

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

6.	<p>Committee Minutes (Pages 3 - 94)</p> <p>Consider Minutes of the following Committees:-</p> <table> <tr><td>(a)</td><td>Eildon Area Partnership</td><td>10 May 2018</td></tr> <tr><td>(b)</td><td>Audit & Scrutiny</td><td>14 May 2018</td></tr> <tr><td>(c)</td><td>Hawick Common Good Fund</td><td>15 May 2018</td></tr> <tr><td>(d)</td><td>Local Review Body</td><td>21 May 2018</td></tr> <tr><td>(e)</td><td>Tweeddale Area Partnership</td><td>23 May 2018</td></tr> <tr><td>(f)</td><td>Civic Government Licensing</td><td>25 May 2018</td></tr> <tr><td>(g)</td><td>Hawick Common Good Fund</td><td>25 May 2018</td></tr> <tr><td>(h)</td><td>Planning & Building Standards</td><td>4 June 2018</td></tr> <tr><td>(i)</td><td>Executive</td><td>5 June 2018</td></tr> <tr><td>(j)</td><td>Kelso Common Good Fund</td><td>6 June 2018</td></tr> <tr><td>(k)</td><td>Jedburgh Common Good Fund</td><td>6 June 2018</td></tr> <tr><td>(l)</td><td>Audit & Scrutiny</td><td>7 June 2018</td></tr> <tr><td>(m)</td><td>Selkirk Common Good Fund</td><td>13 June 2018</td></tr> <tr><td>(n)</td><td>Local Review Body</td><td>18 June 2018</td></tr> </table> <p>(Copies attached.)</p>	(a)	Eildon Area Partnership	10 May 2018	(b)	Audit & Scrutiny	14 May 2018	(c)	Hawick Common Good Fund	15 May 2018	(d)	Local Review Body	21 May 2018	(e)	Tweeddale Area Partnership	23 May 2018	(f)	Civic Government Licensing	25 May 2018	(g)	Hawick Common Good Fund	25 May 2018	(h)	Planning & Building Standards	4 June 2018	(i)	Executive	5 June 2018	(j)	Kelso Common Good Fund	6 June 2018	(k)	Jedburgh Common Good Fund	6 June 2018	(l)	Audit & Scrutiny	7 June 2018	(m)	Selkirk Common Good Fund	13 June 2018	(n)	Local Review Body	18 June 2018	5 mins
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Eildon Area Partnership



MINUTE of Meeting of the EILDON AREA PARTNERSHIP held in The Corn Exchange, Melrose on Thursday, 10 May 2018 at 6.30 pm

- Present:- Councillors G. Edgar (Chairman), S. Aitchison, A. Anderson, K. Drum, E. Jardine, T. Miers, D. Parker, C. Penman, H. Scott and E. Thornton-Nicol
- In attendance:- Colin Banks (Locality Development Co-ordinator), Fiona Colton (Museum, Galleries & Archives Manager – Live Borders), Mike Jaffray (Group Manager - Scottish Fire & Rescue Service), Inspector Tony Hodges (Deputy Local Area Commander - Police Scotland), Norrie Tait (Team Leader CLDS Youth Learning SBC), Democratic Services Officer (F. Walling).
- Also present:- 32 partner and Community Councils representatives, officers and members of the public

1. **WELCOME AND INTRODUCTIONS**

Councillor Edgar, Chairman, welcomed everyone to the Corn Exchange, Melrose for a meeting of the Eildon Area Partnership.

2. **FEEDBACK FROM MEETING ON 8 MARCH 2018**

The minute of the meeting of Eildon Area Partnership held on 8 March 2018 had been circulated which included a summary of the discussion output as an appendix. Colin Banks, Locality Development Co-ordinator, referred to the general concerns, issues, challenges and opportunities raised in relation to the theme of that meeting: Our Economy Skills and Learning. He added that the feedback summary was also available on the SBC website.

3. **THEME: OUR QUALITY OF LIFE**

The Chairman referred to the main item on the agenda – discussion around the theme 'Our Quality of Life' - and introduced the key speakers who each gave a brief summary of the work, relevant to the theme, being carried out by their organisation/section.

- 3.1 Inspector Tony Hodges highlighted the commitment of Police Scotland as identified in the Local Police Plan 2017-20 for Scottish Borders. Following a consultation process there were seven Local Police Priorities identified which linked to the themes within the Scottish Borders Community Plan:- domestic abuse; road safety; violent crime; anti-social behaviour; drugs and alcohol misuse; protecting people (including child protection); and acquisitive crime (incorporating rural crime, doorstep crime, housebreakings and thefts). Police had strong links to the Council's Safer Communities team with proactive campaigns such as Drivewise Borders and Crucial Crew. Inspector Hodges also drew attention to the recent launch of the new seven-strong Community Action Policing Team, partly funded by an investment of £282,000 from Scottish Borders Council, who would provide a dedicated community resource which would specifically target issues such as anti-social behaviour and on-street parking.

- 3.2 Scottish Fire and Rescue Service Group Manager, Michael Jaffray, made reference to the Local Fire and Rescue Plan for the Scottish Borders which was included in the paperwork provided on the tables. In particular he drew attention to the focus on helping people feel safer in their homes and on the roads. The service would work with local communities to improve outcomes, reduce inequalities and to build community resilience against extreme weather events such as flooding. Action Plans were being developed to address key priority areas in the Scottish Borders. Mr Jaffray referred in particular to the aim to reduce unwanted fire alarm signals, where there was no fire but an automated fire alarm system was activated. This currently accounted for over 65% of emergency response activity across the Scottish Borders. Mr Jaffray concluded by emphasising that the service wanted to work closely with communities and would welcome comments from local residents.
- 3.3 Museum, Galleries and Archives Manager, Fiona Colton, provided information about the services managed by Live Borders relating to archives, art and live theatre. There were three museums and galleries within the Eildon area. Live Borders were keen to have input from young people in respect of heritage culture and worked closely with schools. Current work with communities was diverse and included input to the Great Tapestry project, tourism partnerships, programmes with young parents and babies, and provision of reminiscence resources to those suffering from dementia. Ms Colton added that the service produced over 50 exhibits and over 30 events each year and she was keen to hear from any organisation wishing to be involved.
- 3.4 Norrie Tait, from Scottish Borders Council, was in attendance to talk about the work of the Community Learning and Development Service and in particular the work being carried out with 11 – 25 year olds. There were 3 Learning Communities in the Eildon area based around the secondary schools. The development of the learning communities enabled all key stakeholders to plan and work together to ensure improved outcomes for children and young people. Work was being carried out in schools and in particular with looked after and accommodated children and young people who may be failing to reach their full potential. Mr Tait referred to the need for social spaces for young people and in particular suggestions made at the previous Eildon Area Partnership meeting that High Schools could open up to provide community spaces. He confirmed that the schools do this to an extent but this needs to be explored in more detail. There were youth clubs in the main towns within Eildon but these were generally attended by younger age groups. He asked those present to contact the team if assistance was needed to develop ideas for young people within the community. Mr Tait concluded with information about a Music Festival which was being planned, with the help of young people, to take place in August of this year.
- 3.5 Following the introductory talks, officers joined Elected Members, partners and members of the public at their tables for a discussion of the main issues relating to “Our Quality of Life” in the Eildon Area. A pack of information was provided at each table to aid the discussion as were post-it notes to record the emerging points. Following this first discussion period and a short break each group returned to their tables where they were asked by the Chairman to focus on prioritising the key issues raised and to discuss and identify ways of taking these forward within the Eildon area. A summary of the output of the discussions is provided as an appendix to this minute.
4. **NEIGHBOURHOOD SMALL SCHEME AND QUALITY OF LIFE PROJECTS**
There had been circulated copies of a note by the Service Director Assets & Infrastructure seeking approval from Eildon Area Partnership Elected Members for delegated powers for future applications for Small Scheme and Quality of Life projects within the Eildon Area. The note explained that Elected Members, Community Councils and the public could request potential Small Scheme or Quality of Life projects by contacting the Eildon Neighbourhood Area Manager direct. To ensure applications were dealt with timeously - it was recommended that Members agreed to delegate authority to the Service Director Assets & Infrastructure to approve future applications in 2018/19, subject to the following:

- (a) Application(s) for projects to be carried out from Small Scheme and Quality of Life budgets would be received, assessed and costed by Council Officers;
- (b) Officers would then send details of the project(s) to Elected Members within the Eildon area along with a recommendation for their consideration;
- (c) Elected Members would advise appropriate Council Officers of their support or otherwise for a particular project – support would be required from a majority of Elected Members within Eildon for a project to proceed;
- (d) Should support by the majority of Members not be given for a project, this application would be refused; and
- (e) Details of projects funded from Small Scheme and Quality of Life budgets would be presented to the Eildon Area Partnership as part of any future updates on Grants and Funding.

AGREED to delegate authority to the Service Director Assets & Infrastructure to allocate funds for Neighbourhood Small Schemes and Quality of Life projects in 2018/19, subject to consultation with all ten Eildon Members and approval by at least five Eildon Members.

5. **NEXT MEETING**

The Chairman thanked those present for their attendance and advised that arrangements for the next meeting, on 13 September 2018, would be confirmed.

The meeting concluded at 8.35 pm

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Discussion Output: Quality of Life (10th May 2018)

Summary/Area of Discussion:

Community Spaces & Activities

Post-it Notes (incl. from 25th January meeting):

- Leisure facilities for 14-17 year olds, High Schools open in the evening?
- Pre pub age group, very little to do. Where are the social centres for 14-17 year olds?
- Young people want a cultural festival for the Year of the Young People, 2018 to help with equality and diversity
- Possible Cherry Blossom festival to try to encourage visitors in Spring.
- More benches, each one having a Facebook page
- Red tape around Community Empowerment Act and grant funding, puts people off and assets can become detrimental to a community group
- Perceptions of youth clubs - not all young people go there – see them as a place for people who hang around on streets and get into trouble
- Need more places for young people to go – not all go to youth clubs
- One stop shop
- Social events that are not too expensive – accessible transport to attend events
- Economy – money isn't always the answer – lots of things to do in the Borders that doesn't cost money
- New outdoor/play facilities – outdoor gyms for adults
- Need a place for young people to go that's cheap – a place that has live bands – underage discussions etc.
- Youth Clubs – social workers on site; mental health workers; peer support; someone to talk to who is not a parent
- Need town WiFi (free that works) – nothing to do if come out into town for young people – hang around in Interchange and Tesco
- No consultation with young people about the new play park in Galashiels or others – also has an age restriction
- Teenagers giving up hobbies; learning/habits from parents (language, etc.); support for young people to address above (generational); keeping to traditions/culture i.e. real times, etc. ; lack of values; assumption of 'quiet areas' is it so?
- More awareness/access for youth services; how do we update changing services, contacts, availability etc.; transport – reliability on parents – co-ordination of services/shifts/bus timetables; don't want 'supervised' activity by youth workers
- Social workers and Mental Health workers to be based in youth clubs or similar but need to have experience of such an environment
- Expensive cinema tickets – not knowing where events are – safe spaces
- Safe spaces: outside connected; building based; multi-purpose; youth workers; social workers; mental health workers

"Priority" & "Solutions/Actions" Post-its:

- Community identity
- Open day/event to bring people together – in Gala to energise Gala
- Free WiFi in towns!
- Community Hub
- Safe spaces for people – central – accessible – free (incl WiFi) – all ages (intergenerational)

Key Areas for Eildon

- **Social, safe spaces for young people, incl. WiFi**

- Intergenerational opportunities, incl. skills transfer

Summary/Area of Discussion:

Rurality – Isolation – Transport

Post-it Notes (incl. from 25th January meeting):

- Rural villages need lunch clubs, community to provide lunches? Resources kept to a minimum will reduce overheads
- Rural poverty; fuel poverty; lack of access to funds; transport services; ‘connected’
- Transport (for older, younger, everyone) for; doctor hospital; shopping; social events
- Public transport – especially rural to link up villages
- Availability of public transport – depending where you are – limited leisure facilities – rural loneliness – stricter regulations around voluntary working – transporting and working with children and vulnerable groups
- Transport – areas of significant deprivation
- I have a bus pass but there is no bus – a connection to the bus that does not cost me anything
- Rurality- isolation- transport – access
- Transport – providing additional financial support for young people
- No co-ordination between buses & trains – not enough public transport – too expensive
- Cycle/walking tracks off road
- Local transport provision beyond scope of public transport
- Better Broadband
- Improve mobile coverage
- Transport – bus service – could be better although better than some localities – Border Bus app helpful
- Actions – young people much more interactive with each other due to social media – must take a lead
- Being able to stay in my own home and being cared for there- being able to go out to different things to keep me connected

“Priority” & “Solutions/Actions” Post-its:

- Isolation
- Transport – isolation – more linked up services;
- Transport – opportunities for people to access – provide services to people to get home after school etc.
- Central transport hub to co-ordinate transport needs (e.g. Gala Wheels)
- Reliable transport service – time & stops – operator policy
- Improve verges on cycle/walking tracks – could CPO unpaid work assist?
- Microwave broadband to improve speed (use in other areas)
- Transport: bus pass – cannot get to bus; Young Scot discount on return tickets; connected transport; being able to attend after-school and evening events
- Transport: scope the issues; negotiate with providers; community bus; community car; speak to the people – don’t assume

Key Areas for Eildon

- **Review of Transport Provision (including public and community transport) to:**
 - Tackle rural isolation
 - Remove barriers to employment (through poor connectivity, timetabling)
 - Access Health services
 - Enhance transport opportunities for young people

Summary/Area of Discussion:

Provision of Services & Communications

Post-it Notes (incl. from 25th January meeting):

- Great opportunities need communicated
- Communications platform to promote and raise awareness of events, clubs and facilities especially for those socially excluded. There is a lot going on and people don't know about it!
- Diverse area – each has different challenges – e.g. Langlee and Heriot – one size cannot fit all
- Flexibility of Services – future proofing, adapting to change
- Communication – promotion of services – activities – events etc.
- Prioritise service provision – strike the right balance
- Target funding to most deprived areas/groups – tackle inequalities
- Better use of community grants – advertising where money is spent
- Uniforms put young people off – they don't feel they are the right people to talk to – young people have bad perception of police
- Needs to be better relationship between young people and those in authority (Police etc) – mutual respect needed – more visibility – community police
- Gala – community participation an issue – big community – little linkage across- same faces – apathy
- Eildon – quite a broad spectrum of communities – lack of communication – signposting
- Documented newsletter eg for 'what's on'; who to tell; ASIST training for service partners? Support school; barrier between school/home; 'support from home' doesn't always work – who can be this link?; what age does this start – should it be earlier?; external trips- no money – benefits
- Communications – operations in silos – share the new amongst partner agencies – campaign for under-age drinking in festivals should be all year round

“Priority” & “Solutions/Actions” Post-its:

- Communication
- Each locality has 'Quality of Life' budget – quick wins – how to access/publicise what is being invested in
- Priority – Tackling Inequalities – target funding accordingly
- Priorities greatly differ across the vast array of communities in the Eildon Locality
- Priorities: Advertise avenues of community funding to the populace; more engagement with local people about what they would like to see in the way of improvements

Key Areas for Eildon

- **Exploring better ways of communicating:**
 - What's on (events, clubs, facilities etc.) and signposting
 - Grants and funding, and where it is being invested, and how it can be directed by local communities

Summary/Area of Discussion:

Partnership working & sharing best practice

Post-it Notes (incl. from 25th January meeting):

