

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

6.	<p><b>Committee Minutes</b> (Pages 1 - 150)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> <li>(a) Peebles Common Good Fund 14 June 2017</li> <li>(b) Tweeddale Locality 14 June 2017</li> <li>(c) Berwickshire Locality 15 June 2017</li> <li>(d) Civic Government Licensing 16 June 2017</li> <li>(e) Local Review Body 19 June 2017</li> <li>(f) Executive 20 June 2017</li> <li>(g) Limited Liability Strategic Governance Group 20 June 2017</li> <li>(h) Lauder Common Good Fund 20 June 2017</li> <li>(i) Hawick Common Good Fund 20 June 2017</li> <li>(j) Teviot &amp; Liddesdale Area Forum 20 June 2017</li> <li>(k) Selkirk Common Good Fund 21 June 2017</li> <li>(l) Jedburgh Common Good Fund 21 June 2017</li> <li>(m) Kelso Common Good Fund 21 June 2017</li> <li>(n) Cheviot Locality 21 June 2017</li> <li>(o) Pension Fund 22 June 2017</li> <li>(p) Pension Board 22 June 2017</li> <li>(q) Community Planning Strategic Board 22 June 2017</li> <li>(r) Galashiels Common Good Fund 22 June 2017</li> <li>(s) Eildon Locality 22 June 2017</li> <li>(t) Planning &amp; Building Standards 26 June 2017</li> <li>(u) Audit &amp; Scrutiny 28 June 2017</li> <li>(v) Local Review Body 17 July 2017</li> <li>(w) Civic Government Licensing 21 July 2017</li> </ul>	5 mins
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(a)	Peebles Common Good Fund	14 June 2017
(b)	Tweeddale Locality	14 June 2017
(c)	Berwickshire Locality	15 June 2017
(d)	Civic Government Licensing	16 June 2017
(e)	Local Review Body	19 June 2017
(f)	Executive	20 June 2017
(g)	Limited Liability Strategic Governance Group	20 June 2017
(h)	Lauder Common Good Fund	20 June 2017
(i)	Hawick Common Good Fund	20 June 2017
(j)	Teviot & Liddesdale Area Forum	20 June 2017
(k)	Selkirk Common Good Fund	21 June 2017
(l)	Jedburgh Common Good Fund	21 June 2017
(m)	Kelso Common Good Fund	21 June 2017
(n)	Cheviot Locality	21 June 2017
(o)	Pension Fund	22 June 2017
(p)	Pension Board	22 June 2017
(q)	Community Planning Strategic Board	22 June 2017
(r)	Galashiels Common Good Fund	22 June 2017
(s)	Eildon Locality	22 June 2017
(t)	Planning & Building Standards	26 June 2017
(u)	Audit & Scrutiny	28 June 2017
(v)	Local Review Body	17 July 2017
(w)	Civic Government Licensing	21 July 2017

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**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 14 June 2017 at  
5.00 p.m.

Present:- Councillors H. Anderson, S. Bell, K. Chapman, S. Haslam, E. Small, R. Tatler

In Attendance:- Community Councillor L Hayworth.  
Democratic Services Team Leader, Solicitor (C. Kubala), Capital and Investments Manager, Estates Surveyor (A. Graham)

Members of the Public:- 1.

1. **APPOINTMENT OF CHAIRMAN**

Councillor Bell, seconded by Councillor Chapman, proposed that Councillor Anderson be appointed as Chairman. Councillor Haslam, seconded by Councillor Small, proposed that Councillor Tatler be appointed as Chairman. There being an equality of votes for both candidates the decision was taken by lot. This was done by a cut of the cards in which Councillor Tatler was successful.

**DECISION**

**DECIDED that Councillor Tatler be appointed as the Chairman of the Peebles Common Good Fund Sub-Committee.**

2. **APPOINTMENT OF VICE CHAIRMAN**

Councillor Tatler, seconded by Councillor Bell, proposed that Councillor Anderson be appointed as Vice Chairman and this was unanimously approved.

**DECISION**

**AGREED that Councillor Anderson be appointed as the Vice Chairman of the Peebles Common Good Fund Sub-Committee.**

3. **MINUTE**

The Minute of Meeting of Peebles Common Good Fund Sub-Committee of 1 March 2017 had been circulated.

**DECISION**

**NOTED.**

4. **TRAFFIC REGULATION ORDERS FOR CAR PARKS IN PEEBLES**

With reference to paragraph 4 of the Minute of 23 November 2016, there had been circulated copies of a report by the Chief Legal Officer outlining the current Traffic Regulation Orders in relation to car parks in Peebles which had been prepared in response to concerns regarding the use of the car parks for overnight stays by caravans and camper vans. The report covered all car parks although it was noted that only 3, namely Kingsmeadows, Greenside and Tweed Green were in the ownership of the Common Good Fund. Ms Kubala, Solicitor highlighted the regulations as they applied and advised that the Team Leader Road Safety & Traffic Management was carrying out a review of all Traffic Orders with a view to reducing the number and simplifying the regulations. The Common Good Fund did not have the power to vary Traffic Regulation Orders but they could respond to any consultation process. Members

agreed that they should participate in any consultation process and in due course could erect advisory signs regarding overnight stays.

#### **DECISION**

**(a) NOTED the Traffic Regulation provisions for car parks in Peebles.**

**(b) AGREED to:-**

- (i) participate in any future consultation process regarding the review of Traffic Regulation orders; and**
- (ii) consider the erection of advisory signs once the review had been completed.**

#### **5. HAY LODGE PARK TOILETS, PEEBLES**

There had been circulated copies of quotation received for the repair of the toilets situated in Hay Lodge Park, Peebles. Mr. Graham, Estates Surveyor explained that the work was needed to repair a leaking pipe which would require the removal of the current urinal. Members queried why only one quotation had been sought and Mr Graham undertook to investigate this and report back to members.

#### **DECISION**

**AGREED to delegate powers to Mr. Graham, Estates Surveyor to accept the appropriate quotation once the position had been clarified and accepted by Members.**

#### **6. MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2017**

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the year 2016/17 including balance sheet values as at 31 March 2017 and proposed budget for 2017/18. Appendix 1 to the report provided the actual income and expenditure for 2016/17. This showed a surplus of £22,300 for the year, which was significantly more than the £6,777 surplus forecast in the monitoring report to 31 December 2016 and was primarily due to an underspend against the grants budget caused by the timing to 2 large grant payments as detailed in the report. Appendix 1 also showed a projected deficit of £367 for 2017/18. Appendix 2 provided a balance sheet value as at 31 March 2017 which showed a decrease in the reserves of £16,088, mainly due to depreciation. Appendix 3 provided a breakdown of the property portfolio showing actual rental income and property expenditure to 31 March 2017 where applicable and the 2016/17 depreciation charge. Appendix 4 showed the value of the Newton Fund to 31 March 2017. Mrs Robb, Capital and Investments Manager advised that KPMG had been asked to carry out some peer comparison in respect of the Newton Fund given recent performance. Although they were currently meeting their targets there was some concern for the future and a report on what alternative options there might be would be submitted to Council for consideration. Mrs Robb answered Members questions and commented on the ethical investment policy. In response to a request for a set of criteria for applications for funding Mrs Robb advised that work was ongoing to produce a criteria and application form which could be used for all types of grants administered by the Council.

#### **DECISION**

**(a) AGREED the proposed budget for 2017/18 as shown in Appendix 1 to the report.**

**(b) NOTED:-**

- (i) the actual income and expenditure for 2016/17 in Appendix 1 to the report;**
- (ii) the final balance sheet value to 31 March 2017 in Appendix 2 to the report;**
- (iii) the summary of the property portfolio in Appendix 3 to the report; and**

- (iv) **the current position of the investment in the Newton Fund in Appendix 4 to the report.**

7. **URGENT BUSINESS**

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

8. **EASTGATE FOUNTAIN**

Mr Graham reported that it had been necessary to replace the fountain pump at a cost of £491.94 and that a further £160 would be required for associated electrical and joinery work.

**DECISION**

**NOTED and approved the works required to repair the fountain.**

**PRIVATE BUSINESS**

9. **DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

**Declarations of Interest**

Councillor Tatler and Community Councillor Hayworth declared an interest in the following item of business in terms of section 5 of the Councillors Code of Conduct and left the Chamber. Councillor Anderson took the Chair.

10. **Minute**

The private section of the Minute of 1 March 2017 was approved.

11. With reference to paragraph 8 of the private section of the Minute of 1 March 2017, the Estates Surveyor briefed Members on the current position regarding the lease of the Old Corn Exchange, Peebles, Members agreed to confirm their previous decision regarding the permanent lease and not to use the property for any other purpose.

*The meeting concluded at 5.55 p.m.*

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**SCOTTISH BORDERS COUNCIL**  
**TWEEDDALE LOCALITY COMMITTEE**

MINUTE of the MEETING of the  
TWEEDDALE LOCALITY COMMITTEE held  
in Council Offices, Rosetta Road, Peebles on  
14 June 2017 at 6.30 p.m.

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, K. Chapman, S. Haslam,  
E. Small, Community Councillors L. Hayworth, G. Parker, G. Thornton, G.  
Tulloch.

Apologies:- Community Councillor C. Lewin.

In Attendance:- Neighbourhood Area Manager (Tweeddale), Mr. S. Mitchell, Scottish Fire and  
Rescue Service, Democratic Services Team Leader.

Members of the Public:- 4

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. The presentation on the Scottish Borders Health & Social Care Partnership had been deferred to a future meeting. The Open Forum item and Localities Committee would be taken as one item.

2. **VICE CHAIRMAN**

Councillor Tatler, seconded by Councillor Anderson, moved that Councillor Bell be appointed as Vice Chairman and this was unanimously approved.

**DECISION**

**AGREED that Councillor Bell be appointed as the Vice Chairman.**

3. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 1 March 2017.

**DECISION**

**NOTED.**

4. **SCOTTISH FIRE & RESCUE SERVICE**

There had been circulated copies of the Scottish Fire & Rescue report on activity in the Tweeddale Area since the last meeting on 1 March 2017. Station Manager Stephen Mitchell was present at the meeting and highlighted the main points in his report which included:-

- Working with partners within Scottish Borders Council on a project to adapt the HFSV to incorporate unintentional harm in the home.
- Seven pupils from Peebles High School undertook a 6 days over 6 weeks development programme focused on Leadership and Wellbeing. An additional outcome of the programme was the delivery of a Resilience Day, planned and delivered by S3 pupils, which involved multiagency participation. It was hoped this would become part of the curriculum moving forward.
- All stations would be engaging communities with the Summer Thematic Action Plan. Targeting Road Safety, summer fire safety, deliberate fire setting, antisocial behaviour, water safety.
- Pupils from Peebles High School recently attended a "Drivewise" road safety event at Charterhall airfield near Duns, sponsored by John Cleland and supported by SFRS, Police Scotland and IAM Roadsmart.

- All Tweeddale RDS Stations were involved in a successful multi pump exercise at a Chemical Production site in Walkerburn on the 25<sup>th</sup> March to test operational preparedness.
- All stations were participating in the British Heart Foundation initiative- “Call Push Rescue”.
- Unwanted fire signals were being addressed by phased intervention actions which identified premises which were producing ‘false alarms’, providing guidance on how to reduce a reoccurrence.

Mr. Mitchell answered Members questions and asked that any comments on The Scottish Borders Local Fire and Rescue Plan be submitted as soon as possible.

**DECISION  
NOTED.**

**5. POLICE SCOTLAND**

It was noted that members had recently met with Inspector Hodges so he was not in attendance.

**DECISION  
NOTED.**

**6. OVERVIEW OF TWEEDDALE NEIGHBOURHOOD SERVICES**

Mr Hedley, Neighbourhood Area Manager Tweeddale gave Members a presentation on the work carried out by his team within the Tweeddale Area. Mr Hedley answered Members questions on a range of items including the deployment of resources, the number of operatives available to him, the measurement of the effectiveness of the services and the report on the dog fouling pilot. The Chairman thanked him for his presentation.

**DECISION  
AGREED that the presentation slides be circulated for information.**

**7. LOCALITIES COMMITTEE – FUTURE REMIT**

The Chairman advised that the future operation of the Committee was being considered with a view to devolving more decisions to a local level against the background of the Community Empowerment legislation. He asked those present, including the members of the public, for their views on how they would like to see the Committee develop. During the ensuing discussion the following points were raised:-

- Identify what is important to each community
- Avoid duplication of work already being carried out by other Committees/Groups
- Meaningful involvement in the development of the Local Plan
- Find ways to engage more effectively with the public including with young people
- Proper understanding by the public of the powers which the Committee had
- The importance of partnership working to avoid duplication of effort
- Involvement of Health, Education and the 3<sup>rd</sup> Sector
- The promotion of Tweeddale as an area within the Council
- Better attendance by Community Council representatives
- Influence Council policy – policy making from bottom up
- Ensure people feel involved
- Widen membership of the Committee
- Hold meeting more frequently

The Chairman advised that over the summer further work would be undertaken and community councils would be contacted to obtain their views. He thanked those present for their input

**DECISION**

**AGREED** that the points made be fed into the consultation process for the future operation of Locality Committees.

7. **COMMUNITY COUNCIL SPOTLIGHT**  
No matters were raised.

*The meeting concluded at 8.00 p.m.*

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# SCOTTISH BORDERS COUNCIL BERWICKSHIRE LOCALITY COMMITTEE

MINUTES of Meeting of the  
BERWICKSHIRE LOCALITY COMMITTEE  
held in the Council Chamber, Newtown  
Street, Duns on Thursday, 15 June 2017 at  
6.30 pm

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- Present:- Councillors J. A. Fullarton (Chairman), J. Greenwell, H. Laing, D. Moffat and M. Rowley.  
Community Councils:- Ayton – John Slater; Cockburnspath and Cove – Pauline Hood; Coldingham – Rhona Goldie; Duns – Andrew Mitchell; Edrom, Allanton & Whitsome – Trixie Collin; Hutton & Paxton – June McGregor; Reston and Auchencrow – Barrie Forrest; Swinton and Ladykirk – Jim Brown. Ms K Cremin, Berwickshire Association for Voluntary Service.
- Apologies:- Councillor C. Hamilton.  
Coldstream & District Community Council.
- In Attendance:- Station Manager M Acton, Scottish Fire and Rescue Service; Mr D Silcock - Neighbourhood Area Manager Berwickshire, Democratic Services Officer (P Bolson).
- Public:- 3

## 1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present to the first meeting of the Berwickshire Locality Committee. Those in attendance were then invited to stand for a minute's silence to mark the loss of lives during the fire at Grenfell Tower in London on 14 June 2017.

## 2. **APPOINTMENT OF VICE-CHAIR**

The Chairman invited nominations for the role of Vice-Chairman. Councillor Laing was proposed by Councillor Fullarton and seconded by Councillor Rowley. Councillor Laing was duly appointed as Vice-Chair.

### **DECISION**

**AGREED** that as there were no other nominations, Councillor H Laing was duly appointed as Vice-Chair.

## 3. **MINUTE**

There had been circulated copies of the Minute of 2 March 2017.

### **DECISION**

**NOTED** the Minute for signature by the Chairman.

## 4. **MATTERS ARISING**

### **Berwickshire Flag**

With reference to paragraph 3 of the Minute of 2 March 2017, the Chairman advised that there was no further information to report at this juncture. Further attempts would be made to progress this item and an update would be presented to the next meeting of the Committee.

### **DECISION**

**NOTED.**

## 5. **NEIGHBOURHOOD SMALL SCHEMES**

There had been circulated copies of a report by the Service Director Assets and Infrastructure seeking approval from the Berwickshire Locality Committee for a number of proposed new Neighbourhood Small Schemes. The report advised that the current budget available for Small Schemes in the Berwickshire area was £48,200 and that £40,898 would remain should all the proposed schemes be approved. In response to a request for clarification, Mr Silcock summarised the Neighbourhood Small Scheme and explained how requests from the budget were raised and processed.

### **DECISION**

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

<b>(i)</b>	<b>Install 2 benches at the new disaster memorial, overlooking the Harbour, Eyemouth</b>	<b>£1,400</b>
<b>(ii)</b>	<b>Supply 1 x 3 tiered planter and plants and soil for the village enhancement group, Burnmouth</b>	<b>£620</b>
<b>(iii)</b>	<b>Supply plants, planters and soil for Eyemouth Enhancement Group</b>	<b>£615</b>
<b>(iv)</b>	<b>Supply plants for Coldingham Garden Party</b>	<b>£65</b>
<b>(v)</b>	<b>Repair parking area play park Hutton</b>	<b>£2400</b>
<b>(vi)</b>	<b>Supply 1 x 3 tiered planter and plants for Duns Enhancement Group and topsoil for flower beds</b>	<b>£1015</b>
<b>(vii)</b>	<b>Supply bench and tidy up existing benches and supply 3 picnic benches in Burnmouth</b>	<b>£600</b>
<b>(viii)</b>	<b>Supply 1 barrel for Paxton Village</b>	<b>£50</b>
<b>(ix)</b>	<b>Supply grass strimmer for Westruther Floral gateway committee</b>	<b>£350</b>
<b>(x)</b>	<b>Supply a new bench for the boardwalk, Duns</b>	<b>£32</b>
<b>(xi)</b>	<b>Supply 2 picnic benches and 1 planter and topsoil for the Loaning, Auchencrow</b>	<b>£155</b>
<b>(xii)</b>	<b>Supply planters at Cowdrait</b>	<b>£320</b>
<b>(xiii)</b>	<b>Supply soil and stones for boat installed at the Toll Junction, Eyemouth</b>	<b>£180</b>

**(b) AGREED to delegate authority to the Service Director for Asset and Infrastructure to allocate funds for small schemes in 2017/18, out with the scheduled Area Locality Committee when work is considered time critical, subject to consultation with all six Berwickshire Members and approval by at least three Berwickshire Members.**

## 6. **SCOTTISH FIRE AND RESCUE SERVICE**

6.1 There had been circulated copies of a report by Scottish Fire and Rescue informing the Locality Committee of activity in the area since the beginning of March 2017. Station Manager Matt Acton was in attendance to highlight the main points of the report. In

summary, there had been 3 occurrences of fires in houses/buildings with 2 casualties recorded; 11 other fire incidents with no casualties; 10 Special Service incidents resulting in 4 casualties; and 27 non-deliberate unwanted fire alarm signals involving commercial/industrial premises. Station Manager Acton advised that work continued with local businesses to reduce these incidents on an ongoing basis. The report went on to inform Members of continued activity which had occurred and which was currently taking place in Berwickshire and the measures being taken to address issues identified within the area. The spring Thematic Action Plan had recently closed, with an evaluation of the Plan underway. The summer Action Plan was now underway and would focus on deliberate fires; summer safety; water safety; and wildfire and outdoor safety. The report also provided an update on the recruitment of firefighters and it was noted that posts for Retained Duty Firefighters had been filled in Duns (1), Eyemouth (2) and Coldstream (2) with applications for further vacancies being processed. Discussion followed and Station Manager Acton responded to questions raised by Members.

- 6.2 Also attached as an appendix to the report was the Scottish Borders Local Fire and Rescue Plan Review 2014 – 2017 which aligned to the national Strategic Plan and added local context by reflecting priorities for the Scottish Borders. As part of this review, Station Manager Acton invited comment on the current Local Plan and explained that feedback received would inform the 2017 - 2020 Plan scheduled for publication in 2017. The Chairman thanked Station Manager Acton for his attendance.

**DECISION**  
**NOTED the report.**

## 7. **POLICE SCOTLAND**

- 7.1 There had been circulated copies of a report by Community Inspector John Scott updating the Locality Committee on Police Scotland performance, activities and issues across wards for the period up to 15 June 2017 and to look at events linking in with the ward priorities in the coming months. The planning for local events across Berwickshire was well underway for the summer events and communities had engaged with the Scottish Borders Council Safety Advisory Group (SAG) process to ensure that events ran safely and as smoothly as possible. The report highlighted the Ward priorities in each of the two Berwickshire Wards and the work that Police Scotland was taking forward to address these issues. In East Berwickshire the priorities were road safety, misuse of drugs, rural thefts, and antisocial behaviour; for Mid-Berwickshire, they included road safety, inconsiderate driver behaviour, and antisocial behaviour. The report referred to a search of a property in the Longformacus area where a number of items were found relating to suspected wildlife crimes. Enquiries were ongoing into this incident. Reference was also made to national counter terrorism week, the ongoing work by Police Scotland and partners to ensure that communities remained alert and vigilant and the ways in which individuals could report suspicious people and behaviour. Inspector Scott reiterated the Stay Safe principle of “Run, Hide, Tell” and advised that full details could be accessed on the Police Scotland website at [www.scotland.police.uk](http://www.scotland.police.uk)
- 7.2 A number of questions were raised by Community Councils. In response to concerns about traffic behaviour at the A1 junction at Reston and in and around Paxton, Inspector Scott explained the way in which traffic cameras were utilised and that in certain circumstances, utilisation of transport vehicle patrol cars could be more appropriate. Inspector Scott would investigate this further. Concern was also expressed in relation to the potential risks caused by long vehicles using the cement works junction to the A1. The Chairman thanked Inspector Scott for his attendance.

**DECISION**  
**NOTED the report.**

## 8. **OPEN QUESTIONS**

**Reston Station**

Discussion took place in relation to Reston Station. A meeting was scheduled to take place between Transport Scotland, Network Rail and the Scottish Transport Minister and it was noted that the CP6 was due to commence in 2019. It was anticipated that a joint letter from the Berwickshire Elected Members and Mr Paul Wheelhouse MSP would be sent to the Scottish Government in support of the next stage of development of a station at Reston.

**DECISION  
NOTED.**

**9. COMMUNITY SPOTLIGHT**

No items were raised at the meeting.

**DECISION  
NOTED.**

**10. LOCALITY COMMITTEES**

The Chairman advised those present that the Area Fora were now known as Locality Committees. He gave a brief explanation of the role and responsibilities of the Locality Committees and advised that the detail of how they would operate would be developed over the coming months. Further information would be presented in due course and updates provided when available.

**DECISION  
NOTED.**

**11. DATES OF FUTURE MEETINGS**

Future meetings of the Berwickshire Locality Committee were scheduled for:-

7 September 2017;  
30 November 2017;  
1 March 2018; and  
7 June 2018.

**DECISION  
NOTED.**

***The meeting concluded at 8.10 pm***



**SCOTTISH BORDERS COUNCIL**  
**CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in COMMITTEE ROOMS 2 AND 3,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Friday, 16 June 2017 at  
12 noon

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Present:- Councillors J. Greenwell (Chairman), J. Brown, D. Paterson, N. Richards, S. Scott, T. Weatherston,  
Apologies:- Councillors R. Tatler, E. Thornton-Nicol, G. Turnbull  
In Attendance:- Chief Legal Officer, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr M. Wynne and Mr I. Tunnah), Democratic Services Officer (F Henderson), Inspector J Scott and PC Clayton Lackenby- Police Scotland.

1.0 **MINUTE**

1.1 The Minute of the Meeting of 21 April 2017.

**DECISION**

**APPROVED and signed by the Chairman.**

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

2.1 Miscellaneous Licences issued under delegated powers between 12 April 2017 and 31 May 2017.

**DECISION**

**NOTED the lists.**

3.0 **LICENSING OF SECOND HAND/METAL DEALERS**

3.1 There had been circulated copies of applications for the Grant of a Second Hand Dealer Licence and Metal Dealer Licence submitted by Mr Graham Redpath together with letters of objection from neighbours. Mr Redpath was present at the meeting and was represented by Mr Rory Bannerman, Bannerman and Burke. Mr Cook and Mr Von Slicher, objectors to the application were present and Mr Wynne gave a brief summary of the application.

3.2 Mr Bannerman provided the background to his clients long established, family business as a skip hire company and stated that his clients understood the necessity to ensure all relevant permits and licences were applied for. He went on to address the concerns raised by neighbours and gave assurances that his client would be considerate towards his neighbours if the licences were granted, however, stressed the point that the premises had been in existence for decades, long before the residential development which the neighbours occupied and therefore the main areas of concern, such a heavy traffic, noise, pollution and parking had been long standing matters which had not caused any formal action against the premises in the past.

3.3 Members then heard from the objectors, Mr Cook and Mr Von Slicher individually and there followed questions which were answered by Mr Redpath and Mr Bannerman on his behalf, During the debate, Mr Bannerman submitted that his client would be willing to reduce the trading hours of the business in an attempt to allay some of the concerns of activity taking place at the premises during unsocial hours.

## VOTE

*Councillor Weatherston, seconded by Councillor Brown moved that the application be granted subject to an undertaking by the applicant to operate the restricted hours above but to allow flexibility where there was a business need to do so.*

*Councillor Paterson, seconded by Councillor Scott moved as an amendment that the application be granted on condition that the trading hours for both licences were amended to restrict trading hours to Monday – Friday 8.00am – 6.00pm; Saturday 8.00am – 2.00pm and Sunday 12 noon – 4.00pm.*

*Motion – 2 votes*

*Amendment – 4 votes*

*The amendment was accordingly carried.*

## DECISION

**GRANTED** the applications for Second Hand Dealer and Metal Dealer Licences to Mr Graham Redpath on condition that the hours be restricted as per the amendment.

## 4.0 PRIVATE BUSINESS

### DECISION

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

## SUMMARY OF PRIVATE BUSINESS

### 5.0 RENEWAL OF ITINERANT METAL DEALERS LICENCE – ROBERT YOUNG

5.1 The Committee considered an application for the Renewal of an Itinerant Metal Dealers Licence submitted by Robert Young and agreed to grant.

### 6.0 GRANT OF TAXI DRIVER LICENCE – KEVIN COTTRELL

6.1 Continued to the next Committee.

### 7.0 RENEWAL OF TAXI DRIVER LICENCE – PAUL MILLER

7.1 The Committee considered an application for the Renewal of a Taxi Driver Licence submitted by Paul Miller and agreed to grant.

### 8.0 GRANT OF STREET TRADER LICENCE – ALLISON GASPARINI

8.1 The Committee considered an application for the Grant of a Street Trader Licence submitted by Allison Gasparini and agreed to grant subject to outstanding matters being dealt with under delegated powers.

### 9.0 GRANT OF STREET TRADER LICENCE – JARRID NEIL

9.1 The Committee considered an application for the Grant of a Street Trader Licence submitted by Jarrid Neil and agreed to grant.

### 10.0 MINUTE

10.1 The Private section of the Minute of 21 April 2017 was approved.

*The meeting concluded at 1.45 p.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, 19 June 2017 at 10.00 am

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

In Attendance:- Chief Planning Officer, Chief Legal Officer, Democratic Services Officer (F. Walling).

### 1. **REVIEW OF 17/00011/FUL**

There had been circulated copies of the request for review from Ms Evelyn Brown and Mr John Kirk, per Keith Renton Architect, Humestanes Studio, Greenlaw, concerning the failure of the Council to determine their application within the period prescribed by the regulations. The application was for the erection of a detached garage with first floor studio, alterations and extension to dwellinghouse at Danderhall Cottage, St Boswells. Included in the supporting papers were the Notice of Review; consultation; officer's report; response to officer's report; and a list of relevant policies. In their initial consideration the majority view of Members was that the proposed extension was well designed and complementary to the existing dwellinghouse. A lengthy discussion followed about the suitability of the proposed garage building in terms of its height, scale, visual impact and relationship to the house and Members' opinion was divided.

