

**Please find attached the Public Minutes in respect of  
Item 8 on the agenda for the above meeting**

|    |   |        |
|----|---|--------|
| 8. | <p><b>Committee Minutes</b> (Pages 3 - 142)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> <li>(a) Civic Government Licensing 20 October 2017</li> <li>(b) William Hill Trust 25 October 2017</li> <li>(c) Audit &amp; Scrutiny 26 October 2017</li> <li>(d) Tweeddale Locality 1 November 2017</li> <li>(e) Planning &amp; Building Standards 6 November 2017</li> <li>(f) Executive 7 November 2017</li> <li>(g) Local Review Body 8 November 2017</li> <li>(h) Hawick Common Good Fund 8 November 2017</li> <li>(i) Eildon Locality 9 November 2017</li> <li>(j) Police, Fire &amp; Rescue and Safer Comms 10 November 2017</li> <li>(k) Audit &amp; Scrutiny 13 November 2017</li> <li>(l) Hawick Common Good Fund 14 November 2017</li> <li>(m) Teviot &amp; Liddesdale Locality 14 November 2017</li> <li>(n) Lauder Common Good Fund 15 November 2017</li> <li>(o) Civic Government Licensing 17 November 2017</li> <li>(p) Local Review Body 20 November 2017</li> <li>(q) Executive 21 November 2017</li> <li>(r) Community Planning Strategic Board 23 November 2017</li> <li>(s) Selkirk Common Good Fund 28 November 2017</li> <li>(t) Audit &amp; Scrutiny 30 November 2017</li> <li>(u) Planning &amp; Building Standards 4 December 2017</li> <li>(v) Executive 5 December 2017</li> <li>(w) Jedburgh Common Good Fund 6 December 2017</li> <li>(x) Kelso Common Good Fund 6 December 2017</li> <li>(y) Standards 7 December 2017</li> <li>(z) Galashiels Common Good Fund 7 December 2017</li> <li>(aa) Innerleithen Common Good Fund 12 December 2017</li> </ul> | 5 mins |
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|      |                                       |                  |
|------|---------------------------------------|------------------|
| (a)  | Civic Government Licensing            | 20 October 2017  |
| (b)  | William Hill Trust                    | 25 October 2017  |
| (c)  | Audit & Scrutiny                      | 26 October 2017  |
| (d)  | Tweeddale Locality                    | 1 November 2017  |
| (e)  | Planning & Building Standards         | 6 November 2017  |
| (f)  | Executive                             | 7 November 2017  |
| (g)  | Local Review Body                     | 8 November 2017  |
| (h)  | Hawick Common Good Fund               | 8 November 2017  |
| (i)  | Eildon Locality                       | 9 November 2017  |
| (j)  | Police, Fire & Rescue and Safer Comms | 10 November 2017 |
| (k)  | Audit & Scrutiny                      | 13 November 2017 |
| (l)  | Hawick Common Good Fund               | 14 November 2017 |
| (m)  | Teviot & Liddesdale Locality          | 14 November 2017 |
| (n)  | Lauder Common Good Fund               | 15 November 2017 |
| (o)  | Civic Government Licensing            | 17 November 2017 |
| (p)  | Local Review Body                     | 20 November 2017 |
| (q)  | Executive                             | 21 November 2017 |
| (r)  | Community Planning Strategic Board    | 23 November 2017 |
| (s)  | Selkirk Common Good Fund              | 28 November 2017 |
| (t)  | Audit & Scrutiny                      | 30 November 2017 |
| (u)  | Planning & Building Standards         | 4 December 2017  |
| (v)  | Executive                             | 5 December 2017  |
| (w)  | Jedburgh Common Good Fund             | 6 December 2017  |
| (x)  | Kelso Common Good Fund                | 6 December 2017  |
| (y)  | Standards                             | 7 December 2017  |
| (z)  | Galashiels Common Good Fund           | 7 December 2017  |
| (aa) | Innerleithen Common Good Fund         | 12 December 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, 20 October 2017  
at 11.00 a.m.

Present:- Councillors J. Greenwell (Chairman), J. Brown D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston.

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr I. Tunnah and Mr M Wynne), Democratic Services Officer (F Henderson), Inspector T. Hodges and PC C Lackenby- Police Scotland.

1.0 **MINUTE**

1.1 The Minute of the Meeting of 22 September 2017.

**DECISION**

**APPROVED and signed by the Chairman.**

2.0 **LICENCES ISSUED UNDER DELEGATED POWERS**

2.1 Miscellaneous Licences issued under delegated powers between 13 September and 11 October 2017.

**DECISION**

**NOTED.**

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 – PAUL MASON**

4.1 The Committee agreed to refuse the application for a Taxi Driver Licence submitted by Paul Mason.

5.0 **RENEWAL OF TAXI DRIVER LICENCE – DAVID McCUDDEN**

5.1 The Committee agreed to grant the Renewal of a Taxi Driver Licence submitted by David McCudden.

6.0 **RENEWAL OF TAXI DRIVER LICENCE – ALAN WATT**

6.1 The Committee agreed to continue the application for the Renewal of a Taxi Driver Licence submitted by Alan Watt to a future meeting.

7.0 **MINUTE**

7.1 The Private section of the Minute of 22 September 2017 was approved.

*The meeting concluded at 11.50 a.m.*

## **SCOTTISH BORDERS COUNCIL WILLIAM HILL TRUST SUB-COMMITTEE**

MINUTES of Meeting of the WILLIAM HILL TRUST SUB-COMMITTEE held in the Convener's Office, Council Headquarters, Newtown St Boswells on Wednesday 25 October 2017 at 11.00 am.

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Present:- Councillors D. Parker and K. Drum.  
Apologies:- Councillor T. Miers.  
In Attendance:- Capital and Investments Manager (K Robb), Principal Solicitor (H MacLeod), Democratic Services Officer (P Bolson).

### **1. APPLICATION FOR FINANCIAL ASSISTANCE FROM MELROSE FESTIVAL EXECUTIVE**

- 1.1 The Chairman explained that the meeting had been convened in order to consider further the Application for Financial Assistance from Melrose Festival Executive which had been submitted to the Sub-Committee on 21 September 2017. There had been copies of an excerpt of the Minute of the meeting of 21 September 2017 along with a copy of the outcome letter to Melrose Festival Executive and their response. Mrs Evelyn Oliver and Mr James Marjoribanks were in attendance in support of the Application.
- 1.2 The Chairman thanked Mrs Oliver for the updated information provided in relation to the Financial Application and discussion followed in relation to other funding options which might be available in addition to Melrose Common Good Fund. Members noted that no application to the Community Grant Scheme was possible during the current financial year as the budget within that Scheme had been fully allocated. Members confirmed their support for the Application for Financial Assistance and agreed in principle to funding the Application in full. The Chairman suggested that the Festival Executive could submit an Application to the Community Grant Scheme for consideration at the beginning of the 2018/19 financial year and that this would still fit the timescales for the purchasing of the items in advance of the Melrose Festival 2018. Mr Marjoribanks confirmed that the Festival Committee would be happy with this. It was therefore agreed that a payment from the William Hill Trust Fund in the sum of £4,400 be made at the beginning of the financial year 2018/19. With regard to the balance of funding required, it was further agreed that the Melrose Festival Executive would submit an application to the Community Grant Scheme at the beginning of the financial year 2018/19 and that the William Hill Trust Fund would meet any shortfall in the financial application at that time. The Council's Grants Co-ordinator would assist with the application to the Community Grant Scheme.

### **DECISION**

**AGREED that :-**

- (a) **financial assistance be granted at the beginning of the financial year 2018/19 to Melrose Festival Executive in the sum of £4,400 to assist with the purchase of new seating, frames, trolleys and bunting; and**
- (b) **following confirmation of the outcome of a funding application to the Community Grant Scheme at the beginning of the financial year 2018/19, the William Hill Trust Fund would grant further funding to meet any shortfall in the financial application at that time.**
2. **APPLICATION FOR FINANCIAL ASSISTANCE FROM GATTONSIDE COMMUNITY TRUST**

There had been circulated copies of an Application for Financial for Assistance on behalf of Gattonside Community Trust. The Application explained that the Community Trust was looking to acquire an area of meadow within Gattonside Conservation Area for the purpose of increasing its biodiversity, facilitating education on the flora and fauna of the area and on sustainable natural development. The Community Trust was hopeful that this project would benefit local residents, school children and tourism in the area. The Application was in the sum of £2,500 to cover the costs for land surveys and associated legal expenses. During the discussion that followed, Members raised concerns about the lack of information relating to the Application and the longer term aspects of the project such as maintenance of the area, responsibility for the land etc. In addition, officers raised questions about whether the Application met the criteria required by the Trust Deed. No representative from Gattonside Community Trust had been able to attend the meeting therefore it was agreed that the Sub-Committee write to the Trust to request further information about:- its plans for land surveys; what the legal expenses would cover, what actions were required prior to purchase of any land and what progress had been made in terms of a feasibility study. Following a response, the Sub-Committee would consider the Application at a future meeting.

#### **DECISION**

#### **AGREED:-**

- (a) to write to Gattonside Community Trust to request further information about its plans for land surveys; what the legal expenses would cover; what actions were required prior to purchase of any land and what progress had been made in terms of a feasibility study; and**
- (b) that following a response from the Gattonside Community Trust, the Application for Financial Assistance would be considered further at a future meeting of the William Hill Trust Sub-Committee.**

***The meeting concluded at 11.25am***



# 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 Thursday, 26 October 2017 at 10.00 am

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Present:- Councillors S. Bell (Chairman), H. Anderson, K. Chapman, S. Hamilton (Vice-Chairman), N. Richards, H. Scott, R. Tatler and E. Thornton-Nicol  
Apologies:- Councillor J. A. Fullarton.  
In Attendance:- Chief Executive, Clerk to the Council, Democratic Services Officer (P Bolson).

## 1. WELCOME AND INTRODUCTIONS

The Chairman welcomed those present to the meeting.

## 2. SCRUTINY WORK PROGRAMME 2017-2019

- 2.1 There had been circulated copies of a briefing note by the Chief Executive explaining the background to the proposed Scrutiny Work programme for 2017–2019. At its meeting on 28 June 2017, Members of the Audit and Scrutiny Committee had suggested a number of areas for review, with a further two subjects being added to that list since then. Members were advised that, in keeping with the remit of the Committee, the focus should be on their strategic role. It would not therefore be appropriate for reviews to look at operational matters such as the detailed implementation of individual projects but it would be relevant for reviews to scrutinise delivery against a plan, or benefit realisation against a target. Scrutinising risk policy process and management for example would be appropriate but not the individual risk registers for specific projects.
- 2.2 The briefing note itemised each area that had been suggested for review, the Lead Officer where appropriate and the proposed outcome or action. During discussion, Members were advised that reviews should look at end to end processes, including scrutiny that: processes were robust and transparent; how reports were monitored throughout the term; and how these processes were delivered across the whole Council. Members acknowledged that their remit did not include scrutinising each area or project to operational level and in terms of Risk Management, noted that this was an operational matter and was therefore the responsibility of officers.
- 2.3 Members went on to discuss each review topic in turn and agreed outcomes and actions for each.
- (a) Health and Social Care Integration Joint Board – the proposed outcome was for the Committee to gain a greater understanding of how the Integration Joint Board delivered the Health and Social Care Strategic Plan to improve the lives of Borderers. Members agreed that this item should be taken forward as a presentation initially, with the option to review at a later date. The Lead Officer would be Mr McCulloch-Graham, Chief Officer Health and Social Care. Provision of Services by SB Cares – Members agreed that this be combined with the presentation on Health and Social Care Integration Joint Board. Following the presentation, a decision would then be made as to whether Provision of Services by SB Cares would go forward as a Review in the Scrutiny work programme. The presentation should include information on the performance of SB Cares in relation to the aims and targets set within SB Cares Business Plan and contain an assessment of the organisation’s capacity to adequately meet current and future

demand for its services within the current and projected financial constraints. The Lead Officer would be Mr Philip Barr, Managing Director of SB Cares.

- (b) IT within Scottish Borders Council - the proposed outcome was to confirm that the deliverables set out in the ICT programme were in place to deliver the business transformation programme and other corporate plan outcomes of the Council. Following discussion, Members agreed that Business World/ERP would be incorporated into a combined presentation on both of these items. The Lead Officer would be Mr David Robertson, Chief Financial Officer.
- (c) Waste Disposal Plant at Easter Langlee – it had been suggested this was the subject of an information briefing for all Members as part of the Members Development Programme. Following discussion, Members agreed that this item be deferred until the decision of the Planning and Building Standards Committee was known.
- (d) Managing Risk within Major Capital Projects – Members agreed that this be the subject of an information briefing for all Members as part of the Members Development Programme and that it could be brought into the Scrutiny Work Programme for review at a later date if required.
- (e) Community Access to Schools - the proposed outcome was to ensure that community groups and the public were aware of and able to make full use of available infrastructure in schools for learning, leisure and sport. Members were advised that when new schools were being built, the facilities available within the campus would be made available to the whole community and that these arrangements would be communicated to the wider public at that time. The Lead Officer would be Mr Martin Joyce, Service Director Assets & Infrastructure.
- (f) Provision of Janitorial and Cleaning Services – Members agreed that this would be the subject of an information briefing for all Members as part of the Members Development Programme.
- (g) Provision of Services by SB Cares – Members agreed that this be combined with the presentation on Health and Social Care Integration Joint Board referred to in paragraph 2.3(a) above.
- (h) Provision of Services by Live Borders – Members agreed that this item would be the subject of an information briefing for all Members as part of the Members Development Programme and that it would include information on the performance of Live Borders in relation to the aims and targets set within Live Borders Business Plan and evaluate the organisation’s relative performance across its broad remit to provide leisure, sport, cultural and community services.
- (i) Contract Management – Members agreed that this item be deleted from the Scrutiny work programme.
- (j) Following the Public Pound – Members agreed that the outcome of this would be to assess whether adequate and robust governance mechanisms and procedures were in place to protect the Council’s interest when administering public funding through a third party, and, where required, strengthen these procedures to ensure that the Council could comprehensively ensure good governance of public funds through third parties. During discussion, Members were advised that strict processes were in place in relation to Following the Public Pound, including those required for any Community Grant funding by SBC. It was agreed that a briefing for Members be provided on how “value for money” was measured across the range of grant funding available from the Council. The Lead Officer would be Jenni Craig, Service Director Customer and Communities.

- (k) Performance Criteria and Outcomes on Common Good Funds – the Committee was advised that the Trustees of the Common Good Funds ie the Elected Members made the decisions as to whether grants were managed in a sustainable way for future generations and this was not a matter for Scrutiny review. It was agreed that this item be removed from the Scrutiny work programme and further work be progressed out-with the Committee to look at how all Common Good Funds operated across the area.
  - (l) Business World/ERP – Members agreed that this would be incorporated into the presentation on IT within Scottish Borders Council, as detailed in paragraph 2.3(b) above.
  - (m) Procurement Process – Members agreed that this would be the subject of a presentation for all Members as part of the Members Development Programme and that the item could be added to the work programme at a later date as determined by the Committee if required.
- 2.4 With reference to the proposed review on the Cost of Delivery of Services per Person across the Council, Members were advised that a “like for like” comparison across other Local Authorities would be difficult, given that Councils calculated these costs in a number of different ways. The information Members had requested could be provided using data from the Local Government Benchmarking Framework. It was agreed that this item be removed from the work programme and it was further noted that a private Members’ Briefing would be arranged in advance of publication of benchmarking data.
- 2.5 Members were advised that there were two outstanding update reports carried forward from the previous Scrutiny Committee, namely Home Schooling; and Review of 2G and 3G pitches. These reports were due for presentation in February 2018 and June 2018 respectively.
- 2.6 The amended Scrutiny work programme would be presented to the Committee on 30 November 2017 and to full Council in December 2017 for approval.

## **DECISION**

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

- (i) **in respect of Community Access to Schools, when new schools were built, the facilities available within the campus would be made available to the whole community and that these arrangements would be communicated to the wider public at the time; and**
- (ii) **a private briefing would be provided to Members prior to the publication of the Local Government Benchmarking Framework data.**

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

- (i) **the following items be included in the Scrutiny Work Programme:**
  - (1) **Health and Social Care Integration Joint Board and the provision of services by SB Cares;**
  - (2) **IT within Scottish Borders Council;**
  - (3) **Community access to schools;**
  - (4) **Update report on Home Schooling; and**

- (5) Update report on 2G and 3G pitches;**
- (ii) that Members receive briefings as part of the Members Development Programme on the following:**
  - (1) Waste Disposal Plant at Easter Langlee;**
  - (2) Managing Risks within Major Capital projects;**
  - (3) Provision of Janitorial and Cleaning services;**
  - (4) Provision of services by Live Borders;**
  - (5) How Value for Money is measured against the range of grant funding provided by Council; and**
  - (6) Procurement processes.**
- (iii) the following items not be taken forward for consideration by the Audit and Scrutiny Committee:**
  - (1) Contract Management;**
  - (2) Performance Criteria and Outcomes on Common Good Funds; and**
  - (3) Cost of Delivery of Services per Person across the Council; and**
- (iv) a report be presented to Audit and Scrutiny Committee at its meeting on 30 November 2017 with details of the final Scrutiny Work Programme.**

*The meeting concluded at 10.50 am*

# SCOTTISH BORDERS COUNCIL TWEEDDALE LOCALITY COMMITTEE

MINUTES of Meeting of the TWEEDDALE LOCALITY COMMITTEE held in the Community Wing, St. Ronan's Primary School, Innerleithen on Wednesday, 1 November 2017 at 7.00 pm

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Present:- Councillors R. Tatler (Chairman), S. Bell (From para 4), K. Chapman, S. Haslam (from Para 7), E. Small, Community Councillors M. Douglas, L. Hayworth, C. Lewin, G. Parker, K. Peebles, J. Taylor and G. Thornton

Apology:- Councillor H. Anderson

In Attendance:- Neighbourhood Area Manager (Tweeddale), Shona Smith and Democratic Services Team Leader

Members of the Public:- 7

## 1. **OPEN FORUM**

The Chairman invited those present to raise any matters not already included on the agenda. Mr Winter from Eddleston commented on the speed indicator signs at the entry to Clovenfords and enquired how they might be obtained for Eddleston.

### **DECISION**

**AGREED to check with relevant officers if there was a criteria to obtain such signs.**

## 2. **ORDER OF BUSINESS**

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

## 3. **MINUTES**

There had been circulated copies of the Minutes of the meetings held on 30 August and 4 October 2017.

### **DECISION**

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

## 4. **SMALL SCHEMES AND QUALITY OF LIFE**

The Neighbourhood Area Manager reported that there was one small scheme for consideration. The proposal was to create and install a pedestrian dropped kerb access at 22 Kingsland Square, Peebles. The proposal had been received from a resident with specific mobility issues, the creation of the dropped kerb would significantly improve their ability to get to and from their car with much greater ease. Asset Management staff had approved the proposal but due to limited budgets were unable to pay for the creation of the access directly. Costs were estimated at £726.80 and if this proposal was funded a balance of £17,637 would be left in the small schemes budget. Members agreed to support the proposal. In response to a question regarding how residents with similar issues should approach the Council, Mr Hedley advised that people should contact him first and he would then ask for an assessment by roads staff and, if appropriate, bring the request to the Committee for consideration. In response to a query from a Community Council representative on budget availability Mr Hedley advised that budget was available until end of March but any unspent would transfer over into the next financial year.

### **DECISION**

**AGREED to approve from the Small Schemes budget the sum of £726.80 to provide a dropped kerb at 22 Kingsland Square, Peebles.**

**MEMBER**

Councillor Bell joined the meeting during consideration of the above item.

**5. POLICE SCOTLAND - UPDATE BY INSPECTOR HODGES**

Inspector Tony Hodges was present at the meeting and provided an update on Police activity in the area. He commented on the ATM which was stolen from a shop in Caddon Court, Innerleithen. With the assistance of the community and detection throughout Scotland a report was with the Procurator Fiscal and one man was in custody. With regard to housebreaking in Tweeddale it was noted that while numbers were decreasing work on detection and prevention continued. Regarding concerns around youth related anti-social behaviour in Peebles, Operation Walrus had seen a number of additional officers on patrol in the town and as a result a number of young people had been reported to the Children's Panel. A Safer Communities campaign to address the supply of alcohol to youths would be carried out over the coming weeks. There would be increased officer presence in towns over the festive period. With regard to road safety the tragic death of a Walkerburn resident on the A72 was highlighted. In terms of community policing PC Nicky Craig was now back at work on a restricted basis and would hopefully be able to attend community council meetings in Tweeddale West very soon. In response to a question on the "dog worrying" campaign Inspector Hodges advised that this was based on work which had been undertaken in Tweeddale over the last 2 years. The Chairman commented on the future involvement of both Police and Fire and Rescue Representatives in the new Area Partnerships and advised that he would meet with them to discuss this.

**DECISION**

**NOTED the report.**

**6. SCOTTISH FIRE AND RESCUE SERVICE - UPDATE BY S. MITCHELL, STATION MANAGER**

Station Manager Stephen Mitchell was present at the meeting. He had hoped to give Members a presentation on the proposed transformation of the Scottish Fire and Rescue Service but it was agreed that this would be provided at a later date. He commented on the work of the Fire and Rescue Service in Tweeddale. The Drivewise Scheme with Clellands was now completed. Work on the development of a mentoring scheme was being undertaken with Peebles High School. Prevention work continued and the service was entering into its winter plan starting with bonfire night. A resilient communities event dealing with flooding had been held on Tweed Green on Sunday. Members were reminded that consultation on the Fire and Rescue Service Local Plan ended in December

**DECISION**

**NOTED the report.**

**7. WORKING GROUPS**

With reference to paragraph 1 of the Minute of 30 August 2017 regarding the possibility of setting up one or more working groups to deal with the A701 and the A72, Councillor Bell advised that he had discussed this with officers and that the change from the Locality Committee to an Area Partnership would mean that an associated working group looking at a particular road would no longer be appropriate. This did not remove the need for such a group and it was suggested the Tweeddale Members and Community Council representatives meet with the Service Director Assets and Infrastructure and other appropriate officers to examine the safety issues on the roads. Community Councillor Lewin welcomed this suggestion and asked what the mechanism was for getting works carried out. Councillors Chapman and Bell explained their role in this and Councillor Chapman advised that he was already working on taking this forward.

**DECISION**

**AGREED to the way forward proposed above.**

**MEMBER**

Councillor Haslam joined the meeting during discussion of the above item.

**8. LOCALITY BID FUND**

Ms Shona Smith, Communities and Partnership Manager outline how the new Locality Bid Fund would operate. Bids could be made under the themes contained in the Community Plan which would be considered by Council the following day. She outlined the criteria for bids and advised that these would then be checked by an assessment panel before going forward to a public vote. The Chairman advised that given this was such a new concept only part of the fund had been released for the first round of applications. An assessment of the first round would inform any changes needed for the second round. In response to a question on how smaller community projects would receive sufficient votes, Ms Smith advised that work with the Democratic Society had shown that voting patterns did not always turn out as expected but any issues could be addressed as part of the second round of bids. She further highlighted the various methods of voting which would be available to try and make it accessible to as many people as possible. In response to a question on guidance on how to structure projects Ms Smith advised that her team could give advice to help shape applications. She had visited Ayrshire where a Bids Fund was in operation and had seen good examples of projects to deal with social isolation which might be of interest. The Chairman advised that some of the funding from Phase 2 could be used to go out and look for projects. Ms Smith was also working with the 3<sup>rd</sup> Sector and Community Learning and Development and the first round would be a learning experience and would help identify "hot" and "cold" spots. Jez Hall from the national organisation PB Partners was coming to address Council the following day and this might help identify further ideas. It was confirmed that there was no timescale for successful bids spending the funds received.

**DECISION**

**NOTED.**

**9. NOTE OF INFORMAL MEETING HELD ON 4 OCTOBER 2017**

There had been circulated copies of the note of the Informal meeting of the Locality Committee held on 4 October 2017 to consider the operation of the Locality Bid Fund in Tweeddale.

**DECISION**

**AGREED to ratify the following:-**

- (a) a budget of £30,000 be set for the first round;**
- (b) the funds not be split by theme at this stage;**
- (c) that no additional publicity be undertaken for the first round but this be reviewed before round 2;**
- (d) a public presentation and voting event be held in January 2018; and**
- (e) that future meetings be held on 10 January 2018 in Peebles and 7 March 2018 in West Linton.**

**10. TWEEDDALE AREA PARTNERSHIP**

The Chairman advised that a report would be considered by Council the following day on the setting up of the new Area Partnerships. They would meet 5 times per year and

would be tasked with putting together Locality Plans under the themes contained in the Community Plan. Each meeting would have a theme and there would be facilitated debate to enable conclusions to be drawn. Members agreed that they would take the themes in order so the first meeting in January would look at Economy, Skills and Learning and the March meeting would deal with Health, Care and Wellbeing. Representatives from the following would be invited to the January meeting:-

Scottish Enterprise  
Skills Development Scotland  
Community Development Trusts  
Social Enterprise Chamber  
Council Officers dealing with Transport, Economic Development and Developing the Young Workforce

It was noted that once the Locality Plan had been developed it would continue to be monitored and reviewed to ensure it was always up-to-date.

#### **DECISION**

**AGREED the themes for the January and March meeting of the Tweeddale Area Partnership.**

#### **POLICE AND FIRE & RESCUE REPRESENTATIVES**

11. Councillor Haslam on behalf of the Committee thanked Inspector Hodges and Station Manager Mitchell for their attendance and input at the Locality/Area Committee over the years.

***The meeting concluded at 8.00 pm***



# 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, 6 November 2017 at 10.00 am

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Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, H. Laing, S. Mountford, C. Ramage and E. Small.  
Apologies:- Councillor S. Hamilton.  
Also Present:- Councillors S. Bell, G. Edgar, S. Marshall, W. McAteer, D. Parker, H. Scott.  
In Attendance:- Depute Chief Planning Officer, Lead Officer (Development Management and Enforcement), Lead Planning Officer (Environment and Infrastructure), Lead Roads Planning Officer, Chief Legal Officer, Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE.**  
There had been circulated copies of the Minute of the Meeting held on 2 October 2017.