- Opportunities – numerous youth organisations; voluntary groups for various sectors of the population; develop community transport networks; more co-operative working between housing associations, SBC & voluntary groups; more community funding is available
- Opportunity – Tapestry Building – bring in other collections; celebrate the good quality of life in the Borders
- What innovative practices are here elsewhere to tackle some of these issues: parking (decriminalising); transport
- Opportunity – enhance partnership working; exchanges eg museum to build up economies of scale; colleges – Borders and Dumfries & Galloway; Higher Education
- Co-location; sharing facilities; community hubs
- Consultation – co-production- ownership – decision-making – empowerment
- Consultation – getting people involved – doing it well – ownership
- Peer Education works better than adults preaching – less access to drugs and alcohol
- Community mapping & voluntary organisations – where is best practice – stimulate civic engagement – Volunteer Centre Borders opportunity

“Priority” & “Solutions/Actions” Post-its:

- Proper Consultation
- Not always about money or resources; collaboration – walk the talk of partnership;
- People falling through net – collaborative working from local level up – communication – partnerships – multi-agency meetings - still happens but doesn't filter through

Key Areas for Eildon

- **Consultation and engagement, particularly co-production**
- **True partnership working, drawing on good practice in and out with the Borders, and a focus on collaboration**
 - **Community mapping?**

Summary/Area of Discussion:

Tourism & Identity

Post-it Notes (incl. from 25th January meeting):

- Later opening hours, places to go, what is in the Borders to encourage longer stays?
- Walk around town? Signage but no guides
- Tourism, need to sell it, identify different aspects in each town and village to promote

- Identity - heritage
- We need 'digital info boards' in each town/locality – info on 'what's on'
- Place – Borders is beautiful – must be promoted and marketed – no 'one' point of contact
- Place – lots of 'Cultural' projects across Borders – vision to link it all together – Borders Bus to assist (open top bus)

"Priority" & "Solutions/Actions" Post-its:

- Ghost Story/trail in Gala – UFO hotspot (not marketed) – Bonkill/Traquair/White Lady
- Inspiring people – showcase success – wall of fame – talking the Borders up
- Promotion of community identity – make the most of our heritage, identity, history

Key Areas for Eildon

- **Developing a strong identity for the Borders and the communities within**
 - **Are we making the most of our heritage?**

Summary/Area of Discussion:

Employability, Skills and Entrepreneurialism

Post-it Notes (incl. from 25th January meeting):

- Showcase opportunities for local crafts/businesses; mixed business opportunities retail/café/exhibition
- Non-school based activities and opportunities- skills development – employability
- Entrepreneurship – business mentoring – small micro business development
- Borders College/Heriot Watt don't encourage/harness young peoples' textile courses/HND - Heriot Watt not open to new ideas/initiatives – both don't speak!
- Being able to afford to live a reasonable life – a wage that covers costs & leaves some for enjoyment

"Priority" & "Solutions/Actions" Post-its:

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Key Areas for Eildon

- **Opportunities for mixed business space, e.g. retail and start-ups (micro businesses)**

Summary/Area of Discussion:

Young People

Post-it Notes (incl. from 25th January meeting):

- Don't know what the quality of life is like for young people as not at the meeting
- Ask young people what would bring them back
- How do we keep our young people in the area or attract them back
- Teviot Togs; equipping young people for attending trips with gear, clothing etc (also at Rowlands) to access opportunities without stigma; young people supporting parents, accessing benefits; increase aspiration & ambition in young people; parent pressure too, prams, babies etc; Jed School

<p>mixing ages could be easier – less barriers</p> <ul style="list-style-type: none"> • Mental Health – support for young people – no intervention – frustrated services (school staff), speed of engagement, lack of – how young is too young? – lack of understanding – mental health & illness – growing confidence – see me – earlier interventions – responsibility to look after themselves – young people and adults – social media pressures – mental health first aid training – training/learning network • Many seem to want to leave Borders to find ‘better’ opportunities; young sports people have been discovered – must continue this for future • Young people – often out & about – stereotyped if ‘hanging about’ - hard to reach young people – often don’t engage in youth clubs • Facilities for young people – motivation – costs – accessibility
<p><i>“Priority” & “Solutions/Actions” Post-its:</i></p> <ul style="list-style-type: none"> • Retain or Recoup our young people • Mental Health in young people – all ages – what’s caused people to be affected? – educating all groups/communities in mental health • Mental health – what is the cause? - how do we find out? Support & encouragement for young people/parents’ siblings; more recognition of young carers • Food at schools an issue: not enough space for all pupils to eat at school; not enough/or any healthy foods at school; so young people go downtown and some cause trouble • Involving younger people – respecting their opinion/view
<p><i>Key Areas for Eildon</i></p> <ul style="list-style-type: none"> • What is the Eildon/Borders’ Offer to Young People? • Mental Health • Better consultation and engagement of their views

<p>Summary/Area of Discussion:</p> <p>Other points of note</p>
<p><i>Post-it Notes (incl. from 25th January meeting):</i></p> <ul style="list-style-type: none"> • Crime is mixed, concern with housebreakings and acquisitive crime • Quality of Life means: be happy; being with friends; having fun; getting a good job; being safe • Fake IDs an issue – smoking an issue – bad driving an issue – lots of accidents • Actions – Borders must be more ‘cohesive’ & ‘collaborative’ instead of rivals • Crime – size of Eildon area enormous – more police required – how do public access services of CAT team and can they? • Reduce speeding in local towns – start & end of school day (Pop-up Bob) • NHS Scotland/ Borders is so much better than England; our services are good but diminishing due to funding and investment • Sports – not enough ‘diversity’ – often rugby/hockey – not enough to harness other talent
<p><i>“Priority” & “Solutions/Actions” Post-its:</i></p> <ul style="list-style-type: none"> • Communities to communicate with CAT team over local issues – Single Point of Contact? • Tackling the Drugs & Alcohol issue; less accessibility • Mental Health – educate all groups & communities in mental health issues & illness; collaborative working – multi-agency meetings at local level to

feed up

Key Areas for Eildon

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SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of Meeting of the AUDIT AND SCRUTINY COMMITTEE held in Council Headquarters, Newtown St Boswells on Monday, 14 May 2018 at 10.00 am

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

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present to the meeting and introductions were made.

AUDIT BUSINESS

2. **MINUTE**

There had been circulated copies of the Minute of 19 April 2018.

DECISION

APPROVED for signature by the Chairman.

3. **ACTION TRACKER**

There had been circulated copies of the Action Tracker for the Audit and Scrutiny Committee. With regard to the entries on 15 January 2018 and 19 March 2018 relating to amendments in the Scottish Borders Council Scheme of Administration in respect of Live Borders and CGI respectively, the Chief Financial Officer would provide an update to the next meeting of the Committee.

DECISION

NOTED:-

(i) **the Action Tracker; and**

(ii) **that an update would be provided at the next meeting of the Committee in respect of amendments to the Scottish Borders Council Scheme of Administration in respect of Live Borders and CGI.**

4. **RISK MANAGEMENT IN SERVICES**

4.1 The Chairman welcomed Ms Donna Manson, Service Director Children and Young People, to the meeting. Ms Manson was in attendance to give a presentation on the strategic risks affecting her service and the internal controls and governance in place to manage and mitigate those risks. Ms Manson began by providing some background and explained that the Children and Young People's Service included Children and Families Social Work; Education; and Community Learning and Development and that her presentation would include the context, risks and mitigation within each. As part of Children and Families Social Work, Children's Services had been subject to inspection. An Action Plan was developed following the inspection and good progress was now being made with its implementation. The Children and Families Social Work service had to take

account of risks resulting from increasing need; Named Person requirements; the historic child abuse national programme; neglect; and drugs and alcohol issues and Ms Manson explained how the service was making improvements in these areas. A range of improvements were now in progress going forward, including: a very positive recruitment process; moderated thresholds of intervention and identification of risk; better quality improvement and auditing being embedded in the service; and focus on a Neglect Toolkit. Ms Manson then addressed the risks which the service needed to take cognisance of and she considered that overall, these risks were mitigated effectively. Within the recruitment of staff, there was a move towards “grow our own social workers” which reduced the need for agency staff; recruitment of foster carers, especially for teenagers, needed to be considered in a different way to meet current need; the risks in terms of performance of partnership staff in child protection procedures were mitigated through joint training and the quality of relationships and quality assurance within the Children and Young People’s Leadership Group, with the revised Plan focussing on Looked After at Home outcomes; the performance of staff in leadership roles was mitigated through support structures and high quality professional learning.

- 4.2 With reference to Education, there had been governance changes such as the Education Bill and SEIC which affected the service. There was also a need to close the poverty-related attainment gap and consider the mental and emotional health of young people. Pressures relating to the impact of budget allocation, the recruitment of teaching staff, performance of schools in the Scottish Borders, and the impact of anti-social behaviour, drugs and alcohol, as well as severe weather, all presented risks for the service. Ms Manson reported that improvements were being made across the service, including progress with SEIC collaboration and PEF actions. Improvements in recruitment were noted, school leadership was above satisfactory and there was a cultural improvement towards focussing on collaboration and professional learning. Ms Manson considered that the budget allocation was well-managed and that the service continued to take account of lessons learned in respect of how severe weather conditions were managed within schools. Risk mitigation in the service had improved and all vacancies in schools would be filled for August 2018. Performance in schools was also improving and learners’ needs were being met by means of a new Inclusion Strategy, ongoing modernisation of the curriculum, development of parent networks for autism and dyslexia and an Autumn 2018 Parent Summit to improve the way in which the service engages with parents. Tailored training was being developed to provide additional support for managers. A drug and alcohol strategy was a priority going forward in 2018/19 as was further work in relation to the mental and emotional health of young people.
- 4.3 Community Learning and Development was link connected with Area Partnership developments and it was essential that the service retained the intergenerational learning function. The service operated within a small budget area, providing support to some of the most vulnerable in our communities and would need to develop more budget leverage out with the Council. The service had received a very good inspection report with a focus on the provision in Galashiels. More work was taking place in relation to the development of a Young People’s Network and support for LGBTi young people. Ms Manson explained that nationally, budgets were being reduced. The localities agenda offered an opportunity for the service to move more towards early intervention and prevention, using staff skills to full potential and making best use of strong partnership engagement and planning to mitigate against the risks that accompany an increasingly complicated landscape.
- 4.4 The presentation identified a number of areas where general risk management mitigation was required, including the need to maintain the Children’s Service identity; grow the economy in the Scottish Borders to encourage young families to settle in the area; find ways to engage differently with the media to reduce negativity; and develop more partnerships and shared services with organisations, businesses and the Third Sector. Other measures were also being developed including a range of regular meetings between service Senior Managers and Audit and Risk colleagues; business partners; Service Teams; and CMT and DLT. Ms Manson highlighted some areas where significant

progress had been made, such as new approaches to recruitment; use of data to inform quality improvement; quality of leadership across services; capacity to take forward new initiatives; strong transformation performance; and improving outcome measures.

- 4.5 Discussion followed and Members requested that the scorings given to each Risk within the Risk Register be included in future reports. Officers answered questions raised by Members. Ms Manson provided clarification as requested. She explained that partnership working was essential in order to take forward new ways of working. In terms of under-performance, Ms Manson explained how this was addressed locally and confirmed that all schools now had their own Action Plan. Ms Manson also advised Members that Scottish Borders Council were currently rated third nationally for upper school performance and there was no ceiling on the number of subjects students were permitted to study. Ms Stacey added that the Corporate Risk Officer was working with Officers to help Services to focus on risks and their Risk Register. The Chairman thanked Ms Manson for her attendance and succinct presentation.

DECISION

(a) **NOTED the presentation.**

(b) **AGREED that future reports in respect of Risk Registers would include the scoring for all Risks.**

5. INTERNAL AUDIT WORK TO MARCH 2018

- 5.1 With reference to paragraph 4 of the Minute of 19 March 2018, 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 24 February to 31 March 2018 was detailed in the report. During the period a total of three final Internal Audit reports were issued. There were eighteen recommendations made relating to one of the reports which related to the Business World ERP (Enterprise Resource Planning) System Key Internal Controls review which integrated four separate audits as part of the Financial Governance work undertaken by Internal Audit. The implementation of the ERP system had been significant and complex, with the Legacy systems for HR, Payroll, Procurement and Financial Management going live in April 2017. A further eight Legacy feeder systems remained live and this had required additional resources by external consultants to supply specialist technical assistance and from existing Council staff in order to provide an operational workaround and manual reconciliation as required. The recommendations had 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 the report to communicate the results of the reviews.
- 5.2 Ms Stacey explained that the assurance audit on Community Safety was to evaluate partnership working to ensure that responsibilities and accountability of partners were clearly defined and that funds were used effectively to support local priorities, specifically relating to Domestic Abuse services. The report advised of the anticipated changes to the arrangements for Community Safety which would leave a potential funding shortfall as from 2020 and the work being undertaken to look at options for future funding. Internal Audit was able to provide substantial assurance in relation to risk, control and governance systems and no recommendations were made.

- 5.3 During discussion, Members raised a number of questions relating to Business World and ERP. Mr Robertson advised that there had been no fundamental failures in the system. A rectification plan for improvement was being taken forward and funded by CGI and a number of solutions had been already been implemented eg manual bank reconciliation and manual VAT input. Changes to the system configuration documentation would be up to date by the end of September 2018 and Mr Robertson considered that the Business World ERP modules were operating effectively at this time. Internal Audit would continue to monitor progress and a further audit would be reported in due course. The Chairman thanked officers for their input.

DECISION:

NOTED:

- (i) **the final assurance reports issued in the period from 24 February 20 31 March 2018 associated with delivery of the approved Internal Audit Annual Plan 2017/18;**
- (ii) **the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work.**

6. **RISK MANAGEMENT ANNUAL REPORT 2017/18**

- 6.1 With reference to paragraph 3 of the Minute of the Audit and Risk Committee of 28 March 2018, there had been circulated a report by the Chief Officer Audit and Risk detailing Scottish Borders Council's responsibilities in respect of risk management and the progress made to deliver the Council's Risk Management Strategy during 2017/18. The report explained that effective Risk Management was one of the foundations of successful Corporate Governance and was recognised as such within the Council's Code of Governance. The Audit function of the Audit and Scrutiny Committee included a requirement to scrutinise the framework of internal financial control, risk management and governance throughout the Council to ensure its adequacy. The Council had undergone, and continued to undergo substantial change and with a Risk Management landscape that was dynamic, moving increasingly towards partnerships and alternative models of service delivery, the range of risks that the Council was exposed to had also increased. The report detailed the work that had been undertaken with Management to ensure that a Risk Management culture was embedded throughout working practices across the Council and the actions taken to progress this work. There had been a range of training events delivered under the Risk Management training programme. Further training and workshops were scheduled during 2018. To date, 182 managers and staff had attended these events with positive feedback being received. The report advised that Covalent had now been replaced by Pentana and managers could monitor their Business Plan Actions, Performance Indicators and Audit Actions through dedicated portals. Service Risk Registers were also accessible via these portals.

- 6.2 Members raised questions regarding outsourced services through contracts and commissioned services and the requirement for the Council to maintain its statutory obligations in these areas. The Council's Contract Management Framework Working Group held its first meeting in March 2018 and will continue to meet monthly. Members were advised that advisory and support services were provided by SBC to SB Cares, Live Borders and the Scottish Borders Health and Social Care Integration Joint Board using the same approach as that used by SBC. Details on the status of Risk Registers for these services and for CGI were included in the report. With regard to future reporting, it was agreed that a report would be presented to the Audit and Scrutiny Committee at the end of 2018. Following discussion, it was agreed that an additional recommendation be included in the decision that the Committee reconsider the risks associated with major contracts in due course.