#### VOTE

*Councillor Aitchison, seconded by Councillor Small, moved in support of the deemed decision of the officer that the application be refused for the reasons set out in the officer's report.*

*Councillor Miers, seconded by Councillor Mountford, moved as an amendment that the officer's deemed decision be reversed and the application be approved, subject to conditions to ensure that the ridgeline of the garage be no higher than that of the dwellinghouse Danderhall Cottage and that the garage building be used only as an ancillary building to the dwellinghouse.*

*On a show of hands Members voted as follows:-*

*Motion - 2 votes  
Amendment - 7 votes*

*The amendment was accordingly carried and the application approved.*

#### **DECISION**

**DECIDED that:-**

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

- (b) **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 that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's deemed decision to refuse the application be reversed and the application for planning permission be granted, subject to conditions, as detailed in Appendix I to this Minute.**

**2. REVIEW OF 17/00027/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of an agricultural storage building with welfare accommodation on land west of former William Cree Memorial Church, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members expressed concern at the potential visual impact of the proposed building and the potential conflict of the proposal with the consented holiday development on the site, noting that the proposed building was higher than that which had been required by condition for the proposed holiday chalets. Members also commented that, in the absence of a business plan, they could not consider whether there was any economic justification for the development.

**DECISION**

**AGREED that:-**

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

**3. REVIEW OF 17/00028/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of an agricultural storage building with welfare accommodation on land west of former William Cree Memorial Church, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members expressed concern at the potential visual impact of the proposed building and the potential conflict of the proposal with the consented holiday development on the site, noting that the proposed building was higher than that which had been required by condition for the proposed holiday chalets. Members also commented that, in the absence of a business plan, they could not consider whether there was any economic justification for the development.

**DECISION**

**AGREED that:-**

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

**4. REVIEW OF 16/01174/PPP**

There had been circulated copies of the request from GS Chapman Vehicle Body Repairs, per Ericht Planning & Property Consultants, Gifford House, Bonnington Road, Peebles, to review the decision to refuse the planning application in respect of the erection of a vehicle body repair workshop and associated parking on land north west of Dunrig, Spylaw Farm, Lamancha, West Linton. The supporting papers included the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. The Local Review Body considered new evidence that had been submitted with the Notice of Review. In terms of Section 43B of the Act, Members concluded that this material had not been properly raised and proceeded to consider the case without reference to this evidence. Members were satisfied that there was an economic need for the proposed development and noted that the applicant's attempts to find a site within the development boundary had been unsuccessful. After lengthy discussion about whether this particular countryside location was the appropriate site, a majority of Members were of the opinion that they could not make a decision without a site visit. There was no opposition to the proposal to defer consideration of the case to allow an unaccompanied site visit to take place.

**DECISION**

**AGREED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review be determined without reference to the new evidence submitted with the Notice of Review documentation; and**
- (c) **the review could not be considered without further procedure in the form of an unaccompanied site visit to take place on a date to be arranged.**

**5. REVIEW OF 16/01467/AMC**

There had been circulated copies of the request for review from Mr J McGrath, per RM Architecture Ltd, Bloomfield, Heatherlie Park, Selkirk, concerning the decision to grant planning permission subject to conditions relating to the erection of a dwellinghouse and detached garage on land north east of Dundas Cottage, Ettrick, Selkirk. Included in the supporting papers were the Decision Notice; Notice of Review; officer's report; papers referred to in the report; consultations; representation; and a list of relevant policies. Although the applicant had sought review of one condition imposed on the planning permission Members noted that the review of the case was "de novo" and considered afresh the application for Approval of Matters Specified in Conditions relating to the earlier Planning Permission in Principle. After agreeing that the proposal was acceptable and that all the other conditions imposed on the planning consent were appropriate, Members

turned their attention to the condition which was the subject of the Notice of Review, which required a slate roof on the dwellinghouse rather than the applicant's proposed use of a metal profile sheet roof. Members considered the evidence presented of the buildings, in the vicinity of the site, with corrugated roofing. Although a view was expressed that a slate roof would be more suitable the majority of Members concluded that the material proposed by the applicant would be complimentary to buildings in the local area subject to this being grey in colour.

**DECISION  
AGREED:-**

- (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 that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision be varied and the application for planning permission be granted, subject to revised conditions and informatives, as detailed in Appendix IV to this Minute.**

*The meeting concluded at 11.55 am*



**APPENDIX I**

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

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**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**

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**Local Review Reference:** 17/00011/RNONDT

**Planning Application Reference:** 17/00011/FUL

**Development Proposal:** Erection of detached garage with first floor studio,  
alterations and extension to dwellinghouse

**Location:** Danderhall Cottage, St Boswells, Melrose

**Applicant:** Ms Evelyn Brown and Mr John Kirk

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**DECISION**

The Local Review Body (LRB) reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject the conditions listed below.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a detached garage with first floor studio within the garden ground of Danderhall Cottage, St Boswells and alterations and extension to dwellinghouse.

The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	815P-01
Existing Elevations	815P-03
Existing Floor Plans	815P-02
3D Views	815P-07
Elevations	815P-08
Floor Plans	815P-05
Elevations	815P-06
Floor Plans	815P-04

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 19<sup>th</sup> June 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Consultation; c) Officer's report; d) Response to officer's report and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2 and HD3.

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006

The Review Body considered the proposed two storey extension was well designed and would be complementary to the existing dwellinghouse in terms of its scale and form. Members were also content that the proposed external materials were appropriate and that the extension would be an attractive contemporary addition to this traditional cottage.

The Review Body debated, in some detail, the relationship of the existing house and the garage/studio building. Whilst there was some concern expressed about the height and scale of the garage/studio Members were satisfied that the height could be controlled by a suitably worded condition. The condition would set the finished floor level of the new building such that its ridge height would be, as far as was practicably possible, no higher than the existing dwellinghouse.

The Review Body also accepted that a building of the scale proposed could be satisfactorily accommodated on the site, without detriment to the existing property or the locality. Whilst the building was large it would be situated in a large garden, behind the house and would only have limited visibility from the public domain. The distance the building would be from the public road and the extent of tree cover along the road side meant that there would be no adverse visual impact.

Members acceptance of the development was on the condition that the building was used for purposes incidental to the enjoyment of Danderhall Cottage only and not as a separate dwellinghouse or for any other purpose.



## CONCLUSION

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

## CONDITIONS

1. The garage/studio building, hereby approved, shall only be used for purposes incidental to the enjoyment of the existing dwellinghouse Danderhall Cottage and shall be used for no other purpose.  
Reason: To ensure that the development is compatible with the residential nature of the site and the use of the garage/studio building for other purposes would not be appropriate in this location.
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 garage/studio building and the extension have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. No development shall commence on site until details of the finished floor level of the proposed garage/studio have been submitted to and approved by the Planning Authority. The finished floor level shall be set to ensure that, as far as is practicable, the ridgeline of the building is no higher than that of Danderhall Cottage. Thereafter, no development shall take place except in strict accordance with those details, unless agreed in writing by the Planning Authority.  
Reason: To ensure a satisfactory relationship between the buildings and that the garage/studio building is subservient to the existing dwellinghouse.

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the

planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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

**Date.....**27 June 2017



**APPENDIX II**

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

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

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

---

**Local Review Reference:** 17/00013/RREF

**Planning Application Reference:** 17/00027/FUL

**Development Proposal:** Erection of agricultural storage building with welfare accommodation

**Location:** Land West Of Former William Cree Memorial Church Kirkburn  
Cardrona Peebles

**Applicant:** Cleek Poultry Ltd

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**DECISION**

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

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

## **DEVELOPMENT PROPOSAL**

The application relates to the erection of an agricultural storage building with welfare accommodation at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	19673B
General Arrangement	19672

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 19<sup>th</sup> June 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's report; c) Papers referred to in report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect an agricultural storage building with welfare accommodation. The building, which incorporated a mezzanine floor, had a footprint of 12m x 18m and a ridge height of 7.5m. The building would be erected in a currently undeveloped field to the north east of the existing vehicular access and the main yard at the applicant's land holding at Kirkburn.

The Review Body acknowledged that the site occupied land that had previously had planning permission for holiday chalets and a hub building. However, in their view, this raised concerns about the potential for conflict between the proposed use and the other consented and existing uses at the locus, especially on such a limited area of land.

The approved chalet buildings were 6m in height and smaller in size and scale to the agricultural building now proposed. Members noted that the chalets were required by planning condition to be lowered to reduce further any visual impact. In their view, the proposed agricultural building at 7.5m would be visible and dominant in the local landscape and have an adverse and harmful impact on the Tweed Valley landscape.

The application proposes the creation of provision for small “nest” agricultural businesses at the site. However, the application was not supported by a business plan for this activity or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the visual and landscape objections to the development and overturn the decision.

The applicant asserts that the access bellmouth had been suitably upgraded and that the development would lessen the traffic generated at the site. However, Members accepted that the application was deficient in term of traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to substantiate that view.

## **CONCLUSION**

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

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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

**Date.....**26 June 2017

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### APPENDIX III

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

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

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

---

**Local Review Reference:** 17/00014/RREF

**Planning Application Reference:** 17/00028/FUL

**Development Proposal:** Erection of agricultural storage building with welfare accommodation

**Location:** Land West Of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles

**Applicant:** Cleek Poultry Ltd

---

#### DECISION

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

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

## **DEVELOPMENT PROPOSAL**

The application relates to the erection of an agricultural storage building with welfare accommodation at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	19673C
General Arrangement	19672

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 19<sup>th</sup> June 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's report; c) Papers referred to in report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect an agricultural storage building with welfare accommodation. The building, which incorporated a mezzanine floor, had a footprint of 12m x 18m and a ridge height of 7.5m. The building would be erected in a currently undeveloped field to the north east of the existing vehicular access and the main yard at the applicant's land holding at Kirkburn.

The Review Body acknowledged that the site occupied land that had previously had planning permission for holiday chalets and a hub building. However, in their view, this raised concerns about the potential for conflict between the proposed use and the other consented and existing uses at the locus, especially on such a limited area of land.



The approved chalet buildings were 6m in height and smaller in size and scale to the agricultural building now proposed. Members noted that the chalets were required by planning condition to be lowered to reduce further any visual impact. In their view, the proposed agricultural building at 7.5m would be visible and dominant in the local landscape and have an adverse and harmful impact on the Tweed Valley landscape.

The application proposes the creation of provision for small “nest” agricultural businesses at the site. However, the application was not supported by a business plan for this activity or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the visual and landscape objections to the development and overturn the decision.

The applicant asserts that the access bellmouth had been suitably upgraded and that the development would lessen the traffic generated at the site. However, Members accepted that the application was deficient in term of traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to substantiate that view.

## **CONCLUSION**

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

---

### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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

**Date.....**27 June 2017

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**APPENDIX IV**

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

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

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

---

**Local Review Reference:** 17/00017/RCOND

**Planning Application Reference:** 16/01467/AMC

**Development Proposal:** Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP)

**Location:** Land North East Of Dundas Cottage Ettrick Selkirk

**Applicant:** Mr J McGrath

---

**DECISION**

The Local Review Body (LRB) varies the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject the conditions and informatives listed below.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of dwelling house and detached garage on land North East of Dundas Cottage, Ettrick, Selkirk. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Elevations	SF25181-001 A
Site Plan	16-015-001 REV A
Sections	16-015-002
Location Plan	OS EXTRACT
Other	"CYCLONE" GARAGE LETTER / PLAN

**PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 19<sup>th</sup> June 2017.

After examining the review documentation at that meeting, which included:  
a) Decision Notice; b) Notice of Review; c) Officer's report; d) Papers referred to in report; e) Consultations; f) Representations and g) List of policies, the LRB concluded that it had sufficient information to determine the review. In coming to this conclusion the Review Body considered the applicant's request for a site visit and determined that this was not necessary and they then proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: ER13, IS5, IS7, PMD4 PMD2 and HD3.

Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006

The Review Body noted the applicant sought a review of condition 3 imposed on planning permission 16/01467/AMC and in particular, the element of said condition that required the use of slate on the roof of the proposed house. However, Members were mindful that their deliberations did not relate solely to the condition the applicant sought to vary but they were required to "review the case". The review of the case was to be "de novo" and so they considered the application afresh.

The Review Body noted that Planning Permission in Principle (15/00301/PPP) had been granted for the development of the site and that as the application at review was an application for Approval of Matters Specified in Conditions (AMSC) pursuant to that earlier approval, they could not question the principle of the erection of a dwelling on the land.

After considering the material before them, Members accepted that the development was appropriate in terms of its design, layout, landscaping, etc and was consistent with the Council's policies on housing in the countryside. In view of this decision, they turned their attention to the terms and reasoning for the conditions imposed on the planning consent.

The Review Body examined, in the first instance, all of the conditions imposed on 16/01467/AMC, with the exception of condition 3. In this regard Members were content that they all met the tests of validity set out in planning circular 4/1998 and that should all stand as drafted and be imposed on the new permission.

Turning to condition 3, this required a slate roof on the dwellinghouse rather than the applicant's suggested use of a metal profile sheet roof, either rust or grey in colour.

Members gave weight to the evidence submitted by the applicant illustrating a number of buildings in the local area with corrugated roofing and walling. In particular, they noted from the presentation slides that the adjoining farm to the north east of the site was composed of a collection of buildings with slate roofs and grey corrugated sheeting external cladding. They therefore concluded that provided the building had a grey roof the material proposed by the developer would be appropriate as it would be consistent with and complimentary to buildings in the immediate vicinity of the site.

Members agreed that condition 3 should be varied to allow the use of the metal sheet profile roof but that this should be restricted to being grey in colour; Members did not consider that a rust coloured roof was acceptable or appropriate.

## **CONCLUSION**

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

## **CONDITIONS**

- 1 No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.  
Reason: To ensure that the development does not have a detrimental effect on public health.
- 2 Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.  
Reason: To ensure that the development does not have a detrimental effect on public health.
- 3 The roof of the dwelling shall be a grey metal profile roof cladding the details of which shall submitted to and approved in writing by the planning authority. The development is thereafter to be completed using the agreed roof covering, prior to occupation of the dwelling. The external parts of the flue of the wood burning stove are to be matt black or matt grey in colour. The remaining external surfaces of the development hereby approved shall be of materials indicated on the submitted application form and approved plans, and no other materials shall be used without the prior written consent of the Planning Authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 Prior to commencement of the development, the widening of the junction must be to the following specification "A 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (road base) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1." These works must be completed to the satisfaction of the Council prior to the occupation of the dwelling.

Reason: In the interests of road safety at the junction of the B709 with the Captains Road.

- 5 Furthermore, the existing road gully must be relocated prior to commencement of development, to an agreed location that has first been submitted to and approved in writing with the Planning Authority. These works must thereafter be completed to the satisfaction of the Council prior to the occupation of the dwelling.

Reason: In the interests of road safety at the junction of the B709 with the Captains Road.

- 6 The first two metres of the private access into the plot must be formed with a bituminous surface, or approved equivalent, in order to provide a consolidated surface for vehicles to pull away from. These works must thereafter be completed to the satisfaction of the Council prior to the occupation of the dwelling.

Reason: In the interests of road safety at the Captains Road.

- 7 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed in the location indicated on drawing 16/015-001 Rev A, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

(a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;

(b) No fires shall be lit within the spread of the branches of the trees;

(c) No materials or equipment shall be stored within the spread of the branches of the trees;

(d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;

(e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

- 8 Unless otherwise agreed in writing by the Planning Authority only the trees identified on drawing 16/015-001 Rev A and the corresponding Ballantynes Tree Services Survey Plan shall be removed.

Reason: The existing trees represent an important visual feature which the Planning Authority consider should be substantially maintained.

- 9 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

i. existing and finished ground levels in relation to a fixed datum preferably ordnance

ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored

iii. location and design, including materials, of walls, fences and gates

iv. soft and hard landscaping works

v. existing and proposed services such as cables, pipelines, sub-stations

- vi. other artefacts and structures such as street furniture, play equipment
  - vii. A programme for completion and subsequent maintenance.
- Reason: To ensure the satisfactory form, layout and assimilation of the development.

- 10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
- Reason: To ensure that the proposed landscaping is carried out as approved.

## **INFORMATIVES**

It should be noted that:

- 1 The Environmental Health Service advises:

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.

- 2 The Environmental Health Service advises:

Wood Burning Stove installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s>

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

- 3 The further landscaping details brought forward to address the conditions of this consent should address the comments of the Council's Landscape Architect.

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**Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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

**Date.....**27 June 2017



# SCOTTISH BORDERS COUNCIL

## EXECUTIVE COMMITTEE

MINUTE of MEETING of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St. Boswells on 20 June 2017 at 10.00 a.m.

Present:- Councillors S. Haslam (Chairman), S. Aitchison, G. Edgar, C. Hamilton (from para.2), E. Jardine, W. McAteer, T. Miers (from para. 5), S. Mountford, M. Rowley, G. Turnbull, T. Weatherston.

Also Present:- Councillors S. Bell, J. Greenwell, S. Marshall.

In Attendance:- Chief Executive, Executive Director (P. Barr) Executive Director (R. Dickson), Service Director Assets & Infrastructure, Service Director Customer & Communities, Service Director Regulatory Services, Chief Financial Officer, Democratic Services Team Leader.

1. **MINUTE**  
The Minute of meeting of the Executive Committee of 21 March 2017 had been circulated.

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

- 1.1 With reference to paragraph 2 of the Minute, regarding the delivery of 1140 hours funded early learning and childcare, specifically the decision to bring a report on the revenue and capital implications, the Chief Executive advised that it had not been possible to prepare this report as information on funding was awaited from Scottish Government.

**DECISION**  
**NOTED.**

**MEMBER**  
Councillor C. Hamilton joined the meeting.

2. **CORPORATE PERFORMANCE REPORT 2016/17 – ANNUAL SUMMARY AND DATA FOR QUARTER 4**

There had been circulated copies of a report by the Chief Executive presenting a high level summary of 2016/17 performance information for Members, with details contained within Appendix 1 to the report. Appendix 2 to the report presented the information on a quarterly basis, with detailed commentary about performance. Mrs Watters, Policy, Performance and Planning Manager, gave a presentation to Members on how performance monitoring was currently carried out within the Council which included a short animation which was proposed to be used as an alternative way to communicate the information on the Council's website with the aim of making the information accessible to a wider audience. In response to a question on the use of percentage figures, the Chief Executive advised that numbers could also be presented for some indicators in numerical format e.g. number of looked after children. Members also requested that more commentary be provided to give clarification in some areas. The Chairman advised that annual measures in respect of the new Corporate Plan would also be added.

**DECISION  
AGREED to:-**

- (a) **note the changes to performance indicators outlined in Section 4 of the report; and**
- (b) **acknowledge and note the performance summarised in Section 5 of the report and detailed within Appendices 1 and 2 together with the action that was being taken within Services to improve or maintain performance.**

**3. 2016/17 UNAUDITED REVENUE OUTTURN**

There had been circulated copies of a report by the Chief Financial Officer providing a statement comparing final revenue outturn expenditure and income for 2016/17 with the final approved budget for the year and explanations for significant variances. The report explained that an unaudited outturn underspend of £0.128m had been achieved in the 2016/17 revenue budget. The £0.128m underspend (0.05% of final approved budget) was delivered following a number of earmarked balances approved by the Executive Committee during 2016/17. In total, these amounted to £6.554m and related to a number of initiatives across departments and specifically included £1.69m of carry forward for Devolved School Management (DSM). A high level summary of the outturn position in each Council department was detailed in section 4 of the report. Overall, as required in the Financial Plan, savings of £12.36m were successfully delivered during 2016/17. Of these, £8.963m (73%) were delivered permanently. The remaining £3.397m (27%) of savings were achieved on a temporary basis and thus particular emphasis was being placed on permanent delivery of these savings during the early part of 2017/18.

**DECISION  
AGREED:-**

- (a) **the content of the report and to note the outturn position prior to Statutory Audit;**
- (b) **to note that the draft unaudited outturn position would inform the budgetary control process and financial planning process for the current and future years;**
- (c) **to approve the adjustments to earmarked balances as detailed in Appendix 1 to the report; and**
- (d) **subject to the Statutory Audit, to approve the allocation of the 2016/17 underspend to the Early Retirement/Voluntary Severance (ER/VS) budget in 2017/18.**

**4. BALANCES AT 31 MARCH 2017**

There had been circulated copies of a report by the Chief Financial Officer providing an analysis of the Council's balances as at 31 March 2017. The report explained that the Council's General Fund useable reserve (non-earmarked) balance was £5.638m at the end of the financial year. The 2016/17 balances were before a series of technical accounting adjustments, the effect of which were expected to be broadly neutral. Adjustments required as a result of the Statutory Audit process would be reported at the conclusion of the Audit. There were a number of areas of potential pressures identified for 2017/18 which, if not addressed during the financial year, may require the drawdown of further resources from the useable reserve. The total of all useable balances, excluding developer contributions, at 31 March 2017 was £25.467m compared to £29.910m at 31 March 2016. It was noted that the 2016/17 figures included £6.554m of balances earmarked for use in 2017/18 and future years compared to 2015/16 when £12.720m of balances were earmarked for use in 2016/17 and future years. The Chief Financial Officer outlined the risk based approach which was taken when setting the level of balances.

## **DECISION**

### **NOTED:-**

- (a) the revenue balances as at 31 March 2017 as per Appendices 1 & 2 to the report including movement in the Allocated Reserve since the last reporting period; and**
- (b) the balance in the Capital Fund as per Appendix 3 to the report.**

## **MEMBER**

Councillor Miers joined the meeting.

### **5. CAPITAL FINANCIAL PLAN 2016/17 – FINAL UNAUDITED OUTTURN**

There had been circulated copies of a report by the Chief Financial Officer providing a statement comparing the final capital outturn for 2016/17 with the final budget for the year and identifying the main reasons for any significant variations. The final capital outturn statement for 2016/17 was included at Appendix 1 to the report and included reasons that had been identified by the Project Managers and Budget Holders for the variances to the final approved budget. This identified an outturn expenditure of £51.547m which was £7.740m below the final revised budget of £59.266m. The chart in paragraph 4.9 of the report showed that there had been an increase in the cumulative net movement during 2016/17, compared to the previous financial years. Mr Robertson answered Members' questions including the level of borrowing, debt re-scheduling and the additional funding received from the Timber Transport Fund.

## **DECISION**

### **(a) AGREED:**

- (i) the final outturn statement contained in Appendix 1 to the report; and**
- (ii) to approve the block allocations detailed in Appendix 3 to the report.**

### **(b) NOTED:**

- (i) the adjustments to funding detailed in Appendix 1 to the report;**
- (ii) the final block allocations contained in Appendix 2 to the report; and**
- (iii) the whole project costs detailed in Appendix 4 to the report.**

### **6. CORPORATE DEBTS - WRITE OFF IN 2016/17**

There had been circulated copies of a report by the Chief Financial Officer detailing the aggregate amounts of debt written off during 2016/17 under delegated authority, as required by the Financial Regulations. The report covered the areas of Council Tax, Non-Domestic Rates, Sundry Debtors, Housing Benefit Overpayments and aged debt from the balance sheet. The total value of write-offs reduced from £0.679m in 2015/16 to £0.645m in 2016/17. There were ongoing risks associated with the management of the Council's debts and these could lead to an increase in the level of debts that required to be written off as irrecoverable in future years; these were identified in paragraph 6.2 of the report.

## **DECISION**

**NOTED the debtor balances written off during 2016/17 under delegated authority.**

7. **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 the relevant paragraphs of part 1 of schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

8. **Minute**

The private section of the Minute of 21 March 2017 was noted.

9. **Minute of Social Work Complaints Review Committee**

The Minute of the meeting held on 6 April 2017 was approved.

10. **Urgent Business**

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

11. **Scottish Wide Area Network (SWAN)**

The Chief Financial Officer updated Members on the contract.

*The meeting concluded at 11.10 a.m.*

**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, 20 June 2017 at 2.00 pm

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Present:- Councillors T. Weatherston (Chairman), J. Greenwell, E. Thornton-Nicol.  
Ms K Hamilton (NHS Borders).  
Apologies:- Councillors E. Robson and G. Turnbull.  
In Attendance:- Mr M Leys (Chief Officer Adult Social Work), J Wilson (Chairman SB Cares), P Barr (Managing Director SB Cares), J McPhail (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 AND INTRODUCTIONS**

The Chairman welcomed everyone to the first meeting of the Limited Liability Partnership Strategic Governance Group since the Local Government elections in May 2017.

**DECISION  
NOTED.**

**2. MINUTE**

There had been circulated copies of the Minute of the meeting of 30 March 2017.

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

**3. SETTING THE SCENE**

3.1 The Managing Director SB Cares, Mr Philip Barr provided some background to SB Cares by means of a presentation. He explained that SBC Cares had been set up in April 2015 to ensure: continuation of publically owned services to the people of the Borders in the most efficient way; support for the implementation of Self Directed Support; the continuation of service capacity and quality; more effective use of staff resources; more efficient and flexible services to meet the needs of users; the generation of a surplus that contributed to overall social care resources; the continuation of a service of last resort provision. Mr Barr advised that SB Cares currently supported 12,000 clients, families and carers through its range of services including: Home Care (821,000 visits during 2016/17); Day Services (150 clients); Care Homes (190 clients); the Community Alarm Service (3,200 monitored alarms); Extra Care Housing and provision of the Community Equipment Service. He went on to explain the SB Cares company structure and the ways in which the organisation had developed its business, delivered financial contributions to the Council in 2015/16 and 2016/17 and enhanced the services it provided, eg increasing the Care Inspectorate grades. Mr Barr listed the key values of the organisation and detailed statistics in relation to Social Care, how satisfied clients were with the service received and how the Scottish Borders compared with Scotland as a whole. With regard to financial targets, Mr Barr advised Members that the stock valuation of £600K had contributed, on a one-off basis, to the financial contribution made to the Council during 2016/17. He went on to explain that some efficiencies and reviews had not been achieved within the timescales and listed reasons for this. These included Delayed Discharges and being the Provider of Last Resort, both of which were ongoing operational

pressures; issues associated with staff resistance to new shift rotas; the development and launch of the new Borders Ability Equipment Store (BAES); and ongoing Day Centres Reviews. Resources and expertise would be required to enable development and change going forward and Mr Barr went on to explain the key activities necessary to accomplish the priorities identified by SB Cares.

- 3.2 Discussion followed and a number of questions were raised by Members. Mr Cathrow, Service Development Manager SB Cares advised that options were being considered for development of the Bordercare Alarm System and that a report would be presented to Council in due course. In response to concerns about delayed discharge, Members were advised of the reasons for such delays and of how changes to the process might be helpful in alleviating the situation, eg decisions relating to discharge should consider the individual circumstances of service-users to ensure that appropriate care would be in place at home. It was acknowledged that delayed discharge was a shared issue and Ms Hamilton indicated that as such, would be considered by the Health and Social Care Integration Joint Board in the coming year. Members noted that routine reviews of care packages were carried out by SB Cares at least six monthly, however staff were encouraged to report any concerns immediately to ensure an effective early response.

