

**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 - 106)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> <li>(a) Cheviot Area Partnership 30 January 2019</li> <li>(b) Berwickshire Area Partnership 7 February 2019</li> <li>(c) Audit &amp; Scrutiny 14 February 2019</li> <li>(d) Teviot &amp; Liddesdale Area Partnership 19 February 2019</li> <li>(e) Audit &amp; Scrutiny (Special) 26 February 2019</li> <li>(f) Galashiels Common Good Fund 14 March 2019</li> <li>(g) Local Review Body 18 March 2019</li> <li>(h) Hawick Common Good Fund 19 March 2019</li> <li>(i) Civic Government Licensing 22 March 2019</li> <li>(j) Planning and Building Standards 25 March 2019</li> <li>(k) Local Review Body 15 April 2019</li> <li>(l) Executive 16 April 2019</li> <li>(m) Audit &amp; Scrutiny 18 April 2019</li> </ul> <p>(Copies attached.)</p>	5 mins
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(a)	Cheviot Area Partnership	30 January 2019
(b)	Berwickshire Area Partnership	7 February 2019
(c)	Audit & Scrutiny	14 February 2019
(d)	Teviot & Liddesdale Area Partnership	19 February 2019
(e)	Audit & Scrutiny (Special)	26 February 2019
(f)	Galashiels Common Good Fund	14 March 2019
(g)	Local Review Body	18 March 2019
(h)	Hawick Common Good Fund	19 March 2019
(i)	Civic Government Licensing	22 March 2019
(j)	Planning and Building Standards	25 March 2019
(k)	Local Review Body	15 April 2019
(l)	Executive	16 April 2019
(m)	Audit & Scrutiny	18 April 2019

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Discussion Output: Quality of Life (30 <sup>th</sup> January 2019)				
Issue / Challenge	Solution	Play #yourpart		Priority rating
		Lead for action	Who else?	
<p><b>Police Scotland/Community Action Team (CAT)</b>                      What steps could be taken to address anti-social behaviours? How could the CAT team work with the community to tackle local issues?</p>	Head teacher/ CAT/ children to collect litter and show the scale. Link to recycling and environment project? Involve Co-op? Multi agency approach - dog fouling. More bins for rubbish. Drivewise - use a local "idol" e.g. Stuart Hogg More visible approaches More beat officers, more CAT teams, stronger name	Police Safer communities Public		
<p><b>Scottish Fire and Rescue Service</b>                      What measures could be taken to raise awareness and address safety in the home?</p>	Isolated people need to be engaged. Elderly – what are the mechanisms to refer in. More local officers attending homes instead of out of town. Carers need more ability to report and be trained on what dangers to look for. If concerned feel they can report this. "Buddy system" Flow centre asking if they would like a home safety visit. Community Council's could circulate info on Facebook. Utility companies could give a discount if you have a fire safety visit.	Scottish Fire & Rescue Service Registered Social Landlords promote with tenants. SB cares Carers	Develop and strengthen community links. Safer communities	
<p><b>Live Borders</b>                      How do we make leisure and culture services and facilities accessible to all? How do we encourage participation in leisure and culture opportunities?</p>	Encourage local sports clubs to give 'free' sessions for school children. A figurehead to promote sports. Connect paths and cycle ways. E.g. Earlston Community Council - Jubilee Path example. Advertising needs improved (incl. Snapchat/Instagram) Sport – PE base in school Leisure is too expensive, reduce costs Culture/Leisure needs to be open all year round Concerts directed at Youth Noticeboards are confusing. Schools & Live Borders should be separate. Letters during classes (pastoral) Need more concerts directed towards younger people Not enough things for youths in Jed/Kelso	Self-service health and safety checks. Lots of culture opportunities but people don't take them up Education Live Borders		
<p><b>Community Learning and Development (CLD)</b>                      How do we improve the well-being and life chances of our most</p>	Cheviot Youth in Kelso & Jed / Ancrum, Yetholm, Stichill in progress. Spread the word but demographic / rurality makes it difficult to get numbers. Pupil equity fund (PEF) to target more young people Pull more resources to build relationships to participate when disengaged	CLD		