DECISION

- (a) **NOTED satisfaction with the progress of the improvement actions to refine the arrangements for managing risks at the Council to ensure their on-going effectiveness;**
- (b) **AGREED that the Committee reconsider the risks associated with major contracts in due course; and**
- * (c) **AGREED TO RECOMMEND the revised Risk Management Policy Statement and Strategy 2018 for Council approval.**

7. COUNTER FRAUD ANNUAL REPORT 2017/18

With reference to paragraph 4 of the Minute of 28 March 2017, there had been circulated copies of a report by the Chief Officer Audit and Risk. The report provided an update of the Council's responsibilities in respect of fraud prevention, detection and investigation activity. The report also proposed a revised Counter Fraud Policy and Strategy for consideration by the Committee for Council approval. The report explained that during 2015 the Council refreshed its approach to tackling fraud with a refocus on prevention and detection using fraud risk assessment at its core. There was in place a 3-year counter fraud strategy and associated improvement plan to embed anti-fraud culture across the Council, taking account of reducing resources. The status of recommended improvement actions was reported to the Committee in June 2016 and in March 2017. Assurances in respect of the effectiveness of the Council's existing systems and arrangements for the prevention, detection and investigation of fraud were also demonstrated in the Annual Fraud report. The initial recommended improvement actions from the Counter Fraud Working Group had been achieved and the Group had agreed to use the Scottish Government's Counter Fraud Maturity Model as a means of self-assessment moving forward. The Council's current position on the Maturity Model was based on examples provided in the report and was detailed at Appendix 1 to the report. The report advised that following approval of the 2018/19 Counter Fraud Strategy, targeted Fraud Vulnerability Assessments and Fraud Awareness training would be delivered to relevant Senior Managers. Members noted that, following publication of an Audit Scotland report into a significant fraud incident in another Scottish Local Authority, Scottish Borders Council would adopt recommendations contained within that report as appropriate. Ms Stacey emphasised that work to develop the Business World ERP system to hold corporate records of Gifts and Hospitality and Registers of Interests was ongoing. In terms of savings related to fraud, under the National Fraud Initiative (NFI), the main area where savings were identified was the Council Tax Single Person Discount and the report provided statistics relating to the cases found to be fraudulent. The report also provided information relating to other NFI work which resulted in action being taken by SBC in relation to fraud. The Counter Fraud Policy Statement included an explanation of the roles and responsibilities of Corporate Management Team, Senior Management, Chief Financial Officer, Chief Officer Audit and Risk, Corporate Fraud and Compliance Officer, Internal Audit, the Audit and Scrutiny Committee and Elected Members. Officers responded to questions raised by Members.

DECISION

- (a) **NOTED the report.**
- * (b) **AGREED TO RECOMMEND the revised Counter Fraud Policy Statement and Counter Fraud Strategy 2018 for Council approval.**

8. INTERNAL AUDIT ANNUAL ASSURANCE REPORT 2017/18

- 8.1 With reference to paragraph 4 of the Minute of 28 March 2017, there had been circulated copies of a report by the Chief Officer Audit and Risk presenting the Committee with the Internal Audit Annual Assurance Report for the year to 31 March 2018, which included the Chief Officer Audit and Risk's independent assurance opinion on the adequacy and effectiveness of the Council's overall control environment. In support of the overall governance arrangements of the Council, the Local Code of Corporate Governance and

the Public Sector Internal Audit Standards required the Chief Officer Audit and Risk to provide an annual internal audit opinion and report to the Chief Executive on the adequacy and effectiveness of the Council's internal control and governance arrangements to support the preparation of the Annual Governance Statement. The remit of the Audit and Risk Committee indicated that it should ensure an adequate framework of internal control, risk management and governance throughout the Council. The Chief Officer Audit and Risk's opinion, based on internal audit reviews, risk assessments and knowledge, was that the systems of internal financial control and internal control and governance arrangements were operating satisfactorily, with some improvements having been agreed by management. Due to delays in the implementation and delivery of some functionality of the Business World ERP system, full business benefits had not yet been realised and significant resources had been deployed to establish manual controls in the interim. The Chief Officer Audit and Risk's Annual Report for 2017/18 was detailed at Appendix 1 to the report.

- 8.2 During discussion, Members requested clarification on a number of items. In relation to the analysis of the planned and actual days of audit delivery, Members were advised how hours were allocated to work undertaken by Internal Audit, why that allocation might change and the flexibility which allowed other resources to be utilised when required. With regard to identified risks in Internal Audit reports, Members requested that the scale of such risks be detailed in reports to Committee. With regard to the recommendations made by Internal Audit which were now overdue, Ms Stacey advised that an update report would be presented to Committee in June 2018.

DECISION

- (a) **NOTED the Internal Audit Annual Assurance Report for 2017/18; and**
- (b) **AGREED that the Internal Audit Annual Report for 2016/17 be published on the Council's website.**
9. **SCOTTISH BORDERS COUNCIL ANNUAL GOVERNANCE STATEMENT 2017/18 AND LOCAL CODE OF CORPORATE GOVERNANCE**
- 9.1 With reference to paragraph 7 of the Minute of 28 March 2017, there had been circulated copies of a report by the Chief Executive seeking approval of the Annual Governance Statement to be published in the Council's Statement of Accounts for 2017/18 and endorsement of the Council's Local Code of Corporate Governance for presentation to Council for approval. The report explained that the CIPFA/SOLACE framework "Delivering Good Governance in Local Government" urged Local Authorities to review the effectiveness of their existing governance arrangements against their Local Code and to prepare a governance statement in order to report publicly on the extent to which they complied with their own Code on an annual basis, including how they had monitored the effectiveness of their governance arrangements in the year, and on any planned changes for the coming period. Part of the Audit & Risk Committee's remit was to assess the effectiveness of internal controls, risk management and governance arrangements and this included 'being satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflected the risk environment and any actions required to improve it, and demonstrated how governance supported the achievements of the authority's objectives'. The Annual Governance Statement 2017/18 was detailed in Appendix 1 to the report and this explained the Governance Framework, including the key elements of the Council's governance arrangements and the Review Framework, outlining the annual review process, overall opinion and areas of further improvement. In terms of overall corporate governance, it was the Chief Executive's opinion that, although there were a few areas of work to be completed for full compliance with the Local Code, the overall governance arrangements of the Council were considered sound. The Annual Governance Statement was informed by the self-assessment of compliance against the Local Code by the officer self-evaluation working group, the work of internal audit, external audit and inspection agencies, and by Depute Chief Executives' and Service

Directors' assurance statements. This Statement would be published in the Statement of Accounts 2017/18. A number of areas for further improvement to ensure compliance with the Local Code were highlighted and were detailed in Appendix 1, paragraphs (1) to (7). The Chief Executive advised Members that the Council had improved and developed its Governance Framework and continued to demonstrate that the governance arrangements within which it operated were sound and effective.

- 9.2 The Chief Executive advised Members of the progress of implementation of the new ERP system and advised that work was ongoing with CGI to realise full benefits of the financial systems and processes across the Council.

DECISION

(a) NOTED:-

- (i) the details of the Annual Governance Statement 2017/18 as detailed in Appendix 1 to the report; and**
- (ii) Scottish Borders Council's revised Local Code of Corporate Governance as detailed in Appendix 2.**

(b) APPROVED the actions identified by Management to improve internal controls and governance arrangements.

- * **(c) AGREED TO RECOMMEND the revised Local Code of Corporate Governance for Council approval.**

10. SCOTTISH BORDERS COUNCIL LOCAL SCRUTINY PLAN 2018/19

- 10.1 With reference to paragraph 3 of the Minute of 28 June 2017, there had been circulated copies of a report by Audit Scotland setting out its Local Scrutiny Plan 2018/19 for Scottish Borders Council. The Plan was based on a shared risk assessment undertaken by a Local Area Network (LAN) comprising representatives of all the scrutiny bodies that engaged with the Council. This shared risk assessment process drew on a range of evidence with the aim of determining any scrutiny risks in the Council and Scottish Borders Integration Joint Board (IJB). Planned scrutiny activity informed the National Scrutiny Plan for 2018/19. This had also been circulated for information and was available on the Audit Scotland website.

- 10.2 The report indicated that there was no specific additional scrutiny work required within Education beyond ongoing inspection and support activity provided to the Council by Education Scotland. With regard to Housing and Homelessness, the Scottish Housing Regulator (SHR) had reviewed the performance of all Scottish Social Landlords and there had been risks identified relating to the satisfaction with and the number of refusals of temporary accommodation. Further risks had been noted in terms of the Council ensuring that the standards and requirements described in the Scottish Social Housing Charter were met for its gypsy/travellers' site. The SHR would continue to monitor Council's progress in addressing the service weaknesses. Under Social Care, inspection information indicated that the quality of registered services for adults and children and young people was variable. No additional scrutiny work was required other than the ongoing inspections undertaken by the Care Inspectorate. A joint inspection report on Health and Social Work Services for older people carried out by the Care Inspectorate and Healthcare Improvement Scotland covering a period up to February 2017 identified a number of important weaknesses and thirteen recommendations for improvement were made. A number of areas were assessed as being weak and the IJB had developed an improvement plan to address these recommendations. The Care Inspectorate would continue to monitor improvement and review progress and would follow up on their initial inspection at the end of 2018. Appendix 1 to the report detailed the scrutiny activity

planned for 2018/19 and was available on the Audit Scotland website. Mr Samson and Officers responded to questions raised by Members.

DECISION

NOTED the report.

SCRUTINY BUSINESS

MEMBER

Councillors H Anderson and H Scott left the meeting during consideration of the following item of business.

11. HEALTH AND SOCIAL CARE INTEGRATION

- 11.1 With reference to the Scrutiny Work Programme 2018/19, the Chairman welcomed Mr Rob McCulloch-Graham, Chief Officer Health and Social Care Integration to the meeting to provide Members with a greater understanding on how the Health and Social Care Integration Joint Board was delivering its Strategic Plan to improve the lives of Borderers and meet the growth demands in the care sector. Mr McCulloch-Graham began by identifying the challenges facing the service which included an increase in the population in the Borders, an increase in the complexity of cases being presented and a reduction in available resources. These, in turn, resulted in more people accessing Primary Care (GPs) and presenting at hospital; admissions being more complex and therefore remaining in hospital for longer; more care at home being required; and more care home places being needed. Mr McCulloch-Graham went on to show how integrated services were provided and funded under the headings of Community Health Services, Acute Health Services provided in a hospital, and Adult Social Care Services. Mr McCulloch-Graham explained the governance of the IJB and how funding under Delegated Funds and Set Aside Fund was allocated differently at a local level in the Scottish Borders and nationally, an example being that Palliative Care might or might not be included in this Set Aside Fund. He further explained that work undertaken in 2013/14 determined due diligence as to how much would be allocated to the Set Aside Fund and that any savings required from within this required direction from the IJB. There was an increasing pressure to manage the demand on services and Mr McCulloch-Graham identified some of the ways in which this was being addressed. Longer GP/surgery opening hours with more facilities to carry out diagnostics and procedures and multi-professional teams operating within GP clusters would reduce the pressure on the acute sector; and providing wider access and support to individuals to lead a healthy and active life would result in a healthier population overall. The SBC Community Plan and five Locality Plans which had already been introduced promoted these aims. Mr McCulloch-Graham explained that following a visit to a GP, there was a range of pathways that did not necessarily point to acute procedures, eg physiotherapy, access to mental health service, pharmacy etc. When hospital admission was required, then the aim would be for quick admission and discharge with all agencies being aware of what was required for a safe discharge. This could include measures such as existing care packages being held over during the period of admission; ensuring that equipment was installed prior to discharge; hospital to home services informed and ready for discharge; and transport arranged to take the individual back home which had been readied for their return. The IJB had already introduced a strategy for Re-Ablement where individuals were discharged from hospital for assessment prior to returning home and further, additional services at home and within communities would also help prevent readmission. Mr McCulloch-Graham advised that admissions to Craw Wood had been very successful with the average stay lasting 9-10 days. He added that the provision of beds would fluctuate according to need, eg during winter. There was a need to maintain the flow of people from hospital to home at a manageable level and it was therefore essential to deliver the right services in the right place at the right time.

- 11.2 Members raised a number of questions. Mr McCulloch-Graham acknowledged that there were issues in terms of service provision and funding to be addressed in relation to the

physiotherapy service across the area and advised that these concerns would be considered in July 2018. He also advised that a survey was being carried out to identify what was required in terms of dementia and Alzheimer's diagnosis and care within the Scottish Borders. Further discussion followed in relation to any future savings that might be required and it was agreed that an update would be presented to the Committee in nine months. The Chairman thanked Mr McCulloch-Graham for his attendance and presentation.

DECISION

- (a) NOTED the presentation.**
- (b) AGREED to receive an update report in January 2019.**

The meeting concluded at 1.10 pm.

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SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the HAWICK
COMMON GOOD FUND SUB-COMMITTEE
held in Lesser Hall, Town Hall, Hawick on
Tuesday, 15 May 2018 at 4.00 pm

Present:- Councillors: W McAteer (Chairman), S Marshall, 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
Strategy Surveyor (N Curtis), Property Officer (F Scott), Democratic Services
Officer (J Turnbull)

1. MINUTE

There had been circulated copies of the Minutes of the meeting held on 20 March 2018

DECISION

AGREED to approve the Minute of the Meeting held on 20 March 2018.

MEMBER

Councillor Richards joined the meeting following consideration of the above item.

2. APPLICATION FOR FINANCIAL ASSISTANCE

Hawick Honorary Provost's Council.

There had been circulated copies of an application for financial assistance from Hawick Honorary Provost's Council, requesting £2,500 towards their running costs.

DECISION

AGREED to award a grant of £2,500 towards the continued running costs of Hawick Honorary Provost's Council.

(NB: Councillor Marshall presented the above application).

3. MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2018

With reference to paragraph 3 of the Minute of 20 March, there had been circulated a report by the Chief Financial Officer providing details of the income and expenditure for the Hawick Common Good Fund for the year 2017/18 including balance sheet values as at 31 March 2018 and the proposed budget for 2018/19. Appendix 1, to the report, provided actual income and expenditure for 2017/18. This showed a surplus of £6,920 which varied from the projected surplus figure reported at 20 March 2018 meeting, due to additional net costs associated with the transfer of the investment fund to a new fund manager, negated by underspends in grant payments. Appendix 2 provided a projected balance sheet value as at 31 March 2018 and showed a projected decrease in the reserves of £51,487.00. Appendix 3 provided a breakdown of the property portfolio showing actual rental income for 2017/18 and actual property expenditure to 31 March 2018. Appendix 4 showed the value of the Investment Fund to 31 March 2018, now with Kames Capital PLC. The Senior Financial Officer, Mr Yallop, explained that Appendices 1, 2, 3 were in draft, and would be amended when all invoices had been processed. It was agreed that these be circulated when finalised. Mr Yallop highlighted that the report

showed an unrealised loss of £1,472 from the new Kames Fund and explained that this was had been caused by market volatility. However, the Fund was now in line with the benchmark and this was expected to continue. In response to a question querying the property budget of £70,000 for 2018/19, the Property Officer explained that this should be adequate as there was no major renovation works anticipated.

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 draft income and expenditure for 2017/18 in Appendix 1 to the report;**
 - (ii) The draft balance sheet value as at 31 March 2018 in Appendix 2 to the report;**
 - (iii) The draft summary of the property portfolio in Appendix 3 to the report;**
 - (iv) The current position of the Kames Capital investment in the in Appendix 4 to the report; and**
 - (v) That updated Appendices 1, 2 and 3 be circulated to Members when available.**

4. PROPERTY UPDATE

4.1 Hawick Flood Protection Scheme

The Estates Surveyor, Mr Curtis, advised that the Flood Protection Project Team were proposing to situate a shed at the Little Haugh to enable public consultation on the Flood Protection Scheme. The shed would be located adjacent to the path and would be in situ for approximately a month. The Property Officer, Mr Scott, added that the Council's Senior Technical Assistant had contacted occupants at Santa Marina Restaurant regarding parking issues. However, as this area would be affected by the Flood Protection Scheme, it had been decided not to progress any action at present.

