

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

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| 6. | <p>Committee Minutes (Pages 3 - 80)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Berwickshire Area Partnership 7 June 2018 (b) Pension Fund Committee 14 June 2018 (c) Pension Fund Board 14 June 2018 (d) Community Planning Strategic Board 14 June 2018 (e) Executive 19 June 2018 (f) Lauder Common Good Fund 19 June 2018 (g) Civic Government Licensing 22 June 2018 (i) Planning & Building Standards 25 June 2018 (j) Audit & Scrutiny 26 June 2018 (k) Peebles Common Good Fund 30 June 2018 (l) Local Review Body 16 July 2018 (m) Planning & Building Standards 16 July 2018 (n) Civic Government Licensing 20 July 2018 <p>(Copies attached)</p> | 5 mins |
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| (a) | Berwickshire Area Partnership | 7 June 2018 |
| (b) | Pension Fund Committee | 14 June 2018 |
| (c) | Pension Fund Board | 14 June 2018 |
| (d) | Community Planning Strategic Board | 14 June 2018 |
| (e) | Executive | 19 June 2018 |
| (f) | Lauder Common Good Fund | 19 June 2018 |
| (g) | Civic Government Licensing | 22 June 2018 |
| (j) | Planning & Building Standards | 25 June 2018 |
| (i) | Audit & Scrutiny | 26 June 2018 |
| (j) | Peebles Common Good Fund | 30 June 2018 |
| (k) | Local Review Body | 16 July 2018 |
| (l) | Planning & Building Standards | 16 July 2018 |
| (m) | Civic Government Licensing | 20 July 2018 |

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SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA PARTNERSHIP

MINUTES of Meeting of the
BERWICKSHIRE AREA PARTNERSHIP
held in the Community Centre, Coldstream
on Thursday, 7 June 2018 at 6.30 pm

Present:- Councillors H. Laing (Chair), J. Greenwell, C. Hamilton, D. Moffat and
M. Rowley.
Apologies:- Councillor J. A. Fullarton.
In Attendance:- Partners, Community Councillors, officers and members of the public.

1. **WELCOME AND INTRODUCTIONS**

The Chair, Councillor Laing welcomed everyone to the meeting of the Berwickshire Area Partnership and thanked the Community Councils, Partners and local organisations for their attendance. Councillor Laing explained that the Agenda would proceed as published and that the theme for the evening's discussion was Our Health, Care and Wellbeing.

2. **NEIGHBOURHOOD SMALL SCHEME AND QUALITY OF LIFE PROJECTS**

There had been circulated copies of a report seeking approval for the granting of Delegated Powers for future applications for Small Scheme and Quality of Life Projects to the Service Director Assets and Infrastructure. The report explained that, in order to ensure that all applications were dealt with timeously, a new future approval process was being proposed. This process would be used by Elected Members, Community Councils and members of the public when making applications for projects under the Small Scheme and Quality of Life Scheme. The process would be that:- 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; Officers would then send details of the project(s) to Elected Members along with a recommendation for their consideration; 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 for a project to proceed; if support by the majority of Members was not given for a project, this application would be refused; and details of projects funded from Small Scheme and Quality of Life budgets would be presented to the Berwickshire Area Partnership as part of any future updates on Grants and Funding. Discussion followed and it was agreed that guidance for making application to the Small Scheme and Quality of Life Scheme would be circulated to assist in this process.

DECISION

AGREED:-

- (a) **to delegate authority to the Service Director Assets and Infrastructure to approve future applications for Small Scheme and Quality of Life projects in 2018/19;**
- (b) **that application(s) for projects to be carried out from Small Scheme and Quality of Life budgets were received, assessed and costed by Council Officers;**
- (c) **that Officers would then send details of the project(s) to Elected Members along with a recommendation for their consideration;**

- (d) that 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 for a project to proceed;
- (e) that, should support by the majority of Members not be given for a project, this application would be refused;
- (f) that details of projects funded from Small Scheme and Quality of Life budgets would be presented to the Berwickshire Area Partnership as part of any future updates on Grants and Funding; and
- (g) guidance for making application to the Small Scheme and Quality of Life Scheme would be circulated to assist in this process.

3. **FEEDBACK FROM MEETING ON 15 MARCH 2018**

The Minute of the meeting of the Berwickshire Area Partnership held on 15 March 2018 had been circulated along with a summary of the discussion attached as an appendix to the Minute. The general concerns, issues, challenges and opportunities raised at that meeting were referred to during discussion. The theme that had been identified as the next priority for further detailed discussion was Our Health, Care and Wellbeing and this would therefore be the focal point for consideration at this evening's meeting.

4. **THEME: OUR HEALTH, CARE AND WELLBEING**

- 4.1 The Chair presented the theme for the meeting – Our Health, Care and Wellbeing – and introduced Allyson McCollam Associate Director of Public Health and Jane Robertson of the Health and Social Care Partnership who would provide some background and further information about health, care and wellbeing across the Scottish Borders. Ms McCollum highlighted the need for engagement with Communities and for partnership working and explained that keeping communities healthy was a key priority going forward. People in the Scottish Borders generally had a healthy and long life. There was an increase in Type 2 diabetes across the Scottish Borders but there were no statistics which stood out in terms of specific health issues within Berwickshire. Mental health and personal contentment were very important to individuals and communities. People in the Borders as a whole appeared to feel supported from within their own communities.
- 4.2 Jane Robertson provided some background on the establishment of the Health and Social Care Integration Joint Board (IJB) and the Health and Social Care Partnership (HSCP), explaining that the IJB commissioned health and social care services across the Scottish Borders and the HSCP was responsible for delivering those services. The HSCP Strategic Plan for 2016-2019 was developed following widespread consultation across communities in the Scottish Borders and identified nine local objectives for service delivery. Since then, the Plan has been reviewed and simplified and would be presented to the IJB during week commencing 11 June 2018. The new Plan highlighted three main objectives for the Scottish Borders, namely to improve:- the health of the population and reduce the number of hospital admissions; the flow of patients into, through and out of hospital; and the capacity within the community for people who had been in receipt of health and social care services to better manage their own conditions and support those who cared for them. The challenge for the HSCP would be to deliver services according to these refreshed objectives. There were also five Locality Plans which had been developed from the Strategic Plan and all Plans would be available on the web once they had been finalised.
- 4.3 Work was ongoing to look at ways in which services could be redesigned on a local level to meet the needs of communities and taking account of the different demographics. The What Matters Hub was being launched in Berwickshire whereby professional health staff would travel to the Hub to meet with and provide advice to individuals and it was likely that the Hub would visit Duns and Eyemouth on a two weekly basis.

4.4 Colin Banks, Lead Officer for Localities explained that the meeting would now move into the discussion session. As previously, there were information packs available for each group and those present were invited to consider the question "What are the key challenges, issues or opportunities for health, care and wellbeing in Berwickshire". Thirty minutes were allocated for group discussion and each table was asked to note down the responses on the post-it notes provided. These responses would then be collated at the end of the discussion and outcomes circulated with the Minute of the meeting in due course. Following a short break, those present went on to discuss some of the most common points identified. A further 20 minutes were allocated to allow each table to discuss and decide what the most important priorities for health, care and wellbeing in Berwickshire were and what actions could be taken to take these priorities forward. The post-it notes from this session were also collected and again, the groups were advised that responses would be circulated with the Minute of the meeting. The Appendix to this Minute contained a summary of the output of the discussions.

5. **FUTURE MEETINGS**

The next meeting of the Berwickshire Area Partnership was scheduled for Thursday 6 September 2018, with further dates as noted:-

Thursday 6 December 2018

Thursday 7 February 2019

Thursday 2 May 2019

Thursday 6 June 2019.

The Chair referred to previous meetings and reminded everyone that suggestions for ways in which Partnership meetings could be made more inclusive for all members of the community would be most welcome. Any feedback would be taken into account when setting the time and venue for future meetings and details of times and venues would therefore be confirmed in due course. In response to a request from some attendees, it was agreed that advice on available parking at venues would be circulated with the Agendas whenever possible. The Chair thanked everyone for their attendance and wished everybody a safe journey home.

The meeting concluded at 8.20 pm

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Discussion Output: Health, Care and Wellbeing (7th June 2018)

Summary/Area of Discussion:

Transport

Post-it Notes (incl. from 1st February meeting):

- Travel to the BGH is difficult, outreach services required, mobile vans with GP's etc
- Appointments – how to get there
- Public Transport – Limited services and cuts in services
- Have to find others in the community to help get to appointments
- Reston Station would help to get to Edinburgh
- What options are available with regards to SBC Funding?
- Borders Buses cutting Coldingham to Edinburgh route, go into Eyemouth and out
- Transport for learning and medical care – easier to go to Edinburgh than the BGH
- Challenges – can't get public bus services that meet rural needs
- Berwickshire Wheels/BAVS struggling for drivers, can't keep up with demand
- Issue of transport when serious condition e.g. detached retina
- Rural area –distances to access health and social care are an issue in many cases.
- Scottish Ambulance Service have tightened criteria for patient transport – creating big demand for community transport – which isn't free, though far cheaper than taxis but need more volunteer drivers.
- Better links to community transport from BGH
- More awareness of what is available i.e. walking/cycling etc.
- Transport! Transport! Transport!
- Organise BGH clinics on a geographical client basis to simplify transport and make it more economical, sustainable and greener.
- Cycle pathways need to be improved.

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

- Community Transport need to look at other projects in the Borders and Scotland
- Transport – one stop shop to reduce number of journeys, co-ordination of appointments on a geographical basis
- Community transport – volunteer based and publicised – “how do you let people know” – think of audience mix of hard copy, digital, landline, notices and leaflets

Key Areas for Berwickshire

- **Cross Borders travel** as Edinburgh seen as more attractive/practical on a number of occasions
- **Community Transport** - support required to recruit volunteer drivers and meet the demand
- **Walking and Cycling** - infrastructure and promotion
- **Health service provision** - better co-ordination of appts. (in a geographical area); outreach clinics i.e. come to us

Summary/Area of Discussion:

Mental Health

Post-it Notes (incl. from 1st February meeting):

- Not enough being done for mental health problems, 4-6 month wait
- Mental Health – getting across the door is a challenge, skills sharing and skills match
- Mental Health – attainment – social media affects mental health. ‘See me’ introduced in secondary schools
- MH – support for small groups within communities – Eyemouth/Duns, reducing social isolation
- Social Inclusion linked to mental health – reach out communities
- Reduce stigma of being labelled ‘Obese’.
- Waiting lists for mental health support.

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

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Key Areas for Berwickshire

- **Social isolation** – how to reduce, communities to reach out to their isolated residents, how to encourage people to get out of their homes

Summary/Area of Discussion:

Prevention

Post-it Notes (incl. from 1st February meeting):

- Primary School in Eyemouth does CPR Training
- Childhood obesity – choices made about diet can be harmful
- Staying healthy – fitness classes, Isolation and information dissemination
- What Matters Hub – one health professional from different areas, drop in, get information
- Education needed on health
- GPs too quick to prescribe medication rather than advocating/supporting physical activity
- Cost of eating healthy can be too expensive
- Pressure on large supermarket to make a profit.
- Availability of cheap, unhealthy food and drinks.
- Food waste
- Availability of fresh fruit.
- Culture change to how we buy food and prepare food.
- Tax on fatty and sugary foods.
- Impact of welfare is significant.
- Pupils who don’t access free school meals might be living in poverty but won’t get access to services – holiday hunger.
- Access to healthy food – price.
- Transparency – additives, chemical ingredients in food.

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| <ul style="list-style-type: none"> • Education of pupils and parents on healthy eating and cooking with left overs. |
| <p><i>“Priority” & “Solutions/Actions” Post-its:</i></p> <ul style="list-style-type: none"> • £3.1 million – find out SBC’s plans for spend on play parks • Jed swimming pool – looking at funding options to improve facilities • Education on health eating and how to make the most of the resources in the community |
| <p><i>Key Areas for Berwickshire</i></p> <ul style="list-style-type: none"> • Education - role of schools and other learning environments; What Matters Hubs; availability and promotion of the right information • Eating Well - promotion of eating well, access/availability to healthy foods |

Summary/Area of Discussion:

Community Provision

Post-it Notes (incl. from 1st February meeting):

- Lots of whole community projects, active Men’s Shed, Ace Group – Parkrun for all ages
- Healthy Village or Town competition
- Men’s Shed and Walking Football are great ideas
- Walking Clubs are free! Extend this idea across the area.
- Gardening in the community – skills transferred from elderly to young people, improving life skills and encouraging relationships between young and old.
- Availability of fresh food community allotments/gardens.
- More community gardens.
- Examples of what’s happening in other areas to show people.
- People lack purpose in the community.
- Communities lack young people.

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

- Community Garden (at the new Jedburgh Campus)
- Lack of funding streams for advertisements (e.g. Gala Life – good example of advertising services but costly)

Key Areas for Berwickshire

- **Expansion of existing community activities across the region**, e.g. Men’s Sheds, walking football, walking clubs etc.
- **Explore opportunities with community gardens/allotments**
- **Sharing of good examples from across (and out with) the Borders**

Summary/Area of Discussion:

Service Provision

Post-it Notes (incl. from 1st February meeting):

- GP – If call that day at 8am can usually get an appointment
- GP in Berwickshire provide a very personal experience (old fashioned)
- Cross Border health issues
- NHS Facility for Chiropody
- NHS, Health and Social Care plan should be one!
- Services need to provide care to reduce delayed discharge
- Get the people running groups to make contact with the individual – often the first step is the most difficult
- Out of Hours Services not as good as used to be
- Blocks of time reserved for GP appointments in remote communities
- Podiatry issues – now in Kelso was formally in Duns
- GPs Eyemouth Health Practice – recruitment of GPs to practice, little communication
- GPs Coldingham – not able to get appointments, shortage of GPs
- Postcode an issue – SBC v Berwick-upon-Tweed
- Services are too centralised – Chiropodists, Coldstream have to travel to Kelso
- Telecare is an opportunity – not for first time visits but follow up appointments for example
- Lack of GP appointments
- Cancer treatment
- Representatives from district health care – nurses, GPs etc.
- Long waiting lists for services – 7 months.
- Budgeting for everyone.

