

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

6.	<p><b>Committee Minutes</b> (Pages 3 - 154)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> <li>(a) Standards 17 January 2019</li> <li>(b) Civic Government Licensing 18 January 2019</li> <li>(c) Local Review Body 21 January 2019</li> <li>(d) Eildon Area Partnership 24 January 2019</li> <li>(e) Executive 29 January 2019</li> <li>(f) Kelso Common Good Fund 31 January 2019</li> <li>(g) Planning and Building Standards 4 February 2019</li> <li>(h) Tweeddale Area Partnership 6 February 2019</li> <li>(i) Police, Fire &amp; Rescue and Safer Communities 8 February 2019</li> <li>(j) Executive 12 February 2019</li> <li>(k) Selkirk Common Good Fund 13 February 2019</li> <li>(l) Local Review Body 18 February 2019</li> <li>(m) Lauder Common Good Fund 19 February 2019</li> <li>(n) Civic Government Licensing 22 February 2019</li> <li>(o) Executive 26 February 2019</li> <li>(p) Peebles Common Good Fund 27 February 2019</li> <li>(q) Planning and Building Standards 4 March 2019</li> <li>(r) Jedburgh Common Good Fund 5 March 2019</li> <li>(s) Major Contracts Governance Group 5 March 2019</li> <li>(t) Tweeddale Area Partnership (Special) 6 March 2019</li> <li>(u) Pension Fund 7 March 2019</li> <li>(v) Audit &amp; Scrutiny 11 March 2019</li> <li>(w) Kelso Common Good Fund 11 March 2019</li> <li>(x) Executive 12 March 2019</li> </ul> <p>(Copies attached.)</p>	5 mins
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(a)	Standards	17 January 2019
(b)	Civic Government Licensing	18 January 2019
(c)	Local Review Body	21 January 2019
(d)	Eildon Area Partnership	24 January 2019
(e)	Executive	29 January 2019
(f)	Kelso Common Good Fund	31 January 2019
(g)	Planning and Building Standards	4 February 2019
(h)	Tweeddale Area Partnership	6 February 2019
(i)	Police, Fire & Rescue and Safer Communities	8 February 2019
(j)	Executive	12 February 2019
(k)	Selkirk Common Good Fund	13 February 2019
(l)	Local Review Body	18 February 2019
(m)	Lauder Common Good Fund	19 February 2019
(n)	Civic Government Licensing	22 February 2019
(o)	Executive	26 February 2019
(p)	Peebles Common Good Fund	27 February 2019
(q)	Planning and Building Standards	4 March 2019
(r)	Jedburgh Common Good Fund	5 March 2019
(s)	Major Contracts Governance Group	5 March 2019
(t)	Tweeddale Area Partnership (Special)	6 March 2019
(u)	Pension Fund	7 March 2019
(v)	Audit & Scrutiny	11 March 2019
(w)	Kelso Common Good Fund	11 March 2019
(x)	Executive	12 March 2019

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# SCOTTISH BORDERS COUNCIL STANDARDS

MINUTES of Meeting of the STANDARDS  
held in Council Headquarters, Newtown St  
Boswells, Melrose, TD6 0SA on Thursday,  
17 January 2019 at 10.00 am

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

Apologies:- Councillors C. Hamilton and E. Jardine  
In Attendance:- Monitoring Officer and Service Director Regulatory Services, Democratic  
Services Officer (F. Walling), Trainee Democratic Services Officer.

## 1. **MINUTE**

- 1.1 There had been circulated copies of the Minute of the meeting held on 7 December 2017 and adjourned meeting on 12 December 2018.

### **DECISION**

**APPROVED the Minutes.**

- 1.2 The Monitoring Officer and Service Director Regulatory Services, Mr Brian Frater gave an update on the decisions agreed at the meeting held on 7 December 2017. Members were updating regularly their declaration of interest register and were submitting their monthly hospitality returns. Members had requested a procedure to be developed for Councillors for dealing with vexatious complainers. The Monitoring Officer explained that a Vexatious Complainants Group was already set up for Officers chaired by the Service Director Customer and Communities. He recommended that Councillors should adopt the same procedure and report to this group if they had any constituent complainers who they considered were becoming vexatious. It was agreed that this was a simple solution whilst recognising that this was only likely to involve a very small number of complainers. The Monitoring Officer advised that the procedure would be communicated to all Members at the briefing session dedicated to Standards on 30 January 2019. An e-mail would be sent out to all Members from the Chairman highlighting the importance of attending this briefing session.

### **DECISION**

**AGREED that:-**

- (i) **Councillors adopt the same procedure as that used by officers and report any constituent complainers who they consider were becoming vexatious to the Vexatious Complainants Group; and**
- (ii) **the procedure be communicated to all Councillors at the Members' briefing on 30 January 2019.**

## 2. **ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2017-18**

- 2.1 There had been circulated copies of a report by the Monitoring Officer which provided details on Scottish Borders Council's compliance with the Ethical Standards Framework for 2017 – 2018 and also considered matters relating to Training, Register of Interest and the Hospitality Register. The report provided some additional information and

recommendations on further work to be carried out relating to the Council's Protocol on Councillor's Personal Conduct/Behaviour and the Code of Conduct for Community Councils.

- 2.2 The Commissioner for Ethical Standards in Public Life in Scotland's annual report was laid before Parliament on 31 October 2018. During 2017-18 the Commissioner received a total of 146 complaints relating to 80 cases, which represented a reduction in both the number of complaints and number of cases over the previous years. The majority of complaints received (134) were against Councillors in Local Authorities. The subject matters which attracted complaints were detailed in the report and the main changes from 2016/17 included a significant increase in complaints relating to breach of key principles and misconduct on individual applications and a reduction in the number of complaints alleging disrespect. There were reductions in complaints relating to failure to declare an interest, breaches of confidentiality and misconduct relating to lobbying. The majority of complaints (123) were made by members of the public followed by complaints submitted by Councillors (19).
- 2.3 During 2017-18, 4 complaints were lodged against 4 Scottish Borders Councillors. All were submitted by a member of the public or external organisation. The complaints received in 2017-18 covered the following areas:- (a) Disrespect of public (2 complaints) and Conflict of Interest/Declarations of Interest (2 complaints). None of the complaints received resulted in referrals to the Standards Commissioner or reports to the Standards Commission within the period covered by this report. One complainant has subsequently referred his complaint to the Commissioner and the outcome would be reported in next year's report. The remaining 3 complaints were not pursued further by the complainants after contact had been made to the Council. In two instances, it was concluded that no breach had occurred. In the remaining case the Councillor accepted he had made inappropriate comments for which an apology was made. The Monitoring Officer reported that there were no concerns as the trend and scale were at a low level which was positive.
- 2.4 The report went on to explain that the Elected Members' Registers of Interests were published on the Council's website and were also available to view in paper format from Democratic Services. The Registers were reviewed every six months and were amended according to the information provided by the Members. Members were also required to comply with Section 4 of the Code of Conduct whereby the Registers were updated when a Registerable Interest changed.
- 2.5 Elected Members were required, on a monthly basis, to complete a Hospitality Register within which they would declare hospitality/gifts offered (valued at over £50), whether accepted or not. Members were also required to send a completed monthly pro-forma return (including nil returns) to Democratic Services, who maintained the Members' Hospitality Register. All forms were scanned electronically and published on the Council's website. In addition, a summary sheet of all responses for the current financial year was kept with the paper copy of the Register for ease of reference. A quarterly report was submitted to the Service Director Regulatory Services in his role as Monitoring Officer. The Monitoring Officer reported that Members were updating regularly their declaration of interest register and were submitting their monthly hospitality returns.
- 2.6 Training on the Ethical Standards Framework was provided to members as part of the Induction training held in May 2017 and Members were provided as a matter of course with links to briefing papers produced by the Commissioner for Ethical Standards including recent case reviews. Members were also advised of the publication of revised Guidance on the Councillors' Code of Conduct and to the availability of that guidance on the Standard Commission's website. Recent revisions have included an Amendment of the Code in July 2018 and the provision of guidance on Bullying and Harassment. An ongoing programme of further monthly briefings and training events was now in place covering a wide range of subject matters including, where appropriate, guidance on Conduct related issues. The next briefing session would be held on 30 January 2019

which would be devoted to Standards matters and would give Members the opportunity to discuss any issues. An electronic library of Member Guidance provided access to relevant information available to Members.

- 2.7 The Monitoring Officer went on to refer to the future work programme. The Council's own Protocol on Councillor's Personal Conduct/Behaviour was produced in 2002. This supplemented the Standards Commission's Code of Conduct and included guidance on internal procedures to be followed where complaints were received. It also provided positive and negative examples of personal conduct/behaviour. This Code was now out of date and required to be reviewed to ensure it reflected the current Standards Commission Code and to take account of issues such as the use of social media and new Data Protection requirements. Officers had commenced work on a review and would report back to the Standards Committee in early 2019. Members had previously expressed concern about the conduct of a small number of Community Councillors. Community Councils and Community Councillors were not subject to the Standards Commission's Code of Conduct but did have a Scheme for Establishing Community Councils which included a voluntary Code of Conduct. It was proposed to review the Scheme for Establishing Community Councils in 2019 and a report setting out possible amendments would be brought forward to this Committee before being presented to Council. There would be an opportunity to discuss these two pieces of work in more detail at the Members Briefing on 30 January 2019.
- 2.8 Discussion followed and the Monitoring Officer answered questions raised by Members. He emphasised the importance of attending Members' briefings and confirmed that attendance records were kept for each session. With regard to the review of the Community Council Scheme and the opportunity to determine whether the Community Council Code of Conduct was adequate to deal with alleged misconduct the view was expressed that the Code of Conduct should be balanced to encourage people to become members of Community Councils and not prevent them from putting themselves forward. The Monitoring Officer advised that although Scottish Borders Council had a role in the administration of Community Councils and would offer guidance and assistance it should intervene only when appropriate. In response to a question he added that Community Councils may need assistance and training in the interpretation of the Community Empowerment Act.

#### **DECISION**

#### **NOTED:-**

- (a) the details on the Council's compliance with the Ethical Standards Framework for 2017-18, training, registers of interest and hospitality;**
- (b) that the Monitoring Officer would provide a report in early 2019 following a review of the SBC Protocol on Councillors' Personal Conduct/Behaviour to better reflect the current Standards Commission Code, the use of social media and the new Data Protection requirements;**
- (c) that the Monitoring Officer would provide a report at the appropriate time on the Ethical Standards Framework Compliance for 2018/19; and**
- (d) that a review of the Scheme for Establishing Community Councils would be carried out in 2019 and that a report setting out possible amendments to the Scheme would be brought the Standards Committee before being presented to Council.**

*The meeting concluded at 10.30 am*

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# SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in Committee Rooms 2 and 3 on Friday,  
18 January 2019 at 10.30 am

- Present:- Councillors J. Greenwell (Chairman), D. Paterson, N. Richards, S. Scott, R. Tatler, G. Turnbull, T. Weatherston.
- Apologies:- Councillor J. Brown, E. Thornton-Nicol.
- In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr I. Tunnah and Mr M. Wynne), Democratic Services Officer (F. Henderson), Inspector J. McGuigan, Sergeant J Fortune - Police Scotland

## 1.0 MINUTE

The Minute of the Meeting of 14 December 2018 had been circulated.

### DECISION

**APPROVED and signed by the Chairman.**

## 2.0 LICENCES ISSUED UNDER DELEGATED POWERS

There had been circulated copies of the Civic Government and Miscellaneous Licences issued under delegated powers between 5 December 2018 to 8 January 2019.

### DECISION

**NOTED.**

## 3.0 PRIVATE BUSINESS

### DECISION

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

## SUMMARY OF PRIVATE BUSINESS

### DECLARATION OF INTEREST

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 Chamber during the discussion.

## 4.0 LICENSING OF SECOND HAND DEALERS

There had been circulated copies of an application for the Grant of a Second Hand Dealer Licence together with a letter of representation dated 19 December 2018 from Police Scotland. The representation highlighted that a conviction which it was considered relevant to the licensable activity had not been declared on the application. The applicant was present at the meeting. After hearing both parties, the Committee agreed to Grant the Second Hand Dealer Licence.

**5.0 CONTINUATION OF SUSPENSION OF TAXI DRIVER LICENCE**

With reference to paragraph 5 of the Private Minute of 14 December 2018, there had been circulated copies of letters from Police Scotland dated 13 and 23 November 2018, requesting immediate suspension of a Taxi Drivers Licence in terms paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 and in terms of paragraph 11(2)(a) and/or (2)(c) of Schedule 1 of the same Act. It was submitted that due to ongoing matters raising concerns regarding public safety, the licence holder was not a fit and proper person to hold the licence. The licence holder and his partner were present. The Committee agreed to continue the suspension until evidence of the current position as stated by the licence holder at the hearing was received. It was further agreed that those matters could be dealt with by delegated powers if the Committee's requirements were satisfied otherwise to be referred to a future meeting.

**6.0 CONTINUATION OF SUSPENSION OF TAXI DRIVER LICENCE**

There had been circulated copies of a letter from Police Scotland dated 24 December 2018, requesting immediate suspension of a Taxi Drivers Licence in terms of paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds of public safety. There had also been circulated copies of a supporting submission dated 14 January 2019 from the licence holder's solicitor. The Licence Holder was present. After hearing from both parties, the Committee agreed that the Taxi Driver Licence be reinstated with immediate effect.

**7.0 RENEWAL OF TAXI DRIVER LICENCE**

There had been circulated copies of an application for the renewal of a Taxi Driver Licence together with a letter of objection from Police Scotland detailing an incident resulting in pending criminal charges against the applicant. The applicant was present and after hearing from both parties the Committee agreed that the renewal of the Taxi Driver Licence application be refused.

**8.0 REVIEW DECISION TO REVOKE TAXI DRIVER LICENCE**

With reference to paragraph 7 of the Private Minute of 14 December 2018, The Managing Solicitor reminded the Committee that an appeal had been lodged in respect of a previous decision to revoke a Taxi Driver Licence. The outcome of the appeal resulted in the Sheriff referring the matter back to the Civic Government Licensing Committee for a new hearing. Members were also made aware that Police Scotland had withdrawn their original objection. In the circumstances, the Committee agreed to reinstate the Taxi Driver Licence previously revoked with immediate effect.

**DECLARATION OF INTEREST**

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 Chamber during the discussion.

**9.0 LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS**

With reference to paragraph 4 of the Private Minute of 14 December 2018, there had been circulated copies of a letter from Police Scotland dated 28 November 2018, requesting that a Street Trader Licence be revoked in terms of Paragraph 11(2)(a) of Schedule 1 of the 1982 Act on the grounds of public safety. There had also been circulated copies of a written statement and supporting information submitted by the licence holder. Although cited to attend the licence holder was not present at the meeting. Taking into account the matter had been remitted from the previous meeting to allow the licence holder to be personally present and no contact had been made with officers since that date, it was agreed to proceed to consider the application and in view of the pending criminal proceedings the Committee agreed that the Street Trader Licence be revoked with immediate effect.

**10.0. MINUTE**

The Private section of the Minute of 14 December 2018 was approved.

*The meeting concluded at 11.50 a.m.*

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# Public Document Pack

## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 21 January 2019 at 10.00 am

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

Apologies:- Councillor C. Ramage

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

### 1. **REVIEW OF 18/01332/PPP**

There had been circulated copies of the request from Mr and Mrs Ferguson, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, for review of refusal of the planning application in respect of the erection of a dwellinghouse and detached garage/stable on land North East of River Cottage, Linthill, Melrose. The supporting papers included the Notice of Review (including the Officer's Report); Decision Notice, papers referred to in the Officer's Report; support comment; consultations; and a list of relevant policies.

Members agreed that the indicative elevation drawing submitted with the Notice of Review met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and could be considered. Having agreed that there was a building group at Linthill they focussed their discussion on whether the proposed site was an appropriate addition to the building group. They noted that the erection of a garage associated with River Cottage already formed an extension to the building group. The view of the majority of Members was that, provided a strong wooded boundary was established to the east of the proposed site the erection of a dwellinghouse at that location would complement the sense of place and would enhance the building group. Councillor Aitchison held an opposing view and proposed that the officer's decision be upheld but there was no seconder to this motion.

### **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 indicative elevation drawing submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and could be taken into consideration;**
- (c) the review could be considered without the need for any further procedure on the basis of the site visit and the papers submitted;**
- (d) the proposal would be in keeping with the Development Plan; and**
- (e) the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions and a legal agreement, for the reasons detailed in Appendix I to this Minute**

2. **REVIEW OF 18/01341/PPP**

There had been circulated copies of the request from Mr and Mrs Eriend Milne, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, for review of refusal of the planning application in respect of erection of dwellinghouse and detached garage on land South East of Tarf House, West Linton. The supporting papers included the Notice of Review; Decision Notice, Officer's Report; consultations; and a list of relevant policies. Having concluded that there was not a building group in the vicinity of the site of the proposed dwellinghouse Members went on to debate whether there was economic justification for a house on that particular site in terms of the ancillary business referred to in the application. Members were aware of the lack of land allocated for businesses in the West Linton Area but noted that in this case insufficient information to support a business case had been submitted.

**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 site visit and the papers submitted;**
- (c) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the officer's decision to refuse the application be upheld and the application refused for the reasons detailed in Appendix II to this Minute.**

3. **REVIEW OF 18/00956/FUL**

There had been circulated copies of the request from Mr and Mrs Alexis and Rose Kennedy, per Architeco Limited, 43 Argyll Street, Dunoon, for review of refusal of the planning application for erection of dwellinghouse on land North West of Chapel Cottage, Melrose. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; consultations; and a list of relevant policies. The Planning Advisor drew attention to new evidence, in the form of a Tree Survey and a drawing proposing Visibility Sight Lines, which had been submitted with the Notice of Review documentation and which had not been before the Appointed Planning Officer at the time of determination. As the Review Body considered that the new information could be considered as it met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review, it was agreed that there was a need for further procedure in the form of written submissions and that the Appointed Planning Officer, Landscape Architect and Roads Planning Officer be afforded the opportunity of making representations on this new evidence. The Legal Advisor directed Members to disregard a further piece of new evidence submitted with the Notice of Review, in the form of a plan which showed a site boundary line along the driveway, which was different from the boundary on the site plan submitted with the original application, as it was not admissible to change the site boundary at this juncture.

**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 new information submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and that the review could not be considered without further procedure in the form of written submissions in respect of that new evidence;**
- (c) **to request representations from the Appointed Planning Officer, Landscape Architect and Roads Planning Officer on the new evidence in the form of the Tree Survey and the drawing 'Visibility Sight Lines'; and**
- (d) **consideration of the review be continued on a date to be arranged.**

4. **REVIEW OF 18/01215/FUL**

There had been circulated copies of the request from Mr K Patterson, per Richard Amos Ltd, 2 Golden Square, Duns, to review the refusal of the planning application for extension to dwellinghouse at 10, Townhead Way, Newstead. The supporting papers included the Notice of Review (including the Decision Notice); Officer's Report; consultations; and a list of relevant policies. The Planning Advisor drew attention to new evidence, which included information on daylight and impact on neighbour's kitchen, a letter of support and an approved planning application for a similar proposal on a nearby property, which had not been before the Appointed Planning Officer at the time of determination. As the Review Body considered that the new information could be considered as it met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review, it was agreed that there was a need for further procedure in the form of written submissions and that the Appointed Planning Officer be afforded the opportunity of making representations on this new evidence.

**DECISION  
AGREED:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the new information submitted with the Notice of Review documentation met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and that the review could not be considered without further procedure in the form of written submissions in respect of that new evidence;**
- (c) **to request representations from the Appointed Planning Officer on the new evidence which included information on daylight and impact on neighbour's kitchen, a letter of support and an approved planning application for a similar proposal on a nearby property; and**
- (d) **consideration of the review be continued on a date to be arranged.**

*The meeting concluded at 11.45 am*

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**APPENDIX I**

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

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

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

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**Local Review Reference:** 18/00036/RREF

**Planning Application Reference:** 18/01332/PPP

**Development Proposal:** Erection of dwellinghouse and detached garage/stable

**Location:** Land North East of River Cottage, Linthill, Melrose

**Applicant:** Mr & Mrs T Ferguson

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**DECISION**

The Local Review Body reverses the decision of the appointed officer and indicates that it intends to grant planning permission for the reasons set out in this decision notice subject to conditions and informatives and the applicants entering into a Section 75 or other suitable legal agreement as set out below.

**DEVELOPMENT PROPOSAL**

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

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	P515-PL 004 A
Conceptual Site Plan	P515-PL 003
Conceptual Floor Plan	P515-PL 001
Conceptual Elevations	P515-PL 002
Road Splays	ASK 140709/01

**PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21<sup>st</sup> January 2019.

After examining the review documentation which included: a) Notice of Review (including Officer's Report); b) Decision Notice; c) Papers referred to in officer's report; d) Support comment; e) Consultations; and f) List of Policies, the Review Body proceeded to determine the case.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP1, EP2, EP3, EP5, EP7, EP8, EP10, EP13, EP15, IS2, IS3, IS7 and IS9

### Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Development Contributions 2011

The Review Body noted that the proposal was for Planning Permission in Principle to erect a dwellinghouse and detached garage/stable on the site.

Members firstly considered whether there was a building group present at Linthill and concluded that, in terms of Local Development Plan Policy, sufficient houses existed in the locality around the Stables to constitute a building group. They also recognised that the group could expand by up to two houses and that the proposal for one house was within that scale of addition capacity.

The Review Body then considered whether the site was a natural and acceptable extension to the building group. They noted the Appointed Officer's concerns that the site was ribbon development extending away from the Stables courtyard and River Cottage. Whilst they understood this view, they were of the opinion that there were a number of mitigating factors that allowed them to accept that the site and development were part of the sense of place and could be considered an acceptable addition to the building group.

Members noted that the field was not undeveloped in that a garage had been erected associated with River Cottage and this had also extended the building group eastwards. They also noted that the intervening boundary between the site and the rest of the group was only a post and wire fence and they felt that, as advised by the Landscape Architect, a new wooded boundary to the east of the site, imposed by condition, would create a strong new edge to the building group. The Review Body also noted the applicant's response to the

concern over continued development within the field by means of private legal restriction. They concluded that, subject to appropriate conditions, the site could be considered to be a natural extension to the building group.

The Review Body also noted the accompanying elevation and site plans which, whilst indicative, suggested a development and design of high quality which they felt could contribute positively to the sense of place and enhance the group. There were some concerns expressed over the proposed garage/stable and the requirements of Scottish Natural Heritage but Members were content that the necessary safeguards over positioning and scale could be controlled by appropriate conditions. This was also the case with issues relating to tree protection, access, ecology, water and drainage.

Members also noted that development contributions would be required only for the Borders Railway and not for education.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2 and HD2 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate addition to the building group, well related to, and in keeping with the character of the group, subject to creation of a strong planted boundary to the eastern side of the site. Consequently, the application was approved.

## **DIRECTIONS**

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

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

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

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

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

## **CONDITIONS**

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

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

2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.

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

3. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
  - existing and finished ground levels in relation to a fixed datum preferably ordnance
  - existing landscaping features and trees to be retained, protected and, in the case of damage, restored
  - a detailed scheme for replanting outwith the visibility splay
  - location and design, including materials, of walls, fences and gates
  - soft and hard landscaping works including establishment of firm planted boundaries to the plot, particularly down the eastern side to form an edge to the building group
  - existing and proposed services such as cables, pipelines, sub-stations
  - A programme for completion and subsequent maintenance.

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

4. No development to be commenced until a tree survey and site/tree constraints plan are submitted to, and approved by, the Planning Authority. The survey should be in accordance with BS 5837:2012 to establish the location, condition and Root Protection Area of all trees that would be affected by the development. Once approved, the development then to proceed in accordance with the survey and site/tree constraints plan and any protection provisions and mitigation included therein, all trees then to be protected in perpetuity thereafter.

Reason: To safeguard existing trees on or adjoining the site.

5. No development shall commence until the details of the access and the parking and turning facilities within the site have been submitted to and approved in writing by the Planning Authority. The details to include:
  - a) parking and turning for two vehicles, excluding garages, within the site
  - b) visibility splays (2.4m x 90m and 2.4m x 160m) to be provided at the main junction with the public road. Thereafter the splays are to be retained in perpetuity.
  - c) The route, alignment and construction specification of the private access to the site
  - d) A programme for completion and maintenance.

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

Reason: In the interests of road safety on the junction of the Linthill estate road and the B6359.

6. As part of the first submission of Matters Specified as Conditions, a plan to be submitted for the approval of the Planning Authority demonstrating a minimum 10m

“no buildings” buffer between the River Tweed SAC and the proposed development. Once approved, the development then to proceed in accordance with the approved plan and the buffer protected from building erection thereafter in perpetuity. Within the buffer zone and notwithstanding the terms of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended 2011 and any subsequent Order, no development under Schedule 1 Class 1 or 3 to be carried out without the prior approval of the Planning Authority.

Reason: To safeguard the River Tweed Special Area of Conservation

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

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

8. The development to be provided with a public water supply unless otherwise agreed with the Planning Authority. If a private water supply is proposed, then no development shall commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

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

9. Prior to determination of any subsequent full planning application, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Planning Authority. The CMS shall incorporate:

- Measures to protect the freshwater environment, including the River Tweed SAC
- Mitigation measures to avoid potential impacts on protected species that may be present on site, including bats, badgers and red squirrel
- Measures to enhance biodiversity through planting native tree species of local provenance.

Once approved, the development then to be carried out in accordance with the CMS and any mitigation contained therein.

Reason: To safeguard ecological interests at the site.

10. No development shall commence during the breeding bird season (March – August inclusive), unless in strict compliance with a Species Protection Plan for breeding birds that shall be firstly submitted to and approved in writing by the Planning Authority. The SPP shall include provision for mitigation and a pre-development checking survey.

Reason: To safeguard ecological interests at the site

## **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 for the Borders railway.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 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 at the Council.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable.

### **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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

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

**Date...**28 January 2019

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**APPENDIX II**

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

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

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

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**Local Review Reference:** 18/00037/RREF

**Planning Application Reference:** 18/01341/PPP

**Development Proposal:** Erection of dwellinghouse and detached garage

**Location:** Land South East of Tarf House, West Linton

**Applicant:** Mr & Mrs Erlend Milne

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**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 development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location unrelated to a building group that meets policy definitions and no overriding case for a dwellinghouse has been substantiated.

**DEVELOPMENT PROPOSAL**

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

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	1344.PL_01 A
Indicative Site Plan	1344.PL_02 D

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21<sup>st</sup> January 2019.

After examining the review documentation which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Consultations and e) List of Policies, the Review Body proceeded to determine the case.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP13, IS2, IS5, IS7 and IS9

### 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 Development Contributions 2011
- Scottish Planning Policy 2014

The Review Body noted that the proposal was for Planning Permission in Principle to erect a dwellinghouse and detached garage on the site.

Members firstly considered whether there was a building group present in the vicinity of the site and concluded that there was none in terms of relevant policies and guidance. They acknowledged that whilst there was a total of four dwellinghouses, these were split into two groups of two houses which, in themselves, did not constitute a building group in terms of Policy HD2 and there was little relationship between the groups of houses as they were separated by topography, screening etc. The Review Body also noted that the lack of a defined building group was consistent with previous planning decisions at the site.

As they did not consider a building group to be present, the Review Body then considered whether there was any substantiated economic need for a dwellinghouse to be positioned on the site. They were aware of the lack of employment space and buildings in the West Linton area and noted that, although the applicants did not intend their leather and saddlery business to be the justification for their application nor anything other than an ancillary use, Members were still required to give the matter consideration under the relevant Policy. They concluded, however, that there was insufficient business information to justify the need for a house at this particular site.

The Review Body also considered the visual and landscape impacts of the site and noted that the site was outwith the Pentland Hills Special Landscape Area and that a development would not necessarily result in any adverse impact on the landscape.