4.2 CCTV

With reference to paragraph 14.6 of the Minute of 20 March 2018, Police Scotland had advised that location of an additional CCTV camera to the central column at the Common Haugh would not be possible until work for the flood protection scheme had been completed. However, the Chairman advised that there might be an option to utilise Police Scotland's mobile CCTV equipment; he was awaiting feedback and would provide an update at the next meeting.

4.3 Williestruther Loch

Hawick Angling Club had advised that dog fouling was a problem at Williestruther Loch. Members noted that this issue had also been previously reported at Hawick Golf Course. The Sub-Committee agreed to support the supply of any additional bins and signage as required and requested the Property Officer liaise with both Clubs.

4.4 Nipknowes

The padlock on the gate to Nipknowes had been removed and there had been fly-tipping in the area. The Sub-Committee agreed that the Property Officer seal the gate, temporarily and that fly-tipping be monitored.

4.5 James Wilson Statue

Mr Scott advised that the Council's Estate Manager was consulting with Live Borders regarding relocation of the statue. Options would be brought back to the next meeting for Members' consideration.

DECISION

(a) NOTED

- (i) The siting of a shed at the Little Haugh to carry out consultation on the Flood Protection Scheme;**
- (ii) To receive feedback on the possibility of siting Police Scotland's mobile CCTV equipment at the Common Haugh; and**
- (iii) To consider options for the relocation of the James Wilson Statue at the next meeting of the Sub-Committee.**

- (b) AGREED To request the Property Officer liaise with Hawick Angling Club and Hawick Golf Course regarding additional waste bins and signage as required.**

5. **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

6. **PRIVATE MINUTE**

Members approved the private minute of the Hawick Common Good Fund Sub-Committee held on 20 March 2018

7. **ANNUAL PROPERTY INSPECTIONS**

There had been circulated a private briefing note by the Property Officer regarding the annual property inspections.

8. **PROPERTY UPDATE**

Officers updated the Sub-Committee on private business relating to Common Good properties.

The meeting concluded at 5.00 pm.

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW
BODY held in the Council Chamber, Council
Headquarters, Newtown St Boswells, TD6
0SA on Monday, 21 May 2018 at 10.00 am

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:- Principal Planning Officer – Major Applications/Local Review, Solicitor
(E. Moir), Democratic Services Team Leader, Democratic Services Officer
(F. Walling).

1. **REVIEW OF 17/01685/PPP**

There had been circulated copies of the request from Mr John Huck, per Jayne Huck, 61 High Street, Loftus, Redcar and Cleveland, to refuse the planning application in respect of erection of a dwellinghouse on land south of The Bungalow, Blacklee Brae, Bonchester Bridge. The supporting papers included the Notice of Review; Decision Notice; officer's report; papers referred to in the officer's report; consultations; and a list of relevant policies. In their initial discussion Members accepted that there was a building group at Blacklee Brae and that The Bungalow was part of that group. They then moved on to consider whether the site for the proposed dwellinghouse was a suitable addition to the building group, having particular regard to any impact the development may have on the surrounding landscape and local biodiversity.

DECISION

AGREED that:-

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

(Note: The decision was taken subject to a legal agreement for payment of developer contributions. However, subsequent information was received from the Appointed Officer which clarified that no education contributions were required for the development. Consequently, there was no requirement for a legal agreement.)

2. **REVIEW OF 17/01617/PPP**

There had been circulated copies of the request from Mr and Mrs A. Matthew, The Gables, Gattonside, to review the decision to refuse the planning application in respect of erection of dwellinghouse on land north west of The Gables, Gattonside. The supporting papers included the Notice of Review; Decision Notice; officer's report; papers referred to

in the officer's report; consultations; objections; general comments; further representations and response from applicant; and a list of relevant policies. Members firstly looked at new evidence in the form of two letters of support submitted with the appeal and concluded that this evidence did not meet the test under Section 43B of the Town and Country Planning (Scotland) Act 1997. These letters were not therefore referred to in their deliberations. After discussion the Review Body was satisfied that in principle the site of the proposed development was an acceptable infill site within the settlement boundary. The proximity with the listed building to the west of the site was discussed but Members' attention focused mainly on the condition of the road system serving the site and in particular the road safety risks at the junction of Priors Road with the B6360. In their discussion Members took into account the fact that the access to a recently approved dwellinghouse on a site near to the proposed development also used a section of Prior's Road. After a lengthy debate Members' opinion remained divided as to whether the road system could safely accommodate the additional traffic that was likely to be generated by the proposal.

VOTE

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

Councillor Mountford, 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 - 4 votes
Amendment - 3 votes

The motion was accordingly carried and the application refused.

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) in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review be determined without reference to the new evidence submitted with the Notice of Review documentation;**
- (c) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (d) 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**
- (e) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.**

3. REVIEW OF 17/01731/FUL

There had been circulated copies of the request from Lynne Marshall, per A.D. Architectural Design, Hillview, Greenside, Peebles, to review the decision to refuse the planning application in respect of extension to dwellinghouse at 34 Edinburgh Road, Peebles. The supporting papers included the Notice of Review; Decision Notice; officer's report; papers referred to in the officer's report; consultation; and a list of relevant policies.

Whilst sympathetic to the applicant's wish to enlarge the accommodation within the house, Members were concerned at the scale and design of the proposed extension in relation to the character of the existing building and surrounding area. In their discussion they took into account the design of other roof extensions in the area and noted that the visual impact from Edinburgh Road would be limited. Members also considered the impact of the proposed extension on residential amenity and the impacts on neighbours that could arise during its construction.

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.**

The meeting concluded at 11.40 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**

Local Review Reference: 18/00008/RREF

Planning Application Reference: 17/01685/PPP

Development Proposal: Erection of dwellinghouse

Location: Land South of The Bungalow, Blacklee Brae, Bonchester Bridge

Applicant: Mr John Huck

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 subject to conditions and informatives as set out below.

The decision was taken subject to a legal agreement for payment of developer contributions. However, subsequent information was received from the Appointed Officer which clarified that no education contributions were required for the development. Consequently, there was no requirement for a legal agreement.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	OS Mastermap

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 21 May 2018

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 Officer's Report; e) Consultations; and f) List of Policies, the Review Body proceeded to determine the case.

They noted the applicant's suggestion for a site visit but did not consider this necessary after viewing photographs and plans of the site and surroundings.

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, HD2, HD3, EP1, EP2, EP3, EP13, EP16, IS2, IS7 and IS9

Other Material Considerations

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

The Review Body noted that the proposal was for planning permission in principle to erect a dwellinghouse on a plot to the south of a property known as The Bungalow, Blacklee Brae, Bonchester Bridge.

The Review Body firstly considered whether a building group was present to which addition would be possible. They accepted that Blacklee Brae constituted a building group in terms of Local Development Plan Policy HD2 and noted that new development had occurred within the group. Whilst accepting that The Bungalow was on the opposite side of the public road from the majority of the houses in the group, they agreed with the assessment of the Appointed Officer that it was still part of the building group.

The Review Body then considered whether the site was a suitable addition to the building group. Members gave weight to the fact that the site was part of the established curtilage of The Bungalow and that the beech hedging along the boundary of the site formed a natural and strong boundary to the group, the site being contained by the hedge and not breaking into the undeveloped field beyond. They considered that an additional house on this side of the road was well related to the building group and would reduce, rather than emphasise, the detachment of The Bungalow in relation to the building group.

Although Members noted that the applicant had suggested the site could form a micro-holding, no business case had been submitted to support the suggestion. As they considered the site to be a natural addition to the building group, they gave no weight to this matter.

There was some concern expressed in relation to landscape impact and the loss of trees. However, the Review Body considered that sufficient tree cover and hedges could be retained by a landscaping condition requiring a tree survey and new planting. They were content that the site was large enough to allow a new house to sit within tree cover and still preserve the landscape setting of the group. Members noted that similar development within woodland had occurred opposite the site. It was also considered that the landscape setting would be enhanced by a well-designed house.

Members considered other issues could be addressed through planning conditions, including a suspensive condition in relation to the need for a bat survey and in relation to breeding birds and red squirrel.

CONCLUSION

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

DIRECTIONS

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - a. the expiration of three years from the date of this permission, or
 - b. the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

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

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

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

CONDITIONS

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

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

2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority.

Thereafter the development shall only take place in strict accordance with the details so approved.

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

3. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and trees to be retained, protected and, in the case of damage, restored. This should include a full tree survey and arboricultural assessment.
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. A programme for completion and subsequent maintenance.

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

4. No development shall commence until the details of the access and the parking and turning facilities within the site have been submitted to and approved in writing by the Planning Authority. Thereafter, the works shall be implemented in accordance with the agreed details and within an agreed timescale. The junction with the public road should achieve the following:
 - Visibility splays of 2.4 by 70 metres in both directions onto the public road from the proposed access to be provided.
 - Verge crossing to be constructed to the following specification “75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.”

Reason: To ensure the site is adequately serviced.

5. No development shall commence until further details of the provision of foul and surface water drainage are submitted to, and approved in writing by, the Planning Authority. The details shall include evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

6. No water supply other than the public mains shall be used to supply the Development without the prior 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.

7. No development shall commence until a survey for bats, by a suitably qualified person, is carried out for all mature trees that require felling and submitted to, and approved in writing by, the Planning Authority. If evidence of bats or their roosts is found in the surveys, a mitigation plan for bats will also be required. No development shall commence until the surveys and any mitigation plan have been approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved mitigation plan.

Reason: To safeguard Protected Species at the site.

8. No development shall commence until a survey for protected species, including breeding birds and red squirrel, is submitted to, and approved in writing by, the Planning Authority. If evidence of protected species, including breeding birds and red squirrel, is found in the surveys, a mitigation plan for protected species and habitats will be required. No development shall commence until a Species and Habitats Protection Plan, which shall include any mitigation plan and which shall also incorporate details of enhancements for biodiversity, has been submitted to, and approved in writing by, the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved mitigation plan and Species and Habitats Protection Plan.

Reason: To safeguard ecological interests at the site.

INFORMATIVES

Bats

Impacts on bats will be assessed against the three key tests. Surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Activity surveys for maternity roosts and occasional roosts in trees should be conducted between May and September (optimally May - August). Preliminary Roost Assessment can be undertaken at any time of year.

Private Drainage Systems

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.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

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 <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s>.

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

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

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

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

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.....23rd May 2018

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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: 18/00010/RREF

Planning Application Reference: 17/01617/PPP

Development Proposal: Erection of dwellinghouse

Location: Land North West of The Gables, Gattonside

Applicant: Mr & Mrs A Matthew

DECISION

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

1. It is considered that the proposed development would not comply with policies PMD2 and, PMD5 of the Local Development Plan 2016 in that adequate access to the site cannot be achieved resulting in an adverse impact on road safety, for the following reasons:
 - The junction of the private road (Priors Road), serving the site and the B6360 is not suitable for additional traffic due to the acute angle at which Priors Road joins the B6360, its width, steep gradient, visibility, loose material and uneven surface making it difficult for vehicles enter and exit the junction and for each other to pass at the junction.
 - Priors Road itself, between the B6360 and The Loan, suffers from poor construction make-up, tight geometry, lack of width combined with limited forward visibility, inadequate passing provision, absence of on-street parking and inadequate street lighting.
 - The junction of the road serving the site and The Loan is substandard in geometry making a left turn out of Priors Road or a right turn in extremely difficult.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	1
Site Plan	2

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21 May 2018.

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 officer's report; e) Consultations; f) Objections; g) General Comments; h) Further Representations; i) Response from Applicant to Further Representations; and j) List of policies, the Review Body considered whether new information included by the applicant within the review documents constituted new evidence under Section 43B of the Act. This related to two letters of support submitted by the developers of a plot with planning permission to the south-east of the application site. The Review Body considered that the information could have been submitted before the application was determined by the Appointed Officer and that there were no exceptional circumstances why the information could not have been lodged before that time. The letters were, therefore, not accepted and the Review Body proceeded to determine the case without reference to them.

They noted the applicant's suggestion for a site visit but did not consider this necessary after viewing photographs and plans of the site and surroundings.

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, PMD5, HD3, EP4, EP7, EP8, EP9, EP13, IS2, IS3, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Review Body noted that the proposal was for planning permission in principle to erect a dwellinghouse on a plot to the north-west of a property known as The Gables, Gattonside. The plot was shown in more detail on the Site Plan indicating a house position to the rear of the site and access shared with The Gables from Priors Road. Members were also made aware of the details of the approved dwellinghouse on a nearby site, to the south-east of Abbotscroft, which would also use a section of Priors Road (application reference 17/00680/FUL) and which was approved under delegated powers by the Appointed Officer on 28th July 2017.

The Members firstly considered whether the site was an acceptable infill site within the terms of Policy PMD5 of the Local Development Plan. They noted that the site was within Gattonside settlement boundary and had surrounding residential properties. Given the location, context and size of the proposed plot, the Review Body were satisfied that the site was a suitable infill opportunity in principle.

However, Members also noted that Policies PMD2 and PMD5 require sites to be capable of safe access and that there were significant issues with the road system serving the site. Members carefully considered all the submissions made about the existing traffic using the road system, including the traffic to be generated by the approved plot. They noted that there were identified problems throughout the road system and that there were no improvements proposed that could reduce the road safety risks resulting from increased traffic. Members did consider what the effects could be of improved stretches of construction along the site frontage or restrictive signage on the B6360, but, ultimately, did not feel that there was any evidence that sufficient improvement could be achieved.

The Review Body agreed with the Appointed Officer that, whilst the proposal may generate limited additional traffic, the road system serving the site was unsuitable and exhibited significant problems, especially at the junction with the B6360 where visibility was poor. It was also considered that Priors Road was narrow with tight bends, poor construction and inadequate passing opportunities. On balance, Members considered that the road system was not capable of safely accommodating the additional traffic associated with the construction or occupation of a house on the proposed plot. They, therefore, agreed with the Appointed Officer that the proposal was contrary to Policies PMD2 and PMD5 for this reason.

The Review Body also considered other material issues relating to the development, including impacts on The Rig adjoining the site to the west, both in terms of impacts on residential amenity and the setting of a listed building. Whilst there were some concerns expressed about these impacts, it was accepted that they could have been addressed at the detailed design stage had the site been otherwise acceptable.

CONCLUSION

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

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

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed

development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
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Signed..Councillor T Miers
Chairman of the Local Review Body

Date...23rd May 2018



APPENDIX III

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

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

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

Local Review Reference: 18/00011/RREF

Planning Application Reference: 17/01731/FUL

Development Proposal: Extension to dwellinghouse

Location: 34 Edinburgh Road, Peebles

Applicant: Ms Lynne Marshall

DECISION

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

1. The development would be contrary to Policy PMD2 of the Local Development Plan 2016 in that the proposed extension would not be sympathetic to the existing building in its form and scale and it would, therefore, have an adverse visual impact on the building and surrounding area.

DEVELOPMENT PROPOSAL

The application relates to the extension of a dwellinghouse. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	706/01
General Floor Plans	706/02
Sections	706/05
Sections	706/06
Additional Information	706/PP
Elevations	706/07
Roof Plan	706/08
Both Views to West	

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 21 May 2018.

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 Officer's 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. They noted the applicant's suggestion for a site visit but did not consider this necessary after viewing photographs and plans of the site and surroundings.

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: PMD2 and HD3.

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Review Body noted that the proposal was to erect an extension to the rear of the property creating two floors of accommodation and allowing development within the existing roofspace. It was noted that the extension would be of mansard design with rendered lower walls, slate upper walls, uPVC windows and roof windows.

The Review Body firstly considered the issues of scale and design of the extension in relation to the character of the existing house and surrounding area. They noted that, whilst there were other examples of roof extensions in the vicinity of the site along Edinburgh Road, these were generally limited to roof extensions whereas the current proposals were to extend out from the rear of the house on two floors and create a scale of extension that was considered to be overdominant and too large in relation to the character and scale of the property. They accepted that visual impacts from the Edinburgh Road, itself, would be more limited.