**DECISION**

**NOTED the presentation.**

**4. DRAFT BUSINESS PLAN 2017-2022**

With reference to paragraph 7 of the Private section of the Minute of 30 March 2017, there had been circulated copies of the SB Cares Business Plan for the period 2017-2022, the first to be set against the approved Scottish Borders Health and Social Care Partnership Strategic Plan 2016-19. The Plan for 2017-2022 set out SB Cares' vision, goals, priorities and activity for the coming years and included Performance Indicators, reporting mechanisms and resources required to deliver the Plan successfully. The Plan indicated the context within which SB Cares operated and the delivery structures for Health and Social Care Integration both nationally and locally.

**DECISION**

**NOTED.**

**5. UNAUDITED FINANCIAL OUTTURN 2016/17**

There had been circulated copies of a report by the Finance and Commercial Director informing the Strategic Governance Group of the final financial outturn for 2016/17. Members noted that this had resulted in a surplus of £647k against a forecast position of £649k. Details of the variances for 2016/17 were included in the report.

**DECISION**

**NOTED that:-**

- (a) SB Cares had achieved a contribution of £647k in 2016/17;**
- (b) this had informed Scottish Borders Council's revenue outturn position 2016/17; and**
- (c) the contribution of £647k would be returned to Scottish Borders Council as a discount to the 2016/17 contract price only.**

**6. CARE INSPECTORATE**

- 6.1 With reference to paragraph 5 of the Minute of 7 February 2017, there had been circulated copies of a report by the Operations Director SB Cares giving the updated position on the inspection of SB Care services by the Care Inspectorate. Ms Crombie explained the format of the reports for the new Members and advised that since the last report to LLP SGG, eight final reports and one draft report had been received. The

grades for Home Care East were confirmed as grade 4 rating for both Quality of Care and Support, and Quality of Management and Leadership. Quality of Staffing received a grade 3 and the report included 7 requirements and 2 recommendations. Grove House received grade 4 for Quality of Management and Leadership, grade 3 for Quality of Environment and the inspection report included 3 requirements and 4 recommendations. Home Care West was awarded grade 4 for both Quality of Care and Support, and Quality of Management and Leadership and a grade 3 for Quality of Staffing. There were 2 requirements and 2 recommendations contained in the report. Saltgreens Care Home was awarded grade 3 for Quality of the Environment and grade 4 for all other quality themes, demonstrating an improvement from all grade 3 during the previous inspection. There were 2 requirements and 3 recommendations contained within the report. Saltgreens Day Support Service was awarded grade 5 for Quality of Care and Support and grade 4 for all other quality themes, with no requirements or recommendations. Berwickshire Dementia Day Services received grade 3 for Quality of the Environment and grade 4 for all other quality themes, with no requirements and 6 recommendations included in the report. Cheviot Day Service was awarded grade 5 for Quality of Care and Support, grade 4 for Quality of Management and Leadership, and Quality of Staffing. Quality of the Environment received a grade 3 and there were no requirements or recommendations recorded. Waverley Care Home was awarded grade 5 for Quality of Staffing, grade 4 for Quality of Care and Support, and Quality of Management and Leadership. Quality of Environment received grade 3 with 4 requirements and 1 recommendation included in the report. The final inspection report contained some details of environmental issues as a result of the recent refurbishment. Following media interest, SB Cares responded by focusing on the positive care being provided and pointing out that the inspection had taken place during ongoing refurbishment work. Members noted that assessment of the 'finished' areas was still being carried out. A verbal report for Deanfield Care Home was given by the Inspector with the final report expected in the near future. Ms Crombie reported that the application to register South Area Home Care was now complete and an inspection was likely within the next few months. Further information on all the inspection reports were as detailed in Appendix 1 to the report.

- 6.2 Ms Crombie advised that the trend in Care Inspection grades had shown an increase in the vast majority of areas however the environment in a number of buildings had resulted in a number of services receiving a grade 3 (Adequate) for Quality of Environment. SB Cares had met with SBC colleagues to develop an improvement plan for the buildings that they operated from and further information was included in Appendix 2 to the report. Officers responded to questions from Members. Ms Crombie confirmed that there was no dedicated home in the Scottish Borders for people with dementia but there were allocated dementia beds in some units. Further discussion followed regarding the development of any housing strategy and how that might affect the provision of homes for older people.
- 6.3 Mr Barr explained that Members of the previous Strategic Governance Group (SGG) had visited a number of SB Cares units as a way of seeing first-hand the operational side of service provision. As none of the current SGG Members had yet been able to take advantage of such visits, it was agreed that a familiarisation programme would be developed to allow Members to visit SB Cares services in the coming months. Requests to visit an external provider would be directed to Mr Wilson as appropriate.

## **DECISION**

### **(a) NOTED:-**

- (i) the finalised reports for Home Care East & West, Grove Care Home, Saltgreens Care Home and Day Service, Berwickshire Dementia Day Service, Cheviot Day Service and Waverley Care Home;**
- (ii) the percentage of services that had received a grade 4 and above;**

- (iii) the requirements and recommendations as contained in the report and Appendix 1;
  - (iv) the increase in grades since the transfer to SB Cares as detailed in Appendix 2 to the report;
- (b) **AGREED** that a familiarisation programme be developed to allow Members to visit SB Cares services and external providers as appropriate.

7. **SB CARES INTERNAL AUDIT ANNUAL REPORT 2016/17**

There had been circulated copies of a report by the Chief Officer Audit and Risk informing the Strategic Governance Group of the findings of the SB Cares Internal Audit Annual Report for 2016/17, the second since SB Cares was established in 2015. The report detailed the context within which it had been carried out and the seven recommendations contained within it. Members were advised that all recommendations had been agreed with management and all actions would be completed within the 2017/18 financial year.

**DECISION**

**NOTED:-**

- (a) the findings of the report; and
- (b) the actions agreed by SB Cares.

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 noted the Private Section of the Minute of 30 March 2017.

*The meeting concluded at 4.00 pm*



# SCOTTISH BORDERS COUNCIL LAUDER COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the LAUDER  
COMMON GOOD FUND SUB-COMMITTEE  
held in Convener's Office, Council  
Headquarters, Newtown St Boswells on  
Tuesday, 20 June 2017 at 1.00 pm

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Present:- Councillors K Drum, T Miers and D Parker.  
Community Councillor Mr A Smith.  
In Attendance:- Capital and Investment Manager (K Robb), Principal Solicitor (H MacLeod),  
Estates Manager (N Hastie), Democratic Services Officer (P Bolson).

## 1. **APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN.**

As this was the first meeting of the Lauder Common Good Fund Sub-Committee following the Local Government Election in May 2017, nominations were invited for the role of Chairman of the Sub-Committee. Councillor Parker proposed himself as Chairman and suggested that his appointment would be reviewed midway through the current term of office. There were no other nominations and Councillor Parker was therefore appointed as Chairman. Nominations were then invited for the role of Vice-Chairman. Councillor Drum, proposed by Councillor Parker and seconded by Councillor Miers, was duly appointed as Vice-Chairman.

### **DECISION**

#### **AGREED that:-**

- (a) **as there were no other nominations, Councillor D Parker was duly appointed as Chairman and Councillor K Drum was appointed as Vice-Chairman; and**
- (b) **these appointments be reviewed midway through the current term of office.**

## 2. **MINUTE.**

There had been circulated copies of the Minute of 21 February 2017.

### **DECISION**

**NOTED for signature by the Chairman.**

## 3. **FINANCIAL MONITORING REPORT FOR PERIOD TO 31 MARCH 2017.**

- 3.1 There had been circulated copies of the income and expenditure for the twelve months to 31 March 2017, including the balance sheet values for the period and proposed budget for 2017/18. Ms Robb highlighted the main points of the report and appendices. Appendix 1 to the report provided the actual Income and Expenditure position for 2016/17, showing a surplus of £6,282, significantly more than the variance reported to the February 2017 meeting. The variance was largely due to higher than anticipated Newton Investment dividends and lower than anticipated grant expenditure. A surplus of £1,645 was projected for 2017/18. Appendix 2 to the report detailed the Balance Sheet value as at 31 March 2017 and showed a decrease in the reserves of £5,984. The breakdown of the property portfolio showing the actual rental income and property expenditure along with the depreciation charge for 2016/17 where applicable, was shown in Appendix 3. Appendix 4 provided details of investments externally managed in the Newton Real Return Fund and Appendix 5 contained a graph produced by KPMG on how the Fund had performed against that of its peers to 31 March 2017. The report provided further details on aspects of the Lauder Common Good Fund and explained that considering dividend returns across all Common Good and Trust Funds in 2016/17, the proposed budget for 2017/18 was based on a distribution of 2.4% of the Market Value at 31 March 2017.

- 3.2 Discussion followed and Ms Robb responded to Members' requests for clarification. She went on to explain that Members had expressed concern previously about the Newton Fund's performance over the most recent three quarters. Given the previous performance, Members were advised that the Fund continued to be monitored closely. Ms Robb advised that the Fund's performance had improved during the most recent quarter, yielding a positive return of 2.2% against the benchmark of 1.0% and Members noted that this was the first time the Fund had exceeded the benchmark since the second quarter in 2016. Members were advised that the Newton Fund was selected in 2013 as a dividend growth model designed to preserve Capital and produce dividends on a low risk basis. It was acknowledged that there were other, better-performing Funds available and a further report would be forthcoming from KPMG in relation to the Newton Fund going forward.

#### **DECISION**

(a) **NOTED:-**

- (i) **the actual income and expenditure for 2016/17 as detailed in Appendix 2;**
- (ii) **the final balance sheet value as at 31 March 2017 in Appendix 2;**
- (iii) **the summary of the property portfolio as contained in Appendix 3;**
- (iv) **the current position of the investment in the Newton Fund in Appendix 4;**
- (v) **the short, medium and long term performance of the Newton Fund against its peers as shown in Appendix 5.**

(b) **AGREED the proposed budget for 2017/18 as detailed in Appendix 1 to the report.**

4. **APPLICATION FOR FINANCIAL ASSISTANCE.**

There had been circulated copies of an application for financial assistance on behalf of Lauder Golf Club. The application was for £5,000 towards the purchase of a replacement ride-on mower for the Club. The application explained that the Golf Club provided sports facilities for the local Community and visitors and that it operated the highly successful Lauder Golf Course. The Club had upgraded its facilities over recent years to provide excellent club rooms and within the Community, provided opportunities such as the maintenance of local walkways and access paths on and around the golf course. The full cost of a replacement mower was in the region of £22,200. Members noted that additional funds were being sought from other sources and that Lauder Golf Club had since received notification that the application to the Awards for All Scheme had been refused. During the discussion that followed, Members requested some background information relating to the loan that Lauder Golf Club was currently repaying to the Common Good Fund; the Club's total Net Assets as detailed on the Balance Sheet at January 2017; the measures that the Golf Club had already taken to reduce their costs; and other options that the Club might consider to fund the purchase of the mower in the immediate term, eg extension of the current loan, equipment lease. Members were advised that both mowers presently used by the Golf Club were in excess of 20 years old and both would require replacement, one immediately and the other within the next two years or so. Following further discussion, it was agreed that financial assistance be granted to Lauder Golf Club in the sum of £5,000 towards the purchase of a replacement ride-on mower.

#### **DECISION**

**AGREED that financial assistance be granted to Lauder Golf Club in the sum of £5,000 towards the purchase of a replacement ride-on mower.**

5. **URGENT BUSINESS**

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

6. **ROYAL BURGH CHAIN OF OFFICE**

Members were advised that due to reorganisation by the Bank of Scotland, there was a need for the Common Good Fund Sub-Committee to agree a new location for housing the Royal Burgh of Lauder Chain of Office which was currently worn annually by the Chair of Lauder Common Riding Committee during the local festival. Members considered a number of options, including relocating the Chain to:- the Galashiels Branch of the Bank of Scotland; Thirlestane Castle; a Cultural Services museum. Following discussion, it was agreed that some further investigation was required to clarify any general conditions and other issues that were relevant to an agreement, eg insurance, access to the Chain.

**DECISION**

(a) **NOTED that the Royal Burgh of Lauder Chain of Office would require to be relocated due to reorganisation by the Bank of Scotland;**

(b) **AGREED that further investigation of available options be carried out and an update be presented to the Sub-Committee in due course.**

7. **NEXT MEETING**

The next meeting of Lauder Common Good Fund Sub-Committee was scheduled to take place on Tuesday 26 September 2017.

**DECISION**

**NOTED.**

***The meeting concluded at 1.55 pm***

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**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, 20 June 2017 at 4.00 pm

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Present:-	Councillors G Turnbull (Chairman), W McAteer, S Marshall, D Paterson, N Richards, Mrs A Knight (Burnfoot CC), Mr I Turnbull (for Hawick CC)
Apologies	Councillor C Ramage, Mr J Little (Hawick CC)
In Attendance:-	Principal Solicitor (H Macleod), Senior Finance Officer (J Yallop), Estates Manager (N Hastie), Estates Surveyor (N Curtis), Property Officer (F Scott),
Members of the Public	Democratic Services Officer (J Turnbull). 6

1. **APPOINTMENT OF CHAIRMAN**

Following introductions the first item to be considered was the appointment of Chairman and Vice-Chairman. Councillor Marshall, seconded by Councillor McAteer moved that Councillor Turnbull be appointed as Chairman and this was unanimously agreed.

**DECISION**

**AGREED that Councillor Turnbull be appointed as Chairman of the Hawick Common Good Fund Sub-Committee.**

**MEMBER**

Councillor Turnbull in the Chair.

2. **APPOINTMENT OF VICE-CHAIRMAN**

The appointment of Vice-Chairman was then considered. Councillor Marshall seconded by Councillor Turnbull moved that Councillor McAteer be appointed as Vice-Chairman and this was unanimously agreed.

**DECISION**

**AGREED that Councillor McAteer be appointed as Vice-Chairman of the Hawick Common Good Fund Sub-Committee.**

3. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 21 February 2017.

**DECISION**

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

4. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 9 of the Minute of 21 February, the Estates Surveyor, Mr Curtis, advised that a report on the Burgh Woodlot would be presented to the next meeting of the Sub-Committee.

**DECISION**

**NOTED that a report on the Burgh Woodlot would be presented to the next meeting of the Sub-Committee.**

## 5. **FINANCIAL ASSISTANCE**

It was noted that the application from Live Music Hawick had been withdrawn. The organisation had been granted funding from the Community Grant Scheme.

### **DECISION NOTED.**

## 6. **COMMON HAUGH CAR PARK - INSTALLATION OF GATES**

6.1 With reference to paragraph 12(b) of the Minute of 21 February, there had been circulated a report by Chief Officer – Roads providing the Hawick Common Good Fund Sub-Committee with the requested information on the proposal to install gates to the entrance and exit of the Common Haugh Car Park, Hawick. An estimate of £3,000 had been obtained for the gates. The gates would be padlocked open when not required and could then be closed and padlocked shut to prevent access/egress to the car park. Police Scotland, Scottish Borders Council's Emergency Planning Officer and Network Manager had been consulted. They had raised concerns and their collective response did not support the installation of gates, they recommended the alternative provision of "Car Park Closed" signs and road cones at both entrance and exit to the car park when deemed necessary during any significant flooding event.

6.2 The Chairman, Councillor Marshall, advised that Hawick Flood Group would be disappointed that the installation of gates was not supported. However, he acknowledged the risks and mitigations detailed in the report. It was noted that Hawick Flood Group would liaise with the Police and the Council to support the provision of signage and road cones at both the entrance and exit to the car park during significant flooding events.

### **DECISION**

- (a) **NOTED the content of the report and the concerns raised with regards to the installation of gates to the Common Haugh Car Park's entrance and exit; and**
- (b) **AGREED the alternative recommendation to provide and position "Car Park Closed" signs and road cones at both the entrance and exit to the car park when it was deemed necessary during any significant flooding event.**

## 7. **MOVEABLE ASSETS INVENTORY**

7.1 With reference to paragraph 5 of the Minute of 15 November 2016, there had been circulated a report by Depute Chief Executive. The report concluded the work started in 2015 to produce a current definitive list of all items that should be agreed as constituting the Hawick Common Good Moveable Assets Inventory. The Inventory being recommended for approval had been prepared by consolidating: the original inventory held by Scottish Borders Council (SBC); recommendations to Hawick Common Good Sub-Committee on 25 May 2015 and 15 November 2016 regarding the potential Common Good ownership of heritage objects held in Hawick Museum and Hawick Town Hall; the outcome of a consultation exercise with a number of Hawick organisations; and, additional research undertaken during the period February to June 2017.

7.2 Mr Brown, Cultural Services Advisor, was in attendance and highlighted that the Burgh flags and a portrait of Provost Fisher had been added to the Inventory. He advised that a search of Hawick Town Hall had been undertaken by the Town Hall Caretaker and uncovered a number of additional items which were listed in Appendix 1 to the report. These items had been reclassified as being owned by Hawick Common Good and added to the Inventory. It was also proposed that the Hornshole Monument donated by Mrs Turnbull should be added to the Inventory and this was agreed.

7.3 The Sub-Committee thanked Mr Brown and his team for the comprehensive Inventory. Members also noted that if new evidence suggested other materials should be added to the list, officers would bring forward to the Hawick Common Good Sub-Committee for consideration.

## **DECISION**

- (a) **NOTED** the suggested reclassification of those moveable items shown in Appendix A to the Minute, as assets belonging to Hawick Common Good.
- \* (b) **AGREED to RECOMMEND to COUNCIL** the moveable items shown in Appendix A to the Hawick Common Good Moveable Assets Inventory.
- (c) **AGREED to commission a valuation report on the items so listed in Appendix A, to the Minute.**

## **8. MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2017**

- 8.1 With reference to paragraph 8 of the Minute of 21 February 2017, 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 year 2016/17 including balance sheet values as at 31 March 2017 and the proposed budget for 2017/18. Appendix 1 to the report provided the actual income and expenditure for 2016/17. This showed a surplus of £3,053 a decrease from £13,326 reported at the February meeting for the year. Appendix 2 provided a balance sheet value to 31 March 2017, this showed a projected decrease in the reserves of £26,267. Appendix 3 provided a breakdown of the property portfolio showing projected rental for 2016/17 and actual property expenditure to 31 December 2016. Appendix 4 showed the value of the Newton Fund to 31 March 2017.
- 8.2 Mr Yallop, Senior Finance Officer advised that grants of £37k had been awarded which was £8.5k over the allocated budget. The proposed budget for 2017/18 was £26k which related to the three year average spend. Mr Yallop also advised that property expenditure during the period was in line with the budget.
- 8.3 Mr Yallop went on to discuss the Newton Fund and the Sub-Committee's concerns regarding the performance of the Fund. He explained that the Fund's objective was to seek a minimum return of one month GBP LIBOR rate + 4%. At the end of March this equated to 4.3%. He explained that the performance of the Fund was being closely monitored as over the last year the return achieved had been lower than that of its peers. The Council had therefore commissioned KPMG to assess the Fund's performance and to establish if there were other funds which could provide a better rate of capital return. KPMG's recommendations would be brought back to the Sub-Committee for consideration. In answer to a question regarding the poor performance of the Fund, Mr Yallop advised that Newton had been defensive in terms of their investment strategy - where many similar investment managers had predicted the stock market boom following Brexit and the election of President Trump, the Newton Fund had not.

## **DECISION**

- (a) **AGREED** the proposed budget for 2017/18 as shown in Appendix 1.
- (b) **NOTED:-**
  - (i) **The actual income and expenditure for 2016/17 as shown in Appendix 1 to the report;**
  - (ii) **The final balance sheet value as at 31 March 2017 in Appendix 2 to the report;**
  - (iii) **The summary of the property portfolio in Appendix 3 to the report; and**
  - (iv) **The current position of the investment in the Newton Fund in Appendix 4**

## 9. **PROPERTY UPDATE**

### Hornshole

9.1 Ms Macleod, Principal Solicitor, was in attendance and advised that Mr Kirk, Principal Solicitor for Hawick, was drafting a Disposition which was required to progress the matter.

### 9.2 Common Haugh

The Property Officer, Mr Scott, reported that the electrics at been vandalised and had been renewed.

### 9.3 James Wilson Statue

The Chairman advised that the Economist had gifted to Hawick a statute of John Wilson, the founder of the Economist, who was born in Hawick. The statute had been sculpted by John Steell who had a number of statutes in Edinburgh. The statue was 12ft tall with a 3ft base. It was suggested that the statue be located within Wilton Lodge Park, preferably situated near to CCTV. Mr Scott would prepare costings for the statue's base and suggest a suitable location for the statue. Once costs were available a special meeting of the Hawick Common Good Fund Sub-Committee would be arranged to confirm arrangements. The Sub-Committee noted that the Economist would arrange and fund the transportation of the statue to Hawick in August 2017; they would also produce a short film showing the statute's return to Hawick. It was also noted that future maintenance of the Statute would be the responsibility of Hawick Common Good.

### 9.4 Perambulation of Hawick Common

The Property Officer advised that the Perambulation of Hawick Common would take place on Saturday 14 October 2017. A timetable and registration form was circulated to Members at the Meeting.

### 9.5 Common Haugh

It was noted that the Members had not been consulted on a planning application for the location of a car wash on Victoria Road adjacent to the Common Haugh. Mr Turnbull, Hawick Community Council advised that the Community Council had received the application for consideration. Mr Hastie advised that he received notification of planning applications and would investigate and advise Members accordingly. It was noted that the Sub-Committee should have received notice and unanimously opposed the application.

### 9.6 Volunteer Park

Mr Hastie, Estates Manager, was in attendance and advised that the next stage in the Volunteer Park development was to consider the upgrading the current facilities. Engagement with stakeholders had taken place to develop a progress plan and a report would be presented to the next Sub-Committee for consideration.

## **DECISION AGREED**

- (a) **To request that the Property Officer prepares costings for a plinth for the J James Wilson Statue;**
- (b) **That a Special meeting of Hawick Common Good be arranged to confirm the site and agree the estimate for the plinth for the James Wilson Statue; and**
- (c) **To request that the Estates Manager report back to the Sub-Committee on future plans for the Volunteer Park.**

## 10. **DATES OF HAWICK COMMON GOOD FUND SUB-COMMITTEE MEETINGS**

To note the dates of forthcoming meetings as follows:-



Tuesday, 15 August 2017 at 4.00 pm  
Tuesday, 14 November 2017 at 4.00 pm  
Tuesday, 20 February 2018 at 4.00 pm  
Tuesday, 15 May 2018 at 4.00 pm.

All meetings would be held in the Lesser Hall, Town Hall.

## **DECISION**

### **NOTED the meeting dates form 2017/2018**

#### 11. **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**

#### 12. **PRIVATE MINUTE**

Members approved the private section of the Minute of 21 February 2017.

#### 13. **HAWICK MARKET**

The Sub-Committee noted a verbal update from the Estates Manager.

#### 14. **HORNSHOLE**

The Sub-Committee discussed the transfer of the land.

#### 15. **PROPERTY UPDATE**

The Sub-Committee noted a verbal update from the Property Manager.

#### 16. **LETTING OPTIONS AT ST LEONARDS FARM**

The Sub-Committee considered a report by the Service Director Assets and Infrastructure and made recommendations.

*The meeting concluded at 5.45 pm.*

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# SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA LOCALITY COMMITTEE

MINUTES of Meeting of the TEVIOT AND  
LIDDESDALE AREA LOCALITY  
COMMITTEE held in LESSER HALL, TOWN  
HALL, HAWICK on Tuesday, 20 June 2017  
at 6.30 pm

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Present:- Councillors: S Marshall (Chairman), W McAteer, N Richards, G Turnbull.  
Community Councillors: Mrs B Elborn (Newcastleton), Mrs A Knight  
(Burnfoot), Mr C Griffiths (Hobkirk), Mr W Roberts (Denholm), Mr I Turnbull  
(Hawick)

Apologies Councillors Paterson and Ramage, Mr McAdam (Southdean Community  
Council)

In Attendance:- Neighbourhood Area Manager (Mr F Dunlop), Inspector Carol Wood (Police  
Scotland), Mr Russell Bell (Scottish Fire & Rescue Service) Democratic  
Services Officer (J Turnbull).

Members of the Public 7

## 1. **WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Marshall, welcomed Members, officers, community councillor representatives and the public to the first meeting of the new Teviot and Liddesdale Area Locality Committee.

## 2. **APPOINTMENT OF VICE-CHAIRMAN**

Councillor McAteer, seconded by Councillor Turnbull moved that Councillor Richards be appointed as Vice-Chairman and this was unanimously agreed.

### **DECISION**

**AGREED that Councillor Richards be appointed as Vice-Chairman of the Teviot and Liddesdale Area Locality Committee.**

## 3. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 21 March 2017.

### **DECISION**

**AGREED to approve the Minute of the Meeting held on 21 March 2017.**

## 4. **NEIGHBOURHOOD SMALL SCHEMES**

With reference to paragraph 7 of the Minute of 21 March 2017, there had been circulated a report by Service Director Neighbourhood Services seeking approval for the following new Neighbourhood Small Schemes from the Locality Committee: felling of three conifer trees at the rear of Wilton Hill Terrace, Hawick; repair of existing handrail and replacement of missing handrail at Bright Street, Hawick; grass cutting at the Moat, Hawick in June and August.

### **DECISION**

**AGREED contributions towards:-**

- (i) **Felling of 3 conifer trees at the rear of Wilton Hill Terrace, Hawick £410**

- |       |  |             |
|-------|--|-------------|
| (ii)  | <b>Repair of existing handrail and replacement of missing handrail at Bright Street, Hawick; and</b> | <b>£850</b> |
| (iii) | <b>Grass cutting at the Moat, Hawick</b>   | <b>£600</b> |

5. **QUALITY OF LIFE SCHEME**

With reference to paragraph 7.2 of the Minute of 17 November 2015 Members were asked to note the grant of £2,000 to the Hawick Welcome Fund Initiative for 2017/18 from the Hawick and Hermitage budget.

**DECISION**

**NOTED the grant of £2,000 to the Hawick Welcome Fund Initiative.**

6. **POLICE SCOTLAND**

6.1 There had been circulated a report from Inspector Carol Wood, Police Scotland, updating the Teviot and Liddesdale Area Locality Committee on performance activities and issues in the area. The Ward Plan priorities for Teviot and Liddesdale were highlighted as Drug Dealing and Misuse, Road Safety, Violent Crime and Antisocial Behaviour. In summary, with regard to the Drug Dealing and Misuse priority, Inspector Wood advised that during May, four separate males had been charged with possession of a controlled substance after being searched by officers. The males were aged 16-29 and were all from the Hawick area. Also in May, Police were called to a dispute in Earl Street, Hawick. A male was searched and found in possession of a controlled substance and also an uncapped needle. The male was charged with possession as well as culpable and reckless conduct.