## **CONCLUSION**

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

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

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

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

**Date.....**28 January 2019

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## Eildon Area Partnership



MINUTE of Meeting of the EILDON AREA PARTNERSHIP held in The Corn Exchange, Melrose on Thursday, 24 January 2019 at 6.00 pm

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- Present:- Councillors S. Aitchison, A. Anderson, K. Drum, G. Edgar, E. Jardine and E. Thornton-Nicol
- Apologies:- Councillors T. Miers and D. Parker
- In Attendance:- 25 Partners, Community Councillors, officers and members of the public.

### 1. **WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Edgar, welcomed everyone to the meeting of the Eildon Area Partnership and thanked Community Councillors, Partners and local organisations for their attendance. Councillor Edgar explained, that prior to a facilitated discussion on issues and local priorities around the theme 'Our Health, Care and Wellbeing', the meeting would begin with introductory talks and a short presentation by two young people from Galashiels Academy.

### 2. **THEME: OUR HEALTH, CARE AND WELLBEING**

- 2.1 Mr Robert McCulloch-Graham, Chief Officer Health and Social Care, explained that the Public Bodies (Joint Working) (Scotland) Act 2014 required Health Boards and Local Authorities to integrate Health and Social Care services. In the Scottish Borders this included all Social Care Services, Home Care, District Nurses, GPs, Community Hospitals, Mental Health Services, Dentists and Physiotherapists. The Integration Joint Board (IJB) was established to oversee these services and was made up of 5 Councillors, 5 Non-Executive Directors and other representatives. The Joint Board determined how the budget, currently £160m, was spent. The IJB focus was: to improve the health of the population to minimise help required from health professionals; to identify quickly when help was needed from health professionals and to make a quick diagnosis; and to provide support within the community for people to manage their own conditions, through home care etc and avoid hospital readmissions. Driven by work and engagement with local communities the local objectives set out in 5 Locality Plans dovetailed into the IJB's Strategic Plan. Local priorities were to increase the availability of locally based rehabilitation services; improve the availability of services including access in rural areas; look at housing needs; assess and support unpaid carers; shift the balance of care from hospital to communities for some conditions; and to reduce problems associated with disability and access to services. As part of the objective to direct service users and families to the right services at the right time Community Link Workers had been recruited.

- 2.2 Dr Keith Allan, Consultant in Public Health, referred to six new Public Health Priorities identified in a recent report by the Joint Director of Public Health. In particular regional and local work was being carried out around type 2 diabetes prevention by encouragement of healthy eating, the Scottish Borders having a higher rate of occurrence of diabetes than the national average. Ms Fiona Doig, from the Alcohol and Drug Partnership, summarised three areas of work being carried out. In terms of the supply of alcohol from local outlets the Local Licensing Forum produced an annual Alcohol Profile which pulled together statistics on the impact of alcohol consumption in the community. The Profile was used as a reference to assist the Scottish Borders Licensing Board in its decision making. Health Improvement work was also directed towards smoking information services including interaction with other behaviours and towards schools and other groups to encourage engagement in activity and healthy eating. Ms Fiona Jackson was in attendance as Project Manager for the 'Respect' project currently being introduced by NHS Borders for roll-out in this area. She explained that Respect was a guide that reflected the need to document conversations with family and health professionals for a person's clinical care in a future emergency, in which they were unable to make or express choices. It provided health and care professionals with a summary of recommendations to enable decisions to be made about that person's care and treatment. This would be complementary to a person's anticipatory care plan. Copies of the Respect form had been brought along to the meeting for information.
- 2.3 Galashiels Academy pupils, John Carr and Doddie Turner, gave a presentation they had prepared entitled 'Health and Wellbeing in Galashiels' and provided additional commentary on the slides shown and the views expressed by the range of people they had interviewed. John and Doddie firstly summarised the view of pupils about the main issues, which included reference to alcohol and drugs being a problem amongst youth in Galashiels; too much litter; and neglect of mental health. The Head of Health and Wellbeing in the school had explained that the Academy explored the physical and emotional wellbeing of youngsters but a wider range of activities was needed. Issues included transport and the opportunity to take part in the environment. A representative from Quarriers (a social care charity providing practical care and support for vulnerable children, adults and families) thought that the main issue was children not feeling safe within school whether this was caused by instability through family or friends or by gender/sexuality insecurity. Staff at Stable Life (providing equine assisted learning) believed that the main issues included isolation in rural areas and pupils not attending at school. The School Nurse said that openness was one thing that could be improved throughout the school. She believed that drugs and alcohol were more of a problem now because they were more readily available than they used to be. The Chairman thanked John and Doddie for their very interesting presentation and it was agreed that the slides be circulated with the feedback from the meeting.
- 2.4 Following the introductory presentations, officers joined Elected Members, partners and the public at their tables for a discussion on the main issues and priorities for the area in terms of 'Our Health and Wellbeing'. A pack of information had been provided at each table in addition to feedback sheets on which emerging points could be recorded. A summary of the output of the discussions is provided as an appendix to this Minute.
3. **FEEDBACK FROM MEETING ON 22 NOVEMBER 2018**  
The Minute of the meeting of the Eildon Area Partnership held on 22 November 2018 had been circulated along with a summary of the discussion on the Council Budget 2019/20 attached as an appendix. The Locality Development Co-ordinator, Gillian Jardine, summarised the feedback which highlighted priority spending issues identified by those present at the meeting.
4. **LOCALITIES BID FUND**  
Ms Jardine gave an update on the Localities Bid Fund (LBF). She gave a reminder that the second funding round of LBF was currently open, with applications being accepted until 5 pm on Thursday 28 February. Bids were invited to the £119k available in the

Eildon area; a maximum bid of £15k from constituted groups and £5k from those which were un-constituted. She confirmed that advice and help with applications was available on request from the Council's localities team.

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

Lists of schemes approved and funded from the Small Schemes and Quality of Life Budgets, within the three Eildon Wards in the current financial year, had been provided on the tables for information. In an update on the balances remaining within each budget, Ms Jardine advised that there was £2,374 left to be allocated in the Small Schemes budget for the Eildon area. Of the £20k annual budget for Quality of Life, divided between the three Wards, Galashiels had zero remaining, Selkirkshire had £1,758 and Melrose and Leaderdale £2,456 (although funding was not available to all Community Councils in this Ward due to the agreement to divide the budget between the Community Councils). Any queries or requests for funding from these budgets should be directed to the Council's Neighbourhood Area Manager, Mr Craig Blackie.

6. **NEXT MEETING**

The next meeting of the Eildon Area Partnership was scheduled for Thursday 7 March 2019. The Chairman explained that the focus of this meeting would be the preparation of a Locality Plan for the Eildon area. A draft plan, based on all the priority issues raised under the five themes at previous meetings, would be circulated prior to the meeting. The venue would be confirmed in due course.

*The meeting concluded at 8.20 pm*

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Eildon Area Partnership - 24th January 2019: Health Care and Well-Being		
Issues/ Challenges	Solution / Commentary	Priority Rating
<p>Waiting list for carers</p> <p>Access to alcohol &amp; Drugs</p> <p>Socially acceptable/ Alcohol- bigger problem than drugs</p> <p>Alcohol and young people</p> <p>Rural, problems to reach health prevention classes</p>	<ul style="list-style-type: none"> <li>• How long is waiting list?</li> <li>• Individuals paying for private carers</li> <li>• Adaptions to allow for those that can shower to do so</li> </ul> <ul style="list-style-type: none"> <li>• Push the licensing board to be more stronger with small groups</li> <li>• Enforcement of alcohol sales- "Test shoppers"</li> </ul> <ul style="list-style-type: none"> <li>• Change school education to move away from having a block of alcohol education to discussing alcohol use throughout the year.</li> <li>• Need to have alternative activities in the community</li> <li>• Need to create social spaces in the evening which don't sell alcohol</li> </ul> <ul style="list-style-type: none"> <li>• Students understand but what about parents= learn physical and emotional impact and how to recognise and deal with the issue</li> <li>• Extension of ambassadors (ex pupils) appearing in schools = positives and negatives- (real life stories ruined lives) and the emotional impact.</li> </ul> <ul style="list-style-type: none"> <li>• Revamp of rural transport</li> <li>• Schools to be used, for health education</li> <li>• Evening classes</li> </ul>	
<p>Lack of carers as a whole</p> <p>Awareness of risks from smoking &amp; services to keep</p> <p>People drinking to get drunk People drinking more than what they realise High level of sugar in alcohol</p> <p>Rural opportunities for all ages</p>	<ul style="list-style-type: none"> <li>• Is criteria in assessment fit for purpose?</li> </ul> <ul style="list-style-type: none"> <li>• Make services more visible to the public eye</li> <li>• Make young people more aware of the danger of smoking- Public health and schools</li> </ul> <ul style="list-style-type: none"> <li>• Community interventions in the pub during the day to provide people with an alternative</li> <li>• Trial giving non-alcoholic drinks to people to see if they realise it is non alcoholic</li> </ul> <ul style="list-style-type: none"> <li>• When a new school is created (Eg. Earlston Primary) it is created to allow full access for young people/ community to perhaps support those who cant afford/ access eg. Culture and bring it to the community.</li> </ul>	

<p>Gentle exercise , Classes stopped due to low numbers</p> <p>Physical activity</p> <p>Marketing encourages drinking amongst young people Extreme messages</p> <p>Housing for the elderly.</p>	<ul style="list-style-type: none"> <li>• Volunteers could be trained to deliver class work with VCB to recruit volunteers. Groups could cover the cost of bringing in Live Borders (Micro grants and windfarms)</li> <li>• Make information on physical activity more accessible</li> <li>• Strengthen links between school conversations and home life</li> <li>• Test Purchasing</li> <li>• Provision needed to be included in the strategy for housing</li> <li>• All new builds- social housing to be accessible</li> </ul>	
<p>Good Practice</p> <p>Openness to talk about problems (young people)</p> <p>Alcohol can make peoples mental health illnesses worse</p> <p>GP Services</p> <p>People With dementia</p>	<ul style="list-style-type: none"> <li>• Local patient transport system- CC cover cost of Petrol. CC area and will cover neighbouring areas. CC Cover insurance cost.</li> <li>• Increase mental health counselling in schools</li> <li>• Increase awareness of mental health workshops – development resilience</li> <li>• Need to be identified and supported</li> <li>• Dementia cafes, introduce dementia friendly walks</li> </ul>	
<p>Patient Transport</p> <p>Loneliness and isolation</p> <p>Bullying amongst young people , especially through social media</p> <p>Social media creates pressure to keep up with other people’s lifestyles</p> <p>Transport Issues</p> <p>Caring for people at home and improving the employee carers</p>	<ul style="list-style-type: none"> <li>• Promote opportunities to meet eg. Bingo workshops for older people</li> <li>• Used council buildings/ schools/ mens shed/ time bank</li> <li>• Obvious!</li> <li>• Not enough time</li> <li>• Social interaction -wellbeing initiatives where residents commit to support our residents.</li> </ul>	
<p>Stow medical centre Long waiting times for appointments</p> <p>Holiday Hunger</p> <p>Opportunities for all ages</p>	<ul style="list-style-type: none"> <li>• Focus centre provide breakfast during holidays</li> <li>• Varied opportunities across the high schools to impact on pupils/ parents/shops</li> <li>• The extension of music as core, very positive impact a health of wellbeing- Keeps you of drink</li> </ul>	

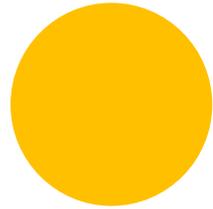
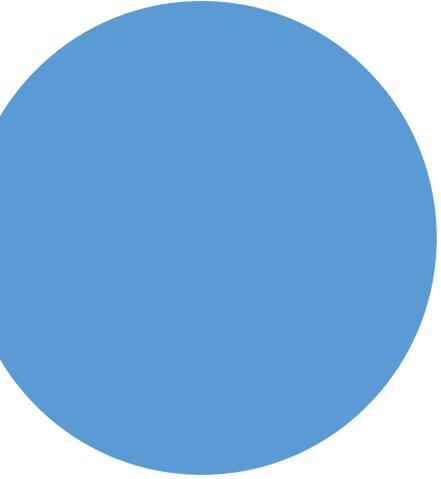
<p>If people need to be in hospital then they should rather than health centres being first port of call.</p> <p>Access to rural facilities</p>	<ul style="list-style-type: none"> <li>• Leisure facilities</li> <li>• Unisex changing may seem like a good idea but uncomfortable for many</li> <li>• Encourage young ladies especially some facilities should be single sex</li> </ul>	
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Services more expensive for people with disabilities

Respect form-

Very confusing- draft of living will as an example

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Page 97

# Health and Wellbeing in Galashiels

Presented By  
John Carr &  
Doddie Turner



# The View Of The Pupils

- Alcohol is a problem with youth in Galashiels.
- Too much litter.
- Free Gym passes for school pupils.
- Mental health is neglected.
- Sport is really prominent.
- Facilities need upgrading.
- New Kit for sports teams.
- Drugs and alcohol are a problem.
- Upgrades are needed.

# A Word from our Head of Health and Wellbeing

“Issues for H&W include transport and the opportunity to take part in the environment.”

Page 39 “Galashiels academy explores the physical and emotional wellbeing of youngsters within the school, but we need a wider range of Activities.”

“ The sports facilities are moderately good. Great fields (when dry) but aging indoor facilities within the school.”



We also spoke  
to Lesley from  
Quarriers

Lesley thought that the main issue was children not feeling safe within the school whether this is caused by instability through family or friends or by gender/sexuality insecurity.

She also thought it could be improved by mental health ambassadors and more detail on mental health in PSE classes

Another point was that self harm was making people more self conscious about people seeing them.

# The opinion of staff at Stable Life

They said issues include isolation in rural areas and pupils not attending school.

They thought that it was good that they brought in people from outside the school.

# The view of the School Nurse

Page 12



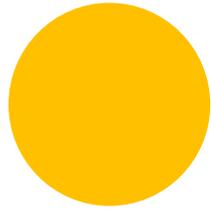
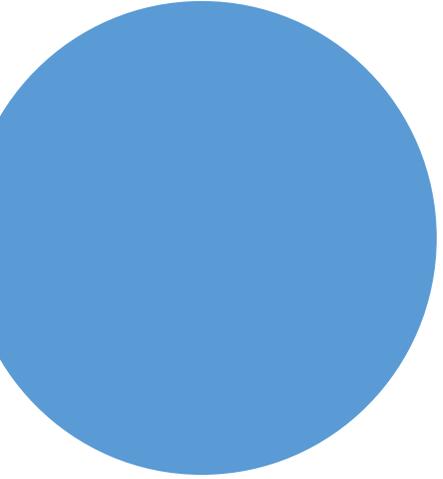
THE ISSUE FOR HEALTH AND WELLBEING INCLUDE EMOTIONAL HEALTH AND RISK TAKING BEHAVIOUR.



SHE SAID THAT OPENNESS IS ONE THING THAT CAN BE IMPROVED THROUGHOUT THE ENTIRE SCHOOL.



SHE TOLD US DRUGS AND ALCOHOL WERE MORE OF A PROBLEM NOW BECAUSE THEY ARE MORE READILY AVAILABLE THAN THEY USED TO BE.



Thank you for  
listening

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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, 29 January, 2019 at  
10.00 am

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- Present:- Councillors M. Rowley (Chairman), S. Aitchison, G. Edgar, C. Hamilton, S. Haslam, E. Jardine, S. Mountford, R. Tatler, G. Turnbull and T. Weatherston
- Apologies:- Councillor T. Miers
- In Attendance:- Executive Director (R. Dickson), Chief Officer Economic Development, Clerk to the Council, Democratic Services Officer (F. Walling)

## ECONOMIC DEVELOPMENT BUSINESS

- Present:- Mr J Clark (Borders Chamber of Commerce)  
Apologies:- Mr G Clark (Federation of Small Businesses)

### CHAIRMAN

Councillor Rowley chaired the meeting for consideration of both the Economic Development and other business.

### MEMBER

Councillor Aitchison joined the meeting during the following update.

## 1. ECONOMIC DEVELOPMENT UPDATE

- 1.1 With reference to paragraph 2 of the Minute of 6 November 2018, there had been circulated copies of a briefing note providing an update on recent Economic Development activities. The Chief Officer Economic Development, Mr McGrath, summarised the main points. With regard to business activity during the quarter, Business Gateway had assisted 35 business start-ups and 4 of these had met the new classification of "Early Stage" growth. The Scottish Borders Business Fund had received 5 applications between 16 October 2018 and 31 December 2018, and approved 4 grants valued at £14,585. These projects were forecast to create 9 jobs with a forecast economic impact of £141,208 GVA. In terms of regeneration activity, the Jedburgh CARS programme was ongoing and feedback was awaited regarding the Hawick Conservation Area Regeneration/CARS Proposal which had been submitted to Historic Environment Scotland. The Hawick Business Growth Project was underway with a planning application submitted for the demolition of the former Armstrong's Department store and two former churches to make way for redevelopment to create a new three-storey building providing a hub and office space for up to 17 small and start-up businesses. In response to a Member's question, Mr McGrath confirmed that the demand for this type of small 'incubator' office space in that area had been evidenced. A further initiative in Hawick was the establishment of a Textiles Training Centre for Excellence at Hawick High School, where Alistair Young had recently been appointed as Centre Manager. The aim of the new training centre was to tackle a critical skills shortage hampering textiles companies' efforts to boost their production and productivity. A funding commitment of £610,000 had been confirmed by the South of Scotland Economic Partnership to support the set up and delivery of the project for the first two years.

- 1.2 Members expressed disappointment with the result of the vote in Galashiels to reject a Business Improvement District (BID) in the town centre. The ballot had been positive in terms of number of votes but not in terms of Rateable Value. The Executive Director, Mr Dickson, confirmed that the Council would continue to work with Energise Galashiels and other organisations with the aim of taking forward the action plan which had been part of the BID process, thereby capitalising on the enthusiasm for ongoing regeneration within the town. In terms of European Funding Programmes, Mr McGrath advised that clarification from the UK and Scottish Governments had confirmed that applicants whose LEADER grant funding was agreed and contracted by June 2019 would be able to complete their projects, even if the work was scheduled to take place after leaving the EU. With regard to the Council's portfolio of leased industrial units yards and shops, the occupancy level for the last quarter was 89%. The 133 property enquiries included 19 enquiries to purchase plots. The sale of the last 2 available service plots at Pinnaclehill, Kelso was progressed in December 2018. In response to a question, Mr McGrath clarified that the plots referred to were Council-owned and that there were other plots still available at Pinnaclehill.
- 1.3 With regard to the South of Scotland Enterprise, the Council's evidence submission, as part of the consultation on the South of Scotland Enterprise Bill, had been submitted. Mr Dickson, Lead Officer for the South of Scotland Economic Partnership, gave a verbal update. Formal evidence was given at the Scottish Parliament's Rural Economy and Connectivity Committee which met in Dumfries on 14 January 2019 by Scottish Borders Council, Dumfries & Galloway Council and the South of Scotland Economic Partnership and evidence was also given at two subsequent workshops which also involved community groups and stakeholders. The main themes focussed on economic challenges around rurality within the South of Scotland, the most sparsely populated area of Scotland outside the Highlands and Islands. Mr Dickson drew attention in particular to the demographic projections in terms of population for the South of Scotland in comparison to other areas, which he believed were poorly understood and which had stark implications in terms of pressure on the working age population. In discussions about boundaries there had been no proposals for boundary changes from the Local Authorities concerned. In terms of economic growth it had been emphasised that support from the South of Scotland Agency for businesses and economic activity would be inclusive and span all areas. Initial proposals in terms of operation of the Agency were for a hub and spoke model with locality offices working through a nominated hub. The debate around Stage 1 of the Bill was due to close at the end of March 2019 with the aim of the new Agency being delivered by 1 April 2020.

## **DECISION**

**NOTED the update.**

## **2. VISITSCOTLAND ICENTRE UPDATE**

- 2.1 With reference to paragraph 3 of the Minute of 5 December 2017, there had been circulated copies of a report by the Executive Director giving an update on how VisitScotland was responding to new trends in the way visitors accessed information. Indications were that online usage for visitor information and booking would continue to rise. In line with this trend, Scottish Borders' VisitScotland iCentres had experienced a general decline in footfall in recent years. Melrose and Kelso iCentres had now closed and in Peebles the visitor numbers had decreased by 70% since 2006. VisitScotland operations would cease at the Peebles location at the end of February 2019. Conversely there had been a significant rise in website visits and digital referrals to Scottish Borders businesses. VisitScotland, in partnership with Scottish Borders Council and local tourism businesses, was aiming to provide more information, to more visitors through even more outlets than at present. VisitScotland was aiming for closer working with local businesses so that visitors could access good information from local experts. Since rolling out the VisitScotland Information Partner (VIP) Programme, 102 businesses in the Scottish Borders had become VIP accredited. A new partnership had been set up with Live Borders to identify key locations where visitors would seek out information, such as

libraries or museums. Heart of Hawick Visitor Information Centre would change hands and be fully operated by Live Borders by March 2019. One of the key elements of the VisitScotland strategy was the creation of 26 Regional Hubs across Scotland from the current network of iCentres. Having listened to the feedback from Scottish Borders Council and other local partners, VisitScotland had decided that the existing Jedburgh site would currently be the best location for the Regional Hub for the Scottish Borders.

- 2.2 In a discussion of the report Members welcomed the expansion of the VIP programme across the Borders, pointing out that the value of personal contact for visitors obtaining information from local businesses and other outlets should not be underestimated. In response to a question as to how to attract more tourists into the Borders from the Edinburgh area, Mr McGrath referred to the strong strategic approach and work being carried out by the business-led Midlothian and Borders Tourism Action Group (MBTAG) to tap into the Edinburgh tourist market via the Borders Railway. Councillor Haslam referred to the visitor information data provided within the report showing that the Peebles iCentre was busier than the Jedburgh iCentre and questioned why Jedburgh was thought to be the best location for the Scottish Borders Regional Hub. Mr McGrath emphasised that this was a VisitScotland decision but that there was a strong logic for the choice of Jedburgh: the town was close to the national border; the building was owned by VisitScotland; there was good availability of parking; and in consideration of the volume of coach traffic there was access on an arterial route from the Borderlands area. In terms of Peebles there were already 14 VIP Partners in the Tweeddale area, including Glentress Forest and Traquair House, which between them currently welcomed in excess of 350,000 visitors each year. VisitScotland was also pursuing a partnership agreement with Tweed Valley Tourist Consortium which would see an additional 60+ businesses from the Tweed Valley area join the VIP programme, as a collective. Members indicated their support for the identification of the Jedburgh site as the VisitScotland Regional Hub in the Scottish Borders. Councillor Haslam believed it should be located in Peebles and asked for this to be noted.

## **DECISION**

### **AGREED to:-**

- (a) **note the further changes made by VisitScotland to visitor information provision in the Scottish Borders;**
- (b) **welcome the increased involvement of local tourism businesses in the VisitScotland Information Partners (VIP) programme in the Scottish Borders; and**
- (c) **support the identification of the existing visitor information site in Jedburgh as the 'VisitScotland Regional Hub' in the Scottish Borders.**

## **3. SCOTTISH BORDERS COUNCIL EVENTS PLAN 2014-2020 - UPDATE**

- 3.1 With reference to paragraph 4 of the Minute of 5 December 2017, there had been circulated copies of a report by the Executive Director providing an update on the Council's Events Plan 2014 – 2020 and highlighting key events and other progress made during 2018. The report explained that the Council successfully facilitated and supported the delivery of a wide range of regional, national and international events. This coordinated and targeted approach to promoting events in the Scottish Borders has had a significant impact on the economy, generating an estimated economic impact of almost £4 million in 2018. The updated Events Plan 2014-2020 set out in Appendices 1 and 2 to the report outlined the approach to prioritising event support activity and highlighted key achievements to date. Some of the key highlights in 2018 were: Melrose Rugby 7s where an Emerging Talent event allowed U15s to show off their skills and the main event included the University of Edinburgh side; Borders Book Festival which was now one of the top three literature festivals in Britain; Tweedlove Festival; the Scottish Blind Golf Championship at Cardrona; Riverside Rock in Jedburgh; and Doddie's Ride, a cycle event

in aid of the Doddie Weir Foundation. The report went on to summarise new or expanded events being delivered in 2019. The Council was also keen to explore the opportunity for event development across the South of Scotland and North of England with other event partners and stakeholders linked with funding opportunities through the South of Scotland Economic Partnership and the Borderlands Initiative.

- 3.2 Members were encouraged by the Events Plan and commented on the success of particular events in 2018 with specific reference being made to the Scottish Blind Golf Championship which involved international competitors. In a discussion of the events included in the Events Plan Members suggested there may be gaps in the areas of food and drink related events and also around music. With a traditional music culture unique to the Borderlands the concept of a Traditional Music Festival was appealing. Confirmation was given to Members that the Council offered advice and in-kind support to a range of local events although the focus was on national events which had a larger potential economic impact.

#### **DECISION**

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

- (a) note the achievements and progress made in relation to the Scottish Borders Council Events Plan 2014 – 2020;**
- (b) continue to support the events sector to maximise economic impact and sustainability through delivery of the Scottish Borders Council Events Plan 2014 – 2020; and**
- (c) encourage the opportunity for event development across the South of Scotland and North of England with other event partners and stakeholders linked with funding opportunities through the South of Scotland Economic Partnership and the Borderlands Initiative.**

#### **4. SCOTTISH BORDERS CYCLE TOURISM STRATEGY - UPDATE**

- 4.1 With reference to paragraph 6 of the Minute of 1 November 2016, there had been circulated copies of a report by the Executive Director providing an update on the activities achieved in 2018 in relation to the delivery of the Scottish Borders Cycle Tourism Strategy 2016-2021 and highlighting the opportunities for 2019. The aim of the Scottish Borders Cycle Tourism Strategy was to boost the Scottish Borders' economy, accelerating the growth of cycling from an events and tourism perspective. Whilst the area was already a recognised destination for cycling in the UK the aim would be to be seen as one of Britain's premier destinations for cycling by 2021. The details of the activities undertaken in 2018 were set out in Appendix 1 to the report. It was explained that continued interest was shown from event organisers in staging events in the area, both from within and outwith the Scottish Borders. Part of this was due to the area being seen as 'cycle friendly'. TweedLove and Tour o' the Borders remained as key events in the calendar. 2018 saw the return of the Tour de Lauder; Cross Border Sportive and the Selkirk Mountain Bike Marathon; Scottish Enduro Series along with cycling club events such as the Tour of Tweeddale; and also the Ken Laidlaw Sportive. The 2018 portfolio of events that were part of the TweedLove Festival generated an economic impact of £740k. 2018 also saw the inaugural Doddie's Ride take place to raise funds for the Doddie Weir Foundation. In a further move to support cycling activity across the area, freestanding bike repair stations were in the process of being installed in Hawick, Peebles, Tweedbank, Galashiels, Innerleithen and Kelso. Potential new events for 2019 included a weekend mountain biking festival, Transcend, which was a development of the TweedLove Festival. The European round of the Enduro World Series would return in May 2019 and discussions were already underway about the Tour of Britain (TOB) returning to the area in 2020.

- 4.2 Members welcomed the activities achieved in 2018 in relation to the Cycle Tourism Strategy and were enthusiastic about the opportunities presented in the report for further development of cycling in the Scottish Borders. As part of the marketing strategy for the area as a premier destination for cycling a suggestion was made that Tweeddale be developed as a 'National Park' for cycling. Members recognised the potential for further cycling projects and cross border initiatives if funding became available through the South of Scotland Enterprise Agency or the Borderlands Inclusive Growth Deal. In further discussion the observation was made that, in welcoming cyclists to the Borders, consideration must be given to the state of the road surfaces, over 40% of which required immediate attention. The issue of safety was also referred to, with a publicity campaign suggested particularly in respect of the visibility of cyclists on the Borders' roads.