Members also felt that the design was poor, resulting in massing which was bulky and out of character with the existing house. They agreed with the Appointed Officer that Local Development Plan Policy PMD2 was aimed at improving the quality of design and that the proposal should not be accepted on the basis of other poorly designed roof extensions that pre-dated the Policy. Whilst members had no objections to the principle of a rear extension

and sympathised with the owner's wishes to enlarge the accommodation, a better design was needed that reduced the scale of the extension.

Members also expressed some concern over the impacts of the extension on the residential amenity of adjoining residents and the impacts that could arise as a result of construction, including the removal of material.

CONCLUSION

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

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

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

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

Date...23rd May 2018

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MINUTES of Meeting of the TWEEDDALE
AREA PARTNERSHIP held in St. Ronan's
Primary School, Innerleithen on Wednesday,
23 May 2018 at 7.00 pm

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, K. Chapman,
S. Haslam, E. Small together with 30 Representatives of Partner
Organisations, Community Councils and Members of the Public.
In Attendance:- Communities and Partnership Manager, Democratic Services Team Leader

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the third meeting of the Tweeddale Area Partnership.

2. **OPEN FORUM**

The following issues were raised by those present:-

- Concerns were raised regarding possible cuts to the bus service from Biggar to Edinburgh and Service 62 serving Clovenfords – Councillor Haslam advised that the re-tendering process was ongoing and that a number of options were being considered.
- The possible changes to opening times of the Eshiels Community Recycling Centre was raised – Councillor Haslam advised that following a public consultation it had been agreed to close the centre on 1 day per week on the basis that the centre would be open longer on the other days during the summer months. Councillor Bell requested that details of the consultation be shared.
- In response to a query regarding the commencement date for the programme to repair potholes Councillor Haslam advised that work had commenced and she would ask for a timetable for specific areas.

3. **FEEDBACK FROM MEETING ON 27 MARCH 2018**

The Chairman summarised the feedback which had been received. In response to the query regarding the renovation of the monument at the source of the Tweed, Councillor Anderson advised that she had visited the site with officers and Tweedsmuir Community Council were assisting with gathering funds to allow for further improvements.

4. **THEME: QUALITY OF LIFE**

- 4.1 The Chairman advised that the initial presentations would be broken into two parts and he then introduced Margaret Smail from the Community Learning and Development Service and Lisa Denham from Live Borders. Margaret Smail advised that her service aim was all about improving the quality of life for individuals and communities as a whole. In a time of limited resources the key was partnership working to help address inequalities. She also co-ordinated the Tweeddale Community Learning Partnership who were identifying the priorities for the area based on a combination of data and speaking to people. There were both Youth and Adult learning teams. There was an officer based at Peebles High School who engaged with young people and helped take learning out into the community. This was very successful for those who did not respond to traditional learning methods. In respect of adult learners the main issues being addressed were literacy and IT skills.

- 4.2 Lisa Denham advised on the work of Live Borders in the Tweeddale Area. The Tweeddale Arts Strategy was very successful and allowed significant funding to be obtained. There was a Cultural Forum which met and the next meeting in Tweeddale would be held on 26 November in the Eastgate Theatre. She also commented on the success of the Peebles Library which had the highest lending rate in the Scottish Borders. There were a number of other activities run by the Library which included a very successful Code Club for young people. The Borders Science Festival was running throughout May and events in Tweeddale so far had been well supported. Live Borders were also working closely with the Eastgate Theatre on their ambitious extension project. Two new Arts posts were being funded and a consultation with young people was about to be launched as part of the Year of Young People. She also commented on forthcoming events and the redesign of the Live Borders Website.
- 4.3 Shona Smith, Communities and Partnership Manager explained how the session would work and that there were information packs on each table. Those present were invited to discuss and agree at their respective tables an answer to the question "What are the key challenges, issues or opportunities for quality of life in Tweeddale". The points identified were to be written down on the post-it notes provided and would be collated at the end of the discussion. 15 minutes was given for this first discussion.
- 4.4 The Chairman introduced Inspector Tony Hodges from Police Scotland and Mike Jaffray, Scottish Fire and Rescue Service Delivery Manager for the Scottish Borders. Tony Hodges advised that the fundamental aim was to keep people safe. The Local Police Plan covered the period until 2020 and contained the seven Local namely domestic abuse, road safety, violent crime, anti-social behaviour, drugs and alcohol misuse, protecting people and acquisitive crime. There was also strong links to the Council's Safer Communities team. He highlighted the protection of vulnerable people which demanded the greatest part of police resources and commented on the recent search for a high risk missing person. A new Community Action Team funded by the Council had been set up to specifically address quality of life issues. To date they had issued 100 parking tickets and were also dealing with drugs and anti-social behaviour in the vicinity of schools.
- 4.5 Mike Jaffray commented on the Local Fire and Rescue Plan for the Scottish Borders which included the priority of making people feel safer in their homes and on the roads. He also highlighted work on community resilience, road traffic collisions and extreme weather such as flooding. The service also worked with young people to help prevent anti-social behaviour. Work was being carried out to reduce unwanted fire alarm signals, where there was no fire but an automated fire alarm system was activated which accounted for over 50% of all calls in the Tweeddale area. He concluded by emphasising the importance of partnership working and that the service wanted to work closely with communities.
- 4.6 A further 15 minutes of discussion time was given and this was followed by a short break. Shona Smith then highlighted some of the most common points identified with transport being the biggest issue. Other points raised included care provision, communications, the environment and youth provision. A copy of the output from the evening forms the appendix to this Minute. The Chairman thanked the speakers and all those present for their contributions.
5. **OTHER BUSINESS**
The Chairman advised that there was no other business.
6. **DATE OF NEXT MEETING**
The next meeting would be held on Wednesday, 5 September 2018 and the theme would be "Our Place". The venue for the meeting would be confirmed in due course.

The meeting concluded at 8.45 pm

Discussion Output: Our Quality of Life Theme (23rd May 2018)

Summary/Area of Discussion:

Care provision

Post-it Notes:

- Care provision to remote or outlying areas (under provision in Tweeddale)
- Supporting improving Quality of Life for disabled. Home care service proving difficult to recruit. People left in bed too late.
- Fuel poverty – reports of people using Halogen heaters which can be dangerous and expensive.
- Support people to complete Universal Credit applications.
- Care facilities for elderly in Peebles. Semi or sheltered accommodation.
- Extra care at Dovecote as over subscribed?
- Housing for younger disabled people.
- What's the offer for transition?
- Dementia requires acute hospital.

"Priority" & "Solutions/Actions" Post-its:

- Train and value care staff. Pay better.
- Give people better energy advice.
- Bulk buying oil and fuel can be cheaper.
- Use libraries to provide support for credit applications.

Key Areas for Tweeddale

- **Provision of suitable housing (sheltered, extra care, young people with disabilities), incl. tackling fuel poverty**

Summary/Area of Discussion:

Transport

Post-it Notes:

- Reporting near misses on roads, which normally aren't reported.
- Last bus times are too early.
- Abuse of parking spaces. Victorian layout doesn't help.
- Community Councils are great for listening to communities. W4Peebles website? Walkerburn and District.
- Tensions in Innerleithen – MTB's cycling in the woods – need a balance as residents should be considered.
- A701 – Road traffic accidents - motorbikes?
- Can we have a breakdown of the RTA's?
- Unforgiving roads in the Borders contributes to the problem.
- Expansion of community transport network projects is key to quality of life in the Scottish Borders.

- Red Cross drivers are fantastic!
- Mechanism for reporting to the CAT team – Cllr Tatler.
- Parking at Dovecote Road.
- Parking issues at centre of Peebles, Innerleithen, Walkerburn, Broughton and West Linton.
- Bus service to Galashiels not just to Edinburgh. Last bus is 9.30pm!
- Concerns regarding public transport particularly for the rural communities.
- Cost of transport.
- Impact of lack of transport on communities – particularly young people.
- Better direct transport links to Edinburgh to attract tourists and make Tweeddale more accessible.
- Speedwatch pilots in rural areas.
- 101 and 102 Bus routes needs looked at.
- Buses to BGH are a nightmare.
- Getting people back into work who need transport – lacking!
- Social interaction – transport is a barrier. People who could benefit don't get it. Bus companies won't run a route if not making money.
- Remote and rural – cost, access to transport and low wages have an impact on Quality of Life. SIMD – rurality.
- Young people can't get jobs or education if a lack of transport.
- Motorcyclists – safety – High vis, helmets, need educated on respecting other road users – they need targeted to be educated.
- Motorcycles – noise, travelling in packs, 701 bikes trying to take off on bump on road.
- Bicyclists – ASB – on pavements, wheelies and causing a nuisance on shared use paths/bridleways.
- Older people will have a loss of independence if cannot drive and so rely on a bus service.

“Priority” & “Solutions/Actions” Post-its:

- Campaign to increase volunteer drivers in the Borders.
- Ability of school pupils to use bus passes on later routes to enable them to make better use of activities without additional cost as is current situation.
- Community consultation regarding timetables/routes etc in respect of public transport.
- Transport partnerships – can better use be made/better co-ordination of non public funded transport.
- Community Trust set up a Community Bus?
- Community bus linked in with Tweed Wheels or School buses?

Key Areas for Tweeddale

- **Transport**
 - **Public transport – key routes and availability/cost of public transport**
 - **Barrier to employment**
 - **Social isolation**
 - **Community transport**

- Road safety, incl. motorcyclists, cyclists
- Parking provision and policing

Summary/Area of Discussion:

Youth

Post-it Notes:

- Being heard and how to listen.
- Peer services for younger kids.
- Child forums like the Area partnership meetings.
- Public transport for rural areas.
- Ongoing support from a young age.
- More child involvement.
- Non –sport programmes for children.
- Littering from cyclists, tourists and locals in parks.
- Local mental health for children is atrocious.
- Interjection at a younger age.
- More support for children at school.
- More social spaces/outdoor space.
- More accepting in schools – alternative schools?
- Bike recycle?
- Issue of school being measured by academic achievement. Opportunity to develop other careers – micro businesses. Focus on keeping young people or attract them back – use of applied learning.
- Use of South of Scotland Enterprise Agency to support apprenticeship with local trades people.
- School careers events – opportunities for young people to get involved. Young people get to chat to experienced Trades people – facilitated bt CLD or guidance teacher.
- Use of groups such as the Callant’s club to go into schools to speak to young people.
- Imbalance of young people – need for Border College to have a presence in Tweeddale – gap for those who don’t have an academic career – get lecturers to come and present to pupils in High School.
- Importance of self-worth for young people – benefits of doing things for other people – positive feedback received. Value of both giving and receiving – volunteering. Give access to other opportunities, plus point on CV’s.
- Volunteering important for all ages. Need to draw people in. CLD going to have a column in Peebleshire news to share story of volunteers to encourage others.
- Use of a ‘day in the life’ of all sorts of people in the Peebleshire news to make young people aware if the opportunities available to them.
- Issue with youths – drink and drugs.

- Social media – positive and negative points.
- Use IT to share information on various topics such as ‘community banking schemes’.
- Existing activities taken to communities as opposed to being centrally based (in Peebles!)

“Priority” & “Solutions/Actions” Post-its:

- Closing the gap – peer support.
- Safety of vulnerable – a shorter time to identify vulnerable (especially youth)
- Continuation of partnerships advertising prevention.
- Closing the economic gap – transport, services, gym membership etc.
- Given the issues of bad/dangerous driving amongst young drivers – create a form of race track where young people can take their cars and race but also learn how to drive safely.
- More use of Special constables in Tweeddale.

Key Areas for Tweeddale

- **Youth Support at all ages and stages**
 - **Mental health**
 - **Different career pathways**
 - **Wider reach of Borders College**
 - **Wider reach into rural communities (out with Peebles)**

Summary/Area of Discussion:

Communication

Post-it Notes:

- Need for more visible police presence.
- Communication – information to isolated communities.
- Lots going on that people are not aware of – need a single Tweeddale website to bring everything together – needs funding and a co-ordinator.
- Use of modern technology to allow services such as registrars to visit communities rather than travelling into Peebles.
- Intergenerational – dissemination of information via technology and social media. Positive tool in education
- Knowing what is on? Access to information for all.

“Priority” & “Solutions/Actions” Post-its:

-

Key Areas for Tweeddale

- **Communication of information and activities across/between communities, partners, etc.**

Summary/Area of Discussion:

Culture, Heritage and the Environment

Post-it Notes:

- Need for infrastructure to allow comfortable living eg state of roads. Need the fundamentals to be in place.
- Eastgate is a great place for disabled people to meet. How are Eastgate improving the life of disabled people. Access panel to consider how disabled are re-housed.
- Eastgate theatre could do with much more – specifically in the rural areas if it was funded properly/more?
- Core funding requires more.
- Improve partnership with Live borders – a spread of responsibilities.
- Importance of the environment in which we live – impact of physical environment.
- Quality of Life means different things to different people – need to consider all ages.
- SB Alert is great.
- Planning system is too narrow – doesn't take into account things like Peebles Town Action Plan which highlights local issues. Doesn't take into account urban planning needs.
- Recycling centres – not given information from the consultation – what were the questions that were asked?
- Information on the fly tipping figures.

"Priority" & "Solutions/Actions" Post-its:

-

Key Areas for Tweeddale

- **What more could be done with our cultural and environmental assets?**
 - E.g. Eastgate Theatre, Peebles – opportunities for better support for people with disabilities; extend reach of Theatre into more rural/remote communities

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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, 25 May 2018 at
11.00 a.m.

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

Apologies:- Councillor R. Tatler.

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Officer (Christine Watson), Licensing Standards and Enforcement Officer (Mr I. Tunnah), Democratic Services Officer (F Henderson), Inspector T Hodges and PC T Ray- Police Scotland.

1.0 MINUTE

1.1 The Minute of the Meeting of 20 April 2018.

DECISION

NOTED and signed by the Chairman.

2.0 LICENCES ISSUED UNDER DELEGATED POWERS

2.1 Miscellaneous Licences issued under delegated powers between 12 April 2018 – 16 May 2018.

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 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.

5.0 REQUEST FOR REVOCATION OF TAXI DRIVER LICENCE – REMI MARSHALL

The Committee considered revocation of a Taxi Drivers Licence held by Remi Marshall and agreed that the licence be revoked.

6.0 GRANT OF TAXI DRIVER LICENCE – RUARAI DH POLE

The Committee considered an application for the grant of a Taxi Driver Licence submitted by Ruairaidh Pole and agreed to grant.

The meeting concluded at 12.15 p.m.

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SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTE of Meeting of the HAWICK
COMMON GOOD FUND SUB-COMMITTEE
held in Committee Room 1, Council
Headquarters, Newtown St Boswells on
Friday, 25 May 2018 at 1.00 pm

Present:- Councillors G. Turnbull (Chairman), S. Marshall, W. McAteer, D. Paterson,
C. Ramage and N. Richards.
Apologies:- Mr J Little, Ms A Knight.
In Attendance:- Managing Solicitor, Estates Strategy Surveyor, 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 LEONARD'S COTTAGE AND PARK

The Sub-Committee considered a report by the Service Director Assets and Infrastructure regarding the tenancy of St Leonard's Cottage and Park.

The meeting concluded at 1.15 pm.

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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND
BUILDING STANDARDS COMMITTEE
held in Scottish Borders Council, Council
Headquarters, Newtown St Boswells TD6
0SA on Monday, 4 June 2018 at
10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, S. Hamilton,
H. Laing, C. Ramage and E. Small.
Also Present:- Councillor S. Mountford.
Absent:- Councillor J A Fullarton.
In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Environment and
Infrastructure), Lead Roads Planning 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 30 April 2018.