## Cheviot Area Partnership

<p>vulnerable children and young people?</p>	<p>More summer outdoor activities – get to know other peers to feel comfortable when moving up to High School          More spaces as uptake is good          Continue to offer PEF free school meals etc. / Subtly identify children even if not signed up for PEF          Shops/businesses/industry to help re. work experience</p>			
<p><b>Communication</b>          How do we ensure communities and individuals know what is happening in their area? How do we engage with those who are socially isolated?</p>	<p>SBC need to communicate better. Quicker in replying.          More volunteers to help communicate.          School – Jed GS TV to highlight things          Information needed to feed out.          Free district news column.          More likely to listen to local media rather than SBC.          Role of community councils need to be utilised more.          Make use of Jed Youth Hub media to relay information.          Socially isolated use SBCares and Carers to convey information.          Remind people to keep an eye on neighbours.          Community choirs.          Activity clubs / Music clubs.          Gin tasting!</p>			

MINUTES of Meeting of the CHEVIOT  
AREA PARTNERSHIP held in The  
Assembly Room, Jedburgh Grammar  
School on Wednesday, 30 January  
2019 at 6.30 pm

- Present:- Councillors S. Hamilton (Chairman), S. Mountford, S. Scott, T. Weatherston together with 7 Representatives of Partner Organisations, Community Councils and Members of the Public.
- Apologies:- Councillors J. Brown, E. Robson.
- In attendance:- Communities and Partnership Manager, Locality Development Co-ordinator, Community Police Officer (Gina Dickson), Democratic Services Officer (F. Henderson)

**1.0 WELCOME AND INTRODUCTIONS**

- 1.1 The Chairman welcomed everyone to the Cheviot Area Partnership and thanked the Community Councils, Partners and local organisations for their attendance, and for participating and putting forward ideas.

**2.0 FEEDBACK FROM MEETING ON 5 DECEMBER 2018**

- 2.1 The minute of the Area Partnership had been circulated which included a summary of the discussion output as an appendix. The Locality Development Co-ordinator referred to the general concerns, issues, challenges and opportunities raised at that meeting. The theme for the focus for debate for the remainder of the meeting was 'Quality of Life', which was the last theme in the series. Feedback from each theme would then be drawn together to inform the Cheviot Locality Plan.

**THEME: QUALITY OF LIFE**

- 3.0 The Chairman referred to the main item on the agenda – discussion around the theme 'Our Quality of Life' - and introduced the key speakers who each gave a brief summary of the work, relevant to the theme, being carried out by their organisation/section.
- 3.1 Inspector McGuigan highlighted the commitment of Police Scotland as identified in the Local Police Plan 2017-20 for Scottish Borders. Following a consultation process there were seven Local Police Priorities identified which linked to the themes within the Scottish Borders Community Plan: - domestic abuse; road safety; violent crime; anti-social behaviour; drugs and alcohol misuse; protecting people (including child protection); and acquisitive crime (incorporating rural crime, doorstep crime, housebreakings and thefts). Police had strong links to the Council's Safer Communities team with proactive campaigns such as Drivewise Borders and Crucial Crew. Inspector McGuigan also drew attention to the work undertaken over the past year by the Community Action Policing Team which provided a dedicated community resource which would specifically target locality issues i.e. anti-social behaviour, young driver issues and was an additional resource to the Community Policing Team. In response to a question about the importance of the Resilience Group in Jedburgh, Inspector McGuigan explained that the Group was crucial in times of extreme weather i.e. flooding and heavy snow fall. Those present were supportive of the CAT which had been very effective at responding to problems raised locally. The Community Officer within the schools had had a positive impact and early intervention was seen as key.