#### **DECISION**

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

- (a) note the achievements and progress in 2018 in relation to the Scottish Borders Cycle Tourism Strategy;**
- (b) note the opportunities for cycle-related events and activities in 2019;  
and**
- (c) continue to support the cycle tourism sector and continue to encourage cycle events as part of the Scottish Borders Cycle Tourism Strategy.**

#### **5. BREXIT RESPONSE TEAM**

- 5.1 Corporate Policy Advisor, Mr Cook, was in attendance to give an update and presentation on the current actions being taken by the Council in relation to Brexit. He explained that the Council's Brexit Response Team (BRT) met on a weekly basis and pulled together Senior Officers from a wide range of services. Update reports from the BRT were a standing item on the Corporate Management Team weekly agenda. The attention of the BRT had been on eight key themes: Procurement and Market Impacts; Funding; People (Workforce/Customers/Citizens); Civil Contingencies; Establishing links to Community Planning Partners; Risk Assessment; Private Business and Economic Resilience; and Agriculture and Rural Development. Focus remained on anticipated and short-term impacts of Brexit, principally in respect of how they affected the Council's business, capacity to carry out its responsibilities and areas where the Council had a duty of care. The presentation went on to give more details for the themes listed, identifying the issues, providing up to date information where available and proposing possible mitigating actions. In terms of Business and Economy, Business Gateway and Scottish Enterprise were directing businesses to <https://www.prepareforbrexit.scot/>. The site had a planning tool, a list of actions to be carried out by each business and details of the main points affecting the businesses. Business Gateway in the Borders would be putting on a number of seminars once a direction of travel became clearer. Scottish Borders Council's Assistant Emergency Planning Officer gave Members more information about actions relating to Civil Contingencies. A multi-agency reporting mechanism was in place at local, regional and national level. In addition to twice weekly teleconference discussions a series of workshops were scheduled to link local and regional with national contingency planning (e.g. food supplies, fuel, transport, water treatment). Feedback from all the meetings was given to the Council's BRT.
- 5.2 Councillor Tatler expressed concern about the cost to the Council of the preparations for Brexit and enquired if there was any Scottish Government funding available toward this cost, particularly in view of the pressure on the budget. Councillor Aitchison, seconded by Councillor Tatler, moved a request which was unanimously agreed that the Leader write to both the UK and Scottish Governments to ask for additional resources or support to reimburse the Council for the additional costs incurred in its preparation for Brexit.

## DECISION

- (a) **NOTED** the update.
- (b) **AGREED** to request that the Leader write to both the UK and Scottish Governments to ask for additional resources or support to reimburse the Council for the additional costs incurred in its preparation for Brexit.

## URGENT BUSINESS

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

## MEMBER

Councillor Edgar left the meeting.

## 6. RESPONSE TO TRANSIENT VISITOR TAXES IN SCOTLAND

6.1 There had been circulated copies of a report by the Executive Director providing a draft formal response to the National Discussion Document published by Scottish Government on 23 November 2018 as 'Transient Visitor Taxes in Scotland: Supporting a National Discussion'. The report was urgent as, on 14 January 2019 Scottish Government set a deadline for submission of evidence of 25 January 2019 which, after a request from the Council, was subsequently extended to allow consideration by the Executive Committee of 29 January. The report explained that a number of local authorities and the Convention of Scottish Local Authorities (CoSLA) had called for the Scottish Government to grant the powers to allow them to levy a transient visitor tax, or tourist tax (TVT), in their areas, should local circumstances be supportive. Scottish Government had responded by initiating a national discussion about 'Transient Visitor Taxes in Scotland', and published a comprehensive Discussion Document to facilitate dialogue. The Discussion Document and the draft response from Scottish Borders Council were attached to the report as Appendices A and B respectively.

6.2 Corporate Policy Advisor, Mr Cook, explained that he and Councillors Mark Rowley, Carol Hamilton and Gordon Edgar had attended a meeting at Tweed Horizons on 19 December 2018, which was held to support the national discussion and chaired by the Cabinet Secretary for Communities and Local Government. The draft response appended to the report amplified the concerns verbally expressed at that meeting on behalf of the Council. There were three strands to this:

- Any discussion about empowering local authorities to raise taxes locally, including transient visitor tax, should be seen as a strand of a wider discussion about the adequacy of the resources and the lack of fiscal powers available to councils in undertaking the broad range of functions for which they were responsible.
- The Council had no plans to pursue a transient visitor tax within the Scottish Borders Council area. The Council considered that to do so would have a negative impact on the number and expenditure of visitors in the area, owing to price sensitivity.
- The Council had concerns that a transient visitor tax may exacerbate the existing concentration of visitors and spend in Scotland. Such an approach would appear to run counter to the principles of inclusive economic growth, and self-defeating in providing new and improved facilities to draw yet more visitors to those areas with the greatest concentrations of visitors and spend already.

Members were supportive of the report and the views contained in the draft response to the Discussion Document. They emphasised the need for inclusive growth in the tourist

industry and expressed concern in particular about the additional burden which would be placed on accommodation providers should a tourist tax be put in place. Officers were thanked for preparing the report at short notice. Councillor Rowley proposed that the wording in point 3 of paragraph 4.3 of the report should also be included in the response and this was unanimously approved.

**DECISION**

**APPROVED** the draft response to the National Discussion on Transient Visitor Taxes in Scotland as detailed in Appendix B to the report, with the inclusion of the following wording - “The Council has concerns that a transient visitor tax may exacerbate the existing concentration of visitors and spend in Scotland. Such an approach would appear to run counter to the principles of inclusive economic growth, and self-defeating in providing new and improved facilities to draw yet more visitors to those areas with the greatest concentrations of visitors and spend already.”

**OTHER BUSINESS**

7. **MINUTE**

There had been circulated copies of the Minute of the meeting of 4 December 2018.

**DECISION**

**APPROVED** for signature by the Chairman.

*The meeting concluded at 11.30 am*

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

MINUTE of MEETING of the KELSO COMMON  
GOOD FUND SUB-COMMITTEE held in  
COMMITTEE ROOM 4, Council Headquarters,  
Newtown St Boswells on Thursday, 31 January  
2019 at 9.15 a.m.

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

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**1.0 APPLICATION FOR FINANCIAL ASSISTANCE**  
**Cheviot Youth Rural Youth Club Initiative**

- 1.1 There had been circulated copies of an application for Financial Assistance from Cheviot Youth requesting £900 towards the purchase of capital items i.e. art materials, pool table, board games etc. for Yetholm and Stichill Youth Clubs. Cheviot Youth worked with children and young people aged 8 to 25 years to help and support them develop skills, gain experience, access opportunities for personal growth and provide challenges that test and inspire. The application explained that the Youth Clubs had been established through the Cheviot Youth Rural Youth Club initiative and was initially being supported by the Scottish Borders Accessibility Funding. It was the intention of Cheviot Youth and both communities to look at sustaining this level of funding through their own efforts as this particular funding stream was due to come to an end.
- 1.2 Prior to the meeting the question had been raised about what area the Kelso Common Good Sub-Committee covered and the advice received from the Legal Representative was that it covered the Burgh of Kelso. The Burgh would largely cover just the town of Kelso and would not extend to Stichill or Yetholm. The question for the Common Good Sub-Committee was whether the people of the Burgh would benefit from the grant.
- 1.3 In light of this information the Sub-Committee agreed to refuse the application for funding and to signpost Cheviot Youth to other sources of funding.

**DECISION**  
**AGREED:-**

- (a) that while it supported the work of Cheviot Youth it could not grant funding to the Rural Youth Clubs of Stichill and Yetholm and the application be refused.
- (b) that Cheviot Youth be signposted to other sources of funding i.e. Quality of Life.

*The meeting closed at 9.25 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, 4 February 2019 at 10.00  
a.m.

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meetings held on 7 January 2019.

**DECISION**

**APPROVED for signature by the Chairman.**

2. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee. With reference to application 18/01377/FUL the Chairman advised that the applicant had asked for the application to be continued and therefore consideration would be postponed until the next meeting of the Committee.

- 2.1 During consideration of planning application 18/01086/FUL the Committee agreed that they wished to visit the site before making a decision. The Chairman adjourned the meeting to allow the site visit to be held. The meeting was adjourned at 12.20 p.m. and re-convened at 4 p.m. to further consider the application.

**MEMBER**

Councillor Anderson left the meeting and did not return for the consideration of the above application.

**DECISION**

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

3. **APPEALS AND REVIEWS**

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

**DECISION**

**NOTED that:-**

- (a) **Enforcement Appeals had been received in respect of:-**

- (i) the condition of the Land at the Primary School, Roberton, Hawick – 18/00123/LAND;
  - (ii) the condition of the Land at the Primary School, Roberton, Hawick – 18/00123/LAND;
- (b) Enforcement decision had been received Scottish Ministers had dismissed an appeal in respect of the Certificate of Lawfulness for an Existing Use: Class 9 Residential at Glenacre, Camptown, Jedburgh – 18/00849/CLEU
- (c) there remained seven appeals outstanding in respect of:-
- Land North West of Gilston Farm, Heriot
  - Land West of Whitslaid (Barrel Law), Selkirk
  - 22 Craigmyle Park, Peel
  - March Street Mills, March Street, Peebles (17/00063/PPP
  - March Street Mills, March Street, Peebles (17/00064/CON
  - Land West of Gallowberry Bank, Blyth Bridge
  - Greenloaning, The Loan, West Linton
- (d) the decision of the Appointed Officer was overturned (Subject to conditions and a Section 75 Legal Agreement)
- (f) the decision of the Appointed Officer had been upheld in respect of the Erection of dwellinghouse and detached garage on Land South East of Tarf House, West Linton – 18/01341/PPP
- (g) there remained no reviews outstanding.
- (h) there remained three Section 36 Public Local Inquiries Outstanding in respect of:-
- Fallago Rig 1, Longformacus
  - Fallago Rig 2, Longformacus
- (i) there remained three reviews outstanding in respect of:-
- Land North West of Chapel Cottage, Melrose
  - 10 Townhead Way, Newstead
  - Storage Units, Farknowes, Langshaw Road, Galashiels
- (j) the Section 36 Public Local Inquiry in respect of Birneyknowe Wind farm, Land North, South east and West of Birnieknowe Cottage, Hawick had been sustained.

*The meeting concluded at 4.30p.m.*

**APPENDIX I**  
**APPLICATION FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01417/FUL	Residential development comprising of 69 dwelling units with associated works	Cooperknowe Phase 4 & 5 Cooperknowe Crescent Galashiels

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

The increase in the number of 2 and a half storey residential blocks would create a development contrary to Local Development Plan Policy PMD2, paragraphs (i) and (k) in that it would lead to over development of the site, would create a development which does not respect the character of the surrounding area and would create a significant adverse impact on the C77 road and surrounding public road network.

**VOTE**

*Councillor Aitchison, seconded by Councillor Anderson, moved that the application be refused on the grounds that the increase in the number of 2 and a half storey residential blocks would create a development contrary to Local Development Plan Policy PMD2, paragraphs (i) and (k) in that it would lead to over development of the site, would create a development which did not respect the character of the surrounding area and would create a significant adverse impact on the C77 road and surrounding public road network.*

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

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

<i>Motion</i>	<i>-</i>	<i>6 votes</i>
<i>Amendment</i>	<i>-</i>	<i>3 votes</i>

*The Motion was accordingly carried.*

**NOTE:**

Councillor Jardine spoke as an objector

Mr J Birnie and Mr K McCarter spoke against the application.

Mr C Stewart, Architect and Mr N Istephan, Eildon Housing spoke in support of the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01086/FUL	Erection of 2 blocks of residential flats comprising 40 No units of mixed accommodation with communal bike store, bin stances ad associated parking and landscaping	1 – 39 Tweedbrdige Court Peebles

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

The proposals would be contrary to Local Development Plan Policy PMD2 paragraphs (h), (i) and (k) in that the development would not be designed in sympathy with local Scottish Borders architectural styles, would be of a scale, mass, height and density inappropriate to its surroundings and would not be compatible with or respect the character of the surrounding area and neighbouring built form. The proposals would also be contrary to Local Development Plan Policy EP9 in that the

development would not preserve or enhance the special architectural or historic character and appearance of the nearby Peebles Conservation Area.

**VOTE**

*Councillor Miers, seconded by Councillor Ramage, moved that the application be refused on the grounds that the proposals would be contrary to Local Development Plan Policy PMD2 paragraphs (h), (i) and (k) in that the development would not be designed in sympathy with local Scottish Borders architectural styles, would be of a scale, mass, height and density inappropriate to its surroundings and would not be compatible with or respect the character of the surrounding area and neighbouring built form. The proposals would also be contrary to Local Development Plan Policy EP9 in that the development would not preserve or enhance the special architectural or historic character and appearance of the nearby Peebles Conservation Area.*

*Councillor Mountford, seconded by Councillor Fullarton moved as an amendment, that the application be approved as per the officer recommendation.*

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

*Motion - 6 votes  
Amendment - 2 votes*

*The Motion was accordingly carried.*

**NOTE**

Councillors Haslam and Bell spoke against the application.

Mr L Turnbull, Peebles Community Council, Mr P Ackerman on behalf of Local Residents and Ms E Clyde, Resident spoke against the application

Mr G Yuill, Architect and Mr N Istephan, Eildon Housing Association spoke in support of the application.

**Reference**

18/01377/FUL

**Nature of Development**

Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse with associated development and landscaping works

**Location**

Land North East of  
3 The Old Creamery,  
Dolphinton

Decision: Deferred, at the request of the Applicant, to the March Committee meeting.

# Public Document Pack

## SCOTTISH BORDERS COUNCIL TWEEDDALE AREA PARTNERSHIP

MINUTES of Meeting of the TWEEDDALE  
AREA PARTNERSHIP held in Church Hall,  
Leithen Road, Innerleithen on Wednesday, 6  
February 2019 at 7.00 pm

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Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, S. Haslam, E. Small together with 30 representatives from Partner Organisations, Community Councils and members of the public

Apologies:- Councillors K. Chapman

In Attendance:- Service Director Customer and Communities, Locality Development Co-ordinator (C. Banks), Locality Development Co-ordinator (G. Jardine), Strategic Community Engagement Officer, Neighbourhood Area Manager (Tweeddale), Neighbourhood Assistant Area Manager, Democratic Services Team Leader

### 1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting of the Tweeddale Area Partnership. He advised that he was changing the agenda order and that the item on Small Schemes and Quality of Life Funding would be taken first.

### 2. **SMALL SCHEMES/QUALITY OF LIFE**

The Neighbourhood Area Manager tabled a paper at the meeting listing nine schemes recommended for funding from both the Small Schemes and the Quality of Life Budgets. He outlined each of the Schemes which would use the remaining Quality of Life Budget and leave £4,278 in the Small Schemes Budget. Councillor Bell proposed that as Councillors had not received prior notification of these schemes that approval be continued until the next meeting of the Tweeddale Area Partnership Councillors in March and this was agreed. In response to a question, Mr Hedley explained how schemes could be submitted via Councillors. The omission of a scheme submitted for Newlands would be investigated.

### 3. **FEEDBACK FROM MEETING ON 7 NOVEMBER 2018**

The Minute of the meeting of the Tweeddale Area Partnership held on 7 November 2018 had been circulated along with a summary of the discussion attached as an appendix to the Minute and this was noted.

### 4. **DRAFT TWEEDDALE LOCALITY PLAN**

- 4.1 The Chairman introduced Jenni Craig, Service Director Customer and Communities. She explained that the aim of the plan was to reflect the priorities and needs of Tweeddale people and this draft had been prepared taking account of the feedback provided at all the previous themed meetings. There were 4 themes within the plan and the top priority for Tweeddale under each theme had been identified and the views of those present were being sought to check that the plan had what people wanted.
- 4.2 Colin Banks explained how the evening would work. There was a facilitator at each table and each table would discuss one of the themes for 20 minutes with the facilitators moving round.
- 4.3 There followed some very constructive discussion and a copy of the main points raised are appended to the Minute.

5. **LOCALITY BID FUND UPDATE**

Colin Banks advised that flyers had been placed on each table and applications could be submitted until the end of the month. He was happy to assist any group with their application. The Chairman commented on the changes to the criteria and encouraged people to apply.

6. **OTHER BUSINESS**

There was no other business.

7. **OPEN FORUM**

Laurie Hayworth asked if it was possible to show all responses to the Local Development Plan on the Planning Portal as it would be helpful to see the comments made by others. Councillor Bell advised he would take this up with the appropriate officer.

8. **DATE OF NEXT MEETING**

The next meeting of the Tweeddale Area Partnership was scheduled for Wednesday, 27 March 2019. The venue would be West Linton Primary School. The Chairman thanked everyone for attending.

***The meeting concluded at 8.49 pm***

<b>Draft Locality Plan – Economy, Skills &amp; Learning</b>		
<b>Priority</b>	<b>Success</b> What would success look like? (Measures)	<b>Partnership</b> How can we work in partnership together?
<p><b>To improve transport networks and connections within Tweeddale</b></p> <p>Change to: To improve and develop transport networks, connections and options to, from and within Tweeddale</p> <p>Strong/important links with:</p> <ul style="list-style-type: none"> <li>• Work, Jobs</li> <li>• Health, Leisure (incl. facilities)</li> <li>• Education, Training</li> <li>• Youth</li> </ul> <p>This priority is an enabler, it facilitates by attracting the right opportunities and emerging industries.</p> <p>Investment vs Subsidy</p> <p>In the absence of rail ... invest in roads</p>	<ul style="list-style-type: none"> <li>- Higher proportion of people satisfied</li> <li>- Different model / provision of transport (routes, vehicles, passes – extend bus pass validity e.g. youth or rural communities, Friday afternoons or evenings)</li> <li>- Move away from traditional model of bus service provision</li> <li>- Fully accessible</li> <li>- Good cycleways / Rickshaws</li> <li>- Better cycle networks</li> <li>- Reduction in residents feeling socially isolated</li> <li>- More young people staying</li> <li>- A change in the age and wage profile</li> <li>- Better rural bus services/networks</li> <li>- Provision of car share (e.g. Uber app)</li> <li>- Bus/Taxi ticket</li> <li>- Rail/Taxi ticket</li> <li>- Park &amp; Rail Service?</li> </ul>	<ul style="list-style-type: none"> <li>- Review of historic changes (to transport network)</li> <li>- Run pilot schemes</li> <li>- Look at examples/best practice elsewhere (Highlands and Islands have a local taxi model)</li> <li>- Cost comparisons of transport models</li> </ul> <p>Key stakeholders/partners include:</p> <ul style="list-style-type: none"> <li>- Community councils</li> <li>- Bus companies, and other existing transport providers</li> <li>- Taxi operators</li> <li>- Council passenger transport</li> <li>- Community buses (Tweed Wheels), and other social enterprise providers</li> <li>- South of Scotland Enterprise Agency</li> <li>- Scottish Enterprise</li> <li>- Chambers of Commerce</li> </ul> <p>Requires discussion, perhaps at a national level Communities could prioritise where the subsidy should go More openness and transparency Innovative options to be considered Learn from communities</p>
<p><b>Review the availability and suitability of business premises</b></p> <p>Calvary park now almost full</p>	<ul style="list-style-type: none"> <li>- Stronger involvement of the community in Local Development Plan</li> </ul>	<p>Key stakeholders/partners include:</p> <ul style="list-style-type: none"> <li>- Community Councils</li> <li>- Land owners</li> <li>- Businesses</li> </ul>
<p><b>Develop commercial / industrial sites and premises to encourage new business to the area</b></p> <p>In the right areas of need Businesses moving from their garage/home to proper premises</p> <p>Potentially in more rural areas?</p>	<ul style="list-style-type: none"> <li>- Seeing more micro-businesses becoming SMEs (e.g. March Street Mills, Cycling Innovation Centre)</li> <li>- Evident in Local Development Plan</li> <li>- Protected sites</li> </ul>	<p>Key stakeholders/partners include:</p> <ul style="list-style-type: none"> <li>- Planning</li> </ul> <p>Requires better communication between site/land owners and those looking for sites</p>
<p><b>To provide an “Enterprise Hub” for start-ups and growth of businesses</b></p> <p>Change to: To provide an “Enterprise and/or Community Hub” for start-ups and growth of businesses</p> <p>Ideally on the High Street May require changes of use</p>	<ul style="list-style-type: none"> <li>- More pop up shops</li> <li>- Uptake in seed funding / support</li> </ul>	

# Tweeddale Area Partnership

<p><b>Enhance marketing and promotion of the Tweeddale tourism offer</b></p> <p>Biking, specifically the Innerleithen development</p> <p>Needs better links to transport</p>	<p>Reverse ...</p> <p>Increase packages and offers, provide Tourism Noticeboards</p> <p>Accommodation – More and longer stays</p>	<p>Make the most of opportunities around</p> <ul style="list-style-type: none"> <li>- South of Scotland Enterprise Agency</li> <li>- Borderlands</li> <li>- City Deal</li> </ul>
<p><b>Improve broadband and mobile coverage</b></p> <p>Reduces the load on transport provision</p>	<p>All types of business and communities</p> <ul style="list-style-type: none"> <li>- Education + Learning</li> <li>- Tourism</li> </ul>	
<p><b>Develop stronger links with colleges, schools and businesses to create a joint approach to education and upskilling the workforce</b></p> <p>Together with job creation</p> <p>What about those that school hasn't worked for?</p>		<p>Developing the Young Workforce</p> <ul style="list-style-type: none"> <li>- Pilot Project of 12 students studying hospitality have gone into Crickleton Hotel, taking over every Tuesday morning</li> <li>- Should be shouting about our successes</li> </ul>
<p><b>Increase practical skills and knowledge for primary and early secondary school children &amp; young people</b></p> <p>Focus on vocational</p>	<ul style="list-style-type: none"> <li>- Uptake of new skills</li> <li>- More accreditation</li> </ul>	<p>Important for local businesses to recognise</p>
<p><b>Create a mentoring model within the community to build knowledge, skills and confidence</b></p>		
<p><b>Increase training opportunities for local trades</b></p>		

<b>Draft Locality Plan – Environment &amp; Place</b>		
<b>Priority</b>	<b>Success</b> What would success look like? (Measures)	<b>Partnership</b> How can we work in partnership together?
<b>Ensure that Tweeddale residents have access to affordable and appropriate housing, and the environment is clean and safe</b>	<p>Better signage to local amenities so people know what is on offer in the local area</p> <p>Fuel bills in Tweeddale will reduce if homes are more efficient</p> <p>Information will be available on what actions people can take to maintain their homes and make them efficient</p> <p>The number of young people leaving/staying in the area will be measured to help assess the impact housing and the environment has on young people</p> <p>Housing companies/HAs will contribute to the development of local infrastructure and amenities when houses are built in an area to ensure local need is met</p> <p>SBC needs to measure what the housing need is amongst people with dementia, disabled people, older people and affordable housing to ensure planning is based on accurate information</p>	<p>Create a grant scheme where Has/SBC offers a part contribution to improve peoples' houses- 50/50 split between HAs/SBC and local residents. Same offer could be made for internal and external improvements.</p>
<b>Improve the provision of suitable local housing (sheltered, extra care, for those with disabilities, care homes etc) by developing a range of flexible accommodation for communities at every age and stage of life</b>	<p>Current housing stock would be adapted where possible rather than building new stock</p> <p>Housing associations have good two way communication systems in place for both tenants and those looking to secure a tenancy</p> <p>Community Development Trusts and community councils use the Community Empowerment Act to purchase/obtain land for housing development</p> <p>Local housing provision and support is in place for young people to reduce / prevent the need for young people to have to go in to emergency housing in another town where they have no family and no support network.</p>	
<b>Tackle fuel poverty</b>	<p>Continued support for people to be energy efficient and access grants to help people tackle fuel poverty</p> <p>Ensure information is available to local residents on local / national funded insulation schemes</p>	
<b>Identify opportunities where green space and access to green space can be improved and local access to growing projects can be developed</b>	<p>Expand current network of multi-use pathways (which have been a success) and ensure access and condition of pathways are maintained</p> <p>Improved community projects connections ( joint work between growing projects and men's sheds for example)</p> <p>Offer support for community groups and trusts to identify green spaces that could be utilised and provide support in obtaining relevant insurances etc</p>	<p>Strengthen networks and improve local communication</p>
<b>De-cluttering and environmental improvement campaigns are undertaken</b>	<p>Glass needs to be collected from rural areas as people can't always travel to use bottle banks</p>	

## Tweeddale Area Partnership

in key streets/areas within Tweeddale locality		

<b>Draft Locality Plan – Health, Care &amp; Wellbeing</b>		
<b>Priority</b>	<b>Success</b> What would success look like? (Measures)	<b>Partnership</b> How can we work in partnership together?
<b>To improve the availability, accessibility and connections to services for people living in rural areas and towns across the Tweeddale area to reduce loneliness and social isolation</b>	<ul style="list-style-type: none"> <li>- Decrease in people presenting to GPs and hospitals</li> <li>- More people staying at home longer</li> </ul>	<ul style="list-style-type: none"> <li>- Build on the Mens Sheds – there is data available that could brought into the plan. Consider the model that South Lanarkshire have for a ‘Mobile Mens Shed’</li> <li>- Develop key groups that people would like to use – mental health &amp; wellbeing (these don’t need a lot of resource)</li> <li>- Build on the work that the Churches are doing</li> <li>- Develop further What Matters Hubs</li> <li>- Schools/Community Schools – should do more to involve and welcome the wider community – schools are community assets</li> <li>- Communication should be a key focus and a plan should be developed around this.</li> <li>- Increase the opportunities to use digital technology.</li> <li>- Need an on-line resource for events and activities and this should tied in with the What Matters Hubs</li> <li>- Build on the Rickshaws – cycling without age – viewed as a huge success.</li> <li>- Build on coffee mornings and lunch clubs</li> </ul>
<b>Increase the availability of locally based rehabilitation services</b>	<ul style="list-style-type: none"> <li>- Develop an independence measure</li> <li>- Shorter hospital stays</li> </ul>	<ul style="list-style-type: none"> <li>- Developing more hospital to home support and services</li> </ul>
<b>Increase the range of care and support options available (across the locality) to enable people to remain in their own homes and communities</b>		<ul style="list-style-type: none"> <li>- Build on the child fostering model but for older people</li> <li>- Develop intergenerational solutions</li> </ul>
<b>Increase the range of housing options available across the locality and plan for future housing needs</b>	<ul style="list-style-type: none"> <li>- Increase in affordable and accessible housing</li> <li>- Increase in assisted living in the right place</li> </ul>	<ul style="list-style-type: none"> <li>- Some key existing plans and pieces of work are already driving this forward.</li> <li>- There is a lack of clarity of joined up future vision for housing in Tweeddale – this should be a focus</li> </ul>
<b>Improve support for unpaid carers</b>	<ul style="list-style-type: none"> <li>- Higher proportion of people knowing about Attendance Allowance</li> <li>- Respite is really important and emergency backup</li> <li>- Wider choice organisations that can provide support/help</li> </ul>	<ul style="list-style-type: none"> <li>- Can we identify young carers in school?</li> <li>- Raise awareness in the community and in professions of the importance of identifying carers.</li> <li>- Opportunity to develop a creative solution around support.</li> </ul>

## Tweeddale Area Partnership

<b>Improve transport networks and connections to allow access to services</b>		<ul style="list-style-type: none"> <li>- Need to develop local solutions</li> <li>- There is a willingness to work collectively together (Health, Third Sector etc) but funding is the barrier</li> <li>- Need a modern, accessible, shared approach to transport – build on tweed Wheels.</li> <li>- Look at social prescribing and social enterprise- must be sustainable</li> </ul>
<b>Develop intergenerational community hubs</b>		<ul style="list-style-type: none"> <li>- Schools/Community Schools – should do more to involve and welcome the wider community – schools are community assets</li> </ul>
<b>Other points:</b> <ul style="list-style-type: none"> <li>- Should be clearer that loneliness and social isolation is not just older people</li> <li>- Early intervention is key and some focus should be on preventative services</li> <li>- Culture &amp; social is important – not clear from the priorities</li> <li>- The key priority needs to reflect an improvement in health and wellbeing.</li> </ul>		

<b>Draft Locality Plan – Safer Communities</b>		
<b>Priority</b>	<b>Success</b> What would success look like? (Measures)	<b>Partnership</b> How can we work in partnership together?
<b>Community connections need to be further developed to share information and activities across the Tweeddale Area</b>	Communities/ CC's able to feed in to the CAT Tweeddale W4 Facebook page- Number of shares/ likes? Better sharing of good practice Improved visibility of community activities and community operated transport Increased use of social media Increased use of community/shop noticeboards	All should post positive experiences Strong cc leadership Use community Facebook pages to circulate information - the modern neighbourhood watch
<b>Increase support to individuals to help them be active members of their community</b>	Attendance at community meetings Production of community toolkit/"how to" guide	SBC/CLD/CAN/Live Borders/ Open doors programme
<b>Reduce anti-social behaviour</b>	Increased funding to communities to fund opportunities Sign up to speed watch Greater use of variable speed limits Improved street signage More people/opportunities for young people to engage with/in Street lighting Reduction in drug use Increase in early intervention activities	All (communities and agencies) need to work together  Families/ schools (look at pilots being undertaken elsewhere e.g. Broughton HS, Edinburgh)
<b>Have stronger links to the SBC Community Action Team with a particular focus on road safety</b>	Those who know how to feed in to CAT Increased use of 'Your speed is...' sign Increased CCTV	Communities/ police  Mapping of CCTV camera (public and private)
<b>Tweeddale is a safe place to live, people feel safe in their homes</b>	21 <sup>st</sup> century neighbourhood watch- what would it look like? Sign up to SB alert Increase in resilient community groups	Communities/ Police Scotland/ Neighbourhood Watch Scotland

## Tweeddale Area Partnership

<b>Support for young people</b>	Education of youngsters Reduction in vandalism/hospital admissions/police callouts Reduction in the number of victims	
<b>Street lighting</b>		
<b>Increased visibility of police officers</b>	Increase in the number of people identifying that police are visible in their area	Police Scotland

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

MINUTES of Meeting of the POLICE, FIRE &  
RESCUE AND SAFER COMMUNITIES  
BOARD held in Council Chamber, Council  
Headquarters, Newtown St Boswells on  
Friday, 8th February, 2019 at 9.30 am

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Present:- Councillors G. Turnbull (Chairman), D. Moffat, N. Richards, E. Robson,  
H. Scott, E. Small.  
Mr M Dickson - NHS Borders, Mrs J Mulloy - Scottish Borders Housing  
Network and Ms M Simpson - Voluntary Sector

In Attendance:- DC Chief Superintendent L Clark, Chief Inspector S Reid, Police  
Scotland; Group Manager - M Jaffray, LSO S Gourlay, Scottish Fire &  
Rescue Service; Mr G Jones, Safer Communities & Community Justice  
Manager SBC, Ms W Marsden, Partnership Intelligence Analyst, SBC,  
Mr D Scott, Senior Policy Advisor SBC and J Turnbull, Democratic  
Services Officer SBC.