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) that Scottish Ministers upheld the appeal in respect of the Wind Farm development comprising of 8 no turbines 100m height to tip and associated works, infrastructure, compounds, buildings and meteorological mast on Land North of Howpark Farmhouse, Grantshouse – 16/00980/FUL;
- (b) that Scottish Ministers dismissed the appeal in respect of Residential development with associated supporting infrastructure and public open space on land East of Knapdale, 54 Edinburgh Road, Peebles – 17/00015/PPP
- (c) there remained six appeals outstanding in respect of:-
 - Poultry Farm, Marchmont Road, Greenlaw
 - Land South West of Easter Haprew Farmhouse, Peebles
 - Hutton Hall Barns, Hutton
 - Land North West of Gilston Farm, Heriot

- Land South West of Lurgiescleuch (Pines Burn), Hawick
 - Site at Industrial Buildings and Yard, Elders Drive, Newtown St Boswells
- (d) Review request had been received in respect of:-
- (i) Change of use of agricultural buildings and alterations to form 12 No dwellinghouses at Agricultural Buildings, South East of Merlewood, Hutton castle Barns, Hutton - 16/01371/FUL;
 - (ii) Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis courts at Southbabnk and Paddock South East of Sunnbybank, Bowden, Melrose – 17/01362/FUL
 - (iii) Erection of dwellinghouse on Land South West of 1 Hill Terrace, Stow – 17/01685/PPP;
 - (iv) Erection of dwellinghouse on Land North West of Doonbye, Smith's Road, Darnick – 18/00287/FUL
- (e) the decision of the Appointed Officer had been upheld in respect of:-
- (i) Erection of dwellinghouse on land North West of The Gables, Gattonside – 17/01617/PPP;
 - (ii) Extension to dwellinghouse at 34 Edinburgh Road, Peebles – 17/01731/FUL
- (f) the decision of the Appointed Officer had been Overturned in respect of the Erection of a dwellinghouse on Land South of the Bungalow, Blacklee Brae, Bonchester Bridge – 17/01731/FUL
- (g) Section 36 Public Local Inquiries Outstanding in respect of :-
- Fallago Rig I, Longformacus
 - Fallago Rig 2, Longformacus
 - Birneyknowe Wind Farm, Land North, South, East and West of Birnieknowe Cottage, Hawick

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>
17/00923/PPP	Erection of two dwellinghouses	Land West of Peelgait Selkirk

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

Conditions

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access, and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 No development should commence until the applicant has provided evidence that arrangements are in place to ensure that any private drainage system that may be affected by the development hereby approved, will be maintained in a serviceable condition
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
- 4 Two car parking spaces, not including any garage, and turning within the curtilage of each dwelling shall be included in any subsequent detailed application.
Reason: Interests of road safety on the access road serving the site.
- 5 A scheme of details covering construction specifications, drainage details, earthworks and embankment works including any retaining structures required in the design and construction of the private access road shall accompany the first application for approval of matters specified in conditions. These details must be approved in writing by the planning authority prior to the commencement of development on site. Thereafter the development shall be completed in accordance with the approved details prior to occupation of the first dwellinghouse.
Reason: To ensure that the site is adequately serviced.
- 6 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. location and design, including materials, of walls, fences and gates
 - iii. soft and hard landscaping works
 - iv. existing and proposed services such as cables, pipelines, sub-stations
 - v. full details of an enhanced planting belt for the boundary treatment and landscaping finishes formed at the boundary of the site with the Haining Designed Landscape.
 - vi. a programme for completion and subsequent maintenance.
Reason: To ensure the satisfactory form, layout and assimilation of the development with its surroundings.

- 7 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.
Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
- 8 No development shall take place until fencing has been erected, in a manner to be agreed in writing by the Planning Authority, around the identified area of archaeological interest and no works shall take place within this fenced area without the prior written consent of the Planning Authority.
Reason: To safeguard a site of archaeological interest.
- 9 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.
- 10 No water supply, other than the public mains shall be used to supply the Development hereby approved, 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.
- 11 No development shall commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall thereafter be implemented in full and in accordance with its recommendations.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and to ensure that existing private water supplies serving neighbouring properties are not compromised.
12. A scheme of details for the proposed on-street parking spaces, shown on approved drawing number P449-001 REV G, shall accompany the first application of approval of matters specified in conditions. These details must be approved in writing by the planning authority before development commences on site. No development shall take place until the approved parking spaces are constructed in accordance with the approved details. The parking spaces shall be retained in perpetuity thereafter.
Reason: In the interests of road safety and to ensure that on street parking spaces are made available as an integral part of the public road.
13. The development hereby approved shall be connected to the public drainage system where the opportunity exists unless otherwise agreed in writing by the planning authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water, and to ensure existing private water supplies in the vicinity of the application site are not compromised.

Applicant Informatives

1. In relation to Condition 3 above, 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. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.
2. In relation to Condition 6 above, the Archaeology Officer suggests consideration to be given in the final design to removing or limiting the creation of a shelter belt along the northwest edge of the site. This should seek to further minimise impacts to the setting of St Mungo's Well. Consideration should also be given in the final design to the retention of a 10 metre buffer between tree planting and the site of St Mungo's Well.
3. In relation to Condition 11 above:
 - a. A description of the source(s) / type of the supply - i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
 - b. The location of the source(s) of the supply - i.e. the appropriate eight
 - c. figure Ordnance Survey National Grid Reference(s).
 - d. The name and address of every relevant person in relation to the supply. NB. A "relevant person", in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
 - e. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m³/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate. NB. For boreholes/wells refer to BS ISO 14686:2003 "Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use".
 - f. Any water treatment that is intended to be carried out in relation to the proposed supply for the development.
 - g. Where there are existing users of the proposed supply, the addresses of all such properties.
 - h. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all such properties, as far as is reasonably practicable. NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.
 - i. Where there are existing users of the proposed supply and / or there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.), information advising if and how the proposed development will impact on the existing users and / or the other properties' supplies.
 - j. If the development is to be used for commercial purposes and / or members of the public will use / consume the water, the private water supply will be classed as a Type A supply. This will mean that it will require to be sampled / monitored by the local authority on at least an annual basis and a risk assessment of the supply will also be required.

As such, prior to commencement of the commercial / public activity, the applicant should contact the Environmental Health Department of Scottish Borders Council to ensure that compliance with the legislative provisions is able to be secured.

- k. For clarification, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. A reserve storage capacity of three days' supply should be provided. Also, the quality of the water throughout the building(s) must conform to the requirements of The Private Water Supplies (Scotland) Regulations in order for it to be classed as wholesome.
4. If a stove is to be installed as part of the development and so long as it is less than 45kW no further information needs to be provided.
5. In relation to Condition 11 above: the applicant/developer should be aware that Roads Construction Consent will be required for the proposed on-street parking area.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00396/PPP	Erection of dwellinghouse	Garden Ground of The Gables Smith's Road Darnick

Decision: Approved subject to a legal agreement addressing contribution towards education and the Borders Railway and the following conditions and informatives:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. A Design Statement to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site setting out the design rationale for the development and demonstrating an appropriate form, scale and design of development and external materials taking reference from the character of the site and its context.
Reason: To ensure a high standard of design, given the character of the site and its context.
4. The existing boundary wall to be lowered to a height no greater than 750mm for a distance of at least 2m either side of the access. A detailed drawing showing alterations to the boundary wall to provide the required visibility to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. This to include details of gates piers, gates and coping stones. The wall then to be altered in accordance with the approved drawing before the dwellinghouse is occupied.
Reason: To ensure adequate visibility at the vehicular access to the site in the interests of road safety and to protect the character of the Conservation Area.

5. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the site for the existing dwellinghouse (the Gables) and the proposed dwellinghouse (a minimum of four in total) prior to the occupation of the proposed dwellinghouse and thereafter the parking must be retained in perpetuity.
Reason: To ensure that adequate parking is provided within each plot, in the interests of road safety.
6. No development shall commence within the site until a Construction Method and Traffic Management Statement has been submitted to and approved in writing by the Planning Authority. This to include:
- i) The location of the construction compound and areas for the storage of materials, plant and equipment;
 - ii) The location of staff parking (personnel vehicles to avoid peak times 8-10am and 4-5.30pm);
 - iii) Evidence that the site can be accessed by delivery vehicles (all vehicles to leave in a forward gear);
 - (iv) The timing of deliveries (restricted to between 10am and 3pm to avoid peak times).
- The construction of the dwellinghouse then to be carried out in accordance with the approved Construction Method and Traffic Management Statement for the duration of the works.
Reason: To limit potential impacts on road and pedestrian safety.
7. Full details of the means of water supply and the surface water and foul water drainage to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority, the development then to be implemented in accordance with the approved details and the water supply and drainage installed as approved before the proposed dwellinghouse is occupied.
Reason: To ensure that the site is adequately serviced.

Informatives

Conservation Area Consent is required for the demolition of the garage.

In respect of condition 3, a high quality of design and materials are required. It is suggested that the dwellinghouse is designed to reflect and respect the traditional architecture within the vicinity of the application site. The proposed dwellinghouse should be designed and sited so that it backs onto the parking spaces or the house is attached to/built up against the boundary wall so that it screens views into the site through the widened vehicular access.

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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, 5 June, 2018 at 10.00 am

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

Apologies:- Councillors S. Haslam, E. Jardine and S. Mountford

Also present:- Councillors S. Bell, S. Scott.

In Attendance:- Chief Financial Officer, Service Director Assets & Infrastructure, Clerk to the Council, Democratic Services Officer (F. Walling).

CHAIRMAN

In the absence of Councillor Haslam the meeting was chaired by Councillor Aitchison.

1. MINUTE

There had been circulated copies of the Minute of the meeting of Executive Committee held on 1 May 2018.

DECISION

APPROVED for signature by the Chairman.

2. UNION CHAIN BRIDGE - HERITAGE LOTTERY FUNDING UPDATE

- 2.1 With reference to paragraph 3 of the Minute of 15 August, 2017, there had been circulated copies of a report by the Service Director Assets & Infrastructure, providing an update on the progress of the Stage 1 Heritage Lottery Fund application and the way forward for the Stage 2 application in respect of refurbishment of the Union Chain Bridge. The Project Management Team Leader explained that Northumberland County Council, Woodhorn Charitable Trust and Scottish Borders Council had submitted a stage 1 Heritage Lottery Fund application in December 2017. The Stage 1 application was successful and Heritage Lottery Fund would contribute 49% of the £729,934 project development costs to deliver a Stage 2 application by March 2019. There were a significant number of design and heritage development activities to be undertaken by March 2019 and Heritage Lottery Fund would undertake a mid-point audit of progress and direction in December 2018. The project was still reliant on a significant number of external funding commitments. A project fundraiser would be commissioned during this stage to secure the current anticipated funding. The fundraiser would also support the Friends of Union Chain Bridge group to help them achieve their commitment to the project. There remained a £624k funding gap but the risk had been mitigated by the commitment from Northumberland County Council to underwrite any shortfall. The financial strategy for delivery of the project was outlined in a table within the report and the Stage 2 delivery programme was detailed in an appendix.

- 2.2 Members welcomed the success of the Stage 1 Heritage Lottery Fund application and were supportive of the proposals for submission of the Stage 2 application whilst noting the added level of competition at this stage brought about by changes in the assessment process. In response to questions, officers clarified that, although Scottish Borders Council and Northumberland County Council were each committing £1m towards the project, Northumberland County Council was acting as the lead authority. There was a Memorandum of Understanding between the authorities which would be strengthened for

the Stage 2 Heritage Lottery Fund bid. The significance of the bridge was recognised by Members, not just as an historical asset but as an important infrastructure connection for the community in that part of East Berwickshire.

DECISION

- (a) NOTED the information within the report.**
- (b) AGREED the way forward, as detailed in paragraph 5.1 of the report, to assist Northumberland County Council with the successful delivery of the Stage 2 application to the Heritage Lottery Fund.**

3. COMMUNITY GRANT SCHEME - GENERIC BUDGET 2018/19

- 3.1 There had been circulated copies of a report by the Service Director Customer & Communities recommending three applications for funding from the Community Grant Scheme (CGS) generic budget. The report explained that the CGS could provide grants to groups who were constituted as working Borders-wide. It could also provide grants to groups who were non-Borders based but who delivered projects which provided direct benefits to identified groups in the Borders. The Communities & Partnership Manager provided details of the three applications.
- 3.2 The Learning Space SCIO, a Scottish Charitable Incorporated Organisation, was based in Gavinton but offered its services Borders-wide. The request was for a contribution towards phased refurbishment of The Old Bakehouse in Gavinton to provide additional recreational space to support more children/young people with complex learning needs. It was requesting a grant of £5,000 towards an overall £5,505 project. Members supported this application.
- 3.3 Scottish Borders Community Development Company (The Bridge) was the Council for Voluntary Service for the areas covering Central Borders, Roxburgh and Tweeddale. It provided low cost community transport services badged locally as Gala Wheels, Teviot Wheels and Tweed Wheels. The request was for a contribution towards the purchase of an additional 11 seater passenger vehicle for Gala Wheels to meet the growing demands of the service. It was requesting a grant of £5,000 towards the overall £36,343 project cost. Members supported this application.
- 3.4 First Light Trust, a Company Limited by Guarantee based in England, was also a Scottish Registered Charity and extended its activities into Scotland. The request was to contribute towards the creation of a cafe/shop and workshop facility at 1 & 3 High Street, Hawick to provide a drop-in/meeting place for ex-army veterans and local community to aid better integration. It was requesting a grant of £5,000 towards an overall £5,350 project. Members' attention was drawn to other similar projects in Hawick being supported by grant funding. It was also not clear at this stage how this hub model would fit into existing Borders Veterans strategies and if they supported the proposal of a Scottish hub based in Hawick. After discussion Members asked officers to provide further information in relation to operational aspects of the project and its relationship with other groups. It was agreed to defer a decision on the application until this additional information was available.

DECISION

AGREED:-

- (a) to approve the following grants:-**
 - (i) £5,000 to The Learning Space SCIO; and**
 - (ii) £5,000 to The Bridge.**

- (b) to defer to the next meeting consideration of the application for a grant of £5,000, from Firstlight Trust, to enable further information to be obtained.

4. **AUDIT AND SCRUTINY COMMITTEE RECOMMENDATION**

There had been circulated copies of an extract from the Audit and Scrutiny Committee Minute of 19 April 2018 regarding an update provided by the Service Director Children and Young People on legislative and guidance changes to home schooling within the Scottish Borders. Chairman of Audit and Scrutiny, Councillor Bell, explained that the update had been requested following concerns that had been raised following a presentation to Scrutiny Committee on home schooling in February 2017. An interesting presentation had been received from the Service Director who reported that there were currently 50 families within the Scottish Borders who home schooled their children. It was highlighted that the Council did not have the right or duty to visit the home, see the child, check parents' qualifications, ensure the curriculum was adequate, see samples of work, monitor home education or make an annual enquiry. The Audit and Scrutiny Committee recommended that home schooling should be monitored annually providing a summary of the number of requests, how many pupils remained in school, how many were flexi-schooled and the split between primary and secondary schools. The Committee had been particularly concerned that the majority of home schooling requests were linked to children with anxiety. After discussion Members agreed with the recommendation that in future the home schooling monitoring role be the responsibility of the Education-themed Executive Committee and, with reference to the second recommendation, asked that all Members received an early briefing on home schooling.

DECISION

AGREED that:-

- (a) **Executive (Education) Committee review home schooling on an annual basis; and**
- (b) **all Members receive an early briefing on home schooling.**

5. **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

6. **DELIVERY OF THE JEDBURGH INTERGENERATIONAL LEARNING CAMPUS PROJECT**

The Committee considered a report by the Service Director Assets & Infrastructure providing an update on the progress with the delivery of a new Jedburgh Intergenerational Learning Campus.