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

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

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

3. **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) **Appeal received in respect of Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated development and landscaping works on land North East of 3 The Old Creamery, Dolphinton – 17/00087/FUL.**
- (b) **there remained three appeals outstanding in respect of:-**
  - **Land North of Howpark Farmhouse, Grantshouse**
  - **Poultry Farm, Marchmont Road, Greenlaw**
  - **Units 9 and 10, 6 – 8 Douglas Bridge, Galashiels**
- (c) **Review request had been received in respect of the erection of boundary fence (retrospective) at 33 Justice Park, Oxton**

- (d) the decision of the Appointed Officer had been upheld in respect of:-
- (i) Replacement windows and installation of chimney flue at 5 High Street, Innerleithen – 17/00257/FUL;
  - (ii) Alterations to existing bellmouth and formation of new access at Land North West of Kirkburn Parish Church – 17/00384/FUL;
  - (iii) Formation of hardstanding, steps, retaining wall and new foot path on Land North West of Kirkburn Parish Church, Cardrona; and
  - (iv) Erection of agricultural building and formation of new access track on Land South of 3 Kirkburn Cottages, Cardrona, Peebles – 17/00806/FUL
- (e) the decision of the Appointed Officer had been Overturned in respect of Variation of Conditions No. 3 of planning consent 10/00156/FUL to allow short term letting at Jordanlaw Granary, Jordanlaw Road, Westruther
- (f) there remained three reviews outstanding in respect of:-
- Land at Hardiesmill Place, Gordon
  - Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston
  - 1 Glenkinnon, Ashiestiel Bridge, Clovenfords
- (g) there remained four S36 PLI's outstanding in respect of:-
- (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir
  - Fallago Rig 2, Longformacus
  - Fallago Rig 1, Longformacus
  - Birneyknowe Wind Farm, Land North, South, East & West of Birniekove Cottage, Hawick

*The meeting concluded at 3.20 p.m.*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

| <u>Reference</u> | <u>Nature of Development</u>                            | <u>Location</u>                               |
|------------------|---|---|
| 17/01149/FUL     | Formation of Waste Transfer Station and associated work | Land South of Easter Langlee Recycling Centre |

Decision:- Approved subject to the following conditions

1. The development shall be carried out in accordance with site plan 101-D6 and all other plans and drawings approved under this consent unless where required to be amended to suit any other condition in this schedule and unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development is completed as approved and to overcome any apparent inconsistencies between plans and drawings

2. No development shall commence until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The CEMP shall include:

- i. Risk assessment of potentially damaging construction activities,
- ii. Identification of any "biodiversity protection zones".
- iii. Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
- iv. A Drainage Management Plan
- v. A Site Waste Management Plan
- vi. An Accident Management Plan
- vii. Responsible persons and lines of communication.
- viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or equivalent

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

Reason: To minimise potential adverse effects on ecological interests and in order to ensure all practicable measures are taken to reduce the production of waste during the construction phase

3. No development shall commence until a Species Protection Plan (SPP) for badger and breeding birds has been submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. The SPP shall include provision of pre-development supplementary surveys and a mitigation plan for badgers and birds, including mitigation for any works that may be carried out during the breeding bird season (March-August, though this is extended for some species including barn owl, barn swallow and pigeon) There shall be no development works during the bird breeding season unless specified within the SPP which has first been approved by the Planning Authority.

Reason: To minimise potential adverse effects on ecological interests

4. No development shall commence until a ground investigation report has been submitted to and approved in writing by the Planning Authority. The report shall include identification and assessment of potential contamination on the site (in accordance with PAN 33 (2000) and BS10175:2001) and shall include (as applicable) a remediation strategy, validation report and monitoring statements, including timescales for the implementation of all such measures. Development shall not

commence until the report is approved by the Planning Authority and the development shall be carried out only in accordance with the approved report, including approved remediation, validation, monitoring measures and timescales for their implementation.

Reason: To ensure that the potential for health risk arising from any identified land contamination has been adequately addressed.

5. No development shall commence until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- i. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- ii. If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- iii. Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- iv. If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- v. Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- vi. The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

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

6. No development shall commence until a detailed scheme, including plans, drawings and specifications, for those improvements referred to in Appendix 3 (drawing no. 720) and Appendix 4 (drawing no. AT-04A) of the Transport Statement (Goodson Associates August 2017) in addition to street lighting of the C77 have been submitted to and approved in writing by the Planning Authority. The approved scheme of improvements and street lighting shall all be completed in accordance with the approved scheme before any development commences, including the implementation of any works that may be associated with the development that would otherwise be Permitted Development, notwithstanding the General Permitted Development (Scotland) Order 1992 as amended, or any subsequent amendment or revised Order. All site access roads, yard and parking areas shall all be complete before the development becomes operational

Reason: To maintain road and pedestrian safety

7. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing 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

8. No development shall commence until a full schedule of external materials has been submitted to and approved in writing by the Planning Authority. The schedule shall include finishes and colours, and samples where required by the Planning Authority, for the waste transfer station (including stacks), sprinkler tank, pump house, office and kiosk, notwithstanding the specifications given on any approved plan or drawing. The development shall be completed using the approved schedule  
Reason: To limit the visual impact of the development
9. No development shall commence until evidence has been submitted to the Planning Authority that a public water supply will be available to service the development, or details of a private water supply have been submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved details.  
Reason: To ensure the development can be adequately serviced
10. The offices shall not become operational until a foul drainage scheme is implemented in accordance with the Drainage Strategy Plan and Flood Statement 13078 Rev B July 2017 Goodson Associates and the offices shall only operate with the foul drainage system in operation. A plan and drawings of the proposed scheme shall be submitted for the approval of the Planning Authority before installation and the works shall be installed in accordance with the approval  
Reason: To ensure the offices are capable of being adequately serviced in a visually and environmentally acceptable manner
11. Notwithstanding the layout on plan 6944-LD-001C a revised landscape layout shall be submitted to and approved in writing by the Planning Authority before development commences that concurs with approved site plan 101-D6, and specifies a timescale for implementation of landscaping. The landscaping shall be implemented and maintained in accordance with the approved site layout plan and approved planting and maintenance schedule (accounting for any adjustments to the schedule to accommodate the revised site layout)  
Reason: To mitigate the visual and landscape impacts of the development
12. Notwithstanding the layout on plan 590C a revised layout plan for site levels shall be submitted to and approved in writing by the Planning Authority before development commences that concurs with the approved site plan 101-D6. The development shall be completed in accordance with the approved levels plan (accounting for any required adjustments to sectional drawings to concur with the revised layout)  
Reason: To visually integrate the approved development with proposed site level changes
13. The construction works shall be carried out in compliance with the Odour Management Plan (SLR-Final V2July 2017)  
Reason: To minimise, as far as practicable, potentially adverse effects arising from the construction on surrounding properties
14. The development shall not become operational until the surface water drainage scheme has been implemented in accordance with the approved plan 520 (adjusted to suit the approved site layout) and Drainage Strategy Plan and Flood Statement July 2017 13078 Rev B (Goodson Associates). The scheme shall maintain run-off from the site at pre-development levels in a 1:200 (plus climate change) event and shall be maintained throughout the operation of the development.  
Reason: To ensure surface water is treated in a sustainable manner without risk of run-off to neighbouring properties
15. The development shall not become operational until a phasing programme and timescale for the closure of the waste disposal operations of the landfill site have

been submitted to and approved by the Planning Authority. The development shall only operate in accordance with the implementation of the approved phasing programme and timescale.

Reason: To ensure that the closure of the existing operations occurs in a timely manner and does not result in a duplication of vehicle movements or amenity impacts.

#### Information for the applicant

1. Should any part of the development require amendment to satisfy Waste Management Licensing requirements, these will require a fresh planning application where they are deemed by the Planning Authority to materially amend the approved development. Once the outcome of the WML is known, the applicant should discuss any such amendments with the Planning Authority to establish the required course of action as early as possible.
2. The extension referred to on the approved plans is not consented under this planning approval.

#### NOTE 1

Mr J. Birnie, Chairman of Coopersknowe Residents Assoc. and Mr Norman Young spoke against the application.

Councillor Gordon Edgar and Mr Martin Joyce, Service Director Assets and Infrastructure spoke in support of the application.

#### NOTE 2

Councillor Anderson moved that the application be refused due to inadequate access along the C77, particularly from Melrose Road. However, as there was no seconder the motion fell.

#### Reference

17/00010/FUL

#### Nature of Development

Construction of Wind Farm comprising 7 No turbines up to 149.9m high to tip, 5 No Turbines up to 130m high to tip and associated infrastructure

#### Location

Land South West of Lurgiescleuch (Pines Burn), Hawick

Decision:- Refused, contrary to the Officer recommendation for the following reasons:

1. The proposal is contrary to Policy ED9 of the adopted Scottish Borders Local Development Plan in that it would have unacceptable significant adverse impacts that cannot be mitigated and that are not outweighed by the wider economic, environmental and other benefits that would be derived from its operation. In particular:
  - The scale, form and location of the development would represent a significant and harmful change to the existing landscape character and visual amenity of the immediate locality and the wider area; and
  - The development would give rise to an unacceptable and dominating impact upon the residential properties at Langburnshiels.
2. The proposal is contrary to Policies ED9 and EP8 of the adopted Scottish Borders Local Development Plan in that the development would give rise to significant and unacceptable impacts upon the setting and appreciation of known archaeological assets, including the Scheduled Monuments of Penchrise Pen fort and earthwork, as well as to other designated and undesignated sites of archaeological importance

in the area. The wind farm would also introduce large-scale industrial structures on the fringes of an historic landscape.

NOTE 1

Councillor Watson McAteer, spoke against the application.

Mr Philip Kerr on Behalf of Hobkirk, Southdean and Denholm CC spoke against the application.

Mr Duncan Taylor, Energiekontor UK Ltd. and Mr Andy Maybury spoke in support of the application.

NOTE 2

Councillor Aitchison, seconded by Councillor Ramage moved that the application be refused as it was contrary to Policies ED9 and EP8 of the adopted Scottish Borders Local Development Plan and this was unanimously approved.

| <u>Reference</u> | <u>Nature of Development</u>                      | <u>Location</u>             |
|------------------|---|-----------------------------|
| 17/00623/FUL     | Erection of poultry building and associated works | Hutton Hall Barns<br>Hutton |

Decision: Refused contrary to Officer recommendation for the following reasons:-

1. The development would be contrary to Policy ED7 – Business, Tourism and Leisure Development in the Countryside of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit would not respect the amenity and character of the surrounding area. In addition impact of the expansion and intensification of uses as well as the scale of the development would be inappropriate to the rural character of the site.
2. The development would be contrary to Policy ED10 – Protection of Prime Quality Agricultural Land and Carbon Rich Soils of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit will result in the permanent loss of prime quality agricultural land.
3. The development would be contrary to Policy HD3 – Protection of Residential Amenity of the adopted Scottish Borders Local Development Plan in that the proposed poultry unit would have an unacceptable adverse visual impact on the existing residential properties and the surrounding area generally.
4. The development would be contrary to Policy EP1 – International Nature Conservation Sites and Protected Species of the adopted Scottish Borders Local Development Plan in that no evidence has been provided to demonstrate the proposed development will not give rise to unacceptable pollution of the adjoining watercourse. Furthermore the proposed development would be contrary to Policy EP15 – Development Affecting the water Environment and Policy EP3 – Local Biodiversity of the Scottish Borders Local Development Plan 2016 in that further evidence is required to ensure that there would be no adverse impacts on the water environment and local biodiversity.

NOTE

Councillor Fullarton, seconded by Councillor Mountford moved that the application be refused on the grounds that the application would be contrary to Policies ED7 &, ED10, HD3 and EP1 of the Scottish Borders Local Development Plan and this was unanimously approved. Councillor Mountford suggested that it might be helpful if the developer produced a plan for the long term future of the Business.

| <u>Reference</u> | <u>Nature of Development</u>    | <u>Location</u>    |
|------------------|---------------------------------|--------------------|
| 17/00228/FUL     | Erection of five dwellinghouses | Land South East of |

Decision: Approved, subject to conclusion of the required legal agreement with regards development contributions, and subject to the undernoted conditions.

- 1 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.

Reason: To maintain effective control over the development.

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

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Limited intervention of features, or expansion of trenches will only take place if approved in writing by the Council's Archaeology Officer
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
- Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- The results of additional excavations and an appropriately resourced post-excavation research design shall be submitted to the Council for approval within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

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

- 3 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and



approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.

Reason: To maintain effective control over the development.

- 4 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the elevations of the building hereby approved on Plot 2 unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

#### NOTE

Mr Will Roberts on behalf of Denholm and District Community Council spoke against the application.

Mr John Riddell on behalf of the Developer spoke in support of the application.

#### NOTE 2

Councillor Ramage moved that the application be continued to allow for a site visit. However, as there was no seconder the Motion fell.

| <u>Reference</u> | <u>Nature of Development</u>   | <u>Location</u>                                 |
|------------------|--|---|
| 17/00652/FUL     | Change of Use from Joiner's Workshop and alterations to form dwellinghouse | Former Joiner's Workshop<br>The Row<br>Allanton |

Decision: Approved subject to the aforementioned Section 75 legal agreement and the following conditions and informatives:

#### Conditions

1. No development shall commence until a Traffic Management Plan for the construction work is first submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved plan.

Reason: In the interests of road safety and to ensure that the development proceeds in an orderly manner.

2. No development shall commence until precise details of refuse storage has been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance with the approved details and the refuse storage area shall be made available for use before the dwellinghouse is occupied. The refuse storage area shall be retained in perpetuity.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

3. This permission shall only permit the conversion and adaptation of the existing structure as a single dwelling unit. It shall not purport to grant permission for the erection of a new dwelling nor for any extensive rebuilding which would be tantamount to the erection of a new dwelling.  
Reason: Permission has been granted for the conversion of an existing building to habitable accommodation.
4. Notwithstanding the description of the materials in the application, no development shall commence until precise details of the materials and finishes to be used in the alteration of the building, including details of new windows and doors, 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.
5. No solar panels shall be fixed to the building until precise details have been submitted to and approved in writing by the Planning Authority, and thereafter no such panels shall be fixed to the building except in strict accordance with those details.  
Reason: The proposed solar panels require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
6. The area shown for parking on the Location Plan shall be used parking of vehicles associated with the dwellinghouse hereby approved and must be properly consolidated prior to the occupation of the dwellinghouse. The parking area shall thereafter be retained and maintained in perpetuity for parking of vehicles ancillary to the use of the property as a dwellinghouse.  
Reason: To ensure satisfactory provision of parking.
7. No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.  
Reason: To ensure that the development does not have a detrimental effect on public health.
8. 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 drainage network.  
Reason: To ensure that the development does not have a detrimental effect on public health.
9. No development shall commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.  
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
10. Prior to the commencement of development, the developer shall submit in writing to the Planning Authority confirmation that the development shall be carried out in strict accordance with all the measures outlined in the Species Protection Plan for breeding birds as provided in the Bat and Breeding Bird Survey report (Findlay Ecology Services, August 2017). No development shall commence during the bird breeding season unless the development is implemented wholly in accordance with the SPP.  
Reason: in the interests of biodiversity and the mitigation of the impacts of development on protected species.

## **Informatives**

1. In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at [www.bats.org.uk](http://www.bats.org.uk). Further information and articles available at:  
[http://www.bats.org.uk/pages/bats\\_and\\_buildings.html](http://www.bats.org.uk/pages/bats_and_buildings.html)  
[http://www.bats.org.uk/pages/existing\\_buildings.html](http://www.bats.org.uk/pages/existing_buildings.html)  
[http://www.bats.org.uk/publications\\_download.php/1404/Bats\\_Trees.pdf](http://www.bats.org.uk/publications_download.php/1404/Bats_Trees.pdf)

## 2. Stoves and Use of Solid Fuel

These 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 and the fuel that is approved for use in it:

<http://smokecontrol.defra.gov.uk/appliances.php?country=s>  
<http://smokecontrol.defra.gov.uk/fuels.php?country=s>.

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

[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.

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**SCOTTISH BORDERS COUNCIL  
EXECUTIVE COMMITTEE**

MINUTE of Meeting of the EXECUTIVE  
COMMITTEE held in the Council Chamber,  
Council Headquarters, Newtown St Boswells,  
TD6 0SA on Tuesday, 7 November 2017 at  
10.00 am

Present:- Councillors S. Aitchison, C. Hamilton, S. Haslam, , W. McAteer , T. Miers, S. Mountford, M. Rowley, G. Turnbull, T. Weatherston.  
Also present:- Councillors S. Bell, J. Fullarton, S. Marshall, C. Ramage  
Apologies:- Councillor G. Edgar, E. Jardine, Mr I. Topping, Jeanette Aitchison, G. Jarvie  
In Attendance:- Chief Executive, Chief Financial Officer, Service Director Children and Young People, Chief Officer Education, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

**EDUCATION BUSINESS**

Present: Ms C. Thorburn, Ms A. Ferahi, Luis Mendoza, Jennifer Sibbald.

**CHAIRMAN**

Councillor Carol Hamilton chaired the meeting for consideration of the Education Business.

**1. CHAIRMAN'S REMARKS**

Councillor Hamilton welcomed the new Pupil Representatives, Luis Mendoza and Jennifer Sibbald and Ms Cecile Thorburn, Religious Representative to their first meeting and welcomed back Mrs Ferahi.

**2 EARLY YEARS AND PRIMARY SCHOOL PUPIL PERFORMANCE MEASURES –  
SCHOOL SESSION 2016-17 CONOMIC DEVELOPMENT UPDATE**

There had been circulated copies of a report by the Service Director, Children and Young People which provided an update on performance in raising the attainment and achievement of children and young people in literacy, numeracy and health and well-being both locally and nationally for the school session 2016/17 and information on how key measures were continuing to develop. The report detailed the background, pupil performance in the broad general education, reported Performance Levels and Implications and outlined the next steps that were being taken at Regional, Local Authority and school level to continue to improve pupil performance. The Chief Education Officer gave a presentation and explained that broad General Education covered 4 levels from early Learning Childcare to the end of Secondary 3. There was a National expectation of progress although it was acknowledged that achievement may be earlier or later for some. She gave details of achievements at the various levels and advised that attainment in Scottish Borders Council across all stages and all subjects was consistently above the National Average. It was noted that these results were categorised as experimental statistics as it was an evolving picture. However, the levels of attainment within Scottish Borders Council were strong compared to national data, which would be released later in 2017, and evidenced improving levels of moderation and teacher judgement. Officers answered Members questions and it was noted that improved engagement with parents continued to be a goal. Methods of teaching both numeracy and literacy were being examined to see if they could be improved.

**DECISION**

**NOTED the report.**

### 3. **INSIGHT LOCAL BENCHMARKING MEASURES TO 2017**

There had been circulated copies of a report by the Service Director, Children and Young people which informed the Committee of trends in attainment and the achievement of Secondary 5 and Secondary 6 pupils in the Senior Phase in Scottish Borders using the 'Local Benchmarking Measures' from 2013 to 2017 from Insight the National Exam Comparator Data tool. The report explained that the Local Benchmarking measures provided data on pupils' achievements during the Senior Phase while they were still at school. Leavers' data would be available in the National dashboards on Insight in February. The attainment figures were based on the 'Latest and Best' achievement of young people in the Senior Phase and some early presentations in Secondary 3. In Scottish Borders, the Council operated inclusive schools and there were some pupils who passed examinations at SCQF Levels 1 and 2, which were not included in the analysis as key benchmark measures, but were available in whole school subjects summary reports. The attainment of the most vulnerable pupils would be reported as a separate report to the Executive Committee in January 2018. The information and commentary in the report detailed the progress made by Scottish Borders pupils against the Virtual Comparator and the National Establishment (i.e. national average) by stage over the last five years for each Local Benchmarking measures. Figures were provided for both the National Establishment and the Virtual Comparator, but the Virtual Comparator was seen as the key benchmark for helping schools and Education Authorities understand their strengths and areas for improvement. The Virtual Comparator was made up of ten pupils from other Local Authorities around Scotland who had similar matching characteristics. This was matched by stage, gender, Additional Support Needs (ASN) and Scottish Index of Multiple Deprivation (SIMD). It was not an actual school, but a helpful statistical comparator. Local benchmarking measures were influenced by a school's curricular model/presentations policy. The local benchmarking data was detailed in the appendix to the report. The Chief Education Officer reported on other successes including highest number S4 young people attending the Schools Academy college programme; New Foundation Apprenticeship courses available in partnership with Borders College and the development of wider achievement awards such as leadership, employability and personal development. In response to a question about whether the Council faced any risks in terms of Teacher numbers, attracting specialist Teachers and in particular the National teacher shortage, the Chief Education Officer confirmed that a proactive approach was being taken to shortage of Teachers including the employment of NQTs, flexible contracts and the launch that evening of year 2 of the 'Grown your Own' initiative. It was noted that Scottish Borders were currently in the enviable position of having the lowest number of teacher vacancies in Scotland and it was hoped that this could be maintained. The Chief Education Officers response to a question in relation to positive destinations, explained what was available for pupils who chose not to further their education through University and advised that this data would be available in February.

#### **DECISION**

- (a) **NOTED the trends in attainment and achievement of Secondary 5 and Secondary 6 pupils :-**
  
- (b) **AGREED to recognise the significant improvement in the fifteen key measures of pupils' performance in national exams in 2017 compared to 2016, acknowledging the work of school staff, young people and the support of parents/carers in this achievement.**

- 4. **EARLY YEARS AND CHILDCARE: EXPANSION TO 1140 HOURS** With reference to paragraph 2 of the Minute of 21 March 2017, there had been circulated copies of a report by the Service Director, Children and Young People which sought approval of the Service Delivery and Implementation Plan (SDP) relating to the proposed expansion of funded Early Learning and Childcare (ELC) for all three and four years and eligible two year olds from 600 hours to 1140 hours per year to communities across the Scottish Borders by the end of the parliamentary session 2020 (financial year 2020/21). The report explained that

following Scottish Government Guidance, the Council's approach was Provider Neutral and would be in support of a Funding Follows the Child rationale, prioritising settings that were best placed to deliver quality outcomes for children and supporting the Council's ambition to close the poverty related attainment gap and support parents into employment, training or study. Parents would be able to choose locally from a range of ELC settings and providers where they wished their child to access their funded hours from within the context of a best value approach. The report specifically provided information on the rationale of the SDP and its contents; taking account of the key principles as outlined in 'A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland' and was underpinned by clear guiding principles of Quality, Flexibility, Affordability and Accessibility. The SDP built upon the recommendations in a previous report relating to earlier phases of the ELC expansion of hours, the strategic approach to delivery and the identified communities now offering an 1140 ELC entitlement. Learning from the initial phases of the ELC expansion of hours was invaluable. The Service Director Children and Young People explained that this was a fantastic opportunity, with lots of ongoing and high quality preparation work taking place, it was provider neutral and offered blended opportunities, which would benefit childminders and partner providers. The challenges and next steps were highlighted. Members welcomed the flexible approach which would try to accommodate parental requirements. The focus on vulnerable families was also noted.

#### **DECISION**

- (a) APPROVED the Early Learning and Childcare (ELC) Service Delivery and Implementation Plan, associated project work and financial commitments at this stage;**
- (b) NOTED;-**
  - (i) the complexities and associated risks of planning for the expansion of Early Learning and Childcare; and**
  - (ii) that the draft Early Learning and Childcare Service Delivery and Implementation Plan had been submitted to the Scottish Government, subject to Council approval, a one-to-one officer session with the Scottish Government Delivery Team would be held with the Local Authority in November 2017, to which any specific points could be raised.**
- (c) AGREED that an update on the progress of the SDP be brought back to the Executive in January 2018, including specific detail of what the ELC expansion would look like in communities in school session 2018/2019, including detail of capital projects.**

#### **5. SCHOOL ESTATES REVIEW – NEXT STEPS 2017/18**

There had been circulated copies of a report by the Service Director, Children and Young People which provided an update on the work that was carried out in the School Estates Review from October 2016 to June 2017 and outlined the proposed next steps in the School Estates Review from October 2017 to June 2018. During the programme of work, the Council was recognised for delivering best practice in the manner in which the pupil, parent and community voice in Jedburgh was used to guide a consultation on learning provision in the town. The very successful outcome of Scottish Government partnership funding to deliver an Intergenerational Community Learning Campus with the Council had been instrumental in evolving the principles guiding the School Estate towards a holistic community approach, which was in line with the Council's developing approach to community empowerment and a focus on change and improvement being centred in localities. The success of the School Estates Review was very much linked within the level of engagement coming through from communities, who had become active in engaging with the Council on future proofing their estate and working jointly on specific

challenges, as well as responding positively to opportunities. The School Estate strategy was a key strategy within the Council which could contribute significantly to the vision and priorities set out in the Council's "Connected Borders" Strategic Plan. The Service Director gave a detailed presentation on each of the proposals detailed in the report and answered Members questions. It was noted that with regard to Government funding they were looking for new builds rather than refurbishments but projects were looked at on a case by case basis. In response to a question on schools with falling rolls, the Service Director advised that a meeting had been held for all schools with less than 50 pupils. These schools had prepared action plans and some had been successful in increasing their numbers. In terms of St Margaret's Primary School, Hawick the proposal to close the school was based on educational rather than cost grounds and there was a range of options for the continued provision of religious instruction for the children. With regard to the other RC schools it was noted that they were currently secure and new nursery provision was to be introduced at St Margaret's, Galashiels. Members discussed the proposals and agreed that the word "intergenerational" be removed from recommendation (d).

## **DECISION**

### **AGREED:-**

- (a) to the change in the strategic principles guiding the School Estate Review, which now focused on delivering intergenerational learning opportunities and outcomes for all ages within a community;**
- (b) to note the positive response from the Scottish Government to the high quality consultation process carried out as part of the School Estate Review in Jedburgh;**
- (c) to note that a separate paper recommending the closure of the nursery, primary , secondary and specialist provision and the establishment of Jedburgh Intergenerational Learning Community had been progressed within the School Estate Review in the period 2016/2017;**
- (d) that a detailed assessment was carried out of the four High Schools that had not been rebuilt (Galashiels Academy, Hawick High School, Peebles High School and Selkirk High School) re their condition, suitability and capacity to prioritise the order of investment in the Secondary School Estate in the next ten to fifteen years; and that the outcome of the assessment was brought back to the Executive Committee, along with a proposal for consultation with the local community that came out first looking at community options for learning;**
- (e) to note from the assessment of the Primary School Estate that Earlston Primary School and Eyemouth Primary School were priorities for investment and agreed that work should be developed and ongoing with the Scottish Government around partnership funding to deliver intergenerational learning opportunities for both communities;**
- (f) that the programme of closing mothballed schools (Eccles/Leitholm Primary School, Ettrick Bridge Primary School and Hobkirk Primary School) continued with pace so that all schools were closed within the 2017/2018 period;**
- (g) to note the proposal to conduct a statutory consultation on the closure of St Margaret's Roman Catholic Primary School in Hawick as an outcome of the Roman Catholic Schools Review as detailed in paragraph 6 below:**
- (h) to note the progress made by the Rural Schools Action Plans and commend the work of the parents;**



- (i) to note that, following engagement with parents/staff in Kirkhope Primary School, a proposal to extend the catchment would be consulted upon in January 2018; and
- (j) to note that a review of the transport policy would be forthcoming in 2018.

**6. JEDBURGH INTERGENERATIONAL LEARNING CAMPUS CONSULTATION OUTCOME REPORT**

With reference to paragraph 2 of the Minute of 6 September 2016, there had been circulated copies of a report by the Service Director, Children and Young people which sought agreement to recommend to Council the proposal to build an Intergenerational Learning Campus in Jedburgh and formally close the Nursery, Primary, Secondary and Specialist Provision in Jedburgh, following the completion of a public consultation process as set out in the Schools (Consultation) (Scotland) Act 2010 (as amended). The report explained the following the completion of the statutory consultation, a Consultation Report in respect of the proposals was prepared and published on 16 October 2017. The Consultation Report was contained in Appendix 1 to the report. Consideration of this report was undertaken as part of the wider discussion on the School Estate contained in Paragraph 4 above.