1. **WELCOME**

The Chairman welcomed everyone to the meeting and there was a round of introductions.

2. **MINUTES**

There had been circulated copies of the Minute of the meeting held on 9 November 2018.

**DECISION**

**APPROVED the Minute.**

3. **MATTERS ARISING FROM THE MINUTE**

3.1 With reference to paragraph 3.11(b) of the Minute, the Senior Policy Advisor, Mr Scott, advised that the statistics would be referred to in the Police update.

3.2 With reference to paragraph 5.7(b) of the Minute (Crucial Crew), the Safer Communities Manager, Mr Jones, advised that Eildon Mill had been demolished and various options had been considered. Costs for a similar venue to host a similar event were likely to be prohibitive as there was no reoccurring budget for the event, transport and other associated costs were already several thousand pounds. There was also a significant resource requirement from the Police and Fire Service to facilitate the event. Mr Jones explained that he had secured a digital resource from Glasgow City Council (Go Safe Scotland) at no cost. The material had lesson plans and other resources written by education staff on a variety of topics with input from practitioners. This resource linked to the Curriculum for Excellence. Work was underway, with Education, regarding building this into the school syllabus so that all topics were covered; this was not the case under the previous arrangement. A report has been prepared for the Corporate Management Team.

3.3 With reference to paragraph 6.3 of the Minute, a report on the review of priorities and reporting arrangements had been circulated and would be discussed during the Safer Communities update.

**DECISION**

**AGREED that a report be presented at the next meeting on the cost of the Crucial Crew event and options for a revised format of delivery.**

## **MEMBER**

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

### **4. PROGRESS REPORTS/UPDATE ON SERVICE MATTERS - POLICE**

- 4.1 Chief Superintendent Clark gave an overview of service matters and an update on recent appointments. She advised that Chief Inspector Andy Mclean had retired and introduced Chief Inspector Stuart Reid who had been appointed from within the Division. The Division was now fully staffed with the appointment of Greg Banks as Superintendent for Service Delivery. The Chief Superintendent also advised that the Division was planning for Brexit and was hoping to brief the four local authorities on progress in March.
- 4.2 Chief Inspector Reid then presented Police Scotland's Scrutiny Report for the period 1 October 2018 to 31 December 2018, copies of which had been circulated with the Agenda.
- 4.3 Domestic Abuse – During the period there had been an 8.7% reduction from last year in domestic abuse incidents which positively reflected the work being carried out by Police and partner agencies in the Scottish Borders. Chief Inspector Reid advised that every domestic abuse incident was thoroughly scrutinised and reviewed. Significant change to legislation was expected to increase recorded incidents. In response to a question, Superintendent Reid advised that officers would receive training to ensure they understood the new legislation relating to psychological offences. Mr Jones added that the Safer Communities Team would support this training.
- 4.4 Road Safety - There had been an increase in the number of people killed and seriously injured, 40% of which involved motorcyclists visiting the Scottish Borders. During the Festive period, over 40 road checks had been carried out with 22 road traffic offences detected. The addition of two mobile camera units and a further two 'Pop-up Bobs' were effective tools against speeding. Drivewise would continue and now included a motorcycle programme which was hoped would positively impact figures going forward
- 4.5 Violent Crime – There had been a 25% reduction in Serious Assault over the period. The 86.7% robbery detection rate was in line with the national detection rate.
- 4.6 Antisocial Behaviour (ASB) – There had been a slight fall in all antisocial behaviour incidents with 385 incidents compared to 394 the previous year. Decreasing incidents remained a priority and the Community Action Team (CAT) continued to tackle incidents through engagement, patrolling and enforcement.
- 4.7 Drugs and Alcohol Misuse – There had been a 30.2% increase in the detections for drug related offences and enforcement with the CAT taking a leading role. Residents were encouraged to engage with Crimestoppers to report any activity.
- 4.8 Protecting People (Missing Persons) – There had been a 21.4% increase in missing person incidents. The majority of those reported had a vulnerability, with mental health related issues being most prevalent. Chief Inspector Reid advised that during the seven month period they had received 135 reports of missing persons from the Borders General Hospital (BGH). In response to a question, Mr Reid advised that Superintendent Dalglish was liaising with NHS colleagues to address the issue. Mr Dickson advised that he would consider the Border General Hospital's search protocol and discuss with Chief Inspector Reid. In response to a question regarding the use of social media to assist with missing persons, Chief Superintendent Clark advised that social media was used when appropriate but privacy issues had to be managed.
- 4.9 Acquisitive crime – Housebreaking - There was a 10.6% decrease over the period in housebreaking and theft compared with the same period last year. The detection rate for Acquisitive Crime was 35% and for housebreaking was 20.6%, which positively reflected work around increased security to deter criminals including a structured patrol matrix

during the hours of darkness and increased foot patrols during the festive period. In response to a question, Chief Inspector Reid advised that house breaking was defined as dwelling or non-dwelling (business premises), others were sheds, lock ups etc.

## **DECISION**

**NOTED the report.**

### **5. ARMED RESPONSE VEHICLE OFFICER**

The Chairman welcomed Inspector Andy Hall, who was present to give a briefing on Police Scotland's Armed Response Vehicle (ARV) Officers. Inspector Hall began by advising that ARV officers were specialist fire arm officers who attended priority incidents where a situation could worsen if they did not intervene. Their priority was to deescalate incidents and stop any threat to life. Inspector Hall detailed the appointment process for ARV Officers, which included: an 11 week training course every four years, refresher training every six weeks, a stringent paper process to assess abilities and annual authorisation by the Commanding Officer. Inspector Hall explained that incidents were assessed by the ARV Commanding Officer, before authorising deployment of ARVs. ARV officers also supported colleagues by responding to a wide range of incidents with an emphasis on public protection. ARVs contained night vision equipment to assist with missing person searches, specialist equipment for forcing entry into buildings, and first aid equipment including defibrillators to enable the provision of emergency medical assistance. Inspector Hall responded to questions explaining that the single police authority had increased fire armed availability and improved capability. He also advised that over the five year period, ARV officers had only deployed arms twice, neither of which had been fatal. The Chairman thanked Inspector Hall for his attendance and informative briefing.

## **DECISION**

**NOTED the briefing on the role of Armed Response Vehicle Officers.**

### **6. PROGRESS REPORTS/UPDATES ON SERVICE MATTERS - FIRE & RESCUE**

- 6.1 There had been circulated copies of the Scottish Fire and Rescue Services (SFRS) Local Plan Performance Report. Local Senior Officer (LSO) Gourlay began by explaining that Martin Blunden had been appointed as new Chief Officer, commencing his appointment on 16 February. A Watch Manager had also been appointed to support five stations in the Berwickshire cluster. Referring to the Newbridge training project, he advised that the facility would be completed on 18 March, with training commencing in May. Regarding the SFRS transformation project, negotiations were still ongoing on the reinstatement of the Out of Hour's Cardiac Arrest scheme.
- 6.2 Group Manager (GM) Jaffray then presented the SFRS Local Plan Performance Report for the period 1 April 2018 to 31 December 2018, copies of which had been circulated with the agenda. He firstly referred to the tragic minibus accident on 29 December, advising that the SFRS had attended and provided assistance. The Board commended the work of the emergency services in response to this incident.
- 6.3 Reduction of 'Dwelling Fires' – There had been 76 incidents, an increase of five compared to the same period last year, 11 of these were started deliberately. Cooking still remained the main cause of incidents. GM Jaffray highlighted the importance of smoke detectors, and that SFRS continued to target high risk groups in order to drive down fire risk within local communities.
- 6.4 Reduction of 'All Fire Casualties' – There had been 12 casualties, two less than last year. Seven casualties required hospital treatment for what was thought to be minor injuries, with first aid being given on all occasions by SFRS.

- 6.5 Reduction of 'All Deliberate Fires Excluding Dwellings' – There had been a welcome 25% decrease with 104 incidents recorded. It was noted that this trend was below the rest of Scotland.
- 6.6 Reduction of 'Special Service Road Traffic Collisions' (RTC) - The SFRS had attended 67 RTCs, a 3% increase compared to the same period last year. GM Jaffray advised that they were receiving increased number of calls from the police and ambulance service which was positive, as the SFRS could assist with removing casualties from vehicles and making accident scenes safe.
- 6.7 Reduction of 'Special Service Casualties – All' - There was 67 Special Service casualties during the reporting period, a 4% decrease in comparison to the same period last year.
- 6.8 Responding to questions, GM Jaffray advised that Police Scotland considered road accident statistics when determining road accident prevention initiatives. The Board suggested that SFRS statistics should also be considered to promote necessary improvements to roads. With regard to 'Special Service Casualties' GM Jaffray explained that 'Hazmat' referred to Incidents involving hazardous materials. With regard to the high volume pump he advised that this had been deployed from Hawick to Dundee. However, the SFRS still had access if required in the Scottish Borders and it had recently been on standby in Galashiels. Hawick now had a dedicated Swift Water Rescue Team. The Chairman referred to the Scottish Government consultation on fireworks. LSO Gourlay advised that legislation sat with Westminster. The SFRS's view was for stricter legislation and a ban from public use unless appropriately risk assessed and licensed, an update would be provided to the Board following the consultation period.
- 6.9 GM Jaffray then went on to advise on Prevention and Protection Activities. Copies of a report detailing figures from Quarter 1, October 2018 to 31 December 2018 had been circulated with the agenda. GM Jaffray explained home fire safety visits had increased and highlighted the importance of partnership liaison to offer support to those most at risk of fire within their homes. During the reporting period referrals had been received from: MARAC, Domestic Abuse Advocacy Service (DAAS), British Red Cross, Housing Associations, NHS and Social Services. GM Jaffray went on to advise of other work including the delivery of 55 Community Safety events, the continual success of Drivewise, and involvement in the Falls Strategy Review forum at Borders General Hospital. With regard to future works streams, the SFRS continued to engage with those who managed properties and schools to look at various options to reduce the number of UFAS calls. In response to a question regarding the relationship between the increase in fire safety visits and the reduction in fires. GM Jaffray advised that there might have been an impact, although analysis had not been carried out.

## **DECISION**

### **NOTED the report**

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

- 7.1 There had been circulated copies of the Safer Communities Performance report covering the period from 1 April 2018 to 31 December 2018. Mr G Jones, Safer Communities & Community Justice Manager, highlighted the main points:-
- 7.2 Priority 1 – Reduce the level and Impact of Gender Based Violence through effective partnership working. The number of incidents reported to Police Scotland was down by 7.6%. However, the number of referrals to all domestic abuse services remained static.
- 7.3 Priority 2 – Reduce the level and impact of Substance Misuse through effective partnership working. There had been a 2.2% rise in the number of alcohol related incidents. There has been a lot of proactive work by the CAT aimed at addressing ASB concerns in the community.

- 7.4 Priority 3 – Reduce the level and impact of crime and antisocial behaviour through effective partnership working. There was a 5.6% reduction in people being monitored for antisocial behaviour which showed that early interventions were having a positive affect. Mr Jones added that they were presently trialling noise monitoring equipment which would avoid having to escalate monitoring to Environmental Health. There had been a decrease in referrals to mediation but this was not uncommon.
- 7.5 Priority 4 – Reduce the level and impact of poor driver behaviour through effective partnership working. Around 600 young people had participated in the pre-driving experience at Charterhall; with 223 older drivers attending the information sessions. Funding from Transport Scotland for Drivewise had concluded. However, alternative funding opportunities were being explored to enable the project to continue.
- 7.6 Priority 5 – Reduce the level and impact of incidents in the home through effective partnership work. Materials from the ‘Keep you child safe’ poisoning campaign had been distributed to childcare venues accompanied by digital medial activity.

#### **DECISION**

**NOTED the report.**

#### **8. SAFER COMMUNITIES TEAM - PROPOSED SCRUTINY REPORT STRUCTURE FROM 1 APRIL 2019**

- 8.1 There had been circulated a briefing note by the Safer Communities Team on proposed changes to the scrutiny report structure from 1 April 2019. The briefing note explained that following on from the Strategic Assessment work the Safer Communities Team had been reviewing the performance indicators currently presented to Scrutiny each quarter. Changes to the indicators were proposed which would more accurately reflect the work of the team and allow for better scrutiny of the service in delivering their priorities. A draft revised report had been circulated with the agenda to enable Scrutiny Board members to review the proposed changes prior to the meeting. Ms Marsden discussed the changes, explaining that the new format would allow for rationalisation of information and avoid duplication of reporting by Safer Communities, which had already been provided by the SFRS and Police. Ms Marsden then discussed the new priorities which would allow for analysis of targets, performance and work with partner agencies. This would also include looking at demand and responses and measuring the interventions which proved successful. Mr Jones added that the narrative of the reports would change slightly depending on seasonal intervention activity during the quarter.
- 8.2 With regard to information on hospital admissions being included in the new report, Ms Marsden advised that no information would be lost, but the frequency of reporting would change, for example, hospital admission statistics could be reported annually. However, if Board members required any specific performance indicators these could be supplied. The Board welcomed the new reporting formal and noted that the report could be adjusted going forward. It was also suggested that subjects could be scrutinised in more detail, for example road safety, with each of the three services inputting into the reporting process.

#### **DECISION**

**NOTED the proposed changes to the Safer Communities Team scrutiny report.**

#### **MEMBER**

Councillor Robson left the meeting during consideration of the above report

#### **9. PRESENTATION - SERIOUS ORGANISED CRIME**

- 9.1 The Chairman welcomed Police Constable (PC) Anne McNair, Divert/Deter Officer for Lothian and Scottish Borders who was in attendance to give a briefing on Serious Organised Crime (SOC). PC McNair began by explaining that Serious Organised Crime involved more than one person, in a coordinated and controlled plan, with the potential to cause serious harm, involving financial gain and victimised individuals, particularly

vulnerable and young people. Types of SOC included the supply of illegal drugs, counterfeiting, money laundering, fraud and 'cuckooing'. SBC and Police Scotland had a multi-agency robust action plan to tackle SOC including the Antisocial Behaviour Unit, Police CID, CAT and community police as well as initiatives such as the banking protocol – where banks identified and protected potential victims from suspicious cash transactions. To conclude, PC McNair highlighted the need to raise community awareness and encouraged reporting suspicious activity through Crimestoppers.

- 9.2 In response to questions, PC McNair advised that young people could report concerns anonymously to the Scottish Borders School Police Liaison Officers. With regard to 'cuckooing', PC McNair explained that this was when people took over another person's home or property to distribute drugs in the area, there had been no reported cases in the Scottish Borders of this. With regard to Cold Caller Zones, PC McNair explained that this could protect older members of the community; and the local community police team would be able to provide further information how these were operated. PC McNair explained that the Scottish Borders Alert System was effective and used where appropriate to share information with the community. The Chairman thanked PC McNair for her attendance and informative briefing on SOC.

**DECISION**

**NOTED the briefing.**

**10. DATES OF FUTURE MEETINGS**

The Chairman thanked everyone for attending and advised that the next meeting was scheduled to take place on Friday, 17 May 2019 at 9.30 am. The following dates had been confirmed by Council for 2019/20

Friday, 30 August 2019  
Friday, 8 November 2019  
Friday, 7 February 2020  
Friday, 15 May 2020.

**DECISION**

**NOTED the meeting dates for 2019/20**

***The meeting concluded at 12.25 pm.***

# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE  
COMMITTEE held in Council Chamber,  
Council Headquarters, Newtown St Boswells,  
TD6 0SA on Tuesday, 12th February, 2019  
at 10.00 am

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Present:- Councillors S. Haslam (Chairman), S. Aitchison (Vice Chairman), E. Jardine,  
S. Mountford, M. Rowley (from Para. 2), R. Tatler, G. Turnbull, T.  
Weatherston

Also present:- Councillors H Anderson, J. Brown, S. Hamilton, S. Marshall, W. McAteer, H.  
Scott

Apologies:- Councillors G. Edgar, C. Hamilton

Absent:- Councillor T. Miers

In Attendance:- Executive Director (P. Barr), Service Director Customer & Communities, Chief  
Financial Officer, Democratic Services Team Leader, Trainee Democratic  
Services Officer

## 1. **MINUTE**

The Minute of the Meeting held on 29 January 2019 had been circulated.

## **DECISION**

**AGREED that the Minute be approved and signed by the Chairman.**

## 2. **MONITORING OF THE GENERAL FUND REVENUE BUDGET 2018/19**

- 2.1 There had been circulated copies of a report by the Chief Financial Officer providing the budgetary control statements for the Council's General Fund based on actual expenditure and income to 31 December 2018 and provided explanations of the major variances between projected outturn expenditure/income and the current approved budget. The report explained that the Council was experiencing significant financial pressures, primarily in Assets and Infrastructure and Health and Social Care, attributed to increased costs and delayed delivery of planned savings in the revenue budget. The underlying pressure in the account indicated that the pressures would result in an adverse variance at year-end of around £1m. The Corporate Management Team (CMT) had reviewed the position and had taken action through a range of alternative measures to identify savings which, if delivered, would offset the position and deliver a balanced budget by 31 March 2019. The Chief Financial Officer, Mr Robertson noted that compounding the service pressures were costs associated with national pay agreements for 2018/19. These costs were projected to be in the region of £2m in 2018/19. Of this total £1.019m would attract assumed funding from Scottish Government to fund additional teacher pay costs above the original Scottish Government pay offer. The remaining costs were based on estimates of a complicated and currently evolving position which did not yet have the agreement of the Trade Unions. The best estimates of the costs of the pay settlement were reflected in the outturn position. It was increasingly evident that the Council was finding it more and more difficult to balance the revenue budget given the sustained service demands e.g. the number and costs of care packages commissioned by Adult Social Care and the pressures associated with pay and price inflation. It was essential to ensure the financial sustainability of the Council that the revenue budget was balanced and that this was achieved through the delivery of permanent savings in line with the timescales approved in the financial plan. CMT had recognised the need to enhance the delivery of service change and savings through a revised approach, which if approved

would commence in 2019/20. This would be designed to deliver savings in a more cross cutting, permanent and sustainable way in the future.

- 2.2 As shown in Appendix 4 to the report as at 31 December 2018, 100% (£16.414m) of the financial plan savings had been delivered within the current year. Emphasis during 2018/19 needed to be placed on delivering the savings permanently as planned. The original plan for £3.3m of savings delivered temporarily in 2018/19 would now be addressed on a permanent basis from new proposals as part of the 2019/20 financial planning process. These revised plans would result in permanent cost reductions and had been reflected as being delivered on a permanent basis. The remaining £4.650m of planned permanent savings, which were delayed in the current year and required to offset temporary measures, would now be delivered on a permanent basis in 2019/20. Mr Robertson further reported that the Council continued to experience considerable financial pressures that could result in an adverse variance at year-end of around £1m and CMT had issued further instruction to all budget holders re-emphasising the importance of services operating within revised budgets for the remainder of the financial year. In response to a concern on the unitary charge in schools, Mr Robertson explained that this included the costs of energy, domestic rates and the school lifestyle maintenance. The forecasted underspend in Customer & Communities would be available to support pressures across the Council. This was as a result of an overall accrual of housing benefit in previous years. The Health & Social Care budget pressures continued in the Older People's Services and People with Physical Disabilities with a long term trend of demand for more complex and expensive packages of homecare. Mr Robertson reported that plans were in place to deal with the significant increase in older people with the Council providing extra dementia provision of extra care housing and re-provisioning hospital to home services and the discharge to assess centre in Waverley Care. The new facilities at Crawwood (now Garden View) had played a major part and effort had taken place to plan for increases in demography in the Borders in partnership with NHS Borders. In response to a concern on the pressures of £0.275m within Neighbourhood Services and Catering Services, Mr Robertson reported that this was as a result of demand pressures in the services following a re-tendering process where Scotland Excel went out to market to achieve the best prices for goods and commodities. Mr Robertson further explained the details of the budget adjustments going forward in Appendix 3 and the financial plan efficiency progress for 2018/19 as shown in Appendix 4 to the report.

#### **DECISION**

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

- (a) note the projected corporate monitoring position reported at 31 December 2018, the underlying cost drivers of this position and the identified areas of financial risk including the position reflected in Appendix 1 to the report;**
  - (b) approve the virements contained in Appendices 2 and 3 to the report;**
  - (c) note the progress made and the risks involved in achieving Financial Plan savings shown in Appendix 4 to the report; and**
  - (d) note the Corporate Management team directive to ensure all managers operate within agreed budgets therefore ensuring a balanced outturn position was delivered in 2018/19**
3. **BALANCES AT 31 MARCH 2019**  
With reference to paragraph 3 of Minute of Executive Committee dated 20 November 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 and advised Members of the projected balance at 31 March 2019. The report explained that the unaudited Council's General Fund useable reserve (non-earmarked) balance was £6.672m at 31 March 2017. This reflected a balance of £6.315m in line with the approved Financial Strategy

presented to Members in November 2018. The projected balance as at 31 March 2019 remains £6.315m. It was noted that any increase from the level budgeted would require to be drawn down from reserves in 2018/19. The Council's allocated reserve balance was £5.058m at 31 March 2018. The projected balance in the allocated reserve at 31 March 2019 was £2.627m and was as a result of approved planned draw-downs during 2018/19. The total of all useable balances, excluding developer contributions, at 31 March 2019 was projected to be £21.071m, compared to £28.793 at 31 March 2018. The projected balance on the Capital Fund of £4.975mm would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year. In response to a question raised on the developer contributions for the Borders Railway, it was agreed that as financial contributions were used to repay the loan for the funding given to Transport Scotland this would now be removed from the summary of the Capital Fund table in Appendix 3 to the report.

#### **DECISION**

##### **NOTED:-**

- (a) the projected revenue balances as at 31 March 2019 as per Appendices 1 & 2 to the report;**
- (b) that any shortfall associated with pay award negotiations would require to be drawn down from reserves in 2018/19; and**
- (c) the projected balance in the Capital Fund as per Appendix 3 to the report.**

#### **4. MONITORING OF THE CAPITAL FINANCIAL PLAN 2018/19**

There had been circulated copies of a report by the Chief Financial Officer providing an update on the progress of the 2018/19 Capital Financial Plan and seeking approval for projected outturns and associated virements and the relocation of funds. The monitoring tables in Appendix 1 to the report detailed actual expenditure to 31 December 2018. Key issues identified in these tables were summarised within the main report. The tables identified a projected net variance of £1.52m against the approved budget. The net in year budget decrease of £1.52m was primarily due to net budget timing movements to future years of £2.722m, the most significant of which Reston Station £0.600m, Depot enhancement £0.297m, Play Areas and Outdoor Community Spaces £0.267m, Jim Clark Museum £0.244m, Hawick Regeneration £0.200m, Energy Efficiency £0.200m and Asset Rationalisation £0.200m. These timing movements were offset by budget increases of £1.2m primarily relating to £0.738m in Roads and Bridges, £0.225m Wilton Lodge Park and £0.153m Electric Vehicles. Appendix 2 contained a list of the block allocations approved for the year and the various approved and proposed projects to be allocated from them within the 2018/19 Capital Plan. Appendix 3 contained a list of estimated whole project capital costs for single projects which would not be completed in the current financial year. A short animation explaining the Council Budget and the difference between Revenue and Capital had been circulated with the link to the video for information: [Revenue and Capital](#).

#### **DECISION**

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

- (a) the projected outturns in Appendix 1 to the report as the revised capital budget and approves the virements required;**
- (b) to note the budget virements previously approved by the Chief Financial Officer and Service Director Assets & Infrastructure detailed in Appendix 2 to the report under delegated authority;**
- (c) to note the list of block allocations detailed in Appendix 2 to the report; and**

**(d) to note the list of whole project costs detailed in Appendix 3 to the report**

**MEMBER**

Councillor Rowley left the meeting.

**5. OUR PLAN AND YOUR PART IN IT: SBC'S CORPORATE PERFORMANCE AND IMPROVEMENT REPORT (QUARTER 3 2018-19)**

- 5.1 With reference to paragraph 5 of the Minute of Executive Committee dated 20 November 2018, there had circulated copies of a report by the Chief Executive presenting a summary of Scottish Borders Council's quarterly performance information with details contained within Appendices 1a, 1b, and 2 of the report. The report also included reporting on the progress of change and improvement across the Council, replacing what was the separate Corporate Transformation report. Council had approved a revised Corporate Plan ([Our Plan and Your Part in it 2018-2023](#)) in February 2018, with four corporate themes. In order to monitor progress against the four themes, a review of performance and context information would be undertaken quarterly and presented to Executive Committee. Section 4 provided a summary of the progress of Change and Improvement projects, with further information contained in Appendix 1a to the report. Change and Improvement Projects were monitored on a weekly basis by Corporate Management Team and through the SBC Financial Plan and associated monitoring. Section 5 set out any additions or changes to SBC performance indicators in this report, followed by a high level summary of performance in Section 6, with details provided in Appendix 1b to the report. To reflect the significant investment made by the Council during 2018/19, an overview of the work and impact of Police Scotland's Community Action Team was provided at Section 7 and within Appendix 2 to the report. The information contained within the report and appendices was also made available on the Council website using the public facing part of SBC's Performance Management software (Pentana). This could be accessed at [www.scotborders.gov.uk/performance](http://www.scotborders.gov.uk/performance).
- 5.2 The Service Director Customer & Communities gave a brief introduction on the detailed report and advised Members that the report reflected the four corporate themes with the focus on two key projects mainly Garden View and Waverley Care Home as the major projects in terms of outcomes and performance indicators. CMT regularly reviewed the progress of all transformational projects tied in to financial monitoring on what was achieved on a temporary and permanent basis and, due to the financial challenges the Council had, the overall change programmes. The Senior Business Services Officer, Mr Collison summarised the successes and challenges outlined within the report. In the ensuing discussion, Members commended the very detailed report showing transformation and performance indicators and the cut across over a number of services. Mrs Craig reported that the reports would be expanded on the performance of Universal Credit, Waste & Recycling Services and further discussions would be held on the Occupancy Rates of Industrial and Commercial Units owned by the Council. It was noted that Members requested a wider discussion on the reduced figures on Food Waste Recycling at a future meeting. The Safer Communities Community Justice Manager, Mr Jones reported that the Community Action Team (CAT) had been broken down to 5 localities and in Quarters 1, 2 and 3 there had been 2,650 recorded group 1-5 crimes and offences, a 2.9% decrease on the previous year. They had issued 172 parking tickets and carried out 94 hours of High Visibility foot patrols and 173 hours of mobile patrols. There had been a noticeable upward trend of drug searches on persons and premises. Overall these were extremely encouraging results.