The meeting concluded at 11.10 am

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SCOTTISH BORDERS COUNCIL
KELSO COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the KELSO COMMON
GOOD FUND SUB-COMMITTEE held in Edenside
Primary School, Inch Road, Kelso on Wednesday, 6
June 2018 at 5.15 p.m.

Present:- Councillors T, Weatherston (Chairman), E. Robson,
Apologies:- Councillor S. Mountford, Community Councillor D. Weatherston.
In Attendance:- Senior Finance Officer, (John Yallop), Solicitor (Karen Scrymgeour), Estates
Manager, Democratic Services Officer (F. Henderson).
Members of the Public:- 0

1.0 MINUTE

- 1.1 There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 7 February 2018.

DECISION

AGREED to note the Minutes for signature by the Chairman.

2.0 UPDATE – PINNACLEHILL WOODLANDS

- 2.1 With reference to paragraph 2 of the Minute of 7 February 2018, the Estates Manager reported that there had been some difficulties arranging meetings with the property owner and apologised for the delay. There had now been a meeting on site with the property owner and agreement reached on what would be provided in terms of a replacement fence. The Property Owner had agreed to match the £400 maximum agreed by the Kelso Common Good at its meeting on 7 December 2017 towards the cost of replacing the fencing. It was further reported that costings were awaited and it was hoped that the work would be complete by end of July 2018.

DECISION

(a) NOTED the update.

(b) AGREED that authority be delegated to the Estates Manager to proceed with the work following receipt of the costings.

3.0 MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2018

- 3.1 There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Kelso Common Good Fund for the year 2017/2018 including balance sheet values as at 31 March 2018 and proposed budget for 2018/19. Appendix I provided the actual income and expenditure for 2017/18 which showed a surplus of £1,591 which varied from the projected surplus figure of £347 reported at the previous meeting due to additional net costs associated with the transfer of the investments fund to a new fund manager, negated by underspends in grant payments.
- 3.2 Appendix 2 provided the balance sheet value to 31 March 2018 and showed a decrease in reserves of £51,014. Appendix 3 provided a breakdown of the property portfolio showing actual depreciation charges and actual property expenditure to 31 March 2018. Appendix 4 showed the value of the Investments Fund as at 31 March 2018, now with Kames Capital PLC. As part of the transfer from Newton to Kames Capital, a fee of £15,000 was incurred for KPMG, the Council's Pension Fund Investment Advisors for their role in the selection and recruitment of Kames. This had been apportioned across the Common Good and Trust Funds, as approved at Council on 21 December 2017, resulting in a charge to Kelso Common Good of £838.

DECISION

- (a) AGREED the proposed budget for 2018/19 as shown in Appendix 1 to the report.**
- (b) NOTED:-**
 - (i) The actual income and expenditure for 2017/18 in Appendix I to the report;**
 - (ii) the final balance sheet value to 31 March 2018 in Appendix 2 to the report**
 - (ii) the summary of the property portfolio in Appendix 3 of the report; and**
 - (iii) the current position of the Kames Capital PLC investment Fund contained in Appendix 4 of the report.**

The meeting closed at 5.25 p.m.

SCOTTISH BORDERS COUNCIL JEDBURGH COMMON GOOD SUB-COMMITTEE

MINUTES of Meeting of the JEDBURGH
COMMON GOOD SUB-COMMITTEE held in
EDENSIDE PRIMARY SCHOOL, INCH
ROAD, KELSO on Wednesday, 6th June
2018 at 5.30 p.m.

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

1.0 MINUTE

- 1.1 There had been circulated copies of the Minute of the Jedburgh Common Good Fund Sub-Committee held on 7 February 2018.

DECISION

NOTED the Minute.

2.0 MONITORING REPORT FOR 12 MONTHS 31 MARCH 2018

- 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 including balance sheet values as at 31 March 2018 and proposed budget for 2018/19. Appendix 1 provided the actual income and expenditure for 2017/18. This showed a projected deficit of £4,282 for the year, which varied from the projected surplus figure previously reported due to additional net costs associated with the transfer of the investment fund to a new fund manager, negated by lower than anticipated grant payments.
- 2.2 Appendix 2 provided a Balance Sheet value at 31 March 2018 and showed a decrease in the reserves of £58,192. Appendix 3 provided a breakdown of the property portfolio as at 31 March 2018. Appendix 4 detailed the value of the Investment Fund as at 31 March 2018, now with the Kames Capital PLC. As part of the transfer from Newton to Kames Capital, a fee of £15,000 was incurred for KPMG, the Council's Pension Fund Investment Advisors for their role in the selection and recruitment of Kames. This had been apportioned across the Common Good and Trust Funds, as approved at Council on 21 December 2017, resulting in a charge to Jedburgh Common Good of £3,094.

DECISION

- (a) **AGREED the proposed budget for 2018/19 as shown in Appendix 1 to the report.**
- (b) **NOTED:-**
- (i) **the actual income and expenditure for 2017/18 as shown in Appendix 1 to the report;**
 - (ii) **the final balance sheet value as at 31 March 2018 in Appendix 2 of the report;**

(iii) the summary of the property portfolio in Appendix 3 to the report;

(vi) the current position of the investment in the Kames Capital Investment Fund in Appendix 4.

2.0 **APPLICATION FOR FINANCIAL ASSISTANCE**

2.1 **Jedburgh Community Council – Festive Lights**

There had been circulated copies of an Application for Financial Assistance from the Jedburgh Community Council towards providing Festive Lights in Jedburgh for 2017. The application which was in the sum of £1,500 was towards the costs of installing and dismantling the Festive Lighting in Jedburgh. The invoice received from Scott & Foggan Ltd was in the sum of £2,330.40, including VAT. Following considerable discussion, it was agreed that a grant of £1,500 be paid towards the Festive Lighting in Jedburgh in 2017.

DECISION

AGREED to award a grant of £1,500 to the Jedburgh Community Council in respect of the installation and dismantling of the Festive Lighting in Jedburgh

2.2 **Jedburgh Leisure Facilities Trust**

There had been circulated copies of an Application for Financial Assistance from the Jedburgh Leisure Facilities Trust in the sum of £30,000 towards a £325,000 major development which would include new changing facilities, heat saving and recovery, increased disabled provision and an extension to the public area which would include an enlargement of the soft-play area as a facility in itself. The application explained that the Leisure Trust had managed the Laidlaw Memorial Pool and Fitness Centre on behalf of the Community for 15 years. The usage had increased 300% during that period and many improvements had been made, with all surpluses being re-invested in the facility. In terms of the project above the trust had already secured funding in the sum of £80,000 from Scottish Borders Council and had applied for £120,000 from SB Leader, £70,000 from SportScotland and £25,000 from BCCR which had been approved in principle. Following general discussion with regard to exploring other sources of funding available, it was agreed in principle to award the Jedburgh Leisure Facilities Trust the sum of £30,000, following confirmation and receipt of all other funding detailed in the application. The grant being paid following confirmation of costings. At the point of payment of the grant, an assessment of cash levels held by Jedburgh Common Good Fund would be required to be undertaken. It was possible that a level of disinvestment from the Kames Capital fund may be required to fund the full payment.

DECISION

*

AGREED TO RECOMMEND:-

- (a) in principle, that an award in the sum of £30,000 be made to the Jedburgh Leisure Facilities Trust towards a £325,000 major development as detailed above;
- (b) that at the point of payment of the grant, an assessment of cash levels held by Jedburgh Common Good Fund be undertaken as it was possible that a level of disinvestment from the Kames Capital fund may be required to fund the full payment;
- (c) that prior to the release of the funding, the applicant confirm that all other funding detailed in the application had been received;

- (d) **that the funding only be released on receipt of confirmation of total costings.**

2.3

The Rotary Club of Jedburgh

There had been circulated copies of an Application for Financial Assistance from the Rotary Club, Jedburgh in respect of the Birl 'n' Beer Festival scheduled to be held in the Jedburgh Town Hall utilising Murray's Green and the bandstand in August 2018 between 12 noon and 8 p.m. The event which was aimed at attracting townsfolk and people from outwith while celebrating traditional music and real ales was held for the first time in 2017 and deemed a success. There would be traditional folk music and 12 real ales would be supplied by Local Brewers i.e. Born in the Borders, Tempest Brew Co. and Broughton Ales. It would be a ticketed event and they were on sale locally in High Street outlets, pubs and clubs with posters displayed in neighbouring towns. There had been supplied an unaudited account of the income (£3,455.85) and Expenditure (£2,820.20) which appeared that a profit of £635.65 had been made on the previous event. There was no detail in the application of funding being sought from other sources and following considerable discussion it was agreed to award £500 for the 2018 event, however there would be no funding available for this event in the future, without a full set of accounts and detailed information of other funding sought.

DECISION

AGREED:-

- (a) **to award a grant of £500 to the Rotary Club, Jedburgh in respect of the Birl 'n' Beer Festival to be held in August 2018.**
- (b) **that the Rotary Club be made aware that there would be no funding available for this event in the future, without a full set of accounts and detailed information of other funding sought, as the Common Good should be considered as a last resort, when funding could not be secured for other sources.**

The meeting closed at 6.05 p.m.

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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, 7 June 2018 at 10.00 am

Present:- Councillors S Bell (Chairman), H Anderson, S Hamilton, N Richards, H Scott, and E Thornton-Nicol.
Apologies:- Councillor K Chapman, J A Fullarton, R Tatler
In Attendance:- Managing Director SB Cares, Chief Financial Officer (section 4-7), Clerk to the Council, Democratic Services Officer (J Turnbull).

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present to the meeting.

2. **MINUTE**

There had been circulated copies of the Minute of 14 May 2018.

DECISION

APPROVED the Minutes for signature by the Chairman.

3. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 3(ii) of the Minute of the 14 May 2018, the Clerk to the Council advised that Scottish Borders Council's Scheme of Administration currently allowed for an overview, under the Major Contracts Governance Group, of any significant contracts and agreements with Trusts. It was therefore agreed to mark as completed, the Audit and Scrutiny Action Tracker entries on 15 January 2018 and 19 March 2018 relating to Live Borders and CGI respectively.

DECISION

AGREED to mark as completed the Audit and Scrutiny Action Tracker entries on 15 January 2018 and 19 March 2018 relating to the Scheme of Administration in respect of Live Borders and CGI and the Major Contracts Governance Group.

4. **SB CARES**

4.1 With reference to paragraph 2 of the Minute of 30 November 2017, the Chairman welcomed Mr Philip Barr - Managing Director SB Cares, Ms Lynn Mirley - SB Cares' Finance and Commercial Director, and Mr Paul Cathrow - SB Cares' Independent Living & Corporate Service Manager. Mr Barr explained that the SB Cares' Business Plan, which had been circulated with the agenda, detailed the strategic aims, priorities and key activities for 2017-2022, and his presentation would focus on SB Cares' current activities including recruitment, training, communications, quality of care and financial overview.

4.2 Mr Barr began by advising that SB Cares had established a comprehensive training programme to ensure the provision of high quality care, improved management and increased productivity and efficiency. Referring to recruitment, Mr Barr acknowledged there had been difficulties recruiting Home Carers, particularly in Tweeddale and Berwickshire. However, the introduction of a continual recruitment programme, together with regular, fortnightly induction training, had substantially improved the recruitment process. This had reduced pressures on staff and improved the quality of care. With regard to public relations, Mr Barr advised that SB Cares would be establishing a rolling

programme of communications to improve engagement with clients, staff and stakeholders. SB Cares also reported to the Major Contracts Governance Group and had carried out performance surveys with clients and clients' families.

- 4.3 Mr Barr then referred to SB Cares' Care Inspectorate score, highlighting the improvement since 2016. The highest Care Inspectorate score was six and 85% of SB Cares' scores had been four and above. However, the score had been affected by the necessity to introduce robust measures to one care home and improvements required in terms of leadership between managers, clients and front line staff. Mr Barr explained that SB Cares had developed action plans to implement the Care Inspectorate's recommendations which would improve recruitment, induction and training. Part of this was the introduction of a four days on/four days off shift pattern for Home Carers. There had also been improvements to the management structure with the appointment of a Service Manager Quality & Performance who would focus on improving quality across the service, performance management, implementing best practice models and identifying efficiencies. SB Cares was also working with Border College and had now established Senior Support Workers. These new positions would be client facing and enhance communication between Home Carers, management and clients as well as introducing career progression within the service. Other new appointments were the Independent Living & Corporate Services Manager (Mr Cathrow) and the Corporate & Commercial Services Team Leader, who would deliver a better return in terms of the commercial model.
- 4.4 Mr Barr concluded his presentation by discussing SB Cares' financial position for 2018/19 explaining that SB Cares did not make a profit and savings were invested back into the service. Cumulative savings were: £480k in 2015/16, £1.560m during 2016/17 and £2,505m during 2017/18. Savings had been realised through efficiencies, increasing productivity and eliminating unnecessary travel. There would, however, be pressure on savings in 2018/19 with Social Work's proposals to reduce or re-provision existing services which would impact on SB Cares' financial position.
- 4.5 Mr Cathrow then went on to discuss the delivery model for SB Cares' Commercial service. In the short term this would concentrate on sales of additional alarm monitoring services, including fire safety, falls prevention and dementia monitoring, for which there was a market. There would also be opportunities to sell equipment to support living independently at home, such as bath lifts and riser recliner chairs. Over the medium term SB Cares would explore expansion of lone worker monitoring, commercial disinfection services and provision of equipment and telecare to the third and private sectors. In the longer term they would consider delivery of paid for care services, including home care, respite and providing services through an accommodation based care model. Mr Barr added that the SB Cares' equipment was of a high standard and it was not their intention to compete based on price. There was an existing good relationship with SB Cares' partners in the NHS and Social Work which would enable equipment to be provided at short notice, and, going forward, it was anticipated that SB Cares could provide commercial packages to registered social landlords. In response to questions, Mr Cathrow confirmed there was a catalogue detailing all equipment available to buy, with a demonstration facility located at Tweedbank for clients. Although SB Cares did not have a marketing plan, he considered that once the success, or otherwise, of the commercial project was established, they would take this forward. With regard to Home Carers on a commercial basis, he considered that because of the rurality of the Scottish Borders, SB Cares would not have the capacity to offer this service. He further advised that, in the future it might be possible for SB Cares to engage occupational therapists, although he considered the provision of community physiotherapists would need further investigation and may not be viable.

5. 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

6. BORDERCARE ALARM SERVICE

The Committee received an update on charges and savings from the Managing Director SB Cares.

PUBLIC BUSINESS

7. SB CARES CONTINUED

- 7.1 Further discussion followed and Members raised a number of questions. In response to a question as to why there was no increase in staffing expenditure shown in the Business Plan, Mr Barr would investigate and advise out with the meeting. However, he highlighted that any national increase in wages was covered by the Council. Moreover, SB Cares hoped to introduce changes to the home care assessment process. He explained that currently, client's assessments were carried out when the client was in hospital, at their most vulnerable, requiring a high level, home care package, which was then maintained. However, once the client's health improved the home care package could be reassessed with a subsequent reduction in staffing costs. Home Carers were best placed to request these reassessments and as training improved it was hoped to take this forward. In respect of the provision of a locality based service based on social work localities, Mr Barr explained that they worked closely with partners to deliver services on a locality basis. Ms Mirley confirmed that the east locality area covered Kelso and Duns and they did not envisage this changing. Mr Barr went on to advise that as the Scottish Borders was a popular place for retirement, the need for elderly care would therefore increase. Going forward, SB Cares might explore opportunities with registered social landlords for the provision of homes for the elderly, extra care housing, care homes in both the public and private sector and also provision in terms of town centre regeneration. The Chief Financial Officer added that Corporate Management Team had the previous day considered the Integrated Strategic Plan for Older People which looked at a range of provision of care including care homes, dementia units and specialist housing, while recognising the scale of demand. The Plan would be presented to Council in due course. With regard to the situation of Cordia (Services) LLP in Glasgow and if there could be a similar risk to SB Cares, Mr Robertson explained that the Cordia issue had arisen because they had tried to change staffing terms and conditions which had led them into problems with trade unions and political accountability, while SB Cares had been set up completely differently.