**DECISION**

\* **AGREED TO RECOMMEND to Scottish Borders Council that:-**

- (a) an Intergenerational Learning Campus was built in Jedburgh;
- (b) Howdenburn Primary School was permanently closed;
- (c) Howdenburn Nursery was permanently closed;
- (d) Parkside Primary School was permanently closed;
- (e) Parkside Nursery was permanently closed;
- (f) Jedburgh Grammar School is permanently closed;
- (g) Howdenburn Schoolhouse was permanently closed with the educational support for secondary aged pupils with Additional Support Needs being transferred to the Intergenerational Learning Campus;
- (h) the policy regarding pupils from Ancrum Primary School transitioning to Parkside Primary School for Primary 6 and Primary 7 be amended to facilitate transition to the Intergenerational Learning Campus;
- (i) the primary school catchment zones be rezoned from Howdenburn Primary School and Parkside Primary School to the Intergenerational Learning Campus; and
- (j) the secondary school catchment zone be rezoned from Jedburgh Grammar School to the Intergenerational Learning Campus.

**7. PROPOSAL FOR STATUTORY CONSULTATION TO CLOSE ST MARGARET'S RC PRIMARY SCHOOL, HAWICK**

There had been circulated copies of a report by Service Director, Children and Young People which recommended that a Statutory Consultation was undertaken in relation to a proposal to close St Margaret's Roman Catholic Primary School in Hawick. The report explained that as part of the School Estates Review, the Council had reviewed the denominational schools within the Scottish Borders considering: - increasing educational

opportunities; improving outcomes for children and young people; sustainability; future proofing the school estate and affordability. The Review had highlighted a significant fall in roll at St Margaret's Roman Catholic Primary School, Hawick since 1997. The school was currently operating at 14% of capacity; with a current roll of 14 pupils. Given a sustained reduction in demand for denominational education within Hawick it was proposed that a Statutory Consultation commence in relation to a proposal to close St Margaret's Roman Catholic Primary School, Hawick. The Children and Young People's Services team considered the proposal contained strong educational benefits for the children, which would provide greater opportunities for integration into their community and much wider learning experiences and greater opportunities in terms of the Curriculum for Excellence. Consideration of this report was undertaken as part of the wider discussion on the School Estate contained in Paragraph 4 above.

#### **DECISION**

- (a) **NOTED the position regarding the school roll at St Margaret's Roman Catholic Primary School, Hawick and the educational benefits associated with the proposal.**
- (b) **AGREED that a Statutory Consultation be undertaken in relation to the proposal to close St Margaret's Roman Catholic Primary School, Hawick.**

#### **OTHER BUSINESS**

##### **CHAIRMAN**

Councillor Haslam took the Chair for the remaining business.

#### **8. MINUTE**

The Minute of meeting of the Executive Committee of 17 October 2017 had been circulated.

##### **DECISION**

**APPROVED for signature by the Chairman.**

#### **9. CAR PARKING ISSUES**

With reference to paragraph 4 of the Minute of Scottish Borders Council held on 28 September 2017, the Chairman advised that in order to consider innovative solutions to the parking problems in the Scottish Borders it had been agreed that a Member Working Group be set up. She suggested that in order to gain a fresh perspective on this matter, the Working Group should, if possible, comprise newly elected Members and be chaired by Councillor Edgar as the relevant Executive Member. Councillor McAteer advised that Councillor Marshall had expressed an interest in being a member of the Working Group and although not a newly elected member, had not been a member of the previous Working Group. It was proposed that the Working Group should be made of seven Members with 4 from the Administration including Councillor Edgar and 3 from the Opposition groups

##### **DECISION**

**AGREED:-**

- (a) **that the Working Group comprise four Members from the Administration and three Opposition Members and be chaired by Councillor Edgar as Executive Member;**
- (b) **that the Groups should submit the names of those to be appointed to the Clerk to Council who would then arrange for the first meeting of the Working Group to be held.**

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

11. **MINUTE**  
The private section of the Minute of 17 October 2017 was approved.

*The meeting concluded at 12.20 p.m.*

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# Public Document Pack

## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in Council Headquarters, Newtown St Boswells, TD6 0SA on Wednesday, 8 November 2017 at 11.30 am

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

### 1. **CONTINUATION OF REVIEW OF 17/00239/FUL**

With reference to paragraph 3 of the Minute of 18 September 2017 and following an accompanied site visit, the Local Review Body continued consideration of the request from Mr Robin Tuke, per Clarendon Planning & Development Ltd, 5a Castle Terrace, Edinburgh, to review refusal of the planning application in respect of the erection of a micro meat processing unit and byre on land at Hardiesmill Place, Gordon. In response to the request by the Local Review Body for additional information, there had been circulated a statement and associated documents provided by the applicant, and a response from the appointed planning officer. Included was comment from the appointed planning officer on the new evidence in the form of letters of support. The papers which accompanied the request for review had also been re-circulated. Members agreed that the accompanied site visit and additional information provided had been helpful in their understanding of the operation of the business and the setting of the development. Members recognised the positive economic benefits of the proposal both with respect to the business at Hardiesmill Place and the wider economy and also noted benefits relating to the environment and to animal welfare. Their discussion focused on whether these benefits were sufficient to outweigh the visual impact of the unit in terms of its shape and colour and how the visual impact could be mitigated by the proposed roof structure and additional screening to both the west and east of the building.

### **DECISION**

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

- (a) **the review could be determined without further procedure on the basis of the papers submitted, the accompanied site visit and the additional information provided by the applicant;**
- (b) **the development was consistent with the development plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (c) **the decision of the appointed planning officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, for the reasons given in Appendix I to this Minute.**

*The meeting concluded at 12.05 pm*

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**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:** 17/00036/RREF

**Planning Application Reference:** 17/00239/FUL

**Development Proposal:** Erection of micro meat processing unit and byre

**Location:** Land at Hardiesmill Place, Gordon

**Applicant:** Mr Robin Tuke

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**DECISION**

The Local Review Body 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 listed below.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a micro meat processing unit and byre on land at Hardiesmill Place, Gordon. The application drawings and documentation consisted of the following:

| <b>Plan Type</b>                   | <b>Plan Reference No.</b>                 |
|------------------------------------|---|
| Location Plan                      | Scale 1: 9,449                            |
| Block Plan                         | OS extract                                |
| Site Map                           | Vs 5 (dated 3 <sup>rd</sup> October 2017) |
| Plan view with Tunnels             | Vs 3 (dated 2 <sup>nd</sup> October 2017) |
| Elevation (From North End)         | Vs 3 (dated 2 <sup>nd</sup> March 2017)   |
| Elevation (From South (road) Side) | Vs 3 (dated 2 <sup>nd</sup> March 2017)   |
| Directional Plan                   | 1625 – 300 (4.7.2017)                     |
| Modular Micro Abattoir             | 02 – 057 (Vs 3 11.10.2016)                |

## **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 initial meeting on 18<sup>th</sup> September 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Papers referred to in report; c) Consultations; and d) List of Policies, the LRB concluded that it did not have sufficient information to determine the review and that it required Further Procedure in the form of an accompanied site visit and further written submissions. In regard to the written submissions, the applicant was asked to provide the following:

- (i) plans showing the finished design and appearance of the micro meat processing unit and byre together with details of proposed screening;
- (ii) the reason why the design was different to that shown in the submitted drawings and the scope for mitigating the design of the building itself, if any;
- (iii) details of the operation of the facility including animal handling and the discharge of sewage and waste animal by-products; and
- (iv) whether it was proposed to make the facility available to process stock from out with the applicant's landholding;

The Review Body noted that there were letters of support for the development lodged with the review that were not before the appointed officer when the application was determined. Members determined that the letters of support would be accepted as new evidence and submitted to the appointed officer for comment as part of Further Procedure.

The accompanied site visit was held at 9.30am on Wednesday 8<sup>th</sup> November 2017, after which the Review Body re-convened at Council Headquarters 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 relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD3, ED7, EP13, EP16, IS7 & IS9

Other Material Considerations



- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

The Local Review Body agreed that the site visit had been very helpful to their understanding of the operational requirements of the business and appreciation of the landscape context within which it was located.

The Review Body was satisfied the business was related to the farming operations at Hardiesmill Place, that there were sound operational reasons for the location chosen and that it was appropriate to this rural location. They were also content with terms of the applicant's business case and that the proposal would have positive economic and employment benefits; as well as potential environmental benefits. Members noted there were also clear benefits to animal welfare of removing long vehicular journeys to slaughter.

Members noted that whilst the operational components of the micro processing unit had already been erected on site, the proposed enclosing roofing structure had not been constructed. The Review Body had initially been concerned about the visual impact of the structures, as erected, as their white external colouring and angular shape, made them strident in the landscape. In addition, the nature of the proposed roof structure and any mitigating impact it would have, was unclear from the originally submitted drawings.

After examining the revised plans submitted as Further Procedure, the Review Body accepted that, as they did not alter the proposal significantly, no fresh planning application was required and they were free to determine the proposal on the basis of the lodged plans. Members were content that the revised plans clarified the roofing proposals and that such a roofing structure would help to reduce the overall visual impact of the processing unit. The use of a grey colouring for the roof cladding would also help the building recede into the landscape and match farm buildings in the locality. They noted that the building would be no higher than the adjoining trees and that the existing trees were to be retained.

In terms of landscape and visual mitigation, the Review Body noted that the bund to the western boundary of the site had already been formed and that some degree of planting had been carried out. However, to reduce further the extent of the white wall of the processing unit visible from this direction the Review Body required an increase in the height of the bund and additional mixed tree planting. On the eastern boundary, whilst it was accepted that a bund could not be provided, additional planting was required to supplement the existing hedgerow. In addition, Members asked whether it was possible to increase the length of the proposed roof structure over the "Dirty Unit" so that it matched the length of the western roof slope, giving the roof a symmetrical appearance. This would further reduce the extent of white wall visible from the eastern boundary. The Review Body was content that the matters could be addressed through the imposition of suitably worded conditions.

The Review Body concluded that, whilst the micro processing unit would have a degree of landscape and visual impact, this could be successfully mitigated and that, in any event, the economic benefits the development would bring significantly outweighed any such impacts.

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

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

## **CONDITIONS**

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the external materials to be used in the construction of the roof structure enclosing the micro meat processing unit have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details and in accordance with an agreed timescale.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

2. No development to commence until a detailed drawing is submitted showing the roof structure enclosing the micro meat processing unit. The drawing is to illustrate whether it is practicable to increase the length of the eastern slope of the roof (over the "Dirty Unit") so that it matches the length of the western roof slope, giving the roof a symmetrical appearance. Thereafter, the roof structure shall be constructed in accordance with the approved plan.

Reason: To mitigate to visual impact of the building.

3. No development shall take place except in strict accordance with a scheme of landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
  - existing and finished ground levels in relation to a fixed datum preferably ordnance
  - existing landscaping features and vegetation to be retained and, in the case of damage, restored
  - proposals to increase the height of the existing bund to the western boundary of the site and additional tree planting along this boundary.
  - proposals for planting to enhance the hedgerow along the eastern boundary of the site
  - A programme for completion of the landscaping scheme and its subsequent maintenance.

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

4. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority providing evidence that arrangements are in place to ensure that the private drainage system is provided and thereafter maintained in a serviceable condition. The provisions of the approved report shall be implemented prior to the commencement of the operations hereby approved.

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

5. No development is to commence until a report setting out the details of the means of water supply for the development have been submitted to and approved in writing by the Planning Authority.

If the development is to be served by a private water supply then a report, by a suitably qualified person, shall be submitted demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties.

The provisions set out in the approved details shall be implemented before the commencement of the operations hereby approved.

Reason: To ensure that the development is adequately serviced with water and that there will be no detrimental effect on the water supplies of surrounding properties.

6. In terms of the vehicular access and servicing of the site, the following shall be provided:

- The new accesses to be surfaced to the Council's specification for the first 3m i.e. 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.
- Wheel washing facilities at the 'Dirty Access' to prevent debris being placed onto the public road.

- Measures to prevent the flow of water onto the public road.

Reason: In the interests of road safety and to ensure that the site is adequately serviced.

7. 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.

8. The micro processing unit shall only handle stock from the applicant's own landholding, as identified in the application, and shall not process stock imported from out with that landholding, without the express written permission of the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the terms of the application and the submitted business case.

## INFORMATIVES

The Environmental Health Officer indicates that the premises will need to be registered with the Council before commencing operations. In order to ensure that the layout of the premises complies with the registration requirements the applicant should contact an Environmental Health Officer as the earliest stage possible. This can be done by calling 0300 100 1800 or emailing [PLACEhealth@scotborders.gov.uk](mailto:PLACEhealth@scotborders.gov.uk)

In terms of condition 6 above, it should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

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

**Date.....**14 November 2017

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

MINUTES of Special Meeting of the HAWICK  
COMMON GOOD FUND SUB-COMMITTEE  
held in Lesser Hall, Town Hall, Hawick on  
Wednesday, 8 November 2017 at 2.00 pm

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Present:- Councillors: G. Turnbull (Chairman), S. Marshall, W. McAteer, C. Ramage,  
N. Richards, Mr J Little (Hawick) and Mrs A Knight (Burnfoot)

Apologies Councillor D Paterson.

In Attendance:- Managing Solicitor (R Kirk), Estates Surveyors (N Curtis), Property Officer (F  
Scott), Democratic Services Officer (J Turnbull)

1. **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**

2. **ST LEONARDS FARM, HAWICK**  
The Sub-Committee considered the Summary of Offers for three Lots at St Leonard's Farm, Hawick.
3. **URGENT BUSINESS**  
Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.
4. **ST LEONARD'S COTTAGE, HAWICK**  
The Sub-Committee considered a verbal update from the Property Officer.

***The meeting concluded at 3.40 pm.***

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# SCOTTISH BORDERS COUNCIL EILDON LOCALITY COMMITTEE

MINUTE of Meeting of the EILDON LOCALITY COMMITTEE held in the Council Chamber, Council HQ, Newtown St Boswells on Thursday, 9 November 2017 at 6.30 pm

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- Present:- Councillors G. Edgar (Chairman), A. Anderson, K. Drum, E. Jardine, T. Miers, H. Scott, E. Thornton-Nicol.  
Community Council representatives:- G. Easton (Selkirk), R French (Newtown and Eildon), S. Gibb (Earlston), R. Kenney (Galashiels), J Mackenzie (Stow).
- Apologies:- Councillors S. Aitchison, D. Parker. Community Councillor C. Whittingham (Ettrick & Yarrow).
- In Attendance:- S. Mitchell, Station Manager (Scottish Fire & Rescue Service), Inspector J. Scott (Police Scotland) (from para 7), Neighbourhood Area Manager (C. Blackie), Strategic Community Engagement Officer (C. Malster), Democratic Services Officer (F. Walling).

## 1. ORDER OF BUSINESS

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

## 2. MINUTE

There had been circulated copies of the Minute of 14 September 2017.

## DECISION

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

## 3. PARTNER UPDATES

### PARTNER UPDATE

- 3.1 Scottish Fire and Rescue Service (SFRS) Station Manager, Stephen Mitchell, was in attendance to give a presentation about the future of the service ahead of formal consultation on its proposed transformation. Firstly, he highlighted the main points of his report, which had been circulated, on SFRS activity in the Eildon area since the last meeting. This referred to partnership working and ongoing prevention and protection work. One of the points of interest was that an Emergency Services Open Day had been hosted by Galashiels Community Fire Station on 15 October which was also attended by partners including Police Scotland, Scottish Ambulance Service, Tweed Valley Mountain Rescue and Borders Search and Rescue. The event was a great success and attended by approximately 700 members of the community. The report advised that operational staff were currently undertaking activities related to the seasonal thematic action plan, including bonfire/firework safety messages; preventing deliberate fire setting; and discouraging outdoor fires, in particular rubbish and refuse fires.
- 3.2 Mr Mitchell referred to the presentation and explained the reasons behind the proposed transformation of SFRS. Fires in Scotland continued to decline, thanks in part to preventative work, while other real risks were emerging. Terrorism and severe weather occurred without warning and the SFRS needed to be prepared to deliver a safe and sustainable response. Also, with the population living longer and staying in their homes, the service could play a greater preventative and responsive role to ensure safety and wellbeing. Transformation would let the service deliver its current role more efficiently and

effectively. This would involve a re-balance of workforce and development of skills to enable alignment of response to current risks and demand. As a national service there was need for a model where resources could be more easily moved to where the need was greatest. A stronger Retained Duty System (RDS) model would improve safety in rural communities and improve the employment experience for the dedicated RDS firefighters. Mr Mitchell also made reference to the challenging financial environment, the fact that the current model was unsustainable beyond 2017/2018 and that transformation would release efficiencies to deliver more. He advised that there would be full public consultation on the proposed transformation in the coming months and views, ideas and insight would help shape delivery of the service in the future. Mr Mitchell concluded his presentation and answered questions on the proposals.

**DECISION**

**NOTED the presentation.**

**4. SMALL SCHEMES AND QUALITY OF LIFE**

The Neighbourhood Area Manager, Craig Blackie, gave a verbal update on the Small Schemes and Quality of Life Programmes for the Eildon area. He circulated a list of schemes which had been approved to date. The balance remaining in the Small Schemes budget for the Eildon area was £31,920. The balances in the Quality of Life budget for each Ward were:- Galashiels and District - £4,266; Leaderdale and Melrose - £3,077; and Selkirkshire - £6,166. Mr Blackie encouraged Community Councillors to put forward suggestions for schemes appropriate for funding under these budgets. The proposals could then be circulated to Elected Members for approval under delegated powers.

**DECISION**

**NOTED:-**

- (a) the schemes approved to date, under the Neighbourhood Services Small Schemes and Quality of Life budgets, as listed in the appendix to this Minute;**
- (b) the balances remaining in each budget; and**
- (c) that proposals for further schemes should be directed to the Neighbourhood Area Manager.**

**5. RATIFY NOTE OF INFORMAL MEETING HELD ON 19 OCTOBER 2017**

With reference to paragraph 5 of the Scottish Borders Council Minute of 28 September 2017, there had been circulated copies of a note of an informal meeting of Eildon area Elected Members held on 19 October 2017. The purpose of the meeting was to discuss and propose arrangements for the management of the Localities Bid Fund for the Eildon area.

**DECISION**

**AGREED that:-**

- (a) the Localities Bid Fund in the Eildon Area be organised into 2 funding rounds as suggested in the model within the report to Council, the first tranche being from the launch of the fund on 15 October 2017 to the close of applications on 1 December 2017;**
- (b) the funding allocation be split between the two approximately 40%:60% translating as £60k for the first tranche;**
- (c) the allocation be aligned to all themes of the Community Plan with the addition of 'Community Transport' as a local priority;**

- (d) **no additional marketing of the Fund was required for the Eildon Area over and above that provided on a Borders-wide level by the Council; and**
- (e) **a decision be made as to whether it would be appropriate to hold a ‘voting event’ as part of the public voting process once the bids were in.**

6. **DISCUSS ARRANGEMENTS FOR THE LOCALITY BID FUND IN THE EILDON AREA.**

Strategic Community Engagement Officer, Clare Malster, was in attendance to give an overview of the Locality Bid Fund initiative and answer questions. She explained that, as part of a wider response to the Community Empowerment (Scotland) Act 2015 and the requirement for participatory budgeting, Scottish Borders Council had agreed that a fund of £500k be split across the five Council areas to be used to support projects submitted by communities; allocated per head of population £153k in total was available for the Eildon area; £60k being available in phase 1. Bids would be invited from local communities and be pre-assessed by a panel before going to a public vote. Projects would be assessed against agreed criteria including: whether they met outcomes of the Community Plan and would benefit the local community; how the community would be involved in their delivery; their sustainability; and what would change in the community as a result of the projects. It was emphasised that all projects that met the assessment criteria would go forward for a public vote. In response to a question as to whether individuals could apply, Miss Malster advised that individuals and non-constituted groups could submit bids but that a funding cap of £5k would apply in these cases. With regard to timescales, the closing date for applications within the current phase was 1 December. However any bids that were too late to be submitted for phase 1 could be put forward for phase 2 within the proposed application period 1 April 2018 to 30 June 2018. In response to a point raised about possible unfairness in the voting system for projects due to differences in population density between urban and rural areas, Miss Malster advised that this had been recognised as a possibility and that, if thought necessary, it would be possible to ring-fence the fund for rural or town areas. In conclusion Miss Malster drew attention to leaflets, guidance notes and application forms that were available to take away from the meeting and advised that the information was also available on the Council’s website.

**DECISION NOTED**

7. **AREA PARTNERSHIP PROPOSALS**

There had been circulated copies of a report by the Service Director Customer and Communities which had been approved by Scottish Borders Council on 1 November 2017. The report brought forward proposals on the functions, initial core membership and future operation of Area Partnerships. To reflect the new statutory duties under the Community Empowerment (Scotland) Act 2015, it was proposed that the Locality Committees changed their constitution, remit and focus to one of community engagement and involvement; at the same time it was proposed that they changed their name to that of Area Partnerships to reflect this. With the greater emphasis on community empowerment, participative budgeting, and locality planning – not just for the Council, but for other public authorities/services - their main aim would be to form a community engagement platform to develop priorities and outcomes for the area. They would act as a community consultation body, not just for the Council but other service providers in the area, becoming a strong voice for their own area. Meetings of Area Partnerships would be structured around the Locality Plan, with an open forum section, a themed section (from the Locality Plan), a progress update on the Locality Plan, and the final section on any decisions required by Councillors on Small Schemes, Quality of Life, or Pay Parking funding. It was proposed that Area Partnerships meet 5 times per year. In terms of membership it was agreed to have the relevant SBC Ward Members and 4 Community Council representatives as core members, with invitations to wider representatives – including Community Planning partners and representatives from communities of interest – to attend and consider matters on a meeting by meeting basis. It was also suggested

that locality Community Council networks be set up in each of the 5 areas. Amongst other benefits this would bring, the locality networks would be able to agree Community Council representatives for each Area Partnership meeting according to the main theme of the meeting. In the ensuing discussion questions from Community Council representatives were answered by the Chairman and Strategic Community Engagement Officer.

**DECISION  
NOTED**

8. **PARTNER UPDATE**

**Police Scotland**

Inspector John Scott gave an overview of preventative work being carried out by Police Scotland as part of a Festive Safety initiative. This included safety advice provided on a face to face basis in supermarkets and through social media. The public were encouraged to sign up to the free messaging service SB Alert to receive regular updates on crime, scams, weather warnings, road closures and other emergencies. Inspector Scott referred in particular to a local campaign being carried out with the Council's Safer Communities Team in relation to parental purchase of alcohol for teenagers, which could involve significant fines. With regard to drink driving a reminder was given that police could be notified anonymously through Crimestoppers on 0800 555 111.

**DECISION  
NOTED the update.**

9. **OPEN QUESTIONS**

There were no open questions.

**DECISION  
NOTED.**

**COMMUNITY COUNCIL SPOTLIGHT**

No issues were raised.

**DECISION  
NOTED.**

10. **DATE OF NEXT MEETING**

It was suggested that, to facilitate the launch of the Eildon Area Partnership, a meeting be arranged to take place towards the end of January. Those present agreed the provisional date of Thursday 25 January 2018 and that the meeting would be held in Galashiels. Arrangements would be confirmed as soon as possible.

**DECISION  
NOTED.**

*The meeting concluded at 7.50 pm*

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

MINUTES of Meeting of the POLICE, FIRE &  
RESCUE AND SAFER COMMUNITIES  
BOARD held in Council Chamber, Council  
Headquarters, Newtown St Boswells on  
Friday, 10th November, 2017 at 9.30 am

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Present: Councillors W. McAteer (Chairman), D Moffat, E Robson, H Scott, E Small, G Turnbull, Mr D Davidson - NHS Borders, Ms M Lyall – SBHA, Mrs M Simpson - Voluntary Sector.

Apologies: Mr B Halley, Ms J Mulloy – SBHA, Mr H Walzl.

In Attendance: Chief Superintendent L Clark, Chief Inspector A McLean, Police Scotland; Dr K Darwent, Scottish Fire & Rescue Service Board; Ms J Keddy, Scottish Ambulance Service; Group Manager A Girrity Scottish Fire & Rescue Service, LSO S Gourlay, Scottish Fire & Rescue Service; Ms A Beavon – Violence Against Women Coordinator, SBC, Ms W Marsden, Partnership Analyst, SBC, Mr D Scott, Senior Policy Advisor SBC, J Turnbull, Democratic Services Officer, SBC

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1. **CHAIRMAN'S REMARKS**

The Chairman welcomed everyone to the meeting and there was a round on introductions. In particular, he welcomed Dr Kirsty Darwent, the current Vice Chair of the Scottish Fire and Rescue Service Board, who takes up the post of chair next month.

**DECISION  
NOTED.**

2. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 25 August 2017.

**DECISION  
APPROVED the Minute.**

3. **MATTERS ARISING**

With reference to paragraph 5.11 of the Minute, the Senior Policy Adviser explained that the local conference on Antisocial Behaviour was being organised. He also confirmed that the draft Local Police Plan had been approved by Scottish Borders Council. With reference to paragraph 6.7 of the Minute, he advised that the Scottish Ambulance Service had nominated Mr Bill Halley as their representative on the Board. Mr Halley had sent his apologies for the meeting and the Board welcomed Ms Jill Keddy, who was attending on his behalf

**DECISION  
NOTED that Mr Bill Halley was the Board's representative from the Scottish Ambulance Service.**

4. **PROGRESS REPORTS/UPDATES ON SERVICE MATTERS - POLICE SCOTLAND**

4.1 The Chairman welcomed the new Police Divisional Commander Chief Superintendent Lesley Clark to the Board. The Chief Superintendent advised that she had recently taken up the post and would be responsible for four diverse local authority divisions. Chief

Superintendent Clark was currently engaging with front line staff to consider improvements going forward to ensure the service was the best it could be to meet future demands.

- 4.2 Chief Inspector McLean presented the Police Scrutiny report for November 2017, which had been circulated. The report detailed the figures for the six Priority areas to date and compared them to the figures for the same period in 2016/17. Chief Inspector McLean advised that this would be the last report presented in this format; a new format would be presented before April in accordance with implementation of the new Local Police Plan.
- 4.3 Priority 1 – Protecting People. Adult at Risk Referrals made to partner agencies were showing a 16.3% decrease on 2016/17 figures, 91 fewer referrals. All officers were fully conversant with the IVPD system. However, the criteria for submitting referrals had been re-assessed and this was the reason for the decline. With regard to Domestic Abuse Initial Checks, 95% of checks were carried out within 24 hours, this was above target and an improvement on last year's figure.
- 4.4 Priority 2 – Reducing Violence, Disorder and Antisocial Behaviour. There had been a 6% decrease in Common Assaults reported in the year to date when compared with 2016/17, 24 fewer victims. There was a robust process in place every weekend with specific patrols detailed at key locations. This visible deterrent was reflected in the decline in incidences of assault. With regard to antisocial behaviour incidents, there had been a 16.7% increase (441 more incidents). Many of the calls were of a low level nuisance type, particularly where youths were involved. However, some were of more significance including setting fire to a wreath at a war memorial. Work was ongoing with partner agencies to ensure appropriate early and effective interventions. Chief Inspector McLean then discussed the decrease in the number of recorded victims of hate crime. He explained that this could be because hate crime was underreported, or that Police Scotland's robust response to hate crime had contributed to the decline.
- 4.5 Priority 3 – Tackling Substance Misuse. During the period there had been 161 stop and searches of which 77 proved positive. Chief Inspector McLean explained that current reporting methods meant that a further breakdown of search activity to individual categories was not possible. There had been a 22.4% increase in the number of licensed premises visited during the period which equated to 60 more visits. The Best Bar none scheme which awarded good practice was highlighted, and the Board were asked to encourage licensees to participate in the scheme.
- 4.6 Priority 4 – Making our Roads Safer. There was a 42.6% decrease (23 fewer casualties) in the year to date. There were four people killed, which was five fewer than last year. Accidents involving motorcyclists made up a significant proportion of the casualties. There were a number of initiatives underway focusing on younger and older drivers including "Drive Wise" which provided enhanced training to 17-25 year old and the over 65s.
- 4.7 Priority 5 – Tackling Serious and Organised Crime. Cash seizures were higher than the value in the same time period last year. However, opportunities for cash seizures under POCA legislation were limited, as there were strict criteria to follow. During the period £3,050 had been seized. There had also been £11,876 of assets referred for restraint through POAC. Detections for drug supply remained the same compared to the same time period in 2016/17. Ongoing proactive tactics continued to be implemented to deter, disrupt and detect activity.
- 4.8 Priority 6 – Tackling Acquisitive Crime. There was a 47.2% increase in the number of housebreaking to dwellings in the year to date, with 17 more victims reported. The Scottish Borders has seen an increase in travelling criminals committing both business and domestic housebreakings. Joint working with neighbouring divisions had resulted in notable detections and disruption of criminal activity. During the time period there had

also been a 16.7% increase in thefts of motor vehicles which equated to five more victims of this type of crime. This increase in part related to the same travelling criminal issues as identified in relation to housebreaking.