**DECISION**

**AGREED to:-**

- (a) note the progress update relating to Change and Improvement Projects, referenced in Section 4 and detailed further in Appendix 1a to the report;**

- (b) note the changes to performance indicators outlined in Section 5 of this report; and**
- (c) acknowledge and note the performance summarised in Sections 6 and 7 of the report, and detailed within Appendices 1b and 2 and the action that was being taken within services to improve or maintain performance.**

**6. LIVE BORDERS PERFORMANCE REPORT (QUARTER 2 2018/19)**

With reference to paragraph 8 of the Minute of the Executive Committee dated 8 March 2016 and paragraph 2 of the Minute of Executive dated 8 September 2018, there had been circulated copies of a report by the Executive Director providing a high level summary of Live Borders' performance during Quarter 2 of 2018/19, with details contained within Appendices 1 and 2 to the report. On 1 April 2016, a new Integrated Culture and Sport Trust, Live Borders was established. As part of the Service Provision Agreement (the contract), SBC developed a Performance Management Framework to ensure effective oversight of the work of the Integrated Trust, ensuring that six key outcomes were being addressed. A set of performance indicators were developed at this time and have been used to report performance to Executive Committee during 2016/17 and 2017/18, in August and February. During 2018, Live Borders developed and agreed a new Strategic Plan, with a vision and 6 strategic goals. Underpinning this was a revised set of performance indicators. As a result, a new format for performance reporting had been established and was presented at Appendices 1 and 2 to the report. Section 4 summarised the key successes and challenges during Q2 2018/19 and the work being done to either maintain or improve performance. Section 5 summarised financial performance. The information contained within the appendices would be made available on [SBC's website](#), ensuring that the duty to report publicly and demonstrate Best Value was met. The Director of Business Services, Mrs Ross for Live Borders was present and reported that the report highlighted a number of key questions and challenges. In response to a number of questions Mrs Ross reported that sports participation numbers had been lower than target which had affected total participation. Culture participation had been down by 23k visitors and to improve this figure the programme was heavily dependent on national provision and work had been carried out with their marketing team to promote this. Sport Active Membership numbers dropped due to some members being lost during the switch over to 12 month membership contracts. This had been resolved through campaign work and reinvestment and Live Borders was working hard to secure new members.

**DECISION**

**NOTED:-**

- (a) the changes that have been made to Live Borders' performance reporting; and**
- (b) Live Borders' performance and the action being taken to maintain or improve performance.**

**7. HOUSEHOLD SURVEY 2018 - RESULTS**

7.1 There had been circulated copies of a report by the Service Director Customer & Communities providing the results of the Scottish Borders Household Survey 2018. The key results from the perception based survey were highlighted, alongside relevant performance information and current pieces of work. The Scottish Borders Household Survey 2018 asked questions about life in the Borders and a range of services provided by the Council. 905 responses were received of these 800 were online and 105 were paper copies. The Household Survey had been used since 2006 to gather customer perception/satisfaction on a range of Council Services and was one of the tools available to the Council for collecting such information. The Council also used service specific customer surveys, engagement events and feedback mechanisms, such as our complaints process, to gather information on how well the Borders' community felt the

Council was doing in meeting its needs. This was used alongside a range of performance information which was presented to Executive Committee on a quarterly basis. The 2018 survey included the following themes which were covered in the report:

- (a) Life in the Scottish Borders
- (b) Scottish Borders Council
- (c) Household Waste Collection, Recycling and Waste Services
- (d) Local services provided by Scottish Borders Council
- (e) Local services managed by Live Borders
- (f) Involvement in local decision making
- (g) Community Safety
- (h) Health & Wellbeing
- (i) Transport
- (j) The Internet/Web
- (k) Future use of the Internet

- 7.2 Over the three years since the last household survey the Council had continued to face major financial challenges and had worked to maintain high quality services with reducing resources. During this time some services had had to be reshaped which almost certainly had an impact on levels of customer satisfaction. However, the majority of respondents had told us that their neighbourhood was a good place to live (95%) with 50% saying it was a 'very good' place to live. Feelings of personal safety were also high with 97% saying they feel safe walking alone in their local area during the day and 94% saying they feel safe alone in their home at night. The Service Director Customer & Communities gave a brief introduction on the detailed report and advised Members that the last survey was carried out in 2015. Due to the change in methodology, comparisons could not be made with the results from previous years but a benchmark was being set for future survey results. The Strategic Community Engagement Officer, Ms Malster reported that the results showed strong positive statements that people were satisfied with living in the Borders and that it was a good place to live. An overwhelming opinion in response to this survey was that 90% of respondents would like to be more involved. This would be a great opportunity to build on through the Area Partnerships and People Panels. The report highlighted that SBC also gave a high quality service. Members reported that the survey gave a good indication of life in the Borders with the need to get more community involvement to strengthen the Area Partnerships. There was concern raised on the result that 33% respondents did experience the feeling of loneliness or isolation. Ms Craig reported that progress would be made to work closely with local Area Partnerships and Community Councils. Detailed information on the number of contacts from each of the locality areas would be incorporated into the report.

## **DECISION**

**NOTED the results of the Scottish Borders Household Survey 2018**

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

9. **12 MARKET PLACE / 2 HIGH STREET, JEDBURGH - EMERGENCY EXPENDITURE**  
The Committee approved a report by the Service Director Regulatory Services on proposals to deal with the building in Jedburgh.

***The meeting concluded at 12.20 pm***

# SCOTTISH BORDERS COUNCIL

## SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK COMMON GOOD FUND SUB COMMITTEE held in Committee Room 1, Council Headquarters, Newtown St Boswells. TD6 0SA on Wednesday, 13 February 2019 at 3.00 pm

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

In Attendance:- Pension & Investments Manager, Solicitor (J. Webster), Estates Surveyor (A. Scott), Democratic Services Officer (F. Walling).

2 Members of the public

### 1. **MINUTE**

There had been circulated copies of the Minute of 12 December 2018.

### **DECISION**

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

### 2. **FINANCIAL MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2018**

2.1 There had been circulated copies of a report by the Chief Financial Officer providing the details of income and expenditure for the Selkirk Common Good Fund for the nine months to 31 December 2018, a full year projected out-turn for 2018/19 and projected balance sheet values as at 31 March 2019. Pension and Investments Manager, Kirsty Robb, referred to Appendix I to the report which provided the projected income and expenditure position. She advised that, due to the previously approved additional expenditure on repairs to the Town Hall clock face there was a projected deficit of £37,067. The projected outturn position showed an amount of £133 relating to interest receivable on cash held by SBC. Also included were dividends from the Common Good Fund's investment in Kames Capital amounting to £11,568. Dividends earned to date amounted to £10,054 which was in line with the overall 5% target and the monthly distribution profile projections provided by Kames. A disinvestment of £40,000 was required to fund the deficit for the year. This was estimated to reduce the income by £400 giving a revised budget of £11,168. Appendix 2 provided a projected Balance Sheet value as at 31 March 2019. This showed a projected decrease in reserves of £105,025. A breakdown of the property portfolio and details of the projected annual rental income by individual property and actual property expenditure to 31 December 2018 was shown in Appendix 3 to the report. The current position of the Kames Capital Investment Fund was shown in Appendix 4 to the report. The disinvestment of £40,000, due to the projected deficit position, would be actioned during February. The fund had a 2.30% unrealised loss in market value since investment, largely due to continued volatility in investment markets. Overall, however, taking account of the income received the fund had achieved a return of 2.05% for the year.

2.2 In response to a Member's question about the Town Hall clock, which was currently not working, and other issues within the building, the Chairman advised that there would be an update from the Service Director in due course. A further question was raised about the difference in rents received in respect of the three farms owned by Selkirk Common Good. The Estates Surveyor advised that this was due to different types of tenancy

involved with each. Recent guidance about rent reviews and farm capacity would inform future reviews.

## **DECISION**

- (a) AGREED the projected income and expenditure for 2018/19 as shown in Appendix 1 to the report as the revised budget for 2018/19,**
- (b) NOTED within the appendices to the report:-**
  - (i) the projected balance sheet value as at 31 March 2019 in Appendix 2;**
  - (ii) the summary of the property portfolio in Appendix 3; and**
  - (iii) the current position of the Kames Capital investment Fund in Appendix 4.**

### **3. APPLICATIONS FOR FINANCIAL ASSISTANCE**

#### **3.1 Ettrick Forest Bowling Club**

There had been circulated copies of an application for financial assistance on behalf of Ettrick Forest Bowling Club. The applicant, who recently took over as Treasurer, explained that the Green Bowling Club had a huge community spirit with both young and older members but that there were significant financial challenges with monthly running costs of £829. The Club was currently trying to get back into a better financial position by fundraising and looking for sponsors. Funding was desperately needed for equipment, namely outside score boards, new jacks, mats and benches. The total cost and grant requested was £1,344.67. It was noted that this equipment, once replaced, should last 15 to 20 years. Members were supportive of the application but expressed some concerns about the long term financial sustainability of the Bowling Club, from the information provided. They noted that efforts were being made to put the Club back on a sound financial footing but also noted that the accounts that accompanied the application were for the year ended 31 December 2017. They queried whether there were audited accounts available for 2018. After discussion there was agreement in principle to grant the full sum requested, but that this should be subject to provision of satisfactory accounts for the year ending 31 December 2018 and also a Business Plan setting out projected income and expenditure, to give assurance of the Club's financial sustainability and longevity.

## **DECISION**

### **AGREED:-**

- (a) in principle to grant the total sum requested, of £1,344.67, to Ettrick Forest Bowling Club;**
- (b) that this grant be subject to the provision of satisfactory audited accounts for year ended 31 December 2018 and a Business Plan indicating future financial management; and**
- (c) that, consideration of the information requested and the decision to authorise payment be delegated to the Chief Financial Officer in consultation with the Chairman.**

#### **3.2 Selkirk Silver Band**

There had been circulated copies of an application for financial assistance on behalf of Selkirk Silver Band. The Band provided musical entertainment at many functions and events associated with Selkirk Common Riding and at other engagements including Lauder Common Riding, Royal Company of Archers Parade, Selkirk 7s, Scott's Selkirk and entertainment around the town on New Year's Day. The Band was looking into

travelling to Plattling in 2020 which was Selkirk's twin town in Bavaria, Germany. A total of £2,344 was requested towards the cost of music stands (£450), stand banners (£1,420) and Band Ties (£474). It was explained that the Band organised various fundraising activities on an ongoing basis and received donations and collections at various concerts and events. The Band, along with other local groups, received a legacy in 2018 which was noted in the accounts. This money was being ring fenced for urgent work required on the band hall, including for roof repairs and soundproof flooring. The balance of the legacy would be kept for any future emergencies that may arise. Members discussed the application and, after taking into account previous grants to the Silver Band from the Common Good Fund including a grant of £1500 during the current financial year, they agreed to give a grant of £500 as a contribution towards the cost of the equipment.

#### **DECISION**

**AGREED to grant £500 to Selkirk Silver Band.**

#### **3.3 Selkirk Regeneration Company**

There had been circulated copies of an application for financial assistance on behalf of Selkirk Regeneration Company (SRC). It was explained that SRC was a community-based non-profit company whose purpose was to initiate and administer projects which would benefit the people and environment of Selkirk and surrounding area. Membership was open to any resident in the TD7 area who supported the aims of the Company; currently there were 84 members, who elected a board of Trustee/Directors. The Company was currently working towards the renovation of the former derelict shop at 5 Tower Street, which was owned on behalf of the people of Selkirk, for conversion into a community resource. Details were given of work carried out so far and the funding sources, including an Award for All grant in addition to SRC own reserves. An application had also been made to the Climate Challenge Fund for staffing and running costs for the building as a community energy advice centre and hub. Full plans had been drawn up for the renovation of the front and rear of the premises. The next stage was to obtain full planning and listed building approval and building warrants and then to seek grant funding for the capital costs to implement these plans. The immediate requirement was therefore for a grant of £1,131 to cover the planning application fee £401 and related professional fees of £730. After discussion Members agreed to grant the sum of £1,131 as requested for the immediate needs and agreed in principle to a future grant of £7,640 towards the capital costs, subject to the necessary planning permission being obtained and confirmation that other funding was in place to cover the total cost of the project

#### **DECISION**

**AGREED:-**

**to grant £1,131 to Selkirk Generation Company to cover the planning application fee and associated professional fees for the project to renovate the former derelict shop at 5 Tower Street; and**

**(b) in principle to a future grant of £7,640 towards the capital cost of the project subject to the necessary planning permission being obtained and confirmation that other funding was in place.**

#### **DECLARATION OF INTEREST**

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

#### **3.4 Selkirk Means Business (Selkirk BIDS)**

There had been circulated copies of an application for financial assistance on behalf of Selkirk Means Business (BIDS). Selkirk BIDS represented levy paying businesses within the town centre and was the first Business Improvement District in the Borders. The organisation was in place to both develop the trading environment and encourage increased footfall and tourism within the town. BIDS had delivered or were in the process

of delivering 5 projects within the first year of existence. The application was for £4,500 towards the formation of a Cycle Zone. There had already been raised £1000 towards the total cost of the project of £5,500. A detailed proposal was submitted with the application which aimed at rejuvenating a well-used though somewhat neglected area of Selkirk town centre, on the paved area beside Mungo Park tree. It was proposed to re-develop the area to create an inviting area for both local and visiting cyclists by means of a formal cycle park, including a specialist cycle repair station along with aesthetically appealing cycle racks accommodating 4-8 bicycles. There would also be minimalist seating area and focused signage directing visitors from key receptor points to the new area. It was also proposed to upgrade the appeal of the existing area by replacement of uneven paving and replacement of existing coping stone to the adjoining wall which surrounded the chestnut tree. Members were in support of the project and agreed to grant the amount requested of £4,500 subject to:-

- Selkirk BIDS accepting (or making provision for) the ongoing maintenance of the Cycle Zone, as Members noted that there was no provision for ongoing annual costs for maintenance in the project budget;
- that any consents necessary were obtained from Scottish Borders Council for the work to go ahead e.g. with - Road Safety, Planning, Economic Development.

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

- (a) **to grant to Selkirk BIDS the full amount requested of £4,500 towards the Cycle Zone project subject to:-**
- (i) **Selkirk BIDS accepting responsibility for (or making provision for) the ongoing maintenance of the Cycle Zone; and**
  - (ii) **confirmation being provided that all necessary consents had been obtained from Scottish Borders Council for the work to go ahead.**
- (b) **that, consideration of the information requested and the decision to authorise payment be delegated to the Chief Financial Officer in consultation with the Chairman.**

#### **4. PROPERTY**

The Estates Surveyor gave a verbal update as follows:-

##### **4.1 Selkirk Hill**

Estimates of approximately £3k had been received for repairs to the march dyke. Match payment from the adjoining landowner would be sought for this work and for replacement or repair of the gates.

##### **4.2 Smedheugh Farm**

Work was underway on the conservatory and doors. It was confirmed that this work on the conservatory was the responsibility of the landlord, being categorised as 'renewals and replacements' and not as 'repairs'.

##### **4.3 Victoria Hall**

The lowest quote, of £3,485, had been accepted for repainting the railings outside the Victoria Hall. The contractor had agreed to hold this price until Spring when it was hoped there would be suitable weather conditions to carry out this work. Members confirmed their previous decision to paint the railings in the same shade of blue that had been used in the Market Place.

##### **4.4 Shawburn Toll and Embankment**

A consultation, for ideas to tidy up the area, would be launched on Scottish Borders Council's Citizen Space in April. Ms Scott would draft a consultation document and circulate to Members for comment and approval.

**4.5 The Green Shed**

A quote of approximately £1k had been received to paint the front of the shed. A price was awaited for repairs to the guttering. As the work on the shed was urgent Members agreed to delegate the decision to implement this work to officers in consultation with the Chairman once quotes had been received. Mr Combe raised again the issue of the tree branches rubbing against the roof at the rear of the shed with potential damage implications. Ms Scott agreed to investigate this.

**DECISION**

**(d) NOTED the update.**

**(e) AGREED that the work required on the Green Shed be taken forward urgently and:**

- (i) that the quote for repainting the front of the shed be accepted and the work to be carried out;**
- (ii) that the decision to implement repair work to the guttering be delegated to the Chief Financial Officer, in consultation with the Chairman, once quotes had been received; and**
- (iii) that the Estates Surveyor investigate potential damage to the building being caused by tree branches.**

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

**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 of Part I of Schedule 7A to the Act.**

**6. URGENT BUSINESS**

**7. MINUTE**

The private section of the Minute of 12 December 2018 was approved.

**8. PROPERTY**

The Estates Surveyor gave a verbal update.

*The meeting concluded at 4.25 pm*

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# Public Document Pack

## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 18 February 2019 at 10.00 am

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

Absent:- Councillor J. A. Fullarton

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

### **MEMBER**

Having not been present when the reviews of applications 18/00956/FUL and 18/01215/FUL were first considered, Councillor Ramage did not take part in the determination of these reviews and left the Chamber during their consideration.

### **1. CONTINUATION OF REVIEW OF 18/00956/FUL**

With reference to paragraph 3 of the Minute of 21 January 2019, in respect of the request from Mr and Mrs Alexis and Rose Kennedy, per Architeco Limited, 43 Argyll Street, Dunoon, for review of refusal of the planning application for erection of a dwellinghouse on land North West of Chapel Cottage, Melrose, there had been circulated copies of statements from officers on the new information submitted with the Notice of Review documentation and a response from the applicant. Also re-circulated were the review papers including the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; consultations; and a list of policies. Members firstly noted that the principle for a dwellinghouse on this site had been established by a previous decision of the Local Review Body. Having noted the statements from officers on the new information submitted in respect of the impact of the proposed development on trees and hedging Members were content that the impact could be addressed with appropriate conditions. Similarly they accepted that the additional information, subject to conditions, had addressed the aspects of road safety at the junction of the access to the public road. They then turned their attention to the design of the house on this particular site and whether this respected the rural character of the area and its location in the Linthill Designed Landscape. Having regard to an informative which the Review Body had added to the planning permission in principle, which advised that a traditional lodge style dwellinghouse would be expected for this site, Members' opinion was divided as to whether the design submitted met that visualisation.

### VOTE

*Councillor Mountford, seconded by Councillor Aitchison, moved that the decision to refuse the application be reversed and the application be approved.*

*Councillor Hamilton, seconded by Councillor Anderson, moved as an amendment that the officer's decision be varied and the application be refused for the reason that the design of the proposed dwellinghouse was not in keeping with the sense of place of the countryside character and setting of the site and surrounding area.*

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

*Motion - 2 votes*

*Amendment - 5 votes*

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

**DECISION**

**AGREED that:-**

- (a) **the review could be considered without the need for any further procedure on the basis of the additional written submissions and the papers submitted;**
  - (b) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
  - (c) **the officer's decision to refuse the application be varied and the application refused for the reason detailed in Appendix I to this Minute.**
2. **CONTINUATION OF REVIEW OF 18/01215/FUL**

With reference to paragraph 4 of the Minute of 21 January 2019, in respect of the request from Mr K Patterson, per Richard Amos Ltd, 2 Golden Square, Duns, to review the refusal of the planning application for extension to dwellinghouse at 10, Townhead Way, Newstead, there had been circulated copies of a statement from the Appointed Officer on the new information submitted with the Notice of Review and a response from the applicant. Also re-circulated were the review papers including Notice of Review (including the Decision Notice); Officer's Report; consultations; and a list of relevant policies. In their discussions Members had regard to the officer's submissions and accepted that there would be some loss of daylight to the adjoining neighbour's kitchen window and door. However, they also took into account mitigating factors including a letter of support from the affected neighbour, the modest scale of the extension, the improvement to privacy of the neighbouring property and that the impact of the extension on sunlight to the neighbour's window and door would be minimised due to the proposed building being located to the north of that property.

**DECISION**

**AGREED**

- (a) **the review could be considered without the need for any further procedure on the basis of the additional written submissions and the papers submitted;**
- (b) **the proposal would be in keeping with the Development Plan; and**
- (c) **the officer's decision to refuse the application be reversed and planning permission be granted, subject to a condition, for the reasons detailed in Appendix II to this Minute**

**MEMBER**

Councillor Ramage re-joined the meeting.

3. **REVIEW OF 18/01229/FUL**

There had been circulated copies of the request from Wilson G Jamieson Ltd, per Gain Planning Services, 122, Scott Street, Galashiels, for review of refusal of the planning application for extension to provide an additional 7 No workshop units (Class 5/6), 1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area at Storage Units, Farknowes, Langshaw Road, Galashiels. The supporting papers included

the Notice of Review; Decision Notice; Officer's Report; papers referred to in the officer's report; consultations; an objection; and a list of policies. In their initial discussion Members referred to the nature of the current development and business use of the site and whilst the site was located outside the settlement boundary of Galashiels they noted that, in terms of any effect on the rural character of the area, there was already a significant amount of development in that vicinity. Members accepted that there was a demand for small industrial units and commented on the suitability of the location for a dog daycare facility, being away from residential properties but not too far out of the town. There were, however, concerns expressed about the inclusion of a two storey unit in the proposals. After further discussion Members agreed that as this was a complex site they would prefer to carry out a site visit before making a decision.

#### **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 not be considered without further procedure in the form of a site visit; and**
- (c) an unaccompanied site visit be carried out on a date to be arranged and consideration of the review be continued to a future meeting.**

*The meeting concluded at 11.50 am*

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**APPENDIX I**

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

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

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

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**Local Review Reference:** 18/00038/RREF

**Planning Application Reference:** 18/00956/FUL

**Development Proposal:** Erection of dwellinghouse

**Location:** Land North West of Chapel Cottage, Melrose

**Applicant:** Mr & Mrs Rose and Alexis Kennedy

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**DECISION**

The Local Review Body varies the decision of the appointed officer and refuses planning permission for the reason set out in this decision notice as set out below:

1. The proposed development is contrary in principle to Adopted Local Plan Policies HD2, PMD2, EP10 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that it is not in keeping with the sense of place of the countryside character and setting of the site and the surrounding area, principally through the introduction of an unsympathetic and suburban form of development into an isolated rural location, which would be harmful to the visual amenities of the site and surrounding area; including the Linthill Designed Landscape.

**DEVELOPMENT PROPOSAL**

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

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	1427-02-01
Location Plan	1427-02-02A
Site Plan	1427-02-03

Floor Plans	1427-02-04
Floor Plans	1427-02-05
Roof Plan	1427-02-06
Elevations	1427-02-07
Sections	1427-02-08
Permaculture Zoning Plan	1427-02-18
Visibility Sightlines	1427-02-19

## **PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21 January 2019.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Papers referred to in report; e) Consultations and f) List of Policies, the Review Body considered whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to a tree survey and a drawing proposing visibility sightlines. Members considered that the information did meet the Section 43B test, was material to their consideration and could be considered. In order to allow the Appointed Officer, Landscape Architect and Roads Planning Officer to submit their views on the new information, they requested further procedure in the form of written submissions. Members disregarded a further piece of new evidence which related to a site plan with a boundary drawn along the driveway to the public road which was different from the boundary on the site plan submitted with the original application as it was not open to the applicant to amend the site boundary at this juncture.

The LRB reconvened to consider the Review, following further procedure, at its meeting on 18 February 2019. After examining the review documentation at that meeting which included a) Statement from Officers on New Information; b) Response from applicant; and c) Review Papers (including the Decision Notice and Officer's Report), the Review Body proceeded to determine the case. They noted the applicant's suggestion for further procedure but did not consider any further procedure necessary, including a site visit, after viewing photographs and plans of the site and surroundings.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP8, EP10, EP13, IS2, IS3, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Development Contributions 2011

The Review Body noted that the proposal was for planning permission to erect a dwellinghouse North-West of Chapel Cottage, Linthill near Melrose.

The Review Body firstly considered the principle of a dwellinghouse on the site, applying Policy HD2 of the Local Development Plan and Supplementary Planning Guidance on “New Housing in the Borders Countryside”. Members noted that planning permission in principle had already been granted by the Review Body for a house on the site in relation to application reference 18/00644/PPP. This permission had granted planning permission in principle on the basis that the existence of a previous consent at the time of the application for a dwellinghouse on this site outweighed the terms of Policy HD2, which the Review Body determined did not support a dwellinghouse in this location. The Review Body, therefore, accepted the principle of a house and this addressed the Appointed Officer’s first reason for refusal. Whilst the additional hobby farming justification was noted, Members did not consider it necessary to give any weight to the justification as the principle of a replacement house had already been established and that consent was still extant therefore there was no need to consider an economic requirement justification.

The Review Body then considered the issue of the design and siting of the house, applying Policies PMD2, HD2 and EP10 of the Local Development Plan and Supplementary Planning Guidance on “New Housing in the Borders Countryside” and “Placemaking and Design”. Whilst some Members were not averse to the contemporary design in itself, others felt that the design was too modern and inappropriate for the site itself and did not comply with Policies, Guidance or meet the intentions of the Informative which the Review Body had added to the permission granted for application 18/00644/PPP specifically advising that the Review Body expected a traditional lodge style dwellinghouse design to be brought forward in any subsequent application. It was considered that the design failed to respect the rural character of the area and the Review Body felt that a more traditional approach was needed to a standard and quality that the site and setting demanded. The contemporary design and features were, ultimately, not considered to be sufficiently sympathetic to the character or context of the site, which is located in the Linthill Designed Landscape .

Members then considered the impacts of the development on the local landscape, particularly existing trees and hedging. Assessing the proposals against Policies PMD2, HD2 and EP13 in particular, it was noted that further information in the form of a tree survey had been submitted and that this had been accepted by both the Appointed Officer and the Landscape Architect. The Review Body were content that with appropriate conditions on new planting, tree retention and a slight movement of the site access, the additional information had addressed the third reason for refusal.

Members finally considered the aspects of road safety and, in particular, the achievement of satisfactory visibility at the junction of the driveway with the public road. Assessing the proposal against Policy PMD2, the Review Body noted that hedging had already been removed in a northerly direction and that the new information relating to a visibility sightline plan had been accepted by the Appointed Officer and Roads Planning Officer, subject to conditions. Members were content that the additional information, subject to conditions, had addressed the fourth reason for refusal.

## CONCLUSION

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

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

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

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

**Date.....**25 February 2019

...



**APPENDIX II**

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

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

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

---

**Local Review Reference:** 18/00039/RREF

**Planning Application Reference:** 18/01215/FUL

**Development Proposal:** Extension to dwellinghouse

**Location:** 10 Townhead Way, Newstead

**Applicant:** Mr Kevin Patterson

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**DECISION**

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

**DEVELOPMENT PROPOSAL**

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

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	18/B608/LC01
Elevations/Floor Plan	18/B608/SK02

**PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 21 January 2019.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Decision Notice); b) Application referred to in Notice of Review; c) Officer's Report; d) Consultations and e) List of Policies, the Review Body considered

whether certain matters included in the review documents constituted new evidence under Section 43B of the Act and whether or not this evidence could be referred to in their deliberations. This related to information on daylight and impact on a neighbour's kitchen, a letter of support and an approved planning application for a similar proposal on a nearby property. Members considered that the information did meet the Section 43B test, was material to their consideration and could be considered. In order to allow the Appointed Officer to submit her views on the new information, they requested further procedure in the form of written submissions.