- 3.2 Scottish Fire and Rescue Service Group Manager, Michael Jaffray, made reference to the Local Fire and Rescue Plan for the Scottish Borders which was included in the paperwork provided on the tables. In particular he drew attention to the focus on helping people feel safer in their homes and on the roads. The service would work with local communities to improve outcomes, reduce inequalities and to build community resilience against extreme weather events such as flooding. Action Plans were being developed to address key priority areas in the Scottish Borders. Mr Jaffray referred in particular to the aim to reduce unwanted fire alarm signals, where there was no fire but an automated fire alarm system was activated. This currently accounted for over 65% of emergency response activity across the Scottish Borders. Mr Jaffray concluded by emphasising that the service wanted to work closely with communities and would welcome comments from local residents.
- 3.3 Donna Wood, from Scottish Borders Council, was in attendance to talk about the work of the Community Learning and Development Service and in particular the work being carried out with 11 – 25 year olds. There were 2 Learning Communities in the Cheviot area based around the secondary schools. The development of the learning communities enabled all key stakeholders to plan and work together to ensure improved outcomes for children and young people. Work was being carried out in schools and in particular with looked after and accommodated children and young people who may be failing to reach their full potential. Ms Wood referred to work undertaken by the Service in terms of Youth Work, Adult Learning, Community Capacity, Voluntary participation and targeted work with Vulnerable Adults and children. Ms Wood touched on projects such as summer activities, PEF Youth Workers, Season for Growth and recently held 'Raising Teens Workshops aimed at Parents and Children and Mental Health First Aid. It was highlighted that the new intergenerational school would provide family space and older people would be encouraged to go into the school to do additional learning.
- 3.4 Following the introductory talks, officers joined Elected Members, partners and members of the public at their tables for a discussion of the main issues relating to "Our Quality of Life" in the Cheviot Area. A pack of information was provided at each table to aid the discussion as were feedback sheets to record the emerging points. Following this first discussion period and a short break each group returned to their tables where they were asked by the Chairman to focus on prioritising the key issues raised and to discuss and identify ways of taking these forward within the Cheviot Area. A summary of the output of the discussions were provided as an appendix to this minute.
- 4.0 **LOCALITIES BID FUND ASSESSMENT PANEL**
- 4.1 In response to the decision by Council to appoint additional Members to serve on the Assessment Panel, Councillor Weatherston, seconded by Councillor Brown, moved that Councillor Mountford be appointed and this was approved.

#### **DECISION**

**AGREED that Councillor Mountford be appointed as an additional member to serve on the Assessment Panel.**

#### **5.0 DATE OF NEXT MEETING**

- 5.1 The next meeting would be held on Wednesday, 17 April 2019 in Kelso at 6.30 p.m. The theme of the meeting would be confirmed in due course.

*The meeting closed at 8 p.m.*

# Public Document Pack

## SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA PARTNERSHIP

MINUTE of Meeting of the BERWICKSHIRE  
AREA PARTNERSHIP held in Conference  
Room, Duns Primary School, Duns on  
Thursday, 6 December 2018 at 6.30 pm

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Present:- Councillors J. A. Fullarton (Chair), C. Hamilton (from para. 3), H Laing (from para. 3), M. Rowley, together with 16 representatives from Partner Organisations, Community Councils and members of the public

Apologies:- Councillors J. Greenwell  
In Attendance:- Chief Financial Officer, Communities and Partnerships Manager, Locality Development Co-ordinator, Clerk to the Council, Trainee Democratic Services Officer

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

The Chair, Councillor Fullarton, welcomed everyone to the meeting of the Berwickshire Area Partnership and thanked the Community Councils, Partners and local organisations for their attendance, and outlined the programme for the evening.

### 2. **FEEDBACK FROM MEETING ON 6 SEPTEMBER 2018**

The Minute of the meeting of the Berwickshire Area Partnership held on 6 September 2018 had been circulated along with a summary of the discussion attached as an appendix to the Minute. Councillor Fullarton gave some highlights from the feedback received at that meeting.

### 3. **THEME: COUNCIL BUDGET - ENGAGEMENT WITH COMMUNITIES 2019/20**

3.1 The Chairman welcomed David Robertson, SBC Chief Financial Officer, who gave a presentation on the Scottish Borders Council Budget for 2019/2024. The 5 year plan 2013/14 to 2017/18 had delivered permanent recurrent savings of over £35m and further in year savings of £8.8m. The existing planned savings in 2019/20 included contract efficiencies, energy efficiency measures, procurement savings and service reviews e.g. day services, waste and teacher allocations. The easy reductions had already been made and future savings would rely on greater use of technology to reduce costs and redesign services. The Council could not continue to deliver everything they did now in the same way and might need to reduce the scope and scale of service delivery. 2019/20 was the second year of the 5 year plan agreed in 2018/19 which required savings of £32m to balance the books. The Council had planned for reductions over the longer term, invested in transformation, and avoided the need for the levels of cuts seen elsewhere but there was lots still to do with greater challenges ahead. The Council had to remain financially sustainable and over the next 5 years it was estimated that £21m would need to be saved from the current forecasted spend of £1.3 billion. Meeting this challenge was not about making cuts but about investments for the future delivery of services and required forward thinking, innovative and focus on delivering an ambitious change programme. The Council also had a 10 year capital allocation of £294m. There were a number of challenges facing the Council. There was less money to fund public services and income was not keeping pace with real increases in prices and meanwhile demands on services were growing – e.g. increasing numbers of older people - with the population over the age of 75 in the Borders at a higher percentage than in the rest of Scotland. The infrastructure of the region required significant investment. There were still significant pockets of deprivation across the region and hidden poverty in communities and the Council needed to increase opportunity and reduce inequality for all in the Borders. Mr