- 4.9 To conclude, Chief Inspector McLean advised that in relation to Overall Crime there had been a 3.5% decrease in detection rates compared to the same period last year. However, the detection rate for the Scottish Borders was higher than the divisional detection rate. There was a continued drive and focus on priorities and all crime reports were scrutinised by supervisors to ensure that nothing was missed from an enquiry perspective.
- 4.10 During discussions regarding the statistics provided, Chief Inspector McLean provided clarity on a number of issues. With regard to the reduction in road accident rate potentially being as a result of the young drivers' scheme, he advised that this was difficult to evidence although the accident rate had plummeted. The increase in litter was referred to and Chief Inspector McLean explained that if officers did not witness the incident it was difficult to pursue. Reference was made to ongoing Bilston Glen complaints, the Board were informed that further investment had been made to the Control Room, the staff dealt with thousands of often complex calls on a daily basis and unfortunately mistakes did happen occasionally. With regard to the proposed merger with British Transport Police, Chief Superintendent Clark advised that no dedicated timeline had been set for the merger. However, a dedicated officer was in place to progress the project and HR were on board to ensure the smoothest transition possible. The Board discussed that it would be useful to compare local figures with national outcomes and this was noted. The Chairman thanked Chief Superintendent Clark and Chief Inspector McLean for the informative report.

**DECISION  
NOTED:**

- (a) **the report; and**
- (b) **that consideration be given to including national outcomes in the Progress Report for comparison with local figures.**

**5. PROGRESS REPORTS/UPDATES ON SERVICE MATTERS –  
SCOTTISH FIRE & RESCUE SERVICE**

- 5.1 The Chair congratulated Stephen Gourlay on his new LSO role for the Scottish Borders, Mid and East Lothian. He also wished David Farries, the former LSO, all the best with his promotion to Deputy Assistant Chief Officer for the North of Scotland.
- 5.2 Group Manager Girrity presented the SFRS Performance Report covering the period 1 April to 30 September 2017, copies of which had been circulated with the Agenda. In summary the report, detailed that during the period the SFRS had responded to 817 incidents, 34 more than the same reporting period last year. False alarms accounted for 58% of these emergency calls.
- 5.3 Priority 1 - Reduction of Dwelling Fires. There had been 42 dwelling fires recorded compared to 46 for the same period last year, this represented a slight, but positive decrease. Six of these fires were started deliberately and 22 had originated in the kitchen and involved adults 18-64 years old.
- 5.4 Priority 2 - Reduction of All Fire Casualties (Fatal and Non-Fatal). There had been eight fire related casualties during the reporting period, five less than the same period last year. There were no Fire Fatalities during the reporting period.
- 5.5 Priority 3 – Deliberate Fire Setting. There were 110 incidents in the period; this represented a significant increase in the previous year. 37% of these incidents occurred

in the Galashiels and District Ward. The incident at Balmoral Primary School was discussed, this situation could have been much worse if the Fire and Rescue Service had not intervened as quickly as they had. A 14 year old male had since been identified and subsequently charged. Initiatives with Safer Communities partners were ongoing to mitigate the risk of reoccurrence; the SFRS were also utilising social media to highlight the dangers of antisocial behaviour.

- 5.6 Priority 4 – Road Traffic Collisions. During the reporting period the SFRS attended 37 Road Traffic Collision, 13 less than the same reporting period last year. There had been 242 related casualties and three fatalities.
- 5.7 Priority 5 – Special Service Casualties. There had been 45 Special Service casualties this was a 46% decrease in the same period last year.
- 5.8 Priority 6 – Unwanted Fire Alarm Signals. There had been 478 false alarm incidents during the reporting period. Equipment failure accounted for 321 of these incidents with 141 and 16 the figures for good intent and maliciousness respectively. Fire Safety Enforcement Officers were working with premises to reduce further incidents. In response to a question, the Board were informed that it was predominantly equipment failure within educational establishments which caused false alarm incidents. More resources were being allocated towards reducing such incidents and an audit of all high risk premises was being undertaken. There had also been a pilot initiative in Jedburgh Primary School which it was hoped would be taken forward to each school. The Board discussed the issue and asked for further clarity to be presented at the next meeting in order that concerns could be raised with the Council's Education Department.
- 5.9 Group Manager Girrity concluded his report by highlighting the SFRS's performance on fire safety audits, home safety visits and spoke about the range of partnership working including youth engagement fire skills programmes and attending the monthly Multi Agency Risk Conference (MARAC). In addition to MARAC outcomes it was noted that the Community Action Team had facilitated a further 10 referrals from the Domestic Abuse Advocacy Service in partnership with the Safer Housing options worker for the Scottish Borders.
- 5.10 In discussion, the Board were advised that with regard to fires in derelict buildings, legally, the SFRS covered risk in occupied premises. However, they continued to engage with the Safer Communities team regarding unoccupied premises. Regarding the sale of fireworks, the SFRS considered that they should not be sold through retail outlets. With regard to difficulty in the recruitment of retained firefighters, the new national recruitment system had made a difference, promoting within communities was suggested and that SBC's Connect publication might be appropriate for a recruitment advertisement.

#### **DECISION:-**

- (a) **AGREED to request further information on the causes of unwanted fire alarm signals in educational establishments.**
- (b) **NOTED that Scottish Borders Connect publication be considered for recruitment of retained firefighters.**

#### **ADJOURNMENT**

**The meeting was adjourned from 11.10 to 11.20.**

#### **6. SCOTTISH FIRE & RESCUE SERVICE TRANSFORMATION**

- 6.1 LSO Gourlay gave a presentation to the Board on the Scottish Fire and Rescue Service transformation program. He began by explaining that the SFRS would continue in their existing role, but also had to adapt to meet new risks. He clarified that there had been a continuing reduction in fires but an increase in terrorism, flooding and risks associated



with an ageing population. The present delivery model had been designed 70 years ago and resources no longer aligned with the existing fire incident profile. There were also limitations on moving resources to where need was greatest, crews were unavailable to conduct vital preventative work and there was limited use of technologies. Increasing fiscal challenges and no guarantee of extra funding meant the current model was unsustainable beyond 2017/18.

- 6.2 LSO Gourlay explained that the transformation strategy would deliver a modern, flexible and efficient fire and rescue service which would meet the changing risks in communities. This would be achieved by expanding the firefighter role, strengthening the retained service, refining the station footprint, improving workforce flexibility, introducing new emergency vehicles and technology. The role of the firefighter would include responding to acts of terrorism, road traffic collisions, water rescue, safety in the home and humanitarian rescue. However, he highlighted that the Out of Hours Cardiac arrest scheme, part of the transformation programme, had been suspended because of union negotiations. LSO Gourlay concluded his presentation by advising that along with community planning partners the SFRS's priorities were to continue to make people safer in their homes, make roads safer, challenge antisocial behaviour and reduce the impact of unwanted fire alarm signals. The consultation on the transformation was ongoing until 18 December and feedback was welcomed. The Chairman thanked LSO Gourlay for the presentation.
- 6.3 In response to questions, Dr Darwent advised that the SFRS Board had lobbied Scottish Government regarding VAT charging and would continue to do so. Regarding the risk of closure to fire stations, there were no plans to change any stations in the Scottish Borders. With respect to NHS partnership working, the SFRS Chair was meeting with the Chairs of NHS Boards to look at how they could work more effectively together.

## **DECISION**

**NOTED the presentation.**

## **7. SAFER COMMUNITIES UPDATE AND KEY ACTIVITIES**

- 7.1 There had been circulated copies of the Safer Communities Performance Report covering the period 1 April 2017 to 30 September 2017. Ms Andrea Beavon, Violence Against Women Coordinator, highlighted the key points in the report.
- 7.2 Priority 1 – Reduce the Level and Impact of Gender Based Violence through Effective Partnership Working - Referrals to the Domestic Abuse Advocacy Support (DAAS) Service had increased to 45% compared to the same period last year. The number of cases referred to MARAC was also increasing. The Safe Housing Options continued to receive referrals from a range of partner agencies. The number of domestic abuse incidents reported to the Police had increased by 20.1%. The Court Advocacy Service was now established and within 10 days had received 26 referrals. The Inside Outside Exhibition, which showed the reality of working within the sex industry, was attended by over 100 people. Representatives from the SFRS and Police had attended and feedback had been positive.
- 7.3 Priority 2 – Reduce the Level and Impact of Substance Misuse through Effective Partnership Working - The Safer Communities Team had been consulted regarding development of the Licensing Board policy document. The team were also coordinating the underage drinking campaign which would be launched in December with targeted periods around the festive period and local festivals. 2018 would be the Year of Young People and health and wellbeing was one of the themes the campaign would support.
- 7.4 Priority 3 – Reduce the Level and Impact of Crime and Antisocial Behaviour through Effective Partnership Working. There was a reduction of 12.1% in people being monitored for antisocial behaviour which correlated to the 13.1% increase in early interventions undertaken by ASB partners. Community Safety partners were commencing

a programme for young farmers in relation to rural fire safety and crime prevention. They had also met to coordinate activity for the festive period, four themes had emerged: Drive Safe, Property Safe, Party Safe and Fire Safe,

- 7.5 Priority 4 –Reduce the Level and Impact of Poor Driver Behaviour through Effective Partnership Working. A rolling programme of advanced driver training continued to be offered. Accidents involving motorcyclists continued to be a concern and had increased when compared to the same period last year.
- 7.6 Priority 5 – Reduce the Level and Impact of Accidents in the Home through Effective Partnership Working. The SFRS had run skills programmes through the TD1 programme. The programme involved working with young people in developing fire and community safety knowledge and skill. The seasonal focus on chimney fire awareness, the risks of carbon monoxide poisoning and use of stoves and heaters was also being promoted.
- 7.7 In response to questions, Chief Inspector McLean advised that with regard to farm safety, Police Scotland offered specialised advice. With regard to the dangers posed by grain dryers, LSO Gourlay advised that employer’s had a duty of care to their employees under the Health and Safety Act. The Chairman thanked Ms Beavon for the report and highlighted the significance of the new Licensing Board Policy.

**DECISION**

**NOTED the report.**

**8. ANY OTHER BUSINESS**

During discussion, it was noted that the NHS were unique in having a joint Director of Public Health and Social Work and the NHS board were keen to assist the Board in further partnership working. The Chairman advised that as well as the Board’s scrutiny function, it would be useful to have more appropriately themed based discussions, for example, the Board could consider how to deal collectively with a specific issue e.g. driving.

**DECISION**

**NOTED that in conjunction with the Board’s scrutiny function, consideration by given to themed based discussion.**

**9. DATES OF FUTURE MEETINGS**

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

Friday, 9 February 2018

Friday, 18 May 2018

**DECISION**

**NOTED.**

***The meeting concluded at 11.45 am***

# 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 Monday, 13 November 2017 at 10.15 am

Present:- Councillors S Bell (Chairman), H Anderson, J A Fullarton, N Richards, R Tatler and E Thornton-Nicol. Mr M Middlemiss.  
Apologies:- Councillor S. Hamilton.  
In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk, Capital and Investments Manager, Democratic Services Officer (P. Bolson).  
Mr G Samson - Audit Scotland.

## 1. WELCOME AND INTRODUCTIONS

The Chairman welcomed those present to the meeting and introduced Mr Michael Middlemiss, the external member of the Audit and Scrutiny Committee.

**DECISION NOTED.**

## 2. MINUTE

There had been circulated copies of the Minute of 25 September 2017.

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

## 3. EXTERNAL MEMBERSHIP OF AUDIT AND SCRUTINY COMMITTEE

Ms Stacey explained that there was provision in the Scheme of Administration for three non-voting external members to be appointed to the Audit and Scrutiny Committee during consideration of Audit matters only. Currently, there were two vacancies with Mr Middlemiss holding the third appointment. The appointments were for a three year term and it was agreed that this be included for discussion at the next meeting of the Committee.

**DECISION AGREED that the appointment of external members to the Audit and Scrutiny Committee be considered at the next meeting of the Committee.**

## 4. RISK MANAGEMENT IN SERVICES

4.1 The Chairman welcomed Mr Martin Joyce, Service Director Assets and Infrastructure to the meeting. Mr Joyce explained that included within Assets and Infrastructure were Service Risk Registers for Catering; Cleaning/Facilities; Capital Projects; Design Services (Engineering and Architecture); Environment; Estates; Fleet; Property; Roads; and Waste. These Registers had been developed through the Business Planning Process and were owned by the Service Managers. Reviews were carried out by the Service Director and the Management Team and risks were escalated to the Corporate Management Team as necessary. There were a number of key overarching issues affecting the service including – financial pressures and the requirement for increased efficiency; time/cost/quality/inflation; increased demands and expectations; Government Policies and Legislation; Change Management; staffing resources; and a historical lack of investment. There were also a number of key risks facing the service. From an internal perspective, these included Health and Safety; Legislative Failure; Data Breach; Breach of Codes of Conduct; and non-compliance with policies/procedures; and SOs. Mr Joyce advised that

there were a number of external risks, namely Third Party failures involving contractors and design teams; contract management of projects; failure to inspect and maintain assets such as buildings, bridges and roads; and statutory/legislative compliance. Mr Joyce reported that a range of measures in place to manage these risks such as effective project and programme and change management; change control and financial monitoring; the development of KPIs and inclusion of risk and regular monitoring as a key aspect of Business Planning; training, self-evaluation, peer review, inspections and scrutiny. As part of his presentation, Mr Joyce gave examples of the Risk Registers for Hawick FPS and Jedburgh ICC.

- 4.2 In response to questions, Mr Joyce advised that in terms of Fleet, two names were required on the operating license. A member of staff was currently acting up to this role on an interim basis to fill a vacancy as the Council had been unsuccessful in recruiting to the post. This approach would increase team resilience and go some way to improving succession planning. Mr Joyce confirmed that Health and Safety data was being transferred to LEXI and that measures such as the wearing of body cameras were in place to address operational risk. Members were advised that following an incident in Liberton when a wall collapsed, SBC inspected every freestanding wall within the Council Estate, including boundary and retaining walls and went on to explain that 20% of property was inspected year on year, allowing the service to respond further if required. Mr Joyce explained that in terms of project management, Tier 1 referred to the main contractor and Tiers 2 and 3 related to sub-contractors or so forth down the supply chain. Mr Joyce clarified which organisations were responsible for buildings, depending on whether the building was shared or how it was operated and confirmed that SBC could provide specific expertise should this be required. Managing Risk was monitored regularly and Mr Joyce gave examples of the scope and competency of Risk Registers across the service. He explained that when contractors managed projects under their own systems, SBC would carry out Quality Management assessments to ensure comprehensive coverage of projects. Mr Joyce went on to explain that extensive site investigations were carried out whenever it was possible to do so and enabled mitigation in advance or at an early stage of a project. The Construction Risk Register was reviewed and updated on a monthly basis and included all aspects of any given project. Discussion followed and Mr Joyce clarified a number of points relating to the management of major contracts and in relation to how SBC would respond should major business risks develop within a project. The Chairman thanked Mr Joyce for his attendance.

## **DECISION**

**NOTED the presentation.**

## **5. INTERNAL AUDIT WORK TO OCTOBER 2017**

- 5.1 With reference to paragraph 6 of the Minute of 25 September 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 and the recommended audit actions agreed by Management to improve internal controls and governance arrangements. The work Internal Audit had carried out during the period 1 September to 27 October 2017 was detailed in the report attached to the Agenda. It was noted that during the period, a total of four final Internal Audit reports were issued. There was one recommendation made and this has been accepted by Management for implementation. An Executive Summary of the final Internal Audit reports issued, including audit objective, findings, good practice, recommendations (where appropriate) 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 Appendix 1 to the report. The SBC Internal Audit function conformed to the professional standards as set out in Public Sector Internal Audit Standards (PSIAS) effective 1 April 2013 including the production of this report to communicate the results of the reviews.
- 5.2 Reference was made to the Internal Audit Final Assurance Reports detailed in the Appendix to the report. Members were advised that, in terms of the Implementation of the

Community Empowerment (Scotland) Act 2015, finalised Local Outcomes Improvement Plans and Locality Plans for the five localities in the Scottish Borders area had been due for publication on 1 October 2017. This deadline had not been met as the Community Planning Strategic Board had not, at that time, approved the final version of the Community Plan. With reference to the Revenues (Council Tax) Assurance Report, one recommendation had been made that Management should re-evaluate the introduction of periodic reviews of claims for Single Occupancy Discount and to ensure that appropriate anti-fraud measures were in place. The LEADER and European Maritime and Fisheries Fund (EMFF) review was assessed for compliance with the requirements of the new Service Level Agreement (SLA) and EC Regulations for the Programme for the period 2014 – 2018. Members were informed that there was now financial risk on Scottish Borders Council due to the potential for disallowance and fines and that the scale of exposure to financial risk would be included in a report to Council in February 2018.

**DECISION:**

**NOTED:**

- (i) **the final assurance reports issued in the period from 1 September to 27 October 2017 associated with the delivery of the approved Internal Audit Annual Plan 2017/18;**
- (ii) **the Internal Audit consultancy and other work undertaken in this period; and**
- (iii) **the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work.**

**6. PROGRESS WITH IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS**

There had been circulated copies of a report by the Chief Officer Audit and Risk providing an update and overview to the Committee on the status and implementation by Management of audit recommendations previously agreed in Internal Audit reports. Information relating to Internal Audit recommendations which had not yet been fully implemented was detailed in the Appendix to the report and Members noted that the completion dates for a number of these had been extended. Discussion followed and Ms Stacey advised that recommendations were now assigned more realistic timescales for completion. There were two overdue recommendations relating to Roads Management and Mr Joyce advised that these were linked to the ongoing Roads Review and changes in senior management personnel. Work was now in progress to consolidate ICT and improve processes and reporting. With regard to the Road Maintenance Manual, Mr Joyce confirmed that a draft Manual had been developed and he would arrange for an interim update to be provided to Members. Ms Stacey answered questions relating to the format of the Appendix and advised that, with regard to the delay in implementation of recommendations relating to Corporate and Social Work Complaints, the original due date had been over-ambitious but Officers were now more confident that the new date was achievable.

**DECISION**

**ACKNOWLEDGED satisfaction with the progress made by Management in implementing audit recommendations.**

**7. INTERNAL AUDIT MID-TERM PERFORMANCE REPORT 2017/18**

With reference to the Minute of the Audit and Risk Committee of 28 March 2017, there had been circulated copies of a report and Appendix by the Chief Officer Audit and Risk informing the Committee of progress made towards completing the Internal Audit Plan for 2017/18 up to 30 September 2017. The report summarised the statutory obligations for Internal Audit and requirements of the Public Sector Internal Audit Standards and explained the Objectives of Internal Audit were set out in its Charter and formed part of Scottish Borders Council system of Corporate Governance. Ms Stacey reported that

good progress had been made during the first six months of the year and that Internal Audit was on target to complete its Annual Plan 2017/18. This was the first mid-term report that had been presented to the new Audit and Scrutiny Committee since the Local Government elections in May 2017 and Ms Stacey explained the format of the Appendix. With regard to Financial Governance, the Payroll, Sales to Cash, Procure to Pay and Record to Report audit headings in this category were now processes within the Business World ERP system and would in future be included in integrated reviews. The work would be carried out in stages and presented back to the Committee in due course. Ms Stacey introduced Ms Diane Cockburn who had taken up post as Internal Auditor and explained that recent changes in staffing now meant that Internal Audit resources were in place to deliver the Internal Audit Annual Plan 2017/18 in full. With reference to new General Data Protection Regulations (GDPR) that came into effect in May 2018, Ms Stacey confirmed that the Council's Information Governance Group (IGG) met regularly and had agreed to the setting up of a Project Group to consider GDPR issues. Ms Stacey responded to further questions raised by Members.

#### **DECISION**

- (a) APPROVED the progress made by Internal Audit in completing the Internal Audit Annual Plan 2017/18.**
- (b) ACKNOWLEDGED that it was satisfied with the performance of the Internal Audit service.**

#### **8. MID-TERM TREASURY MANAGEMENT REPORT 2017/18**

There had been circulated copies of a report by the Chief Financial Officer presenting the mid-year report of treasury management activities for 2017/18 to Audit and Scrutiny Committee in line with the requirements of the CIPFA Code of Practice including Prudential and Treasury Management Indicators. The report was required as part of the Council's Treasury management regime and indicated that Treasury activity during the six months to 30 September 2017 had been undertaken in full compliance of the Treasury and Strategy. The Appendix to the report contained an analysis of the performance against targets and proposed revised estimates of the indicators in light of the 2016/17 outturn and experience during 2017 to date. An additional financial indicator had been included in Annex A of the Appendix under Affordability Indicator (PI-3) to show the Ratio of Financing Costs to Net Revenues including PPP financing and repayment costs. Members requested clarification on a number of points contained in the Appendix and these were answered by officers.

#### **DECISION**

- (a) NOTED that treasury management activity in the six months to 30 September 2017 was carried out in compliance with the approved Treasury Management Strategy and Policy.**
- (b) AGREED that the Mid-Year Treasury Management Report 2017/18, as detailed in the Appendix to the report, be presented to Council for approval of the revised indicators.**

*The meeting concluded at 12.25 pm*

# SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the HAWICK  
COMMON GOOD FUND SUB-COMMITTEE  
held in Room 305, Tower Mill, Hawick on  
Tuesday, 14 November 2017 at 4.00 pm

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Present:- Councillors: W. McAteer (Chairman), S. Marshall, D. Paterson, C. Ramage,  
N. Richards, Mr J Little (Hawick) and Mrs A Knight (Burnfoot)

Apologies Councillor G Turnbull

In Attendance:- Managing Solicitor (R Kirk), Senior Finance Officer (J Yallop), Estates  
Surveyors (N Curtis), Property Officer (F Scott), Democratic Services Officer  
(J Turnbull)

Members of the  
Public 2

## 1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 15 August 2017.

### **DECISION**

**AGREED to approve the Minute of the Meeting held on 15 August 2017.**

## 2. **APPLICATION FOR USE OF COMMON HAUGH**

With reference to paragraph 4 of the Minute of 15 November 2016, an application had been received from K Stuart, Family Fun Fair, requesting permission to lease part of the Common Haugh on two weekends in March 2018 for a Fun Fair. Mr Stuart had also requested permission to open on Sunday, 25 March from 2.00 pm to 4.30 pm. The Sub-Committee discussed whether the Sunday opening might set a precedent, but agreed to grant the request for 2018 and review for 2019.

### **DECISION**

#### **AGREED**

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

|     |          |               |                     |
|-----|----------|---------------|---------------------|
| (a) | Thursday | 22 March 2018 | 6.00 pm to 9.30 pm  |
|     | Friday   | 23 March 2018 | 6.00 pm to 10.00 pm |
|     | Saturday | 24 March 2018 | 1.00 pm to 10.00 pm |
|     | Sunday   | 25 March 2018 | 2.00 pm to 4.30 pm. |
| (b) | Thursday | 29 March 2018 | 6.00 pm to 9.30 pm  |
|     | Friday   | 30 March 2018 | 6.00 pm to 10.00 pm |
|     | Saturday | 31 March 2018 | 1.00 pm to 10.00 pm |

## 3. **MONITORING REPORT FOR SIX MONTHS TO 30 SEPTEMBER 2017**

- 3.1 With reference to paragraph 6 of the Minute of 30 September 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 six months to 30 September 2017, a full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix 1, to the report, provided the projected income and expenditure position and showed a projected surplus of £14,856 for the year. This was considerable less than reported in June primarily due to the projected spend for work at St Leonards and painting

works at the racecourse. However, this has been offset slightly by a grant of £3,700 received from the Scottish Government. The grant was for squirrel control at the Burgh Woodlands. The Senior Finance Officer, Mr Yallop, highlighted that the projected income of £98,601 for 2017/18 assumed St Leonard's Farmhouse would be re-let from January 2018. Appendix 2, to the report, provided a projected balance sheet value as at 31 March 2018 and showed a projected decrease in the reserves of £24,736. Appendix 3, to the report, provided a breakdown of the property portfolio showing projected rental income for 2017/18 and actual property expenditure to 30 September 2017. Appendix 4, to the report, showed the value of the Newton Fund to 30 September 2017.

- 3.2 Mr Yallop advised that income not included in Appendix 1, was the dividend from the Newton Fund of £6,313.97. Mr Yallop explained that the Newton Fund had delivered a negative return of -0.6% during the period; three quarterly performances had also been below the benchmark in the last five quarters. Officers would be undertaking a procurement exercise to ensure that the Fund was managed by the Fund Manager best aligned to Common Good interests. A report would be presented to Council on 21 December detailing the outcome of this procurement.
- 3.3 With regard to the £39,591 depreciation charge, detailed in Appendix 1 to the report, he explained that this figure reflected the wear and tear to Common Good assets over time. Mr Yallop concluded his report by advising that the projected closing cash balance at 31 March 2018 was £53,140, which had been reduced from £64,293, largely due to the additional works at St Leonards.

#### **DECISION**

- (a) **AGREED the projected income and expenditure for 2017/18 in Appendix 1, to the report, as the revised budget for 2017/18;**
- (b) **NOTED:**
- (i) **The projected balance sheet value as at 31 March 2018 in Appendix 2 to the report;**
  - (ii) **The summary of the property portfolio in Appendix 3 to the report; and**
  - (iii) **The current position of investment in the Newton Fund in Appendix 4 to the report.**

#### **4. PROPERTY UPDATE**

##### **4.1 James Wilson Statute**

With reference to paragraph 5 of the Minute of 15 August 2017, the Property Officer, Mr Scott, advised that the cost of the plinth for the James Wilson Statue had been £954.00. The railings at Drumlanrig Bridge, next to the location of the statute, had also been painted and this had cost a further £200.00. It was agreed that this be funded from Hawick Common Good. Mr Yallop clarified that once a valuation has been confirmed the statute would be added to the register of Hawick Common Good's Heritable Assets.

##### **4.2 Williestruther Reservoir**

With reference to paragraph 8.2 of the Minute of 15 August 2017, the Property Officer confirmed that Williestruther Reservoir had passed the annual inspection.

##### **4.3 Perambulation of Hawick Common – 14 October 2017**

With reference to paragraph 8.2 of the Minute of 15 August 2017, the Property Officer advised that the Perambulation of Hawick Common had been a success with many participants. Gates and stiles had been erected to assist walkers and it was agreed that Hawick Common Good fund their installation and that they remained in place.