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

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Key Areas for Berwickshire

- **Service planning** – recognising demands and challenges of remote communities
- **GPs** – mixed views across the Locality as to service delivery and availability of appointments
- **Challenge of cross border health provision**, accessing different services depending on where you live

Summary/Area of Discussion:

Buildings & Infrastructure

Post-it Notes (incl. from 1st February meeting):

- Knoll Hospital in Duns is old and needs upgrading to act as minor injuries clinic
- Health – one central hospital, lack of travelling
- Few cottage hospitals

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

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Key Areas for Berwickshire

- To better understand future health and care service provision requirements and the buildings & infrastructure required to deliver that

Summary/Area of Discussion:

Carers & Care Services

Post-it Notes (incl. from 1st February meeting):

- Nursing care in the community
- Support for carers – access and affordability of transport, relief and respite for carers - social isolation?
- More carers required.

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

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Key Areas for Berwickshire

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SCOTTISH BORDERS COUNCIL PENSION FUND COMMITTEE AND PENSION BOARD

MINUTES of Meeting of the PENSION FUND COMMITTEE AND PENSION BOARD held in Committee Rooms 2 and 3, Council Headquarters, Newtown St Boswells on Thursday, 14 June 2018 at 10.00 am

Present:- Councillors S Mountford (Chairman), J. Brown, G. Edgar, S. Scott, S. Aitchison, Mr E Barclay, Mr M Drysdale, Ms L Ross, Ms C Stewart.
Apologies:- Councillors D Parker, J Fullarton, D Moffat, Ms K M Hughes, Mr J Terras, Mr P Smith.
In Attendance:- Chief Financial Officer, Pension and Investment Manager, HR Shared Services Manager, (Para 8) Mr D O'Hara (KPMG), Mr Singh (KPMG), Democratic Services Officer (J Turnbull).

1. WELCOME

The Chairman welcomed those present to the meeting and advised that Mr Campbell Hogarth, Unison representative on the Pension Board, had resigned and had been replaced by Mr Jim Terras. On behalf of the joint Committee and Board, the Chairman thanked Mr Hogarth for his valuable contribution to the Pension Fund Committee, Pension Board and Pension Fund Investment Performance Sub-Committee.

DECISION

NOTED the resignation of Mr Campbell Hogarth and the appointment of Mr Jim Terras as Unison representative on the Pension Board.

2. MINUTE

There had been circulated copies of the Minute of the Meeting of 8 March 2018.

DECISION

NOTED for signature by the Chairman.

3. PENSION FUND INVESTMENT PERFORMANCE SUB-COMMITTEE

There had been circulated copies of the Minute of the Pension Fund Investment and Performance Sub-Committee dated 26 February 2018.

DECISION

NOTED the Minute.

4. TRIENNIAL VALUATION AS AT 31 MARCH 2017

There had been circulated copies of a report by the Chief Financial Officer, detailing the outcome of the triennial valuation of the Scottish Borders Council Pension Fund as at the 31 March 2017 and proposing the employer contribution rates for the next three years. The full Valuation Report, prepared by the Fund actuary Barnett Waddingham, was contained in Appendix A to the report. The report concluded that the Scottish Borders Council Pension Fund had a funding level of 114% compared to the previous 2014 valuation of 101%. This equated to a funding surplus of £80.6m. The revised "Primary rate" calculated had increased from 18% to 20.6%. However, to allow employer contributions to remain stable the Actuary recommended the surplus be utilised over a 53 year period. This would allow the "Pool" rate to remain at 18% of payroll for most employers who participated in the scheme on an open basis. It was noted that Scottish Borders Housing Association (SBHA) and CGI were both operating as closed funds with new employees unable to join the Fund. Due to the increased risk with these employers,

individual rates were recommended by the Actuary. The recommended rates from 1st April 2018 for these were 20.3% for SBHA and 19.8% for CGI. In response to a question, Mr O'Hara, Investment Advisor, KPMG, advised that relative to other Scottish Funds the Scottish Borders Pension Fund was performing well and with the changes to the Investment Strategy, this was expected to continue.

DECISION

AGREED the Fund Valuation Report as at 31 March 2017 as set out in Appendix A to the report and the resulting employer contributions rates proposed and applied from 1 April 2018.

5. FUND STRATEGY STATEMENT 2018

There had been circulated copies of a report by the Chief Financial Officer proposing the revised Funding Strategy Statement (FSS) for 2018. The report explained that the Pension Fund was required by the Local Government Pension Scheme (LGPS) Regulations to have an up to date FSS, attached as Appendix A to the report, which should be kept under review and updated and approved annually. A full review of the FSS had been undertaken following the 2017 valuation to reflect changes to recent guidance. The Local Government Pension Scheme (LGPS) regulations and guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA) recommended the FSS be consulted on with all participating employers and members. All participating employers had been circulated with the draft FSS and it had been made available to members via the Scottish Borders Pension Fund website. Ms Robb, Pension and Investment Manager, highlighted that the FSS had been updated to reflect that LIVE Borders had moved back into the main pool and that CGI was now a closed Fund.

DECISION

AGREED the Funding Strategy Statement set out in Appendix A to the report.

6. SCOTTISH BORDERS COUNCIL PENSION FUND INTERNAL AUDIT ANNUAL ASSURANCE REPORT 2017/18

There had been circulated copies of a report by the Chief Officer Audit & Risk presenting the Internal Audit Annual Assurance Report for the year to 31 March 2018. The Report included the Chief Officer Audit & Risk's independent assurance opinion on the adequacy of the Scottish Borders Council Pension Fund's overall control environment. The report explained that that Public Sector Internal Audit Standards (PSIAS) required that the Chief Officer Audit & Risk provided an annual internal audit opinion and report on the adequacy and effectiveness of the Pension Fund's governance, risk management and internal controls to support the preparation of the Pension Fund's Annual Governance Statement. To meet the requirements of the PSIAS the Scottish Borders Council Pension Fund Internal Audit Annual Assurance Report 2017/18 included the Internal Audit annual opinion, provided details of Internal Audit activity during the year to support the opinion, and stated the conformance of the Internal Audit service with the PSIAS. The Chief Officer Audit & Risk's opinion was that, based on Internal Audit reviews and knowledge, the systems of internal control within the Scottish Borders Council Pension Fund were operating satisfactorily, and governance and risk management arrangements were effective with evidence of improvement during the year. The independent assurance opinion had been used to inform the Pension Fund's Annual Governance Statement 2017/18. In response to questions, Mr Robertson acknowledged that implementation of Business World had been challenging and a number of modifications had been made to the system. He confirmed that the Council would only be charged for enhancements to the system, not any rectifications which had been required. Members noted that Business World would be fully operational by September 2018.

DECISION

NOTED the Scottish Borders Council Pension Fund Internal Audit Annual Assurance Report 2017/18.

7. **GOVERNANCE POLICY & COMPLIANCE STATEMENT 2018**

There had been circulated copies of a report by the Chief Financial Officer which proposed the revised Governance Policy and Compliance Statement for the Scottish Borders Council Pension Fund (the Pension Fund) following implementation of the 2015 regulatory changes. The report also requested approval of the revised Governance Compliance Statement, included in Appendix B to the report, for inclusion in the Pension Fund's Annual Report and Accounts 2017/18. The Governance Compliance Statement, included in Appendix 1 to the Policy, demonstrated that the Pension Fund was in full compliance with best practice guidance. Mr Robertson highlighted that the Pension Fund now had a standalone website which detailed governance arrangements and Fund information. An interactive site was proposed for 2020/21 which would allow for pension quotations to be provided. Members requested that as the interactive site would assist the workload of the Pension Team, an earlier implementation date should be considered. In response to a question regarding SB Supports LLP, Mr Robertson clarified that limited liability partnerships had been set up to establish partnership working with the Council and that SB Supports LLP held a small number of administration personnel.

DECISION

AGREED the revised Governance Policy and Compliance Statement 2018 and the Governance Compliance Statement for inclusion in the Pension Fund Annual Report and Accounts 2017/18.

8. **PENSION ADMINISTRATION PERFORMANCE 2017/18**

There had been circulated copies of a report by the Chief Officer Human Resources presenting the Pension Administration Performance 2017/18 and requesting the Committee's approval for its inclusion in the Annual Report for the Fund. Appendix 1 to the report contained the Pension Administration Performance for 2017/18 as it would be included in the Fund's Annual Report and Accounts. The report explained that during 2017/18 there had been an improvement in payments, to the extent that all were received on time. However, performance had not been at the same high standard as in previously reported years, this has been due to the replacement of the long standing payroll system within Scottish Borders Council, the retiral of two members of the Pensions Team and a period of long term absence at a key point in the year. The Annual Benefit Statements had been issued seven days later than required and this had been reported to the Pensions Regulator who confirmed that there was no further action to be taken by them due to the clear rectification plan that was in place. The report advised that there had been another successful Employer Liaison Meeting held during 2017/18 and that this event would be held on an annual basis. In response to questions Mr Angus, HR Shared Services Manager, advised that there were no instances where payments had been late and that from February 2018, Annual Benefit Statement queries were answered within the required 20 day target period. Mr Angus also advised that discussion on a self-service enhancement to the website had commenced and the joint Committee and Board would be updated on progress.

DECISION

(a) NOTED the Pension Administration Performance for 2017/18 as set out in Appendix 1, to the report.

(b) AGREED the inclusion of the Pension Administration Performance for 2017/18 in the Pension Fund Annual Report and Accounts 2017/18.

9. **TRAINING PLAN 2018/19**

There had been circulated copies of a report by the Chief Financial Officer comparing the actual 2017/18 attendance for Pension Fund Committee and Pension Board Members to the requirements detailed in the current Training Policy approved in June 2017. In line with this Policy, the Pension Fund agreed to undertake an annual Knowledge and Skills Self-Assessment to identify key areas for the future year's training plan and the report proposed key areas of training for 2018/19. The Training Knowledge and Skills

Assessments had identified key areas of training including: the role of the Custodian, LGPS Benefit structure, understanding of the regulatory environment, knowledge of financial markets and investment products. Members were strongly encouraged to actively participate in all training events to demonstrate their commitment to enhancing the governance of the Pension Fund and to support effective decision making. In response to a question regarding completion of the Trustee Toolkit, Ms Robb advised that this was mandatory and required to be completed within six months of joining the Committee or Board. With regard to any sanctions that could be imposed on members who did not attend training events or the required number of Committee meetings, Ms Robb explained that it was for the joint Committee and Board to decide what sanctions, if any, to impose. Following discussion, the joint Committee and Board asked that the Chairman write to all Pension Fund Committee and Pension Board members reminding them of their responsibility to attend meetings and to undertake training as required.

DECISION

(a) NOTED:

- (i) The Training Policy in Appendix 1 to the report;**
- (ii) The outcome of the 2017/18 training programme and the attendance levels for training and meetings; and**
- (iii) The outcome of the Knowledge and Skills Self-Assessment for 2018/19.**

(b) AGREED:

- (i) The training areas for 2018/19 set out in paragraph 6.2 of the report and that all members should prioritise attendance at training events whenever practicable; and**
- (ii) To request that the Chairman write to all members of the Pension Fund Committee and Pension Board reminding them of their responsibility to attend meetings and undertake training as required.**

10. BUSINESS PLAN 2018/19 TO 2020/21

There had been circulated a report proposing the Pension Fund Business Plan 2018/19 and 2020/21 be approved. Best practice suggested that having a Business Plan for the Pension Fund was a good way of demonstrating compliance with the “Myners Principle” relating to effective decision making. Appendix 1, to the report, contained the first Pension Fund Business Plan covering the period 2018/10 – 2020/21. The Business Plan 2018/19 – 2020/21 identified an Action Plan which would be delivered during the next three years to support the aims and objectives of the Pension Fund. Mr Robertson, highlighted Action No. 6 – Implementation of self-service facility, explaining that one of the decisions required to progress this action would be a review of the current Pension Administration system.

DECISION

AGREED that the Pension Fund Business Plan 2018/19 – 2020/21 as set Appendix 1 to the report.

11. RISK REGISTER UPDATE

- 11.1** With reference to paragraph 3 of the Minute of 8 March 2018, there had been circulated a report by the Chief Financial Officer which formed part of the risk review requirements and provided the Pension Fund Committee and Pension Board with a full register and proposed management actions to mitigate risks. Identifying and managing risk was a corner stone of effective management and was required under the Council’s Risk Management Policy and process guide and CIPFA’s guidance “Delivering Governance in Local Government Framework 2007”. It was further reflected and enhanced in the “Local Government Pension Scheme” published by CIPFA. A full risk workshop was undertaken

on 1 May 2018 with officers from relevant departments to review and update the full risk review, the output of which was shown in Appendix 1 to the report. In line with the Council's Risk Management Policy (2015) a paper to be presented at the September 2018 meeting would report progress on the management actions and present any new risk for consideration.

- 11.2 The report explained that two new risks had been identified. Risk 6.5 – Changes in LGPS Structures, concerned the review being undertaken by The Scheme Advisory Board (SAB) on the structure of the LGPS Funds across Scotland. Ms Robb advised that the next SAB meeting was scheduled for 27 June 2018. The Pension Fund Committee Chair and Vice-Chair would attend and Ms Robb encouraged other members to attend to give their views as part of the consultation. Following discussion, Ms Robb highlighted one of the options being consulted on was pooling which could if following the English and Welsh model, be for the whole of Scotland,. It was noted that these pooling arrangements had incurred huge administration costs and that Funds would need to deliver enhanced performance to cover these costs. The benefit envisaged by the pooling of funds was to reduce asset manager's fees. However, Mr O'Hara advised that the majority of asset managers were already providing fee saving benefits.
- 11.3 The second new risk category was Risk 7.6 – Reputation. This risk concerned ultra vires Pension Fund actions which resulted in failure to manage the Pension Fund properly. Ms Robb explained that this related to the Pension Fund not fulfilling its judiciary duties with regard to Environmental, Social and Governance (ESG) considerations. This risk would be controlled by providing training for members and officers on their fiduciary responsibilities. It was also proposed to review ESG policy and future monitoring arrangements. In response to a question regarding the risk of losing senior administration staff, Mr Robertson advised that this was covered in Risk 3.1 but that additional controls would be added to this risk.