Robertson outlined where the Council's funding came from and how it was allocated across Council services in terms of both capital and revenue. In order to modernise, the Council needed to make significant savings in what the Council bought; invest in new digital technology to reduce costs; ensure that assets were used as efficiently as possible; ensure that the Council had a capable, motivated workforce that adopted new ways of working and that was flexible enough to deliver savings when and where they were required 7 days a week, 365 days a year; invest in prevention strategies; grow the economy of the Borders; and support all people to live well. Over the next five years the Council planned to implement the following:-

- Design and deliver as many Council services online as possible to maximise the use of digital technology and build the digital skills of Borders communities and staff;
- Develop customer advice and support;
- Drive out waste and inefficiency, cutting red tape and providing better value for money;
- Explore different models of service delivery;
- Reduce the amount of property the Council owned and operated;
- Invest in the roads infrastructure in a planned, sustainable way; and
- Redesign waste services

Mr Robertson also outlined the plans to support the aims of independent achieving people, a thriving economy with opportunities for everyone, to promote future employment opportunities and empowered vibrant communities. He concluded by outlining the ways to provide feedback into the budget process, either online to <https://scotborders.dialogue-app.com> by email to [budgetteam@scotborders.gov.uk](mailto:budgetteam@scotborders.gov.uk), on social media #bordersbudget or by post or telephone.

3.2 A number of questions were asked and Mr David Robertson provided appropriate responses:

- Reopening Reston Station – it was confirmed that the Council was fully committed to this with funding contained within the capital programme
- Statutory Services – the Council targeted non-statutory services and while there was clarity on what was a statutory function the level of provision could vary; the fundamental aim was to protect core services
- Community Council Funding – a request was made for an increase in this funding which may not be possible
- Distribution of the Budget to Berwickshire – the Council needed to ensure it was investing in all areas of the Borders but also had to prioritise where there was greatest need while at the same time having finite resources; not all projects could be undertaken at the same time. Investments in new primary and high schools had been made in Berwickshire with 50 new extra care housing and plans around Eyemouth town centre regeneration – with people to get involved in the Borderlands Initiative.
- Broadband – reference was made to a recent review by the Audit and Scrutiny Committee of the Digital Scotland Superfast Broadband Programme and Councillor Rowley gave an explanation of how this report would be used for future broadband infrastructure projects.

## **MEMBERS**

Councillors Laing and Hamilton joined the meeting during consideration of the above item.

3.3 Following the presentation, officers joined Elected Members, partners and the public at their tables for a discussion on the budget and spending priorities. Sheets with additional information on Council services and a short series of questions had been provided on the tables to aid the debate. A summary of the output of the discussion is provided as an Appendix to this Minute. The Chairman thanked Mr Robertson for attending the meeting.

## **4. LOCALITIES BID FUND ASSESSMENT PANEL**

The Chairman referred to the following Council decision in respect of the assessment panel for bids to the Localities Bid Fund (LBF):-

“that membership of the assessment panel be proposed for each Area Partnership, up to a maximum of two members per locality with a view to improving gender balance. The membership of the assessment panel to be 10, plus the Executive member for Neighbourhoods & Locality Services, with a quorum of 6”. As Councillor Fullarton had already been appointed to the Panel previously, Councillor Hamilton, seconded by Councillor Rowley, proposed that Councillor Laing be appointed to the Assessment Panel. This was unanimously agreed.