The LRB reconvened to consider the Review, following further procedure, at its meeting on 18 February 2019. After examining the review documentation at that meeting which included a) Statement from Appointed Officer on New Information; b) Response from applicant; and c) Review Papers (including the Decision Notice and Officer's Report), the Review Body proceeded to determine the case. They noted the applicant's suggestion for a hearing and site visit but did not consider this necessary after viewing photographs and plans of the site and surroundings.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2, HD3, EP4 and EP9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2011
- BRE209 "Site Layout Planning for Daylight and Sunlight" 2011

The Review Body noted that the proposal was for planning permission to extend a dwellinghouse at 10 Townhead Way, Newstead.

The Review Body noted that the extension only required planning permission due to the location within the Conservation Area and that it would otherwise have been permitted development. Members also agreed with the Appointed Officer that there were no reasons to oppose the application for reasons of impact on the Conservation Area, given the modest scale, design and location of the extension.

The Review Body then considered the issue of receipt of light to the adjoining neighbour's kitchen window and door. They agreed that there would be some loss of light but that there were a number of mitigating factors that allowed them to consider the impacts were not sufficiently significant to oppose the application under Policy HD3. These related to the letter of support from the affected neighbour, the improvement to privacy of that neighbour, the flexibility within the SPG to allow modest home improvements and the fact that the extension was on the northern side of the affected window and door. They also noted that the affected door would be impacted less than the window in terms of amount of light lost. Members

considered that there would still be sufficient daylight received and that sunlight impacts were minimised by the northern location of the extension.

The Review Body then considered the issue of dominance and impact on the amenity of the neighbour. Although the difference in levels was noted, Members considered that the extension was modest in scale, designed around provision of a shower room and any impacts were subsequently limited. They noted that there were no windows facing the neighbour on the side wall of the extension and considered that, given the improvement in privacy and letter of support from the neighbour, any impacts of scale and amenity were acceptable in terms of Policy HD3.

## **CONCLUSION**

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

## **DIRECTIONS**

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

## **CONDITIONS**

1. No development to be commenced until a sample of the wall render is submitted to, and approved by, the Planning Authority. The development then to proceed in accordance with the approved render.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.

## **INFORMATIVES**

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 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 at the Council.

## **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable.

## **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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

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

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

**Date...**25 February 2019

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## **SCOTTISH BORDERS COUNCIL**

MINUTE of MEETING of the LAUDER  
COMMON GOOD FUND SUB-COMMITTEE  
held in the Convener's Office, Council  
Headquarters, Newtown St. Boswells on 19  
February 2019 at 2.00 p.m.

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Present:- Councillors K. Drum, T. Miers  
Apology:- Councillor D. Parker  
In Attendance:- Treasury Business Partner, Solicitor (E. Moir), Estates Officer (A. Scott),  
Democratic Services Team Leader.

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### **1. CHAIRMAN**

In the absence of Councillor Parker, Councillor Drum chaired the meeting.

### **2. MINUTES**

2.1 There had been circulated copies of the Minutes of the meetings held on 27 August and 14 November 2018.

2.2 With reference to paragraph 1 of the Minute of 14 November 2018, it was noted that Lauder Community and Leisure Centre had agreed to sign the lease and that funds would be released once the signed lease had been received.

### **DECISION**

**NOTED for signature by the Chairman.**

### **3. MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2018**

There had been circulated copies of a report by the Chief Financial Officer on the income and expenditure for the nine months to 31 December 2018 and full year projected out-turn for 2018/19 and projected balance sheet values as at 31 March 2019. Appendix 1 to the report provided a projected income and expenditure position, showing a projected deficit of £1,751 which was £5,400 more than the full year approved budget. Appendix 2 to the report provided a projected balance sheet as at 31 March 2019 and showed a projected decrease in the reserves of £13,244. The breakdown of the property portfolio showing the actual rental income for 2018/19 and actual property expenditure to 31 December 2018 was shown in Appendix 3. Appendix 4 provided details of the value of the Kames Capital Investment Fund to 31 December 2018. Ms Halliday advised that return on the Kames Capital Investment Fund was improving. Members noted the current financial position.

### **DECISION**

(a) **AGREED the projected income and expenditure for 2018/19 in Appendix 1 to the report as the revised budget for 2018/19.**

(b) **NOTED:-**

(i) **the projected balance sheet value as at 31 March 2019 shown in Appendix 2 to the report;**

(ii) **the summary of the property portfolio as shown in Appendix 3 to the report;  
and**

- (iii) **the current position of the investment in the Kames Capital Investment Fund as shown in Appendix 4 to the report.**

**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 it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

**5. LAUDER COMMON**

Members discussed proposals for tree planting on Lauder Common and other grazing land and agreed to consult with the Community Council in the first instance.

*The meeting concluded at 2.30 p.m.*

**CONFIDENTIAL  
NOT FOR PUBLICATION**

**LAUDER COMMON GOOD FUND SUB-COMMITTEE  
19 FEBRUARY 2019  
APPENDIX II  
BUSINESS CONSIDERED IN PRIVATE**

**5. LAUDER COMMON**

- 5.1 There had been circulated copies of a plan outlining areas of proposed tree planting on Lauder Common. The Estates Officer, Ms Scott advised that she had met with Michael Middlemiss of the Lauder Sheep Company to discuss their proposals for tree planting. They, as tenants could apply for funding from the Forestry Commission but required landlords permission. A financial agreement was also required so that any excess grant money was shared 50:50 with the Common Good Fund and that maintenance money was also properly accounted for. Members agreed that the community council should be consulted and that a full report be submitted to the next meeting.
- 5.2 Ms. Scott advised that the condition of some fencing had also been raised. The fencing was beyond repair and a quote for £2360 had been provided. She would arrange for a second quote to check that this amount was reasonable. The sheep handling system was also beyond repair and the cost of this would be investigated for the 2019/20 budget.
- 5.3 With regard to Lauder Grazings there was potential to obtain grant of £7.5k from the Penmanshiels Wind Farm Fund to provide fencing, planting and water troughs.
- 5.4 Members were advised that it had been discovered that a servitude for a gas pipe over Lauder Common had not been signed off and once this had been done a payment of around £1.5k would be received. It was agreed that this would be completed by 31 March 2019.

**DECISION  
AGREED:-**

- (a) **that the Estates Officer attend the next suitable meeting of Lauderdale Community Council to obtain their views on the various proposals and that a report on all outstanding items would be submitted to the next meeting of the Sub-Committee;**
- (b) **that the servitude in respect of the gas pipe be signed before 31 March 2019.**

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# SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in Committee Rooms 2 and 3 on Friday,  
22 February 2019 at 11.15 a.m.

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

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

## 1.0 **MINUTE**

The Minute of the Meeting of 18 January 2019 had been circulated.

### **DECISION**

**APPROVED and signed by the Chairman.**

## 2.0 **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of the Civic Government and Miscellaneous Licences issued under delegated powers between 9 January 2019 and 12 February 2019.

### **DECISION**

**NOTED.**

## 3.0 **PRIVATE BUSINESS**

### **DECISION**

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

## **SUMMARY OF PRIVATE BUSINESS**

## 4.0 **LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS**

### **Hearings to consider requests for suspension of Taxi Driver Licences**

There had been circulated copies of a letter dated 21 January 2019 from Police Scotland requesting the suspension of a Taxi Driver Licence on the grounds of his conduct while carrying out his role as a taxi driver. The licence holder was present at the meeting supported by a work acquaintance. After hearing both parties, the Committee did not consider the licence holder was no longer a fit and proper person to continue to hold a Taxi Driver Licence and agreed that the suspension request be refused.

5.0 There had been circulated copies of a letter dated 28 January 2019 from Police Scotland requesting the immediate suspension of a Taxi Driver Licence on the grounds of public safety. The licence holder was present at the meeting. After hearing both parties, the Committee was of the opinion that the licence holder was no longer a fit and proper

person to hold a Taxi Driver Licence and agreed that the Taxi Driver Licence be suspended for the remainder of its current duration.

#### 6.0 **LICENSING OF DOG BREEDERS**

The Managing Solicitor – Property and Licensing advised the Committee that the licence holder had requested that the matter be deferred to the next meeting in order to allow more time to prepare and the Committee agreed that the matter be deferred to the next meeting.

THE REPRESENTATIVES FROM POLICE SCOTLAND THEN LEFT THE MEETING.

#### **DECLARATION OF INTEREST**

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

#### 7.0 **REGISTRATION OF PRIVATE SECTOR LANDLORDS**

With reference to paragraph 3 of the Minute of 18 March 2016, there had been circulated copies of a report by the Service Director Regulatory Services which made a recommendation that the Committee find that an applicant is not a fit and proper person to be registered as a landlord in terms of part 8 of the Anti-Social Behaviour etc. (Scotland) Act 2004. The Housing Strategy Manager was present at the meeting to answer Members questions. In the absence of the applicant or any legal representative, the Committee were referred to the applicant's legal agent's written submission together with copies of additional papers in support of registration previously circulated to the Committee. Following discussion the Committee agreed that further information was required before moving to a decision and that the matter be deferred to the next meeting.

#### 8.0 **MINUTE**

The Private section of the Minute of 18 January 2019 was approved.

*The meeting concluded at 12.20 p.m.*

# 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, 26 February, 2019 at  
10.00 am

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Present:- Councillors C. Hamilton (Chairman – Education Business), S. Haslam (Chairman), G. Edgar, E. Jardine, S. Mountford, M. Rowley, R. Tatler, G. Turnbull and T. Weatherston  
Also present:- Councillors S. Marshall, W. McAteer, C. Penman and H. Scott  
Apologies:- Councillor S. Aitchison  
Absent:- Councillors T. Miers  
In Attendance:- Chief Financial Officer, Interim Service Director Children & Young People, Democratic Services Team Leader, Democratic Services Officer (F. Walling)

## EDUCATION BUSINESS

Present:- Mr I. Topping, Ms C. Thorburn, Ms Alison Ferahi, Pupil Representatives: Mr M. Armitage, Mr L. Mendoza, Miss K. Ormiston.  
Apologies:- Mr G Jarvie

### CHAIRMAN

Councillor Hamilton chaired the meeting for consideration of the Education business.

### INTRODUCTION TO EDUCATION BUSINESS

The Chief Officer Education gave an introduction to three presentations which focussed on four key priorities, which were also part of the national agenda, namely to raise attainment; narrow the poverty-related attainment gap; improve health and wellbeing in young people; and to develop employability and ensure positive destinations.

### MEMBER

Councillor Rowley joined the meeting.

#### 1. LITERACY AND NUMERACY UPDATE

Catriona McKinnon, was in attendance to give a presentation and update on the strategy for literacy and numeracy. Ms McKinnon explained that her substantive post was Head Teacher for Broughton and Newlands Primary School but she had been seconded to focus on leading developments in literacy and numeracy. The Scottish Government Vision for Education in Scotland included working towards excellence through raising attainment to ensure that every child achieved the highest standards in literacy and numeracy, set out within the Curriculum for Excellence levels. The rationale behind the development of a consistent strategy had been shaped by data from discussions and meetings with Clusters and secondary English and Maths teachers. Moving forward the collaborative work had been shaped by this data, keeping schools informed of progress via bulletins and updates at Head Teacher conferences. The data revealed that there was a particular need to look at attainment of literacy in Primary 1, recognising that early gains resulted in strong foundations that were built on as children moved through school. The multi-agency team working on this aimed for a 3% increase in attainment in P1 for this year and planning was taking place now for years 2 and 3. A draft strategy for literacy would be in place by April 2019, focussing on skills, professional learning, family learning and engagement, use of data and reading for enjoyment. The draft strategy for numeracy, also

to be in place by April 2019, was based on powerful practice informed by research. Strategy development included creating positive attitude to Maths, use of data, developing conceptual understanding, professional learning and pedagogical understanding. Ms Ferahi, parent representative, asked about parental involvement in the strategy and whether there was any focus on secondary schools. Ms McKinnon confirmed that, although there were currently no formal links with parents as part of the strategy, work with families was being enhanced and supplemented with the involvement of Community Learning and Development colleagues in strategy development. There were plans to extend work to secondary schools and there were collaborative training opportunities at Cluster level for Primary and Secondary School teachers. An example of a training development was the increased use of conceptual material, which research had shown to be an effective visual aid towards learning in numeracy.

#### **DECISION**

**NOTED the presentation.**

#### **2. CLOSING THE GAP IN SCOTTISH BORDERS**

In introducing his presentation, Attainment Officer, Mr Peter Macklin, explained that the purpose of the national drive for excellence and equity was to simultaneously pursue 'closing the gap' and 'raising the bar'. 'Closing the gap' was a shorthand expression for all of the work to interrupt the cycle of deprivation and the impact on children's progress and attainment. The Pupil Equity Fund facilitated data analysis, targeted support and a focus on literacy and numeracy in addition to health and wellbeing. Mr Macklin emphasised that there was no magic solution and that targeted researched intervention was required that was different for every child. Using a particular Primary School as an example, he gave a list of the type of interventions, supported by the Pupil Equity Fund, which had proved to be effective. As a result of these interventions in this school the gaps had been reduced by 33% in talking and listening, 22% in writing and 14% in numeracy. The presentation showed a further graph which illustrated the significantly positive impact of interventions funded by the Pupil Equity Fund in the Earlston Cluster. In fact the Earlston team's approach to closing the gap in numeracy was recognised nationally with a Quality Improvement Award. Other approaches for 'poverty proofing' in schools included looking at the cost of the school day; at a financially accessible school uniform at primary school; a nearly new rail; recycling events; and ensuring that cost was never a barrier to contributing to learning. The Scottish attainment challenge included a focus on pupils with care experience, looking in particular at attendance/exclusions/attainment and at ways to ensure positive destinations. In the ensuing discussion the Breakfast Club initiative was recognised as being effective in improving attendance and punctuality. In response to a question about the Council's proposed Digital Learning Transformation Programme, Mr Macklin maintained that the delivery of an iPad for every child from P6 to S6 would help to provide an equal learning platform and equality of opportunity for pupils.

#### **DECISION**

**NOTED the presentation.**

#### **3. SOUTH EAST SCOTLAND IMPROVEMENT COLLABORATIVE**

The Chief Officer Education, Ms Michelle Strong, presented slides and video clips to update the Committee on what had been achieved so far in the South East Improvement Collaborative (SEIC). Copies of the SEIC phase 2 Improvement Plan were provided at the meeting. Six Regional Improvement Collaboratives had been established across Scotland. The functions were to support and directly contribute to nationally and locally identified priorities with the overall objective of empowering teachers, parents, partners and communities to deliver excellence and equity for all children and young people. SEIC was a collaboration between five local authorities, namely East Lothian, Edinburgh, Fife, Midlothian and the Scottish Borders. The SEIC was uniquely diverse in terms of the range of schools and settings. Scottish Borders was by far the largest area geographically and over 70% of the population lived in rural areas or small towns. Conversely the region included Scotland's second largest city and three of the ten largest settlements in

Scotland. The SEIC Phase 1 Plan, based on data and shared vision, identified key priorities. Phase 2, from September 2018, set the direction of travel and contained more specific actions and smart targets to track progress in improvement outcomes. This work was being carried out by way of workstreams under six headings: quality improvement; equity; professional learning/leadership; maths/numeracy; data analysis; and emotional health and wellbeing. It was noted that emotional health and wellbeing was a priority issue and key to achieving other learning objectives. A number of key networks had been established within the SEIC which were generated through staff wishing to collaborate on a given theme. Networks were encouraged to be established where appropriate. Other collaborative activity included conferences; opening up events and opportunities; joint activity in the form of training; school reviews; moderation of standards; extending partnership working; connecting schools; and responding to ever-changing needs. The next steps were to empower practitioners and partners; share best practice; support and extend collaborative networks; and pursue partnership approaches. In a discussion of the presentation Members recognised the value of collaborative working to promote mutual support and learning across local authorities and to improve standards. The importance of parental involvement in SEIC workstreams was emphasised. The Service Director added that the SEIC aspired to work collaboratively with partner agencies and to encourage engagement of parents, families and communities to inform and support developments and to make a difference.

#### **DECISION**

**NOTED the presentation.**

### **OTHER BUSINESS**

#### **CHAIRMAN**

Councillor Haslam chaired the meeting for the remainder of the meeting.

#### **4. MINUTE**

There had been circulated copies of the Minute of the meeting of 12 February 2019.

#### **DECISION**

**APPROVED for signature by the Chairman**

#### **5. REVIEW OF PARKING ISSUES**

The Chairman advised that this item had been withdrawn and would be discussed at a future meeting.

#### **6. AFFORDABLE WARMTH AND HOME ENERGY EFFICIENCY STRATEGY 2019 - 2023 CONSULTATION**

- 6.1 With reference to paragraph 6 of the Minute of 2 October 2018, there had been circulated copies of a report by the Service Director Regulatory Services seeking approval to begin public consultation on the draft Affordable Warmth and Home Energy Efficiency Strategy 2019 - 2023, which had been developed to support Local Housing Strategy Priority 2: 'More people live in good quality energy efficient homes'. The report explained that The Housing (Scotland) Act 2001 placed a statutory duty on Local Authorities to develop Local Housing Strategies that aimed to ensure that, "so far as reasonably practicable, persons do not live in fuel poverty." This obligation related to housing in all tenures. The report highlighted that, under the current definition for fuel poverty, 34% of households in the Scottish Borders were fuel poor and 13% were extreme fuel poor. A diverse range of partners, stakeholders and housing experts had participated in developing the consultative draft Affordable Warmth and Home Energy Efficiency Strategy which covered the period 2019-23. Before the strategy was finalised it was important that local people, communities and other stakeholders had their say on whether these priorities would make a positive contribution to meeting the needs of people in the Borders.

- 6.2 Members welcomed the strategy and emphasised the priority of tackling fuel poverty. In response to a point made about ensuring, through building regulations, that new housing stock was up to standard in terms of energy efficiency, the Chief Planning Officer advised that building regulations were set nationally. He added, however, that new buildings were generally of a higher standard in this respect and that the Registered Social Landlords were at the forefront of the improvement agenda. It was a greater challenge to reach the private sector and to improve the thermal quality of existing housing stock. In particular, older rural properties in the private rented sector were hard to reach. Members were given more detail about how the consultation would be managed and assurance was given that this would include ways of engaging with the private sector. The Chief Planning Officer agreed with the suggestion to make available an easy-read Executive Summary, along with the full consultation document, to capture the key points and encourage engagement from the public.

### **DECISION**

**APPROVED a three month public consultation on the draft Affordable Warmth and Home Energy Efficiency Strategy 2019 – 2023, attached as an appendix to the report.**

### **MEMBER**

Councillor Mountford left the meeting.

### **DECLARATION OF INTEREST**

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

## **7. COMMUNITY GRANT SCHEME - TEVIOT & LIDDESDALE BUDGET 2018/19**

- 7.1 There had been circulated copies of a report by the Service Director Customer & Communities asking Members to consider a Community Grant Scheme (CGS) application from the Teviot & Liddesdale budget. The application had been brought to the Executive Committee for consideration as the local Ward Members could not reach a decision which had more than 50% support. The report explained that Teviot & Liddesdale Community Grant Scheme 2018/19 budget had £14,442.50 remaining. The application was from Hawick Reivers Association (HRA) which organised and managed an annual festival in Hawick based on the theme of Borders Reivers. The festival was established in 2005. The request for £5,000 was to purchase 9 gazebos and tables which would be used by stall holders participating in the Hawick Reivers Festival street market. The total cost of purchasing the equipment was £5,611.45. Gazebos would be available for use by other community groups outwith the festival weekend. The report explained that HRA successfully applied to the Community Grant Scheme for £5,000 in 2017/18 for the purchase of 10 gazebos, making a total of 15 owned by the Association. Whilst HRA had demonstrated that the gazebos were well used in the community, the number of gazebos HRA currently had was enough to satisfy demand from other community groups and accommodate the festival stall holders when used alongside the additional gazebos they were able to source from other towns / groups. The report's recommendation was to not approve a grant of £5,000 to Hawick Reivers Association.
- 7.2 Members expressed some discomfort at being asked to consider this application, believing that the decision should more justifiably be made by local Members with local knowledge. However, as in this particular case a decision could not be reached by local Members, they proceeded to discuss the application. In doing so they placed significant weight on the advice and recommendation provided by officers within the report. Members noted that, in addition to the grant of £5,000 from the Community Grant Scheme in 2017/18, HRA had also secured £3,000 from Hawick Common Good Fund in 2017/18 and 2018/19 to help cover running costs of the festival. They recognised the value of the weekend festival in attracting local, national and international visitors and it was suggested that officers be tasked to assist HRA to work towards a more financially sustainable model for future years.

## VOTE

*Councillor Edgar, seconded by Councillor Rowley, moved to support the report's recommendation not to give a grant of £5,000 to Hawick Reivers Association.*

*Councillor Weatherston, seconded by Councillor Tatler, moved as an amendment that, being mindful of the split decision of local Elected Members, a grant of £2,500 be given to Hawick Reivers Association, this being half of the amount requested.*

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

*Motion - 5 votes  
Amendment - 2 votes*

*The motion was accordingly carried.*

## **DECISION DECIDED**

- (a) not to approve a grant of £5,000 to Hawick Reivers Association; and**
- (b) to ask officers to support HRA to work towards a more financially sustainable model.**

## **8. PRIVATE BUSINESS**

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

## **9. MINUTE**

The private Minute of 12 February 2019 was approved.

*The meeting concluded at 11.45 am*

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

MINUTE of MEETING of the PEEBLES  
COMMON GOOD FUND SUB-COMMITTEE  
held in the Council Chamber, Rosetta Road,  
Peebles on 27 February 2019 at 5.00 p.m.  
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Present:- Councillors R. Tatler (Chairman), H. Anderson, K. Chapman, S. Haslam,  
E. Small, Community Councillor L. Hayworth  
Apology:- Councillor S. Bell  
In Attendance:- Pensions and Investment Manager, Solicitor (E. Moir), Estates Manager,  
Democratic Services Team Leader

Members of the Public:- 2.  
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**1. MINUTE**

The Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 28 November had been circulated.

- 1.1 With reference to paragraph 1.1 of the Minute of 28 November 2018, it was noted that that the introduction of a single application form for all applications to the Council for funding was part of a report to be considered at Council the following day.
- 1.2 With reference to paragraph 1.2 of the Minute of 28 November 2018, the Estates Manager advised that progress was being made on the preparation of the map showing the location of all Common Good land.

**DECISION**

**AGREED to approve the Minutes and noted the information provided.**

**2. MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2018**

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the nine months to 31 December 2018 and full year projected out-turn for 2018/19 and projected balance sheet values as at 31 March 2019. Appendix 1 to the report provided a projected Income and Expenditure position which currently showed a projected surplus of £24,636 for the year. Appendix 2 to the report contained a projected Balance Sheet to 31 March 2019 and projected a decrease in the reserves of £12,805. Appendix 3 to the report detailed the breakdown of the property portfolio showing projected rental income for 2018/19 and actual property expenditure to 31 December 2018. Appendix 4 to the report showed the value of the Kames Capital Investment Fund to 31 December 2018. Pensions and Investments Manager introduced Sara Halliday who had recently joined the Council and would have future responsibility for Peebles Common Good Fund. She then outlined the main highlights in the report and advised that although the Kames Fund had not performed as well recently it was now picking up again. The Chairman proposed that £20k of the cash surplus be invested and this was unanimously agreed.

**DECISION**

**AGREED:-**

- (a) **the projected Income and Expenditure for 2018/19, as detailed in Appendix 1 to the report;**

- (b) to note the projected Balance Sheet value as at 31 March 2019, as detailed in Appendix 2 to the report;
- (c) to note the summary of the property portfolio, as detailed in Appendix 3 to the report;
- (d) to note the current position of the investment in the Kames Investment Fund, as detailed in Appendix 4 to the report; and
- (e) that £20k of the cash surplus be invested.

3. **APPLICATION FOR FINANCIAL ASSISTANCE**

There had been circulated copies of a request for funding by the Riverside House Film Club for the sum of £2,100 to purchase equipment for showing films to the residents of Riverside House. Members agreed to approve the funding request.

**DECISION**

**AGREED to approve a grant of £2,100 to Riverside House Film Club.**

4. **GARAGE AT TWEEDGREEN**

The Chairman advised that he had been contacted by Peebles Rugby Club regarding the condition of a garage that they leased from the Council. The property was currently sub-let to the Tweeddale Peace Group but this would cease later this year. There were some issues with the property including the fact that the main doors did not fully open. The Estates Manager advised that the Rugby Club had never signed a formal lease for the property, the terms of which included all repairs to the garage. The Sub-Committee agreed that they would consider works to the property once a formal lease was signed. The Estates Manager was also asked to check if there were any other outstanding leases requiring signature.

**DECISION**

**AGREED:-**

- (a) that further consideration of works to the garage be given once the formal lease had been signed by the Rugby Club; and
- (b) the Estates Manager check that all other leases for land and property owned by Peebles Common Good Fund had been signed.

5. **RIVERSIDE PATH (KNOWN LOCALLY AS “THE HUMP”)**

Mr Alan Mackenzie of the Callant’s Club outlined their plans to upgrade the Riverside Footpath to make it fully accessible for pushchairs and wheelchairs. The path passed through land owned by the Common Good Fund and NHS Borders so permission was required to carry out the works. The project funding was the subject of a Locality Bid Fund application with the remainder to be met from Parking Income. It was noted that planning permission would be required and the Estates Manager advised that he would be happy to assist the group with their application. The Sub-Committee agreed that they would be happy to provide a letter confirming their support for the project.

**DECISION**

**AGREED to provide a letter to the Peebles Callant’s Club confirming their support for the path improvement project.**

6. **VICTORIA PARK PATH, PEEBLES**

The Chairman advised that the path in Victoria Park from Kingsmeadows Road was currently being used to access the new Baptist Church which was being built and the developers had asked if they could lay hard core as the path was in poor condition. Concern was expressed that this would allow cars to access the path if a barrier was not erected. Consideration also needed to be given as to whether or not the hard core should be removed after the works

were completed to prevent the path being used as a road. Members agreed that they would allow the works subject to a barrier being erected so the path could not be used by vehicles outwith working hours. The possible reinstatement of the path would be considered once works were complete. The Estates Manager advised that he would have the current condition of the park checked to ensure any damage was fully reinstated when works were complete and undertook to contact the developers.

**DECISION**

**AGREED:-**

- (a) **to allow the works subject to a barrier being erected so the path could not be used by vehicles outwith working hours; and**
- (b) **to reconsider the possible removal of the hard core once the work s were complete.**

**7. TREE PLANTING BY CALLANT'S CLUB**

With reference to paragraph 10 of the Minute of 30 August 2018, it was noted that the proposed meeting with the Callant's Club regarding tree planting had not taken place. It was noted that the planting might involve bushes rather than tree. However, Community Councillor Hayworth advised that there had been some interest from both the School and allotment holders to use part of the ground.

**DECISION**

**AGREED that the Chairman and Councillor Bell pursue this matter in the first instance.**

*The meeting concluded at 5.40 p.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  
OSA on Monday, 4 March 2019 at 10.00  
a.m.

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

1. **ORDER OF BUSINESS**

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

2. **MINUTE**

There had been circulated copies of the Minute of the Meetings held on 4 February 2019.