**DECISION
AGREED:**

- (a) **The updated Full Risk register as contained in Appendix 1, to the report;
and**
- (b) **To an update on progress of management actions be presented in
September 2018.**
12. **PENSION FUND BUDGET MONITORING TO 31 MARCH 2018 AND BUDGET 2018/19**
With reference to paragraph 4 of the Minute of 8 March 2018, there had been circulated a report by the Chief Financial Officer providing the Pension Fund Committee and Pension Board with an update position of the Pension Fund budget to 31 March 2018 including proposed budget for 2018/19. The Local Government Pension Scheme (Scotland) Regulation 2014 required Administering Authorities to ensure strong governance arrangements and set out the standards they were to be measured against. To ensure the Fund met the standards a budget was approved on 16 March 2017, following the recommendations within the CIPFA accounting guidelines. The report was the third quarterly monitoring report of the approved budgets and detailed the total expenditure to 31 March 2018 was £8.743m against a budget of £8.208m. The variance of £0.535m had resulted from improved transparency on the investment manager expenses. The budget of £6.389m was proposed for 2018/19 reflecting the current asset allocation and transparency code. The budget would need to be reviewed if the asset allocation was revised.

DECISION

- (a) **AGREED the proposed budget for 2018/19.**
- (b) **NOTED the actual expenditure to 31 March 2018.**

13. **DRAFT ANNUAL REPORT & ACCOUNTS 2017/18**

There had been circulated copies of a report by the Chief Financial Officer presenting for consultation, the draft Annual Report and Accounts for the Pension Fund for 2017/18 prior to submission of the report to Audit & Scrutiny Committee and external auditors. The Local Government Pension Scheme Amendment (Scotland) Regulations 2010 specified the elements which must be contained in the Annual Report and Accounts, the list of these were contained in paragraph 4.1 of the report. The draft Report and Accounts, contained in Appendix 1 to the report, fully met these requirements. The draft Report and Accounts was still subject to statutory Audit, which would commence early July 2018. Following the statutory Audit process the final Report and Accounts would be circulated to the joint Committee and Board. Mr Robertson, referring to Appendix 1 of the report, advised that since publication the net assets had increased to £684.5m with a performance return of 5.6% for 2017/18. Members in receipt of benefits had increased to 3,507. However, the Fund's strong asset position meant that the Fund was well placed to meet its future pension liabilities. Mr Robertson went on to advise that in terms of the Investment Strategy, the Fund was still overweight in equities and that absolute performance of the Fund Managers had been positive. In response to questions, Mr Robertson advised that auto-enrolment had been a positive contribution to the Fund. In terms of Amey Community Limited, he explained that this was an admitted body and included janitors and cleaners transferred to Amey under TUPE regulations.

DECISION

NOTED the Pension Fund Annual Report and Accounts 2017/18, contained in Appendix 1 to the report, prior to submission to Audit and Scrutiny Committee on the 26 June 2018 and the subsequent statutory audit process.

14. **INFORMATION UPDATE**

14.1 There had been circulated a briefing paper by the Pension & Investment Manager and HR Shared Services Team Leader providing members with an update on a number of areas which were being monitored and where work was progressing. Full reports on individual actions would be tabled as decisions and actions were required. In summary:-

14.2 **Guarantee Minimum Pension (GMP) Reconciliation**

With reference to paragraph 5.2 of the Minute of 8 March 2018, Stage 2 of the GMP Reconciliation was progressing by ITM Limited on behalf of Scottish Borders Council (SBC). As at 23 May 2018 at total of 49.02% of discrepancies had been resolved with a further 28.24% under review. SBC continued to receive a monthly update on progress from ITM Limited.

14.3 **General Data Protection Regulations (GDPR) Update**

With reference to paragraph 6 of the Minute of 8 March 2018, FAQs for LGPS members went live on the Pension Fund website on 5 June 2018. A privacy notice in relation to LGPS was currently being prepared and would be available on the website from 14 June 2018.

14.4 **Environmental, Social and Governance Policy (ESG)**

With reference to paragraph 7 of the Minute of 8 March 2018, the Pension Fund was reviewing its current policy and investigating how it would monitor the Fund Managers' approach to ESG against this policy. An updated policy and a recommended process would be presented to the joint Pension Fund Committee and Pension Board on 13 September 2018.

14.5 **Scheme Advisory Board**

With reference to paragraph 5.4 of the Minute of 8 March 2018, the Scheme Advisory Board met on 26 April 2018, a note of the meeting had been attached to the briefing paper for information.

14.6 **Scottish Futures Trust (SFT) Infrastructure**

SFT had been asked to progress the development of an investment vehicle to allow pension funds to invest in infrastructure including schools, hospitals, etc., and were consulting with all LGPS funds across Scotland. Mr O'Hara explained that SFT's consultation had shown that most funds were keen to collaborate to enable infrastructure investment but that SFT had been unable to identify suitable projects. A report from SFT on the way forward would be issued next week and there would be an update at the next meeting.

14.7 **Training Opportunities**

Baillie Gifford were holding an Investment conference on 25-27 September 2018. There would also be a Pension Fund officers' annual training event on 10 September; an agenda would be circulated when available. The Pension and Lifetime Savings Association (PLSA) conference would be held on 6 – 8 March 2019. Pension Fund Members and Board Members were asked to contact Ms Robb if they were interested in attending any of the above mentioned training events.

14.8 **Future Meeting Dates**

The next meeting was scheduled to be held on 13 September. There had been a couple of minor changes to meeting dates and they were now confirmed as follows:-

| | |
|--|-------------------|
| Joint Pension Fund Committee and Pension Fund Board: | 14 June 2018 |
| | 13 September 2018 |
| | 11 December 2018 |
| | 7 March 2019 |
| | 13 June 2019 |

| | |
|--|------------------|
| Performance & Investment Sub-Committee | 22 August 2018 |
| | 29 October 2018 |
| | 25 February 2019 |
| | 24 June 2019. |

DECISION

NOTED the information update.

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

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

SUMMARY OF PRIVATE BUSINESS

16. **MINUTE**

The Committee noted the Private Minute of the meeting of 8 March 2018

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

The Committee noted and agreed the Private Minute of the Pension Fund Investment and Performance Sub Committee on 26 February 2018.

18. **QUARTER PERFORMANCE UPDATE**

The Committee considered a Private report by KPMG.

The meeting was adjourned at 12.30 pm and resumed at 12.50 pm

19. **INFRASTRUCTURE INVESTMENT UPDATE**

The Committee noted a private report by the Chief Financial Officer regarding an infrastructure investment made by the Fund under delegated authority.

The meeting concluded at 1.05 pm

SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTES of Meeting of the PENSION BOARD held in Committee Rooms 2 and 3, Council Headquarters, Newtown St Boswells on Thursday, 14 June 2018 at 1.30 pm

Present:- Councillors S Aitchison (Chairman), Mr E Barclay (Vice-Chairman),
Mr M Drysdale, Ms L Ross and C Stewart.
Apologies:- Ms K M Hughes, Mr P Smith, Mr J Terras.
In Attendance:- Pension & Investments Manager, Democratic Services Officer (J Turnbull)

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 8 March 2018.

DECISION

NOTED for signature by the Chairman.

2. **PENSION BOARD MEMBERSHIP**

Following the resignation of Mr Hogarth, to welcome Mr J Terras to the Board and to agree the membership of the Pension Board as follows:-

DECISION

(a) **NOTED the resignation of Mr Campbell Hogarth.**

(b) **AGREED the membership of the Pension Board as follows:-**

Councillor S Aitchison (Scottish Borders Council)
Mr E Barclay (Unite)
Mr M Drysdale (GMB)
Ms K M Hughes (Unison)
Mr J Terras (Unison – Council’s Trade Union Consultative Group)
Ms L Ross (Admitted Body)
Mr P Smith (Borders College)
Mr C Stewart (Admitted Body).

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

Following the resignation of Mr C Hogarth to appoint a representative to the Pension Fund Investment and Performance Sub-Committee.

DECISION

AGREED to appoint Ms Kay Marie Hughes to the Pension Fund Investment Performance Sub-Committee.

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

The Board reviewed the joint meeting and highlighted the importance of regular attendance at meetings and participation in training events. They agreed with the joint Committees’ decision that the Chairman write to all joint Committee members reminding them of their judiciary responsibilities. The Board then discussed the Scheme Advisory Board’s (SAB) review on the structure of LGPS funds across Scotland and the concern that the review might suggest a pooling of Funds. Ms Robb advised that the Chairman and Vice Chairman of the Pension Fund Committee would be attending the SAB meeting

on 22 June and, it was noted, that the Pension Board Chairman and three Union members would also be attending. Ms Robb further advised that at that meeting, SAB would be launching their consultation. This would include a questionnaire; the draft submission from the Pension Fund would be shared with the joint Committee and Board prior to submission.

**DECISION
NOTED.**

The meeting concluded at 1.45 pm.

**SCOTTISH BORDERS
COMMUNITY PLANNING
STRATEGIC BOARD**

Date: 14 June 2018 @ 2pm

Location: Council Chamber, Scottish Borders Council, Council Headquarters, Newtown St Boswells

Attendees: Councillor Mark Rowley (SBC)[Chair], Councillor Sandy Aitchison, David Gordon (Waverley Housing - RSLs), Stephen Gourlay (Scottish Fire & Rescue Service), Alastair Hirst (Third Sector), Alistair McKinnon (Scottish Enterprise), Councillor Simon Mountford (SBHA - RSLs), Tim Patterson (NHS Borders), John Raine (NHS Borders), David Walker (Police Scotland).

Also present: Cllr Harry Scott; Mr C McGrath (Community Councils Network).

Also in attendance: Kathleen Glazik (Scottish Government); Julia Mulloy (SBHA); Colin Banks, Jenni Craig, Shona Smith, Jenny Wilkinson, Donna Manson, Gillian Jardine (all SBC).

1. **APOLOGIES FOR ABSENCE.**

Apologies had been received from Andy Bruce (Scottish Government), Councillors Bell and McAteer (SBC), Marjorie Hume (Third Sector), and Tony Jakimciw (Borders College).

2. **MINUTE**

The Minute of the previous meeting of the Strategic Board held on 23 November 2017 had been circulated.

DECISION

APPROVED the Minute.

3. **ACTION TRACKER**

The Board noted that there were no outstanding actions.

4. **TRANSITIONS PROJECT**

- 4.1 Robert Jamieson - SBC Social Work, and Gill Binnie – SBHA, gave a presentation on the Transitions Project, which enabled a “whole system” approach to support young people leaving care with the transition to independence, with a broad spectrum of services working together for better outcomes. A care leaver was defined as a person aged 25 or under who had been looked after by a local authority for at least 13 weeks since the age of 14, and who ceased to be looked after on, or after, their sixteenth birthday, and were eligible for Aftercare. Details were given on some of the national context, including the negative impact of adverse childhood experiences (ACEs) on outcomes for young people. Currently over 200 young people were looked after/accommodated in the Scottish Borders, with that number increasing, as it was nationally. Mr Jamieson explained that the Transitions 16+ Project provided enhanced assessment, planning and support to care leavers across the Borders. The flagship project had 6 transitional flats at Albert Place, Galashiels – 4 occupied by young people with tenancies with SBHA, 1 flat as a staff flat (concierge staff employed by SBC with overnight provision cover, with their role mainly building management but also as support to the young people), and the other flat being

used for training young people to test living on their own and how to deal with managing a home. SBHA provided a Tenancy Support worker to help the young people, who came from across the Borders, by establishing security on how they should work and live. It also helped young people develop positive relationships, provided support for health and wellbeing, which in turn allowed them to integrate back into their home communities more effectively. The project had been designed alongside young people, who were part of the Project Board, to ensure they were listened to and the project was something young people wanted. A You Tube clip (<https://youtu.be/PBKji9L1rDE>) was shown to the Board in which young people helped by the Transitions Project explained how it had benefited them.

- 4.2 Gill Binnie then explained how the Housing Options Protocol for Care Leavers operated by supporting young people leaving care into independent living. This recognised the vulnerability of young care leavers, and the challenges they faced moving into adulthood compared to other young people. The Protocol had been developed by SBC's Throughcare/AfterCare Team and Homelessness Service, in partnership with the 4 main Registered Social Landlords (RSLs) in the Borders (BHA, EHA, SBHA and Waverley). Referrals were made following discussion of the care leaver's housing needs at a Housing Options Panel meeting, and the Panel agreed the most appropriate housing, areas to be considered, and the type of tenancy to be offered i.e. Scottish Secure Tenancy (SST) or Short SST. Approximately 38 care leavers came through the Panel each year and of these, SBHA received 19 referrals, with 4 housed at the moment and referrals made to other RSLs. Over 300 care leavers had been supported over the life of the Transitions Project; 73 young people leaving care had been supported and moved into their own tenancy in the community; 161 had enhanced their employability skills either securing employment, work placement, volunteering opportunities and accessing further education. On average, the Project supported 55 care leavers at any one time.
- 4.3 In December 2017 a Big Lottery 'Improving Lives' application had been unsuccessful in light of the implementation of the Children and Young People (Scotland) Act 2014 (Continuing Care) which contained new statutory duties, as Big Lottery could only fund activity over and above statutory obligation. In February 2018, SBHA agreed to continue the secondment of the Tenancy Support Worker on a full-time basis to the Project and jointly fund with SBC the salary costs for the Housing Options Worker until 31 March 2019. No further funding was available to continue the role of the Employability Worker and this post came to an end in March 2018, with care leavers requiring employability support being referred instead to the mainstream Employability Support Service. Donna Manson, SBC Service Director Children and Young People, confirmed that she had had discussions with the Leader of the Council around the restrictions of innovation funding which could lead to young people losing options. This impacted not just care leavers but other young people whose parents asked them to leave their family home at aged 16. There was real feeling within the leadership that care should be in place in each locality in the Borders. There were homeless young people in the Borders as well as those with drugs, alcohol and/or mental health issues. Stability and mental health could deteriorate if a young person was not going to the same house each night i.e. 'sofa surfing'. Board members discussed the need for data and evidence of vulnerable young people in rural areas, measuring unmet demand, and the funding required to tackle these issues.