## **DECISION**

**AGREED to appoint Councillor Laing to the Localities Bid Fund – Assessment Panel.**

### **5. LOCALITIES BID FUND - UPDATE ON CURRENT FUNDING ROUND**

Ms Smith, SBC Communities and Partnership Manager, gave an update on the Localities Bid Fund (LBF). She advised that the second round of LBF had been launched on 1 July 2018 with a total of £296k available for eligible projects. However, in October the LBF Assessment Panel had agreed that there were not enough sustainable bids to go forward to the public vote in all five areas. It had been therefore proposed that the criteria would be revised, and with that approved at Council on 29 November, the Localities Bid Fund would be re-launched in January 2019, and the Assessment Panel would assess bids received against the criteria with the intention of public voting being carried out in April 2019. The groups who had already submitted applications for the second round had been contacted and would be notified about the revised criteria and offered support to re-apply. The Chairman explained that any monies would be carried forward to April 2019 and the pilot would be re-evaluated.

### **6. CENTENARY FIELDS INITIATIVE**

There had been circulated copies of a report by the Service Director Assets and Infrastructure which set out the aims of the Centenary Fields initiative to commemorate World War 1 and recommended the nomination as a Centenary Field of Duns Park. The report explained that Centenary Fields (CF) was a partnership programme led by Fields in Trust and the Royal British Legion to commemorate World War 1 through protecting green spaces. It had been launched by HRS The Earl of Strathearn in 2014 and would close in 2018. CF aimed to protect at least one site (containing WW1 war memorial(s)) and was aimed at creating a long lasting legacy of WW1, protection, promoting green space for recreation, increasing physical activity, promoting social cohesion and improving the environment. Upon a successful application to Fields in Trust for Centenary Fields status, sites were subject to a Minute of Agreement, similar to those which were in place on all King George V Playing Fields. This would safeguard the sites for recreational used as protected green space. The report advised that following a regional appraisal and in consultation with communities and Fields In Trust, three sites had been identified in the Scottish Borders as potentially appropriate – Wilton Lodge Park, Hawick; Lower Green at West Linton; and Duns Park. Upon designation a commemorative plaque would be installed. The site name would not change and there were no funds associated with CF status. Designation as a Centenary Field would not only protect the historic and conservation value of these sites, but would also strengthen the case to attract external funding. The management of these sites would be retained by the local authority. Duns Park was situated in the south of the town and was home to two wartime commemorative structures - Duns War Memorial and Polish War Memorial - and was also home to a memorial bronze bust of Duns Scotus. It formed the main civic greenspace in the town, with mature planting, informal recreation areas, a play park and tennis court and it was proposed to nominate the civic park area as a Centenary Field.

## **DECISION**

**AGREED the nomination of Duns Park for Fields in Trust Centenary Field status**

### **7. DATE OF NEXT MEETING**

The next meeting of the Berwickshire Area Partnership was scheduled for Thursday 7 February 2018. It was suggested that the venue for the next meeting could be Eyemouth High School. The Chairman thanked all those who had attended the meeting for their participation and input.

***The meeting concluded at 8.25 pm***

Discussion Output: Scottish Borders Council Budget (6 <sup>th</sup> December 2018)			
Question/Issue/Challenge	Proposed Solution (opportunities for area partnerships/communities?)	Consequence/Impact (positive and negative)	Priority rating
<p><b>Efficiencies</b> Can we do things in a more streamlined way?</p>	<p>Use grey recycled paper like NHS. No colours on council tax leaflets Printing and postage waste. Option for email if you don't want paper. Don't put paving slabs down in Eyemouth high street – lorries and vans wreck them. See Manchester. Pot hole repair in summer! More power to communities. There are a vast range of resources available that could be better utilised if the right level of input is allocated. Integration of health services and social care There are good models Explore innovative methods/ material for road surfacing Do we have to demand the workload coming in (reactive)/instead go out and provide services (proactive)? More joint approaches to procurement and deliver services together Shared services – within and outwith the Borders</p>	<p>People feel better supported in the communities. Lack of funding or funding coming to an end. Better/wellbeing Reduced NHS bed space</p>	
<p><b>Identifying priorities</b> Are there services, which in your view, should be prioritised?</p>	<p>Digital access in rural areas! Better integration of mental health services for schools. Early intervention and prevention. SB Cares management team needs to be sorted, Care services need to work together. Transport – rail station at Reston Transport to BGH from East Berwickshire Provision of social care for elderly, dementia Services for older people Attracting families into the area Housing developments - affordable, quality of life Connections with work employment- digital/broadband Transport</p>	<p>Difficulty in getting to appointments/visiting</p>	
<p><b>Different models of delivering services</b> Are there services which we could deliver differently, or that communities could take responsibility for to maintain them in the long term?</p>	<p>Youth projects Neighbourhood services model IJB briefing note not being communicated Deep water harbour Disaggregate services from a central point into 5 areas College provision for eastern borders No charge for green waste services</p> <p>Care services – Resilient communities is a good example of community responsibility More investment in local initiatives ie social enterprises Tourism, agriculture, Care sector Skills shortages- textile centre of excellence</p>	<p>Community focused/pride in service delivery funding/sustainability long term.</p>	
<p><b>Increased charges to service users</b> Should we be charging more for some services?</p>	<p>People are often keen to make contributions for services that are efficient Do we cover operating costs?</p>	<p>People making difficult choices in order to pay for services</p>	