6.2 In terms of the Road Safety priority, Community Officers continued to give attention to areas where they had received complaints of speeding and inconsiderate driving. In certain circumstances, motor vehicles could be seized by Police where there was evidence that the vehicle was being driven carelessly or off road. It was essential that complaints about driving behaviour were notified to the police via 101 at the time. Vehicles continued to receive parking tickets and drivers were warned for parking longer than they should or breaching yellow line restrictions throughout the town. During May officers in Denholm observed a caravan being towed with no lights to the rear. Officers stopped the vehicle and found that the 19 year old driver and his passenger did not have the correct driving authorisation for towing a vehicle. Both were charged with various driving offences. There was also an incident at the Sandbed roundabout, when a man crashed his vehicle into the barrier. He was found to be driving without insurance and charged accordingly. Also in May, officers were called to a domestic disturbance at Eildon Road, Hawick, where the perpetrator had made off in his vehicle. Officers located the male and he was subsequently arrested for failing a breath test. He was charged with drink driving as well as breach of the peace. There were also a number of road checks carried out during the month, resulting in fixed penalty tickets being issued for speeding, failing to wear a seatbelt and one vehicle being seized under antisocial behaviour legislation. Inspector Wood highlighted the Drivewise Project which had been well received by those participating. The Young Persons' and Older Peoples' Driving programmes continued, there was no cost to those participating and community councils were encouraged to promote the programme across their areas. Further information was available at [www.drivewiseborders.co.uk/index.html](http://www.drivewiseborders.co.uk/index.html)

6.3 In respect of the Violent Crime priority, there was one serious assault reported in Hawick during May. A 14 year old male had been assaulted in the Burnfoot area by four youths aged 13 and 14. The youths were charged with assault and have been reported through the youth justice system. Also in May, a male was charged with housebreaking as well as being in possession of drugs and a knife when searched by officers. The male has been detained in custody for appearance at court.

- 6.4 With regard to the Antisocial Behaviour priority, there was one fixed penalty ticket as well as eight police warnings given for antisocial behaviour.
- 6.5 Inspector Wood went on to advise that in the main the Common Riding events had ran smoothly and without issue. However, Police had dealt with a number of issues at Hawick Mair on Common Riding Friday, alcohol playing a part. A full debrief would be held with Hawick Common Riding Committee and learning points and areas for improvement for next year's event would be discussed.
- 6.6 To conclude her report, Inspector Wood referred to recent terrorist events. She reassured the Committee that Police Scotland were working with those responsible for large scale events in order to keep people safe. This had included Hawick Common Riding and this focus would be maintained on local events throughout the summer months. The current threat for International Terrorism was at severe, this meant that an attack was highly likely and we should remain alert. When the threat level had been critical there had been an increase in numbers and visibility of Police at events. The Police would act on information from the public who reported suspicious people or behaviour and would provide an appropriate response to the information given. Inspector Wood encouraged everyone to remain vigilant and "If you suspect it, report it" by contacting Police Scotland directly by calling 101 or reporting through the anti-terrorist hotline 0800 789 321. If there was an attack the 'Stay Safe' principles (Run Hide Tell) gave actions to consider at an incident. Full details were available on the Police Scotland website at [www.scotland.police.uk](http://www.scotland.police.uk)
- 6.7 The Chairman thanked Inspector Wood for the comprehensive report and it was suggested that officers from Crimestoppers could be invited to give a presentation to a future Locality Committee to reassure the public of confidentiality when information was received by them. The Committee congratulated Police Scotland on their Drivewise Project and the Young Persons' and Older Peoples' Driving programmes. However, the number of fatal road accidents in the Scottish Borders was of concern. Inspector Wood advised that following a serious road accident, the site was scrutinised and road safety measures investigated.

## **DECISION**

**(a) NOTED the report;**

**(b) AGREED to invite Crimestoppers to attend a future Locality Committee to give a presentation.**

## **7. SCOTTISH FIRE & RESCUE SERVICE**

- 7.1 There had been circulated a report from Station Manager Russell Bell, Hawick Fire Station, presenting service delivery activity in the Teviot and Liddesdale Area for the month of June 2017. In summary, the report detailed that during the period of the report there had been two house fires (one accidental and one chimney); two other fires (one vehicle and one shop); seven special service occurrences (three medical responder, one flooding, two animal collisions, one animal rescue); and 15 unwanted fire alarm signals (domestic and industrial). Mr Bell advised that Hawick Whole-time crews had completed their water based, swift water rescue training and now all staff were trained to enter the water and a proportional number had also been trained as boat operators. The station had also received a dedicated, fully kitted van with towing trailer and boat to allow full deployment to a water rescue incident. Hawick Station now had a 'live status' which meant that the crew could be mobilised to any part of the UK if requested. The high volume pump was still located at Hawick, as training had not been completed at Dundee, its final destination. The extended trial period for the out of hospital cardiac arrest service continued. A report had been passed to SFRS Strategic Leadership Team with recommendations that the trial continued, a decision was awaited

- 7.2 Mr Bell further advised that the 5 Watch Duty System had now been introduced. A buffer number of three staff had been retained at Hawick Fire Station in recognition of future retirements. Mr Bell referred to the ongoing activity within the area including: working with Borders College to provide road safety awareness training; Driving Into the Future – an initiative aimed at educating new/potential drivers; Home Fire Safety Visits, Firesharp and Crucial Crew. It was noted that unwanted fire alarm signals were being addressed by a phased intervention which would identify premises producing ‘false alarms’. The Fire Service would provide guidance on how to reduce a reoccurrence and could also evoke legislation if occurrences failed to reduce in number.
- 7.3 Mr Bell went on to advise that the Spring season 2017 thematic plan was current, the aim of which was the reduction of: grass fires; woodland/forest fires; heathland/moorland fires; fires in derelict buildings; fires involving refuse/rubbish; raising awareness of business/commercial waste management and environmental responsibilities; encouraging operational personnel to support local community spring clean-up initiatives; and assisting Police Scotland identifying fire offenders and managing offending.
- 7.4 To conclude his report, Mr Bell referred to the recent tragic events at Grenfell Tower, London. Mr Bell advised that there were three to four storey flats in the Teviot and Liddesdale area. The Fire Service had inspected these premises and there were no concerns at the moment. However, he warned against residents leaving goods in stairwells as this was a fire hazard.

**DECISION  
NOTED.**

**8. OPEN QUESTIONS**

In answer to a question, Mr Bell advised that the Fire and Rescue Service liaised with the Borders Water Rescue Team when necessary.

**DECISION  
NOTED.**

**9. COMMUNITY COUNCIL SPOTLIGHT**

- 9.1 Mrs Knight, Burnfoot Community Council, reported that in May the community council had held a Cornet’s night at Burnfoot School which had been well attended. The Burnfoot Carnival would take place on Saturday 8 July at Burnfoot School. There would be bands, shows, stalls and other entertainment, it was hoped that Councillors would be able to attend. Mrs Knight also reported that the Community Council required a secretary. Meetings were held on the last Tuesday of each month at Burnfoot School. If anyone was interested in the position, they were asked to contact Burnfoot Community Council.
- 9.2 Mr Griffiths, Hobkirk Community Council, advised that flood repair works had commenced at Bonchester Bridge and thanked Members and officers for their assistance. With reference to paragraph 11.2 of the Minute of 21 March, the community council had been informed that burial plots at Hobkirk Churchyard were owned by the community not the Church. The Council were investigating responsibility for maintenance and would respond to the community council. Mr Griffiths referred to the Birneyknowe Windfarm application which had been rejected unanimously by Scottish Borders Council. Banks Renewables, the applicants, were now appealing the decision in terms of economic benefit and visual amenity. This meant that the community were now faced with a Public Inquiry and would be required to give evidence. The community would require to be legally represented which could cost in the region of £10k to £20k. To conclude his report, on a positive note, Mr Griffiths advised that the community were holding a party on 25 August to coincide with the Scarecrow Festival. In answer to a question, Mr Dunlop advised that the estimate for a notice board was still awaited.

- 9.3 Mrs Elborn, Newcastleton Community Council, referred to their last meeting when it had been requested that Council officers addressed removal of the tarmac left at Douglas Square. The tarmac had been removed the following day, the community council had photographic evidence if the Council required to pursue for fly tipping. Mrs Elborn continued that following a meeting with the local Health Service the community council had been advised that the mobile dental service was to be removed from the primary school. No communication had been received regarding the closure and the removal was of concern to the community. It was noted that the community council requested that works to access roads and pathways at Ertleton Cemetery be resolved through the Small Scheme or Quality of Life Scheme before the onset of inclement weather. Mrs Elborn agreed to send Mr Dunlop details of the problem areas. Mrs Elborn advised that there was an ongoing problem with speeding timber transportation through the village and damage being caused to the roadside and verges. Police were carrying out speed checks but more were required. The community council would be attending the Transport Feasibility meeting to ensure that freight transportation would be considered as part of the railway line extension. There was also the requirement for the road infrastructure to be investigated as the increase and volume of timber extractions would continue to affect the road infrastructure. Representatives from the community council would also be attending the FCS Forestry Panel meeting. The change of use from farmland to planting without full consideration of the impact on flood management and the requirement for mobile phone technology and broadband was of concern. Trees had the potential to ruin line of site locations for masts resulting in no signal for areas. This was not a planning consideration and the community council were seeking to fund a project officer to investigate more fully. SBC's planning department were supportive of the communities' concerns. However, national policy required that 25% of Scotland's landscape should be covered by trees by 2020. Mrs Elborn further advised that the community council were also working with Borders Broadband to provide a rural solution for homes and business. It was important that the council worked with the community to delivery this project and noted that anything which obstructed the landscape, such as a tree(s), could jeopardize the project. The community council asked that the Council consider these issues and lobby Scottish Government regarding. Mrs Elborn went on to refer to the local topographical survey underway in the village to determine the flood plan. There had been an incident recently when rainfall fell from the hillside into the Lakes, this required to be investigated as a priority. Mrs Elborn further advised that there had been a large turnout at their last meeting when there had been a discussion on job cuts to temporary staff at Newcastleton Primary School. Officers from the Council had been unable to respond to the communities' concerns. The community council has since met with the SBC's education department and had been given reassurance that their concerns would be addressed. However, one issue regarding the concerns of a parent had yet to be resolved.
- 9.4 It was noted that there would be no community council meeting in July. There next meeting would be the Annual General Meeting, following which the community council election would be held. To conclude her report Mrs Elborn advised that Newcastleton Music Festival would take place in two weeks' time and all were invited.
- 9.5 Mr Roberts, Denholm Community Council, advised that the Denholm Ride-Out had not been been well attended, but was still a success. He thanked the Police for their presence at the event for which they had received many positive comments. Another successful event hosted by Denholm was the Jimmie Guthrie Memorial Run. With reference to paragraph 11.3 of the Minute of 21 March regarding the mobile phone mast, the site visit had identified a location which would be discussed at the community council meeting the next evening. The provision of an additional mast would result in a significant improvement in mobile phone coverage for the Denholm area.
- 9.6 Mr Turnbull, Hawick Community Council, referred to his appointment as the new chairman of Hawick Community Council, due to the resignation of Mrs Short. With reference to paragraph 11.5 of the Minute of 21 March regarding dog fouling, he reported that the community council had received funding from the Small Schemes budget for bags and

warning posters which were now in place. He enquired as to the status of enforcement officers, Mr Dunlop advised that he would investigate and report back to Mr Turnbull outwith the meeting. With regard to the Resilience Group, 23 members had been trained to use the defibrillators and he was pleased to advise that a defibrillator would be located at the Town Hall. Mr Turnbull further advised that the community council had purchased 10 two way radios which would enhance the Resilience Group's communication and would also be used at the Christmas Parade. Mr Turnbull concluded by advising that the community council had been disappointed that Wilton Park Café had still not opened, the cafe had lost valuable resources as they had missed another season.

#### **DECISION**

**(a) NOTED the reports;**

**(b) AGREED:-**

**(i) That NHS Borders be requested to supply a list of dates representatives would be available to attend Locality Committee meetings; and**

**(ii) Works to Eittleton Cemetery, Newcastleton be pursued through the Small Schemes or Quality of Life budget.**

#### **10. LOCALITIES COMMITTEE**

10.1 The Chairman, Councillor Marshall, referred to the change of name for the Committee. He explained, that this was the first stage in the development of the Council's new Locality Committees. At this point in time, this was the only change. A report would be presented to Council over the summer which would include proposals for developing arrangements. Locality Plans would sit with Locality Committees, as would some additional budgeting responsibilities including a new Localities Bid Fund. Guidance on this was currently being prepared and details would be provided to communities as soon as possible. A review was being carried out over the summer as to the shape of the new Locality Committees and communities would have the opportunity to feed into this process. The Chairman went on to advise that under a directive from the Scottish Government, as part of the Community Empowerment Act, £500k had been set aside from the Council's budget to be spread across the five localities. The Committee would decide how to allocate the money for which communities would be encouraged to bid to benefit their areas. The Quality of Life and Small Schemes budget would not be affected. The five Locality Committee Chairmen would attend a briefing in August which would include discussion on the parameters for the bidding process.

10.2 There followed a discussion, it was noted that although the funding was welcomed there was a concern that communities might not have the necessary time or effort to drive forward projects. The appointment of a development officer would be beneficial to maximise funding opportunities and provide advice. A further update would be provided at the next meeting.

#### **DECISION**

**NOTED the report.**

#### **11. DATES OF TEVIOT AND LIDDESDALE AREA LOCALITY COMMITTEES FOR 2017/18**

The dates for future meetings of the Teviot and Liddesdale Area Forum were as follows:-

Tuesday, 15 August 2017 at 6.30 pm  
Tuesday, 19 September 2017 at 6.30 pm  
Tuesday, 14 November 2017 at 6.30 pm  
Tuesday, 12 December 2017 at 6.30 pm  
Tuesday, 16 January 2018 at 6.30 pm  
Tuesday, 20 February 2018 at 6.30 pm  
Tuesday, 20 March 2017 at 6.30 pm



Tuesday, 17 April 2018 at 6.30 pm  
Tuesday, 15 May 2018 at 6.30 pm  
Tuesday, 19 June 2018 at 6.30 pm.

***The meeting concluded At 7.30 pm.***

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# SCOTTISH BORDERS COUNCIL SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK  
COMMON GOOD FUND SUB COMMITTEE  
held in Committee Room 2, Council HQ on  
Wednesday, 21 June 2017 at 3.00 pm

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Present:- Councillors G. Edgar, E. Thornton-Nicol and Community Councillor T Combe.

Apologies:- Councillor M. Ballantyne

In Attendance:- Solicitor (J. Webster), Senior Finance Officer (J Yallop), Estates Strategy  
Surveyor (N. Curtis), Democratic Services Officer (F Walling).

One member of public

## 1. **APPOINTMENT OF CHAIRMAN**

Councillor Thornton-Nicol proposed and it was unanimously agreed that Councillor Edgar be appointed as Chairman of the Sub Committee.

### **DECISION**

**AGREED to appoint Councillor Edgar as Chairman of the Selkirk Common Good Fund Sub Committee.**

## 2. **MINUTE**

2.1 There had been circulated copies of the Minute of 15 February 2017.

### **DECISION**

**NOTED the Minute.**

2.2 With reference to paragraph 1.3 of the Minute, regarding the let of winter grazing on Selkirk Hill, the Estates Strategy Surveyor, Norrie Curtis, advised that he had contacted the tenant who had confirmed he would put 100 ewes on the ground over the period from 1 August of this year.

### **DECISION**

**NOTED**

2.3 With reference to paragraph 3 of the Minute, Mr Curtis had circulated an email regarding the terms of the lease of ground from the Council to Selkirk Football Club. He agreed to clarify the fee paid for the lease.

### **DECISION**

**AGREED that the Estates Strategy Surveyor clarify the rent paid to the Council by Selkirk Football Club.**

## 3. **FINANCIAL MONITORING REPORT TO 31 MARCH 2017**

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 year to 31 March 2017, including balance sheet values to 31 March 2017 and proposed budget for 2017/18. Senior Finance Officer, John Yallop, highlighted the main points of the report and appendices. Appendix I to the report provided the actual income and expenditure for

2016/17. This showed a surplus of £21,557 for the year, which was £5,052 more than projected at the last meeting, due to lower than anticipated property costs and grant expenditure. A surplus of £36,943 was projected for 2017/18. Appendix 2 to the report provided a projected Balance Sheet value as at 31 March 2017. It showed a decrease in the reserves of £56,203 due mainly to the depreciation adjustment. A breakdown of the property portfolio showing actual rental income and property expenditure to 31 March 2017 and the 2016/17 depreciation charge was detailed in Appendix 3 to the report. Appendix 4 showed the value of the Newton Fund to 31 March 2017. The report explained that although the medium term, 12 month annualised return at the end of March 2017 was 2.9% against a benchmark of 4.4%, the fund's performance over a 5 year period was positive against benchmark, 4.6% against 4.5%. This was in line with the objective of the fund which "was managed to seek a minimum return of 1 month GBP LIBOR rate + 4%". At the end of March this equated to 4.3%. Appendix 5 contained a chart detailing the Newton Fund's performance over the quarter to March 2017 and also over the medium to long term. The improved performance in the last quarter had put Newton in the mid-range against its peers. However, their performance in the last two quarters of 2016 had placed Newton outside the broad range of returns generated by its peers in the last year. This had also had the effect of dragging down the medium to long term performance. Given this information, the Council's Investment advisor KPMG had been commissioned to evaluate and report on the continued suitability of the Newton Fund going forward. In a discussion of the financial report and with reference to the cash balance of £82,865 Members considered whether a further amount of cash should be transferred to the investment fund. It was agreed to review the situation following the financial report to the next meeting of the Sub Committee in September.

## **DECISION**

### **(a) NOTED:-**

- (i) the actual income and expenditure for 2016/17 in Appendix 1 to the report;**
- (ii) the final Balance Sheet value to 31 March 2017 in Appendix 2;**
- (iii) the summary of the property portfolio in Appendix 3;**
- (iv) the current position of the investment in the Newton Fund in Appendix 4; and**
- (v) the short, medium and long term performance of the Newton Fund against its peers in Appendix 5.**

### **(b) AGREED:-**

- (i) the proposed budget for 2017/18 as shown in Appendix 1; and**
- (ii) to review the cash balance at the next meeting and to consider whether to transfer a further amount into the investment fund.**

## **4. PROPERTY**

In a verbal update, and with reference to paragraph 2 of the Minute of 15 February 2017, Mr Curtis had obtained a quotation of approximately £3,200 for the required length of fencing at Linglie Farm. Members agreed that this should be implemented subject to Mr Curtis meeting the contractors on site to sense check the work required. With reference to paragraph 4 of the Minute of 15 February 2017 it was noted that the problem with the door and ramp at the Green Shed had still not been resolved and that the situation was now urgent. The discussion moved on to refer to work required to replace the pillars at

the Victoria Hall, which was being looked at within the Selkirk Conservation Area Regeneration Scheme (CARS) and for which work an estimate had been received of £22,000. The work would involve demolishing the existing pillars and rebuilding them in sandstone. Members agreed that the Common Good Fund should contribute if requested to the refurbishment of the pillars up to a maximum amount of £10,000. Mr Curtis agreed to liaise with the CARS project officer regarding this work.

#### **DECISION**

##### **AGREED that:-**

- (a) the Estates Strategy Surveyor arrange for the fencing work at Linglie Farm to be implemented;**
- (b) the necessary work on the door/ramp of the Green Hut be attended to by the Property Officer as a matter of urgency; and**
- (c) the Estates Strategy Surveyor liaise with the Selkirk CARS project officer about the work required to replace the pillars at the Victoria Hall and that, if requested, a financial contribution of up to £10,000 be provided by Selkirk Common Good towards the cost of the work.**

#### **5. APPLICATION FOR FINANCIAL ASSISTANCE**

There had been circulated copies of an application from Selkirk Football Club for a contribution of £5,000 towards the installation of floodlights at Yarrow Park. It was explained that the Club provided facilities for Junior teams aged 5 upwards, an amateur team Selkirk Victoria and the senior club which participated in the Scottish Lowland League. Floodlights at Yarrow Park would enable the club to start an Under 18's and Under 20's team. Both these age groups played their games midweek. Opportunities would also open up for other teams. The total estimated cost of the project was £58,000. A total of £3,000 had been raised by the Club and grant applications had also been made to the Scottish Football Partnership, the Weir Trust and the Community Grant Scheme. In principle Members were in support of making a contribution to the project subject to the other grant applications being successful and all the money being obtained. However, with reference to the accounts and the statement regarding the provision of facilities for Junior teams, Members also asked for clarification about the rent paid to the Senior Club by the Junior Football Club.

#### **DECISION**

##### **AGREED:-**

- (a) to defer consideration of the application from Selkirk Football Club for a grant of £5,000 towards the installation of floodlights at Yarrow Park to enable further information to be obtained; and**
- (b) that the Estates Strategy Surveyor and Democratic Services Officer seek to obtain the information requested for the next meeting.**

#### **6. WEST PORT COMMUNITY PROJECT**

The Chairman reported that he had received an enquiry from the Selkirk Incorporation of Hammermen, who were re-writing their constitution in the light of grant funding being received for the West Port Community Project. The query was whether Selkirk Common Good could take on ownership of the completed project should the Incorporation become unviable in the future. The Council's Solicitor, Jane Webster, advised that, as Common Good assets came from burghs which no longer exist, it would not be legally possible nor appropriate to take over ownership, if the situation arose. Ms Webster added that the only way for ownership to be passed to the Common Good could be for the property to be purchased rather than gifted. Members agreed that it would not be appropriate for this to

be passed to the Common Good and that, as the purpose of the project was to bring together all the crafts into one building as a museum, LiveBorders might be the more appropriate organisation to provide support to the Incorporation should this be required. Councillor Edgar agreed to report back to the Incorporation with this advice.

**DECISION**

**NOTED that it would be neither legally possible nor appropriate for Selkirk Common Good to take ownership of the West Port Community project from the Selkirk Incorporation of Hammermen should the need arise.**

*The meeting concluded at 3.50 pm*

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

MINUTE of MEETING of the  
JEDBURGH COMMON GOOD FUND  
SUB-COMMITTEE held Kelso High  
School, Bowmont Street, Kelso on 21  
June 2017 at 5.30 p.m.  
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Present:- Councillors J. Brown, S. Hamilton, Community Councillor Mr H. Wight.  
Apologies:- Councillor S. Scott, .  
In Attendance:- Capital and Investments Manager, Solicitor  
(Karen Scrymgeour), Democratic Services Officer (F. Henderson).  
Members of the Public:- 0  
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1. **CHAIRMAN**

As Councillor Scott was unable to attend the meeting, the Sub-Committee unanimously agreed that the appointment of Chairman be held over until the next meeting. The Sub-Committee further agreed that Councillor Brown chair the meeting.

**DECISION  
AGREED.**

2. **MINUTE**

There had been circulated copies of the Minute of the Jedburgh Common Good Fund Sub-Committee held on 30 March 2017.

**DECISION  
NOTED.**

3. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2017**

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 year 2016/17 together with balance sheet values as at 31 March 2017 and proposed budget for 2017/18. Appendix 1 provided the actual income and expenditure for 2016/17. This showed a deficit of £53,764 for the year, which was significantly more than the £18,113 deficit reported in February 2017 due to higher than projected grant expenditure. A deficit of £3,366 was projected for 2017/18. Appendix 2 provided Balance Sheet value to 31 March 2017 and a showed a decrease in the reserves of £69,234, due to depreciation of assets and the above deficit. Appendix 3 provided a breakdown of the property portfolio showing actual property expenditure to 31 March 2017. Appendix 4 detailed the value of the Newton Fund to 31 March 2017. The Capital and Investments Manager advised that KPMG Investment Managers had been instructed to review the Newton Fund to ensure that they were meeting objectives. The Performance Strategy was right, although the managers might require to be changed. The Fund continued to be monitored very closely.

**DECISION**

**(a) NOTED:-**

**(i) the actual income and expenditure for 2016/17 balance sheet value to 31 March 2017 in Appendix 1;**

**(ii) the final balance sheet value as at 31 March 2017 in Appendix 2;**

- (iii) **the summary of the property portfolio in Appendix 3 to the report;**
  - (iv) **the current position of the investment in the Newton Fund contained In Appendix 4 to the report; and**
  - (v) **the short, medium and long term performance of the Newton Fund against its peers in Appendix 5 of the report.**
- (b) **AGREED the proposed budget for 2017/18 as shown in Appendix I to the report.**

#### **4. APPLICATION FOR FINANCIAL ASSISTANCE**

##### **4.1 Dr James Wyness**

There had been circulated copies of an Application for Financial Assistance from Dr James Wyness as part of the 2017 Borders Heritage Festival. Dr Wyness and Sue Scowcroft were producing an art work for the Castle Jail to be shown throughout September 2017. 'Light Years' was an active exploration of the heritage and deep human history of Jedburgh Castle Jail and considered beneficial to the townsfolk and visitors. A Star Chart was to be superimposed on the ground plan of the Castle Jail. Twelve locations were indicated by the yellow stars on the chart. At these locations there would be short poetic tales, stories drawn from the site's history and the myths of the constellations that shone down upon the site throughout the month of September. These were the imagined tales of men and women, young and old, past and present, who might have passed through the site and honoured the achievements of the 'Borders Enlightenment' scientists who lived in and around Jedburgh in the 18<sup>th</sup> and 19<sup>th</sup> Centuries, whose lives and works were illustrated within the Castle Jail. The project was being part funded by Live Borders (£1,000) which would fund two days work and purchase of materials, £300 in-kind to pay for the artists time and £200 in-kind from Live Borders for printing and design services. Financial Assistance was being requested to cover a further 2 days work and a contingency for the duration of the project, which would involve further investments of time and possible replacement of elements of the installation. The Members were supportive of the project and agreed to grant £500. The Sub-Committee requested that the Democratic Services Officer write to Mr Wyness to enquire if the art work would be in place for future years, given that it would be on display during September and the Castle Jail closed in October.

#### **DECISION**

##### **AGREED:-**

- (a) **to award a grant of £500 to Dr James Wyness towards the creation of art work as part of the 2017 Borders Heritage Festival 2017; and**
- (b) **that the Democratic Services Officer write to Mr Wyness to enquire if the art work would be in place for future years.**

##### **4.2 Jedburgh Gentle Exercise Group**

With reference to paragraph 3.1 of the Minute of 7 March 2017, there had been re-circulated copies of an Application for Financial Assistance from the Jedburgh Gentle Exercise Group in the sum of £200, towards supporting the Groups transition to independence. The Democratic Services Officer advised that a letter had been sent on 28 March 2017 requesting a set of accounts and further information about expected numbers. The Sub-Committee were further advised that Lynn Marshall (Community Capacity Building Team Co-Ordinator) had confirmed that most of the support given to the group since it started in 2013 had been in-kind support, e.g. providing advice, booking trainers, halls hire etc. The Co-Ordinator believed the group was and would be self-sufficient at the £2.50 charge made for the classes and confirmed that they had



approx. 30 regular users. She believed that the £200 applied for was a “float” to cover a temporary drop in numbers until such times as they could build up their own cash reserve, which she believed they were close to achieving as numbers were now relatively static.

**DECISION**

**AGREED:-**

- (a) to award a grant of £200 to the Jedburgh Gentle Exercise Group towards running weekly sessions in Jedburgh.
- (b) that the Democratic Services Officer write to the Group explaining that a set of accounts detailing money received from participants, money paid out to the Instructor and for the hire of the hall etc. must be kept, as the Group would be unable to apply to the Common Good again without a set of accounts.

*The meeting closed at 6.14 p.m.*

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**SCOTTISH BORDERS COUNCIL**  
**KELSO COMMON GOOD FUND SUB-COMMITTEE**

MINUTE of MEETING of the KELSO COMMON  
GOOD FUND SUB-COMMITTEE held in KELSO  
HIGH SCHOOL, BOWMONT STREET, KELSO on  
21 June 2017 at 4.30 p.m.