Actions: AGREED –

- (a) the Clerk to the Council would circulate a copy of the Transitions Project presentation to the Board;**
- (b) all partners would support as appropriate any future talks with Scottish Government on funding for the Transitions Project as well as how rural areas were funded to reduce inequality/poverty; and**
- (c) any data which could be useful for highlighting rural inequality/poverty would be forwarded by partners to SBC Service Director Children & Young People.**

5. **COMMUNITY PLANNING**

5.1 With reference to paragraph 4 of the Minute of 23 November 2017, there had been circulated copies of the Community Plan and Action Plan. Jenni Craig, SBC Service Director Customer & Communities, advised that the Community Plan had first been published in November 2017, with a new approach comprising a vision, 4 themes, and 15 outcomes. Key measures, targets and actions to take forward these 15 outcomes were now drafted and included in the latest edition of the Community Plan. Good feedback had been received from the November workshop for all Community Planning partners and representatives, and it was hoped the next workshop would take place at the end of October 2018. The focus of the Joint Delivery Team recently had been on partnership working, leadership and resources. As intended, the Community Plan was being continually updated (May 2018) so it remained a dynamic document, with one outcome (More children, particularly those living in poverty, achieving higher levels of attainment) still requiring measures and targets. Partners commented on some information/statistics within the Plan and Alistair McKinnon, Scottish Enterprise, advised that in his opinion some information was misleading as the agricultural sector was not the mainstay of the Borders economy which the Plan seemed to be suggesting. Scottish Enterprise had fed back information to the Economy and Low Carbon Group and that had not been included.

5.2 With regard to governance, Ms Craig explained that the current Community Planning structure comprised a Board, Joint Delivery Team, 3 themed delivery teams and a number of partnership groups feeding in to that. With the change from the Single Outcome Agreement to the Community Plan, the Joint Delivery Team had had discussions on whether the current structure was still valid. To take actions forward in the best way, it was proposed that the Strategic Board remained as it was, the Joint Delivery Team changed to a Joint Programme Board with a number of Groups aligned to the 4 themes (Our Economy, Skills & Learning; Our Health, Care & Wellbeing; Our Quality of Life; and Our Place) instead of two of the existing themed delivery teams. It was further proposed that the Reducing Inequalities Group be retained as a cross-cutting group. This should prove to be a more effective way to take Community Planning forward and deliver on the actions within the Community Plan. In future, the delivery and performance of each theme would be reported to the Strategic Board, to allow progress to be monitored effectively. Members welcomed the change in the structure.

Action: AGREED –

(a) **to the proposals to change the Joint Delivery Team to a Programme Board, to retain the Reducing Inequalities themed group as a cross-cutting group, and to replace the remaining two themed groups with groups aligned to the 4 themes of the Community Plan; and**

(b) **all partners would provide any comments/information on the content of the Community Plan, including details of any targets and measures to the SBC Communities and Partnership Manager.**

6. **AREA PARTNERSHIPS AND LOCALITY PLANS**

With reference to paragraph 4.2 of the Minute of 7 September 2017, Jenni Craig, SBC Service Director Customer & Communities, gave an update on operation of the Area Partnerships and development of the Locality Plans. The Area Partnerships had been launched in January 2018, with each taking ownership of a Locality Plan. These Locality Plans were structured around the same themes as the Community Plan, and were each living documents which would be built and changed as required. There had been 3 cycles of meetings of the Area Partnerships to date, with the style of the meetings very much focussed on conversations and action planning rather than presentational. This was to try to make meetings more engaging so that people were encouraged to come along and sit round small tables and join in discussions. There had been some positive feedback from those who had attended meetings, although some felt that there was something lacking from the previous Area Forums. The Community Council network and some Community

Councils had also provided comments, so a survey of all Community Councils was planned. There was a commitment to review Area Partnerships by summer 2019, but information for that review would start to be gathered from now. The meetings of the Area Partnerships (14 so far) had produced a lot of information and now actions needed to be developed to show how priorities would be taken forward. This should demonstrate that those people who had attended and contributed to the meetings were being listened to and involved in outcomes. There was a need to look at how best to encourage different groups to attend meetings e.g. young people, or if they were not attending meetings personally to be able to engage digitally. It was hoped that Locality Plans would be fully developed by the end of the year, with their content being brought to the planned Workshop in the autumn for all Community Planning partners, and then feeding up to the wider Community Plan. Councillor Aitchison commended the officers for their work in getting the Area Partnerships up and running. The aim of the Council was to try to change the whole way it communicated with communities, while accepting there was a need to change the perception of what the Council could and could not do. This was reflected in the Council's new Corporate Plan and #yourpart. Colin McGrath, Chairman of the Community Councils Network, referred to some confusion between Community Planning Locality Plans and the Health & Social Care Locality Plans, and suggested that the Community Hubs for health and social care could also be used for Community Planning locality work. Shona Smith, SBC Communities & Partnership Manager, advised that the aspiration was to combine any partner locality plans into one Locality Plan for each area in future, with work already started with Police and Fire & Rescue local plans to do just that. Tim Patterson, Director of Public Health, commented that the big advantage in producing the Health and Social Care Locality Plans had been engaging all the expertise with the public, with good ideas coming forward. The Plan gave a framework in which to enter into dialogue with communities, and while there was some concern that it would not be possible to meet all expectations, it would also stop resources being spent on services people did not want.

Noted.

Note: Alistair McKinnon left the meeting.

7. **THIRD SECTOR INTERFACE REVIEW**

A briefing note by Marjorie Hume, Volunteer Centre Borders, had been circulated giving an update on the position of the Scottish Government's Third Sector Interface (TSI) Review since December 2017. A letter had been received from Scottish Government in March 2018, advising that Evaluation Support Scotland would lead a project involving Scottish Government and the TSIs to develop an outcomes based agreement that would be in place for September 2018, for the start of the new grant period. This framework would also be the basis for new reporting arrangements that would allow TSIs to demonstrate impact. At a TSI senior managers meeting held in May 2018, TSIs had been advised that they should hear about funding by the end of June. Alastair Hirst, representing the Third Sector at the meeting, commented that no further information was available from Scottish Government and TSIs were waiting to find out more. It was clear that there would be changes but no clarity as yet on what these changes may be. One potential change was a longer term commitment, and a review of funding and how this was allocated.

Noted.

8. **DATES FOR FUTURE MEETINGS**

The dates for future meetings of the Board were considered.

Action: AGREED the dates for future meetings as follows –

- **Thursday 13 September 2018 at 2pm**
- **Thursday 22 November 2018 at 2pm**
- **Thursday 7 March 2019 at 2pm**
- **Thursday 13 June 2019 at 2pm**

9. **ANY OTHER BUSINESS**

Kathleen Glazik from Scottish Government gave details on the “Democracy Matters” consultation which had recently been launched by the Scottish Government as part of the Local Governance Review. The idea was for conversations with communities, with some funding available to communities who wished to lead conversations. The link to the local governance review, including the democracy matters consultation was -

<https://beta.gov.scot/policies/improving-public-services/local-governance-review/>

Noted.

The meeting concluded at 3.50 pm

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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, 19 June, 2018 at
10.00 am

Present:- Councillors S. Haslam (Chairman), S. Aitchison, G. Edgar, C. Hamilton (from paragraph 12), E. Jardine, T. Miers, S. Mountford, M. Rowley (from para 4), G. Turnbull (from para 11)

Apologies:- Councillors W. McAteer, T. Weatherston.

Also present:- Councillors S. Bell, H. Scott, S. Scott, R. Tatler.

In Attendance:- Service Director – Neighbourhood Services, Financial Services Manager, Service Director – Regulatory Services, Project Manager Team Leader (E. Doyle), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

OTHER BUSINESS

1. **CHAIRMAN**
Councillor Haslam chaired the meeting for consideration of the ordinary Executive Business.
2. **ORDER OF BUSINESS**
The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.
3. **MINUTE**
There had been circulated copies of the Minute of the meeting of Executive Committee held on 5 June 2018.

DECISION

APPROVED for signature by the Chairman.

4. **CORPORATE PERFORMANCE REPORT 2017/18 ANNUAL SUMMARY (AND DATA FOR QUARTER 4)**

There had been circulated copies of a report by the Chief Executive presenting a high level summary of 2017/18 performance information for Members, with details contained within Appendix 1 to the report. Appendix 2 to the report presented the information on a quarterly basis, with detailed commentary about performance. Mrs Watters, Policy, Performance and Planning Manager, gave a presentation to Members on how performance monitoring was currently carried out within the Council. The report explained that as SBC approved a new corporate plan in February 2018, this would be the last performance report in this format, and a revised performance management framework was currently being developed, including reporting at local level where possible. During 2017/18, SBC had made some significant progress, despite the ongoing challenging economic climate. Business Gateway continued to perform well, affordable housing targets were exceeded, secondary school exclusions were significantly lower than last year and the rate of council tax collection remained high (and amongst the best in Scotland). Through monitoring performance information regularly, known areas of challenge remained a priority. Mrs Watters answered members' questions regarding a number of areas including base figures, surplus properties and gas and electricity usage.

DECISION

(a) NOTED:-

- (i) any changes to performance indicators outlined in Section 5 of the report; and
 - (ii) that this would be the last report in the current format, and that a revised Performance Management Framework was being developed.
- (b) **ACKNOWLEDGED** the performance summarised in Section 6, and detailed within Appendices 1 and 2 of the report and the action that was being taken within services to improve or maintain performance.

5. **CORPORATE TRANSFORMATION PROGRESS REPORT**

There had been circulated copies of a report by the Service Director Human Resources which updated the Executive Committee on progress in developing and delivering the Council's revised Corporate Transformation Programme in the period to end May 2018 and set out planned activity in the reporting period to August 2018. The Corporate Transformation Programme was designed to help achieve the Council's priorities and support the delivery of significant savings as set out in the 5-year Financial Plan. A revised Transformation Programme was agreed by Council at its February meeting and comprised 5 work streams: Digital Transformation; Children & Young People; Integration of Health & Social Care; Workforce Transformation and Corporate Landlord. In the absence of Mrs Hepburn the Service Director Customer and Communities answered Members questions and it was noted that such reports would be provided quarterly.

DECISION

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

6. **UNAUDITED REVENUE OUTURN**

There had been circulated copies of a report by the Chief Financial Officer providing a statement comparing final revenue outturn expenditure and income for 2017/18 with the final approved budget for the year and explanations for significant variances. The report explained that an unaudited outturn underspend of £1.029m had been achieved in the 2017/18 revenue budget. The £1.029m underspend (0.4% of final approved budget) was delivered following a number of earmarked balances approved by the Executive Committee during 2017/18. In total, these amounted to £7.998 and related to a number of initiatives across departments and specifically included £2.442m of carry forward for Devolved School Management (DSM including PEF) and a £2m approved to support the 2018/19 Financial Plan. A review of the provision for bad debts had identified a requirement for funding of £0.165m to ensure the provision remained in line with management's assessment of high risk outstanding debts. This revised the outturn net balance after bad debts to £0.864m. A high level summary of the outturn position in each Council Department was detailed in section 4 of the report. The Financial Services Manager answered questions relating to temporary savings, the level of savings for future years and the budget for adverse weather.

DECISION

(a) **AGREED:-**

- (i) the content of the report and noted the outturn position for 2017/18 prior to Statutory Audit; and
- (ii) that the outturn net balance of £0.864m be directed to support delivery of the challenging 2018/19 Financial Plan; and
- (iii) the adjustments to previously approved earmarked balances noted in Appendix I to the report

- (b) **NOTED that the draft unaudited outturn position would inform the budgetary control process during 2018/19 and financial planning process for the current and future years.**

7. BALANCES AT 31 MARCH 2018

There had been circulated copies of a report by the Chief Financial Officer providing an analysis of the Council's balances as at 31 March 2018. The report explained that the Council's General Fund useable reserve (non-earmarked) balance was £5.638m at the end of the financial year. The 2017/18 balances were before a series of technical accounting adjustments, the effect of which were expected to be broadly neutral. Adjustments required as a result of the Statutory Audit process would be reported at the conclusion of the Audit. There were a number of areas of potential pressures identified for 2018/19 which, if not addressed during the financial year, might require the drawdown of further resources from the useable reserve. The total of all useable balances, excluding developer contributions, at 31 March 2018 was £28.793m compared to £25.467m at 31 March 2017. It was noted that the 2017/18 figures included £7.998m of balances earmarked for use in 2018/19 (2016/17 £6.554m of balances earmarked for use in 2017/18). The Financial Services Manager outlined the risk based approach which was taken when setting the level of balances.

DECISION

NOTED:-

- (a) **the revenue balances as at 31 March 2018 as per Appendices 1 & 2 of the report including movement in the Allocated Reserve since the last reporting period; and**
- (b) **the balance in the Capital Fund as per Appendix 3.**

8. CAPITAL FINANCIAL PLAN 2017/18 – FINAL UNAUDITED OUTTURN

There had been circulated copies of report by the Chief Financial Officer which provided a statement comparing the final capital outturn for 2017/18 with the final budget for the year and identified the main reasons for any significant variations. The final capital outturn statement for 2017/18 was included at Appendix 1 of the report and included reasons that had been identified by the Project Managers and Budget Holders for the variances to the final approved budget. This identified an outturn expenditure of £36.016m which was £7.378m below the final revised budget of £43.394m.

DECISION

(a) AGREED:-

- (i) **the final outturn statement contained in Appendix 1 to the report;**
- (ii) **the additional allocation of £0.121m to the Roads network from Emergency & Unplanned funds including surface defect rectification following the winter; and**
- (iii) **to approve the block allocations detailed in Appendix 3 to the report.**

(b) NOTED:-

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

9. COPORATE DEBTS – WRITE OFFS IN 2017/18

There had been circulated copies of a report by the Chief Financial Officer which detailed the aggregate amounts of debt written off during 2017/18 under delegated authority, as required by the Financial Regulations. The report covered the areas of Council Tax, Non-Domestic Rates, Sundry Debtors, Housing Benefit Overpayments and aged debt from the balance sheet. The total value of write-offs had reduced from £0.645m in 2016/17 to £0.259m in 2017/18. There were ongoing risks associated with the management of the Council's debts and these might lead to an increase in the level of debts that would require to be written off as irrecoverable in future years. These had been identified in the report. The Council maintained an appropriate bad debt provision to help manage those risks.

DECISION

NOTED the debtor balances written off during 2017/18 under delegated authority.