<p><b>Other funding options</b> What services in your area do you value most which could be retained, expanded or enhanced through the use of additional funds?</p>	<p>Medical NHS Services/care in the community Social transport Increase funding to invest and seeing that investment. Providing services that could be commercial that doesn't impact on the private sector?</p>	<p>More people supported &amp; connected and services are improved</p>	
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Notes:

Can library services encourage borrowing kindles - Oxford looked into this and it saves a huge costs in transporting heavy books.

Public toilets charging/closing – Hits tourist's towns more, seems to save money but reduces tourist income

Learning from peers

Community spaces

A hub- A heart for duns

# 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*

MINUTES of Meeting of the TEVIOT AND LIDDESDALE AREA PARTNERSHIP held in Lesser Hall, Town Hall, Hawick on Tuesday, 19 February 2019 at 6.30 pm

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Present:- Councillors N Richards (Chairman), D Paterson, C Ramage, G Turnbull together with 21 Representatives of Partner Organisations, Community Councils and Members of the Public.

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

The Chairman welcomed everyone to the Teviot and Liddesdale Area Partnership and thanked community councils, partners and local organisations for their attendance.

### 2. **FEEDBACK FROM MEETING ON 11 NOVEMBER 2018**

The Minute of the meeting of the Teviot and Liddesdale Area Partnership held on 11 November 2018 had been circulated along with a summary of the discussion. The Chairman highlighted the suggested efficiencies and priorities for spend included: improving the waste management strategy, reducing the amount of paperwork sent to residents, making better use of public buildings, aligning bus transport timetables, investment in prevention services, lower service charges on prioritised services, and investment in economic development to grow economies and communities.

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

3.1 The theme for discussion this evening was 'Our Quality of Life'. The Chairman welcomed Russell Bell, Station Manager, Scottish Fire & Rescue Service; Jacqueline McGuigan, Deputy Local Area Commander, Police Scotland; Norrie Tait, SBC's Community Learning and Development Team Leader; and, Paul Brough, Archive Manager, Live Borders. The Chairman explained that the guest speakers would give an introduction to the work their service was delivering in the Teviot and Liddesdale area to help improve quality of life.

3.2 Station Manager Bell, Scottish Fire and Rescue Service (SFRS) began by referring to the Community Fire and Rescue Plan for the Scottish Borders, a summary of which was included in the paperwork provided on the tables. As part of a community partnership approach to make people safer in their home, the SFRS had developed a holistic 'safe and well' programme aimed at reducing unintentional harm in the home, for example through slips and falls, providing mental health support, fuel poverty and other vulnerabilities. They also promoted community resilience to improve outcomes for people involved in non-fire emergencies, such as flooding caused by extreme weather. Station Manager Bell then advised of community partnership working to make Scottish Borders' roads safer and work to reduce antisocial behaviour. He discussed the aim to reduce the occurrence of unwanted fire alarm signals (UFS) and the impact they had on the wider community in terms of business disruption and road risk. Station Manager Bell concluded by advising that the SFRS were committed to delivering these positive outcomes in an

effective and professional manner, working with emergency service colleagues, community planning partners and local residents to ensure the best possible outcomes in relation to community safety.