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Present:- Councillors S. Mountford, Councillor Weatherston.  
Apologies:- Councillor E. Robson.  
In Attendance:- Capital and Investments Manager (Kirsty Robb), Solicitor (Karen Scrymgeour),  
Democratic Services and Elections Officer (F. Henderson).  
Members of the Public:- 0.

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1. **APPOINTMENT OF CHAIRMAN**

Councillor Weatherston proposed that he be appointed as Chairman of the Sub-Committee, seconded by Councillor Mountford.

**DECISION**

**AGREED that as there were no other nominations, Councillor Weatherston be appointed as Chairman of the Kelso Common Good Fund Sub-Committee.**

2. **MINUTE**

There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 21 February 2017.

**DECISION**

**AGREED to note the Minutes for signature by the Chairman.**

3. **UPDATE – PINNACLEHILL WOODLANDS**

With reference to paragraph 3 of the Minute of 21 February 2017, it was reported that the work had yet to be undertaken.

**DECISION**

**NOTED.**

4. **PINNACLE WOODLANDS**

With reference to paragraph 4 of the Minute of 6 November 2013, Councillor Weatherston sought further evidence of what was paid and by whom thus making the Pinnacle Woodlands a Common Good Asset.

**DECISION**

**AGREED**

(a) **that the Solicitor make further enquiries into the title for Pinnaclehill Woodlands and when it was deemed a Common Good Asset; and**

(b) **that the matter be placed on the Agenda for the next meeting.**

5. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2017**

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 the year 2016/17 including balance sheet values as at 31 March 2017 and proposed budget for 2017/18. Appendix I provided the projected income and expenditure for 2016/17 which showed a surplus of £1,056, which was an improved

position from the deficit of £3,368 reported in February 2017. This was as a result of lower than anticipated property costs and grant expenditure as well as higher than anticipated dividend payments from the Newton Fund Investment. A surplus of £847 was projected for 2017/18. Appendix 2 provided the balance sheet value to 31 March 2017 and showed a decrease in reserves of £42,492. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges. Appendix 4 showed the value of the Newton Fund to 31 March 2017. The Capital and Investments Manager advised that KPMG Investment Managers had been instructed to review the Newton Fund to ensure that they were meeting objectives. The Performance Strategy was right, although the managers might require to be changed. The Fund continued to be monitored very closely.

## **DECISION**

### **(a) NOTED:-**

- (i) the actual income and expenditure for 2016/17 in Appendix 1;**
- (ii) final balance sheet value to 31 March 2017 in Appendix 2 of the report;**
- (iii) the summary of the property portfolio in Appendix 3 of the report;**
- (iv) the current position of the investment in the Newton Fund contained in Appendix 4 of the report; and**
- (v) the short, medium and long term performance of the Newton Fund against its peers in Appendix 5 of the report.**

### **(b) AGREED the proposed budget for 2017/18 as shown in Appendix 1 to the report.**

*The meeting closed at 4.51 p.m.*

**SCOTTISH BORDERS COUNCIL**  
**CHEVIOT LOCALITY COMMITTEE**

MINUTE of the MEETING of the  
CHEVIOT LOCALITY AREA  
FORUM held in Kelso High  
School, Bowmont Street, Kelso  
on Wednesday, 21 June 2017  
at 6.30 p.m.

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Present:- Councillor S. Mountford (Chairman), J. Brown, S. Hamilton, E. Robson,  
T. Weatherston, Community Councillors Bell, A. Carter, C. Cook, N.  
Jarvis, D. Ogilvie, Matt Acton (Scottish Fire and Rescue Service),  
Inspector Carol Wood (Police Scotland – J Division).

Apologies:- Councillor S. Scott, Community Councillors A. Drummond, S. Stewart,  
Inspector Scott (Police Scotland – J Division)

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

Members of the Public:- 0

- 
1. **VICE-CHAIRMAN**  
Councillor Weatherston, seconded by Councillor Mountford, moved that Councillor Brown be appointed as Vice-Chairman of the Locality Committee and this was unanimously approved.

**DECISION**  
**AGREED to appoint Councillor Brown as the Vice-Chairman of the Cheviot Locality Committee.**

2. **WELCOME**  
The Chairman welcomed everyone to the meeting.

**DECISION**  
**NOTED**

3. **MINUTE**  
There had been circulated copies of the Minute of the Meeting of the Cheviot Area Forum of 1 February 2017.

**DECISION**  
**AGREED to approve the Minute for signature by the Chairman.**

4. **SCOTTISH BORDERS HEALTH AND SOCIAL CARE INTEGRATION**  
The Chairman advised that this item had been postponed until the September cycle of meetings.

**DECISION**  
**NOTED.**

5. **NEIGHBOURHOOD SMALL SCHEMES UPDATE**

With reference to paragraph 10 of the Minute of 1 February 2017, there had been circulated copies of a report by the Service Director Assets and Infrastructure which sought approval from the Locality Committee for the proposed new neighbourhood Small Schemes. The Area Neighbourhood Manager advised that the allocated budget (£34,702) for small schemes was available through Neighbourhood Services for the Cheviot Area in 2017/18. In addition, a budget of £20,000 was available for Quality of Life Schemes in the Cheviot Area in 2017/18. It had previously been agreed that this budget would be split equally between Kelso and District and Jedburgh and District Wards.

**DECISION**

**(a) APPROVED the following new Neighbourhood Small Schemes:-**

- |   |               |
|---|---------------|
| <b>(i) Create a formal bus stop at Riverside Drive, Kelso</b>   | <b>£1,225</b> |
| <b>(ii) Form a pedestrian access into Stichill Play Area</b>    | <b>£1,332</b> |
| <b>(iii) Install 2 no. walker's benches near Lanton Village</b> | <b>£ 54</b>   |

**(b) AGREED to delegate authority to the Service Director for Assets and Infrastructure to allocate funds for Small Schemes in 2017/18 out-with the scheduled Locality Committee meetings when work was considered time critical, subject to consultation with all six Cheviot Members and approval by at least three Elected Members on Cheviot Locality Committee.**

6. **POLICE FORCE OF SCOTLAND – UPDATE FOR ‘J’ DIVISION**

6.1

Inspector Wood was present at the meeting to update the Cheviot Area Forum on performance, activities and issues across the Ward for the period 1 April 2017 to 31 May 2017. The Ward Plan Priorities for Jedburgh and District were highlighted as Drug Dealing and Misuse, Road Safety, Anti-social Behaviour and Rural Crime. During the reporting period, Inspector Wood advised that no persons had been charged with drug offences. The Police would remain visible in the community to develop intelligence on people who dealt in and used controlled drugs and continued to receive intelligence from the public in relation to drug matters, whether persons being in possession or persons dealing drugs. There had been three separate incidents of people being caught driving whilst under the influence of alcohol during the April and May. A number of road checks had been carried out, which resulted in four drivers being given warnings for anti-social use of their vehicle, and one being issued with a conditional offer for speeding. In addition a number of drivers had been charged with various driving offences following road checks, accidents or incidents. In relation to rural crime, a female worker lambing at Edgerston Rigg, Jedburgh had disturbed two males who were on the property. When challenged, one of them assaulted her, causing facial injuries and inquiries were continuing into this incident. It was believed that travelling criminals from outwith the Borders were responsible.

6.2

It was reported that there had been one theft by housebreaking during the reporting period and enquiries were ongoing in relation to this incident. A Drivewise Project was being run in partnership with the emergency services, the Institute of Advanced Motorists, Scottish Borders Council and supported by John Cleland and Volvo UK. All Schools in the Borders were sending their young people to get a driving experience at the Charterhall airfield. The driving programmes for young and old continued and Community Councils were asked to promote these across their areas. In terms of drink driving offences, there had been one drink driving offence reported in the Kelso area and 2 drugs offences during the reporting period.

- 6.3 The National Counter Terrorism awareness week was under way across all Communities. Police Scotland, through their Counter Terrorism Security Advisors and in liaison with the National Counter and Terrorism Security Office (NaCTSO) had been busy working with those who run or were responsible for crowded places in order to keep people safe. The current threat for International Terrorism to the United Kingdom was at SEVERE, which meant that an attack was highly likely and everyone should remain alert.

## **DECISION**

**NOTED the report.**

## **7. FIRE AND RESCUE SERVICE UPDATE**

- 7.1 Mr Matt Acton, Station Manager explained that the purpose of the report circulated was to inform the Cheviot Area Forum on Scottish Fire and Rescue Service activity since the last meeting on 1 February 2017. The report detailed that during the period of the report there had been 16 non-domestic Fires (10 x refuse/woodlands/grass, 2x vehicle, 4 x chimney ) – Special Services 8 and 27 unwanted Fire Alarm Signals. In relation to partnership working, The Scottish Fire and Rescue Service (SFRS), Community Action Team (CAT) within the Scottish Borders core work centred on the on-going delivery of the SFRS Home Fire Safety Visit (HFSV) policy. The team continued to expand its partnership working with the Key agencies including Police Scotland, Health, Social Care and Housing in order to focus on members of local communities at High Risk from fire and achieve outcomes in helping to reduce overall numbers of accidental dwelling fires.
- 7.2 Fire prevention and protection activity over recent years had been key to reducing the number of fires, casualties and losses in Scotland thus minimising the economic and social impact of fire on communities. The seasonal community safety calendar provided the catalyst for a number of initiatives and schemes throughout the calendar year.
- 7.3 Activity which was ongoing within the Cheviot Ward area included Scottish Fire and Rescue Service staffs in all local stations providing Home Fire Safety Visits all year round. These free visits provided the householder with a home visit, focussing on identifying and reducing the risks of fire in the home. Smoke detectors with a 10-year battery life were provided as part of this free service; The living safely in the home (LSITH) initiative continued in the Cheviot locality, with a number of referrals made by the SFRS to community partners and an evaluation of the trial was underway. Firesharp was an initiative for Primary 6 pupils, providing face-to-face education within local Primary schools on matters of fire risk and prevention; the SFRS Safeguarding Policy and Procedure for Protection of Children and Adults at Risk of Harm was implemented to link into adult and child protection. The introduction of the policy had created closer ties with Social Services within Scottish Borders and ensured those people and families that fire crews identified as at risk were brought to the attention of Social Services and had resulted in joint visits to homes to reduce risk to those occupiers. A strong partnership was being developed with the local Domestic Abuse Advocacy Service and involvement in MARAC (Multi Agency Risk Assessment Conference). The Local Authority Liaison Officer (LALO) and Scottish Borders Station Manager for Prevention and Protection were fully involved in all local MARAC processes, attending the monthly conferences and all steering group meetings.
- 7.4 Road Safety Community Action Team (CAT) had delivered road safety awareness to secondary schools throughout the Scottish Borders with the support of the local whole time personnel from Galashiels and Hawick. Fire Safety Audits provided a targeted examination of business premises and their relevant documents to ascertain how the premises were being managed regarding fire safety. The enforcement officer also engaged with members of staff to confirm their level of fire safety awareness; Unwanted

Fire Signals were being addressed by phased intervention actions which identified premises which were producing 'false alarms'. Guidance was provided on how to reduce a reoccurrence. Crews would move onto the Spring Thematic Action Plan which focussed on the Grass and Wildland Fires and deliberate fires. Work continued with all partners in the Scottish Borders Council Safer Communities Team, as well as local partnerships, to promote preventative work. The LALO was in post within Scottish Borders Council HQ in order to improve partnership working, with a particular focus on the elderly and more vulnerable members of society. The primary aims of the partnership activity were to help ensure the safety and welfare of vulnerable persons throughout the community, and to seek to reduce the overall numbers of accidental dwelling fires, fire casualties and fire fatalities in homes.

**DECISION**

**NOTED the report.**

**8. ENGAGEMENT WITH NHS BORDERS**

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

**DECISION**

**NOTED.**

**9. OPEN QUESTIONS**

There were no issues raised.

**DECISION**

**NOTED.**

**10. COMMUNITY COUNCIL SPOTLIGHT**

10.1 Concern was expressed regarding the suitability of the room which had been booked as the meeting room. As it was a classroom the layout was inappropriate and it was difficult to hear everyone.

10.2 Sprouston Community Council Representative thanked the Council for the work carried out to improve Dean Road.

10.3 The Floors, Makerstoun, Nenthorn and Smailholm Community Council representative raised the condition of the cycle route in Makerstoun and sought support in relation to Broadband, which had improved, although there remained some areas outstanding.

**DECISION**

**AGREED:-**

**(a) that the Clerk investigate better meeting facilities within Kelso; and**

**(b) that Broadband be considered at a future meeting.**

**11. FUTURE AGENDA ITEMS**

The Chairman asked all present for future agendas items and the following was agreed.

**DECISION**

**AGREED that the following item would be placed on a future Agenda:-**

- **Broadband.**



12. **DATE OF NEXT MEETING**

The Chairman confirmed that the next meeting of the Cheviot Locality Committee was scheduled for Wednesday, 13 September 2017 in Jedburgh.

**DECISION**

**NOTED the date of the next meeting of the Cheviot Locality Committee and that the venue was to be confirmed.**

*The meeting concluded at 7.30 p.m.*

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# SCOTTISH BORDERS COUNCIL PENSION FUND COMMITTEE AND PENSION BOARD

MINUTE of Meeting of the PENSION FUND  
COMMITTEE AND PENSION BOARD held  
in Committee Room 2, Council  
Headquarters, Newtown St Boswells on  
Thursday, 22 June 2017 at 2.00 pm

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Present:- Councillors D Parker (Chairman), J Brown, G Edgar, J A Fullarton, D Moffat,  
S Mountford, Mr A Barclay, Mr M Drysdale, Ms L Ross.  
Apologies:- Councillors Aitchison, Scott, Mr C Hogarth, Ms K Hughes, Mr P Smith, Ms C  
Stewart.  
In Attendance:- Chief Financial Officer, Capital and Investment Manager, HR Shared Services  
Manager, Chief Officer Audit & Risk, Mr D O'Hara (KPMG), A Haseeb (Audit  
Scotland), Democratic Services Officer (J Turnbull).

## 1. WELCOME AND INTRODUCTIONS

The Chairman, Councillor Parker, welcomed officers and members to the joint meeting of the Pension Fund Committee and Pension Board and there was a round of introductions.

## 2. APPOINTMENT OF VICE CHAIR

Councillor Edgar, seconded by Councillor Brown, moved that Councillor Mountford be appointed as Vice-Chairman and this was unanimously agreed.

### DECISION

**AGREED that Councillor Mountford be appointed as Vice-Chairman of the Pension Fund Committee.**

## 3. MINUTE

There had been circulated copies of the Minute of the Meeting of 16 March 2017.

### DECISION

**NOTED for signature by the Chairman.**

## 4. PRESENTATION - OVERVIEW OF PENSION FUND

4.1 The Chief Financial Officer, Mr Robertson, gave a brief presentation to the Pension Fund Committee and Pension Board. He began by explaining that the Pension Fund received contributions from employees and employers. The Fund paid pensions to pensioners and their dependents in accordance with the benefit structure of the Local Government Pension Scheme (LGPS). The Fund was a Funded Scheme i.e. investments supported future pensions. The Pension Fund Committee oversaw the management of the Scottish Borders Council Pension Fund and had an overriding duty to ensure the best possible outcomes for the Fund and its members. The last valuation, at 31 March 2014, determined that the Fund was 101% funded and that the employer contribution rate be 18% of employee salary, a further valuation was due this year. As at 31 March 2017, total invested assets were approximately £654m.

4.2 In answer to questions, Mr Robertson advised that changes to the Fund's strategy had been completed with new allocations to Long Lease Property, Private Credit, Inflation Linked Gilts and Infrastructure. The Fund was moving towards the target allocations within the revised strategy. Mr Robertson further advised that there had recently been external interest in the Fund's approach to investment in armaments' companies. He explained that the Fund did not invest in armaments' manufacturing companies.

However, the Fund did invest in large multi-national companies, a minority of which might manufacture components which were used by other companies in the development of armaments.

**DECISION**

(a) **AGREED to request the Capital and Investment Manager circulate the presentation; and**

(b) **NOTED the presentation.**

5. **GOVERNANCE POLICY AND COMPLIANCE STATEMENT 2017**

There had been circulated a report by Chief Financial Officer which proposed the revised Governance Policy and Compliance Statement for the Scottish Borders Council Pension Fund (the Pension Fund) following implementation of the 2015 regulatory changes. The report requested approval of the Governance Compliance Statement for inclusion in the Pension Fund's Annual Report and Accounts 2016/17. Appendix 1 to the report, contained the revised Governance Policy and Compliance Statement for the Pension Fund. The Governance Compliance Statement was included in Appendix B to the policy and demonstrated that the Pension Fund was in full compliance with best practice guidance. Mrs Robb highlighted the changes since the 2016 Statement as the appointment of Northern Trust as the Custodian and the removal of the currency hedge.

**DECISION**

**AGREED:**

(a) **The revised Governance Policy and Compliance Statement 2017; and**

(b) **That the Governance Compliance Statement be included in the Pension Fund Annual Report and Accounts 2016/17.**

6. **FUNDING STRATEGY STATEMENT & STATEMENT OF INVESTMENT PRINCIPLES 2017**

There had been circulated a report by Chief Financial Officer which proposed the revised Funding Strategy Statement (FSS) and Statement of Investment Principles (SIP) for 2017. Both these documents were kept under review and updated and approved annually in line with the Pension Fund's Business Plan. The Pension Fund was required by the Local Government Pension Scheme (LGPS) Regulations to have an up-to-date Statement of Investment Principles. Following the appointment of KPMG as the Fund's Investment Advisor a full review was undertaken of the strategic asset allocation with the revised allocation approved on 15 September 2016. The asset allocation was further adjusted on 8 March 2017 to include an allocation for infrastructure investment. Appendix A to the report contained the Funding Strategy Statement. Appendix B to the report contained the revised Statement of Investment Principles (SIP) for approval. Mrs Robb highlighted that work had been undertaken to encourage all Fund managers to sign up to the United Nations Principles Responsible Investment (UNPRI) Stewardship Code. This would enhance the Fund's approach to socially responsible investment, ensuring the Fund continued to meet its fiduciary duties.

**DECISION**

**AGREED:**

(a) **The Funding Strategy Statement set out in Appendix A, to the report; and**

(b) **The Statement of Investment Principles set out in Appendix B to the report.**

7. **PENSION ADMINISTRATION PERFORMANCE 2016/17**

There had been circulated a report by Chief Officer Human Resources presenting the Pensions Administration Performance for 2016/17 and requesting the Committee's approval for its inclusion in the Annual Report for the Fund. Appendix 1 to the report contained the Pensions Administration Performance for 2016/17 as it would be included in

the Fund's Annual Report and Accounts. During 2016/17 there had been an increase in the number of payments being received late when compared to 2015/16, with late payments being made by Live Borders and Jedburgh Leisure Facilities Trust. Performance in general had been comparable with the previous year. The issuing of benefit statements in August 2016 was achieved again despite the challenge of the inclusion of CARE for the first time and estimates provided being on par with the previous reporting year. There had been another successful Employer Liaison meeting held during 2016/17 and agreement reached that this would be a useful event to hold on an annual basis. Mr Angus, HR Shared Services Manager, was in attendance and advised that there were two areas which needed improvement going forward - responses to Annual Benefit Statement queries and Transfers in and out of the Fund.

#### **DECISION**

- (a) NOTED the Pension Administration Performance for 2016/17 as set out in Appendix 1 to the report.**
- (b) AGREED the inclusion of the Pension Administration Performance 2016/17 in the Pension Fund Annual Report and Accounts 2016/17.**

#### **8. TRAINING PLAN 2017/18**

8.1 There had been circulated a report by Chief Financial Officer comparing the actual 2016/17 attendance for Pension Fund Committee and Pension Board members with the requirements detailed in the current Training Policy approved in June 2016. The report proposed key areas of training for 2017/18 in-line with the policy and based on the Skills Knowledge assessment recently undertaken. In December 2016 the Pension Fund Committee and Board agreed that completion of the Pension Regulator Trustee Toolkit should be a mandatory requirement for all members. The Training Policy had been updated to reflect this and a copy of the revised policy was contained in Appendix 1 to the report. In line with this Policy, the Pension Fund agreed to undertake an annual knowledge and skills self-assessment which would identify key areas for the future year's training plan. The Training Knowledge and Skills Assessments had been undertaken in May 2017 and was summarised in Appendix 2 to the report. The proposed Training areas for 2017/18 were summarised in paragraph 6.2 of the report and members were strongly encouraged to actively participate in all training events to demonstrate their commitment to building the knowledge to support effective decision making.

8.2 Mrs Robb advised that each member must complete the Pension Regulator Trustee Toolkit within six months. Drop-in sessions would be arranged for any members requiring assistance completing the modules. The Toolkit would be forwarded to all members following the meeting. Mrs Robb further advised that the training programme for 2017/18 would cover: Financial Markets and Investment Products; Role of the Custodian; General Pension Fund Regulatory Environment and LGPS Regulatory Environment. All training events would be open to Pension Fund and Pension Board members.

#### **DECISION**

- (a) AGREED**
  - (i) The revised Training Policy in Appendix 1 to the report;**
  - (ii) The Training areas for 2017/18 set out in paragraph 6.2 of the report and that all members should prioritise attendance at training events wherever practicable; and**
  - (iii) To forward the Pension Regulator Trustee Toolkit to all members.**
- (b) NOTED**
  - (i) The outcome of the Knowledge and Skills Self-Assessment; and**

**(ii) The mandatory requirement for completion of the Pension Fund Regulator Trustee Toolkit.**

**9. BUSINESS PLAN 2017/2018 - 2019/2020**

- 9.1 There had been circulated a report by Chief Financial Officer which proposed the Pension Fund Business Plan 2017/18 – 2019/20. Best practice suggested that having a Business Plan for the Pension Fund was a good way of demonstrating compliance with the “Myners Principle” relating to effective decision making. Appendix 1 to the report, contained the first Pension Fund Business Plan, covering the period 2017/18 - 2019/20. The Business Plan 2017/18 – 2019/20 identified an Action Plan which would be delivered during the next three years to support the aims and objectives of the Pension Fund.
- 9.2 The Committee and Board noted that resource constraints had resulted in delays to the implementation of the Communication Strategy. It was acknowledged that external expertise would be beneficially to progress the Strategy. It was agreed to request officers investigate options to deliver the Communication Strategy and report back to the next meeting.

**DECISION**

**AGREED**

- (a) **The Pension Fund Business Plan 2017/18 – 2019/20 as set out in Appendix 1 of the report; and**
- (b) **To report back to the next meeting options for delivery of the Communication Strategy and an action plan for implementation.**

**10. RISK REGISTER UPDATE**

- 10.1 With reference to paragraph 5 of the Minute of 16 March 2017, there had been circulated a report by Chief Financial Officer which formed part of the risk review requirements and provided the Pension Fund Committee and Pension Board with a full register and proposed management actions to mitigate risks. Identifying and managing risk was a corner stone of effective management and was required under the Council’s Risk Management Policy and process guide and CIPFA’s guidance “Delivering Governance in Local Government Framework 2007”. It was further reflected and enhanced in the “Local Government Pension Scheme” published by CIPFA. A full risk workshop was held on 10 May 2017, the output of this was shown in Appendix 1 to the report. In line with the Council’s Risk Management Policy (2015) a report to be presented at the September 2017 meeting would report progress on the management actions and present any new risks for consideration.
- 10.2 Members discussed Risk 4.1, relating to changes in the composition of Pension Fund membership, which might result in there being insufficient assets in the Fund to meet future liabilities. Mr Robertson advised that one of the options being considered for this Risk was changing the Fund’s Strategy to realise more income generating assets. Mr Robertson further advised that the impact of early retiral requests on the Pension Fund were also being closely monitored. Regarding Risk 6.2 – changes in legislation and regulatory frameworks which might impact adversely on the Fund, the risk was being managed by participation in CIPFA and the Scottish Pension Network, which ensured changes and impacts could be identified quickly.

**DECISION**

**AGREED:-**

- (a) **The updated Full Risk register as contained in Appendix 1; and**
- (b) **To an update on progress of management actions to be presented in September 2017.**

11. **DRAFT ANNUAL REPORT (INCLUDING ANNUAL ACCOUNTS)**

There had been circulated a report by Chief Financial Officer presenting the draft Annual Report and Accounts for 2016/17 prior to submission to Audit Committee and external auditors. The Local Government Pension Scheme Amendment (Scotland) Regulations 2010 specified the elements which must be contained in paragraph 4.1 of the report. The draft Report and Accounts were still subject to Audit, which would commence early July. Following the statutory audit process the final Report and Accounts would be circulated to the joint Committee and Board. Mr Robertson advised that 2016 had seen the Funds value increase, outperforming the benchmark by 1.0%, with closing net assets of £655.4m net. The Triennial Valuation in 2014 determined a funding level of 101% a major contributor to this improvement has been the strong investment performance the Fund has achieved over the last three years. In answer to a question regarding the current funding level, Mr Robertson advised that initial discussion with the Actuary indicated that the position was stable with no decline in funding levels.

**DECISION**

**NOTED the Pension Fund Annual Report and Accounts 2016/17 contained in Appendix 1 to the report, prior to submission to Audit and Scrutiny Committee and the subsequent statutory audit process.**

12. **INFORMATION UPDATE**

12.1 There had been circulated a briefing note by Chief Financial Officer together with the May 2017 Scheme Advisory Bulletin, summarised below:

12.2 **Tri-Annual Valuation**

The next valuation would take place in 2017 based on 31 March 2017 data. The final outcome of the valuation would be presented to the December meeting.

12.3 **On Boarding of New Managers**

The Joint Committee and Board approved and had appointed Blackrock for Long Lease Property and Permira and Partners for Private Credit.

12.4 **Investment in Infrastructure**

One possible investment opportunity had been considered but due to the vacancy of Pension Fund Committee Chair, the Fund was unable to make the necessary commitment within the required timeframe.

12.5 **ERP Implementation**

ERP went live on 1 April 2017. A strategy had still to be developed to enable pensioners to have access to view their payslips online.

12.6 **Scheme Advisory Board Update**

A discussion had been held on the structure of LGPS funds and the Scheme Advisory Board had been agreed to present their report to Ministers with no specific recommendations.

12.7 Following the recent local elections, the membership of the Scheme Advisory Board representing the employer side was still unknown.

12.8 **Future Meeting Dates**

Joint Pension Fund and Pension Board meetings were scheduled for:

Thursday, 14 September 2017  
Thursday, 7 December 2017  
Thursday, 8 March 2018  
Thursday, 14 June 2018

- 12.9 Performance and Investment Sub-Committees would be held on Monday, 21 August 2017 and Monday 26 February 2018.

**DECISION**

**NOTED** the information update.

13. **ITEMS LIKELY TO BE TAKEN IN PRIVATE**  
**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**

14. **MINUTE**  
The Committee noted the Private Minute of the meeting of 16 March 2017.
15. **QUARTER PERFORMANCE UPDATE TO 31 MARCH 2017**  
The Committee noted a Private report by KPMG.

*The meeting concluded at 3.35 pm*



# SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTE of Meeting of the PENSION BOARD held in Committee Room 2, Council Headquarters, Newtown St Boswells on Thursday, 22 June 2017 at 3.45 pm

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Present:- Councillors Mr E Barclay, Mr M Drysdale and Ms L Ross.  
Apologies:- Councillors S. Aitchison, Mr C Hogarth, Ms K M Hughes, Mr P Smith and Ms C Stewart.  
In Attendance:- Capital and Investments Manager

1. **NOTE**

As the meeting was not quorate, any items requiring a decision would be presented at the next Pension Board meeting.