10. **STRATEGIC HOUSING INVESTMENT PLAN PROGRESS FOR 2017/18**

There had been circulated copies of a report by the Service Director of Regulatory Services advising of the affordable housing annual completions and progress made in the delivery of the Strategic Housing Investment Plan (SHIP) projects for the period 2017-18. The report explained that the Strategic Housing Investment Plan (SHIP) was the sole document for targeting affordable housing investment in Scottish Borders. This provided a rolling 5 year planning horizon of identified and prioritised affordable housing development intentions. Current Scottish Government Guidance required that each Council submit a SHIP on an annual basis. The Council's current SHIP 2018-2023 was agreed by Council and submitted in November 2017 and had again received very positive feedback from Scottish Government Officials. The report advised Members that for the financial period 2017-2018, 145 affordable houses were delivered against envisaged projects set out in the current SHIP. This exceeded the Council's Local Housing Strategy 2017-2022 (LHS) annual target of 128 new affordable homes and was more than the 83 homes originally envisaged in SHIP 2018/23 for 2017/18. Members welcomed the report.

DECISION

AGREED to endorse the progress made in the delivery of affordable housing projects in 2017-2018.

11. **REGENERATION OF GALASHIELS – GREAT TAPESTRY OF SCOTLAND VISITOR CENTRE – PROJECT UPDATE**

With reference to paragraph 13 of the Council Minute of 22 December 2016, there had been circulated copies of a report by the Executive Director which provided an update on the external funding application and what the funding would deliver as part of the project. The report explained that the Council were progressing through the application process for an HES Repair Grant and expected to receive up to £40k when contracts were in place, as per the mandated process by HES. Following a two stage application process a confirmation letter was received on 12 March 2018 from the Regeneration Capital Grant Fund that they would commit £1.18M to the project. This provided an additional £480k to the project to deliver external aspects of the Galashiels Master Plan defined in the application (following community consultation on priorities), in parallel with the recommencement of the Galashiels Inner Relief Road Phase 5 project which was put on hold until the outcome of the external funding applications was known. This would allow £896k to be invested in the delivery of key aspirations from the Galashiels Master Plan that would enhance the visitor experience of the new attraction. It was proposed to incorporate the existing £416k Galashiels Inner Relief Road Phase 5 budget and the additional £480k regeneration Capital Grant Fund into a new Capital budget line call 'Galashiels Town Centre Regeneration' to allow the external improvements to be delivered and managed as one project. Mr Doyle answered Members questions and advised that there had been several meetings with the Community to agree the key projects. A marketing and branding strategy would be developed with the BID team.

DECISION

(a) AGREED to:-

- (i) approve the projects identified in Section 8.6 of the report to be delivered within this first phase of investment; and**
- (ii) approve the re-proofing of the Capital Budgets as per tables 2 and 3 of the report.**

(b) NOTED:-

- (i) the progress achieved with external funding applications to close the project funding gap; and**
- (ii) Noted that the £416k Galashiels Inner Relief Road Phase 5 budget and the additional £480k of Regeneration Capital Grand Fund had been moved into a new Capital budget line called 'Galashiels Town Centre Regeneration' as per Table 3 contained in the report.**

12. THE MONITORING & REGULATION OF PRIVATE WATER SUPPLIES IN THE SCOTTISH BORDERS 2018-2011

There had been circulated copies of a report by Service Director Regulatory which provided an update on the changes arising from new legislation enacted in October 2017 in relation to private water supplies (PWS) under the '*Water Intended for Human Consumption (Private Supplies)(Scotland) Regulations 2017*'. The report sought approval for changes to the charging regime for private water supplies permitted under the new regulations which were essential to fund the increased level of resource that would be required for the Council to be able to meet the statutory requirements of the legislation. The report detailed the background, the legislative position and its impact, resource requirements and the proposed charging structure. The Scottish Government had been clear that no extra funding would be made available to local authorities to implement the new legislation and the most significant change was the proposed introduction of an hourly rate of £49.03 for the investigation time associated with sample failures and undertaking a risk assessment of a supply and writing up a report of the risk assessment. Members asked that the charge be rounded to the nearest pound. Members noted that there was a comprehensive communications strategy to publicise this change.

DECISION

(a) APPROVED the proposed changes to the Fees & Charges regime in Appendix III to the report, as permitted by the new legislation and that the hourly rate would be rounded to the nearest pound.

(b) NOTED:-

- (i) the impacts of the legislative changes on the Council's obligations to monitor and regulate private water supplies in its area and the requirement for the council to be fully compliant with the legislation; and**
- (ii) the additional workload and resource requirements that would be incurred as a result of implementing the legislation.**

13. COMMUNITY GRANT SCHEME - GENERIC BUDGET 2018/19

13.1 With reference to paragraph 3.4 of the Minute of 5 June 2018, there had been re-circulated for information copies of the report by the Service Director Customer & Communities in respect of First Light Trust. The Communities & Partnership Manager provided details of the application previously considered and advised that Firstlight Trust had been able to evidence the need for their services via a high concentration of armed forces and emergency service veteran's in Hawick and the Scottish Borders. The Trust

would undertake outreach work across the Borders in order to access veterans who lived in more remote, rural areas and had confirmed partnership working arrangements which included the Royal British Legion, First Point, CAB and local Housing Associations. In view of the additional information provided, the Committee agreed to award the grant.

DECISION

AGREED the award of a grant of £5,000 to Firstlight Trust.

- 13.2 There had been circulated copies of a report by the Service Director Customer & Communities recommending an application 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 application from Borders Youth Theatre which was to contribute towards the cost of running a two week performance project for young Borderers aged 8-25. This included 12 days of devising and rehearsing at Langlee Community Centre and 3 days of performances at Traquair House, Paxton House and The Haining. The performance piece would be - A Tale of Beatrix Potter and would include up to 40 performers. The report further reported that Borders Youth Theatre operated Borders wide and ran weekly workshops across 5 towns which see over 150 participants from the ages of 8-25 years. The organisation had been successful in generating some income from box office ticket sales and the regular fundraising which helped towards their sustainability. A grant of £3,220 would assist with the cost of this stand alone, performance project.

DECISION

AGREED to award a grant of £3,220 to Borders Youth Theatre.

EDUCATION BUSINESS

Present: Ms C. Thorburn, Ms A. Ferahi, Mr I. Topping.
Apologies :- Mr G. Jarvie.

14. CHAIRMAN

Councillor Carol Hamilton took the chair for the remaining business.

15. CONSULTATION ON INCLUSION STRATEGY AND POLICY

There had been circulated copies of a report by the Service Director Children and Young People which sought agreement on an initial consultation period for the Inclusion Strategy and Inclusion Policy. The report explained that National Legislation and Guidance had recently been published which outlined the vision and underlying principles of inclusion; Included, Engaged, and Involved (Part 2) A Positive Approach to Preventing and Managing School Exclusions (2017); Better Relationships, Better Learning, Better Behaviour (2013); Children and Young People (Scotland) Act (2014); National Improvement Framework (2016); Getting it Right for Looked After Children and Young People Strategy (2015 – 2020). Scottish Borders Council's Inclusion Strategy contained in Appendix 1 to the report and Inclusion Policy contained at Appendix 2 of the report for learning settings aimed to reflect this guidance and provide a clear strategic direction for schools and early years settings. Members welcomed this comprehensive document. And the Service Director answered questions and commented on the plans to reduce exclusions.

DECISION

AGREED

- (a) an initial consultation period for the Inclusion Strategy and Inclusion Policy commencing August 2018 to October 2018.
- (b) that the final draft of the Inclusion Strategy and Inclusion Policy be brought back to the Executive in December 2018 for approval.

16. **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

17. **Minute**

The private Minute for the meeting held on 5 June 2018 was approved.

The meeting concluded at 11.50 a.m.

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

MINUTES of Meeting of the LAUDER
COMMON GOOD FUND SUB-COMMITTEE
held in Council Chamber, Council
Headquarters, Newtown St Boswells on
Tuesday, 19 June 2018 at 4.00 pm.

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

1. **WELCOME**

The Chairman welcomed everyone to the meeting.

2. **MINUTE**

There had been circulated copies of the Minute of 15 May 2018.

DECISION

NOTED for signature by the Chairman.

3. **FINANCIAL MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2018**

There had been circulated copies of the income and expenditure for the twelve months to 31 March 2018, including the balance sheet values for the period and proposed budget for 2018/19. Ms Robb highlighted the main points of the report and appendices. Appendix 1 to the report provided the actual Income and Expenditure position for 2017/18, showing a surplus of £576. This was a variation from the projected surplus figure reported previously and was due to additional dividend income and lower than anticipated grant expenditure being offset by costs associated with the transfer of the investment fund to a new fund manager. Also detailed was the projected depreciation charge of £11,493 which was offset by a corresponding contribution from the Revaluation Reserve at the end of the financial year. Appendix 2 to the report detailed the closing balance as at 31 March 2018 and the projected Balance Sheet as at 31 March 2019. The breakdown of the property portfolio showing the actual rental income and property expenditure along with the depreciation charge to 31 March 2018 was shown in Appendix 3. Appendix 4 provided details of the value of the Investment Fund at 31 March 2018 and noted that the Fund was now with Kames Capital PLC. Further details on various aspects of the Lauder Common Good Fund were detailed in the report. Discussion followed and Ms Robb responded to Members' requests for information. She provided further clarification in terms of the apportioning of the fee paid to KPMG for the company's role in the selection of Kames as the new Fund Manager, explaining that the proportion of the overall fee was calculated on the basis of assets held by the Common Goods Funds. In respect of the removal of the SBC grant of £5,531 from 1st April 2018 (previously paid to the Lauder Common Good Fund towards central service support costs), Ms Robb reported that this had resulted in a proposed budget for Running Costs of £9,762 for Lauder Common Good Fund.

DECISION

(a) **NOTED:-**

(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 investment in the Kames Capital Investment Fund in Appendix 4.

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

4. **LAUDER WOODLAND/TREE PLANTING**

Ms Scott provided Members with a verbal update on the tree planting on Lauder Common. A meeting had been arranged between the Agent appointed by Lauder Sheep Company and Ms Scott for 4 July 2018 in order to further progress conditions of the agreement. Members referred to previous discussions and noted that it had been the intention to commence planting in August 2018. It was agreed that a further detailed update would be provided to the Lauder Common Good Fund Sub-Committee following the above meeting on 4 July 2018.

(a) **NOTED** the update.

(b) **AGREED** that a further update would be provided to the Lauder Common Good Fund Sub-Committee following the meeting between Ms Scott and the Sheep Company Agent on 4 July 2018.

The meeting concluded at 4.25 pm

SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in Committee Rooms 2 and 3, Council
Headquarters, Newtown St Boswells on
Friday, 22 June 2018 at 10.45 a.m.

Present:- Councillors J. Greenwell (Chairman), J. Brown, D. Paterson, S. Scott, R.
Tatler, E. Thornton-Nicol
Apologies:- Councillors N. Richards, G. Turnbull, T. Weatherston.
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Officer (Christine
Watson), Licensing Standards and Enforcement Officer (Mr M. Wynne),
Democratic Services Team Leader, Inspector T Hodges and PC T Ray-
Police Scotland.

1. **MINUTE**
The Minute of the Meeting of 25 May 2018.

DECISION
NOTED and signed by the Chairman.
2. **LICENCES ISSUED UNDER DELEGATED POWERS**
Miscellaneous Licences issued under delegated powers between 17 May – 13 June 2018 .

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

SUMMARY OF PRIVATE BUSINESS
4. **GRANT OF TAXI DRIVER LICENCE – PIOTR BULA**
The Committee considered an application for the grant of a Taxi Driver Licence submitted by
Piotr Bula and agreed to refuse the application.
5. **MINUTE**
The Private section of the Minute of 25 May 2018 was approved.

The meeting concluded at 11.00 a.m.

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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 25 June 2018 at 10.00 a.m.

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 4 June 2018.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATION**

There had been circulated copies of a report by the Service Director Regulatory Services on an application for planning permission requiring consideration by the Committee.

DECISION

DEALT with the application 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 that:-

(a) **Scottish Ministers had upheld appeals in respect of:-**

- (i) **Residential development comprising 38 dwelling units with associated access, landscaping and open space at Poultry Farm, Marchmont Road, Greenlaw – 16/01360/PPP; and**
- (ii) **Demolition of existing building and erection of four dwellinghouses at Industrial Buildings and Yard, Elders Drive, Newtown St Boswells – 17/01342/PPP**

(b) **there remained four appeals outstanding in respect of:-**

- **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**

(c) **there remained 4 reviews previously reported on which decision were still awaited :-**

- **Agricultural Buildings, South East of Merlewood, Hutton Castle Barns, Hutton**
- **Southbank and Paddock South East of Southbank, Bowden, Melrose**
- **Land South West of 1 Hill Terrace, Stow**
- **Land North West of Doonbye, Smith's Road, Darnick**

(d) **there remained Section 36 Public Local Inquiries Outstanding in respect of :-**

- **Fallago Rig 1, Longformacus**
- **Fallago Rig 2, Longformacus**
- **Birneyknowe Wind Farm, Land North, South, East and West of Birnieknowe Cottage, Hawick**

The meeting concluded at 10.25 a.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|------------------|--|---|
| 18/00173/FUL | Erection of 7 No boarding kennels with attached runs | West Greenfields 6 Greenburn Reston Eyemouth |

Decision: Approved subject to the following conditions and informatives:

Conditions

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings, and in the interests of protecting the setting of the Listed Building.
3. No development shall commence until an amended noise mitigation plan is submitted to, and agreed in writing by the Planning Authority. Thereafter the development shall be completed and operated wholly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.
Reason: In order to protect neighbouring amenity
4. No development shall commence until a waste management plan is first submitted to, and approved in writing by the Planning Authority. The agreed means of storing foul waste, spent medicines and wash water on the site shall be installed before the development hereby approved is operational. Thereafter the storage and management of wastes including foul waste, spent medicines and wash water shall be carried out wholly in accordance with the approved details.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water/waste.

Informatives

1. SEPA advise that all dog waste; spent medicines and wash down water (particularly if it contains disinfectants) must be collected and disposed of offsite. Wash water must not be discharged to the water environment even through an effluent treatment system. With regard to the use of SUDS on site, developers are directed to the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. Applicants should be using the Simple Index Approach (SIA) Tool to determine if the types of SUDS proposed are adequate.

2. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:
Burnbrae, Mossilee Road, Galashiels, TD1 1NF. Tel: 01896 754797
3. Under the Animal Boarding Establishments Act 1963, anyone wishing to board animals commercially must obtain a licence from their local council. The Act requires councils to ensure the business observes certain conditions regarding the suitability of the accommodation provided and the welfare of the animals boarded. It is the expectation of Scottish Borders Council that new dog boarding establishments will comply with the standards set within the CIEH publication Model Licence Conditions and Guidance for Dog Boarding Establishments. A free copy may be downloaded from http://www.cieh.org/policy/dog_guidance.html?terms=dog+boarding

Hardcopies of the publication may be purchased from CIEH Tel. 020 7827 5821. The applicant is advised to ensure that the proposed kennels will comply with the above conditions. Further information about the required standards is available from SBC's Regulatory Services, Environmental Health Team. It shall be the responsibility of the applicant to ensure any changes to an existing licence are addressed in full to cover any required changes to licencing arrangements resulting from the implementation of the development hereby approved.

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 Tuesday, 26 June 2018 at 10.00 am

Present:- Councillors S Bell (Chairman), H Anderson, K Chapman, S Hamilton, R Tatler and E Thornton-Nicol (during Item 4).
Apologies:- Councillors J Fullarton, N Richards, H Scott. Mr M Middlemiss.
In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk, Financial and Commercial Director SB Cares, Democratic Services Officer (P Bolson); Mr A Haseeb and Mr G Samson– Audit Scotland.

1. **WELCOME**

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

2. **MINUTE**

There had been circulated copies of the Minute of 7 June 2018.

DECISION

NOTED 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 entry on 25 September 2017 relating to corrective action in place to address the issues identified in the Fleet Management Workforce Plan, it was agreed that the Chief Officer Roads would be invited to attend the next meeting to provide an update to Members of the Committee.

DECISION

NOTED:-

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

(ii) **that the Chief Officer Roads would provide an update to Members at the next meeting of the Committee in respect of corrective action in place to address the issues identified in the Fleet Management Workforce Plan.**

4. **RISK MANAGEMENT IN SERVICES**

4.1 The Chairman welcomed Ms Jenni Craig, Service Director Customer and Communities, to the meeting. Ms Craig 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 Craig began by providing some background and explained that the areas covered by Customer and Communities, namely Customer Advice and Support; Business Change and Programme Management; Business Planning, Performance and Policy Development; and Communities and Partnerships each had Service Risk Registers. These Registers were reviewed on a quarterly basis and had been developed through the Business Planning Process. They were owned by the Service Managers, reviewed by the Service Directors and Management Team and were escalated to CMT when necessary. The key factors and major changes influencing the service included: financial pressures; resources and the changing demand on the skills mix required;

changing service delivery models; the increasing demand and requirement for IT; Government policies and legislation; Welfare Reform; and economic and environmental change. In terms of the key skills now required, work was ongoing with HR to ensure that these skills were in place both to enable staff to meet the increasing demand by the public and to allow the public to access Council services. Government policies and legislation could have tight implementation timescales with increased staff resources required, eg Universal Credit which had to be implemented by 13 June 2018, and risk could increase as a result. Current risks in the main were driven by service responsibility and included: failure of IT systems; unprepared for significant legislative change; ineffective change management to modernise the organisation; insufficient skilled resources to meet service demands; focussing on short-term savings which could result in failure to achieve objectives/targets and damage to the Council's reputation; not meeting customer service expectations; and unable to demonstrate best value due to failure to embed a self-assessment approach across the organisation. The Corporate Risk relating to a focus on short-term savings currently scored 9 (amber) on the Register and Ms Craig explained what mitigation had been and would be implemented. Management was working towards aligning Business Plans and Service Plans with available resources in order to reduce the risk. The Service Risk relating to major legislative and economic/social change which could result in increased demand on services and the ability of the service to provide customers with the help, advice and statutory assistance required currently scored 12 (high amber treat) on the Register. Again, Ms Craig explained what mitigation had been and would be implemented and this included exploring opportunities for Community Planning Partnership joint working; and having a flexible resource and agile methods such as manual work arounds when there was a need to react to late legislation. Single points of failure would also be identified and addressed to reduce risk. Ms Craig advised that within the Digital Customer Access Project, lack of resources within SBC and the potential impact on delivery of the project scored 12 on the Risk Register. Any resultant delays in delivery and benefits could potentially result in additional costs to the Council. Members noted the mitigation measures being implemented and the aim to provide a "seamless" experience for customers within a complex landscape. Ms Craig summarised the Service's approach to managing risk which included: adhering to a consistent corporate process and framework; effectively managing projects, programmes and change; delivering risk workshops as a key aspect of the Business Planning Process; conducting self-evaluation, inspections and internal/external scrutiny; delivering effective and appropriate training; and regular monitoring of strategic service and operation risks and performance indicators.

- 4.2 Ms Craig responded to a number of questions raised by Members. In terms of an internal communications strategy going forward, Ms Craig advised that work was ongoing to develop an internal communications plan for staff and arrangements were being considered for a programme of Roadshows across the Council area. Appropriate consultation was also taking place. The plan would be circulated to Members in due course. With regard to security of the IT network and pressure during severe winter conditions, the Chief Financial Officer explained how the huge increase in staff trying to access the Council network remotely caused severe pressure on the IT firewall. A decision was made to close off system access to staff to preserve access for those delivering emergency/essential services. Measures would be in place to avoid this situation in the future. In terms of Corporate Management involvement, Members were advised that Welfare Reform and Universal Credit were live issues and were being addressed by both the Service and Corporately. Further to the development of an Action Plan and staff training, additional work was being taken forward to consider what changes would now be required following the implementation of the new GDPR regulations. Ms Stacey confirmed that Information Governance, which included GDPR, and Workforce Planning were included on the Internal Audit Work Schedule for 2018/19. The Chairman thanked Ms Craig for her interesting and comprehensive presentation.

DECISION

NOTED the presentation.

5. **SCOTTISH BORDERS COUNCIL DRAFT REPORTS AND ACCOUNTS 2017/18**

5.1 With reference to paragraph 6 of the Minute of 28 June 2017, there had been circulated copies of a report and associated papers by the Chief Financial Officer on the draft Annual Report and Accounts for Scottish Borders Council, Scottish Borders Council Pension Fund, Common Good Funds, Charitable Trusts, Bridge Homes LLP, SB Supports LLP and SB Cares LLP. The report provided the Audit and Scrutiny Committee with an opportunity to scrutinise the draft Annual Reports and Accounts for the year ended 31 March 2018 for Scottish Borders Council and associated Group Accounts prior to submission for External Audit Inspection by the statutory deadline of 30 June 2018. The report summarised the financial transactions for 2017/18 and the balance sheet positions as at 31 March 2018 as set out in the Local Authority Accounts (Scotland) Regulations 2014. In addition, Section 12 of the Local Government in Scotland Act 2003 required annual accounts to be prepared in accordance with proper accounting practice, primarily comprising the Code of Practice on Local Authority Accounting in the United Kingdom 2017/18 and the Service Reporting Code of Practice 2017/18 supported by International Financial Reporting Standards (IFRS). The Pension Fund Accounts were required to adhere to the Local Government Pension Scheme Amendment (Scotland) Regulations which specified what must be contained in the Annual Report and Accounts. The Common Good and Trust Reports adhered to the Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing accounts in accordance with the Financial Reporting Standard for Smaller Entities (FRSSE), the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006 (as amended). Following audit and a public inspection period the finalised Audit report and Audited Accounts would be submitted to Council in September 2018.

5.2 The Chief Financial Officer then summarised Scottish Borders Council draft reports and accounts by means of a presentation. He detailed the 2017/18 highlights which included – a Revenue out-turn of £1.029m underspend; and £12.286m of Financial Plan savings delivered, of which 64% was recurring. Net Assets (excluding Pension Fund liabilities) had increased by £38.6m net on the Balance Sheet. The Balance Sheet demonstrated a significant improvement, materially affected by Actuarial Gains on the Pension Fund Net Assets/Liabilities (£70.5m) and an overall surplus on the revaluation of Property, Plant and Equipment (£53.6m). Capital Expenditure was £36m with Fixed Asset NVB of £536.5m. The presentation included the requirements under the Local Authority Accounts (Scotland) Regulations 2014 and the Council's own Accounts timetable. The Chief Financial Officer advised that the Council's Audited Accounts were required to be published on its website no later than 31 October 2018. The presentation included an analysis of Revenue Expenditure by department and a breakdown of how efficiency savings had been achieved. A reduction in turnover was reported in respect of external trading by SB Contracts and Members noted that this was as a direct result of a continuing challenging external market. Mr Robertson went on to explain the - Statutory Accounting Adjustments; General Fund Balances; Balance Sheet overview; and Capital Out-turn for 2017/18. Group Accounts were consolidated as detailed in the full report for Scottish Borders Council.

5.3 With reference to the Pension Fund, Mr Robertson confirmed that Scottish Borders Council was one of the best funded LGPS nationally. In response to a question relating to Common Good Funds, Mr Robertson advised that an Annual Seminar was scheduled to take place on 28 August 2018 and it was agreed that the Statement of Common Good Trustees' responsibilities would be circulated to all Members separately.

DECISION

(a) **NOTED the Draft Annual Report and Accounts 2017/18 for Scottish Borders Council and associated Group Accounts; and**

(b) AGREED to:-

- (i) support their submission for review by the External Auditors, Audit Scotland for Scottish Borders Council, Scottish Borders Council Pension Fund, Common Good and Trust Funds Accounts; and**
- (ii) support submission for review by KPMG who continued to provide the external audit of the Council subsidiaries SB Cares, SB Supports and Bridge Homes which were not Registered Charities.**

ADJOURNMENT

The meeting was adjourned at 11.45 am and reconvened at 11.50 am.

6. EXTERNAL AUDIT INTERIM MANAGEMENT REPORT 2017/18

With reference to paragraph 4 of the Minute of 28 June 2017, there had been circulated copies of an Interim Management Report by Audit Scotland for the year 2017/18. The report summarised the key issues identified during the year and included testing key controls within the Council's financial systems to gain assurance over the processes and systems used in the preparation of financial statements. In addition, Audit Scotland had carried out early substantive testing of income and expenditure transactions and had reviewed the Council's progress with the National Fraud Initiative (NFI). The findings would be used by Audit Scotland to determine its approach during the 2017/18 financial statements audit. Further work had been carried out on the wider dimension audit of reviews of NFI investigation, General Data Protection Regulation (GDPR) and the results would be detailed in the Audit Scotland Annual Audit report. Mr Samson advised that some control weaknesses had been identified during the audit as summarised in Exhibit 2 within the report. The Management response/action plan in each case was also included in the report. Officers clarified a number of points raised by Members and Mr Samson confirmed that Business World ERP was, in the main, delivering what was expected. There were, however, some aspects of the system that were not yet fully operational but the Chief Financial Officer confirmed that work was ongoing with CGI to resolve these issues within the contract. It was noted that the Committee had a continuing role to scrutinise this area of Council business.

DECISION

NOTED the report.

7. NATIONAL PERFORMANCE REPORTS BY AUDIT SCOTLAND

7.1 With reference to paragraph 6 of the Minute of 28 June 2016, there had been circulated copies of a report by the Chief Officer Audit and Risk providing Members of the Audit and Scrutiny Committee with a list of recently published National Performance Reports by Audit Scotland which were relevant to Local Government. The report also proposed their scheduled presentation to Committee for consideration. The report noted that the Audit and Scrutiny Committee's purpose was to have a high level oversight of the framework for internal control, risk management and governance within the Council and it was regarded good practice for the Committee to take account of relevant reports from external inspection bodies such as Audit Scotland. Ms Stacey advised that two reports entitled "Challenges and Performance 2018" and "Councils' Use of Arm's-Length Organisations" were two such documents of interest to SBC which could also be used for learning purposes. Ms Stacey also notified Members that presentations to the Committee on the circumstances and situations relating to the Dundee City Council Significant Fraud and the City of Edinburgh Council Report on Schools would be scheduled for September 2018.

7.2 Discussion followed and Members' questions were answered. With reference to the publication entitled "Challenges and Performance 2018", Members requested that the Scrutiny Tool for Members referred to on page 8 of the document be circulated to assist them in their scrutiny role. Concern was raised in respect of the level of waste collected

within the Scottish Borders. Members considered the document to be very user friendly and easy to understand. The Chief Financial Officer confirmed that reports such as this from Audit Scotland were regularly included on the Corporate Management Team Agenda for discussion and were also circulated to Members.

DECISION

(a) NOTED:-

- (i) the report and list of recently published National Performance reports by Audit Scotland; and**
- (ii) the reports by Audit Scotland entitled “Local Government Challenges and Performance 2018” and “Councils’ Use of Arm’s Length Organisations”.**

(b) AGREED the proposed schedule for presentation of the National Performance reports by Audit Scotland.

8. PROGRESS ON IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS

With reference to paragraph 6 of the Minute of 13 November 2017, there had been circulated copies of a report by the Chief Officer Audit and Risk providing an update and overview to the Committee on the status and implementation by Management of audit recommendations previously agreed in Internal Audit reports. Information relating to Internal Audit recommendations which had not yet been fully implemented was detailed in the Appendix to the report. Some concern was raised regarding four outstanding recommendations relating to Complaints, to which Ms Craig responded earlier in the meeting, one outstanding recommendation relating to Fleet Management workforce plan referred to in the Action Tracker, and two outstanding recommendations relating to Roads Management and Flood Risk and Coastal Management and it was agreed that the appropriate officers would be asked to attend the next meeting of the Committee to address these items. Ms Stacey answered Members’ questions relating to the Appendix.

DECISION

(a) ACKNOWLEDGED satisfaction with the progress made by Management in implementing Internal Audit recommendations, subject to those concerns raised being addressed.

(b) AGREED that appropriate officers would be asked to attend the next meeting of the Committee to address one outstanding recommendation relating to Fleet Management workforce plan and two outstanding recommendations relating to Roads Management and Flood Risk and Coastal Management.