- 3.3 Inspector McGuigan, Police Scotland, referred to the Local Police Plan 2017-20 for Scottish Borders. Following a consultation process with local community groups, seven local priorities had been identified: domestic abuse; road safety; violent crime; antisocial behaviour; drugs and alcohol misuse; protecting people; and, acquisitive crime. Inspector McGuigan then discussed strong partnership working with the Council's Safer Communities Team, highlighting the proactive Drivewise campaign. Inspector McGuigan then referred to the work undertaken by the Community Action Team (CAT) and their focus on dealing with Quality of Life issues. The CAT provided a dedicated community resource, specifically targeting emerging and ongoing quality of life issues in each locality such as antisocial behaviour and on-street parking. It was noted that any incidents to be referred to the CAT should be made through Elected Members.
- 3.4 The Community Learning and Development (CLD) Youth Team Leader, Norrie Tait, Scottish Borders Council, then gave an introduction to the Community Learning Partnership. Mr Tait explained that the CLD service priorities included: promoting a whole town approach to engagement and participation with young people; developing family learning opportunities individually and through groups; and making informed choices for health and wellbeing. Mr Tait then highlighted work ongoing in schools to target and accommodate young people such as the Growing in Confidence model which was a mental health tool delivered across schools and a Mentor in Violence programme about to be rolled out. The CLD work ongoing in the Teviot and Liddesdale area included a strengthening family programme run in Hawick, an early intervention programme in Burnfoot which targeted P7 children, and a Holiday Hunger programme.
- 3.5 Archive Manager, Paul Brough from Live Borders then gave an update on the work ongoing in the Teviot and Liddesdale area. Live Borders' focus was on engagement through partnership working and he referred to activities available in local libraries such as free access to Wi-Fi, and reading groups. He then discussed the museum and archives partnership work with Alzheimer Scotland which had produced materials to spark reminiscence and raised awareness of memory loss; and, the support given by the Heritage Hub for research projects. Live Borders staff also engaged with schools, youth clubs and community organisations and he referred to the recent intergenerational work by volunteers on the First World War and Stobs Camp projects. Mr Brough concluded by advising that Live Borders also supported a range of facilities, fitness classes and health programmes and he highlighted the support and activities provided by the Teviot and Liddesdale Leisure Centre which could have a positive impact on the health of the community.
- 3.6 Following the introductory talks, officers joined Elected Members, partners and members of the public at their tables for a discussion on the main issues relating to "Our Quality of Life" in the Teviot and Liddesdale Area. Gillian Jardine explained how the session would work and that information packs had been provided on each table. Those present were invited to discuss and agree what could be done to improve people's quality of life and discuss ways of taking these forward in the Teviot and Liddesdale Area. A summary of the output of the discussions was provided as an Appendix to this minute.
4. **LOCALITIES BID FUND 2**  
Shona Smith, SBC Communities and Partnership Manager, then gave an update on the Localities Bid Community Fund. There was £40k in the Fund and there had been interest from a number of groups to take forward a variety of community projects. Information was available on the website with guidance notes and the Communities and Partnership Team were available to give assistance.

5. **OPEN FORUM**

5.1 Hawick Flood Protection Scheme – Timber Community Benefit

The Community Benefits Co-ordinator, John Mallin, explained that owing to Hawick Flood Protection Scheme works, a number of trees had been felled. The Council was offering this timber to groups for community use. Further information was available on the Council's website, together with an application form. The closing date for applications was 8 April 2019.

5.2 Councillor Ramage advised that a Women Against State Pension Inequality (WASPI) event would be held on 9 March in the Newton Community Wing. Information would be available at the event to support and enhance physical and mental wellbeing.

5.3 In response to a question, Councillor Ramage advised that there were plans to locate a What's Matters Hub in Denholm.

6. **ANY OTHER BUSINESS**

The Chairman advised that there was no other business.

7. **DATE OF NEXT MEETING**

The next meeting of the Teviot and Liddesdale Partnership was scheduled for Tuesday, 16 April 2019 in Hawick High School. The Chairman thanked the speakers and all those present for their participation and input.