4.4 Land next to 100 Stairs

The Property Officer reported that Sainsbury's supermarket was not maintaining this land in their ownership. The Sub-Committee asked that officers write to Sainsbury's expressing concern and advising that officers meet on site, if this was required.

**DECISION**

(a) **NOTED the reports.**

(b) **AGREED:-**

(i) **To fund the cost of painting the railings at Drumlanrig Bridge in the sum of £200.00;**

(ii) **To write to Sainsbury's Supermarket expressing concern that the bank, in their ownership, required maintaining; and**

(ii) **To fund the cost of gates and stiles erected for the Perambulation of the Common Haugh.**

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 make an early decision.

6. **MINUTE**

There had been circulated copies of the Minute of the Special Meeting of Hawick Common Good Fund Sub-Committee held on 8 November 2017.

**DECISION**

**AGREED to approve the Minute of the Special Meeting of Hawick Common Good Fund Sub-Committee held on 8 November 2017.**

7. **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**

8. **HAWICK GOLF CLUB**

The Sub-Committee received a private update from a Hawick Golf Club representative.

9. **PRIVATE MINUTE**

Members approved the private minute of the Hawick Common Good Fund Sub-Committee held on 15 August 2017.

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 make an early decision.

11. **MINUTE OF SPECIAL MEETING OF HAWICK COMMON GOOD FUND SUB-COMMITTEE**

Members approved the Private Minute of the Special Meeting of Hawick Common Good Fund Sub-Committee held on 8 November 2017.

12. **HORNSHOLE**  
The Sub-Committee received a verbal update from the Managing Solicitor and noted progress with the Transfer.
13. **HAWICK COMMON HAUGH MARKET**  
The Sub-Committee considered a report by the Service Director Assets & Infrastructure on the future operation of Hawick Common Haugh Market and agreed a further report be presented in due course.
14. **HAWICK BURGH WOODLANDS**  
The Sub-Committee considered a report by the Service Director Assets & Infrastructure on the options for managing Hawick Burgh Woodlands and agreed a further report be brought back with future proposals.
15. **PROPERTY UPDATE**  
The Committee received a verbal update on St Leonard's Cottage and made recommendations.

***The meeting concluded at 5.20 pm***

# SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA LOCALITY COMMITTEE

MINUTES of Meeting of the TEVIOT AND  
LIDDESDALE AREA LOCALITY  
COMMITTEE held in ROOM 305, TOWER  
MILL, HAWICK on Tuesday, 14 November  
2017 at 6.30 pm

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Present:- Councillors: S Marshall (Chairman), W McAteer, D Paterson, C Ramage, N Richards, G Turnbull.  
Community Councillors: Mr J Curtis (Hobkirk), Mrs G Crew (Denholm), Mrs B Elborn (Newcastleton), Mrs A Knight (Burnfoot), Ms M Howlett (Upper Liddesdale and Hermitage), Mr C McAdam (Southdean), Mr I Robson (Upper Teviotdale & Borthwick Water), Mr I Turnbull (Hawick)

Apologies Mr C Griffiths (Hobkirk), Mr P Kerr (Southdean), Mr W Roberts (Denholm).

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

Members of the Public 9

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 19 September 2017.

**DECISION**

**AGREED to approve the Minute of the Meeting held on 19 September 2017.**

2. **MATTERS ARISING**

With reference to paragraph 3(a)(i) of the Minute of 19 September 2017, the Neighbourhood Area Manager, Mr Dunlop, advised a meeting had been arranged with the Asset Manager to discuss the installation of road texturing; the Chairman would circulate details to Members and invited their attendance.

**DECISION**

**NOTED.**

3. **LOCALITY BID FUND - RATIFY NOTE OF INFORMAL MEETING**

With reference to paragraph 5 of the Scottish Borders Council Minute of 28 September 2017, there had been circulated copies of a note of an informal meeting of Teviot and Liddesdale Area Locality Committee held on 11 October 2017. The purpose of the meeting was for Members to discuss and propose arrangements for the management of the Localities Bid Fund for the Teviot and Liddesdale area.

**DECISION**

**AGREED to ratify the following:-**

- (a) **That £38,000 be the allocation from the first release of the Teviot and Liddesdale Localities Bid Fund;**
- (b) **That the £38,000 be aligned to all themes of the Community Plan;**
- (c) **That no additional marketing was required; and**

**(d) There would be no maximum amount set for constituted groups.**

**4. LOCALITY BID FUND - COMMUNITIES AND PARTNERSHIP MANAGER**

4.1 The Chairman welcomed Ms Shona Smith, Communities and Partnership Manager, who was in attendance to outline how the new Locality Bid Fund would operate. Ms Smith explained the criteria for the bids and that the Teviot and Liddesdale Informal Meeting had agreed to allocate £38,000 for the first tranche of funding. Members had also agreed to set no maximum for constituted groups; non-constituted groups had been capped at £5k. Ms Smith clarified that applications should be for new projects which would improve the lives of people living in the Scottish Borders and align to a theme from the Community Plan. Existing projects were not eligible and there were funds available to assist such projects, for example Quality of Life funding and the Community Grant Scheme. Ms Smith confirmed that the first phase had opened on 28 October and would end on 1 December. Following the closing date, the Assessment Panel would consider the applications and, if the application successfully met the criteria, it would be taken forward to a community vote. Details of projects would be available on the Council's website and promoted prior to the public vote. Any funding not allocated in the first tranche would be rolled over to the second allocation, which would commence in Spring 2018.

4.2 In response to questions, Ms Smith advised that with regard to the level of interest, there had been a number of enquiries but only a small number of applications had been received so far. With regard to concerns that smaller communities would be disadvantaged when projects were put to a community vote, Ms Smith advised that work with the Democratic Society had shown that voting patterns did not always turn out as expected and also smaller communities tended to have more community cohesion than larger towns. However, there would be an assessment of the first round which would inform any changes needed for the second round; this might include ring-fencing part of the funding. Ms Smith then clarified the voting process: anyone over 16 who lived, worked or studied in the Scottish Borders would be eligible to vote. There would be various methods available, to make voting as accessible to as many people as possible, including online or postal voting and voting at local contact centres etc. There would only be one vote allocated to each individual. Sustainability of projects was then discussed and Ms Smith advised that guidance could be given for ongoing projects, and that there might be opportunities for partnership working and match funding.

4.3 There followed a discussion regarding suitable projects, Ms Smith advised that schools were not eligible for funding but community groups, parent councils or pupils over 16 could apply. Reference was made to improving the promotion of the scheme and Ms Smith welcomed the feedback received. The team would consider inserts into local newspapers and redesigning promotional material, including incorporating links to the community plan. Ms Smith concluded her briefing by advising that the Communities Partnership Team would be pleased to assist any individual or group with advice or support, and information was also available on the Council's website. The Chairman thanked Ms Smith for her attendance and for the informative briefing.

**DECISION  
NOTED.**

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

5.1 With reference to paragraph 3 of the Minute of 19 September 2017, there had been circulated a report by Service Director Assets and Infrastructure seeking approval for the following new Neighbourhood Small Schemes from the Locality Committee: relocation of Burnfoot sign to the grassed area opposite Wilton Cemetery main entrance; and, the installation of three road gullies on the D66/3 at Langraw Cottage, Hobkirk. The following Quality of Life Scheme was also requested for approval: Provision and installation of two benches, one opposite Hermitage Village Hall and one at Hermitage Castle lay-by.

5.2 Members were also asked to consider which, if any, of the four options for play equipment at the Moat Park, detailed in the appendices to the report, should be approved. After consideration, Members unanimously agreed on the Kompan roundabout as the most appropriate. Mr Dunlop clarified that installation of the play equipment would take place in Spring 2018. However, preparatory work to level the area could be carried as soon as practicable.

5.3 In response to questions, Mr Dunlop advised that with regard to the installation of road gullies, it had not been possible to install the gullies at the time of other work being undertaken at the location, within the allocated budget. With regard to Southdean War Memorial, Mr Dunlop would discuss this potential Neighbourhood Small Scheme with Ward Members. Mr Dunlop then updated Members on the progress of schemes since the report had been published: he confirmed that grass cutting to the Moat and painting of the handrail had now been completed. The parking bays at Silverbuthall Road and Chay Blythe Place had been installed. The parking bays at Fraser Avenue would be marked when the line marking equipment was in Hawick.

**DECISION  
AGREED**

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

- |      |  |               |
|------|--|---------------|
| (i)  | <b>Relocate the Burnfoot sign to the grass area opposite Wilton Cemetery main entrance</b>     | <b>£120</b>   |
| (ii) | <b>Install 3 road gullies and associated pipework on the D66/3 at Langraw Cottage, Hobkirk</b> | <b>£2,950</b> |

**(b) AGREED the following new Quality of Life Scheme for implementation**

- |      |  |               |
|------|--|---------------|
| (ii) | <b>Provision and installation of two benches, one opposite Hermitage Village Hall and one at the Hermitage Castle lay-by</b> | <b>£420</b>   |
| (i)  | <b>Provision and Installation of a Kompan Roundabout at the Moat Park, Hawick</b>  | <b>£5,456</b> |

**(c) NOTED**

- |      |   |
|------|---|
| (i)  | <b>The updates on previously approved Neighbourhood Small Schemes in 2017/18 as detailed in Appendix A to the report; and</b> |
| (ii) | <b>The updates on previously approved Quality of Life Schemes in 2017/18 as detailed in Appendix B to the report.</b>         |

**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 and activities in the area since the last meeting. Inspector Wood began by referring to the tragic road accident that had taken place on 9 November at Denholm and appealed for witnesses.

6.2 Inspector Wood referred to the Ward plan priorities; in summary, with regard to the Drug Dealing and Misuse Priority, four individuals had been charged with possession of Class C drugs; two persons were charged with the supply of a controlled substance, four individuals charged with possession of a Class B drugs and a male charged with the production and possession of a controlled substance. In terms of the Road Safety priority, four people had been charged with driving without insurance and one of these drivers had also been charged with driving without a license. A number of individuals had also been charged with a variety of road traffic offences, including a cyclist found to be under the influence of alcohol and reported accordingly. With regard to the Violent Crime priority, there had been a serious assault when a 14 year old female was reported to have

sustained a head injury, enquiries were continuing into this incident. Also during the reporting period, ten police warnings had been issued for antisocial behaviour as well as five fixed penalty notices. Inspector Wood then went on to advise that a commemoration wreath had been set alight at the war memorial within Wilton Park, two 14 year old males had been charged with fire-raising.

- 6.3 Inspector Wood also advised that Police Scotland were running a month long campaign to prevent livestock worrying. Any incidents reported would be thoroughly investigated and offenders reported to the Procurator Fiscal. Farmers and those who used the countryside were urged to report all incidents of livestock worrying to police on 101 or 999 in an emergency. In response to a question regarding reports of intimidation through social media, Inspector Wood advised that in order to investigate, Police Scotland required exact information. If anyone was concerned the Police would be pleased to give personal safety advice. With regard to an antisocial issue in Newcastleton, Inspector Wood would advise the community council secretary outwith the meeting. The Chairman thanked Inspector Wood for her attendance and report.

#### **DECISION**

**NOTED the report.**

### **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 November 2017. In summary, the report detailed that during the period of the report there had been one deliberate house fire; two special service occurrences and 10 unwanted fire signals. Mr Bell was also pleased to report that there had been no issues in the Hawick area on bonfire night.

- 7.2 Mr Bell went on to advise that unfortunately, the Out of Hospital Cardiac Arrest trial had been suspended, until national negotiations with the Fire Brigades' Union had been concluded. Firefighters in the region were disappointed with this decision, the trial's aim was to dramatically increase patients' survival chances and they had already assisted in saving a number of lives. It was hoped that the service would be reinstated as soon as possible. It was noted that at the Police, Fire & Rescue and Safer Communities Board meeting on 10 November, the Board had expressed their disappointment with this decision to the Chair of the Scottish Fire and Rescue Service Board who was in attendance at the meeting. Members agreed that the Chairman, on behalf of the Committee, should also write to the Chief Officer of the Scottish Fire and Rescue Service expressing disappointment at the decision and that it was hoped this valuable service would be reinstated as soon as possible.

#### **\* DECISION**

**AGREED to recommend to Scottish Borders Council that the Convener write to the Chief Officer of the Scottish Fire and Rescue Service expressing concern that the Out of Hours Cardiac Arrest trial has been suspended.**

### **8. LOCAL PUBLIC HOLIDAYS 2018**

There had been circulated copies of the proposed public holidays for 2018 in Teviot and Liddesdale.

#### **DECISION**

**NOTED the local public holidays for 2018 in Teviot and Liddesdale**

### **9. COMMUNITY COUNCIL SPOTLIGHT**

- 9.1 Mrs Elborn, Newcastleton Community Council, advised that with regard to Newcastleton primary school, a meeting with the Service Director Children and Young People had been positive. The communities' concern at the lack of communication and understanding of local issues had been addressed. There had also been a discussion on the school being

recognised as an early learning service. Ms Elborn highlighted to Ward Members that the school bus could not be used as there was no appropriately trained drivers. With regard to repairs to pavements in private ownership, a process was now in place which had been welcomed. Ms Elborn further advised that the community council had co-opted Mr Greg Cuthbert as a new member. Mr Cuthbert would be the community council's representative on the Borders Railway Support Group and would advocate for the line being extended to Carlisle, via Newcastleton. In support, Newcastleton would prepare a feasibility study, which would focus on the importance of freight transportation for the economic growth of the local region. Ms Elborn concluded by advising that the problem with lack of broadband still remained and asked that Members continued to support the need for broadband to be actioned. The Chairman made reference to a recent presentation by Openreach at Southdean Community Council which might be of assistance to Newcastleton.

- 9.2 Mrs Knight, Burnfoot Community Council, informed that a total of £10k has been donated to the Remembrance Garden project; the architect had now been contacted to prepare plans. Mrs Knight advised that the community council was in the process of holding a by-election which they hoped would attract new members. Mrs Knight further advised that on the 7 December, the Burnfoot Christmas lights would be switched on, there would be carols from the school and Father Christmas might make an appearance. Father Christmas would also be at Burnfoot on Christmas Eve.
- 9.3 Mrs Crew, Denholm Community Council, advised that the community council had hosted a 'drop-in' night on 12 October to highlight the impact of windfarm proposals on the area. A large scale map had proved useful in identifying the location of windfarms, and many attending had expressed concern at the expanse and amount of turbines proposed for the area. Ms Crew then went on to advise that there had also been a Folk Festival in the village at the beginning of November, culmination on the Sunday evening with a firework display. Mrs Crew highlighted that the community council continued to work with the resilience group, numbers had dropped but they were trying to maintain and improve interest in the scheme. They had also carried out a recent survey of grit bins and drainage around the village. To conclude the report, Mrs Crew advised that on the 10 December, the village Christmas tree lights would be switched on and there would also be carols around the tree.
- 9.4 Mr Curtis, Hobkirk Community Council, advised that on the agenda for discussion at the following week's meeting were items on the burial ground, windfarms, community council website and national park.
- 9.5 Mr McAdam, Southdean Community Council, advised that with regard to Pines Burn windfarm, Mr Kerr had effectively represented the community at SBC's planning committee. The community council had also been invited to respond to the Cliffhope Scoping report and were preparing a response; members of the public could also raise comments. Mr McAdam reported that the broadband service in the area was still unreliable and unacceptable. However, the community council had received a presentation from Ben Campbell, BT Openreach, Mr Campbell had advised that there was funding available for communities to apply for superfast broadband; surveys still had to be completed but it was hoped that the community might benefit. The project would be running throughout the year and any other communities interested could contact Southdean for information.
- 9.6 Mr Robson, Upper Teviot and Borthwick Water, advised that a number of road issues had been improved. However, all good work carried out by the Council had been destroyed by timber transportation.
- 9.7 Mr Turnbull, Hawick Community Council, advised that they had been asked for their views on the Barrel Law windfarm application again and would be resubmitting their original objections. With regard to the community benefit programme, nine applications had been

received resulting in £4,027 being granted to local community projects. Hawick Community Council were also holding a Christmas event on 2 December when the Christmas lights would be switched on and there would be singing and dancing. To conclude, Mr Turnbull thanked the Neighbourhood Area Manager for arranging the 'Keep Entrance Clear' signage at Wilton Lodge Park for the access of emergency vehicles.

**DECISION**

**NOTED the reports.**

10. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA LOCALITY COMMITTEE**  
The next meeting of the Teviot and Liddesdale Area Locality Committee would be held on Tuesday, 12 December 2017 at 6.30 pm in the Lesser Hall, Town Hall, Hawick.

**DECISION**

**NOTED.**

*The meeting concluded at 8.00 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  
Wednesday 22 November 2017 at 1.30 pm

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

1. **MINUTE**

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

**DECISION**

**NOTED for signature by the Chairman.**

2. **RATIFICATION OF INFORMAL DECISION**

The Chairman explained that the decision by Members to grant permission to Lauderdale Community Council to hold a bonfire and fireworks display on Common Good land at Burnmill Car Park in Lauder required ratification. Community Councillor Smith advised that the event had been very successful and over 250 people had attended.

**DECISION**

**AGREED to ratify the informal decision to grant permission to Lauderdale Community Council to hold a bonfire and fireworks display on Common Good land at Burnmill Car Park in Lauder.**

3. **LAUDER WOODLAND/PLANTING**

With reference to paragraph 5 of the Minute of 21 September 2017, Ms Phipps, Estates Surveyor, presented an Indicative Cash Flow Forecast for potential woodland planting on Lauder Common. It was reiterated that planting was being considered as a means to generate income at no additional cost to Lauder Common Good Fund. A number of options were discussed and Members were advised of the basic details of each. There had also been a proposal by Lauder Sheep Company that it would not receive any profit from the tree planting in exchange for a reduction in the annual rent. Ms Phipps went on to explain that in some circumstances, Lauder Sheep Company would lose the Basic Farm Payment that it currently received and Members acknowledged that this would not be acceptable. Discussion followed with Members raising issues about who would take ultimate responsibility for the management of any tree planting Scheme and in terms of public consultation prior to any Scheme being finally agreed. It was agreed that Mr Hugh Chalmers be invited to attend the next meeting on 13 December 2017 to present the best option Scheme with definite costings attached. This would enable Members to make an informed decision as to how the preferred Scheme would be taken forward.

**DECISION**

**AGREED that Mr Chalmers be invited to attend the next meeting on 13 December 2017 to present the best option Scheme with definite costings attached to enable Members to make an informed decision as to how the preferred Scheme would be taken forward.**

4. **PROPOSAL OF WORKS TO PATH FROM PIGGERY FIELD TO A68**

The Chairman advised that requests by members of the public had been received for improvements to be made to the path that ran from the Piggery Field along behind the Thirlestane development and back out at A68. These enhancements included improving the surface of the path, particularly through the wooded area, and maintenance work to the hard core path to make it wider and remove wet areas. On this basis, some discussions had taken place to consider ways in which this work could be taken forward and the funding requirements to complete the scheme. A quote had been received from Criminal Justice to the sum of £4,642.50 and this included the work to widen and wooden edge the path then hard core it for its whole length. Options for dividing the fields were discussed and in order to make a final decision, Members agreed that a site visit be arranged to walk the path and consider how best to improve its accessibility and condition. Mr Craig Blackie, Neighbourhood Area Manager (Eildon) would be invited to attend.

**DECISION**

**AGREED that a site visit be arranged to walk the path from the Piggery Field along behind the Thirlestane development and back out at A68 in order to consider how best to improve its accessibility and condition.**

*The meeting concluded at 2.10 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, 17 November  
2017 at 10.30 a.m.

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Present:- Councillors J. Greenwell (Chairman), D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull.

Apologies:- Councillors J. Brown, T. Weatherston.  
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officer (Mr I. Tunnah), Democratic Services Officer (F Henderson), Inspector T. Hodges and PC C Lackenby-Police Scotland.

1. **MINUTE**  
The Minute of the Meeting of 20 October 2017.

**DECISION**  
**APPROVED and signed by the Chairman.**

2. **LICENCES ISSUED UNDER DELEGATED POWERS**  
Miscellaneous Licences issued under delegated powers between 12 October – 8 November 2017.

**DECISION**  
**NOTED.**

3. **TAXI DRIVER AND PRIVATE HIRE DRIVER MEDICAL ASSESSMENTS**  
There had been circulated copies of a report by the Service Director Regulatory Services which sought approval for the introduction of a formal policy regulating the assessment of medical fitness to drive taxi and private hire cars. The report explained that the Council as Licensing Authority for the Scottish Borders area was responsible for the licensing of taxi drivers and private hire car drivers under the Civic Government (Scotland) Act 1982. In April 2016 the DVLA issued guidance to Licensing Authorities which recommended that taxi drivers and private hire car drivers should be medically assessed to a Group 2 driving licence standard as required for lorry and bus drivers. In November 2016 the Scottish Government wrote to the Conveners of all Licensing Authorities in Scotland specifically directing them to the updated guidance issued by DVLA. The recommendation contained in the report followed the conclusions of the Working Group set up to assess the need for a policy as explained in paragraphs 3.3 and 3.4 of the report. In the event that the introduction of the policy was approved then Officers within the Council's Licensing Team would require to intimate the adoption and implementation date of the policy to the Taxi trade and to notify and liaise with the medical profession. In addition, Officers within the Council's Licensing Team would require to make appropriate amendments to the application forms and to the conditions attached to the grant of taxi driver and private hire car driver licences to make it mandatory for licence holders to report any disability or medical condition which may affect their ability to drive to the Council's Licensing Team.

## **DECISION**

- \* **AGREED** to recommend to Council the introduction of a policy requiring all taxi and private hire drivers licensed by Scottish Borders Council to be medically assessed to DVLA Group 2 standards:

- (i) From the age of 18 and thereafter reassessed at age 45
- (ii) From age 45 onwards reassessed on a five year basis.
- (iii) From Age 65 to be reassessed on an annual basis.
- (iv) In the event of a disability or medical condition which may affect an applicant's ability to drive being disclosed to the Council's Licensing Team whilst the grant of a licence is in force.

## 4. **PRIVATE BUSINESS DECISION**

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

### **SUMMARY OF PRIVATE BUSINESS**

## 5. **GRANT OF STREET TRADER LICENCE – GRAHAM SCHUTTE**

The Committee agreed to grant the application for a Street Trader Licence submitted by Graham Schutte.

## **DECLARATION OF INTEREST**

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

## 6. **CHAIRMAN**

In the absence of the Chairman, Councillor Tatler, seconded by Councillor Scott proposed that Councillor Turnbull chair the meeting. There being no other nominations, Councillor Turnbull chaired the meeting for the following item of business.

## 7. **GRANT OF TAXI DRIVER LICENCE – STUART AYRE**

The Committee agreed to grant the application for a Taxi Driver Licence submitted by Stuart Ayre.

## 8. **CONTINUATION TAXI DRIVER LICENCE – JAMES MORRISON**

The Committee agreed that Mr James Morrison continue to hold a Taxi Driver Licence and that a written warning be issued on behalf of the Committee.

## 9. **MINUTE**

The Private section of the Minute of 20 October 2017 was approved.

*The meeting concluded at 11.10 a.m.*

# Public Document Pack

## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY held in the Council Chamber, Council  
Headquarters, Newtown St Boswells, TD6  
0SA on Monday, 20 November 2017 at  
10.00 am

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

### 1. **REVIEW OF 17/00472/FUL.**

There had been circulated copies of the request from Mr and Mrs Rutherford, per Stuart Davidson Architecture, Design Studio, 32 High Street, Selkirk, to review the decision to refuse the planning application in respect of alterations and extension to dwellinghouse at 1, Glenkinnon, Ashiestiel Bridge, Clovenfords. The supporting papers included the Notice of Review; Decision Notice; officer's report; consultation; representation; and a list of relevant policies. Members noted that there were two proposed extensions to the rear of the dwellinghouse and that it was the larger two storey extension that had led to refusal of the application. They considered this proposed additional accommodation to be well designed but there was a division of opinion as to whether the extension was of a scale which was visually appropriate in terms of its impact on the existing single storey dwelling and its surroundings. Members also discussed the residential amenity impact on the neighbouring property which was also single storey.

### VOTE

*Councillor Aitchison, seconded by Councillor Fullarton, moved that the decision to refuse the application be upheld.*

*Councillor Hamilton, seconded by Councillor Laing, moved as an amendment that the decision to refuse the application be reversed and the application approved.*

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

*Motion - 3 votes  
Amendment - 4 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 would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be reversed and planning permission be granted, for the reasons detailed in Appendix I to this Minute.**

2. **REVIEW OF 17/00308/FUL.**

There had been circulated copies of the request from Mr Marc Ridgway of 33, Justice Park, Oxton, to review the decision to refuse the planning application in respect of the erection of a boundary fence (retrospective) at 33 Justice Park, Oxton. Included in the supporting papers were the Notice of Review; Decision Notice; officer's report; papers referred to in the report; consultation; and a list of relevant policies. Members were sympathetic to the applicant's requirement for a fence to secure dogs within his property. However concern was expressed at the height and location of the structure, which was immediately adjoining the roadway. They discussed at length the visual impact of the fencing on the open plan design and character of the housing development and whether, in its position adjacent to the footway, any mitigation to that impact was possible in terms of planting.

**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 17/01112/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 the erection of a hay shed in field no. 0328, Kirkburn, Cardrona. 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. Members were sympathetic to the applicant's need for a hay shed but focused their discussion on the visual impact of the proposed building, in its relationship to existing buildings within the holding, particularly in terms of its height and scale. Members noted that no evidence of operational or business need for the hay shed had been submitted to support the application.

**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 17/01113/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 the erection of a tractor shed in field no. 0328, Kirkburn, Cardrona. 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. Members were sympathetic to the applicant's need for a tractor shed but focused their discussion on the visual impact of the proposed building, in its relationship to existing buildings within the holding, particularly in terms of its height and scale. Members noted that no evidence of operational or business need for the tractor shed had been submitted to support the application.

**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.**

*The meeting concluded at 11.25 am*

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**APPENDIX I**

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

---

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

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

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**Local Review Reference:** 17/00038/RREF

**Planning Application Reference:** 17/00472/FUL

**Development Proposal:** Alterations and extension to dwellinghouse

**Location:** 1 Glenkinnon, Ashiestiel Bridge, Clovenfords

**Applicant:** Mr & Mrs Rutherford

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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 direction, condition and informative set out below.

**DEVELOPMENT PROPOSAL**

The application relates to alterations and extensions to a dwellinghouse at 1 Glenkinnon, Ashiestiel Bridge, Clovenfords. The application drawings consisted of the following:

| <b>Plan Type</b> | <b>Plan Reference No.</b> |
|------------------|---------------------------|
| Location Plan    | P462/LOC                  |
| Floor Plan       | P462/002                  |
| Elevations       | P462/003                  |

**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 20<sup>th</sup> November 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Consultation; e) Representation and f) 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 relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD3, EP5, EP13 and IS8

### Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010, Privacy and Sunlight 2006 and Trees and Development 2008

The Review Body noted that the proposals related to a dwellinghouse situated within a small group of houses near to Ashiestiel Bridge, south of Clovenfords. They noted that there were two extensions proposed to the rear of the dwellinghouse and that it was the larger centrally positioned rear extension that had led to the decision of the Appointed Officer. This extension proposes a second floor of accommodation with a sloping roof rising above the existing roof ridge, behind the existing chimney.