**DECISION**

**APPROVED for signature by the Chairman.**

**DECLARATION OF INTEREST**

Councillor Small declared an interest in Application 18/01377/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

3. **APPLICATIONS**

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

**DECISION**

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

4. **DEVELOPMENT GUIDANCE FOR 12 MARKET PLACE/ 2 HIGH STREET, JEDBURGH**

There had been circulated copies of a report by the Service Director Regulatory Services which sought approval for appropriate development guidance produced to assist potential developer partners or potential purchasers in the redevelopment of the site at 12 Market Place/ 2 High Street, Jedburgh. The report explained that the building had first come to the attention of the Council in June 2015 due to concerns about public safety and through its statutory duty imposed by Section 29 of the Building (Scotland) Act 2003 to ensure that buildings did not pose a danger to any person or property became involved. Following failure of the owners to carry out the

works to make the building safe, the Council was legally required to undertake the works. During the course of the works to address the structural movement and cracking within Market Place façade, it became evident that the building had substantially more structural issues than initially thought and had suffered and extensive outbreak of dry rot. As a direct result of further structural movement within the external wall of the building the prospect of undertaking remedial works became void. In consultation with the Council's conservation officer, following the Scottish Historic Environmental Policy (SHEP) a test set out by Historic Environment Scotland and as part of the appraisal process the Council engaged a quantity surveyor to consider the financial implications of both retaining the existing structure and demolition of the building and securing the neighbouring properties. The distillation of the options appraisal was that it would be more cost effective for the building to be removed, the site cleared and the neighbouring properties secured. The cleared site would then be available for redevelopment informed by the Council's development Guidance for this property.

#### **DECISION**

**AGREED to adopt the Development Guidance for the redevelopment of the site which was appended to the Minute in the Minute Book.**

#### **4. 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) the erection of a windfarm comprising of 7 wind turbines 126.5m high to tip, associated infrastructure, ancillary buildings and temporary borrow pits – 17/00226/FUL; and**
- (ii) works on trees at 22 Craigmyle Park, Peel – 18/01057/TPO**

**(b) the enforcement appeal in respect of a residential caravan without planning permission on Land West of Gallowberry Bank, Blyth Bridge had been withdrawn – 15/00045/UNDEV;**

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

- Land West of Whitslaid (Barrel Law), Selkirk**
- March Street Mills, March Street, Peebles (17/00063/PPP**
- March Street Mills, March Street, Peebles (17/00064/CON**
- Greenloaning, The Loan, West Linton**

**(d) Review Requests had been received in respect of :-**

- (i) Change of use to joiners workshop and showroom; caravan repairs and sales; car valet; retail and siting of caravan unit (retrospective) at Bruce Motors Redburn Garage, Peebles Road, Galashiels – 18/00723/FUL**
- (ii) Erection of dwellinghouse on Land East of Rose Cottage, Maxwell Street, Innerleithen – 18/00728/PPP;**

- (iii) change of use from public bar and alterations to form residential flat at Mansfield Bar, 16 Mansfield Road, Hawick – 18/01330/FUL**
- (iv) Replacement windows at Sunnybrae, Midlem, Selkirk – 18/01462/FUL**
- (f) the decision of the Appointed Officer had been upheld (Terms of Refusal Varied) in respect of the Erection of dwellinghouse on Land North West of Chapel Cottage, Melrose – 18/00956/FUL;**
- (g) the decision of the Appointed Officer had been overturned (Subject to conditions) in respect of Extension to dwellinghouse at 10 Townhead Way, Newstead – 18/01215/FUL; and**
- (h) there remained one review outstanding in respect of Storage Units, Farknowes, Langshaw Road, Galashiels**
- (h) there remained two Section 36 Public Local Inquiries Outstanding in respect of:-**
  - Fallago Rig I, Longformacus**
  - Fallago Rig 2, Longformacus**

*The meeting concluded at 2.00 p.m.*

**APPENDIX I**  
**APPLICATION FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01026/FUL	Erection of 71 dwellinghouses, formation of access, SUDs and associated infrastructure	Land South of Unit 1 South Parks Industrial Estate, South Parks Peebles

Decision: Approved as per Officer recommendation, subject to minor modifications to Conditions 1 and 9 below:

**Conditions**

1. No development shall commence until a scheme of external materials (including specifications and samples of wall, feature materials and colours) for all buildings within the development, has first been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved scheme.  
Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.
2. No development shall commence on Plots 1, 6, 9, 12, 35, 42, 43, 48, 49 and 53 notwithstanding plans and drawings approved under this consent, until revised elevation drawings and supporting floor plans of the “Thurso”, “Whithorn” and “Torridon” house types have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in strict accordance with the approved plans and drawings.  
Reason: To achieve design improvements to these aspects of the development
3. No development shall commence, (notwithstanding the details provided in the approved drawings), until a detailed scheme of landscaping and boundary planting (incorporating layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within and outwith the site) has first been submitted to and approved in writing by the Planning Authority. The development shall only be carried out in accordance with implementation and maintenance of the approved scheme.  
Reason: Further information is required to achieve an acceptable landscape scheme for the site.
4. The development shall remain outwith the Root Protection Areas of the trees identified outwith and to the western side of the site on Drawing SD 0217(12), the trees to be protected in accordance with BS5837 during construction work.  
Reason: To safeguard existing trees adjoining the site.
5. No development shall commence, (notwithstanding the details provided in the approved drawings), until a detailed scheme of boundary treatments (walls and fencing) has first been submitted to and approved in writing by the Planning Authority. The scheme shall include the layout/route of all existing and proposed walls and fencing, and their detailed design, height and materials. This shall include the use of natural stone at selected stretches of the northern site frontage. All boundary treatments within the application site shall accord with the approved scheme.  
Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.
6. Prior to the commencement of development, the developer shall provide to the Planning Authority:

- (i) a copy of the relevant European Protected Species licence, or,
- (ii) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1.

7. No development shall commence until a comprehensive Species Protection Plan for bats and breeding birds has first been submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with the approved plan.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

8. No development shall commence until a Construction Method Statement to protect residential amenity and the natural environment, including watercourses, has first been submitted to and approved in writing by the Planning Authority including appropriate measures as advised in "GPP 5 Works and maintenance in or near water" and BS5228. Any works shall thereafter be carried out strictly in accordance with the approved scheme.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3

9. No development shall commence until a phasing programme for the development has been submitted to and approved in writing by the Planning Authority. This shall include all buildings, affordable housing, roads, paths, landscaping, parking areas, cycle storage, water, foul and surface water drainage services. Development shall only be carried out in accordance with the approved phasing programme.  
Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure and services.

10. No development shall commence until further details of proposed levels within the site have first been submitted to, and approved in writing by, the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and finished floor levels and any retaining wall height and specifications. The levels shall relate to a fixed, off-site datum point. The development shall be carried out in accordance with the approved details  
Reason: To ensure levels and retaining walls within the site achieve a sympathetic visual appearance and make satisfactory provision for surface water drainage.

11. Details of the surfacing materials for the proposed roads, footpaths and parking spaces to be submitted to, and approved in writing by, the Planning Authority before the development commences. The development is then to be completed in accordance with the approved details.  
Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner which enhances the character and visual appearance of the development.

12. The proposed roads, footpaths and parking spaces/areas indicated on the approved drawings, incorporating any additional details as required by conditions 11, 14, 15 and 19, shall be constructed to ensure that each dwellinghouse, before it is occupied, shall be served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.  
Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and pedestrians.

13. No development to be commenced until a scheme of details is submitted to, and approved in writing by, the Planning Authority for the off-site works required to help mitigate the impact of

this development on the local public road network. The approved scheme of works to be fully implemented to the satisfaction of the Planning Authority prior to works commencing on the proposed development. The scheme of details to include the following;

- i. Widen the existing footway by 200mm on the north side of Caledonian Road from the Dukehaugh junction to the radius point east of the Ambulance Station access.
- ii. Two pedestrian crossing points to be installed at agreed locations. One on Caledonian Road to the west of the Frankscroft junction and one on South Parks adjacent to No.3.
- iii. Additional parking to be provided within the grassed area at the west end of Caledonian Road. The overall parking area to be lined to ensure effective use of this area.
- iv. Vehicular access crossing to be installed for No.27 Caledonian Road, which will involve the relocation of the street lighting column, to the satisfaction of the Council's Street Lighting section.

Reason: To ensure the impact of the proposed development on the local road network is adequately mitigated.

14. No development shall commence until a detailed parking layout is submitted to, and approved in writing by the Planning Authority. Parking bays to be a minimum of 2.5 by 5.0 metres, excluding any paths adjacent to parking bays. Where enclosed by any physical feature such as walling or fencing the bays must be widened to 3.0 metres to ensure adequate access/egress from parked vehicles. The length of the bays will need to be increased to 5.5 metres when situated hard up against the building. Nose to tail parking arrangements should be a minimum of 12 metres in length to ensure vehicles do not overhang the carriageway/footway. The development then to be implemented in accordance with the approved parking details.

Reason: To ensure the provision of adequate parking facilities within the development.

15. Two additional parallel parking bays to be provided adjacent to Plot 28. Details of the amended parking layout to be submitted in writing to the Planning Authority for approval, thereafter implemented fully as per the drawings within an agreed timescale.

Reason: To ensure the provision of adequate parking facilities within the development.

16. No development shall commence until a Traffic Management Plan (TMP) is submitted to, and approved in writing by, the Planning Authority. The development then to proceed fully in accordance with the approved TMP during the construction phase of the development.

Reason: To ensure the impact of construction vehicles on the public road network is mitigated so far as reasonably practical.

17. No development shall commence until a pre-construction condition survey of Caledonian Road and South Parks is undertaken and submitted to the Planning Authority for record purposes. Thereafter, monthly inspections to be undertaken and recorded. Upon completion of the construction period for the development a post-construction condition survey to be undertaken of the aforementioned roads and submitted to the Planning Authority. Any remedial works identified as a result of the condition surveys must be rectified to the satisfaction of the Planning Authority within three months from an agreed date.

Reason: To ensure there is no detrimental impact on public road network during and after the construction period.

18. Any emergency remedial works identified on the public road network as a result of the construction period for the development, must be rectified to the satisfaction of the Planning Authority within one week of being identified, unless otherwise agreed.

Reason: To ensure there is no detrimental impact on public road network during the construction period.

19. No development shall commence until details are submitted to, and approved by the Planning Authority, relating to footpath links from the development to the land and core path network outwith the site to the south and west. Once approved, the footpath links shall be completed to

the specification of the Planning Authority in accordance with the phasing and programmes agreed by conditions 9 and 12 of this consent.

Reason: To ensure adequate provision is made for public access between the site and surrounding land and the public path network.

20. No development shall commence until a) written evidence on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply and b) until a final surface water drainage scheme, based on the approved site layout (SPP-02-01 Rev N as amended by conditions 10, 11, 14, 15 and 19) have been submitted to and approved in writing by the Planning Authority. The approved services shall be installed in accordance with the approved phasing scheme (Condition 9)

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

21. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved in writing by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

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

i. Development at (Note 1)

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

iii. The development comprises (Note 5)

iv. Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone 0300 100 1800, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

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

### Informatives

1. All prospectively adoptable roads, pavements and associated infrastructure will require Road Construction Consent. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.

All works within the public road boundary must be undertaken by a contractor first approved by the Council.

2. Development should be carried out in a manner consistent with British Standard guidance on constriction works, to maintain neighbouring amenity, in particular BS5228
3. Any unauthorised disturbance to protective species habitats is an offence under European and UK habitat legislation. The applicants/developers should ensure precautions are taken before commencing work on site (including vegetation clearance) and the advice of an ecologist is recommended.
4. In relation to drainage and Condition 20, the Council's Flood Risk Officer advises the following:

I would recommend that two forms of treatments are implemented given the size of the site (above 50 houses). I would specifically recommend that there is a method of source control added to the existing proposed detention basin.

I would recommend that SEPA are notified of the intention of using one form of treatment (detention basin) and that their approval is given to ensure that this complies with the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) before any works take place. Engagement with Scottish Water would also be encouraged.

5. SEPA advise as follows:  
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).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Burnbrae Mossilee Road Galashiels TD1 1NF Tel: 01896 754797

6. The Notes required of Condition 22 should be completed as follows:
- Note 1: Insert address or describe the location of the development
  - Note 2: Delete “subject to conditions” if the planning permission is not subject to any conditions
  - Note 3: Insert the name and address of the developer
  - Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
  - Note 5: Insert the description of the development.
  - Note 6: Insert the application reference number.

Note: The Committee felt that a more even distribution of affordable housing throughout the site should be investigated further by Officers in discussion with the applicant and the Registered Social Landlord. The precise details of the affordable housing provision shall be agreed in the Section 75 Agreement.

**NOTE:**

Councillor Tatler spoke against the application

Mr L Turnbull, Peebles Community Council and Mr P Maudsley, Resident spoke against the application

Mr Gordon Johnston, Persimmon Homes spoke in support of the application.

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/00910/FUL	Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse with associated development and landscaping works	Land North East of 3 The Old Creamery, Dolphinton

Decision: Refused as per Officer recommendation for the following reasons:

- 1 The proposed business premises for a mixed Class 5 and Class 6 business operation does not comply in principle with adopted Local Development Plan 2016 policies PMD4, HD2 or ED7 in that the applicant has not demonstrated any overriding economic and/or operational need for it to be located in this particular countryside location and therefore the proposed development would represent unjustified, sporadic and prominent development in the open countryside.
- 2 The proposed dwellinghouse would not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the

countryside and therefore does not comply in principle with adopted Local Development Plan 2016 policies PMD4 and HD2.

- 3 The proposed development would result in the unjustified and permanent loss of carbon-rich soils, contrary to policy ED10 of the adopted Local Development Plan 2016.

#### NOTE

Mr Giles Brooksbank spoke against the application

Mr A Brown (Applicant), Mr Gavin Jefcoate and Mr Graham Tulloch spoke in support of the application.

#### VOTE

*Councillor Fullarton, seconded by Councillor Hamilton, moved that the application be approved*

*Councillor Miers, seconded by Councillor Laing, moved as an amendment that the application be refused as per the Officers recommendation.*

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

*Motion - 2 votes*

*Amendment - 5 votes*

*The amendment was accordingly carried.*

#### Reference

18/00910/FUL

#### Nature of Development

Demolition of existing garages and erection of four dwellinghouses.

#### Location

Land East and South of 3 Heriotfield, Oxton

Decision: Approved as per Officer recommendation subject to additional conditions and informative:

1. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.  
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority as specified in the drawing list on this consent notice.  
Reason: To ensure that the development is carried out in accordance with the approved details.
3. Notwithstanding the description of the materials in the application, no development shall commence until precise details of the materials, including colour finish, to be used in the construction of the external walls of the buildings have first 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.

4. No development shall commence until protective fencing in accordance with BS5837:2012 has been placed at a minimum distance of 2 metres from the edge of the hedge which encloses the rear of the site and separates it from Justice Park. Once erected all development works shall comply with BS5837:2012. The protective barrier shall only be removed when the development has been completed and thereafter the hedge shall be retained unless otherwise agreed in writing with the Planning Authority.  
Reason: In the interests of preserving the hedging which contributes to the visual amenity of the area.
5. Notwithstanding the means of enclosure specified on approved Drawing No AG0067-720 rev J, no development shall commence until precise details of the means of enclosure which include the material finish of all walls and a revised means of enclosure along the eastern boundary of the site (if required) have first 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: To enable the proper effective assimilation of the development into its wider surroundings.
6. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development, and until a surface water drainage scheme has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details. Mains services and approved surface water drainage measures shall be operational prior to occupancy of the first dwellinghouse hereby approved.  
Reason: To ensure the development can be adequately serviced
7. No development shall be carried out during the breeding bird season (March-August) unless a Species Protection Plan for breeding birds has first been submitted to and approved in writing by the Planning Authority and thereafter the development shall only be carried out in strict accordance with the agreed details.  
Reason: To protect the biodiversity interests of the site.
8. No development shall commence until detailed engineering drawings for the footway to the front of the dwellinghouses shown on the drawings hereby approved, have first been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance with the approved details. The footway shall be completed prior to the occupation of the first dwellinghouse.  
Reason: To ensure appropriate pedestrian connectivity.
9. No development shall commence until detailed engineering drawings for dropping kerbs at an appropriate location in the existing footway on the west side of Heriotfield have first been submitted to and approved in writing by the planning authority. The dropped kerbs shall assist pedestrians crossing the road to and from the new footway required under Condition 8. Thereafter no development shall take place except in strict accordance with the approved details. The dropped kerbs shall be completed prior to the occupation of the first dwellinghouse.  
Reason: To ensure appropriate pedestrian connectivity

#### Informatives

1. In the event that bats are discovered during development works the applicant is advised that works should stop and a European Species Protected licence will be required to be obtained from Scottish Natural Heritage before development works lawfully can commence.

2. The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. To limit the impact of the development upon the amenity of neighbouring residential properties it is recommended that any works which generate above average noise are carried out during the following hours;

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.

3. Roads Construction Consent is required for the proposed footway to the front of the proposed dwellinghouses.
4. Only contractors first approved by the Council may work within the existing public road boundary and prospective public road boundary.

#### NOTE

Mr Ben Redman and Ms Carol Moore Residents spoke against the application

Mrs Julia Mulloy, and Mr Alistair Campbell, Eildon Housing Association spoke in support of the application.

# SCOTTISH BORDERS COUNCIL JEDBURGH COMMON GOOD SUB-COMMITTEE

MINUTES of Meeting of the JEDBURGH  
COMMON GOOD SUB-COMMITTEE held in  
Committee Room 4, Council Headquarters,  
Newtown St Boswells on Tuesday, 5 March  
2019 at 1.00 p.m.

Present:- Councillors J. Brown (Chairman), S. Hamilton, Councillor S. Scott,  
Councillor Community Councillor R. Stewart.  
In Attendance:- Pension and Investment Manager, Solicitor (Karen Scrymgeour),  
Democratic Services Officer (F. Henderson).

Members of the Public:- 0

## 1.0 **MINUTE**

- 1.1 There had been circulated copies of Minute of the Jedburgh Common Good Fund Sub-Committee held on 5 December 2018.

## **DECISION**

**NOTED the Minute.**

## 2.0 **MONITORING REPORT FOR 9 MONTHS 31 DECEMBER 2018**

- 2.1 There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Jedburgh Common Good Fund for nine months to 31 December 2018, a full year projected out-turn 2018/19 and projected balance sheet values as at 31 March 2019. Appendix 1 provided the projected income and expenditure position which showed a projected surplus of £24,154 for the year. Appendix 2 provided projected Balance Sheet value at 31 March 2019 and showed a projected decrease in the reserves of £12,554. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 31 December 2018. Appendix 4 detailed the value of the Kames Capital Investment Fund to 31 December 2018. The Pension and Investment Manager highlighted that the projected closing balance was £45,504 and consideration should be given to investing a proportion in the Kames Capital Investment Fund. Community Councillor Stewart sought clarification on moveable Assets contained in Appendix 3 to the report and whether these were insured when removed and by whom. The Pension and Investment Manager advised that there was not a comprehensive list of Common Good Assets available and a review was being undertaken to identify these and compile a register with a replacement value for each item. Ms Scrymgeour advised that the Council were required to undertake the review as a result of the Community Empowerment (Scotland) Act 2015 and once compiled, the list of Assets for each Common Good would be circulated to members and the wider community for consultation.

## **DECISION**

- (a) **AGREED the projected income and expenditure for 2018/19 in Appendix 1 to the report.**
- (b) **NOTED:-**
- (i) **the projected balance sheet value as at 31 March 2019 in Appendix 2 to the report;**

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

(iii) the current position of the investment in the Kames Capital Investment Fund contained in Appendix 4 to the report.

3.0

**APPLICATION FOR FINANCIAL ASSISTANCE**

3.1

**Jedburgh community Council – Jed Community Volunteer and Maintenance and Enhancement Group (JCVMEG)**

There had been circulated copies of an application for Financial Assistance from the Jed Community Volunteer and Maintenance and Enhancement Group (JCVMEG) for a grant of £5,000 towards materials to undertake projects within the Jedburgh Community. Community Councillor Stewart advised that the Group had initially been established with volunteers as a sub group of the Jedburgh Community Council to undertake maintenance and enhancements projects around Jedburgh following the pressure on Council services. The Group was now more structured, attracting more volunteers and able to take larger projects. Members clarified that the Common Good would not be used to replace or support Council Services. The Group, who had secured £400 from Local Businesses and £500 from Local Organisations and Rotary Club, had also applied to the Localities Bids Fund for £5,000. The Pension and Investment Manager highlighted that the quotes attached to the application totalled £8,263.63 and requested a list of projects which would be undertaken with the £5,000 grant being requested, rather than paying the grant directly to the Jedburgh Community Council for them to decide. Mr Stewart advised that the money would be ring fenced for the JCVMEG and agreed to provide a list of completed jobs in September. The Pension and Investment Manager insisted that a list of projects to be undertaken be submitted prior to allocation of the grant. Councillor Hamilton raised concerns about duplication and stated that should the Council be responsible for undertaking the work then that was what should happen. The Committee were in agreement that a list of projects to be undertaken with the £5,000 grant be supplied prior to payment. The Committee enquired where the equipment would be stored and who would insure it and Mr Stewart advised that the Community Council would insure the equipment and it was hoped that storage could be secured locally. Following further discussion the Committee agreed that the £5,000 be granted towards the following projects, as per the quotes submitted with the application and the remaining costs be sought from the Quality of Life Fund:-

JedShed	Planters	£50.00
Middlemiss Embroidery Ltd	High Vis Vests	£202.80
Thomas Sherriff & Co Ltd	Equipment	£2,295.01
A Oliver & Sons Joiners Ltd	Panelling for Underpass	£3,420.00
	<b>Total</b>	<b>£5,967.81</b>

**DECISION  
AGREED:-**

(a) that the £5,000 be granted towards for the following projects and the remaining costs be sought from the Quality of Life Fund:-

<b>JedShed</b>	<b>Planters</b>	<b>£50.00</b>
<b>Middlemiss Embroidery Ltd</b>	<b>High Vis Vests (£169 + VAT)</b>	<b>£202.80</b>
<b>Thomas Sherriff &amp; Co Ltd</b>	<b>Equipment</b>	<b>£2,295.01</b>
<b>A Oliver &amp; Sons Joiners Ltd</b>	<b>Panelling for Underpass</b>	<b>£3,420.00</b>
	<b>Total</b>	<b>£5,967.81</b>

- (b) that the following remaining costs, detailed in the quotes submitted with the application be sought from the Quality of Life Fund:-

	<b>Balance from above</b>	<b>£967.81</b>
Jedshed	Planters (£50 x9)	£450.00
Gregor McKechnie Ltd	Paving	£1,464.00
D.E. Fencing Ltd	Fencing	£1,520.00
Woodside	Compost	£125.82
	<b>Total</b>	<b>£4,527.63</b>

*The meeting closed at 2.00 p.m.*

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# SCOTTISH BORDERS COUNCIL MAJOR CONTRACTS GOVERNANCE GROUP

MINUTE of Meeting of the MAJOR  
CONTRACTS GOVERNANCE GROUP held  
in Council Chamber, Council Headquarters,  
Newtown St Boswells on Tuesday, 5 March  
2019 at 2.00 pm

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Present:- Councillors R Tatler (Chairman), G Edgar, E Thornton-Nicol,  
T Weatherston and Mr J Wilson (Chairman SB Cares).  
Apologies:- Councillor D Moffat.  
In Attendance:- P Barr (Managing Director SB Cares), L Crombie (Operations Director SB  
Cares), P Cathrow (Service Development Manager SB Cares), T Dixon  
(Finance and Information Manager SB Cares); P McNulty (Contracts Manager  
SBc Contracts), I Wilkinson (Commercial Manager SBc Contracts); J Stacey  
(Chief Officer Audit & Risk), Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting of the Major Contracts Governance Group of 6 November 2018.

**DECISION**

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

2. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 5 of the Minute of 6 November, the Chairman advised that CGI and Live Borders would present their reports at the next meeting.

**DECISION**

**NOTED.**

## **SB CARES BUSINESS**

3. **SB CARES 2018/19 PROGRAMME TRACKER**

With reference to paragraph 2 of the Minute of 6 November, there had been circulated copies of a report by the Finance and Commercial Director providing an update on the programme of projects being undertaken by SB Cares during 2018/19. The Appendix to the report contained an overview of these projects including their current status. The Managing Director, Philip Barr, highlighted that improvements to communications included a Staff Engagement Group and rebranding programme. In response to a question regarding the 22% reduction in overtime hours, Ms Crombie advised that this had been achieved by amalgamating teams in order that they could cover absences in other areas, recruiting additional staff and reducing sickness absences. Mr Cathrow clarified that the 'Trusted Assessor' was an SB Cares officer qualified to make decisions on appropriate home support equipment for clients. With regard to Fleet Management, there would be appointments to three new posts: Vehicle Movement Officer, Fleet Administrator and Business Partner, all of which would maximise the benefit of the fleet. Regarding electric vehicles, Mr Cathrow explained that they had procured an additional three electric vehicles, increasing the electric fleet further would depend on the charging facilities available.

**DECISION**

(a) **AGREED the updated Project report.**

- (b) **NOTED the progress on the 2018/19 Programme Tracker and associated targets and service improvements.**

4. **SB CARES SERVICES**

There had been circulated copies of a report by the Operations Director presenting the Care Inspectorate Grades for all services, including those inspected since the previous meeting. The report also provided details on recruitment, induction and training. The Operations Director, Lynne Crombie, highlighted the Grade 6 awarded to St Ronan's Care Home and that the overall trend was positive across all services. There was a discussion on recruitment and Ms Crombie explained that they promoted the benefits of working for SB Cares at recruitment events, including: pension scheme, living wage provider and career development. Mr Barr added that SB Cares had a full training plan to meet all mandatory training requirements. It was noted that SB Cares' training budget was centrally controlled by HR and the Chairman requested that this be raised at the Leaders' Group. With regard to the Discharge to Assess Unit, Ms Crombie explained that from 1 January 2019, they had been granted a variation of 23 beds from 15 beds.

**DECISION**

**NOTED:-**

- (a) **The continued improvement in the Cares Inspectorate Grades**
- (b) **The first grade 6 awarded to SB Cares' Care Home, St Ronans.**
- (c) **The recruitment programme had been positive in attracting significant numbers of quality applicants;**
- (d) **The progress in identifying appropriate mandatory training, although a required budget was still required to be identified; and**
- (e) **That SB Cares had been a very active partner in the delivery of the IJB Winter plan.**

5. **PRIVATE BUSINESS**

**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business contained in the following items on the ground that they involved the likely Part 1 of Schedule 7A to the Act.**

6. **MINUTE**

Members considered the Private Section of the Minute of the Major Contracts Governance Group of 6 November 2018.

**SB CARES BUSINESS**

7. **SB CARES FINANCIAL POSITION 2018/19**

There had been circulated copies of a report by the Managing Director updating on the financial position of SB Cares and provided a projected outturn for the current financial year.

8. **SB CARES COMMERCIAL DEVELOPMENTS**

There had been circulated copies of a report by the Managing Director updating on development of SB Cares commercial activities.

## **SBc CONTRACTS BUSINESS**

9. **SBc CONTRACTS TRADING OPERATION UPDATE AT 31 DECEMBER 2018**  
There had been circulated copies of a report by the Chief Officer Roads providing an update on the trading and financial position of SBc Contracts for the period to 31 December 2018.

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

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## SCOTTISH BORDERS COUNCIL TWEEDDALE AREA PARTNERSHIP

MINUTES of the Special Meeting of the  
TWEEDDALE AREA PARTNERSHIP held in  
Council Headquarters, Newtown St.  
Boswells on Wednesday, 6 March 2019 at  
2.00 p.m.

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, K. Chapman, S. Haslam, E. Small,  
In Attendance:- Neighbourhood Area Manager, Neighbourhood Assistant Area Manager, Democratic Services Team Leader.