- 7.2 The Chairman thanked SB Cares officers for attending and for providing a copy of the SB Cares' Business Plan, in advance of the meeting, which had been informative. The presentation had been reassuring in terms of the progress being made in terms of SB Cares' management, training, recruitment and commercial developments.

DECISION

NOTED the presentation.

8. SCRUTINY REVIEW PROGRAMME

There had been circulated copies of the Scrutiny Work Programme for 2018/19. It was noted that after the summer recess, Scrutiny would review the delivery of the IT Strategy and Plan - the last review under the original programme. The Clerk to the Council, Ms Wilkinson, advised of the need to develop a programme for 2019/20, for approval by full Council. Following discussion, a number of areas for Review were suggested –

- Staff/Councillor guidance and training/re-fresher training on staff disciplinary procedures, including hearings, appeals and Industrial Tribunals (Cllr H Scott)
- Amey - Trunk Roads management (Cllr S Hamilton)

- Impact of Brexit on the Scottish Borders – mechanisms in place to monitor (Cllr H Anderson)
- ALEOS and Live Borders - performance monitoring process (Cllr H Anderson)
- Information coming before Councillors in the form of reports (Cllr S Bell)
- Co-wheels contract – impact and expansion (Cllr E Thornton-Nicol)

DECISION

- (a) **NOTED the list of work undertaken by the Audit and Scrutiny Committee during 2018/19.**
- (b) **AGREED:**
- (i) **that other Councillors be asked to submit areas for Scrutiny and a briefing on what constituted a strategic review be sent out as guidance; and**
 - (ii) **a draft Programme for Reviews for Scrutiny be presented to the Committee in September for consideration.**

9. DATE OF NEXT MEETING

The next meeting of the Audit and Scrutiny Committee was scheduled to take place on Tuesday, 26 June 2018.

**DECISION
NOTED.**

The meeting concluded at 11.55 am

SCOTTISH BORDERS COUNCIL

SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK
COMMON GOOD FUND SUB COMMITTEE
held in the Council Chamber, Council
Headquarters, Newtown St Boswells, TD6
0SA on Wednesday, 13 June 2018 at 1.00
pm

Present:- Councillors G. Edgar (Chairman), C. Penman and E. Thornton-Nicol

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

1. MINUTE

There had been circulated copies of the Minute of 14 February 2018.

DECISION

APPROVED the Minute for signature by the Chairman.

2. FINANCIAL MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2018

- 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 year 2017/18 including balance sheet values as at 31 March 2018 and proposed budget for 2018/19. Senior Finance Officer, John Yallop, highlighted the main points of the report and appendices. Appendix 1 to the report, provided detail on income and expenditure for the 2017/18 which showed a surplus of £24,688. Additional dividend income and lower than anticipated property expenditure was off-set by costs associated with the investment fund transfer to Kames Capital and lower than anticipated rental income, resulting in variance of £1,292 to the surplus of £25,982 reported at the 14 February 2018 meeting. Appendix 2 provided a projected Balance Sheet as at 31 March 2018. It showed a decrease in the reserves of £40,787. An addition amounting to £20,392 had been made to the fixed assets in the year to 31 March 2018, representing the work carried out replacing stone pillars at Selkirk Victoria Hall. A breakdown of the property portfolio and details of the annual rental income by individual property was shown in Appendix 3 to the report. Actual rental income received was £13,065 lower than anticipated due to a lease termination by Electricity Network Solutions at Smedheugh Farm and agreed short term rent reductions at 26 and 28 Market Place. With regard to non-property related income, dividends from Newton until the point of disinvestment amounting to £4,367 were included as well as the first monthly dividend from Kames Capital amounting to £730. Mr Yallop went on to give an update on the current position with regard to the Kames Capital PLC Investment as detailed in Appendix 4 to the report. The disinvestment from the Newton Fund and opening of the Kames Capital account was at a time of market volatility resulting in a negative impact on the market value of the Newton Fund and a realised loss on investment of £3,062. Unfortunately, due to the increase in market volatility which started in February, the value of the Kames Fund fell by 0.3% as at 31 March 2018, resulting in an unrealised loss at this time of £588.

- 2.2 Mr Yallop referred to the projected budget figures for 2018/19 and drew attention to certain elements, referring to the projected surplus for the financial year 2018/19 of

£29,133. With regard to non-property related income he explained that the projected budget for 2018/19 included a full year estimate of the Kames dividend amounting to £11,568, reflecting the fact that Kames had historically generated, and also targeted dividend income in the region of 5% of total investment. This return had been reflected in the monthly dividends received in the first two months of the new financial year. In accordance with the agreed Scottish Borders Council budget for 2018/19 there would be no grant from the Council to offset the Central Support Charge to Common Good Funds. Members discussed the budget for the forthcoming year and received answers to their questions from Mr Yallop. He explained that the projected expenditure of £15,000 on property excluded the agreed expenditure to repair the town hall clock as the latter would be accounted for in capital expenditure.

DECISION

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

- (i) the actual income and expenditure for 2017/18 in Appendix 1;**
- (ii) the final balance sheet value as at 31 March 2018 in Appendix 2;**
- (iii) the summary of the property portfolio in Appendix 3; and**
- (iv) the current position of the Kames Capital investment Fund in Appendix 4.**

(b) AGREED the proposed budget for 2018/19 as shown in Appendix 1.

3. PROPERTY

The Chairman welcomed to the meeting Estates Surveyor Annabelle Scott, who in future would be responsible for property matters relating to Selkirk Common Good. With reference to paragraph 3 of the Minute of 28 November 2017, the Estates Strategy Surveyor, Norrie Curtis, gave a verbal update. He advised that the fencing work at Linglie Farm had been completed. With regard to work required at the Green Hut, the adjacent property owners had been contacted regarding access to the hut for maintenance work. The Property Officer was obtaining quotes to replace guttering and the encroaching trees would be cut back in the Autumn. Ms Scott was progressing discussions with the tenant of South Common and Scottish Water regarding the proposal by Scottish Water to build a new water storage facility on Selkirk Hill and, as Scottish Water wished to start the work in November 2018, she expected to be able to bring a report to the next meeting. The Chairman asked her to also enquire about the intention of Scottish Water in relation to their two existing structures which would be redundant once the new storage facility was in place. Ms Scott would also be pursuing quotes for electrical wiring at Smedheugh Farm and visiting Smedheugh to look at other issues and required building repairs to which attention had been drawn.

DECISION

NOTED the update.

4. APPLICATION FOR FINANCIAL ASSISTANCE

There had been circulated copies of an application for financial assistance on behalf of Selkirk Silver Band. The application gave details of activities with which the band was involved, including the many events and functions surrounding Selkirk Common Riding, Lauder Common Riding, Musselburgh Fancy Dress Parade, Selkirk 7s, Scott's Selkirk and entertainment around Selkirk on New Year's Day. At the recent Scottish Brass Band Championships in Perth the band gained promotion into the 2nd section and had been invited to compete in the National Brass Band Championships in Cheltenham in September. In addition to representing Selkirk, the band was the only representative at the finals from the Borders. The total estimated cost for the band to compete at the finals

was £7,300. A grant of approximately £1,500 was requested towards that cost. The Chairman congratulated the band on its success and in the discussion that followed the application received unanimous support from Members.

DECISION

AGREED to grant £1,500 to Selkirk Silver Band towards the cost of competing at the National Brass Band Championships in September.

5. PRIVATE BUSINESS

DECISION

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

SUMMARY OF PRIVATE BUSINESS

6. MINUTE

The private section of the Minute of 14 February 2018 was approved.

7. URGENT BUSINESS

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

7.1 PROPERTY

Councillor Penman raised a matter relating to a project to refurbish the lantern on the outer wall of the Town Hall.

Note: The meeting returned to public business

7.2 PROPERTY

It was agreed that the railings outside the Victoria Hall needed repainting, with the suggestion these should be painted the dark blue shade used in other parts of the town.

AGREED that the Estates Surveyor obtain quotes for repainting the railings at the Victoria Hall.

The meeting concluded at 1.50 pm

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW
BODY held in the Council Chamber, Council
Headquarters, Newtown St Boswells, TD6
0SA on Monday, 18 June 2018 at 10.00 am

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

Apologies:- Councillor A. Anderson

In Attendance:- Principal Planning Officer – Major Applications/Local Review, Solicitor
(E. Moir), Democratic Services Team Leader, Democratic Services Officer
(F. Walling).

1. **REVIEW OF 17/01362/FUL**

There had been circulated copies of the request from Mrs Sarah Wilkinson, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels to refuse the planning application in respect of part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis court south east of Southbank, Bowden. The supporting papers included the Notice of Review (including the Decision Notice and officer's report); additional papers referred to in the officer's report; consultations; and a list of relevant policies. Members' attention was drawn to new evidence submitted with the Notice of Review documentation in the form of specification of ground reinforcement for tree protection. They concluded that under the terms of Section 43B of the Town and Country Planning (Scotland) Act 1997 this evidence could be referred to in the determination of the review. In noting that the application site was in a conservation area and outwith the Bowden settlement boundary, as defined in the Local Development Plan, Members referred to the fact that the proposal did not relate to housing but was in effect development of a garden area. They recognised the improvement to road safety that would result from the provision of off-road parking within the grounds of the property and commented on the positive impact on the conservation area which may result if cars did not use the current roadside parking area. Being mindful of the site's rural setting, the ensuing discussion focused on the potential impact of the proposed driveway, summerhouse and tennis court on the surrounding area and how this could be mitigated through planning conditions.

DECISION

AGREED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review could be determined with reference to the new evidence submitted with the Notice of Review documentation;**
- (c) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (d) the proposal would be contrary to the Development Plan but that there were material considerations that would justify departure from the Development Plan; and**
- (e) the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions and informatives, for the reasons detailed in the Appendix to this Minute.**

The meeting concluded at 10.50 am



APPENDIX

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

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

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

Local Review Reference: 18/00012/RREF

Planning Application Reference: 17/01362/FUL

Development Proposal: Part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis court.

Location: Southbank, Bowden

Applicant: Mrs Sarah Wilkinson

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 subject to conditions and informatives as set out below.

DEVELOPMENT PROPOSAL

The application relates to the part change of use of paddock to form new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis court. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	1
Site Plan	2
Sections	3
Sections	4
Elevations	5
Specifications	6
Specifications	7
Elevations	8

Site Plan	9
Specifications	C11 A
Site Plan	1252 SO1 A
Site Plan	1252 SO2 A
Site Plan	1252 SO3 A
Specifications	Geocell Root Protection Details

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 18th June 2018.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Decision Notice and Officer's Report); b) Additional Papers referred to in Officer's Report; c) Consultations; and d) List of Policies, the Review Body considered whether new information included by the applicant within the review documents met the test under Section 43B of the Act. This related to a new specification of ground reinforcement for tree protection. The Review Body considered that the test set by Section 43B had been satisfied and, therefore, had regard to the information in determining the case.

They noted the applicant's suggestion for a site visit but did not consider this necessary after viewing photographs and plans of the site and surroundings.

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: PMD2, PMD4, HD3, EP4, EP9, EP13 and IS7

Other Material Considerations

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

The Review Body noted that the proposal was for planning permission to part change the use of a paddock to form a new access and drive to dwellinghouse, erection of gates and summerhouse and formation of new parking area and tennis court at Southbank, Bowden.

The Review Body firstly considered the issue of location outwith Bowden settlement boundary as defined in the Local Development Plan. Whilst they accepted that the proposals were a development that was outwith the defined boundary, they considered that the nature of the proposals did not conflict with the main aim of the relevant Policy PMD4 which particularly sought to contain built development such as housing. Members did not consider

that extension outwith the boundary to form a garden, driveway, tennis court and summerhouse represented a material breach of the Policy in comparison with development such as housing. Whilst they accepted that there were no exceptions criteria met by the proposals, they did not feel that the character of the village would be changed by development, of the type intended, outwith the boundary. There was also comparison with types of development that could be developed without planning permission outwith the settlement boundary, including agricultural buildings.

Members accepted that granting the change of use to become garden ground did not result in an amendment to the settlement boundary of Bowden but could result in such an amendment when the boundary is drawn up for any future Local Development Plan and that this may increase potential for development pressure for a house. However, they considered this to be a matter for determination at the time of any proposal being submitted in the future and that it should have no bearing on the decision relating to the current proposals.

The Review Body gave particular weight to the intention to provide off-road parking within the grounds of the property, noting that the proposals would improve local road safety, retain existing passing places on the public road, extend an existing passing place at the new access point and allow for retention of the existing stone wall. This part of the proposals did not concern them in relation to impacts on the Conservation Area or village setting, provided full details of the access, visibility splays, passing place extension, gates, driveway and parking were submitted and agreed by condition. Indeed, it was felt there could be a positive impact on the Conservation Area through encouragement of parking off-street away from the current parking area.

Members were more concerned over the impacts of the tennis court and summerhouse on the open setting of the village and Conservation Area, especially the screen fencing to be erected around the tennis court. However, with careful selection of native tree or hedge species that provide a year round screening, they considered that the visual impacts could be successfully mitigated and that the development could be sympathetically integrated into the Conservation Area and setting of the village. They also noted that existing trees would be retained and measures taken to ensure their retention when forming the parking area.

Members considered other issues could be addressed through planning conditions, including materials for the summerhouse, design and colour of fencing, ground levels and surface treatment for the tennis court.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was not consistent with Policy PMD4 of the Development Plan but that there were material considerations that would justify departure from the Development Plan, these being that the main purpose of Policy PMD4 is to control the development of housing or other substantial built development outwith the development boundary and this was essentially a garden development and that the improvement to road safety as a result of taking parked cars off the main road justified the development. 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. No development shall take place except in strict accordance with a scheme of soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. Tree/hedge planting to screen the tennis court fence and summerhouse
 - ii. Tree/hedge planting to screen the new driveway
 - iii. A programme for completion and subsequent maintenance.

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

2. No development shall commence until further details of the access driveway, passing place alteration, visibility splays, gates, parking and turning facilities within the site have been submitted to and approved in writing by the Planning Authority. Thereafter, the works shall be implemented in accordance with the agreed details and within an agreed timescale.

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

3. No development shall commence until further details of the location of trees within the site and proposals for protection of the trees and their Root Protection Areas in compliance with BS5837 are submitted to, and approved in writing by, the Planning Authority. Thereafter, the development to proceed in accordance with the approved details.

Reason: To safeguard existing trees within the site.

4. No development shall commence until further details of the fencing intended for the tennis court and driveway are submitted to, and approved in writing by, the Planning Authority. Thereafter, the fencing to be erected in accordance with the approved details.

Reason: To safeguard the visual amenity of the Conservation Area.

5. No development shall commence until further details of the proposed ground levels and surface treatment of the tennis court are submitted to, and approved in writing by, the Planning Authority. Thereafter, the tennis court to be erected in accordance with the approved details.

Reason: To safeguard the visual amenity of the Conservation Area.

6. No development shall commence until further details of the materials intended for the summerhouse are submitted to, and approved by, the Planning Authority. Thereafter, the summerhouse to be erected in accordance with the approved details.

Reason: To safeguard the visual amenity of the Conservation Area.

INFORMATIVES

With regard to Condition 1, the new planting should be selected from appropriate native species to the area but still providing a year round screening.

With regard to Condition 2, the design of the new gates should respect the Conservation Area and semi-rural setting.

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.....19 June 2018

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