The Review Body noted that, whilst the extension roof would be higher than the existing ridge of the dwellinghouse, the extension was well designed and the impacts on the property and on the surrounding area would be minimal. Members noted that views of the property and of the extension would be limited as a result of tree screening, the position of other properties and the existing chimney on the property. They did not consider that the additional section of sloping roof behind the chimney was of sufficient concern to justify refusal of the scheme.

The Review Body also noted from photographs provided by the Appointed Officer and applicant's agent that there were one and a half storey properties and roof extensions in the existing group which provided a stronger context for the proposal. Furthermore, the Review Body agreed with the Appointed Officer that the extensions did not cause unacceptable residential amenity impacts on nearby properties.

Members noted that the Appointed Officer was not concerned about tree impacts and they did not feel a condition protecting trees was necessary. However, final agreement on external materials and advice on flood resilient measures would still be necessary.

## **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 the direction, condition and informative stated.

#### **DIRECTION**

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

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

#### **CONDITION**

1. No development shall commence until further details of all external materials are submitted to, and approved by, the Planning Authority. Once approved, the development then to proceed in accordance with the approved details.

Reason: In the interests of the character of the property and the visual amenity of the area.

#### **INFORMATIVE**

The applicant should be aware that the property is located within the 1 in 200 year (0.5% annual probability) flood extent of the River Tweed and may be at medium to high risk of flooding. It is recommended that the applicant adopts water resilient materials and construction methods as appropriate in the development and the applicant reviews the SEPA Online Planning Advice on Flood Risk.

It is also recommended that, to receive flood warnings for 'The Tweed from Peebles to Yair Bridge' from SEPA, the applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.

#### **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...**24 November 2017

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**APPENDIX II**

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

---

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

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

---

**Local Review Reference:** 17/00040/RREF

**Planning Application Reference:** 17/00308/FUL

**Development Proposal:** Erection of boundary fence (retrospective)

**Location:** 33 Justice Park, Oxton

**Applicant:** Mr Marc Ridgway

---

**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 proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a boundary fence, seeking retention of part of the fence already erected and proposing changes to the remaining section. The application drawings consisted of the following:

| <b>Plan Type</b>     | <b>Plan Reference No.</b> |
|----------------------|---------------------------|
| Location Plan        |                           |
| Site Plan            |                           |
| Photograph           |                           |
| Specification letter |                           |

## **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 20<sup>th</sup> November 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Papers referred to in report; e) Consultation; and f) 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 relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, and HD3

The Review Body noted that the proposal was for the retention of a section of 1.82m high fence as shown in orange on the submitted plans, the erection of a new matching section as shown in green and the reduction of an existing section of fence to one metre height as shown in blue.

The Review Body noted that the proposal to reduce the section in blue had resolved any issues in terms of road and pedestrian safety and that SBC Roads Planning Service had no objections to the proposal.

The Review Body considered that the principle issues were ones of visual impact and dominance on what they considered to be an attractive housing development with an open plan nature on existing street frontages. Members noted that the height of the fence and location immediately adjoining the roadway created a significant and dominant impact on the streetscape and had a detrimental effect on residential amenity in the development.

Whilst Members noted the nature and scale of other fences in the vicinity, they felt that these were in character and contributed to the sense of place. The proposed fencing would be out of character and would not allow for any softening with landscaping, given the positioning immediately behind the kerb. Whilst Members noted that the Appointed Officer had discussed possible revisions to enable intervening planting, the proposal did not provide for this and the Review had to be determined on the basis of the proposal as it stands.

The Review Body also noted that the fencing was required for securing dogs and that there had been no objections received from the local community. Nevertheless, these were not considerations that outweighed the detrimental visual effects caused by the proposal.

## **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.
- 

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

**Date.....**24 November 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:** 17/00043/RREF

**Planning Application Reference:** 17/01112/FUL

**Development Proposal:** Erection of hay shed

**Location:** Field No 0328 Kirkburn, Cardrona

**Applicant:** Cleek Poultry Ltd

---

**DECISION**

The Local Review Body 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, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a hay shed at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

| <b>Plan Type</b>     | <b>Plan Reference No.</b> |
|----------------------|---------------------------|
| Location Plan        | 196 HAY 03                |
| Topographical Survey | 196 HAY 1                 |
| General Arrangement  | 196 HAY 02                |

## **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 20<sup>th</sup> November 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. In coming to this decision, the Review Body considered the applicant's request for a site visit but concluded that this was not necessary.

## **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 a hay shed adjoining the existing buildings in the yard at the applicant's land holding at Kirkburn. The building, which had a footprint of 6.5m x 10m, would be placed to the western edge of the yard and would project by a minimum of 2.4m above the ridgeline of the existing buildings in the main yard.

The Review Body noted that the applicant sought to contain his activities within the existing nucleus of buildings at the land holding. Whilst having some sympathy for the applicant and the need for the hay shed, they were concerned that the proposed building was too tall and at 2.4m higher than the existing buildings would look both incongruous and out of scale.

Whilst Members noted the Landscape Architect no longer objected to the development and was content that the height of the trees in Kailzie Gardens would screen some of the visual impact from across the valley, they considered that it would still be prominent from more localised views. The screening along the B7062 was more limited and could not necessarily be relied on for screening in the medium

to longer term. Members agreed that the development would be harmful on visual and landscape grounds and therefore unacceptable.

The Review Body noted that the application was not supported by a business plan or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the circumstances, they had no evidence before them as to the operational or business need for the hay shed. They had no reason to set aside the strong landscape objections to the development or overturn the decision.

Members noted the comments of the Roads Planning officer and agreed that the application was deficient in terms of the required traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to enable a full assessment of the road safety implications of the development to be undertaken.

## **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.....**21 November 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:** 17/00044/RREF

**Planning Application Reference:** 17/01113/FUL

**Development Proposal:** Erection of tractor shed

**Location:** Field No 0328 Kirkburn, Cardrona

**Applicant:** Cleek Poultry Ltd

---

**DECISION**

The Local Review Body 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, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a tractor shed at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

| <b>Plan Type</b>     | <b>Plan Reference No.</b> |
|----------------------|---------------------------|
| Location Plan        | 196 TRACTOR 03            |
| Topographical Survey | 196 TRACTOR 01            |
| General Arrangement  | 196 TRACTOR 02            |

## **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 20<sup>th</sup> November 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. In coming to this decision, the Review Body considered the applicant's request for a site visit but concluded that this was not necessary.

## **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 a tractor shed adjoining the existing buildings in the yard at the applicant's land holding at Kirkburn. The building, which had a footprint of 6m x 9m, would be placed to the eastern edge of the yard and would project by a minimum of 2.4m above the ridgeline of the existing buildings in the main yard.

The Review Body noted that the applicant sought to contain his activities within the existing nucleus of buildings at the land holding. Whilst having some sympathy for the applicant and the need for the tractor shed, they were concerned that the proposed building was too tall and at 2.4m higher than the existing buildings would look both incongruous and out of scale.

Whilst Members noted the Landscape Architect no longer objected to the development and was content that the height of the trees in Kailzie Gardens would screen some of the visual impact from across the valley, they considered that it would still be prominent from more localised views. The screening along the B7062 was more limited and could not necessarily be relied on for screening in the medium to longer term. Members agreed that the development would be harmful on visual and landscape grounds and therefore unacceptable.

The Review Body noted that the application was not supported by a business plan or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the circumstances, they had no evidence before them as to the operational or business need for the tractor shed. They had no reason to set aside the strong landscape objections to the development or overturn the decision.

Members agreed that as the building was to store existing machinery from the land holding it would not generate additional traffic and as such there were no road safety grounds to oppose the application.

## **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.....**21 November 2017

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# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE  
COMMITTEE held in Council Chamber,  
Council Headquarters, Newtown St Boswells,  
TD6 0SA on Tuesday, 21st November, 2017  
at 10.00 am

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Present:- Councillors S Haslam (Chairman), S Aitchison (Vice-Chairman), G Edgar, C Hamilton, W McAteer, S Mountford, T Miers, M Rowley, G Turnbull, T Weatherston.

Apologies:- Councillor E Jardine.

Also present:- Councillor H Anderson, S Bell, H Scott.

In Attendance:- Executive Directors (P Barr and R Dickson), Chief Officer – Roads, Service Director Customer & Communities, Service Director HR, Financial Services Manager, Passenger Transport Manager, Infrastructure Manager, Democratic Services Team Leader, Democratic Services Officer (J Turnbull).

## 1. **MINUTE**

The Minute of the meeting of the Executive Committee of 7 November 2017 had been circulated.

### **DECISION**

**APPROVED for signature by the Chairman.**

### **MEMBER**

Councillors Aitchison and Rowley joined the meeting following consideration of the item above.

## 2. **STREET LIGHTING ENERGY EFFICIENCY PROJECT (SLEEP)**

There had been circulated copies of a report by the Chief Officer – Roads updating on the delivery of the “spend to save” Street Lighting Energy Efficiency Project, (SLEEP). The report explained that the initial project aimed to deliver the conversion of 13,500 traditional street lights to LED, between April 2014 and March 2020 using a total Capital funding allocation of £5.0m. Between 2014 and 2015 the Council had reviewed its current Capital Spend profile for this project in order to accelerate the programme for the installation of replacement lanterns. This acceleration in programme profile had reduced the length of the project to four years bringing the project completion in March 2018, two years earlier than anticipated. In 2015/16 a Project Business Case for SLEEP Phase 2, proposed replacing the remaining street lighting lanterns, illuminated signs and bollards with an LED alternative. An additional investment of £1.2m was allocated for Phase 2 of the project with the date for completion aligned with Phase 1 in March 2018. In response to questions, the Asset Manager advised that current column placement was determined by Lighting Standards. With regard to the use of double headed lanterns he clarified that these could be used where there was an inadequate covering of light. In answer to a question regarding the illumination of street signage, the Street Lighting Team Leader clarified that the criteria for signage was covered by traffic regulations.

### **DECISION**

**(a) NOTED:-**

- (i) **The extension to the original Street Lighting Energy Efficiency Project and the accelerated progress that has been made in the delivery of the overall project.**
  - (ii) **that ongoing investment in the Capital Financial Plan would be required to upgrade identified lighting columns of limited remaining life; and**
  - (iii) **the estimated savings of £1.274m in the overall cost of the project.**
- (b) **AGREED the reallocation of the £1.274m savings to:**
- **replace the street lighting asset where the current column placement did not allow new LED fittings to provide an adequate coverage of light during the hours of darkness to the value of £730,000 to be delivered in 2018/19, with Virement for a timing movement of the budget to 2018/19.**
  - **convert ongoing developments which, due to the time of their approval, would result in traditional sodium lanterns being adopted by the Council to the value of £135,000 which would be delivered as a phased approach in line with the permitted developments, with Virement for a timing movement to 2018/19; and**
  - **the virement of the identified savings of £409,000 to the Council's Emergency and Unplanned Capital fund in 2017/18.**

### 3. **TRANSPORT SCOTLAND CONSULTATION ON CONCESSIONARY TRAVEL 2017**

3.1 There had been circulated copies of a report by the Service Director Regulatory Service advising of a consultation currently in circulation on concessionary travel commissioned by Transport Scotland. The report advised the closing date for responses was 17 November 2017. However, Scottish Borders Council had been given a special dispensation by Transport Scotland to submit a response after this paper had been discussed by Elected Members. A copy of the full consultation was attached as Appendix 1, to the report, with officers' recommended responses to the consultation questions provided in Appendix 2. The main points within the body of the consultation related to:

- the increase of the qualifying age for women travellers to 65 to bring this in line with the State Pension qualifying age,
- Free travel for Modern Apprentices, and
- Introduction of companion cards for disabled children under five years of age

3.2 The Committee queried the suggested response to question 4 of the consultation that the Council were not in favour of providing free bus travel to Modern Apprentices. The Passenger and Transport Manager clarified that although the Council were supportive of the Modern Apprenticeship scheme, the availability of free bus travel would be of limited benefit in a rural area. He suggested that it might be more equitable to provide a travel bursary that could be used towards the cost of any transport or the running costs of private transport. The Committee considered the question and asked that the response be changed to indicate that the Council were in favour of providing free bus travel to Modern Apprentices. However, it was agreed that the Leader and the Executive Member for Roads and Infrastructure, write to the Minister for Transport and the Islands highlighting the problems faced by Modern Apprentices in rural areas and seeking alternatives to free public transport.

**DECISION  
AGREED:-**

- (a) to include within the response to the Consultation that companion concessions for blind persons be included in the revised future concessionary travel scheme;
- (b) the responses as detailed in Appendix 2 as the Council's submission to the Consultation, apart from question 4 which be amended to indicate that the Council was in favour of providing free bus travel to Modern Apprentices; and
- (c) to request the Leader and the Executive Member for Roads and Infrastructure write to the Minister for Transport and the Islands highlighting the problems faced by Modern Apprentices in rural areas and seeking alternatives to free public transport.

4. **WINTER SERVICE PLAN FOR YEAR 2017/18**

There had been circulated copies of a report by the Service Director Assets and Infrastructure presenting a review of the performance of Scottish Borders Council's Winter Service during 2016/17, and presenting, at Appendix 1 to the report, SBC's Winter Services Plan for 2017/18. Scottish Borders Council provided a winter service on nearly 3,000km of roads across the Scottish Borders. The report advised that an annual Winter Plan had been prepared to outline the steps that would be taken to ensure that the roads network was safe, within available resources. The winter of 2016/17 was not particularly bad in terms of snow and ice, during December 2016, temperatures were milder than average in all areas, by as much as 3°C over parts of Scotland; in January 2017, Scotland and Northern Ireland were particularly dry and sunnier than the average and during February 2017, rainfall was closer to average generally, however rather wetter for much of southern Scotland and northern England. The Winter Service Plan for 2017/18 was similar in terms of policy, priorities, routes, call out arrangements and resource planning (although it should be noted that significant work was done on the plan prior to 2015/16, including public consultation). The Asset Manager highlighted that an additional 35 salt bins had been provided for 2017/18. Following the major review in 2009/2010; 1,050 salt bins were now located in the Scottish Borders. In response to questions, the Asset Manager advised that the Council did not hold a supply of salt bins, any requests received were evaluated and, if appropriate, ordered for the following Winter. In response to a question on the problems caused by people removing salt from the bins for personal use, Mr Richardson explained that this was difficult to manage and tended to be more prevalent in rural areas.

**DECISION:**

- (a) **NOTED** the performance of the SBC Winter Service during 2016/17;
- (b) **ENDORSED** the Winter Service Plan for 2017/18; and
- (c) **AGREED** the amendments to the plan for Winter 2018/19.

5. **INTRODUCTION OF CHARGES FOR STREET NAMING, HOUSE NUMBERING AND CHANGING A HOUSE NAME**

There had been circulated copies of a report by the Service Director Customer and Communities proposing the introduction of charging for requests for street naming, property numbering or naming, and property name changing (renaming), in line with many other Scottish Local Authorities. The report explained that under the Civic Government (Scotland) Act 1982, Scottish Borders Council currently undertook the processes required to name a new street, number or rename a property but did this at no cost to the developer, be that an individual, a commercial organisation or a social landlord. Almost half of Scottish Local Authorities had introduced charges for these services. Given current public sector financial constraints and the duty, under the Local Government in Scotland Act 2003, to secure best value, the Council had the right to introduce charging and cover the costs required to provide the service. With the ongoing tightening of public finances

and anticipated increases in house building, it was proposed that fees were introduced for those who made a request to name a street, number or rename a house, and that a more streamlined process was introduced to allow the collection of the information required to instigate and undertaken the process. In response to questions, the Service Director Customer and Communities advised that the FAQ guide on the Council's website would incorporate clarification that the charges reflected the cost of providing the service. With regard to phased payments for larger scale housing developments, she advised this could be discussed with developers if required.

#### **DECISION**

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

(a) **to the introduction of charges to householders, developers and Registered Social Landlords (or any other individual or body who required this service) to cover costs associated with requests to name a street, number, name or rename a property and the introduction of an e-form for this purpose; and**

(b) **to set the following charging rates, for all requests made after 1 December 2017:**

|                                      |                              |
|--------------------------------------|------------------------------|
| <b>Street Naming:</b>                | <b>£150 per street named</b> |
| <b>Property Numbering or Naming:</b> | <b>£75 per property</b>      |
| <b>Property Renaming:</b>            | <b>£75 per property</b>      |

#### **6. SOUTH OF SCOTLAND ENTERPRISE AGENCY - INTERIM ARRANGEMENTS**

There had been circulated copies of a report by Executive Director, Mr Dickson, updating Members on the establishment of an Interim Economic Partnership to lead the delivery of interim arrangements in advance of the new South of Scotland Enterprise Agency, and seeking agreement on a number of proposals to take these forward. Following completion of Phase 2 of the Enterprise and Skills Review, the Scottish Government announced the creation of a new Enterprise Agency for the South of Scotland and that the Agency would be a public body established via primary legislation. Given the long lead time to create a new public body, the Government also announced that it would establish interim arrangements so that momentum from the Review would not be lost. The interim arrangements had been the subject of extensive discussions between officers of all partners and the Scottish Government. Scottish Government Ministers had given a commitment that an interim approach would be put in place by end of 2017 to ensure that the South of Scotland benefitted from a new approach to economic development as soon as possible. The report explained that the Council's Executive Director, Mr Dickson, had been appointed by the Scottish Government as the Lead Individual to co-ordinate the partnership during the interim period. The Committee congratulated Mr Dickson on his appointment. Mr Dickson advised that the appointment was a two year secondment and he would still retain responsibility for economic development within the Council. He highlighted that this was a unique opportunity for the South of Scotland to make transformational impact on its economy and the wellbeing of its communities and citizens. In response to a question regarding whether the Council had sufficient resources to support the project, Mr Dickson advised that all partners had been asked to commit resources, mainly staffing, to support the Lead Individual and the Interim Economic Partnership as a priority.

#### **DECISION**

(a) **NOTED:-**

(i) **the arrangements proposed by the Scottish Government to support early delivery of services and the development of the South of Scotland Enterprise Agency in the period prior to its inception in April 2020;**

- (ii) that the Council had been invited by the Cabinet Secretary for Economy, Jobs and Fair Work to join the proposed Interim Economic Partnership; and
  - (iii) the contents of the Memorandum of Understanding that would establish the Interim Economic Partnership, as detailed in Appendix 1 to the report.
- (b) **AGREED:-**
- (i) that the Council should commit to the Memorandum of Understanding and join the Interim Economic Partnership that was being established to oversee and direct the interim arrangements;
  - (ii) that the Chief Executive, or her delegate, should represent the Council on the Interim Economic Partnership;
  - (iii) that in developing the budgets for 2018-19 and 2019-20, that allocations should be made to support the work of the Council through the Interim Economic Partnership during the interim arrangements for the South of Scotland Enterprise Agency;
  - (iv) that the Council should work with Scottish Government to ensure additional, new resources were made available to support the work of the Interim Economic Partnership and ensure early benefit from the development of the new Agency through the interim arrangements;
  - (v) that a report be brought before a future meeting of the Committee to allow Members to review and comment on the work plan developed by the Interim Economic Partnership;
  - (vi) that a report be brought before a future meeting of the Committee to consider options on how the Council might develop its relationship with, and influence over, the new South of Scotland Enterprise Agency; and
  - (vii) to receive further reports on the Interim Economic Partnership as proposals developed further.

**7. QUARTERLY CORPORATE PERFORMANCE REPORT - QUARTER 2 2017/18**

There had been circulated copies of a report by the Chief Executive presenting a summary of Scottish Borders Council's quarterly performance information with details contained within Appendix 1 to the report. The report advised that the Council had approved a Corporate Plan in April 2013, with eight priorities that it wished to address for the Scottish Borders over a five year period. In order to monitor progress against the eight priorities, a review of performance information was undertaken quarterly and presented to Executive Committee, as well as an annual summary in June each year. A summary of any changes made to performance indicators was provided at Section 4 of the report, followed by a high level summary of performance in Section 5. Appendix 1 provided more detail for each Performance Indicator (PI). The Policy, Performance and Planning Manager highlighted changes to performance indicators and confirmed that all information contained within the report and appendices was also available on the Council's website using the public facing part of SBC's Performance Management software (Covalent). This could be accessed at [www.scotborders.gov.uk/performance](http://www.scotborders.gov.uk/performance) and by clicking on "Scottish Borders Performs". With regard to the monitoring of complaints, the Service Director Customer & Communities explained that there had been no change to the way in which complaints were recorded since the introduction of the Complaints Handling process. However, enquiries about a service, for example dog

fouling, would not be escalated to the status of complaint unless a resolution had not been implemented. Councillor Haslam suggested that a breakdown of complaints by area be provided to Area Partnership Chairmen. Mrs Watters advised that a presentation on complaints could be provided at a future meeting.

## **DECISION**

### **AGREED:-**

- (a) To note changes to performance indicators outlined in Section 4 of the report; and**
- (b) to acknowledge and note the performance summarised in Section 5 of the report and detailed within Appendix 1, and the action being taken within services to improve or maintain performance.**

## **8. 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.

## **9. SAFER COMMUNITIES TEAM**

- 9.1 With reference to paragraph 4.1(c) of the Minute of 21 November 2017, the Chairman welcomed Mr Graham Jones, Safer Communities and Community Justice Manager. Mr Jones was in attendance to present to Members an overview of the Council's Safer Communities service. An organisational diagram was circulated at the meeting, which showed the Safer Communities Team and co located partners. Mr Jones began by advising that the total Safer Communities budget was circa £800k which was divided between the Team's core budget and generated income that funded the majority of the Domestic Abuse Service. He explained that the Service had to comply with legislation under the Antisocial Behaviour (Scotland) Act 2004, Data Protection Act 1998, the Community Justice (Scotland) Act 2016 and contributed to a range of plans and strategies creating latitude in its delivery profile. In his presentation, Mr Jones explained that a number of performance measures existed that would provide the committee with detailed information on performance already presented at the Police, Fire & Rescue and Safer Communities Board. He then outlined the Safer Communities Strategic priorities for 2016 to 2019 which were to reduce the level and impact of: crime and antisocial behaviour, gender based violence, poor driver behaviour, substance misuse, and, accidents in the home. The Safer Communities activities aligned with these priorities. It was suggested that the committee might have an interest in indicators which reflected and demonstrated the actual work of the team, increased the number of ASB early interventions by partners, reduced the number of persons being monitored for ASB and increased the number of mediation referrals. Mr Jones then discussed in more detail, the Safer Communities indicators proposed for each of these five priorities. For the gender based violence priority he explained this would mean the number of referrals to gender based support services, the number of repeat users of Domestic Abuse Advocacy Support, and those referred on to other support services. With regard to the Poor Driver Behaviour priority, the service proposed increasing the number of people from vulnerable groups who attended the Drivewise training programme. Mr Jones concluded his presentation by highlighting the breadth of partnership working within and beyond the scope of the team.
- 9.2 Councillor McAteer as Chairman of the Police, Fire and Rescue Board, highlighted the importance of partnership working and the Board's expectation to consider each of the priorities thematically to influence issues, particularly with regard to antisocial behaviour. In response to a question regarding how the impact of these proposals would be measured. Mr Jones gave, as an example, the Domestic Abuse service. There was still a high demand for the service, but the number of repeat victims who accessed the service, had reduced over time. In response to a question regarding antisocial behaviour repeat offenders, Mr Jones explained that there was a formalised process which included sharing

information with partners to consider appropriate interventions. There was also the option of an application to secure an Antisocial Behaviour Order should other remedies fail to temper behaviour. The Chairman commended the work of the Safer Communities Team and thanked Mr Jones for the informative presentation which had explained the services' multi-faceted role.

#### **DECISION**

**NOTED the presentation.**

#### **10. CORPORATE TRANSFORMATION PROGRESS REPORT**

There had been circulated copies of a report by Executive Director, Mr Dickson, updating on progress in developing and delivering the Council's Corporate Transformation Programme in the period to end October 2017 and setting out planned activity in the reporting period to January 2018. This was the tenth quarterly progress report since the Programme was established in February 2015. The current areas of work within the Programme were set out in the tracker in Appendix 1 under the 8 Corporate Priorities. It included a brief description of the purpose of each Programme, a summary of progress made to date over the last period (rating them Red, Amber or Green) and key milestones in the next quarter. Section 4 of the report set out the key highlights over the last reporting period. Detailed performance reporting infographics for each element of the programme were reported on a rolling schedule covering all 14 sub-programmes over an annual period. In this quarterly report, the performance reporting infographics were set out in Appendices 2 to 3 of the report. Members noted that the Digital Transformation Programme was rated Amber and were informed that it was anticipated that delivery of the Customer Portal would now take place in 2018 and that the roll out of Business World functionality continued.

#### **DECISION**

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

#### **11. MONITORING OF THE GENERAL FUND REVENUE BUDGET 2017/18**

- 11.1 With reference to paragraph 7 of the Minute of 5 September, there had been circulated copies of a report by the Chief Financial Officer providing budgetary control statements for the Council's General Fund based on actual expenditure and income to 30 September 2017 and explanations of the major variances between projected outturn expenditure/income and the current approved budget. The report explained that after the second quarter of 2017/18 the Council's budget overall was projecting a balanced position at 31 March 2018 with all known pressures being managed within the Council's overall 2017/18 revenue budget. The Council was managing a significant number of risks and pressures in the current year including delays in the delivery of a number of savings required in the 2017/18 budget. For this reason Corporate Management Team had agreed restrictions on discretionary budgets and the Chief Executive had written to managers regarding restrictions on discretionary spend for the remainder of 2017/18. This budgetary action aimed to mitigate any further budget pressures which might arise during the remainder of 2017/18 and maximised year end underspend opportunities to support transformational change going forward. The approach adopted around restricting discretionary spend towards the end of the financial year had been very beneficial to the Council in previous financial years.
- 11.2 In the last revenue monitoring revenue report it was highlighted to Members that work was ongoing to stabilise the new Business World ERP system. Work to enhance Business World functionality was progressing with CGI. Since the date of the last monitoring report good progress had been made with regard to the development of the Council's online reporting capability and budget monitoring reports were now in the process of being rolled out to budget managers. As at 30 September 2017, 78% of the savings had been delivered within the current year. The remaining 22% was profiled to be delivered during the remainder of 2017/18. Emphasis during the remaining six months of 2017/18 needed

to be placed on delivering as many savings as possible permanently as per the Financial Plan. Full details of pressures, risk and challenges were detailed in Appendix 1 to the report. Appendix 2 reflected virements required to realign budgets in line with current forecasts. Appendix 3 reflected earmarking of £1m which had been transferred to Allocated Balances to support the 2018/19 Financial Plan.

- 11.3 In response to a question regarding the classification of discretionary spend; Mrs Douglas advised that this was spend which was not essential for managers to run their service. With regard to the anticipated savings relating to Digital Transformation, Mrs Douglas explained that savings related to Business World would take longer to achieve than originally anticipated but would be delivered. Mr Dickson confirmed that CGI outcomes were being carefully monitored.