1. **NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE PROJECTS** With reference to paragraph 2 of the Minute of 6 February 2019, the Neighbourhood Area Manager proposed the following schemes:-

Location	Proposal	Estimated cost	Budget
Tweedsmuir, Source of the Tweed	The community wish for public information signs to be located at this well-known area of local interest, to resolve a litter problem.	£325	Small Schemes
Eddleston Village hall	Improvements to the surface around the bottle bank, to aid maintenance.	£499	Small Schemes
Peebles, Tweeddale Rovers	Tweeddale Rovers is seeking assistance with the costs of replacement of the pitch lights to more modern/efficient lights. The total estimated costs of the replacement complete with materials and hire of cherry picker/contractors is £6,000.	£5,000	Quality of life and Small Schemes
Upper Tweed Community Council	To replace two obsolete Defibrillators as part of the "Trade Up" programme operated by Scottish HART. The units are located at the Junction of A701/B712 and Broughton Garage	£1,600	Small Schemes

Innerleithen	To pay for the replacement of a sluice gate at Kirklands.	£1,500	Small Schemes
Peebles, Edinburgh Road	To repair and repaint damaged 27m section of railings alongside Edinburgh Road, Peebles.	£2,601	Small Schemes
Skirling Cemetery	The Church undertook a Quinquennial inspection and several matters relating to the maintenance of walls and footways were highlighted. Costs to replenish existing decorative internal pathways with new stone and repair walls, gate hinges and repainting of fencing and gates	£3,360	Small Schemes
Tweeddale	To purchase a locality resource for the Promotion of the anti-dog fouling agenda for use by Community Councils within the Tweeddale area. Includes, stencils, spray paint and posters to be made available for community councils to use as determined to be appropriate and on application	£230	Small Schemes
Innerleithen, Vale of Leithen Stadium	To fund an investigation into the drainage problems at Vale of Leithen Stadium	£850	Small Schemes
Blyth Bridge	Newlands community development trust would wish to renovate and update a defibrillator to be located at the A701/A72 Junction at Blyth bridge. They are seeking a contribution towards the project	£650	Small Schemes
Peebles	The men's shed project are seeking	£2,000	Small Schemes

		funding towards the carrying out of repairs and survey for building works (including possible asbestos removal)		
Newlands Council	Parent	To supply and install a walk a mile assault course, using playground markings	£1,500	Small schemes

Members discussed the various proposals in detail and agreed to approve the projects subject to the following:-

- (a) that Tweeddale Rovers be advised that any complaints regarding light pollution would be their responsibility.
- (b) with regard to the Upper Tweed Community Council request to replace obsolete defibrillators, there was some concern expressed that this might impact a number of communities and increase the number of funding requests and it was therefore agreed that the Emergency Planning Officer be requested to contact Scottish Hart for information regarding the number of defibrillators in Tweeddale and the timescale for their replacement. The approach being taken by other local authorities should also be checked.
- (c) with regard to the request for funding for Skirling Cemetery, Members agreed that they should not fund the whole project and that a contribution of £2,500 be provided.

**DECISION**

**AGREED to approve the schemes listed subject to (a)-(c) above.**

*The meeting concluded at 2.45 p.m.*

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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 KPMG, Saltire Court, 20 Castle Terrace,  
Edinburgh EH1 2EG on Thursday, 7 March  
2019 at 10.00 am

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Present:- Councillors D. Parker (Chairman), J. Brown, G. Edgar, D. Moffat,  
S. Mountford, S. Scott, Mr M Drysdale and Ms L Ross

Apologies:- Councillors C. Hamilton, S. Aitchison, Mr E Barclay, Ms T Dunthorne,  
Ms K M Hughes and Ms C Stewart

Absent:- Councillors Ms H Robertson

In Attendance:-

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 30 November 2018.

**DECISION**

**NOTED for signature by the Chairman.**

2. **PENSION FUND INVESTMENT AND PERFORMANCE SUB-COMMITTEE**

There had been circulated copies of the Minute of the Pension Fund Investment and Performance Sub-Committee dated 25 February 2019.

**DECISION**

**NOTED the Minute.**

3. **RISK REGISTER UPDATE**

There had been circulated copies of a report by the Chief Financial Officer which formed part of the risk review requirements. The report provided Members of the Pension Fund Committee and Pension Board with an update on the progress of the actions taken by management to mitigate these risks, a review of any new risks and highlighted changes to risks contained in the risk register. 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 review was undertaken on 1 May 2018 and the revised risk register was approved by the Joint Pension Fund Committee and Pension Board on 14 June 2018 with an update of the actions undertaken on 30 November 2018. With reference to Risk 2.2 – 'Employer', shown in Appendix 1 to the report, Mrs Robb highlighted that the transition from Barnett Waddington to Hymans Robertson had been completed. In response to a question regarding the amber status of Risk 6.5 – 'Regulatory & Compliance', it was noted that the Pension Fund had no control over this risk and that the current likelihood was assessed as a '4'. The consultation process on changes to the LGPS structure was also still ongoing.

**DECISION**

**(a) NOTED:-**

**(i) The management actions contained in Appendix 1 to the report; and**

**(ii) No new quantifiable risks have been identified since the**

**last review.**

**(b) AGREED to a full review being undertaken in June 2019.**

**4. BUDGET MONITORING & SETTING**

With reference to paragraph 7 of the Minute of 30 November 2018, there had been circulated copies of a report providing the Pension Fund Committee and Pension Board with an updated position of the Pension Fund budget to 31 December 2018 including proposed budget for 2019/20. 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 14 June 2018 following the standard presentation recommended by the CIPFA accounting guidelines. The report was the third quarterly monitoring report of the approved budget. The total expenditure to 31 December 2018 was £0.82m with a projected total expenditure of £6.409m against a budget of £6.401. The projected overspend was a result of the Data Quality check required by the Pension Regulator. A budget of £6.402m was proposed for 2019/20 reflecting the revised asset allocation approved in September 2018 and the £69k for implementation of the members' Self Service portal. Mrs Robb explained that managers' fees had not been included in the expenditure to 31 December 2018.

**DECISION**

**(a) NOTED the actual expenditure to 31 December 2018.**

**(b) AGREED the proposed budget for 2019/20.**

**5. INFORMATION UPDATE**

5.1 With reference to paragraph 10 of the Minute of 30 November 2018, there had been circulated a briefing paper by the Pension and 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 areas would be tabled as decisions and actions were required. In summary:

5.2 Guarantee Minimum Pension (GMP) Reconciliation  
Stage 2 of the GMP reconciliation was progressing, with only 6% of fund members still to be reconciled.

5.3 Pension Regulator Scheme Return – Data Scoring  
The Rectification Plan would be presented to the June meeting of the Pension Fund Committee and Pension Board.

5.4 Scheme Advisory Board  
The Scheme Advisory Board had met on 12 February 2018; the minutes had been circulated with the agenda.

5.5 Training Opportunities  
The next training event was scheduled for 3 September 2019; any items for the agenda should be emailed to Mrs Robb. Baillie Gifford 's seminar would be held from 9-10 October 2019. There would be six places available. In response to a question, Mrs Robb advised that Pension Fund Committee and Pension Board members were required to attend two training session per year.

**DECISION**

**NOTED the information update.**

**MEMBER**

Councillor Mountford joined the meeting following consideration of the above report.

6. **LOCAL GOVERNMENT IN SCOTLAND - FINANCIAL OVERVIEW 2017/18**  
There had been circulated copies of a report by the Accounts Commission providing an outline of the overall financial health of local government and the significant challenges for local government finance that lay ahead. The report included a local government financial overview together with a review of the Local Government Pension Scheme in Scotland. Supplement 2 to the report contained a financial overview of the Scottish Local Government Pension Scheme (SLGPS). Mr Robertson highlighted from the report: the Scottish Borders Pension Fund had the highest funding level at 114%; membership was increasing, returns over the one, three and five year period had been above the benchmark and, the contribution rate was one of the lowest at 18%.

**DECISION**

**NOTED** the report by the Accounts Commission on the Financial Overview of Local government in Scotland 2017/18, and the Financial Overview of the Scottish Local Government Pension Scheme 2017/18.

7. **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**

8. **MINUTE**  
The Committee noted the Private Minute of the meeting of 30 November 2018.
9. **PENSION FUND INVESTMENT AND PERFORMANCE SUB-COMMITTEE**  
The Committee noted and agreed the Private Minute of the Pension Fund Investment Performance Sub-Committee of 25 February 2019.
10. **QUARTER PERFORMANCE UPDATE**  
The Committee noted a private report by KPMG.

*The meeting concluded at 10.40 am*

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# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTE of Meeting of the AUDIT AND SCRUTINY COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells on Thursday, 14 February 2019 at 10.00 am

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Present:- Councillors S Bell, (Chairman), H Anderson, J Fullarton, S Hamilton, N Richards, H Scott, S Scott and E Thornton-Nicol.

Apologies:- Councillor K Chapman, Mr M Middlemiss and Ms H Barnett.

In Attendance:- Chief Financial Officer (paras 5 – 7), Chief Officer Audit and Risk (paras 1 - 7, Clerk to the Council (from para 8), Service Director Regulatory Services (para 7), Service Director Human Resources and Communications (para 9), Employee Relations Manager (para 9), Project Manager (para 10), Senior Manager Business Strategy and Resources (para 10), Democratic Services Officer (J Turnbull).

1. **ORDER OF BUSINESS.**

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

2. **MINUTES**

There had been circulated copies of the Minutes of 21 November 2018 and 27 November 2018.

**DECISION**

**APPROVED for signature by the Chairman.**

## AUDIT BUSINESS

3. **ACTION TRACKER**

With reference to paragraph 2(b) of the Minute of 27 November 2018, there had been circulated copies of the Action Tracker for the Audit and Scrutiny Committee. It was noted that the Property Assurance report, in connection with issues raised within National Performance Reports by Audit Scotland, had been deferred until the next meeting. The Committee asked that the Chief Officer Audit and Risk, on behalf of the Committee, write to the Service Director Assets & Infrastructure requesting that he, or his nominated member of staff present the report to the March meeting. With regard to the Cove Car Park Petition, the Committee requested a briefing, at the next meeting, by the Service Director Assets & Infrastructure on actions taken. With regard to the Delivery of the IT Strategy, Members were reminded to check the private report of March 2016 and relay any questions to the Chief Financial Officer and Service Director in advance of the April meeting. Ms Stacey advised that following today's meeting, any items marked as completed, would be removed from the Action Tracker.

**DECISION**

**NOTED:-**

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

**(b) reports be presented to the Audit and Scrutiny Committee on 11 March 2019 on :-**

**(i) Issues raised within Audit Scotland's National Performance Reports in monitoring the safety of buildings, structures and bridges in the Scottish Borders; and**

**(ii) actions taken with regard to the Cove Car Park Petition.**

**4. INTERNAL AUDIT WORK TO DECEMBER 2018**

4.1 With reference to paragraph 5 of the Minute of 14 May 2018, there had been circulated copies of a report by the Chief Officer Audit and Risk which provided details of the recent work carried out by Internal Audit and the recommended audit actions agreed by management to improve internal controls and governance arrangements. The work Internal Audit had carried out during the period 27 October to 14 December 2018 was detailed in the report. During the period a total of eight Final Internal Audit reports had been issued with no recommendations. During these reviews Internal Audit had informed operational Managers about minor matters which Management had committed to progress as part of continuous improvement. An Executive Summary of the final Internal Audit reports issued, including audit objective, findings, good practice, recommendations (where appropriate) and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was shown in Appendix 1 to the report. The SBC Internal Audit function conformed to the professional standards as set out in Public Sector Internal Audit Standards (PSIAS) (2017) including the production of this report to communicate the results of the reviews.

4.2 Reference was made to the Internal Audit Final Assurance Reports detailed in the Appendix to the report. Ms Stacey highlighted that there had been no recommendations in respect of the six schools, providing positive assurance around arrangements for financial controls and business administration procedures in schools. The report detailed new procedures to reduce cash risk within schools with the implementation of initiatives such as Parent Pay. In terms of Workforce Planning, Internal Audit had considered that the structure of the People Plan templates allowed for good practice to be applied consistently across services and that satisfactory risk, control and governance systems were in place. The audit on the review of the New Licensing Policy Statement, had found no evidence to suggest any fraudulent activity was taking place in order to obtain a licence or abuse licensing laws. In response to a question regarding recruitment, Ms Stacey advised that as part of the Workforce Planning process, consideration was given to succession planning and interim resourcing within departments. However, Internal Audit could request Service Directors to provide clarity on the risks associated with resourcing arrangements, which would then be reported to the Chief Executive. With regard to the methodology used for the choice of schools, Ms Stacey advised that all secondary schools' administrative and financial procedures were audited over a three year period.

**DECISION:**

**(a) NOTED:**

**(i) the final assurance reports issued in the period from 27 October to 14 December 2018 associated with the delivery of the approved Internal Audit Annual Plan 2018/19; and**

**(ii) the Internal Audit consultancy and other work undertaken in this period.**

- (b) **AGREED to acknowledge the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work.**

5. **TREASURY MANAGEMENT STRATEGY 2019/20**

With reference to paragraph 9 of the Minute of 15 January 2018, there had been circulated copies of a report by the Chief Financial Officer presenting the proposed Treasury Management Strategy for 2019/20, enabling the Committee to undertake their scrutiny role in relation to the Treasury Management activities of the Council, prior to Council approval. The Treasury Management Strategy was the framework which ensured that the Council operated within prudent, affordable limits in compliance with the CIPFA Code. The Strategy for 2019/20 to be submitted to Council on 20 February 2018 was included at Appendix 1 to the report. The Strategy reflected the impact of the Administration's draft Financial Plans for 2019/20 onwards on the prudential and treasury indicators for the Council. During discussion, Members requested clarification on a number of points contained in the Appendix and these were answered by officers. The Committee requested that the chart at paragraph 4.2(f) of the report, detailing the Capital Financing Requirements External Debt, be amended. It was also requested that Treasury Portfolio figures at 4.1 (a) and the chart at 4.2(b) be updated to reflect that operational borrowing on capital expenditure could not exceed the authorised limit. It was agreed that once amended, a revised version of the report be circulated to Members, and any further comments emailed to Mr Robertson. Members also requested a further treasury management training session prior to the September meeting, Ms Stacey and Mr Robertson would liaise regarding outwith the meeting.

**DECISION**

**AGREED that the final report be updated to reflect amendments at 4.1(a) and charts at 4.2(b) and 4.2(f) discussed and circulated to Audit and Scrutiny Members prior to presentation to Council for approval.**

6. **LOCAL GOVERNMENT IN SCOTLAND - FINANCIAL OVERVIEW 2017/18**

There had been circulated copies of a report by the Accounts Commission providing an outline of the overall financial health of local government and the significant challenges for local government finance that lay ahead. The report included a local government financial overview together with a review of the Local Government Pension Scheme in Scotland. In response to a question regarding the allocation of core funding to councils, it was noted that the majority of core funding was based on population with a smaller proportion linked to deprivation factors.

**DECISION**

**NOTED the report by the Accounts Commission on the Financial Overview of Local government in Scotland 2017/18, and the Financial Overview of the Scottish Local Government Pension Scheme 2017/18.**

7. **RISK MANAGEMENT IN SERVICES**

- 7.1 The Service Director Regulatory Services, Mr Brian Frater, was in attendance to brief the Committee on the strategic risks facing the various sections within Regulatory Services and to explain the internal controls and governance in place to manage and mitigate those risks. Mr Frater explained the areas of service he managed, namely: Assessors and Electoral Registration; Audit and Risk; Legal and Licensing; Passenger Transport, and Planning, Housing & Related Services. Mr Frater was also the Council's Senior Monitoring Officer, RIPSAs and Data Protection Officer. Risk Registers for each of the services were developed through Financial, People and Business Planning processes and were owned and by Service Managers within that service. Risks were regularly reviewed by the Regulatory Services Management Team and when necessary, were escalated to Corporate Management Team (CMT).

7.2 Mr Frater referred to the key overarching issues facing Regulatory Services namely ongoing financial pressures, recruitment and retention, new legislation, customer demand and expectations, IT reliance and changes to service delivery models. Mr Frater then went on to give a brief overview of the risks within each service. With regard to Assessors & Electoral Registration, a red risk had been identified with the new election software, relating to the lower voting age in Scotland for Scottish Elections. Other risks included the implementation of the Barclay review and recruitment challenges within the service. With regard to Audit & Risk, there was potential risk around losing specialist skills and lack of succession opportunities. Within Legal & Licensing, there were risks associated with new and changing legislation. With regard to Protective Services/Health & Safety there was difficulties retaining and recruiting staff to deliver services effectively, proactively monitor and apply health and safety requirements. Recent budget savings had impacted the Passenger Transport service, particularly with regard to service delivery decisions taken without their involvement. Risks associated with Planning, Housing & Related Services related to uncertainty around the new Planning Act, potential capacity issues in processing applications quickly and reduction in SHIP funding. Mr Frater went on to discuss his roles as the Council's Senior Information Risk Officer and Data Protection Officer, explaining that mismanagement or loss of data could have a potential fine of 4% of total Council turnover. In his Monitoring Officer role he also gave guidance to Members to ensure they did not breach the Code of Conduct which could result in reputational damage. As the RIPSAs Responsible Officer he authorised covert surveillance activities. The Council had not, as yet, used these powers but if necessary, he had to ensure they were used appropriately. In terms of managing risks, Mr Frater explained that this was achieved by having regular risk workshops, supported by the Audit and Risk Team; regularly monitoring of both corporate and operational risks within Services; recruiting to posts through 'grow our own', which involved supporting staff to achieve the necessary qualifications; and embracing new opportunities to deal with customer demands. Mr Frater responded to Members questions advising that GDPR had introduced a more structured approach to holding and processing information. Data should be encrypted and any information no longer required deleted. Members requested a further briefing on managing information and he would arrange with the Information Team. Regarding surveillance operations, these were audited every three years by an independent auditor. The last two audits had achieved positive criticism. With regard to changes in legislation, Mr Frater highlighted the importance of legal advice. Ms Stacey added that in terms of community empowerment and engagement, an assurance review by Audit Scotland would consider community engagement. The Chairman thanked Mr Frater for his presentation.

**DECISION  
NOTED**

- (a) **The presentation on risk management in Regulatory Services directorate.**
- (b) **To request a further briefing session on managing information.**

**SCRUTINY BUSINESS**

8. **SCRUTINY WORK PROGRAMME**

With reference to paragraph 3 of the Minute of 24 September 2018, there had been circulated copies of the Scrutiny Work Programme for 2019. Ms Wilkinson referred to the need for Members to consider developing a programme for 2019/20 and asked that she be advised of any items the Committee wished to be considered for review.

**DECISION**

- (a) **AGREED The Scrutiny Work Programme 2019 as detailed in the report.**

**(b) NOTED that additional items for 2019/20 would be advised and included in the Scrutiny Work Programme as appropriate.**

**9. COUNCILLORS ROLE IN STAFF MATTERS**

9.1 With reference to paragraph 3 of the Minute of 24 September 2018, the Chairman welcomed Ms Clair Hepburn, Service Director Human Resources and Communications, and Mr Iain Davidson, Employee Relations Manager, to the meeting to provide Members with a greater understanding of Disciplinary, Appeals and Employment Tribunals. Mr Davidson began by explaining that Members could potentially be involved in hearing Appeals as a member of a Staffing Appeals Committee. These Committees, membership of which was selected from an Appeals Panel, heard all appeals against dismissal, or against the decision of a Director. Currently there were only 14 Members on the Appeals Panel (13 males and one female) who had undertaken the necessary employment law training, and had received relevant policies and guidelines on conducting investigations. Guidance to Members was given by either Ms Hepburn or Mr Davidson who attended the Committee. There was also a pre-meeting where Members could discuss any areas of concern and any employment law issues. Mr Davidson highlighted that the role of the Committee was to review the previous decision to ensure that proper processes had been adhered to and that Managers had applied Council policies in a legally compliant manner. It was not the role of a Staffing Appeals Committee to re-hear the original hearing. Mr Davidson then referred to the role of Council officers as either Investigating Officer or Commissioning Manager, both of whom had undertaken (face to face) Disciplinary & Grievance training, with guidance in relevant policies and support at Hearings provided by HR. Following an investigation, a report was prepared for the Commissioning Manager, the findings of which were reported to any subsequent Disciplinary Hearing.

9.2 Mr Davidson then referred to Employment Tribunals explaining that a dismissed employee could bring a claim for unfair dismissal to the Employment Tribunal. There were no fees payable and no requirement for legal representation. The Tribunal was chaired by an Employment Judge whose role was to decide if the Council had reached a reasonable decision and had followed a fair procedure. A Tribunal was an onerous process for any witnesses, and HR offered support and guidance, explaining the process, set up, relevant documentation and gave an opportunity to clarify any questions in advance. During the period 2012 – 2018 there had been 21 Employment Tribunals, 14 of which had been dismissed (Council was successful), five withdrawn, one settled, and one upheld (Council was unsuccessful). In response to questions, Ms Hepburn advised that following a Tribunal there was a debrief and every judgement was scrutinised and discussed within HR, the Corporate Management Team and the relevant Department, which could potentially lead to a change in policy or guidance. As this process was an operational matter, there was no requirement to feedback to Council. However, as a result of a recent unsuccessful Tribunal, an HR Advisor was now present during any investigation. Ms Hepburn agreed to feedback any other changes made to process which had been implemented. With regard to the lack of female Councillors on the Appeals Panel, the Chairman of the Panel, Councillor Mountford had undertaken to promote the role and Councillor Thornton-Nicol also offered to speak with her fellow Councillors on this matter. The Chairman thanked Ms Hepburn and Mr Davidson for their presentation, congratulated them on their successes and for providing reassurance that lessons had been learnt from the unsuccessful Tribunal.

**DECISION**

**NOTED the presentation.**

**MEMBER**

Councillor Anderson left the meeting during the above presentation.

**10. EUROPCAR CONTRACT**

With reference to a paragraph 3 of the Minute of 24 September 2018, the Chairman welcomed Mr Jon Laws, Project Manager and Mr Jason McDonald, Senior Manager

Business Strategy and Resources, who were in attendance to give a presentation on Scottish Borders Council Pool Car Contract. Mr Laws began by advising that business miles for 2017/18 had been 1,884,219 at a cost of £840,122. With the introduction of the Co-Wheels pilot and changes to working practices, e.g. tele conferencing, there had been a 24% reduction in business mileage compared to the previous year. Following the success of the pilot, the Council changed provider to Europcar and an expanded 55 car fleet had been rolled out to 10 sites across the Borders. The anticipated savings based on the expanded fleet was a further £250k per annum. Mr Laws went on to explain that it was hoped the fleet could be made available for community use from the spring 2019, initially at Hawick and Galashiels, which could generate further income for the Council. In response to a question regarding the amount of savings due to car sharing, Mr Laws advised that while historic data to provide an accurate assessment was not available, car sharing was encouraged. Regarding the choice of vehicles, Mr McDonald advised that they had not been prescriptive about the model, the Contract was for a two year period and there would be a continual review to ensure the fleet was the most economical. The Chairman thanked Mr Laws and Mr McDonald for their interesting and informative presentation and for the success of the project.

**DECISION**

**NOTED the presentation.**

**MEMBER**

Councillor H. Scott left the meeting during consideration of the above Presentation.

*The meeting concluded at 12.55 pm*

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

MINUTE of MEETING of the KELSO COMMON  
GOOD FUND SUB-COMMITTEE held in the Board  
Room 1039, Kelso High School, Angraflat, Kelso on  
Monday, 11 March 2019 at 5.15 p.m.

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

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**1.0 MINUTE**

There had been circulated copies of the Minutes of the Kelso Common Good Fund Sub-Committees held on 5 December 2018 and 31 January 2019.

**DECISION**

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

1.2 With reference to paragraph 3.1(a)(ii) of the Minute of 5 December 2018, Karen Scrymgeour reported that the Councils Public Liability Insurance did cover the Pinnaclehill Woodland, Kelso.

**2.0 MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2018**

There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Kelso Common Good Fund for six months to 31 December 2018, a full year projected out-turn for 2018/19 and projected balance sheet values as at 31 March 2019. Appendix I provided the projected income and expenditure position which showed a projected surplus of £6,004 for the year. Appendix 2 provided the projected balance sheet value to 31 March 2019 and projected a decrease in reserves of £36,496. Appendix 3 provided a breakdown of the property portfolio showing projected rental income for 2018/19 and actual property expenditure to 31 December 2018. Appendix 4 showed the value of the Kames Capital Investment Fund to 31 December 2018, which was on target. Community Councillor Weatherston requested information on whether checks were carried out to ensure investments were ethical. The Pensions and Investments Manager explained that it was mainly the Pension Fund which was invested and it was regulated by the UN Code, whose prime objective was to get the best return on the investment.

**DECISION**

**(a) AGREED the projected income and expenditure for 2018/19 as shown in Appendix 1 to the report;**

**(b) NOTED:-**

**(i) the projected balance sheet value as at 31 March 2019 as detailed in Appendix 2 of the report;**

**(ii) the summary of the property portfolio in Appendix 3 of the report; and**

(iii) **the current position of the Kames Capital PLC investment Fund contained in Appendix 4 of the report.**

3.0 **CHAIRMAN**

On being advised that Karen Scrymgeour was leaving the Councils employment to take up a post with Historic Environment Scotland, and therefore would no longer be attending the Kelso Common Good Sub-Committee, the Chairman thanked her for her contribution to the Sub-Committee and wished her well for the future.

*The meeting closed at 5.30 p.m.*

# 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, 12 March, 2019 at  
10.00 am

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Present:- Councillors S. Haslam (Chairman), G. Edgar, E. Jardine, M. Rowley,  
R. Tatler, G. Turnbull and T. Weatherston  
Also present:- Councillor S. Scott  
Apologies:- Councillors S. Aitchison, C. Hamilton and S. Mountford  
Absent:- Councillor T. Miers  
In Attendance:- Chief Financial Officer, Democratic Services Team Leader, Democratic  
Services Officer (F. Walling).

## 1. **MINUTE**

The Minute of the Meeting held on 26 February 2019 had been circulated.

### **DECISION**

**AGREED that the Minute be approved and signed by the Chairman.**

## 2. **FINAL REVENUE VIREMENTS AND EARMARKED BALANCES 2018/19**

- 2.1 With reference to the Minute of 12 February 2019, there had been circulated copies of a report by the Chief Financial Officer seeking approval for the final 2018/19 budget virements and approval to carry forward identified earmarked budgets to 2019/20. The report explained that during 2018/19, and most recently at the meeting held on 12 February 2019, the Executive Committee approved a number of revenue budget virements. The original projections on which the February virements were based related to actual spend to 31 December 2018. Since then, further work on projected expenditure and income had identified the requirement to seek approval for final budgetary adjustments. Routine virements for 2018/19 with adjustment to supplement the virements approved by the Executive Committee during the financial year, were detailed in Appendix 1 to the report. Earmarked balances, supplementing those approved by the Executive Committee to date and where projects or initiatives would now be completed in 2019/20, were shown in Appendix 2.
- 2.2 The Chief Financial Officer, Mr Robertson, referred in turn to each budget virement included in the Appendices to the report and gave further information where requested. He drew attention to a sum of £598k received as part of the Scottish Government Revenue Support Grant which was temporarily shown under Finance, IT & Procurement awaiting clarification of to what this funding related. Mr Robertson advised Members that he had now received confirmation that this funding was for probationary teachers. Members therefore approved the additional virement of £598k from the Revenue Support Grant income to the Central Schools Budget for probationary teachers. In response to a question about the earmarked balance under the Secondary Devolved School Management Budget carried forward to 2019/20, Mr Robertson clarified that Head Teachers had flexibility in the management of their school's individual budget. In terms of the slippage of £412k in respect of support of the IT Transformation programme, Mr Robertson explained that, although there was some disappointment in respect of the pace of the programme there was confidence that this would be successfully delivered over time. In agreeing the earmarked balance carry forward for Self-Directed Support in Health and Social Care, a question was asked about the use and roll-out of pre-paid debit cards

for use by recipients of Self-Directed Support. Mr Robertson advised that the use of such cards was well established and gave flexibility to the user for appropriate payment transactions. Members recognised the benefits of the increasing use of technology within social care but agreed that a Members' briefing on the use of pre-paid debit cards for Self-Directed Support would be helpful.

**DECISION**

**AGREED to:-**

**(a) APPROVE:-**

- (i) the virements in Appendix 1 to the report;**
- (ii) the earmarked balances in Appendix 2 to the report; and**
- (iii) the additional virement of £598k from the Revenue Support Grant income to the Central Schools Budget.**

**(b) receive a briefing to give Members more information about the introduction of pre-paid debit cards for use by recipients of Self Directed Support.**

*The meeting concluded at 10.25 am*