**DECISION NOTED.**

2. **APPOINTMENT OF CHAIR AND VICE CHAIR**

To appoint a Chair and Vice Chair at the next Pension Board meeting.

**DECISION NOTED.**

3. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 16 March 2017.

**DECISION NOTED for approval at the next meeting.**

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

The Board discussed each element tabled at the joint meeting of the Pension Fund Committee and Pension Board. The Board advised that the joint meeting had covered a great deal of information and there had been interesting debate which had been very informative. There were no actions arising from the meeting which they wished to discuss further. Mrs Robb discussed the Pension Fund Investment and Performance Sub-Committee meeting scheduled for 21 August 2017. The two representatives from the Pension Board were Mr Campbell Hogarth and Mr Pete Smith. The Sub-Committee meeting was held in Edinburgh and was an opportunity for members to receive presentations from the Pension Fund's Investment Advisors and ask questions of the Advisors. The meeting usually commenced at 10.00 am and concluded at approximately 5.30 pm, this meant that the Board representatives might not be able to attend. It was requested that if either of the two Board representatives were unable to attend then they were to advise officers as soon as possible. It was also requested that Mr Hogarth advise officers of his substitute.

**DECISION NOTED.**

5. **DATES OF FUTURE MEETINGS**

To note future meeting dates for Pension Board:-

Thursday, 14 September 2017

Thursday, 7 December 2017

Thursday, 8 March 2018

Thursday, 14 June 2018

**DECISION  
NOTED**

*The meeting concluded at 3.50 pm.*

**MEETING**

- Date:** 22 June 2017 from 12.50 to 13.55 p.m.
- Location:** Council Chamber, Scottish Borders Council, Council Headquarters, Newtown St Boswells
- Attendees:** Councillor Mark Rowley (SBC) [Chair]  
Councillor Sandy Aitchison (SBC)  
Councillor Stuart Bell (SBC)  
Mr David Gordon (Waverley Housing)  
Mrs Marjorie Hume (Third Sector)  
Mr Tony Jakimciw (Borders College)  
Councillor Watson McAteer (SBC)  
Mr Alistair McKinnon (Scottish Enterprise)  
Superintendent Jim Royan (Police Scotland)  
Mr Tim Patterson (NHS Borders)
- Also in attendance:** Colin Banks, Jenni Craig, Rob Dickson, Tracey Logan, Shona Smith, Elaine Torrance, Jenny Wilkinson (all SBC); Gina Dickson (Community Safety Unit).

**MINUTE AND ACTION POINTS**

- 1. Apologies**  
Apologies had been received from Mr David Farries (Scottish Fire & Rescue), Mr John Raine (NHS) and Ms Rita Stenhouse (Waverley Housing).
- 2. Minutes of Previous Meetings of the Community Planning Strategic Board**
  - 2.1 The Minute of the meeting of the Community Planning Strategic Board held on 24 November 2016 had been circulated.  
**AGREED to approve the Minute.**
  - 2.2 The Minute of the meeting of the Community Planning Strategic Board held on 9 March 2017 had been circulated.  
**AGREED to approve the Minute.**
- 3. Action Tracker**  
The Action Tracker had been circulated.  
**Noted.**
- 4. Local Outcomes Improvement**
  - 4.1 Colin Banks, SBC Lead Officer for Localities, gave a brief overview of the requirements within Part 2 of the Community Empowerment (Scotland) Act 2015, for each Community Planning Partnership to publish a Local Outcomes Improvement Plan and report progress annually; and divide the area of the local authority into smaller areas, identifying those experiencing significantly

poorer outcomes than those elsewhere, and publish a Locality Plan for each area, reporting on progress annually. These Plans required to be published by 1 October 2017. The Plans also needed to show an understanding of local needs, circumstances and aspirations of communities; how participation by communities, business and the third sector had helped to develop and influence this understanding; clear and agreed priorities for improving local outcomes and tackling inequalities; short (1 year), medium (3 years) and long term (10 years) outcomes; and how community planning partners were deploying resources in support of the agreed outcomes.

**Noted.**

#### 4.2 **Draft Local Outcome Improvement Plan (LOIP)**

Mr Banks continued with his presentation on the Draft LOIP which covered the Vision for the Plan "by working with our communities and through targeted partnership action the quality of life will improved for all who live in the Scottish Borders" which was set against the context of population projections. There were 5 themes in the Plan: our ageing population; our children & young people; our vulnerable adults and families; our health and wellbeing; and our economy and skills. The LOIP looked at Borders-wide issues, while Locality Plans would look at specific issues within particular communities. A range of information sources - including national and local statistics, community views, and professional knowledge and expertise - was used to help identify inequalities and differences to give an understanding of the key issues and challenges and arrive at the outcomes for each of the 5 themes in the Plan. An example was then given of an outcome. To support the delivery of the outcomes, the Partnership would also adopt a number of principles/ways of working. In February/March 2017, community views were sought in a variety of ways - the Scottish Borders Household survey; community events and breakfasts; our place surveys; Instagram; and graffiti wall posters (like, dislike, change) from youth groups. There was a need to look further into greater use of social media in future, with an example given of the approach being taken by Perth and Kinross Council which was mainly on-line, dynamic and interactive. Feedback would now be requested from the Strategic Board, with public consultation on the LOIP starting in mid-July to the end of August. Timescales were flexible but Plans had to be published by the statutory deadline of 1 October 2017.

#### 4.3 **Locality Plans**

With regard to Locality Plans, a similar approach and template would be used as that of the LOIP. This would include local evidence and resources, as well as local outcomes and priorities, which could differ from those in the LOIP. The draft Plans would need to be presented to the Strategic Board after wider public consultation.

- 4.4 Members of the Board discussed both the LOIP and the Locality Plans. Reference was made to the challenging timescale for production and publication of the Plans and the importance of getting the views of the community, in as innovative a way as possible, to ensure engagement and ownership. SBC Chief Executive, Tracey Logan, confirmed that the aim was to have enough content and outcomes in the Plans to be able to publish by the due date as a starting point, but the documents would be dynamic and outcomes/information added as localities got to work. Links to other relevant pre-existing plans would also be included so that there was as flat a structure as possible to avoid confusion. Elaine Torrance gave some details of the engagement which had been undertaken during the production of the 5 Health and Social Care Locality Plans which could be used to inform this process. The best solution was to have one

portal to access all plans and drill down further from there with links to other sites. It was recognised that those who would benefit most from this were those hardest to reach so everything needed to be simple, accessible, and readable. It was confirmed that online access would allow people to participate to build the plan and local forums would be used for face to face engagement and to establish which groups needed to be contacted and involved. Information would also be available in a variety of formats - including print - for local distribution to a wide range of places such as doctors' surgeries, libraries, leisure centres, SBConnect (the Council newspaper), etc. which would take cognisance of those who did not access information online. Jenni Craig, SBC Service Director Customer & Communities, confirmed that there would be a range of stakeholders involved in any consultation exercise and officers would be available to come and speak to Groups over summer and into September. Care would need to be taken that with a number of consultations underway at any given time that there was some cohesion so communities did not suffer "consultation fatigue". A further point for consideration was the demographics of the Borders so there needed to be a balance in terms of outcomes.

**Action:**

**AGREED that a copy of the presentation be issued to members of the Board with the Minute of the meeting.** **Jenny Wilkinson**

*Note: Councillor McAteer left the meeting at 1:30 p.m.*

**5. Integrated Children and Young People's Plan in the Scottish Borders 2017 - 2020**

A copy of the Integrated Children and Young People's Plan in the Scottish Borders 2017 – 2020 had been circulated. SBC Service Director Children & Young People, Donna Manson, presented the Plan, which set out the strategic direction for services, with clear priorities to create opportunities and conditions so that children and young people had the best start in life. The Plan had been developed through the Children and Young People's Leadership Group, comprising key stakeholders who delivered services, including from the Council, NHS Borders, Police Scotland, Scottish Children's Reporters Administration (SCRA) and the Third Sector (Youth Borders). As well as giving details on the vision and priorities for integrated services in the next 3 years, the Plan also gave details on workforce planning, resourcing and commissioning, ensuring priorities were achieved and outcomes improved, along with engagement and consultation. A huge commitment had been shown by young people to the development of the Plan. An example was given of how the Child Protection Committee had completely changed the way it engaged with young people, with set dates for the Chair to meet with young people and the development of priorities, which contained challenges e.g. young carers may not want to be identified as such. All in all, the Plan represented a much more inclusive approach with children and young people.

**Noted.**

**6. Community Justice Outcomes Improvement Plan 2017 - 2020**

A copy of the Community Justice Outcomes Improvement Plan 2017 – 2020 had been circulated. Elaine Torrance, Service Director NHS/Social Work Integration, presented the Plan, which was a requirement of the Community Justice (Scotland) Act 2016. The Plan set out how the community justice partners intended to work together to fulfil their responsibilities in achieving the 7 common community justice outcomes:

- communities improve their understanding and participation in community justice;

- partners plan and deliver services in a more strategic and collaborative way;
- people have better access to the services they require, including welfare, health and wellbeing, housing and employability;
- effective interventions are delivered to prevent and reduce the risk of further offending;
- life chances are improved through needs, including health, financial inclusion, housing and safety being addressed;
- people develop positive relationships and more opportunities to participate and contribute through education, employment and leisure activities; and
- an individual's resilience and capacity for change and self-management should be enhanced.

A significant amount of work had gone on over the previous 18 months and the Plan was now ready for final endorsement by the Board. Mrs Torrance explained that an Action Plan was included which gave details of improvement actions along with timescales and an annual report would be provided to the Board on progress. The production of the Plan had used a partnership approach and actions merged with those in other Plans. In response to a question about putting targets against outcomes on baseline quantitative indicators to allow effective monitoring, it was confirmed that this was being investigated, and further guidance was expected to come out nationally. The Board considered how more young people could become involved in developing and engaging with this and other Plans. Ms Logan advised that the Council's Corporate Management Team had committed to having meetings in schools and inviting pupils to come and talk to Directors about issues within their own areas, not just in schools, and this could be extended to a public engagement exercise. Other partner organisations could also follow this example.

**Action:**

**AGREED to endorse the Community Justice Outcomes Improvement Plan 2017 – 2020.**

**7. Equally Safe 2016 - 21**

A copy of the Equally Safe – Scottish Borders Strategy for preventing and eradicating violence against women and girls 2016 - 2021 had been circulated. Elaine Torrance, Service Director NHS/Social Work Integration, presented the Plan, which had been developed as a local follow up to the Scottish Government's Equally Safe Strategy 2014. The Strategy had 4 priorities, underpinned by partnership activity:

- Scottish society embraces equality and mutual respect, and rejects all forms of violence against women and girls
- Women and girls thrive as equal citizens – socially, culturally, economically and politically
- Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children and young people
- Men desist from all forms of violence against women and girls and perpetrators of such violence receive a robust and effective response.

Equally Safe aimed to tackle the causes and consequences of gender based violence, holding perpetrators more accountable and addressing the societal attitudes that perpetrated gender based violence. An Action plan on the delivery of the Strategy would be considered at a future Board meeting. Superintendent Royan commented on the challenges of the online environment, including social media, which was an emerging issue for the Police.

**Action:**

**AGREED to endorse "Equally Safe 2016 – 21" – the Scottish Borders Strategy for preventing and eradicating violence against women and**

**girls – for implementation.**

**8. AOCB**

Mr Jakimciw referred to a previous meeting of the Board where there had been discussion on the possibility of having a presentation to the Board on horizon scanning of issues affecting the Borders. Ms Logan advised that a piece of work could be carried out by the Joint Delivery Team to produce this for presentation to the Board.

**Action:**

**AGREED that the Joint Delivery Team would carry out a piece of work on horizon scanning of issues affecting the Borders and bring a presentation to the Strategic Board.**

**Tracey Logan**

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# SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTES of Meeting of the GALASHIELS  
COMMON GOOD FUND SUB COMMITTEE  
held in Council HQ, Newtown St Boswells on  
Thursday, 22 June 2017 at 5.10 pm

Present:- Councillors S Aitchison, A Anderson, E Jardine and H Scott.  
Community Councillor R Kenney.  
In Attendance:- Managing Solicitor - People and Court (C Donald), Senior Finance Officer (J  
Yallop), Democratic Services Officer (P Bolson).

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## 1. **APPOINTMENT OF CHAIRMAN**

As this was the first meeting of the Galashiels Common Good Fund Sub-Committee following the Local Government Election in May 2017, nominations were invited for the role of Chairman of the Sub-Committee. Councillor Aitchison was proposed by Councillor Scott and seconded by Councillor Jardine. Councillor Aitchison was duly appointed as Chairman. Nominations were also invited for the role of Vice-Chairman. Councillor Scott was proposed by Councillor Jardine and seconded by Councillor Anderson. Councillor Scott was duly appointed as Vice-Chairman.

### **DECISION**

**AGREED that as there were no other nominations, Councillor S Aitchison was duly appointed as Chairman and Councillor H Scott was appointed as Vice-Chairman.**

## 2. **MINUTE.**

There had been circulated copies of the Minute of 9 March 2016.

### **DECISION**

**NOTED the Minute for signing by the Chairman.**

## 3. **FINANCIAL MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2017**

- 3.1 There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the twelve months to 31 March 2017, including the balance sheet values for the period and proposed budget for 2017/18. Mr Yallop highlighted the main points of the report and appendices. Appendix 1 to the report provided the actual Income and Expenditure position for 2016/17, showing a surplus of £3,346. This varied from the projected deficit reported in March 2017 and was due to lower than anticipated property costs and no grant expenditure. A surplus of £2,630 was projected for 2017/18. Mr Yallop also advised that following legal clarification, it had been agreed in 2016/17 that all remaining assets that belonged to the Ladhope Estate Trust would be transferred to Galashiels Common Good and on 1 April 2016, the Newton Investment of £123,254 was transferred and the unrealised gain on this investment was recognised within the Common Good Investment at 31 March 2017. Appendix 2 to the report detailed the Balance Sheet value as at 31 March 2017 and showed an increase in the reserves of £94,771 and noted that this was due mainly to the transfer of Ladhope Trust Fund assets and the annual depreciation charge. The breakdown of the property portfolio showing the depreciation charge for 2016/17 was shown in Appendix 3. Appendix 4 provided details of investments externally managed in the Newton Real Return Fund, showing an increase of £4,753 from total cash invested and Appendix 5 contained a graph produced by KPMG on how the Fund had performed against that of its peers to 31 March 2017. Mr Yallop explained that Members had expressed concern previously about the Newton Fund's performance over Quarters 3 and 4 in 2016. Given that previous performance, Members were advised that the Fund continued to be

monitored closely and noted that the Fund's performance had improved during the most recent quarter.

- 3.2 Discussion followed and Members requested confirmation on a number of points. Mr Yallop advised that the Newton Fund was selected in 2013 as a dividend growth model designed to preserve Capital and produce dividends. It was acknowledged that there were other, better-performing Funds available and a further report would be forthcoming from KPMG in relation to the Newton Fund going forward.

#### **DECISION**

**(a) NOTED within the appendices to the report:-**

- (i) the actual income and expenditure for 2016/17 in Appendix 1;**
- (ii) the final Balance Sheet value as at 31 March 2017 in Appendix 2;**
- (iii) the summary of the property portfolio in Appendix 3; and**
- (iv) the current position of the investment in the Newton Fund in Appendix 4; and**
- (v) the short, medium and long term performance of the Newton Fund against its peers in Appendix 5.**

**(b) AGREED the proposed budget for 2017/18 as detailed in Appendix 1.**

4. **TREE PLANTING NEXT TO GALASHIELS GOLF CLUB, LADHOPE**

With reference to paragraph 4 of the Minute of 9 March 2017, Ms Annabel Phipps, Estates Surveyor, was in attendance at the meeting to update the Committee and answer any questions. As an introduction, Ms Phips provided background to this item, explaining that in May 2016, the proposals that were being put forward had been agreed in principle and that a public consultation had then taken place. Costings, along with a final design were now being prepared and the Chairman requested that a report be submitted to the next meeting of the Sub-Committee to include a final map/plan and details of the funding arrangements. Ms Donald added that there were still contractual issues to be agreed such as which organisation would be responsible for the planting and clarity about maintenance of the areas once planted. Ms Phips confirmed that the Galashiels Common Good would own the trees and other facilities such as biking tracks would follow. She also confirmed that footpaths were already included in the current Plan.

#### **DECISION**

**(a) NOTED report.**

**(b) AGREED that the final design and funding arrangements be brought to the next meeting the Galashiels Common Good Sub-Committee.**

5. **TIME OF MEETINGS**

The commencement time for future meetings was discussed and Members agreed that meetings would now begin at 5.30pm.

#### **DECISION**

**AGREED that future meetings would commence at 5.30pm**

***The meeting concluded at 6.00 pm***

# SCOTTISH BORDERS COUNCIL EILDON LOCALITY COMMITTEE

MINUTES of Meeting of the EILDON LOCALITY COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells on Thursday, 22 June 2017 at 6.30 pm

Present:- Councillors G. Edgar, S. Aitchison, A. Anderson, M. Ballantyne, K. Drum, E. Jardine, H. Scott and E. Thornton-Nicol.  
Community Council representatives:- R Kenney (Galashiels), D & R Purvis (Tweedbank), Representative - Earlston, J Mackenzie (Stow), R French (Newtown & Eildon), J Williams (Heriot), I King (Selkirk), A Smith (Lauderdale).

Apologies:- Councillors T. Miers and D. Parker. Ettrick & Yarrow Community Council.

In Attendance:- Engineering Design Manager (P Frankland), Neighbourhood Area Manager (C Blackie), Democratic Services Officer (P Bolson), Assistant Engineer – Roads (Gary Haldane), Inspector A Hodges (Police Scotland), Station Manager S Mitchell (Scottish Fire & Rescue Service).

2 members of the public.

## 1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present to the first meeting of the new Eildon Locality Committee and invited everyone to introduce themselves.

## 2. **LOCALITY COMMITTEES**

The Chairman advised that the Area Fora were now known as Locality Committees. He gave a brief explanation of the role and responsibilities of the Locality Committees and advised that the detail of how they would operate would be developed over the coming months. Further information would be presented in due course and updates provided when available.

**DECISION  
NOTED.**

## 3. **APPOINTMENT OF VICE-CHAIR**

The Chairman invited nominations for the role of Vice-Chair. Councillor Thornton-Nicol was proposed by Councillor Aitchison and seconded by Councillor Drum. There were no other nominations and Councillor Thornton-Nicol was duly appointed as Vice-Chair.

**DECISION  
AGREED that as there were no other nominations, Councillor E Thornton-Nicol was appointed as Vice-Chair.**

## 4. **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.**

## 5. **PARTNER UPDATES**

### 5.1 **Scottish Fire and Rescue Service (SFRS)**

There had been circulated copies of a report to inform the Eildon Locality Committee of the SFRS activity since 9 March 2017. Stephen Mitchell, Station Manager at Galashiels was present at the meeting to provide clarification and answer questions. Following a summary of Response and Resilience activity, the report went on to list and detail areas of partnership working and ongoing Prevention and Protection work in the Eildon area. SFRS staff in all stations continued to provide free home fire safety visits all year round, focussing on identifying and reducing the risks of fire in the home and as part of this service, smoke detectors with a 10 year battery life were also provided as required. Staff also continued to deliver road safety awareness training to students from Borders College and this year on year initiative delivered during the academic year targeted young drivers and prospective drivers from across the entire Scottish Borders. SFRS staff were also supporting the Under 17s Borders Drivewise Project, which would be delivered over 14 days from April to October at Charterhall airfield near Duns. All 9 secondary schools were participating and it was anticipated that around 700 students would receive driver awareness and road safety training as a result of the initiative. All stations continued to participate in the British Heart Foundation initiative which delivered CPR training to the public on a request basis, building resilience and driving down the number of cardiac fatalities within the community. SFRS was working in partnership with the TD1 Youth Hub in Galashiels and Community Learning Development in planning the delivery of a second programme of an award-winning diversionary initiative to a further eight students over the summer months. Staff from SFRS also maintained their mentoring role of a young person from the TD1 project. Primary 6 pupils were engaged in the Firesharp initiative which provided face to face education within local primary schools on matters of fire risk and prevention. SFRS actively built on and developed partnerships and the report summarised work ongoing in these areas. Moving into summer, the seasonal community safety calendar and thematic action plan would focus on:- deliberate fire setting and fire-related anti-social behaviour; summer safety; water safety; and wildlife and outdoor fire safety. With regard to the SFRS retained duty system, the report advised that the service was currently seeking to recruit firefighters at the Galashiels Community Fire Station. There had also been circulated the SFRS Scottish Borders Local Fire and Rescue Plan Review 2014 – 2017 which would inform the planning process for the 2017-20 plan due for publication in late 2017. Station Manager Mitchell asked that any comments be directed to him as detailed in the document. The Chairman thanked Station Manager Mitchell for his attendance.

## 5.2 **Police Scotland**

Inspector Tony Hodges was in attendance to give a presentation detailing the Community Policing structure within “J” Division, including maps of the areas for information. The presentation summarised the geographical coverage of the Eildon area and across “J” Division (Lothians and Scottish Borders) as a whole. Inspector Hodges explained that “J” Division comprised East, Mid and West Lothians and the Scottish Borders. “J” Division was headed by Divisional Commander CS Ivor Marshall, with Chief Inspector Andy McLean being Commander for the Scottish Borders area. Within the Division were a number of Community Policing Teams and Response Policing Teams. The Scottish Borders area was based on three geographical divisions (namely North, East and South), each with its own Inspector, Sergeant, Community Beat Officers (CBOs) and Youth Community Officers (YCOs). Eildon area was part of the North Community Policing Area (NCPA) which covered Galashiels, Peebles, Eddleston, Innerleithen, Walkerburn, West Linton, Broughton, Melrose and Tweedbank; Inspector Hodges and Sergeant Duncan Marker and their team of seven CBOs and two YCO were based in the NCPA. The presentation listed the individual CBOs and YCOs and the areas they covered. Inspector Hodges advised that the new locality-based Scottish Borders Local Policing Plan would, going forward, be linked to SBC’s Local Outcome Improvement Plan. Discussion on this followed and Inspector Hodges explained that the way in which Police Scotland reports were presented to the Committee was likely to change, eg the basis of the reports might focus on a small number of key trends or issues of interest within the community, with others added by making contact with Inspector Hodges directly. With regard to attendance at Community Council meetings, Members were advised that there was no

formal requirement for CPOs to be in attendance however they did so whenever shift availability allowed. It was suggested that perhaps CPO attendance could be targeted to when there were specific concerns within a particular area. Inspector Hodges clarified a number of issues raised by Members and confirmed that there were no armed officers currently based in the Scottish Borders. Members were advised that Inspector Hodges' presentation would be circulated for information in due course.

**DECISION**

**NOTED the updates.**

**6. MINUTE**

There had been circulated copies of the Minute of 9 March 2017.

**DECISION**

**NOTED for signature by the Chairman, subject to an amendment in the sederunt for the meeting.**

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

There had been circulated copies of a report by the Service Director Assets and Infrastructure informing the Committee of small schemes which had been put forward for consideration by the Eildon Elected Members. Mr Craig Blackie, Neighbourhood Area Manager, was in attendance and circulated a further document at the meeting entitled "How can we help you?" This summarised the work of Neighbourhood Operations and highlighted the ways in which the team could assist Members. The report advised that the current budget available for Small Schemes in the Eildon area was £48,200 and that £33,770 would remain should all the proposed schemes be approved. In response to questions from Members, Mr Blackie summarised the Neighbourhood Small Schemes and Quality of Life Scheme and explained how requests from the budgets were raised and processed. He further explained that some schemes were time critical and any projects previously approved would be carried forward and the budget ring-fenced as appropriate.

**DECISION**

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

(i)	<b>Replacement of the existing bus shelter on Tweedbank Drive, Tweedbank</b>	<b>£10,200</b>
(ii)	<b>White line the car park, Neidpath Court, Tweedbank</b>	<b>£200</b>
(iii)	<b>Install two dropped kerbs, Marigold Drive, Langlee</b>	<b>£1,800</b>
(iv)	<b>Provide a new timber bench, The Green, Midlem</b>	<b>£200</b>
(v)	<b>Construct a disabled access to the allotments, Tweedbank (Joint scheme with Criminal Justice Team)</b>	<b>£300</b>
(vi)	<b>Construct footpath improvements, Eildon Hills walkway</b>	<b>£1,430</b>

**(b) AGREED to delegate authority to the Service Director for Assets and Infrastructure to allocate funds for small schemes in 2017/18, subject to consultation with all ten Eildon Members and approval by at least five Eildon Members.**

**8. SCOTTISH BORDERS COUNCIL (MARKET PLACE, SELKIRK) (REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 2017**

There had been circulated copies of a report by the Service Director Assets and Infrastructure which sought approval for the redetermination of the public right of passage over areas of carriageway and footway in and adjacent to Market Place, Kirk Wynd and the A7 in Selkirk Town Centre all as contained in the draft Order and plan contained in Appendices A and B to the report. The Selkirk Streetscape Scheme involved the removal of circulating buses from around the Walter Scott Monument in Market Place by providing linear bus stops adjacent to the main A7 carriageway. The Scheme had been designed to remove conflict between buses and passengers at the bus stops, allowing greater, improved pedestrian areas whilst retaining a car parking area in Market Place. Members were advised that the Scheme had been available for viewing during public exhibition and that draft Orders had been published in May 2017 with no objections noted.

#### **DECISION**

**APPROVED the making and confirming by the Chief Legal Officer of the Scottish Borders Council (Market Place, Selkirk) (Redetermination of Means of Exercise of Public Right of Passage) Order.**

#### **9. VARIOUS STREETS, SELKIRK - TRAFFIC REGULATION ORDER**

With reference to paragraph 5 of the Minute of 9 March 2017, there had been circulated copies of a report by the Service Director Assets and Infrastructure proposing to amend the Traffic Regulation Order for Selkirk. Mr Gary Haldane, Assistant Engineer was in attendance and explained that amendments to the Scottish Borders Council (The Burgh of Selkirk (Prohibition and Restriction of Waiting and One-Way Traffic Working) Order 1972 had been approved by the Eildon Area Forum on 9 March 2017, subject to no objections being received during the consultation period. Comments had been received and the proposal for Hallywell Hill/Douglas Place had now been re-evaluated on that basis. It was now proposed to retain 10 metres of No Waiting At Any Time near to the junction (as per the Highway Code) and change the remaining 13 metres to a single yellow line restricting parking between 8.30am and 5.30pm from Monday to Friday, as detailed in Appendix A to the report. No changes were proposed to the Order with regard to comments received in relation to Glebe Terrace and Market Place. Discussion followed and officers provided clarification on queries raised by Members.

#### **DECISION**

- (a) APPROVED the amendments to the Scottish Borders Council (The Burgh of Selkirk (Prohibition and Restriction of Waiting and One-way Traffic Working) Order 1972); and**
- (b) AGREED to delegate authority to the Chief Legal Officer to implement the Traffic Regulation Orders.**

#### **10. OPEN QUESTIONS**

There were no open questions.