#### **DECISION**

**(a) NOTED:-**

- (i) the corporate monitoring position projected at 30 September 2017, the underlying cost drivers and the identified areas of financial risk as reflected in Appendix 1 to the report;**
- (ii) progress made in achieving Financial Plan savings in Appendix 4 to the report; and**
- (iii) the action taken by Corporate Management team to deliver a balanced budget in the current year.**

**(b) AGREED:-**

- (i) the virements attached as Appendix 2 in order to realign budgets in 2017/18 in line with current forecasts; and**
- (ii) the earmarking of budget from 2017/18 attached as Appendix 3 to the report.**

**12. BALANCES AS 31 MARCH 2018**

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 and advising of the projected balances at 31 March 2018. The report explained that the unaudited Council's General Fund useable reserve (non-earmarked) balance was £5.842m at 31 March 2017. This reflected a balance of £5,638m in line with the approved Financial Strategy. The projected balance as at 31 March 2018 remained £5.63m. The Council's allocated reserve balance was £6.049m at 31 March 2017. The projected balance in the allocated reserve at 31 March 2018 was £3.147m as a result of approved planned draw downs and further allocations during 2017/18. £1m had been transferred from Earmarked Balances to Allocated Balances to reflect budget being allocated to support the 2018/19 Financial Plan. The total of all useable balances, excluding developer contributions, at 31 March 2018 was projected to be £18.910m, compared to £19.705m at 31 March 2017. The projected balance on the Capital Fund of £4.501m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year. Further detail of the balances and movements within the Council's funds were included within the report and Appendices.

#### **DECISION**

**NOTED:-**

- (a) the projected revenue balances as at 31 March 2018 as per Appendices 1 and 2; and**



**(b) the projected balance in the Capital Fund as per Appendix 3.**

**13. MONITORING OF THE CAPITAL FINANCIAL PLAN**

There had been circulated copies of a report by the Chief Financial Officer providing an update on the progress of the 2017/18 Capital Financial Plan and seeking approval for projected outturns, associated virements and the reallocation of funds. The monitoring tables in Appendix 1 to the report showed actual expenditure to 30 September 2017. The tables identified a projected net variance of £0.609m against the approved budget due to a gross down in the projection for Plant and Vehicle replacement, fully funded from the P&V Fund. The net budget timing movements to future years amounted to £1.138m, the most significant of which were £0.5m for Energy Efficiency Works and £0.350m for School Estate Block. Appendix 2 to the report contained a list of block allocations approved for this year and the approved and proposed projects to be allocated from them within the 2017/18 Capital Plan. Appendix 3 contained a summarised list of timing and budget movements within the 2017/18 Capital Plan. Appendix 4 contained a list of estimated whole project capital costs for single projects which would not be completed in the current financial year. It was likely that as the year progressed additional timing movements would be identified. Specific reports on key major projects would be presented to Committee over the coming weeks with a comprehensive update on estimated timing movements presented as part of the final 2017/18 monitoring report in February 2018. In response to a question regarding capital allocation to the Union Chain Bridge, Councillor Edgar advised that the £1m anticipated to be funded from the Council was dependent on Heritage Lottery funding, the application for which would be submitted on 1 December 2017.

**DECISION**

**(a) AGREED:-**

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

**(b) NOTED:-**

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

***The meeting concluded at 12.00 pm***

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**MEETING**

- Date:** 23 November 2017 from 3.50 to 4.00 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 Davidson (NHS Borders)  
LSO Stephen Gourlay (Scottish Fire & Rescue)  
Councillor Carol Hamilton (SBC)  
Mrs Marjorie Hume (Third Sector)  
Mr Tony Jakimciw (Borders College)  
Mr Alistair McKinnon (Scottish Enterprise)  
Chief Inspector Andy McLean (Police Scotland)  
Mr Simon Mountford (RSL representative)  
Mr John Raine (NHS Borders)
- Also in Attendance:** Colin Banks, Philip Barr, Jenni Craig, Rob Dickson, Donna Manson, Shona Smith, Jenny Wilkinson (all SBC).

**MINUTE AND ACTION POINTS**

- 1. Apologies**  
Apologies had been received from Mr Trevor Burrows (Eildon Housing), Councillor Watson McAteer (SBC), Superintendent Jim Royan (Police Scotland).
- 2. Minutes of Previous Meeting of the Community Planning Strategic Board**  
The Minute of the meeting of the Community Planning Strategic Board held on 7 September 2017 had been circulated.  
**AGREED to approve the Minute.**
- 3. Action Tracker**  
The Action Tracker had been circulated.  
**Noted.**
- 4. Scottish Borders Community Plan**  
Under the Community Empowerment (Scotland) Act 2015, there was a requirement on the Community Planning Partnership to produce a Local Outcome Improvement Plan (LOIP) for the Scottish Borders. A copy of

the Scottish Borders Community Plan (the LOIP) had been circulated prior to the meeting. The Plan looked to highlight what the Borders-wide inequalities were and how the Community Planning Partnership could work together and with local communities and businesses to address those inequalities and improve outcomes. National and local data and statistics, community views, and professional knowledge from across the Partnership was used to help identify the inequalities and gain an understanding of the key issues and challenges across the Borders. There were 4 themes in the Plan: Our Economy, Skills & Learning; Our Health, Care & Wellbeing; Our Quality of Life; and Our Place. There were 15 outcomes associated with these themes. Measures and targets, along with key actions, were still to be added in to the Plan. It was intended that the Plan would be dynamic and interactive and would eventually go online to become truly interactive. Mr Jakimciw requested that partners be asked to contribute to the measures and targets.

**Action: AGREED –**

- (a) to approve the Scottish Borders Community Plan for publication; and**
- (b) to write to all the Community Planning Partners asking for their contributions to the measures, targets and actions to be included in the Community Plan.**

**5. Any Other Business**

The Board noted that the next meeting of the Community Planning Strategic Board was scheduled for 1 March 2018 at 2pm in Council HQ, Newtown St Boswells.

# 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  
Headquarters, Newtown St Boswells, TD6  
0SA on Tuesday, 28 November 2017 at  
3.40 pm

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

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

## 1. **MINUTE**

There had been circulated copies of the Minute of 29 August 2017.

### **DECISION**

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

## 2. **FINANCIAL MONITORING REPORT TO 30 SEPTEMBER 2017**

2.1 There had been circulated copies of a report by the Chief Financial Officer providing the details of income and expenditure for the Selkirk Common Good Fund for the six months to 30 September 2017, full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Senior Finance Officer, John Yallop, highlighted the main points of the report and appendices. Appendix 1 to the report provided a projected income and expenditure position which showed a projected surplus of £36,982 for the year. Appendix 2 to the report provided a projected Balance Sheet value to 31 March 2018. This showed a projected decrease in the reserves of £30,976. A breakdown of the property portfolio showing projected rental income for 2017/18 and actual property expenditure to 30 September 2017 was detailed in Appendix 3 to the report. Appendix 4 showed the value of the Newton Fund to 30 September 2017.

2.2 With a projected cash balance of approximately £120k, Mr Yallop suggested to Members that it might be a good time to consider further investment of funds. He gave an update on the current position with regard to the Newton Investment. The Fund had delivered a negative return once more (-0.6% against benchmark of +1.1) in the quarter to 30 September 2017. Importantly, this negative quarterly return had resulted in a 5 year rolling return that was below the 5 year benchmark, which the fund was ultimately measured against (3.6% against benchmark of 4.4%). The Fund had delivered below benchmark performance for the last 5 quarters. Scottish Borders Council approved the commencement of a procurement exercise to ensure the funds were managed by the Fund Manager best aligned to the Common Good and Trust Investment Strategy. The outcome of the procurement exercise would be reported to Scottish Borders Council on 21 December 2017 for final approval.

### **DECISION**

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

**(i) the projected Balance Sheet value to 31 March 2018 in Appendix 2;**

- (ii) the summary of the property portfolio in Appendix 3; and
- (iii) the current position of the investment in the Newton Fund in Appendix 4.

**(b) AGREED:-**

- (i) the projected income and expenditure for 2017/18 in Appendix 1 to the report as the revised budget for 2017/18.

**3. PROPERTY**

With reference to paragraph 3 of the Minute of 29 August 2017, the Estates Strategy Surveyor, Mr Norrie Curtis, gave a verbal update regarding the replacement of the pillars at the Victoria Hall. He advised that listed building consent had been applied for by the project officer for the Selkirk Conservation Area Regeneration Scheme (CARS) and the sandstone required for the pillars would be ordered. With reference to paragraph 4 of the Minute of 21 June 2017, regarding fencing requirement at Linglie Farm, Mr Curtis confirmed that the contractor would be starting imminently. With reference to paragraph 1.2 of the Minute of 29 November 2016, Mr Curtis had been advised by Scottish Water that the proposal to provide a new water storage tank on South Common was being re-appraised. After the proposal had been revisited, calculations completed and negotiations with Scottish Water carried out, a formal report would be brought back to the Common Good Fund Sub Committee for consideration. Mr Combe drew attention to the fact that gutter was hanging off on two sides of the Green Hut. It was agreed that the Property Officer be asked to get a quote for its repair. Mr Combe confirmed that the building would be painted by Scott's Selkirk. Mr Curtis agreed to ascertain the owner of the trees to the rear of the hut where branches were potentially damaging the building.

**DECISION**

**NOTED:-**

- (a) the update;
- (b) that a report on the proposal by Scottish Water to provide a new water storage tank on South Common would be brought back to the Sub Committee once a re-appraisal and negotiations had been carried out;
- (c) the Property Officer be asked to obtain a quote for the repair of gutters at the Green Hut; and
- (d) that the Estates Strategy Surveyor would ascertain the owner of trees to the rear of the Green Hut.

**4. APPLICATION FOR FINANCIAL ASSISTANCE - SELKIRK FOOTBALL CLUB**

With reference to paragraph 4 of the Minute of 29 August 2017, the Senior Finance Officer reported that Selkirk Football Club had indicated on 19 September 2017 that they had been unable to secure other grant funding for the installation of a floodlighting system at Yarrow Park. That application for a grant from Selkirk Common Good Fund was therefore considered closed. However a new application had been received from Selkirk Football Club and this was circulated prior to the meeting. The application advised that the floodlighting system had now been installed, financed by using all the club's existing funds. The application to the Common Good Fund was for £5,000 to connect the existing lighting to the main grid.

**DECISION**

**AGREED to grant to Selkirk Football Club the cost of connecting the floodlighting system to the main grid, subject to the provision of a quote from Scottish Power and up to a total of £5,000.**

*The meeting concluded at 4.05 pm*

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# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTE of Meeting of the AUDIT AND SCRUTINY COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells on Thursday, 30 November 2017 at 11.30 am

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Present:- Councillors S Bell (Chairman), H Anderson, K Chapman, S Hamilton, N Richards, R Tatler and E Thornton-Nicol.  
Apologies:- Councillors J Fullarton, H Scott.  
In Attendance:- Clerk to the Council, Democratic Services Officer (F Henderson).

## 1.0 MINUTE

There had been circulated copies of the Minute of 26 October 2017.

### DECISION

**APPROVED for signature by the Chairman.**

## 2.0 SCRUTINY WORK PROGRAMME 2017-2018

With reference to paragraph 2 of the Minute of 26 October 2017, there had been circulated copies of a report by the Chief Executive which sought approval for areas for Scrutiny review as part of a future Scrutiny work programme to be approved by Council. The report explained that as detailed in the Scheme of Administration, the Audit and Scrutiny Committee was required to develop an annual programme of work for approval by Council. There were a number of ways in which the Audit and Scrutiny Committee could proceed with reviews – either by Information Briefing, Hearing, or Working Group review. The final proposed work programme was detailed in the Appendix to the report and while it was normal practice to submit an annual work programme to Council, it was proposed that due to the timing of the proposals, the work programme take place over 15 months. Any other areas submitted for review in that period would be considered by Audit and Scrutiny Committee and approval sought from Council for inclusion in the work programme as appropriate. The report detailed the proposed reviews and there was some discussion about the prioritisation of reviews. Members agreed that the Home Schooling Update and the 2G and 3G Sports Pitches Update be considered first as these were the two which had been outstanding the longest and that the remaining reviews be considered in the order detailed in the Appendix.

### DECISION

#### AGREED:-

- (a) **the Scrutiny review work programme as detailed in the Appendix to this Minute;**
- \* (b) **to recommend approval to Council of the Scrutiny work programme from January 2018 to March 2019 as detailed in the Appendix to this Minute;**
- (c) **to consider in future - as appropriate - additional items for inclusion in the Scrutiny work programme, with Council approval, up until March 2019; and**

- (d) that the Home Schooling Update and the 2G and 3G Sports Pitches updates be considered as a matter of priority and the remaining programme of reviews be undertaken in the order detailed in the Appendix .**

*Meeting concluded at 11.40 a.m.*

**Scrutiny Work Programme 2018/19**

|   | Review subject   | Outcome/Lead Officer  |
|---|--|---|
| 1 | Home Schooling Update  | <ul style="list-style-type: none"> <li>• Presentation giving an update on any legislative or guidance changes to home schooling requirements from the previous Scrutiny review carried out in February 2017. (Lead Officer: Donna Manson, Service Director Children &amp; Young People)</li> </ul>                    |
| 2 | 2G and 3G Pitches Update   | <ul style="list-style-type: none"> <li>• Presentation giving an update on 2G and 3G artificial pitch provision in the Scottish Borders from the previous Scrutiny review carried out in February 2017. (Lead Officer: Martin Joyce, Service Director Assets &amp; Infrastructure)</li> </ul>                          |
| 3 | Health and Social Care Integration Joint Board                       | <ul style="list-style-type: none"> <li>• Greater understanding of how the Integration Joint Board is delivering the Health and Social Care Strategic Plan to improve the lives of Borderers and meet the growth demands in the care sector. (Lead Officer: Rob McCulloch-Graham, Chief Officer, H&amp;SCI)</li> </ul> |
| 4 | SB Cares   | <ul style="list-style-type: none"> <li>• The performance of SB Cares in relation to the aims and targets set within SB Cares Business Plan. (Lead Officer (SB Cares): Philip Barr, Managing Director, SB Cares)</li> </ul>  |
| 5 | Delivery of the IT Strategy and Plan within Scottish Borders Council | <ul style="list-style-type: none"> <li>• Confirm the deliverables set out in the ICT programme are in place to deliver the business transformation programme and other corporate plan outcomes (Lead Officer: David Robertson, Chief Financial Officer)</li> </ul>  |
| 6 | Community Access to Schools  | <ul style="list-style-type: none"> <li>• Ensure community groups and the public make full use of availability of infrastructure in schools for learning, leisure and sport. (Lead Officer: Martin Joyce, Service Director Assets &amp; Infrastructure)</li> </ul>   |

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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, 4 December 2017 at 10.00 am

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Present:- Councillors T. Miers (Chairman), A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small.  
Apologies:- Councillor S. Aitchison.  
In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Development Management and Enforcement), Lead Roads Planning Officer, Chief Legal Officer, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

## 1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 6 November 2017. The Minute was approved subject to the following amendment in respect of Appendix I planning application 17/01149/FUL:-

*'Councillor Anderson moved that the application be refused on the basis that the C77 did not form a suitable access route for vehicles servicing the site and that there were issues of appropriate access towards and from the A68 and A7 for bulky waste vehicles using this route. In addition it was considered contrary to PMD1(g) as it would make the road more dangerous for those walking and cycling. However as there was no seconder the motion fell.'*

### **DECISION**

**APPROVED for signature by the Chairman.**

## 2. **APPLICATIONS.**

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

### **DECISION**

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

## 3. **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) Appeals had been received in respect of:-**

- (i) Erection of poultry building on Land South West of Easter Haprew Farmhouse. Peebles – 16/01377/FUL; and**
- (ii) Erection of poultry building and associated works at Hutton Hall Barns, Hutton – 17/00623/FUL**

- (b) there remained four appeals outstanding in respect of:-
- Land North of Howpark Farmhouse, Grantshouse
  - Poultry Farm, Marchmont Road, Greenlaw
  - Units 9 and 10, 6 – 8 Douglas Bridge, Galashiels
  - Land North East of 3 The Old Creamery, Dolphinton
- (c) Review requests had been received in respect of:-
- (i) Erection of dwellinghouse on Land Adjacent to Deanfoot Cottage, Deanfoot Road, West Linton – 17/00926/PPP;
  - (ii) Change of use of agricultural land to form storage yard and siting of 7 No. storage containers on Land North East of Greenbraehead Farmhouse, Hawick – 17/00973/FUL;
  - (iii) Erection of hay shed on Field No.0328 Kirkburn, Cardrona – 17/01112/FULL;
  - (iv) Erection of tractor shed on Field No. 0328 Kirkburn, Cardrona – 17/01113/FUL; and
  - (v) Change of use from Class 1 (retail) to allow mixed use Class 2 (podiatry Clinic) and Class 1 (ancillary retail) at 40-41 The Square, Kelso – 17/01139/FUL
- (d) the decision of the Appointed Officer had been upheld in respect of:-
- (i) Erection of boundary fence (retrospective) at 33 Justice Park, Oxton – 17/00308/FUL;
  - (ii) Erection of Hay Shed, Field No.0328 Kirkburn, Cardrona – 17/01112/FUL; and
  - (iii) Erection of tractor shed in Field No. 0328 Kirkburn, Cardrona – 17/01113/FUL
- (e) the decision of the Appointed Officer had been Overturned in respect of:-
- (i) Erection of micro meat processing unit and byre on Land at Hardiesmill Place, Gordon – 17/00239/FUL; and
  - (ii) Alterations and extension to dwellinghouse at 1 Glenkinnon, Ashiestiel Bridge, Clovenfords – 17/00472/FUL.
- (f) there remained one review outstanding in respect of Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlstoun -
- (g) there remained four S36 PLI's outstanding in respect of:-
- (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir
  - Fallago Rig 2, Longformacus
  - Fallago Rig 1, Longformacus
  - Birneyknowe Wind Farm, Land North, South, East & West of Birnieknowe Cottage, Hawick

## **DECISION**

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

## **SUMMARY OF PRIVATE BUSINESS**

5. **REQUEST TO REDUCE DEVELOPMENT CONTRIBUTION REQUIREMENTS WITH RESPECT TO PLANNING PERMISSION FOR CHANGE OF USE FROM OFFICE/STORE AND ALTERATIONS TO FORM TWO DWELLING FLATS, FIRST FLOOR 82 CHANNEL STREET GALASHIELS**

The Committee considered a report by the Chief Planning Officer.

*The meeting concluded at 11.25 a.m.*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

| <u>Reference</u> | <u>Nature of Development</u>   | <u>Location</u>  |
|------------------|--------------------------------|--|
| 17/01062/FUL     | Erection of two dwellinghouses | Land North West of 1 Whitesomehill Farm Cottages, Duns |

Decision: APPROVED Subject to the provision of satisfactory evidence confirming that neighbouring land is available to accommodate the proposed drainage arrangements (delegated to Officers to resolve), a legal agreement and the following conditions and informatives:

#### 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, unless otherwise agreed by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
2. The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls and roof of the proposed building(s), which shall first have been submitted to and approved in writing by the Planning Authority, unless otherwise agreed by the Planning Authority.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting and to the setting of nearby listed buildings.
3. The roofing material shall be natural slate. A slate sample shall be made available on-site for the prior approval of the Planning Authority, and thereafter, the development shall be completed using the approved materials.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, and to the setting of nearby listed buildings.
4. No development shall commence until details of the design and finish of windows and doors have been submitted to and approved in writing by the Planning Authority. The development to be completed wholly in accordance with the approved details thereafter.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, and to the setting of nearby listed buildings.
5. No development shall commence until precise details of the design of the eaves on the buildings hereby approved have been submitted to and approved in writing by the Planning Authority. The development to be carried out wholly in accordance with the approved details thereafter.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, and to the setting of nearby listed buildings.
6. Prior to the commencement of development, the finish and colour of all external joinery and rainwater goods shall be agreed in writing with the Planning Authority. The development to be completed wholly in accordance with the approved details thereafter.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, and to the setting of nearby listed buildings.
7. Notwithstanding the details shown on the approved drawings, no development shall commence until the precise siting and design of the proposed oil tanks, including any



fence, wall or other means of enclosure, have been submitted to and agreed in writing by the Planning Authority. The scheme of details required by this condition shall indicate the proposed oil tanks set away from the public road, closer to the proposed houses and thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, the setting of nearby listed buildings, and in the interests of road safety.

8. The frames of the Solar PV panels hereby approved shall be coloured non-reflective black.

Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.

9. The details, including materials, of all boundary walls and/or fences shall be submitted to and approved by the Planning Authority before the development is commenced. The development shall be completed wholly in accordance with the approved details thereafter.

Reason: To ensure a satisfactory form of development which contributes appropriately to its setting, and to the setting of nearby listed buildings.

10. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

11. No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

12. No development shall commence until the existing junction warnings signs have been replaced with new warning signs of a specification outlined in informative 3 and which shall first be agreed in writing with the Planning Authority, unless otherwise agreed by the planning authority.

Reason: in the interests of road safety.

13. No development shall commence until a visibility splay of 2.4m by 160m to the north have been provided. Thereafter, the visibility splay shall be retained in perpetuity.

Reason: in the interests of road safety.

14. No development shall commence until a detailed engineering drawing showing the junction of the vehicular access with the existing public road, together with any other alterations to the public road arising from the development and off-street parking areas has been submitted to and approved in writing by the planning authority.

Thereafter no development shall take place except in strict accordance with the approved details. The vehicular access and parking areas shall be constructed prior to the occupation of the first dwellinghouse and be retained in perpetuity thereafter.

Reason: In the interests of road safety and to ensure adequate access and parking is made available.

15. Vehicular access to the rear of Whitsomehill Cottages shall be retained in perpetuity.

Reason: to ensure the amenity of neighbouring residents is protected, and in the interests of road safety.

### Informatives

1. Private drainage systems often cause public health problems when no clear responsibility or access rights exist 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. The applicant should satisfy themselves that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.
2. The application area coincides with the location of former farm cottages which were demolished at some point in the latter half of the 20<sup>th</sup> century. These appear clearly on historic mapping through the middle of the 20<sup>th</sup> century, along with later 19<sup>th</sup> century out-buildings. The cottages were of the same date (early 19<sup>th</sup> century), and likely design, as the existing Listed group. There is likely to be below ground archaeology pertaining to the former cottages and associated activities. The remains would be of local significance and historic interest. The entrance into the site potentially cuts across the north gable end of the former cottages with the bulk of the remains within a gravel parking area. Much of the archaeological remains can be protected in situ within this arrangement. It is advised that the in situ survival of any below ground archaeology should be sought by limiting excavations in the area of the former cottages to top-soil depth (approx. 300-400mm). If excavation below this is required an archaeological watching brief may be needed.
3. The existing junction warning signs to be replaced with sign diagram 504.1 (900mm) of the Traffic Signs and General Directions 2016 in consultation with the Council's Road Safety section prior to occupation of the first dwellinghouse.
4. A visibility splay of 2.4m by 160m to the north to be provided prior to commencement of development and retained thereafter in perpetuity. This will involve the removal of at least one roadside tree.
5. The first 5m of the access to be surfaced to the Roads Authority's specification i.e. 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.
6. Only contractors first approved by the Council may work within the public road boundary.
7. It is understood that broadband connection to Whitsomehill Farm Cottages is provided by line of sight radio link from a site at Ravelaw to the north-west of the application site. The applicant/developer should satisfy himself that these third party rights are not adversely affected by the proposed development and that, if necessary, satisfactory alternatives are put in place so that existing users of this service are not compromised.

### VOTE

*Councillor Small, seconded by Councillor Mountford moved that the application be approved as per the Officer recommendation.*

*Councillor Laing, seconded by Councillor Ramage, moved as an amendment that the application be refused on the grounds that it was contrary to Policies PMD2 and HD3 in that it failed to respect neighbouring uses and would detrimentally impact on residential amenity.*

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

*Motion - 6 votes*

*Amendment - 2 votes*

*The motion was accordingly carried.*

NOTE

Mr Andrew Lothian spoke against the application.

Ms Laura Dixon, Agent - spoke in support of the application.

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# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE  
COMMITTEE held in Council Chamber,  
Council Headquarters, Newtown St Boswells,  
TD6 0SA on Tuesday, 5th December, 2017  
at 10.00 am

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

Apologies Mr G Henderson (Federation of Small Businesses).

Also present:- Councillor H Scott

In Attendance:- Chief Executive, Executive Director (R Dickson), Chief Financial Officer, Chief Officer Economic Development, Principal Officer Regeneration, Clerk to the Council, Democratic Services Officer ( J Turnbull).

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

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

**MEMBER**  
Councillor Aitchison joined the meeting following consideration of the above item.

## **ECONOMIC DEVELOPMENT BUSINESS**

2. **ECONOMIC DEVELOPMENT UPDATE**
  - 2.1 With reference to paragraph 1 of the Minute of 19 September 2017, there had been circulated copies of a briefing note providing an update on recent Economic Development activities. The Chief Officer Economic Development, Mr McGrath, summarised the main points. With regard to business activity during the quarter, the first Scottish Borders Business Conference was held in October 2017 with 140 businesses attending. Following the event, there had been 12 requests from businesses to work with Business Gateway. In terms of Regeneration, a Jedburgh Marketing/Tourism business group had been established to help improve and promote the town centre. The Group was progressing the development of a town website, new visitor leaflets, pop-up displays for empty shops and town entry signage. Two applications had been submitted for a Scottish Government Regeneration Capital Grant Fund 2017 from Regenerating Galashiels – Great Tapestry of Scotland, and Eastgate Theatre Extension & Refurbishment, Peebles. Notification would be given to applicants of funding recommendations by the end of February 2018. The Tweed Valley Tourism Consortium had been successful in securing Scottish Government Seedcorn funding for the development of a Tweed Valley Tourism Business Improvement District.
  - 2.2 Under the Tourism and Events section of the update, Mr McGrath advised that the Cabinet Secretary, Fiona Hyslop, had met with the Scottish Borders Tourism Partnership. Included in discussions were opportunities around the Tapestry and the vision for future

tourism growth. With regard to Funding, Mr McGrath clarified that European funding continued to be available through the Scottish Borders LEADER and European Maritime Fisheries Fund 2014-2020 programmes. The LEADER Local Action Group had approved grant funding of £1.62m in 2017. Up to 10 applications were expected for consideration in January 2018. The Forth Fisheries Local Action Group had recommended six projects to Marine Scotland, committing £264k of funding. In terms of Property and Projects, Mr McGrath advised that work had commenced at the Galalaw Business Park with completion scheduled for summer 2019. To conclude, Mr McGrath advised that under the Low Carbon Economic Strategy, 30 businesses had been referred to Resource Efficient Scotland. The businesses were at various stages in the assessment process from initial request to audit completion and implementation.

- 2.3 Members requested clarification around the detail behind the figures supplied; Mr McGrath responded that with regard to Business Gateway he did not have the exact number of referrals from intermediaries (e.g. bank managers, accountants) but this was considered an effective way of working as they were able to highlight to businesses the advantages and services of Business Gateway. The economic impact of the Scottish Borders Business Fund and Business Loan Fund was calculated using the overall spend of each project and applying a multiplier, grants were always of a smaller amount. The spectator figures for the Tour of Britain Cycling event had been supplied by the organisers, using a methodology standard to all their events. With regard to bank closures, Mr McGrath advised that planning officers recognised the impact on town centres and this would be reflected in the Main Issues Report (MIR) and Local Development Plan. In respect of digital connectivity and the additional funding announced by Scottish Government, the Chairman advised that this would not be directly provided, but was a fund in which local authorities could bid. Officers would be presenting a report in January 2018 to the Executive Committee with further information on the position of the Borders with regard to broadband coverage.