9. AUDIT AND SCRUTINY COMMITTEE ANNUAL REPORT 2017/18 AND ANNUAL SELF-EVALUATION

With reference to paragraph 5 of the Minute of 28 March 2017, there had been circulated copies of a report by the Chief Officer Audit and Risk providing Members with the Audit and Scrutiny Committee Annual Report 2017/18. The report also incorporated the annual self-assessment using the CIPFA Audit Committee Guidance. The report noted that the outcome of the self-assessments was a high degree of performance against the good practice principles and a medium degree of effectiveness. This was considered to be the result of the significant change in membership of the Committee following Local Government elections in May 2017. With reference to external membership of the Committee, Ms Stacey confirmed that a report would be submitted to Council in August 2018 requesting that a Selection Committee be convened to progress external appointments to the Audit and Scrutiny Committee.

DECISION

- (a) APPROVED the Audit and Scrutiny Committee Annual Report 2017/18 which incorporated its self-assessments using the CIPFA Audit Committee guidance.**
- (b) AGREED that:-**
 - (i) the Audit and Scrutiny Committee Annual Report 2017/18 be presented to Scottish Borders Council and published on the SBC website; and**
 - (ii) that a report be presented to Council in August 2018 requesting that a Selection Committee be convened to progress external appointments to the Audit and Scrutiny Committee.**

The meeting concluded at 12.40 pm

SCOTTISH BORDERS COUNCIL

MINUTES of the Special Meeting of the
PEEBLES COMMON GOOD FUND SUB-
COMMITTEE held in the Council Chamber,
Rosetta Road, Peebles on Monday, 30th
July, 2018 at 4.00 pm

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, E. Small and
Community Councillor L. Hayworth.
Apologies:- Councillors K. Chapman and S. Haslam.
In Attendance:- Senior Finance Officer (John Yallop), Solicitor (Emma Moir), and Clerk to the
Council (Jenny Wilkinson).

1. **DECLARATIONS OF INTEREST**

The Chairman, Councillor Tatler, declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the meeting. Councillor Anderson assumed the Chair.

2. **REQUEST FOR FINANCIAL ASSISTANCE**

With reference to paragraph 4.3 of the Minute of Meeting of 29 November 2017, there had been circulated copies of an application for financial assistance by Eastgate Theatre. Members had previously agreed at that meeting in November 2017 to approve in principle the sum of £8,375 financial assistance to the Theatre subject to the success of the funding application to Big Lottery. Mr Jenkins, Vice Chairman of the Theatre, was present and advised that the Big Lottery application had been unsuccessful and a new application for financial assistance was now being submitted. The planned development of the Theatre had now been split into 3 phases, with Phase 1 being the upgrade of the Auditorium at an estimated total cost of £360-400k. In order to secure external grants, the Common Good Fund was being asked to make Third Party contributions of £3k (to secure £30k grant from the Landfill Trust) and £8.6k (to secure £80k grant from WREN). A further request was being made to the Common Good Fund to also consider a short term pledge of up to £20k to demonstrate sufficient match funding was in place to secure a LEADER grant of £150k. The deadline for match funding for this was 30 August 2018. Mr Jenkins confirmed that funds raised so far came to just over £40k and he anticipated that this figure would increase to £50k by the end of August, leaving a shortfall of £20k, although it was anticipated the full amount would be raised prior to the project build starting in summer 2019. Mr Jenkins answered further questions on the wider project phases, the different funds being accessed and the various timelines associated with these.

DECISION

(a) AGREED:

- (i) to grant unconditionally £3k as a Third Party Payment to Land Trust to unlock a £30k payment from Land Trust to the Eastgate Theatre;**
- (ii) to grant 10% (up to £8k) plus admin fee (up to £600) to WREN to unlock an £80k payment from WREN to the Eastgate Theatre; and**
- (iii) that, should WREN grant a lesser amount to the Eastgate Theatre, the contribution by the Common Good Fund be reduced accordingly.**

- * (b) **AGREED to RECOMMEND a loan of up to £20k (should it be required) be made to Eastgate Theatre on the following conditions:**
 - (i) **the loan be repaid in full within one year from the date the loan is drawn down;**
 - (ii) **interest on the loan be charged at 5% over base rate; and**
 - (iii) **interest is paid monthly from the date the loan is drawn down.**

The meeting concluded at 5.05 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, 16 July 2018 at 10.00 am

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

Apologies:- Councillors S. Aitchison and S. Hamilton

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

1. **REVIEW OF 16/01371/FUL**

There had been circulated copies of the request from Mr G. Bain, per G53 Design Ltd, 209 Muirshiel Crescent, Glasgow for review of refusal of the planning application in respect of change of use of agricultural buildings and alterations to form 11 No dwellinghouses south east of Merlewood, Hutton Castle Barns, Hutton. The supporting papers included the Notice of Review; Decision Notice; officer's report; papers referred to in the officer's report; consultations; support comments; objections; further representation (in support); further representation (objection); response to the further representations; and a list of relevant policies. Members were advised that, as indicated in the documentation, the original proposal for 12 units had been amended to 11 by the removal of Unit 1 and that this had been the basis for consideration by the Appointed Planning Officer. In their initial discussion Members agreed that, as a means to secure long term use of the traditional farm steading buildings, the proposal for residential conversion had significant merit. However they debated at length whether this would be outweighed by the potential impact of the development on the viability of the neighbouring working farm and the potential impact of current and future farming operations on the residential amenity of the proposed conversion. In their discussion Members noted the current mix of residential and agricultural uses already within the building group and also considered other matters relating to the application including drainage, access and parking, the requirement for ecological surveys and the requirement for development contributions.

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, informatives and a legal agreement, for the reasons detailed in Appendix I to this Minute.**

2. **REVIEW OF 17/01734/PPP**

There had been circulated copies of the request from Susan Aitchison, 25/1 Bridge Street, Edinburgh for review of refusal of the planning application in respect of erection of a dwellinghouse on land south west of 1 Hill Terrace, Stow. The supporting papers included the Notice of Review; Decision Notice; officer's report; papers referred to in the officer's report; consultations; objections; further representations and response; and a list of relevant policies. Members noted that the applicant had amended the proposal, within the Review submission, from a dwellinghouse to a small garden type studio with toilet facilities and bunk. However, after receiving legal advice, Members confirmed that their consideration would relate only to the development proposal that had been before the Appointed Planning Officer which was for a dwellinghouse. The Review Body accepted that the site, which was within the settlement boundary of Stow, was suitable for infill development and that any issues of privacy and overlooking could be addressed at the design stage. Members' discussion therefore focussed on concerns about the inadequacies of the access to the site and junction onto the A7; associated road safety issues; and the implications of additional traffic that would be generated by the development during the construction phase and beyond.

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 material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's decision to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.**

3. **REVIEW OF 18/00287/FUL**

There had been circulated copies of the request from Mr I Maxwell, per RM Architecture Ltd, Bloomfield, Heatherlie Park, Selkirk, for review of refusal of the planning application in respect of erection of dwellinghouse on land north west of Doonbye, Smith's Road, Darnick. The supporting papers included the Notice of Review; Decision Notice; officer's report; papers referred to in the officer's report; consultations; objections; further representation; and a list of relevant policies. In noting the historic pattern of development within Darnick and character of the conservation area Members discussed whether the proposed site was suitable for infill development. Members considered in particular the limitations of the plot in terms of its size, potential impact of the proposal on neighbouring properties and the fact that there was no vehicular access or off-street parking provision.

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 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 12.00 pm

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APPENDIX I

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY INTENTIONS 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: 18/00013/RREF

Planning Application Reference: 16/01371/FUL

Development Proposal: Change of use of agricultural buildings and alterations to form 11 No dwellinghouses

Location: Agricultural buildings, South-East of Merlewood, Hutton Castle Barns, Hutton

Applicant: Mr Geoffrey Bain

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, informatives and the applicant entering into a Section 75 agreement as set out below.

DEVELOPMENT PROPOSAL

The application relates to the change of use of agricultural buildings and alterations to form 11 No dwellinghouses, reduced from the original proposal for 12. The application drawings and documentation consisted of the following:

| Plan Type | Plan Reference No. |
|------------------|---------------------------|
| Location Plan | PL01 |
| Site Plan | PL002 |
| Floor Plans | PL009 |
| Floor Plans | PL010 |
| Roof Plan | PL011 |
| Elevations | PL012 |
| Roof Plan | PL013 |
| Elevations | PL014 |
| Elevations | PL015 |

Elevations
Elevations

PL016
PL017

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 16 July 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) Support comments; g) Objections; h) Further representation (in support); i) Further representation (objection); j) Response to further representations; and k) List of Policies, the Review Body proceeded to determine the case. They also noted the applicant's request for further procedure in the form of a hearing, written submissions and site visit but did not consider these necessary after considering the case and 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, EP7, EP8, IS2, IS5, IS7, IS9 and IS13

Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Affordable Housing 2015
- SBC Supplementary Planning Guidance on Biodiversity 2005
- Prevention of Environmental Pollution from Agricultural Activity – A Code of Good Practice 2005 – Scottish Government

The Review Body noted that the proposal was for planning permission to change the use of agricultural buildings and alterations to form 11 No dwellinghouses.

Members considered the proposal principally against Policies HD2 and EP7 of the Local Development Plan and the New Housing in the Borders Countryside SPG. In considering the initial criteria under Policy HD2, they noted that the buildings were statutorily listed and were of considerable architectural merit. They considered that the scheme for conversion would

represent an appropriate way to save historic buildings worthy of retention and noted that the details of the conversion were supported both by the Heritage Officer and the wider community. There was concern that if an appropriate scheme was not accepted for conversion, the historic buildings may attract no other use and could deteriorate further.

The Review Body then considered the issue of potential conflict between residential and agricultural uses and noted that advice on this issue was contained within the SPG, Policy HD2 requiring compliance with the SPG. They noted that there had been a considerable amount of correspondence and representation over the issues of use conflict and potential impacts on a working farm, as well as an objection from the Environmental Health Officer, and they took some time to understand these impacts in the context of the current nature of the building group. The Review Body recognised that the building group already had a mixture of dwellinghouses and agricultural uses within it, including a number of poultry units around the group. Taking into account the decisions referred to at “Merlewood” and on the site to the east of the application site, they still considered that there was a character of mixed uses within the group where agricultural and residential uses already co-exist and have some impact on each other.

Members then discussed the issue of existing and proposed agricultural uses within the adjoining building currently used as a grain store and surrounding farmyard. They clarified that the Appointed Officer’s decision to refuse the application was based not only upon the potential impacts of livestock being housed within the grain store but also on the potential conflict with existing agricultural uses. In this respect, they noted the submissions and photographs indicating grain drying and storage, hay bale stacking and stone storage. There was much discussion about the likely impacts of such existing or proposed agricultural uses on the potential occupants of the steading buildings and what types of conflict and challenges could occur. Ultimately, however, the Review Body considered that purchasers of the properties would be subject to the principles of *caveat emptor* and would be knowingly locating next to an agricultural use and that this was part of the mixed nature of the current group. In the overall planning balance, Members felt any such impacts were outweighed by the importance of preserving and saving an historic set of steading buildings.

In coming to this conclusion, Members noted that the access to the grain store and adjoining farmyard would not be impeded by the access or parking proposals for the development. They also noted that Unit 1, which adjoined the grain store, had been removed from the proposals and that, with the retention of steading walls, the new residential units would generally be separated by walled garden grounds giving more buffer protection. There was some concern over the impacts on windows and doors of the eastern and northern facades of Units 6 and 8 which directly faced onto the farmyard and agricultural access but it was felt that this could be addressed with redesign of those units through an appropriate condition. Taking all these matters and adjustments into account, the Review Body felt, on balance, that there would not be sufficient impact on the operations of a working farm to justify refusal.

The Review Body then considered other matters including drainage, biodiversity, road access, parking and developer contributions. It was noted that drainage and biodiversity matters could be addressed by suspensive planning conditions. With regard to parking and turning, Members felt that the middle access serving the removed Unit 1 was no longer needed as a vehicular access and that a suitable turning area could be requested by condition at the westerly access. Discussion ensued in relation to the number and location of passing places on the public road leading to the site but it was ultimately decided that, provided they could be achieved within public road verge, this was a matter for the Roads Planning Service to agree by an appropriate condition.

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.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

CONDITIONS

1. This consent is for the conversion and alteration of the existing buildings to form 11 dwellinghouses as per the amended drawing PL009 submitted in October 2017 which omits any conversion of Unit 1.
Reason: To reflect the revisions submitted to the scheme and reduce potential conflict with adjoining uses.
2. Notwithstanding the description of the materials in the application, no development shall commence until precise details of the materials to be used in the construction of the external walls, roofs, rainwater goods and all windows and doors of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting and to safeguard a statutorily listed building.
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 (unless otherwise agreed in writing by the Planning Authority):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and planting to be retained and, in the case of damage, restored
 - iii. location and design, including extent, treatment and materials, of retained and new walls, fences and gates
 - iv. soft and hard landscaping works including roadside treatment
 - 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 further details have been submitted to, and approved in writing by, the Planning Authority relating to a revised design for the conversion of Units 6 and 8, including internal rearrangement and minimisation of operational windows and doors to the northern and eastern elevations. Once approved, the works to be carried out and maintained thereafter in accordance with the agreed details.

Reason: To reduce potential conflict with adjoining uses and safeguard a statutorily listed building.

5. No development shall commence until further details have been submitted to, and approved in writing by, the Planning Authority relating to a scheme of obscure glazing to address potential overlooking issues between Units 3, 4 and 10. Once approved, the works to be carried out and maintained thereafter in accordance with the agreed scheme.

Reason: To reduce potential overlooking between properties and safeguard a statutorily listed building.

6. No development shall commence until a scheme of passing places on the public road between the site and Hutton and the site with the B6460 is submitted to, and approved in writing by, the Planning Authority, and then completed in accordance with the approved details and within an agreed timescale.

Reason: To ensure the site is adequately serviced and in the interests of road safety.

7. No development shall commence until further details of the accesses serving the site have been submitted to, and approved in writing by, the Planning Authority. This shall include a service lay-by, engineering details, interceptive drainage measures, a turning facility as part of the westernmost access and a pedestrian only access at the centre of the site. Thereafter, the works shall be implemented in accordance with the approved details and within an agreed timescale.