#### **DECISION NOTED.**

#### **11. COMMUNITY COUNCIL SPOTLIGHT**

- 11.1** The representative from Stow Community Council advised that the speed warning signs on lamp posts in Stow, similar to those on wheelie bins, had been removed. It was unclear why these signs had been removed and by whom. The Chairman would investigate this matter and report back in due course.

#### **DECISION NOTED.**

- 11.2 Newtown St Boswells Community Council raised concerns in relation to the development of the Health Centre and associated issues such as house building. No response had been received following recent correspondence to the Associate Director for Primary and Community Services. As the Health Board was not represented at tonight's meeting, Councillor Ballantyne would follow this matter up and provide an update in due course.

**DECISION  
NOTED.**

- 11.3 The representative from Heriot Community Council raised concern about the underpass at Heriot and how maintenance was managed, particularly during the winter months. Discussion followed with regard to which organisations were responsible for maintenance and it was explained that Scottish Borders Council and/or Network Rail were likely to be part of the arrangement. There was, however, a need for clarification to ensure consistency and Councillor Ballantyne and Cllr Edgar agreed to investigate this matter further.

**DECISION  
NOTED.**

12. **DATES AND LOCATIONS OF FUTURE MEETINGS**

Discussion took place with regard to the location of future meetings of the Eildon Locality Committee and it was agreed that the location would alternate between the Transport Interchange in Galashiels and Council Headquarters in Newtown St Boswells. The next meeting would therefore be held on 14 September 2017 at the Transport Interchange. Further meetings were scheduled to take place on 7 December 2017 (Council HQ); 8 March 2018 (Transport Interchange); and 10 May 2018 (Council HQ).

**DECISION  
NOTED.**

***The meeting concluded at 7.40 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 Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 26 June, 2017 at 10.00 am

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

In Attendance:- Chief Planning Officer, Development Planning Manager, Principal Roads Planning Officer, Chief Legal Officer, Democratic Services Officers (F. Henderson and F. Walling).

1. **DECLARATION OF INTEREST**

Councillor Small declared an interest in Application 17/00087/FUL in terms of Section 5 of the Councillors Code of Conduct. He left the Chamber during consideration of the application.

2. **APPOINTMENT OF VICE CHAIRMAN**

The Chairman proposed and it was unanimously agreed that Councillors Sandy Aitchison, Andy Anderson and Scott Hamilton be appointed to serve, in rotation, in the role of Vice Chairman of the Committee.

**AGREED that Councillors S. Aitchison, A. Anderson and S. Hamilton be appointed to serve in rotation as Vice Chairman of the Planning and Building Standards Committee.**

3. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 24 April 2017.

**DECISION**

**APPROVED for signature by the Chairman.**

4. **APPLICATIONS.**

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

**DECISION**

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

5. **APPEALS AND REVIEWS.**

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

**DECISION**

**NOTED:-**

- (a) the Appeal decision in respect of discharge of planning obligation pursuant to planning permission 00/00244/OUT at Broadmeadows Farm, Hutton – 16/01284/MOD75;
- (b) enforcements in respect of :-
- (i) Non compliance with condition no 2 of 13/01142/FUL AT 80 High Street, Innerleithen – 14/00028/COND;
- (ii) erection of fence at 12 Merse View, Paxton – 16/00126/UNDEV
- (c) there remained five appeals outstanding in respect of:-

• Land North West of Whitmuir Hall, Selkirk	• 1 Borthwick View, Robertson, Hawick (Murphy-McHugh)
• 1 Borthwick View, Robertson, Hawick (Ramsay – 16/00146)	• 1 Borthwick View, Robertson, Hawick (Ramsay – 16/00105)
• Hartree House, Kilbucho	

- (d) Review requests had been received in respect of:-
- (i) the Erection of dog day care building, perimeter fence and associated works (retrospective) on Land South West of Milkieston Toll House, Eddleston – 16/00872/FUL;
- (ii) the Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP) on land North East of Dundas Cottage, Etrick, Selkirk – 16/01467/AMC;
- (iii) Erection of dwelling house on Land South of Balmerino, Ashkirk – 17/00005/PPP;
- (iv) Erection of two dwellinghouses on garden ground of Woodlands, Broomlee Mains, West Linton - 17/00044/PPP;
- (v) Erection of agricultural storage shed with welfare accommodation on Land West of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles – 17/00090/FUL;
- (vi) Erection of agricultural storage shed with welfare accommodation on Land West of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles – 17/00092/FUL;
- (vii) Erection of agricultural storage shed with welfare accommodation on Land West of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles – 17/00093/FUL;
- (viii) Erection of agricultural storage shed with welfare accommodation on Land West of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles – 17/00094/FUL
- (ix) Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works on Redundant Steading North West of Pots Close Cottage, Kelso – 17/00118/FUL

(e) the decision of the Appointed Officer had been upheld by the Local Review Body in respect of:-

(i) Erection of agricultural storage building with welfare accommodation in Field N00328 Kirkburn, Cardrona – 16/01464/FUL;

(ii) Erection of agricultural storage building with welfare accommodation in Field N00328 Kirkburn, Cardrona – 16/01506/FUL;

(iii) Erection machinery storage building in Field No 0328 Kirkburn, Cardrona – 16/01507/FUL

(iv) Erection of machinery storage building in Field No 0328 Kirkburn, Cardrona – 16/01513/FUL;

(f) there remained four reviews outstanding in respect of:-

• Land North West of Dunrig Spylaw farm, Lamancha, West Linton	• Danderhall Cottage, St Boswells, Melrose
• Land West of Former William Cree Memorial Church, Kirkburn, Cardrona, Peebles (17/0002/FUL)	• Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles (17/00028/FUL)

(g) Section 36 Public Local Inquiries Received in respect of Erection of 15 turbines 132 high to tip, access track, compound, permanent anemometer mast and 2 no borrow pits at Birneyknowe Wind Farm, Land North, South, East and West of Birnieknowe Cottage, Hawick

(h) there remained three S36 Public Local Inquiries outstanding in respect of the following :-

• (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir	• Fallago Rig 1, Longformacus
• Fallago Rig 2, Longformacus	

## 6. PLANNING PERFORMANCE FRAMEWORK 2016-17

There had been circulated copies of a report by the Service Director Regulatory Services which proposed approval of the Planning Performance Framework 2016/17 for submission to Scottish Ministers by 31 July 2017 and to grant delegated authority to enable the preparation of the final publication version of the document. The report explained that the Planning Performance Framework (PPF) was an annual performance report submitted to Scottish Government by all planning authorities in Scotland. The PPF highlighted how the planning service had delivered continuous improvement in service delivery, how it had performed when tested against 15 national performance markers and how it had responded to last year's RAG (Red, Amber, Green) report from Scottish Government. Due to time constraints imposed by Scottish Government to submit the document and the difficulty in gathering all of the required information and statistics (including critically the approved performance figures from Scottish Government) it had not been possible to present the finalised publication version of the document to Members. The PPF document attached at Appendix 1 to the report was a word version outlining the key text and case studies but only had limited photography and no graphics content. The approval of the document would enable the production of a publication version of the PPF in time for the submission to Scottish Ministers on 31 July 2017. It was

anticipated that, on the basis of the work undertaken and the performance delivered, this year's RAG report would eliminate the two Red ratings and move the service to an improved overall performance rating.

**DECISION**

**AGREED the Planning Performance Framework 2016/17 for submission to Scottish Ministers by 31 July 2017 and granted delegated powers to the Service Director Regulatory Services to prepare the final publication version of the document.**

**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 Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.**

**SUMMARY OF PRIVATE BUSINESS**

**8. MINUTE**

The Committee considered the private section of the Minute of 24 April 2017.

*The meeting concluded at 12.30 pm*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/012212/FUL	Installation of biomass boiler and associated cabinet (retrospective)	Ravelaw Farm Whitsome Duns

Decision - Approved subject to the following conditions:

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, in unless agreed in writing by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details

2 All combustion plant and associated flues shall be maintained and serviced in accordance with the manufacturer's recommendations. The combustion plant should only use fuel of a type and grade as specified by the manufacturer and which has been used for the basis of the air quality assessment. If different fuel arrangements are made the boiler shall be re commissioned to ensure that the assessed emissions are not exceeded.

Reason: To protect the residential amenity of nearby properties.

3 Any noise emitted by plant and machinery used on the premises shall 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.

4 All plant and machinery will be maintained and service 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

#### NOTE

Mr Adam Gaston spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00087/FUL	Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated landscaping works	Land North East of 3 The Creamery Dolphinton

Decision:- Continued to allow a site visit to be undertaken.

#### NOTE

Mr David King spoke against the application.

Mr Albert Muckley – Agent spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00299/FUL	Erection of dwellinghouse	Land South of Sunnybank, Forebrae Park Galashiels

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

1. No development shall commence on the erection of the dwellinghouse until the road link between Forebrae Park and Ellwyn Terrace has been formed in accordance with a surfacing, drainage and retaining wall specification first approved by the Planning Authority and in accordance with the detailed plans and sections approved under this consent. No works shall commence on the road link until notification has been provided in writing to the Planning Authority of the applicant's intention to commence work at least 14 days in advance of works commencing. All works on the road link must be carried out by a contractor approved by the Council before works commence  
Reason: In the interests of road and pedestrian safety and, with respect to retaining walls also in the interests of ensuring the works are visually appropriate
2. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved by the Planning Authority. The construction traffic within the control of the applicant shall be operated in accordance with the approved CTMP  
Reason: To maintain road and pedestrian safety
3. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development, and until a surface water drainage scheme has been submitted to and approved by the Planning Authority. Mains services and approved surface water drainage measures shall be operational prior to occupancy of the dwellinghouse  
Reason: To ensure the development can be adequately serviced
4. No development shall commence except in strict accordance with a scheme of soft landscaping and boundary treatment works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
  - i. location and detailed schedule of new trees, shrubs, hedges and grassed areas
  - ii. design details of new boundary treatments and of the retaining walls specified on the approved plans (notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended 2011) or any subsequent amendment or Order)
  - iii. a programme for completion and subsequent maintenance.
Reason: To visually integrate the development as sympathetically as possible with its context
5. No development shall commence until a schedule and samples of all external materials, finishes and colours of the house and hard standings (notwithstanding references on the approved plans and drawings) have been submitted to and approved by the Planning Authority. The development shall be completed using the approved schedule of materials, finishes and colours.  
Reason: To visually integrate the development as sympathetically as possible with its context

6. The house shall not be occupied until the access, parking/turning and footpath on the approved site plan have been provided in accordance with the approved plan, including specified gradients. The first six metres of the entrance shall comply with the Council's approved specification (see Informative Note). The access and parking/turning area shall be maintained free for the parking of at least two vehicles. Notwithstanding the right to erect gates within the scope of the General Permitted Development (Scotland) Order 1992 (as amended 2011), no gates shall be erected that open out over Forebrae Park.  
Reason: To ensure the development is adequately serviced with off-street parking and pedestrian access
7. Notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended 2011, or any subsequent amendment or Order) no window or door opening shall be formed within the elevation described as the east elevation on the approved drawings without a planning application having first been submitted to and approved by the Planning Authority  
Reason: To minimise risk to neighbouring amenity

#### Information for the applicant

1. The site has the potential to be occupied by nesting birds. Clearance of vegetation should be carried out outside the breeding season (generally March to August) unless the site is first checked beforehand. Disturbance of nesting birds is an offence under habitat legislation.
2. The first 6 metres of the entrance to the site should be constructed to the following specification: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
3. Potential effects of the development on the stability of the boundary wall to the southerly boundary should be established separately by the applicant's engineer, as well as potential effects on any other neighbouring structures. This consent does not account for physical risk of damage to the integrity of structures, as this is a matter regulated separately through the Building Warrant process. Any measures required to address this that would materially amend the development approved under this Planning Permission would require a fresh planning application.
4. Galashiels is within a Smoke Control Area. Any solid fuel heating appliance installed in the premises should only burn smokeless fuel. Alternatively, non-smokeless fuel may be used if the appliance is approved for use in a Smoke Control Area. The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.  
Within a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> . In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf) Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
17/00463/MOD75	Modification planning application pursuant of planning permission 06/00929/FUL	Land North of Softlaw Farm Kelso

Decision: - Approved the discharge of the s.75 Agreement.



# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of Meeting of the AUDIT AND SCRUTINY COMMITTEE held in COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on Wednesday, 28 June 2017 at 10.15 am

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Present:- Councillors S Bell (Chairman), H Anderson, S Hamilton (Vice-Chairman), N Richards, H Scott and E Thornton-Nicol.  
Apologies:- Councillors K Chapman, J A Fullarton and R Tatler. Mr M Middlemiss.  
In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk, Clerk to the Council, Democratic Services Officer (P Bolson); Mr A Haseeb – Audit Scotland.

## 1. WELCOME

The Chairman welcomed those present to the first meeting of the Audit and Scrutiny Committee.

## AUDIT BUSINESS

## 2. MINUTE

There had been circulated copies of the Minute of 28 March 2017.

## DECISION

**NOTED for signature by the Chairman.**

## 3. SCOTTISH BORDERS COUNCIL LOCAL SCRUTINY PLAN 2017/18

3.1 With reference to paragraph 3 of the Minute of 9 May 2016, there had been circulated copies of a report by Audit Scotland setting out its Local Scrutiny Plan 2017/18 for Scottish Borders Council. The Plan was based on a shared risk assessment undertaken by a Local Area Network (LAN) comprising representatives of all the scrutiny bodies that engaged with the Council. This shared risk assessment process drew on a range of evidence with the aim of determining any scrutiny activity required and then focusing this in the most appropriate way. The report only identified risks within the Council which had been identified by the LAN where scrutiny was required or where scrutiny was planned as part of a national programme. Planned scrutiny activity informed the National Scrutiny Plan for 2017/18. This had also been circulated for information and was available on the Audit Scotland website.

3.2 The report indicated that there was no specific additional scrutiny work required within Education beyond ongoing inspection and support activity provided to the Council by Education Scotland. With regard to Housing and Homelessness, the Scottish Housing Regulator (SHR) had reviewed the performance of all Scottish Social Landlords in March 2016 and some recommendations were made in relation to repeat recording and closure of cases. Scottish Borders Council had acted on these recommendations and was now implementing its improvement plan for the service generally, with some actions being carried forward to 2017/18. In addition, the Council was reviewing the management arrangements for its gypsy/traveller site to ensure that the requirements of the Scottish Social Housing Charter were met. Under Social Care, the Integration Joint Board (IJB) had been established in February 2016 to assume delegated authority for the provision of health and social care services in the area. Governance arrangements were in place and the IJB's strategic plan outlined the work of the partnership and the way in which services would develop over the next three to five years. Further arrangements were in place to progress locality planning. A joint inspection of Children's Services was published in June 2016 and of the nine quality indicators assessed, one was evaluated as "very good", four

as “good” and the remaining four as “adequate”. SB Cares was also assessed during 2015/16 and evaluations of “adequate” and “good” were awarded. The final joint inspection report on Older People’s Services was due to be published later in 2017. Audit Scotland would continue to monitor the effectiveness of the ICT arrangements established in October 2016 under the Digital Transformation Programme and would comment in its Annual Audit Report. Mr Haseeb advised that following a review by the Scottish Borders Community Planning Partnership (CPP) Strategic Board of its governance arrangements, it had been agreed that a CPP Consultative Group be established to develop the strategic direction of the Partnership, with the Strategic Board remaining as the decision-making group for the CPP. A review of these arrangements would be undertaken after 18 months and in the meantime, work continued to develop locality plans the Local Outcomes Improvement Plan as required under the Community Empowerment (Scotland) Act 2015. Audit Scotland would continue to monitor progress during the year.

- 3.3 Mr Haseeb explained that a new approach to auditing Best Value had been agreed by the Accounts Commission in June 2016. Best Value would now be assessed over the five year audit appointment and a Best Value Assurance Report would be considered by the Accounts Commission at least once during this time. Appendix 1 to the report detailed the scrutiny activity planned for 2017/18 and was available on the Audit Scotland website.

#### **DECISION**

**NOTED the report.**

#### **4. EXTERNAL AUDIT INTERIM MANAGEMENT REPORT 2016/17**

With reference to paragraph 8 of the Minute of 29 March 2016, there had been circulated copies of an Interim Management Report by Audit Scotland for the year 2016/17. The report summarised the key issues identified during the year and included testing key controls within the Council’s financial systems to gain assurance over the processes and systems used in the preparation of financial statements. In addition, Audit Scotland had reviewed the Council’s approach to financial planning, with further work planned on financial governance and transparency. The findings would be detailed in the Audit Scotland Annual Audit report. Mr Haseeb advised that two recommendations had been made: regular bank reconciliations being carried out; and the storage and inclusion of adequate supporting documentation for journal entries. Mr Haseeb confirmed that Audit Scotland was satisfied with the Management response for both recommendations. Officers clarified a number of points raised by Members and Mr Haseeb confirmed the way in which the transfer of data from the present financial system to Business World would continue to be monitored by Audit Scotland.

#### **DECISION**

**NOTED the report.**

#### **5. FINANCIAL REPORTING & SCRUTINY: WHY THE ACCOUNTS MATTER**

With reference to paragraph 6 of the Minute of 28 June 2016, there had been circulated copies of the Audit Scotland publication entitled ‘Financial Reporting and Scrutiny: Why the Accounts Matter’. The document outlined the role of financial reporting, emphasising that effective planning, management and scrutiny of the use of public funds were a key part of a local authority’s responsibility. It also outlined the role of the s95 officer, Elected Members and Auditor in the accounts process. With regard to developments in financial reporting in 2014/15 and the challenge faced by Councils to produce the accounts to tighter timescales, external auditors had said that Councils generally met this challenge well. Audit Scotland also commented on some areas for improvement. In light of the key messages, a list of questions had been compiled and presented in an Appendix to the paper which were for Elected Members to consider as part of the accounts scrutiny and approval process. Ms Stacey noted that membership of the new Audit and Scrutiny Committee included a number of newly appointed Elected Members and it was anticipated that these questions would be useful in considering the accounts and annual audit report at future meetings. Discussion followed in relation to the quality of the

management commentary included in reports and Mr Robertson advised that SBC compared very favourably across Scottish Councils. Members agreed that the publication was useful as a reference document for future use. Ms Stacey also explained how the Audit Self-Evaluation questionnaire was used by the Committee to ensure that Members were appropriately supported for carrying out their role.

## **DECISION**

**(a) NOTED the report.**

**(b) AGREED that the Committee would use the questions in Appendix 1 of the report as a checklist when considering the Final Accounts at the September meeting.**

### **6. SCOTTISH BORDERS COUNCIL DRAFT REPORTS AND ACCOUNTS 2016/17**

6.1 With reference to paragraph 7 of the Minute of 28 June 2016, there had been circulated copies of a report and associated papers by the Chief Financial Officer on the draft Annual Report and Accounts for Scottish Borders Council, Common Good Funds, Charitable Trusts, Bridge Homes LLP, SB Supports LLP and SB Cares LLP. The report provided the Audit and Scrutiny Committee with an opportunity to scrutinise the draft Annual Reports and Accounts for the year ended 31 March 2017 for Scottish Borders Council and associated Group Accounts prior to submission for External Audit Inspection by the statutory deadline of 30 June 2017. The report referred to the protocols and timeline associated with the overview of accounts as set out in the Local Authority Accounts (Scotland) Regulations 2014. In addition, Section 12 of the Local Government in Scotland Act 2003 required annual accounts to be prepared in accordance with proper accounting practice, primarily comprising the Code of Practice on Local Authority Accounting in the United Kingdom 2016/17 and the Service Reporting Code of Practice 2016/17 supported by International Financial Reporting Standards (IFRS). Following audit and a public inspection period the finalised Audit report and Audited Accounts would be presented to the Audit and Scrutiny Committee for approval in September 2017 prior to consideration by Council.

6.2 Mr Robertson summarised the draft Unaudited Annual Accounts for the year to 31 March 2017 for Scottish Borders Council and advised Members that the revenue out-turn showed £0.128m underspend. Financial Plan Savings of £8.96m had been achieved representing 73% on a permanent, recurring basis. An analysis of the sources of revenue funding and revenue expenditure by Department was provided. With regard to Significant Trading Operations it was noted that SBC Contracts had achieved a cumulative net surplus over 3 years of £1.25m. The report explained that in 2016/17, turnover was £18.3m, an increase of £4m (28%). 28% of the total turnover was generated by external work and this was £0.057m down on the previous year. Mr Robertson explained the Statutory Accounting Adjustments and noted that the net impact on the General Fund Balances of these adjustments was broadly neutral with no effect on Council taxpayers. He further explained that the Balance Sheet showed that net assets of the Council excluding Pensions Liabilities were £213.8m at 31 March 2017. Pensions Liabilities for year ending 31 March 2017 totalled £216m which was an increase of £74.4m from the previous year. Included in the current liabilities was a provision of £4m for de-commissioning of landfill sites. With regard to 2016/17 capital outturns, there had been a total expenditure of £51.5m with timing movement of £7.5m and underspend of £0.3m. Efficiencies of 27% were still required and Management continued to explore ways to achieve this on a permanent, recurring basis.

6.3 With reference to the Common Good and Trust Annual Report and Accounts for year ended 31 March 2017, these had been circulated and Mr Robertson highlighted the key points as detailed in the report and Appendices. With regard to the nine Common Good Funds, the total net assets for the year were £13.746m, a reduction of £149k from the previous year, and fixed assets were £10.7m. With regard to the six SBC Trust Funds, Mr Robertson explained that each was a Registered Charity and was reported separately in

terms of the Unaudited Annual Reports and Accounts for 2016/17. The Total Net Assets across the six Funds was £4.0m, with Fixed Assets of £1.8m. Mr Robertson explained that in addition to those mentioned, there were a further 177 Trusts which were not registered at this time. In response to a question, Mr Robertson advised that work was ongoing at the moment to look at how these additional 177 Trusts could be correctly closed, consolidated and relocated within the appropriate SBC Charity. Consultation within the local communities would be required and the process was likely to take some time to complete. Progress would be reported in due course. The financial statements for Bridge Homes LLP for the year ended 31 March 2017 showed a Property value of £5.4m for 45 units, which was funded by the SBC loan of £4.6m and £0.8m from Affordable Housing Contribution. The Accounts showed a 3rd year trading profit of £0.021m. With reference to Scottish Borders Supports LLP and SB Cares LLP, the financial statements for each were detailed in the Appendices to the report and it was noted that £0.647m of surplus from SB Cares was returned to SBC. Discussion followed and Mr Robertson answered questions in relation to the points raised by Members. It was also noted that Councillor Weatherston's name had been incorrectly recorded within the Common Good Funds' and Charitable Trusts' Annual Reports and Accounts. Mr Robertson would amend the reports as appropriate prior to submission to the External Auditors.

## **DECISION**

- (a) NOTED the Draft Annual Report and Accounts 2016/17 for Scottish Borders Council and associated Group Accounts; and**
- (b) AGREED to support their submission, subject to minor amendments as discussed at the meeting, for review by the External Auditors, Audit Scotland.**

### **7. PENSION FUND ANNUAL REPORT AND ACCOUNTS 2016/17**

With reference to paragraph 8 of the Minute of 28 June 2016, there had been circulated copies of a report by the Chief Financial Officer providing an opportunity for the Audit and Scrutiny Committee to scrutinise the draft Scottish Borders Council Pension Fund Annual Report and Accounts for the year ended 31 March 2017 prior to its submission to the External Auditors. The Local Government Pension Scheme Amendment (Scotland) Regulations specified a number of elements that must be contained within the Annual Report and Accounts and these were detailed in the report. The Report and Accounts, which met these requirements, was attached as an Appendix to the report. The Annual Report and Accounts would be made available for public inspection for a 3 week period commencing 30 June 2017. Following Audit sign-off, the final Report and Accounts would be circulated to the joint Pension Fund Committee and Board, and then to Audit and Scrutiny Committee. Mr Robertson highlighted the main points of the Report, noting the continually growing governance agenda and increasingly complex pension administration environment within which the Fund operated. He advised Members that the Fund had, and continued to, perform well and that joint meetings of the Committee and Board continued to be productive and informative due to the positive engagement of out-going and newly appointed Members. Also during the past year the Investment and Performance Sub-Committee had met twice with all investment managers, allowing full scrutiny of the managed Funds to take place. The report noted that a strong market recovery and strong performance from key Fund Managers had contributed to the success of the Fund during 2016/17. Despite the level of volatility across markets during 2016/17, the Fund had managed to increase in value by £112m during the year. The overall performance of the Fund was 21.5% for the year, outperforming the benchmark by 1.0%. Other developments included the appointment of three new Fund Managers to the Fund following completion of the Strategic Asset Allocation; an agreement reached with Lothian Pension Fund that allowed access to the infrastructure market; and ongoing work continued in relation to modelling the cashflow position. In response to a question, Mr Robertson clarified the status of membership organisations and admitted bodies.

## **DECISION**

- (a) NOTED the Draft Annual Report and Accounts 2016/17 for Scottish Borders Council Pension Fund; and**
- (b) AGREED to support its submission for review by the External Auditors.**

## **ADJOURNMENT**

The Committee adjourned at 11.55am and reconvened at 12.05pm

### **8. SCOTTISH BORDERS COUNCIL'S LOCAL CODE OF CORPORATE GOVERNANCE**

- 8.1 With reference to paragraph 4 of the Minute of 9 May 2016, there had been circulated copies of a report by the Chief Executive, seeking agreement for the revised Local Code of Corporate Governance of Scottish Borders Council to be presented to Council for approval. The report explained that Scottish Borders Council was responsible for ensuring that its business was conducted in accordance with the law and proper standards, and that public money was safeguarded, properly accounted for, and used economically, efficiently and effectively. Corporate Governance was essentially to ensure openness, integrity and accountability across all aspects of Council business. The revised Local Code of Corporate Governance for the Council was consistent with the principles and requirements of the CIPFA/SOLACE framework "Delivering Good Governance in Local Government" and would help to ensure that proper arrangements continued to be in place for the Council to meet its responsibilities. Members were advised of the seven core principles of good governance and of the changes included in the revised Code, as detailed in the report. The Code should be seen as a "live" document and reviewed annually to ensure that it continued to meet the requirements of the changing Council environment and Best Value principles.
- 8.2 Officers responded to questions by Members. It was acknowledged that there had been a number of new Members elected in May 2017 and it was therefore agreed that a presentation on Corporate Governance and the Local Code be offered to all Members at a suitable time during 2017. A copy of the Local Code would also be circulated to the Chairs of the new Locality Committees for information.