## **DECISION**

**NOTED the update.**

## **3. VISIT SCOTLAND ICENTRE UPDATE**

- 3.1 There had been circulated copies of a report by the Executive Director providing an update to Members on how VisitScotland was responding to changes in the way visitors accessed information and made holiday decisions and, in turn, how this was impacting on the performance of the manned visitor information service in the Scottish Borders. The report explained that VisitScotland currently operated and managed three VisitScotland iCentres in the Scottish Borders, providing face to face information services, including an accommodation and ticketing service. The VisitScotland iCentres were partially funded via an annual Minute of Agreement (MOA) between Scottish Borders Council and VisitScotland. Visitors were accessing information from a wide range of sources when they were in Scotland. Trends indicated that online usage for visitor information and booking would continue to rise. In line with this trend, Scottish Borders VisitScotland iCentres had experienced a general decline in footfall in recent years while there had been a significant rise in website visits and digital referrals to Scottish Borders businesses. Recognising the change in consumer behaviour and demand, VisitScotland had announced a new strategy for the provision of tourism information and the overall customer experience, looking at the best way to ensure that information was delivered to more people in more places using the channels that visitors used the most. The new strategy would be implemented over a two year period and would include: A new regional hub, a new partnership with Live Borders and an increase in the number of VisitScotland Information Partners (VIP Programme). Mr McGrath clarified that officers would work with VisitScotland to identify options and the location for the new regional hub, a further report would be presented to Executive Committee in 2018 providing recommendations.
- 3.2 In the ensuing discussion, Councillor Edgar advised that SEStran would supply interactive screens and the first year's maintenance for sites across the Borders.

However, there seemed to have been an issue with Live Borders' connectivity; the Chief Executive advised that she would investigate this matter out-with the meeting. In response to a question regarding the geographic area covered by the Tweed Valley Consortium, Mr McGrath clarified that this covered the Tweeddale to Selkirk area, and the Leader confirmed that the Consortium focussed on mountain-biking. The success of the VIP Programme in Kelso was highlighted and that Kelso could be promoted as a good example for other Border towns.

**DECISION:**

- (a) **NOTED the changes to information provision in the Scottish Borders made by VisitScotland and welcomed the increased involvement of local tourism businesses in the VisitScotland Information Partners (VIP) Programme in the Scottish Borders.**
- (b) **AGREED that a further report with recommendations for the location of the new regional hub for tourism information provision be presented to the Committee in 2018.**

4. **SCOTTISH BORDERS COUNCIL EVENTS PLAN 2014-2020-UPDATE REPORT**

4.1 With reference to paragraph 5 of the Executive Committee of 1 November 2016, there had been circulated copies of a report by the Executive Director presenting an update on the Council's Events Plan 2014-2020. The Council had successfully facilitated and supported the delivery of a wide range of regional, national and international events. This coordinated and targeted approach to promoting events in the Scottish Borders has had a significant impact on the economy, generating an estimated economic impact of almost £6 million in 2017. These events raised the profile and enhanced the reputation of the Scottish Borders and delivered social and community benefits. The regional tourism strategy and action plan highlighted events as a key success factor in attracting more visitors to the area, and encouraging them to do more, spend more and return more often. The updated Events Plan 2014-2020 set out in Appendices 1 and 2 of the report outlined the approach to prioritising event support activity and highlighted key achievements to date.

4.2 The Principal Officer Regeneration, Ms Julie Hogg, highlighted the main points: Melrose Sevens continued to develop and innovative with a new Universities match which would be expanded in 2018; the success of the Tour of Britain and Tour of the Borders continued to build strength for cycling events; the Borders Book Festival continued to deliver a high profile event; and, the Scottish Borders Heritage Festival's overall economic impact was £1,450,000 with almost 30% from outside the Borders. In response to questions, Ms Hogg advised that with regard to Springwood Park events, the Council worked closely with events' organisers and this would continue. The Executive Director, Mr Dickson, added that the Border Union Agricultural Society had met with Scottish Enterprise representatives to explore longer term opportunities. Members noted that the organisers of the Jim Clark Rally were trying to re-establish the event, but there were a number of challenges to be addressed before this could happen. With regard to the funding of private sector, profit making events, Mr McGrath explained that such events came within the Events Strategy, raised the profile of the Scottish Borders and encouraged return visits. Further, the Chief Executive confirmed that defined outcomes were required for any public funding, with events also delivering a range of benefits; for example, the 2017 Borders Book Festival had given educational sessions which supported the school curriculum. The Council worked with VisitScotland to support new events and encouraged existing events to develop and grow. With regard to visitor accommodation, Ms Hogg advised that officers consistently worked with event organisers to address this issue. Mr Dickson added that there had to be a balance between existing and temporary accommodation and that the Council should explore market demand, occupancy rates and visitors expectations in terms of visitor accommodation.

**DECISION:**

- (a) **NOTED the achievements and progress made in relation to the Scottish Borders Council Events Plan 2014 – 2020.**
- (b) **AGREED to continue to support the events sector to maximise economic impact and legacy through delivery of the Scottish Borders Council Events Plan 2014-2020.**

**5. HAWICK ACTION PLAN - UPDATE**

With reference to paragraph 10 of the Minute of Scottish Borders Council of 30 March 2017, there had been circulated copies of a report by the Executive Director providing a progress report on key activities within the Hawick Action Plan following the last meeting in March 2017. The Hawick Action Plan was structured around three key themes which were identified and agreed by the key stakeholders for the town. The themes were: making Hawick a 'Great Place for Working and Investing'; a 'Great Place for Living and Learning'; and a 'Great Destination to Visit'. There had been significant progress within some of the themes, in particular 'Creating an Environment to Encourage Economic Growth'. The priority actions identified and areas of progress were set out in Appendix 1 to the report. A number of key areas of progress were highlighted within this report. Some of the key areas of progress noted included the Hawick Business Growth project with £3.625million of Scottish Government funding; Relocation of Business Gateway to Tower Mill, Hawick; the completion of Hawick Town Centre Marketing Pilot; the Borders Railway Extension Feasibility Scoping Study report being progressed; progress on the design and consultation of Hawick Flood Protection Scheme; Tourism Marketing activity including completion of a signage audit and commissioning of a marketing company to progress delivery of the marketing action plan; and initial feasibility study research commissioned for a 'Townscape Heritage' programme. In response to a question regarding the occupancy of incubation units, Mr McGrath clarified that Business Gateway had been involved in the type of unit to be created to maximise their relevance to potential businesses.

**DECISION:**

- (a) **NOTED the progress made in taking forward key actions within the Hawick Action Plan since March 2017, as set out in Appendix 1 of the report.**
- (b) **AGREED that:**
  - (i) **the Executive would support further work with businesses and stakeholders in Hawick in 2018/19 as outlined in Appendix 1 to the report;**
  - (ii) **the feasibility studies previously identified for two former textiles mill sites were now targeted at alternative priority buildings, and authority was delegated to the Executive Director to agree these alternative buildings in consultation with the Executive Member for Business & Economic Development and the local Elected Members; and**
  - (iii) **the Executive Director would present a further progress report on the Action Plan to Committee by the end of March 2018.**

**6. 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 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**

### **7. BORDERLANDS INITIATIVE**

The Executive Committee considered a report by the Executive Director setting out progress in taking forward the Borderlands Initiative.

*The meeting concluded at 11.30 am*

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

MINUTES of Meeting of the JEDBURGH  
COMMON GOOD SUB-COMMITTEE held in  
the COUNCIL CHAMBER, COUNCIL  
HEADQUARTERS, NEWTOWN ST  
BOSWELLS on Wednesday, 6th December  
2017 at 1.00 p.m.

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Present:- Councillor J. Brown (Chairman), S. Hamilton, S. Scott.  
Apologies:- Community Councillor Stewart.  
In Attendance: Capital and Investments Manager, Solicitor (Karen Scrymgeour),  
Democratic Services Officer (F. Henderson).  
Members of the Public:- 0

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### **1.0 MINUTE**

- 1.1 There had been circulated copies of the Minute of the Jedburgh Common Good Fund Sub-Committee held on 2 November 2017.

### **DECISION**

**NOTED the Minute.**

### **2.0 MONITORING REPORT FOR 3 MONTHS 30 SEPTEMBER 2017**

- 2.1 There had been circulated copies of a report by the Chief Financial Officer which provided details of the income and expenditure for the Jedburgh Common Good Fund for the year 2017/18 together with balance sheet values as at 30 September 2017 and full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix 1 provided the projected income and expenditure for 2017/18. This showed a projected deficit of £3,366 for the year. Appendix 2 provided projected Balance Sheet value at 31 March 2018 and showed a projected decrease in the reserves of £14,966. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 30 September 2017. Appendix 4 detailed the value of the Newton Fund to 30 September 2017. The Capital and Investments Manager advised that the Newton Fund had once again delivered a negative return (-0.6% against benchmark of +1.1) in the quarter to 30 September 2017. General hedging against risk within the portfolio had contributed to this negative return and negative returns from corporate and government bonds were also seen. Equities within the fund generated positive returns, but underperformed against broader equity markets which were driven by cyclical factors. Importantly, this negative quarterly return had resulted in a 5 year rolling return which was below the 5 year benchmark, which the fund was ultimately measured against (3.6% against benchmark of 4.4%). The fund has delivered below benchmark performance in the last 5 quarters. Scottish Borders Council approved the commencement of a procurement exercise to ensure the funds are managed by the Fund Manager best aligned to the Common Good & Trust Investment Strategy. The outcome of the procurement exercise will be reported to Scottish Borders Council on 21 December 2017 for final approval. The next dividend was due on 31 December 2018 and it was anticipated that the Fund would move after that. There would be a Trustees meeting and workshops for Elected Members in August 2018.

## **DECISION**

**(a) NOTED:-**

- (i) the projected balance sheet value as at 31 March 2018 in Appendix 2;**
- (ii) the summary of the property portfolio in Appendix 3 to the report;**
- (iii) the current position of the investment in the Newton Fund contained in Appendix 4 to the report; and**

**(b) AGREED the projected income and expenditure for 2017/18 in Appendix 1**

*The meeting closed at 1.15p.m.*

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

MINUTE of MEETING of the KELSO COMMON  
GOOD FUND SUB-COMMITTEE held in the  
COUNCIL CHAMBER, COUNCIL  
HEADQUARTERS, NEWTOWN ST BOSWELLS on  
Wednesday, 6 December 2017 at 11.00 a.m.

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

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**1.0 CHAIRMAN**

1.1 In the absence of Councillor Weatherston the meeting was chaired by Councillor Mountford.

**2.0 MINUTE**

2.1 There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 7 November 2017.

**DECISION**

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

**3.0 UPDATE – PINNACLEHILL WOODLANDS**

3.1 With reference to paragraph 3 of the Minute of 21 June 2017, the Chairman sought an update on the progress of the work to be undertaken. The Democratic Services Officer advised that she would seek an update from the Estates Manager and report back to the next meeting.

**DECISION**

**AGREED that the Democratic Services Officer would seek an update from the Estates Manager and report back to the next meeting.**

**4.0 MONITORING REPORT FOR 3 MONTHS TO 30 SEPTEMBER 2017**

4.1 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 six months to 30 September 2017 and full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix 1 provided the projected income and expenditure position for 2017/18 which showed a surplus of £847. Appendix 2 provided the balance sheet value to 31 March 2018 and showed a decrease in reserves of £41,653. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 30 September 2017. Appendix 4 showed the value of the Newton Fund to 30 September 2017. The Capital and Investments Manager advised that the Newton Fund had once again delivered a negative return (-0.6% against benchmark of +1.1) in the quarter to 30 September 2017. General hedging against risk within the portfolio had contributed to this negative return and negative returns from corporate and government bonds were also seen. Equities within the fund generated positive returns, but underperformed against broader equity markets which were driven by cyclical factors. Importantly, this negative quarterly return had resulted in a 5 year rolling return which was below the 5 year benchmark, which the fund was ultimately measured against (3.6% against benchmark of 4.4%). The fund has delivered below benchmark performance in the last 5 quarters. Scottish Borders Council approved the commencement of a procurement exercise to ensure the funds are managed by the Fund Manager best aligned to the Common Good & Trust Investment Strategy. The outcome of the procurement exercise will be reported to Scottish Borders Council on 21 December 2017 for final approval. The next dividend was due on 31 December 2018 and it was anticipated

that the Fund would move after that. There would be a Trustees meeting and workshops for Elected Members in August 2018.

## **DECISION**

- (a) AGREED the projected income and expenditure for 2017/18 as shown in Appendix 1 to the report.**
- (b) NOTED:-**
  - (i) The projected balance sheet value as at 31 March 2018 in Appendix 2 of the report;**
  - (ii) the summary of the property portfolio in Appendix 3 of the report;**
  - (iii) the current position of the investment in the Newton Fund contained in Appendix 4 of the report.**

## **DECLARATION OF INTEREST**

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

### **4.0 APPLICATIONS FOR FINANCIAL ASSISTANCE**

#### **4.1 KELSO CHRISTMAS DECORATION FUND**

As Councillor Mountford had declared an interest, the meeting was no longer quorate for this item of business and therefore a decision could not be made. The application was therefore deferred to a future meeting of the Common Good Fund Sub-Committee.

#### **4.2 KELSO OVER 60S CLUB**

There had been circulated copies of an application for Financial Assistance from Kelso Over 60s Club. It was explained that the Club provided Outings, Entertainment and an Annual Christmas Dinner for Over 60s within the Kelso area. The application presented to the Sub-Committee was a request for £400 towards the cost of the Annual Christmas Dinner. The Sub-Committee were of the opinion that the application lacked detail on the number of members benefiting from the Christmas Dinner and whether there were any fundraising activities or applications made to other funding streams. Following some discussion, the Sub-Committee agreed to award the sum of £400 towards the 2017 Christmas Dinner and to advise the Club that although future applications would be considered, the Common Good Fund Sub-Committee was unable to guarantee financial assistance on an annual basis.

## **DECISION**

### **AGREED:-**

- (a) to support the application for financial assistance for Kelso Over 60s Club in the sum of £400 towards the costs of the Annual Christmas Dinner in 2017;**
- (b) that although future applications would be considered from the Over 60s Club, the Common Good Fund Sub-Committee was unable to guarantee financial assistance on an annual basis; and**
- (c) that future applications contain more detail i.e. information on the number of members, fundraising events, subscription per person etc.**

*The meeting closed at 11.20 a.m.*

**SCOTTISH BORDERS COUNCIL**  
**STANDARDS COMMITTEE**

MINUTE of MEETING of the STANDARDS  
COMMITTEE held in Committee Room 1, Council  
Headquarters, Newtown St. Boswells on 7  
December 2017 at 10.00 a.m.

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Present:- Councillors S Aitchison (Chairman), A. Anderson, K. Drum, J. Greenwell, E. Jardine, E. Robson, S. Scott.

Apologies:- Councillors J. Greenwell, S. Marshall.

In Attendance:- Monitoring Officer and Service Director Regulatory Services, Democratic Services Officer (F. Henderson).

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**1.0 ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2016-2017**

- 1.2 There had been circulated copies of a report by the Monitoring Officer which provided details on Scottish Borders Council's compliance with the Ethical Standards Framework for 2016 – 2017 and also considered matters relating to Training, Register of Interest and the Hospitality Register.
- 1.3 During 2016 - 17 the Commissioner for Ethical Standards in Public Life received a total of 174 complaints relating to 106 cases, which represented a reduction in both the number of complaints and number of cases over the previous years. The majority of complaints received (165) were against Councillors in Local Authorities. The subject matters which attracted complaints were detailed in the report and the main changes from 2015/16 included a significant reduction in complaints relating to misconduct on individual applications and reductions in the number of complaints relating to breach of key principles and misconduct relating to lobbying. There were modest increases in both the failure to register an interest and failure to declare an interest and in the breach of confidentiality category. The majority of complaints (110) were made by members of the public followed by complaints submitted by Councillors (54).
- 1.4 During 2016-17, 5 complaints were lodged against 5 Scottish Borders Councillors. Of the 5 complaints, 1 was internal, i.e. submitted by a Councillor or Officer, and 4 were external, i.e. submitted by a member of the public or external organisation. The complaints received in 2016-17 covered the following areas:- (a) Disrespect of Councillors/Officials/Public (4 complaints) and Conflict of Interest/Declarations of Interest. None of the complaints received resulted in reports by the Standards Commissioner to the Standards Commission. One complaint was not pursued by the complainant after contacting the Council. Two of the complaints were resolved internally following internal investigations. In one instance it was concluded that no breach had occurred. The remaining complaint was referred by the complainant to the Commissioner. The Commissioner concluded that there had been no breach of the Code of Conduct and took no further action in respect of that complaint.
- 1.5 The report went on to explain that the Elected Members' Registers of Interests were published on the Council's website and were also available to view in paper format from Democratic Services. The Registers were reviewed every six months and were amended according to the information provided by the Members. They were maintained in accordance with the Ethical Standards and Public Life etc. (Scotland) Act 2000 (Register of Interest) Regulations 2003, as amended. Members were also required to comply with Section 4 of the

Code of Conduct whereby the Registers were updated when a Registerable Interest changed.

- 1.6 Elected Members were required, on a monthly basis, to complete a Hospitality Register within which they would declare hospitality/gifts offered (valued at over £50), whether accepted or not. Members were also required to send a completed monthly pro-forma return (including nil returns) to Democratic Services, who maintained the Members' Hospitality Register. All forms were scanned electronically and published on the Council's website. In addition, a summary sheet of all responses for the current financial year was kept with the paper copy of the Register for ease of reference. A quarterly report was submitted to the Service Director Regulatory Services in his role as Monitoring Officer.
- 1.7 Section 5 of the Ethical Standards in Public Life etc (Scotland) Act 2000 ("The 2000 Act") required Councils to promote the observance by its Councillors of high standards of conduct; and to assist them to observe the Councillor's Code. The current Guidance on the Code of Conduct stated that "*Councils should make arrangements to hold or attend training and induction sessions on Ethical Standards, and they should strongly encourage attendance by all of their Councillors and senior officers at such sessions*". Training on the Ethical Standards Framework was provided to members as part of the Induction training held in May 2017 and Members were provided as a matter of course with links to briefing papers produced by the Commissioner for Ethical Standards including recent case reviews. Members were also alerted to the publication of revised Guidance on the Councillors' Code of Conduct in August 2017 and to the availability of that guidance on the Standard Commission's website. Members of the Planning and Building Standards Committee received additional training on the Code of Conduct prior to the first meetings of the new Planning and Building Standards and Local Review Bodies in May 2017. A programme of further training events had been provided in two tranches since the Local Government elections in May 2017 and a further programme of training events were being scheduled for 2018. An electronic library of Member Guidance providing access to relevant information was also available to Members. The Monitoring Officer drew the member's attention to their obligation to update the declaration an interest register on a regular basis and to submit a monthly hospitality return whether offered or accepted.
- 1.8 Discussion followed and the Monitoring Officer answered questions raised by the Members in relation to declaring an Interest and submitting hospitality returns. Members raised the matter of vexatious complaints against Councillors and it was acknowledged that, whilst there was a procedure for Officers, there was not a similar procedure for Councillors. The Monitoring Officer agreed that such a procedure be developed. The Committee requested training for Elected Members on what was considered sexual harassment, which led to a discussion regarding the lack of gender balance on the Committee. The Chairman agreed to speak to Party Leaders with regard to amending their representation.

**DECISION  
AGREED:-**

- (a) to accept the report;**
- (b) that the Monitoring Officer be instructed to bring forward a report on Ethical Standards Framework compliance for 2017-18 at the appropriate time;**
- (c) that the Monitoring Officer, remind Elected Members of their obligation to update the declaration of interest register on a regular basis;**



- (d) that the Monitoring Officer, remind Elected Members of their responsibility to submit a monthly hospitality return whether hospitality had been offered or accepted; and**
- (e) that the Monitoring Officer develop a procedure for Councillors for dealing with vexatious complainers.**

**2.0 URGENT BUSINESS**

2.1 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 for Member to make an early decision.

**3.0 ROLE OF COMMITTEE**

3.1 The Chairman was of the opinion that the Committee should enhance their involvement in relation to complaints against Councillors rather than referring directly to the Commissioner. The Monitoring Officer stressed that every effort was made to resolve issues prior to referring to the Commissioner.

**DECISION  
AGREED:-**

- (a) there be two meetings scheduled in the year;**
- (b) that the Committee meet on an Ad hoc basis when required, to consider complaints against Councillors.**

*The meeting concluded at 10.45 a.m.*

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# SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the GALASHIELS  
COMMON GOOD FUND SUB COMMITTEE  
held in Committee Room 2, Council HQ,  
Newtown St Boswells on  
Thursday, 7 December 2017 at 3.00 pm

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Present:- Councillors S. Aitchison (Chairman), A. Anderson, E. Jardine, H. Scott and  
Community Councillor R. Kenney

In Attendance:- Chief Financial Officer, Managing Solicitor - People and Court (C. Donald),  
Estates Surveyor (A. Phipps), Democratic Services Officer (F. Walling).

## 1. **MINUTE.**

1.1 There had been circulated copies of the Minute of 14 September 2017.

### **DECISION**

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

1.2 With reference to paragraph 2 of the Minute, regarding the planting of trees next to Galashiels Golf Club, Ladhope, the Estates Surveyor gave an update. She advised that the contract for the scheme was being drawn up by Legal Services. Tweed Forum had contracted Scottish Woodlands to carry out the planting and fencing and the aim was to complete this work by Spring 2018.

### **DECISION**

**NOTED**

## 2. **FINANCIAL MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2017**

2.1 There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the six months to 30 September 2017, a full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. The Chief Financial Officer, David Robertson, highlighted the main points of the report and appendices. Appendix 1 to the report provided a projected income and expenditure position, showing a projected surplus of £2,630 for the year. The first of two annual Dividends (£2,050) from the Newton Fund Investment was received in October 2017, therefore not shown in the actuals in Appendix 1. The annual rate of interest applied to the cash deposits was expected to be around 0.3%. There were currently no requests for financial assistance from the Galashiels Common Good Fund. On the assumption that the approved budget of £500 for grants and donations be disbursed the cash held by the Fund was projected to be £12,509 at 31 March 2018. The projected Balance Sheet as at 31 March 2018, shown in Appendix 2 to the report, indicated a projected decrease in the reserves of £33,562 due to the depreciation charge. The breakdown of the property portfolio detailing the values of the individual properties and projected depreciation charges for 2017/18 was shown in Appendix 3.

2.2 Appendix 4 showed the value of the Newton Fund to 30 September 2017. The Fund had delivered a negative return once more (-0.6% against benchmark of +1.1) in the quarter to 30 September 2017. Importantly, this negative quarterly return had resulted in a 5 year rolling return that was below the 5 year benchmark, which the Fund was ultimately measured against (3.6% against benchmark of 4.4%). The Fund had delivered below

benchmark performance for the last 5 quarters. Scottish Borders Council approved the commencement of a procurement exercise to ensure the funds were managed by the Fund Manager best aligned to the Common Good and Trust Investment Strategy. The outcome of the procurement exercise would be reported to Scottish Borders Council on 21 December 2017 for final approval.

- 2.3 In the ensuing discussion a query was raised about the location of the moveable assets owned by Galashiels Common Good which were listed in the report. As these were of historical significance and interest, there was unanimous agreement with the suggestion that they should be assembled and put on public display in the town. Members asked for the proposal to be taken forward with Live Borders with a view to a display or exhibition being set up, perhaps at Old Gala House, and that this be discussed again at the next meeting. Members also agreed to raise awareness at the next Galashiels Community Council meeting of the budget available from the Common Good Fund for grants and donations.

#### **DECISION**

- (a) AGREED the projected income and expenditure for 2017/18 in Appendix 1 to the report.**
- (b) NOTED within the appendices to the report:-**
  - (i) the projected balance sheet value as at 31 March 2018 in Appendix 2;**
  - (ii) the summary of the property portfolio in Appendix 3; and**
  - (iii) the current position of the investment in the Newton Fund in Appendix 4.**
- (c) AGREED to request that the Chief Executive take forward the proposal to assemble and put on public display the moveable assets owned by Galashiels Common Good and that this be on the agenda for discussion at the next meeting.**

*The meeting concluded at 3.20 pm*

**SCOTTISH BORDERS COUNCIL  
INNERLEITHEN COMMON GOOD FUND SUB COMMITTEE**

MINUTE of Meeting of the INNERLEITHEN  
COMMON GOOD FUND SUB-COMMITTEE  
held in the Council Chamber, Council  
Headquarters, Newtown St Boswells. on  
Tuesday, 12 December, 2017 at 2.00 pm

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Present:- Councillors R. Tatler (Chairman), S. Haslam.

Apologies:- Councillors S. Bell and Community Councillor M. Douglas.

In Attendance:- Capital and Investments Manager (K. Robb), Solicitor (K. Scrymgeour),  
Estates Surveyor (A. Graham), Democratic Services Officer (F. Walling).

1. **MINUTE**

The Minute of Meeting of the Innerleithen Common Good Fund Sub-Committee held on 27 September 2017 had been circulated.

**DECISION**

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

2. **FORMER PROVOSTS CHAIN**

With reference to paragraph 3 of the Minute of 27 September 2017, the Chairman confirmed that Innerleithen Community Council and St Ronan's Games Committee would be working together on a fundraising campaign to pay for the refurbishment of the chain and pendant. The Community Council had asked for a second quote for the work required.

**DECISION**

**NOTED**

3. **INNERLEITHEN MEMORIAL HALL**

With reference to paragraph 2.2 of the Minute of 27 September 2017, officers gave an update on the feasibility of letting office space in Innerleithen Memorial Hall to raise revenue. Ms Scrymgeour, Solicitor, confirmed that an investigation of the title to the property had been carried out and that there appeared to be no burden within the deeds that would prevent or restrict the letting of office space. Estates Surveyor, Mr Graham, confirmed that he had received a response from Ewan Jackson, Chief Executive of Live Borders, regarding the position as to whether office accommodation could be sub-let or released from part of the tenancy. Mr Jackson had intimated that he would not be averse to considering an asset transfer if this was the direction trustees wanted to take. It was the opinion of Members that there would be a demand for office space within Innerleithen and noted that Business Gateway would be able to assist in the identification of local businesses who may be looking for locations from which to operate. It was recognised that these were likely to be business start-ups and that there could be a high turnover. Reference was therefore made to the implications with regard to management of the venture. Mr Graham advised that, in theory this could be taken on by the Estates section but there would need to be investigation of resource implications. It was noted that as a commercial project there may be an implication with regard to rates. Refurbishment work would also be required to make the rooms fit for purpose. Mr Graham agreed to put together a Business Case for the next meeting to demonstrate whether the project represented a worthwhile investment. Councillor Haslam advised that Mr Jackson would

be meeting with the Community Council to discuss how the hall could be refreshed in order to attract more use. In the meantime the Chairman drew attention to a Community Group who were looking for suitable premises to store good quality used clothing and had asked if a room would be available on a short term basis within the Memorial Hall. Members supported this request in principle but pointed out that the approach needed to be made to Live Borders rather than to the Common Good. The Chairman agreed to relay this information to the party concerned.

**DECISION**

**AGREED that a Business Case, for the letting of office space within Innerleithen Memorial Hall, be prepared by the Estates Surveyor for the next meeting.**

4. **DATE OF NEXT MEETING**  
Thursday 1 February, 2018.

**DECISION**  
**NOTED.**

*The meeting concluded at 2.15 pm*