Reason: To ensure the site is adequately serviced and in the interests of road safety.

8. No development shall commence until further details of the provision of water, foul and surface water drainage are submitted to, and approved by, the Planning Authority. The development then to proceed in accordance with the approved details. Furthermore:

- i. no development shall commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition
- ii. no water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.
- iii. prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.

Reason: To ensure that the site is adequately serviced and that the site does not have a detrimental effect on public health.

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

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

- i. A desk study and development of a conceptual site model including (unless otherwise agreed in writing by the Planning Authority) a detailed site investigation strategy. The desk study and the scope and method of recommended further

investigations shall be agreed with the Council prior to addressing parts ii, iii, iv, and, v of this condition.

and thereafter

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

No development shall commence until the developer has received written confirmation from the Planning Authority, that the scheme has been implemented, completed and (if appropriate), monitoring measures are satisfactorily in place. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Planning Authority.

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

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

The requirements of this are:

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

investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

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

11. No development shall commence until a Preliminary Ecological Appraisal (PEA) is undertaken, submitted to, and approved in writing by the Planning Authority. If any further surveys for ecological interest are identified as necessary by the PEA, then all should be submitted to, and approved in writing by, the Planning Authority and, thereafter, implemented in accordance with agreed timescales. This should include a mitigation plan for the protection of breeding birds, badger and other protected species and habitats as appropriate.

Reason: To safeguard ecological interests at the site.

12. No development shall commence until details of external waste storage for all properties are submitted to, and approved in writing by, the Planning Authority. Once approved, the relevant storage to be provided in accordance with the approved details before the occupation of each residential unit.

Reason: To ensure satisfactory refuse and waste storage provision on the site.

INFORMATIVES

1. Please be aware that the works shown in this consent also require a Listed Building Consent. You will need to ensure a new application for LBC is submitted to, and approved by, the Planning Authority before any development is commenced.
2. With regards to Condition 1, nothing in this consent allows the removal of the building termed "Unit 1" nor any use of the building as a dwellinghouse. Any proposals for removal, alteration or alternative uses would require the submission of new applications for planning permission and listed building consent as appropriate.
3. With regards to Conditions 6 and 7, the Roads Planning Service advises that the passing places should be designed as per SBC specification DC-1 or DC-1a and the service lay-by should be designed as per SBC specification DC-3. This should be:

40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Only contractors approved by the Council may work within public road boundary.

4. With regards to Condition 8, Environmental Health advise the following:

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

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

5. Environmental Health also advise the following:

The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

The following are the recommended hours for noisy work

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council.

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

6. With regards to Condition 11, you are advised of the following:

The applicant is reminded that, regardless of whether planning permission has been granted, it is a criminal offence (subject to certain defences) to deliberately or recklessly harm European Protected Species without a licence, which would only be issued if the statutory licensing body (Scottish Natural Heritage), is satisfied that strict derogation criteria are met. Further information is available at: <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/bats-and-licensing/bats-licences-development>. Failure to fully assess the site for other protected species and to apply appropriate mitigation, may result in additional offences under wildlife law.

LEGAL AGREEMENT

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

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.....20 July 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: 18/00014/RREF

Planning Application Reference: 17/01734/PPP

Development Proposal: Erection of dwellinghouse

Location: Land South West of 1 Hill Terrace, Stow

Applicant: Susan Aitchison

DECISION

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

- 1 The access road serving the site is unsuitable for further traffic and is not capable of being improved to a standard that is adequate to support the additional traffic generated by the proposed development. The development would, therefore, be contrary to Policies PMD2 and PMD5 of the Local Development Plan 2016. This conflict would potentially lead to serious risk to road and pedestrian safety. There are no other material considerations that would outweigh this conflict with the development plan.

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 | |

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 16 July 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) Further representations; h) Response to further representations; and i) List of Policies, the Review Body proceeded to determine the case. They also noted the applicant's request for further procedure in the form of a site visit but did not consider this necessary after considering the case and viewing photographs and plans of the site and surroundings.

Members also noted that the applicant had sought, in the Review submission, to alter the proposal from a dwellinghouse to a studio building with toilet and bunk. Members considered that they must review only what was before the Appointed Officer, which was a dwellinghouse and, consequently, disregarded the amended proposal.

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, EP1, EP13, IS2, IS3, IS6, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015

The Review Body noted that the proposal was for planning permission in principle to erect a dwellinghouse.

Members noted that the application site was within the settlement boundary of Stow as defined in the Local Development Plan. From the supporting papers and the site photographs, they noted that, whilst there were surrounding houses and level differences which may cause some issues of overlooking, they were generally in agreement with the Appointed Officer that, had the access been acceptable, the site was a suitable infill opportunity under Policy PMD5 and that issues of privacy and fit of the house within the site could be dealt with at the next planning stage.

The Review Body then considered the issue of the access to the site from the A7, known as Hill Terrace, and noted that there were a number of inadequacies associated with this unadopted stretch of road. They noted that it was very narrow, steep, poorly surfaced and had substandard visibility at the junction with the A7. Whilst they understood that there was already some usage of Hill Terrace associated with existing houses and parking spaces on the site itself, Members still considered that the proposed dwellinghouse would increase traffic onto an unsuitable stretch of road and create road and pedestrian safety risks, contrary to Policies PMD2 and PMD5. They also considered there would be problems arising from construction traffic during development of the site.

The Review Body noted the suggestions from the applicant regarding upgrading of the road but did not accept that there was a capability of sufficient upgrading to overcome the deficiencies identified with the road and its junction with the A7. They noted and agreed with the response of Roads Planning, that the road remains unsuitable for additional traffic.

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.....20 July 2018

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APPENDIX III

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

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

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

Local Review Reference: 18/00015/RREF

Planning Application Reference: 18/00287/FUL

Development Proposal: Erection of dwellinghouse

Location: Land North West of Doonbye, Smith's Road, Darnick

Applicant: Mr I Maxwell

DECISION

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

- 1 The proposed development would not comply with policies PMD2, PMD5 or IS7 of the Local Development Plan 2016 as no off-street parking would be provided and the resulting implications on Smith's Road would have potential adverse impacts on road and pedestrian safety. Other material considerations do not outweigh these conflicts with policy.
- 2 The proposed development would be contrary to policies PMD2, PMD5 and HD3 as it would constitute overdevelopment of the site in a manner that would have an adverse impact on the residential amenities of future occupants of the dwellinghouse and an intrusive and overbearing impact on neighbouring properties. Other material considerations do not outweigh these conflicts with policy.

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. |
|------------------|---------------------------|
| Floor Plans | 170917/PP/01 |

| | |
|---------------|--------------|
| Elevations | 170917/PP/02 |
| Site Plan | 170917/PP/03 |
| Sections | 170917/PP/04 |
| Location Plan | 170917/PP/05 |

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 16 July 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) Further representation; and h) List of Policies, the Review Body proceeded to determine the case. They also noted the applicant's request for further procedure in the form of a site visit but did not consider this necessary after considering the case and 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, PMD5, HD3, EP4, EP8, EP9, IS2, IS3, IS7, IS9 and IS13

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011
- Designing Streets – A Policy Statement for Scotland 2010 – Scottish Government

The Review Body noted that the proposal was for planning permission to erect a dwellinghouse.

Members noted that the application site was within the settlement boundary of Darnick as defined in the Local Development Plan and, firstly, considered whether the site was a suitable infill opportunity under Policy PMD5. Although the location would normally allow the site to be considered as such, the Review Body considered the site to be too small, the house leaving insufficient garden ground around it. The Review Body accepted that the pattern of development in Darnick Conservation Area provided some context for higher density but, given the prominence from Smith's Road and the proximity and nature of surrounding houses and garden ground, Members were of the view that the proposed house represented overdevelopment of the site. They felt the proposals represented cramming onto a very small site contrary to Policies PMD2, PMD5 and HD3.

The Review Body then considered the issues of lack of off-street parking provision within the site and the likely impacts on Smith's Road. They noted that there was no vehicular access to the site nor any possibility for off-street parking within the site. Members were not persuaded by the arguments put forward by the applicant's consultant and felt that the development would increase parking pressures and problems in Smith's Road and adjoining streets, to the detriment of road and pedestrian safety and contrary to Policies PMD2, PMD5 and IS7. They also queried how the site could be constructed, given the lack of vehicular access or street frontage.

The Review Body accepted that the design of the house, in itself, was appropriate within the Conservation Area but this did not outweigh the issues of overdevelopment and lack of parking.

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.....20 July 2018

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SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of the Special Meeting of the
PLANNING AND BUILDING STANDARDS
COMMITTEE held in Council
Headquarters, Newtown St Boswells TD6
OSA on Monday, 16 July 2018 at 2.00 p.m.

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

1. TOWN CENTRE CORE ACTIVITY AREA PILOT STUDY

1.1 There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of a pilot study, as detailed in Appendix 1 to the report, in respect of amendments to current planning practice for processing planning applications for proposals within core activity areas within town centres in the Scottish Borders. The Principal Officer explained that the primary purpose of the study was to examine ways to revitalise and reinvigorate the town centres of Hawick and Galashiels by considering options to add more flexibility to policy ED4 (Core Activities in Town Centres) within the adopted Local Development Plan (LDP) 2016 which was aimed at protecting core activity areas within these towns. It suggested a number of options to be considered, identifying potential advantages and disadvantages for each. In essence the study recommended the removal of the core activity area in Hawick and the retention of the core activity area in Galashiels but proposed a wider and more flexible range of uses which could be supported.

1.2 The study also laid down some further criteria guidance relating to policy ED4 to be considered for planning application proposals within other core activity areas within Scottish Borders towns i.e. Galashiels, Peebles, Kelso, Melrose, Jedburgh, Selkirk, Eyemouth and Duns. As this pilot scheme proposed to remove the core activity area from Hawick this would not be relevant to Hawick. The guidance stated, with reference to considering the longevity of vacancy of premises, that if premises had been vacant for 6 months and evidence was submitted which confirmed it had been adequately advertised for a substantial period of that time, then that would carry much weight in the decision making process. Policy ED4 also made reference to the need to give consideration of any “significant positive contribution” in relation to proposals within the core activity. The study expanded upon examples of what were considered to be factors determining “significant positive contribution” and sought the consideration of removing the requirement for Developer Contributions within Galashiels Town Centre. Members welcomed the report and were supportive of the proposals which responded to the changes in town centre retail activity. In terms of Appendix 3 of the report, during discussion it was suggested that in the “yes/no” column heading that “no” be amended to illustrate a more flexible policy approach to allow developers the opportunity to make the case for change. It was noted that the annual Footfall Study was carried out during September/October so members agreed that the follow up report should not be presented to Committee until this information was available.

DECISION

AGREED:-

- (a) that, subject to minor changes to text to be delegated to officers, the Pilot study to be implemented with immediate effect for a period of one year.**
- (b) to receive a report back following the end of the trial period which detailed any relevant issues and outcomes.**

The meeting concluded at 2.50 p.m.

SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in Committee Rooms 2 and 3, Council
Headquarters, Newtown St Boswells on
Friday, 20 July 2018 at 10.00 a.m.

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

Apologies:- Councillors E. Thornton-Nicol, T. Weatherston.

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

1. **MINUTE**

The Minute of the Meeting of 22 June 2018.

DECISION

NOTED and signed by the Chairman.

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

Miscellaneous Licences issued under delegated powers between 14 June – 11 July 2018.

DECISION

NOTED.

3.0 **GRANT OF STREET TRADER LICENCE – CHIA LOK LEE**

There had been circulated copies of an application for a material change to the Street Traders Licence held by Chia Look Lee, together with a letter of objection. Mr and Mrs Lee were present.

3.1 Licensing Standards and Enforcement Officer, Mr Wynne, explained that the Street Trader Licence had been issued in January 2018 for various locations throughout the Borders. Mr Lee now wished to operate from set locations with set times and an objection had been received from the owners of Herges on the Loch.

3.2 There was no representation from Police Scotland.

3.3 On being invited to address the Committee, Mr Craig advised that he had no objection to Mr Lee trading, however the provision of the car parking in question was a condition when planning permission had been granted to build the restaurant. The provision of further Units had been approved and car parking would be required for them. Mr Craig referred to SBC guideline No. 20 – *‘where the licensee carries on business from a stall or fixed stance such stall or stance shall not be located within a 100 metre radius of any shop or business premises in which are sold goods or articles of the same description as, or similar description to, those sold by the licensee.’* and questioned where the measurement would be taken from i.e. Herges land boundary. On a personal note Mr Craig was of the opinion that the view from the restaurant would be spoiled.

3.4 On being invited to address the Committee, Mr Lee explained that his business was a mobile kitchen, selling Chinese takeaway. On receipt of his licence a number of locations had initially been trialed. Mr Lee had now applied for set locations on set days at set times as

there had been a positive response, particularly at Tweedbank. In terms of the 100 metres guideline cited by Mr Craig, he had sought advice from the SBC Roads Department and had been advised that this did not apply. Mr Lee was of the opinion that he was not directly competing with Herges Restaurant as the venue was a sit down restaurant and he had a younger client base looking for cheaper, takeaway food. Mr Lee had supplied a series of photographs showing the position of the mobile kitchen and vehicle which required to be attached to the mobile kitchen at all times. There had been no other complaints from Residents within the area.

VOTE

Councillor Paterson, seconded by Councillor Tatler, moved that the application be granted subject to planning permission being obtained.

Councillor Scott moved as an amendment that the application be refused. There was no seconder for this motion.

DECISION

AGREED that the application for a material change submitted by Mr C Lee be granted, subject to the required planning permission being granted.

4. PRIVATE BUSINESS

DECISION

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

SUMMARY OF PRIVATE BUSINESS

5. GRANT OF TAXI DRIVER LICENCE – KEVIN CHISHOLM

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

6. GRANT OF TAXI DRIVER LICENCE – CSABA ORTUTAY

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

7. GRANT OF TAXI DRIVER LICENCE – IAN HYDE

The Committee considered an application for the grant of a Taxi Driver Licence submitted by Ian Hyde and agreed that the application be refused.

8. MINUTE

The Private section of the Minute of 22 June 2018 was approved.

The meeting concluded at 10.55 a.m.