## **DECISION**

- \* **(a) AGREED TO RECOMMEND that Scottish Borders Council:-**
  - (i) approves the revised Scottish Borders Council Local Code of Corporate Governance as detailed in Appendix 1 to the Minute; and**
  - (ii) approves the revised Scottish Borders Council Local Code of Corporate Governance being relaunched to ensure greater awareness across the Council.**
- (b) AGREED:-**
  - (i) to request that the Chief Executive and Service Directors consider compliance with the Scottish Borders Council Local Code of Corporate Governance as part of the annual assurance statements on internal control and governance and implement actions to ensure full compliance to the elements of the Code; and**
  - (ii) that a presentation on the Scottish Borders Council Local Code of Corporate Governance be arranged for all Elected Members in due course.**

### **9. INTERNAL AUDIT WORK TO JUNE 2017**

- 9.1 With reference to paragraph 5 of the Minute of 28 March 2017, there had been circulated copies of a report by the Chief Officer Audit and Risk which provided details of the recent work carried out by Internal Audit, the recommended audit actions agreed by Management to improve internal controls and governance arrangements and an outline of the work of the Scottish Local Authorities Chief Internal Auditors Group (SLACIAG). The work carried out by Internal Audit during the period from 3 April to 9 June 2017 was detailed in the report and it was noted that during the current period, a total of two final Internal Audit reports had been issued, namely: Corporate Transformation Programme; and Corporate and Social Work Complaints. Seven recommendations relating to these reports had been made and were accepted by Management. An executive summary of the final internal audit reports issued, including audit objectives, findings, good practice, recommendations and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was included in the Appendix to the report. The Chief Officer Audit and Risk summarised other assurance and consultancy work that Internal Audit had been involved in during the reporting period and which was detailed in the report.
- 9.2 In response to questions from Members, Ms Stacey advised that the Corporate Transformation Programme covered a wide range of Council business therefore each review was designed to cover one aspect of the Programme at any given time. With reference to Complaints Handling, it was noted that although excellent examples of good practice were found, the procedures were not applied consistently across all Council areas.
- 9.3 Further discussion took place relating to the Members' Induction session held on 20 June 2017 which included the role of the Audit Committee and that of the Scrutiny Committee. Ms Stacey also advised that Members would have an opportunity to assess their learning and development needs via Annual Self-Evaluation and confirmed that the first development session for Audit and Scrutiny Committee Members would be held within the Informal session on 25 September 2017 and would cover aspects of Treasury Management.

#### **DECISION**

**(a) NOTED:-**

- (i) the final assurance reports issued in the period from 3 April to 9 June 2017 associated with the delivery of the approved Internal Audit Annual Plan 2016/17; and**
- (ii) the Internal Audit consultancy and other work undertaken in the period.**

**(b) ACKNOWLEDGED:-**

- (i) the assurance provided on internal controls and governance arrangements in place for the areas covered by Internal Audit work; and**
- (ii) the benefits to Scottish Borders Council Internal Audit function arising from its participation in the SLACIAG national forum for Heads of Internal Audit.**

*Audit Business concluded at 12.35pm.*

#### **SCRUTINY BUSINESS**

#### **10. SCRUTINY REVIEWS**

With reference to paragraph 3 of the Minute of the Scrutiny Committee of 23 March 2017, there had been circulated copies of a list detailing the work undertaken by the Committee

since 2001/02 including Working Groups; Briefings; Hearings; Call-ins of Executive Committee decisions; and Notices of Concern. The Clerk to the Council, Ms Wilkinson, explained the various ways in which subjects could be brought forward to the Committee for consideration and the criteria used to determine how each would proceed. Members were advised of the need to develop a programme of Reviews for approval by full Council and that the Programme should include, where possible, cross-cutting service subjects across SBC. It was anticipated that a draft Programme of Reviews for Scrutiny would be presented to the August meeting of the Committee for consideration. Following discussion, a number of areas for Review were identified as detailed in Appendix 2 to the Minute.

## **DECISION**

- (a) **NOTED** the list of work undertaken by the Scrutiny Committee since 2001/02.
- (b) **AGREED** that a draft Programme of Reviews for Scrutiny be presented to the Committee in September 2017 for consideration.

### **11. PROPOSED DATES OF FUTURE MEETINGS.**

There had been circulated copies of a list of proposed dates for meetings of the Audit and Scrutiny Committee and these were agreed as follows:-

<u>Date of Meeting</u>	<u>Business to be considered</u>
Thursday 17 August 2017	Scrutiny
Monday 25 September 2017	Audit
Thursday 26 October 2017	Scrutiny
Monday 13 November 2017	Audit and Scrutiny
Thursday 30 November 2017	Scrutiny
Monday 15 January 2018	Audit and Scrutiny
Thursday 15 February 2018	Scrutiny
Monday 19 March 2018	Audit
Thursday 26 April 2018	Scrutiny
Monday 14 May 2018	Audit and Scrutiny
Thursday 31 May 2018	Scrutiny
Tuesday 26 June 2018	Audit

## **DECISION**

**AGREED** the schedule of meetings for Audit and Scrutiny Committee as detailed in the Minute.

*The meeting concluded at 1.05 pm*

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# 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, 17 July 2017 at 10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton,  
S. Hamilton, H. Laing, S. Mountford, C. Ramage, E. Small  
In Attendance:- Chief Planning Officer, Chief Legal Officer, Democratic Services Team  
Leader.

### 1. **DECLARATIONS OF INTEREST.**

Councillor Small declared an interest in item 6 on the agenda (17/00044/PPP) in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

#### **MEMBER**

Councillor Ramage had not been present at the site visit in respect of the undernoted application and was therefore unable to participate in the further consideration. Councillor Ramage withdrew from the Chamber for this part of the meeting.

### 2. **CONTINUATION: REVIEW OF 16/01174/PPP.**

With reference to paragraph 5 of the Minute of 19 June 2017 and following an unaccompanied site visit, Members continued consideration of the request from GS Chapman Vehicle Body Repairs, per Erich Planning & Property Consultants, Gifford House, Bonnington Road, Peebles, to review the decision to refuse the planning application in respect of the erection of a vehicle body repair workshop and associated parking on land north west of Dunrig, Spylaw Farm, Lamancha, West Linton. The papers which accompanied this review had been re-circulated. Members had found the site visit useful but were divided in their opinion with regard to the relationship of the site to the other farm buildings. Following discussion it was agreed that further information be sought from the applicants regarding the possibility of siting the workshop in or near to the existing farm buildings and if this option had already been discounted by the applicants, their reasons for so doing. Information of the ownership of the land in terms of the possibility of using a Section 75 Agreement to tie the business to the landholding was also requested.

#### **DECISION**

##### **AGREED that:-**

- (a) **the review could not be determined without further procedure in the form of a written statement from the applicants;**
- (b) **the applicants be asked to provide a written statement detailing what consideration had been given to siting the proposed development within or near to the currently existing farm building group, if there was space which could be utilised or existing buildings which could be converted and, if this had been discounted by the applicant details of the reasons for so discounting; and**
- (c) **the applicant be asked to comment on whether a proposal to tie the new business to the landholding would be achievable in terms of current land ownership.**

3. **REVIEW OF REFUSAL OF 16/00872/FUL.**

There had been circulated copies of the request from Mr Paul Lawrie, Linnfall Cottage, Waterheads, Peebles, to review the decision to refuse the planning application in respect of erection of a dog day care building, perimeter fence and associated works (retrospective) on land south west of Milkieron Toll House, Eddleston. Included in the supporting papers were the Decision Notice, Notice of Review; officer's report; papers referred to in the report; consultations; objections; and a list of relevant policies. Members noted that the fence surrounding the development was inadequate and commented on the unacceptable visual impact. Members also expressed concern regarding the access and the implications for road safety.

**DECISION**

**AGREED that:-**

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

**MEMBER**

Councillor Anderson left the meeting.

4. **REVIEW OF REFUSAL OF 17/00044/PPP**

There had been circulated copies of the request from Mrs Sandra Newton, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, to review the decision to refuse the planning application in respect of erection of two dwellinghouses in garden ground of Woodlands, Broomlee Mains, West Linton. Presented in the supporting papers were the Notice of Review (including the Decision Notice and officer's report); consultations; representation; and a list of relevant policies. Members agreed that Woodlands was part of the wider building group and that two dwellinghouses would be an acceptable addition. However, Members considered that there should be no further development and asked that a statement to this effect be included in the decision notice. A condition relating to boundary treatment which would define the settlement boundary was also requested.

**DECISION**

**AGREED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be overturned for the reasons detailed in Appendix II to this Minute.**

5. **REVIEW OF REFUSAL OF 17/00090/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of an agricultural storage building with welfare accommodation on land west of former William Cree Memorial Church, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members noted that while the building would not have a significant effect on the landscape of the Tweed Valley it would impact on the setting of the adjoining church. They further noted the absence of a comprehensive business case for the operation of the site and that traffic levels were required before proper consideration could be given to the proposal.

**DECISION**

**AGREED that:-**

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

**6. REVIEW OF REFUSAL OF 17/00092/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of an agricultural storage building with welfare accommodation on land west of former William Cree Memorial Church, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members noted that while the building would not have a significant effect on the landscape of the Tweed Valley it would impact on the setting of the adjoining church. They further noted the absence of a comprehensive business case for the operation of the site and that traffic levels were required before proper consideration could be given to the proposal.

**DECISION**

**AGREED that:-**

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

**7. REVIEW OF REFUSAL OF 17/00093/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of an agricultural storage building with welfare accommodation on land west of former William Cree Memorial Church, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members noted that the height of the building would have a significant visual effect on the landscape of the Tweed Valley. They further noted the absence of a comprehensive business case for the operation of the site and that traffic levels were required before proper consideration could be given to the proposal.

**DECISION**

**AGREED that:-**

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

**8. REVIEW OF REFUSAL OF 17/00094/FUL**

There had been circulated copies of the request from Cleek Poultry Ltd, The Tractor Shed, Kirkburn, Cardrona, to review the decision to refuse the planning application in respect of erection of an agricultural storage building with welfare accommodation on land west of former William Cree Memorial Church, Kirkburn, Cardrona. Included in the supporting papers were the Notice of Review (including the Decision Notice); officer's report; papers referred to in the report; consultations; and a list of relevant policies. Members noted that the height of the building would have a significant visual effect on the landscape of the Tweed Valley. They further noted the absence of a comprehensive business case for the operation of the site and that traffic levels were required before proper consideration could be given to the proposal.

**DECISION**

**AGREED that:-**

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

*The meeting concluded at 12.00 pm*



**APPENDIX I**

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

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**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**

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**Local Review Reference:** 17/00022/RREF

**Planning Application Reference:** 16/00872/FUL

**Development Proposal:** Erection of dog day care building, perimeter fence and associated works (retrospective)

**Location:** Land South West of Milkieston Toll House, Eddleston

**Applicant:** Mr Paul Lawrie

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**DECISION**

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

- 1 The development is contrary to PMD2 in that the fence and building do not satisfy quality standards in that development is having an adverse impact on the amenity and character of the surrounding landscape.
- 2 The development is contrary to ED7 in that no business case has been provided to justify the economic and operational need for the particular countryside location and this development is unsuitable for the locality.
- 3 The development is contrary to IS7 in that intensified traffic usage at the sub-standard vehicular access creates a detrimental impact on road safety on the A703 and is contrary to policy on minimising accesses on to A-class roads.

**DEVELOPMENT PROPOSAL**

The retrospective application for planning permission relates to the erection of dog day care building, perimeter fence and associated works. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site & Location Plan	1 of 2
Elevations	2 of 2

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17<sup>th</sup> July 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (additional documents); b) Consultations; c) Representation and d) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this conclusion Members considered the applicant's request for a site visit.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: HD3, PMD2, ED7, EP8, IS7 & IS8

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010

The Review Body noted that the dog day care business was currently operating from the site and that the building and the fencing had already been erected to serve and contain the dog business.

In considering the suitability of the site for this business use, Members discussed the terms of Policy ED7 in detail. The policy requires that there be an economic and/or operational need for the particular countryside location, and that it can be proven that the development could not be reasonably accommodated within the Development Boundary of a settlement.

The Review Body appreciated that finding a site for such a business may prove problematic. However, on the basis of the limited information submitted to support the application, Members were not convinced that a persuasive case had been made regarding the operational need for the business being located at Milkieston. In addition, they were not convinced that a cogent economic case had been made for the business nor that the potential for alternative sites for the business had been investigated fully.

The Review Body gave weight to the impact the business was having on the amenity of neighbouring properties and in particular the adjoining farmer, who is no longer able to use the adjoining fields for lambs. Members were not satisfied that the building and fencing were of a suitable standard for this rural locality. They were concerned that they would detract from the visual and scenic qualities of this part of Tweeddale and that it would be highly visible along the main A703 route. They

concluded that the building, fencing and the business did not respect the amenity and rural character of the surrounding area and would have an adverse impact on neighbouring uses.

The Review Body shared the concerns of the Roads Planning Officer in that the access was not suitable in terms of its alignment and visibility to serve the proposed business. The intensification of the use of a substandard access junction would not be in the interests of road safety.

## **CONCLUSION**

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

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed....**Cllr T Miers  
Chairman of the Local Review Body

**Date..**9 August 2017

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**APPENDIX II**

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

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**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**

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**Local Review Reference:** 17/00016/RREF  
**Planning Application Reference:** 17/00044/PPP  
**Development Proposal:** Erection of two dwellinghouses  
**Location:** Garden Ground of Woodlands, Broomlee Mains, West Linton  
**Applicant:** Mrs Sandra Newton

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**DECISION**

The Local Review Body (LRB) reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject to the conditions set out below and the conclusion of a legal agreement in respect of the payment of development contributions.

**DEVELOPMENT PROPOSAL**

The application for planning permission in principle relates to the erection of two dwellinghouses on former garden ground of Woodlands, Broomlee Mains, West Linton. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site & Location Plan	PP01

**PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17<sup>th</sup> July 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (additional documents); b) Consultations; c) Representation and d) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: HD2, HD3, PMD2, IS2 & IS7

### Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011

The Local Review Body was satisfied there was a building group at Broomlee, as defined in Local Plan Policy HD2 and in the approved Supplementary Planning Guidance on New Housing in the Borders Countryside comprising Woodlands Farmhouse, The Old Farmhouse, Broomfield and the 7 properties at Broomlee Mains Court.

Members concluded that whilst Woodlands Farmhouse was, to a degree, detached from the main part of the group at Broomlee Main Court it had an historical, functional and physical relationship with those buildings and the farm. In their view, all of the buildings contributed to a distinct sense of place and formed a cohesive building group.

The Review Body turned its attention to whether the site was a suitable addition to the group. They considered the site to be well related to neighbouring properties, that it fitted in well with the pattern of development at Broomlee and was contained by the existing landscape setting of the building group. Members agreed that the formation of a strong boundary, either through hard or soft landscaping, along the southern boundary of the site to the adjoining agricultural fields would further assist the integration of the development. Consequently, it was concluded that the site in question was an acceptable addition to the building group.

In terms of the number of residential units proposed, this was within the limits set by Policy HD2 of 2 or 30% within a Local Plan period. Members did express concern that it may be difficult for the group to accommodate any more than the 2 dwellinghouses proposed by this application.

## **CONCLUSION**

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

## **DIRECTIONS**

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
  - (a) the expiration of three years from the date of this permission, or
  - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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

## **CONDITIONS**

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

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
  - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
  - iii. location and design, including materials, of walls, fences and gates
  - iv. soft and hard landscaping works
  - v. existing and proposed services such as cables, pipelines, sub-stations
  - vi. a strong landscape boundary along the southern boundary of the site achieved either through hard or soft landscaping

vii. A programme for completion and subsequent maintenance.  
Reason: To ensure the satisfactory form, layout and assimilation of the development.

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

Reason: To ensure the site is adequately serviced.

## **INFORMATIVE**

In respect of condition 4 above, the Roads Planning Officer requires:

- The section of new private road which is to serve the proposed plots must be surfaced for the first 5 metres from the public road, to the following specification “75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.”
- The remaining section of private road must be formed with a well compacted, free draining running surface which must be able to withstand a 14 tonne axle loading. The road must thereafter be maintained as such in perpetuity.
- Parking and turning for two vehicles per plot must be provided and retained in perpetuity. The current proposal is for one curtilage space and one communal space per plot. My preference would be for two curtilage spaces per plot, however if the applicant wishes to proceed as per their submission then the communal parking must be nose-in rather than layby parking. This will allow better access/egress to the parking bays.
- If practicable, agricultural traffic be removed from the private residential access road to remove potential conflict between agricultural and residential traffic.

In addition, the Roads Planning Officer suggests that consideration should be given to surfacing the entire length of the private road serving the two plots given that vehicles will be turning on this surface in order to enter/exit the parking spaces. This would significantly reduce the ongoing maintenance costs of ensuring the private road is maintained to the original standard.

## **LEGAL AGREEMENT**

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards affordable housing and education facilities in the locality.

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### **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....**Cllr T Miers  
Chairman of the Local Review Body

**Date.....**9 August 2017

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**APPENDIX III**

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

---

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

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

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**Local Review Reference:** 17/00018/RREF

**Planning Application Reference:** 17/00090/FUL

**Development Proposal:** Erection of agricultural storage shed with welfare accommodation

**Location:** Land West Of Former William Cree Memorial Church Kirkburn  
Cardrona Peebles

**Applicant:** Cleek Poultry Ltd

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**DECISION**

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

- 1 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.
- 3 The application is contrary to Policies EP7 and EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the development will not adversely affect the setting of the adjoining statutorily listed building and sites of archaeological interest.

## **DEVELOPMENT PROPOSAL**

The application relates to the erection of an agricultural storage shed with welfare accommodation at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	196 73G
General Arrangement	196 72A

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17<sup>th</sup> July 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's report; c) Papers referred to in report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect an agricultural storage building with welfare accommodation. The building, which incorporated a mezzanine floor, had a footprint of 12m x 18m and a ridge height of 7.5m. The building would be erected in a currently undeveloped field to the north east of the existing vehicular access and the applicant's main yard at Kirkburn, on the edge of the applicant's land holding adjoining the former William Cree Memorial Church.

The Review Body acknowledged that the site occupied land that had previously had planning permission for holiday chalets and a hub building. However, in their view, this raised concerns about the potential for conflict between the proposed use and the other consented and existing uses at the locus, especially on such a limited area of land.



The approved chalet buildings were 6m in height and smaller in size and scale to the agricultural shed now proposed. Members noted that the chalets were required by planning condition to be lowered to reduce further any visual impact. Whilst the new shed would at 7.5m would be higher than the approved chalet buildings its relative position on the site and the contour at which they would be placed, means that the shed would be not be overly visible and dominant in the local landscape due to the screening of the roadside tree belt. Members agreed with that it would not have an adverse and harmful impact on the Tweed Valley landscape.

The application proposes the creation of provision for small “nest” agricultural businesses at the site. However, the application was not supported by a business plan for this activity or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the visual and landscape objections to the development and overturn the decision. Members agreed that the proposed building was not of a design or scale suited to the size of the holding.

The applicant asserts that the access bellmouth had been suitably upgraded and that the development would lessen the traffic generated at the site. However, Members accepted that the application was deficient in term of traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to substantiate that view.

The Review Body were conscious of the sensitivities in terms of the building's relationship to the archaeological site of Our Lady's Church and churchyard and the listed former William Cree Memorial Church. Members did not feel that this had been adequately taken into account or resolved by the applicant.

## **CONCLUSION**

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

---

### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed.....**Cllr T Miers  
Chairman of the Local Review Body

**Date.....**7 August 2017



## APPENDIX IV

### SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

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

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

---

**Local Review Reference:** 17/00019/RREF

**Planning Application Reference:** 17/00092/FUL

**Development Proposal:** Erection of agricultural storage shed with welfare accommodation

**Location:** Land West Of Former William Cree Memorial Church Kirkburn  
Cardrona Peebles

**Applicant:** Cleek Poultry Ltd

---

## DECISION

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

- 1 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

## DEVELOPMENT PROPOSAL

The application relates to the erection of an agricultural storage shed with welfare accommodation at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	196 73F
General Arrangement	196 72A

### **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17<sup>th</sup> July 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (plus additional documents); b) Officer's report; c) Papers referred to in report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

### **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

#### Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect an agricultural storage building with welfare accommodation. The building, which incorporated a mezzanine floor, had a footprint of 12m x 18m and a ridge height of 7.5m. The building would be erected in a currently undeveloped field to the north east of the existing vehicular access and the applicant's main yard at Kirkburn.

The Review Body acknowledged that the site occupied land that had previously had planning permission for holiday chalets and a hub building. However, in their view, this raised concerns about the potential for conflict between the proposed use and the other consented and existing uses at the locus, especially on such a limited area of land.

The approved chalet buildings were 6m in height and smaller in size and scale to the agricultural shed now proposed. Members noted that the chalets were required by planning condition to be lowered to reduce further any visual impact. Whilst the new shed would at 7.5m would be higher than the approved chalet buildings its relative position on the site and the contour at which they would be placed, means that the

shed would be not be overly visible and dominant in the local landscape due to the screening of the roadside tree belt. Members agreed with that it would not have an adverse and harmful impact on the Tweed Valley landscape.

The application proposes the creation of provision for small “nest” agricultural businesses at the site. However, the application was not supported by a business plan for this activity or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the visual and landscape objections to the development and overturn the decision. Members agreed that the proposed building was not of a design or scale suited to the size of the holding.

The applicant asserts that the access bellmouth had been suitably upgraded and that the development would lessen the traffic generated at the site. However, Members accepted that the application was deficient in term of traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to substantiate that view.

## **CONCLUSION**

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

---

## **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed.....**Cllr T Miers  
Chairman of the Local Review Body

**Date.....**7 August 2017

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## APPENDIX V

### SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

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

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

---

**Local Review Reference:** 17/00020/RREF

**Planning Application Reference:** 17/00093/FUL

**Development Proposal:** Erection of agricultural storage shed with welfare accommodation

**Location:** Land West Of Former William Cree Memorial Church Kirkburn  
Cardrona Peebles

**Applicant:** Cleek Poultry Ltd

---

## DECISION

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

1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
2. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

## DEVELOPMENT PROPOSAL

The application relates to the erection of an agricultural storage shed with welfare accommodation at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	196 73E
General Arrangement	196 72A

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17<sup>th</sup> July 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (plus additional documents); b) Officer's report; c) Papers referred to in report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

### **Other Material Considerations**

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect an agricultural storage building with welfare accommodation. The building, which incorporated a mezzanine floor, had a footprint of 12m x 18m and a ridge height of 7.5m. The building would be erected in a currently undeveloped field to the north east of the existing vehicular access and the applicant's main yard at Kirkburn.

Members accepted that existing roadside trees would afford a degree of screening of the site and the shed from the B7062 road but they were concerned that it would be prominent from more distant views across the valley. In considering the extent of visual and landscape impact, Members gave great weight to the views of the landscape architect and they agreed that the impact of the new building was harmful and therefore unacceptable. The approved chalet buildings were 6m in height and smaller in size and scale to the agricultural shed now proposed. Members noted that the chalets were required by planning condition to be lowered to reduce further any visual impact. The new shed at 7.5m would be taller than the approved chalet buildings plus its relative position on the site and the contour at which they would be placed, means that the shed would be overly visible and dominant in the local landscape. The Local Review Body concluded that it would constitute a prominent



feature on an elevated site, which would detract from the intrinsic qualities of the Tweed Valley Special Landscape Area.

The application proposes the creation of provision for small “nest” agricultural businesses at the site. However, the application was not supported by a business plan for this activity or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the visual and landscape objections to the development and overturn the decision. Members agreed that the proposed building was not of a design or scale suited to the size of the holding.

The applicant asserts that the access bellmouth had been suitably upgraded and that the development would lessen the traffic generated at the site. However, Members accepted that the application was deficient in term of traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to substantiate that view.

## **CONCLUSION**

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

---

## **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed.....**Cllr T Miers  
Chairman of the Local Review Body

**Date.....**7 August 2017

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## APPENDIX VI

### SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

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#### 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

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**Local Review Reference:** 17/00021/RREF

**Planning Application Reference:** 17/00094/FUL

**Development Proposal:** Erection of agricultural storage shed with welfare accommodation

**Location:** Land West Of Former William Cree Memorial Church Kirkburn  
Cardrona Peebles

**Applicant:** Cleek Poultry Ltd

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### DECISION

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

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
2. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

### DEVELOPMENT PROPOSAL

The application relates to the erection of an agricultural storage shed with welfare accommodation at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	196 73D
General Arrangement	196 72A

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17<sup>th</sup> July 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (plus additional documents); b) Officer's report; c) Papers referred to in report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

### **Other Material Considerations**

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect an agricultural storage building with welfare accommodation. The building, which incorporated a mezzanine floor, had a footprint of 12m x 18m and a ridge height of 7.5m. The building would be erected in a currently undeveloped field to the north east of the existing vehicular access and the applicant's main yard at Kirkburn.

Members accepted that existing roadside trees would afford a degree of screening of the site and the shed from the B7062 road but they were concerned that it would be prominent from more distant views across the valley. In considering the extent of visual and landscape impact, Members gave great weight to the views of the landscape architect and they agreed that the impact of the new building was harmful and therefore unacceptable. The approved chalet buildings were 6m in height and smaller in size and scale to the agricultural shed now proposed. Members noted that the chalets were required by planning condition to be lowered to reduce further any visual impact. The new shed at 7.5m would be taller than the approved chalet buildings plus its relative position on the site and the contour at which they would be placed, means that the shed would be overly visible and dominant in the local landscape. The Local Review Body concluded that it would constitute a prominent

feature on an elevated site, which would detract from the intrinsic qualities of the Tweed Valley Special Landscape Area.

The application proposes the creation of provision for small “nest” agricultural businesses at the site. However, the application was not supported by a business plan for this activity or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the visual and landscape objections to the development and overturn the decision. Members agreed that the proposed building was not of a design or scale suited to the size of the holding.

The applicant asserts that the access bellmouth had been suitably upgraded and that the development would lessen the traffic generated at the site. However, Members accepted that the application was deficient in term of traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to substantiate that view.

## **CONCLUSION**

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

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## **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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**Signed.....**Cllr T Miers  
Chairman of the Local Review Body

**Date.....**7 August 2017

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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, 21 July 2017 at  
11 a.m.

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

Apologies:- Councillors N. Richards, R. Tatler, T. Weatherston,

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr M. Wynne and Mr I. Tunnah), Democratic Services Officer (F Henderson), Chief Inspector A. McLean, and PC Clayton Lackenby- Police Scotland.

1.0 **MINUTE**

1.1 The Minute of the Meeting of 16 June 2017.

**DECISION**

**APPROVED and signed by the Chairman.**

2.0 **LICENCES ISSUED UNDER DELEGATED POWERS**

2.1 There had been circulated copies of lists detailing the Civic Government and Miscellaneous Licences issued under delegated powers between 1 June and 11 July 2017.

**DECISION**

**NOTED the list.**

3.0 **PRIVATE BUSINESS**

**DECISION**

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

**SUMMARY OF PRIVATE BUSINESS**

4.0 **GRANT OF TAXI DRIVER LICENCE – KEVIN COTTRELL**

4.1 The Committee considered an application for the Grant of a Taxi Driver Licence submitted by Kevin Cottrell and agreed to grant.

5.0 **GRANT OF TAXI DRIVER LICENCE – JAMES DUNCANSON**

5.1 The Committee considered an application for the Grant of a Taxi Driver Licence submitted by James Duncanson and agreed to grant.

6.0 **GRANT OF TAXI DRIVER LICENCE – ROBERT WOOD**

6.1 The Committee considered an application for the Grant of a Taxi Driver Licence submitted by Robert Wood and agreed to grant.

7.0 **GRANT OF TAXI DRIVER LICENCE – JOHN HENRY**

7.1 The Committee considered an application for the Grant of a Taxi Driver Licence submitted by John Henry and agreed to refuse.

8.0 **MINUTE**

8.1 The Private section of the Minute of 16 June 2017 was approved.

*The meeting concluded at 11.35 a.m.*