wednesday, 7 December, 2016 at 5.30 pm

Present:- Councillors J. Brown, S. Scott, R. Stewart, Community Councillor Mr. H. Wight.
In Attendance:- Capital and Investments Manager (Kirsty Robb), Estates Manager, Solicitor (Graham Nelson), Democratic Services Officer (Judith Turnbull).

1. MINUTES

There had been circulated copies of the Minutes of the following Meetings:-

29 June 2016
14 September 2016
19 October 2016

DECISION

AGREED to note the Minutes for signature by the Chairman.

2. UPDATES

2.1 Cheviot Youth Project

With reference to paragraph 1 of the Minute of 19 October 2016, an email had been sent by the Democratic Services Officer on 4 November 2016 advising of the Sub-Committee's Decision. To date no further information had been received.

2.2 Jedburgh Community Council – Festive Lights

With reference to paragraph 3 of the Minute of 14 September 2016, the Sub-Committee were advised that following confirmation of the final total (after agreement on what could be salvaged) a request from £5,245.50 was received. Following email confirmation from Councillors this amount was paid. A further request for payment in the sum of £765.12 was received and although Members agreed by email to pay this, it then transpired that this amount would be paid by Scottish Borders Council for the tree lights. It was noted that there would be a further application for financial assistance in respect of the installation costs associated with the lights. The Sub-Committee commended Mr Taylor and Councillor Stewart for their work in arranging the Festive Lights in Jedburgh.

2.3 Jedburgh Shed Project

With reference to paragraph 1 of the Minute of 29 June 2016, Community Councillor Wight advised that due to illness the project had not progressed. However, he would remind the Project that the Sub-Committee had agreed, in principle, to their proposals.

DECISION

(a) NOTED that the amount paid to Jedburgh Community Council in respect of Festive Lights in 2016 was £5,245.50

- (b) **AGREED that Mr Taylor and Councillor Stewart be thanked for their work in arranging the Festive lights in Jedburgh.**

3. **MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2016**

- 3.1 There had been circulated copies of a report by the Chief Financial Officer which provided details of the income and expenditure for the Jedburgh Common Good Fund for the 6 months to 30 September 2016, full year projected out-turn for 2016/17 and projected balance sheet values to 31 March 2017. Appendix 1 provided the projected income and expenditure for 2016/17 and a projected deficit of £18,083 for the year. Appendix 2 showed a projected Balance Sheet to 31 March 2016 and a projected decrease in reserves of £29,683. Appendix 3 provided a breakdown of the property portfolio showing projected rental Income for 2016/17 and actual property Expenditure to 30 September 2016. Appendix 4 detailed the value of the Newton Fund to 3 September 2016. The Capital and Investments Manager, Mrs Robb, explained that £15k had been allocated to Jedburgh Community Council for Festive Lights. To reflect the decision above, the total grants figure would increase from £18.2k to £36k, leaving an unallocated budget £17.7k.
- 3.2 There followed discussion on the Newton Fund investment, Mrs Robb highlighted that, over the quarter to 30 September 2016, the Fund had delivered a positive absolute return. The Sub-Committee asked if they could be advised of the amount paid in fees for the Fund. Mrs Robb advised that all funding managers would be asked, under the new Transparency Code, to provide information on their fees. An update would be provided at the end of the financial year as part of the year end process. Mrs Robb further advised that if there was concern at the Fund's performance or fees, the Council's Investment Manager could provide a comparison showing the Newton Fund's performance in relation to their peers. Mr Wight was concerned that the Fund did not appear proactive. He also requested a copy of the Annual Accounts for the Common Good. It was noted that Mrs Robb would forward to him out with the meeting.

DECISION

- (a) **AGREED the projected Income and Expenditure for 2016/17 as shown in Appendix 1 to the report.**
- (b) **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 to the report;**
 - (iii) **the current position of the investment in the Newton Fund contained in Appendix 4.**

The meeting concluded at 6.00 pm.

SCOTTISH BORDERS COUNCIL

KELSO COMMON GOOD FUND SUB-COMMITTEE

MINUTE of Meeting of the KELSO COMMON GOOD SUB-COMMITTEE held in The Town Hall, The Square, Kelso on Wednesday, 7 December, 2016 at 4.30 pm

Present:- Councillors T. Weatherston (Chairman), Councillor S. Mountford, A. Nicol.

Apologies: Community Councillor Mr John Bassett.

In Attendance:- Capital and Investments Manager (Kirsty Robb), Estates Manager (Neil Hastie), Solicitor (Graham Nelson), Democratic Services Officer (Judith Turnbull).

1. ORDER OF BUSINESS

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

2. MINUTE.

There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 14 September 2016.

DECISION

AGREED to note the Minute for signature by the Chairman.

3. MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2016

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 six months to 30 September 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 2016/17 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 September 2016. Appendix 4 showed the value of the Newton Fund to 30 September 2016. The Capital and Investments Manager, Mrs Robb, advised that the Newton Fund had delivered a positive absolute return although slightly behind the benchmark.

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.**

4. **UPDATE - PINNACLEHILL WOODLANDS**

With reference to paragraph 2 of the Minute of 14 September 2016, the Estates Manager, Mr Hastie, advised that the original estimate for a replacement fence had been between £4k to £5k; the cost of repair, with a post and wire fence, would be approximately £1k. Mr Hastie further advised that he would negotiate with the owner for a contribution towards the costs and estimated that Kelso Common Good's contribution would be up to £400.00. The Sub-Committee agreed to contribute up to £400.00 towards the costs of repair to the fence. Mr Hastie confirmed that officers would continue to monitor the condition of the fence. The Sub-Committee noted that management of the woodland would need to be considered in the future.

DECISION

AGREED to contribute up to £400.00 towards the cost of repairs to the fence at Pinnaclehill Woodlands.

MEMBER

Councillor Mountford left the meeting following the above item. He intimated that he supported the following two requests for financial assistance.

5. **FINANCIAL ASSISTANCE - KELSO CHRISTMAS DECORATION FUND**

It was explained that the application was in respect of electricity and erecting Kelso's 2016 Christmas lights and was for the sum of £750.

DECISION

AGREED to support the application for financial assistance for Kelso Christmas Decorations Fund for 2016 in the sum of £750.

6. **FINANCIAL ASSISTANCE - KELSO OVER 60S CLUB**

There had been circulated copies of an application for Financial Assistance from Kelso Over 60s Club. It was explained that the Club provided Outings, Entertainment and an Annual Christmas Dinner for Over 60s within the Kelso area. The application presented to the Sub-Committee was a request for £400 towards the cost of the Annual Christmas Dinner.

DECISION

AGREED to support the application for financial assistance for Kelso Over 60s Club in the sum of £400 towards the costs of the Annual Christmas Dinner.

The meeting concluded at 4.40 pm