*The meeting concluded at 8.30 pm.*

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Topic: Quality of Life				
Issue / Challenge	Solution	Play #yourpart		Priority rating
		Lead for action	Who else?	
<p><b>Police Scotland/Community Action Team (CAT)</b>                      What steps could be taken to address anti-social behaviours? How could the CAT team work with the community to tackle local issues?</p>	More attention to Rural Areas/ Rural thefts Contact any Police Officers Build relationships with groups	Police Scotland Cat	N.F.V	4
<p><b>Scottish Fire and Rescue Service</b>                      What measures could be taken to raise awareness and address safety in the home?</p>	Continue home visits for trips and falls assessments work with partners. Info graphics	Fire Healthier Hawick Campaign Social work	Youth Groups	
<p><b>Live Borders</b>                      How do we make leisure and culture services and facilities accessible to all? How do we encourage participation in leisure and culture opportunities?</p>	Major stumbling block is the cost to use certain facilities Improved marketing and promotions and using sporting champions	Improve young scot usage Rewards Find out more and promote Points	Discuss with Live Borders Loyalty Card	1
<p><b>Community Learning and Development (CLD)</b>                      How do we improve the well-being and life chances of our most vulnerable children and young people?</p>	Communication with them and engage and establish their needs, offer alternative to sport Equal opportunities Early intervention	All agencies		4
<p><b>Communication</b>                      How do we ensure communities and individuals know what is happening in their area? How do we engage with those who are socially isolated?</p>	All communication channels to be used, Radio, TV, Local press and social media Piggy back on community groups and local organisations	All agencies		3

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Topic: Quality of Life				
Issue / Challenge	Solution	Play #yourpart		Priority rating
		Lead for action	Who else?	
<p><b>Police Scotland/Community Action Team (CAT)</b>                      What steps could be taken to address anti-social behaviours? How could the CAT team work with the community to tackle local issues?</p>	<p>Need to consider planning of spaces/building in the future to make places safer to go                      Need to know what levels of anti-social behaviour there are in the town.                      Difficult for the community to 'police' anti social behaviour due to response from individual                      Weekend behaviour of young people and adults disrupting neighbourhoods. View needs balanced with people being able to recognise what is rowdy behaviour and when does it become 'anti' social behaviour?                      Increase number of Police Scotland/CAT officers patrolling the area.</p>			3
<p><b>Scottish Fire and Rescue Service</b>                      What measures could be taken to raise awareness and address safety in the home?</p>	<p>Have safety campaign- high take up                      Home fires have reduced significantly in past 15 years                      Slips, trips and falls initiative with SFRS has the potential to make a huge contribution to NHS services                      Increase opportunities for community prevention work.</p>			1
<p><b>Live Borders</b>                      How do we make leisure and culture services and facilities accessible to all? How do we encourage participation in leisure and culture opportunities?</p>	<p>Partners need to work more closely with Live Borders to encourage service users to use local services and make services more accessible.                      Identify how to make gyms and fitness activities less intimidating for people                      Look at infrastructure of area to encourage cycling (too busy with traffic)</p>	<p>Live Borders                      NHS                      Need to try and get feedback from people who aren't using live borders services</p>		2
<p><b>Community Learning and Development (CLD)</b>                      How do we improve the well-being and life chances of our most</p>	<p>Intervention must begin at a very early age                      Install a curriculum style approach to early years education and care (will take time to see impact)                      KPI'S need to be longer term</p>	<p>Check early years work in SBC previously</p>		5

## Teviot & Liddesdale Area Partnership

vulnerable children and young people?				
<b>Communication</b> How do we ensure communities and individuals know what is happening in their area? How do we engage with those who are socially isolated?	Posters, Leaflets etc don't work Social media is more effective Aps/ Services need to find out how people access information to help develop a communication plan.			7

Topic: Quality of Life				
Issue / Challenge	Solution	Play #yourpart		Priority rating
		Lead for action	Who else?	
<p><b>Police Scotland/Community Action Team (CAT)</b>                      What steps could be taken to address anti-social behaviours? How could the CAT team work with the community to tackle local issues?</p>	<p>Problem: soft justice not working lack of parental guidance                      Conditioned by ones environment                      Lead by example/ support belonging to clubs give youth a sense of worth eg. Boys brigade and community workshops.</p>	Police Scotland		1
<p><b>Scottish Fire and Rescue Service</b>                      What measures could be taken to raise awareness and address safety in the home?</p>	<p>Educating public                      Home visits successful</p>	Catch the individual that makes false calls		
<p><b>Live Borders</b>                      How do we make leisure and culture services and facilities accessible to all? How do we encourage participation in leisure and culture opportunities?</p>	<p>Not enough free services for everybody                      More funding needed                      No central centre for information                      Communication a problem                      Work together</p>	Live Borders		2
<p><b>Community Learning and Development (CLD)</b>                      How do we improve the well-being and life chances of our most vulnerable children and young people?</p>	<p>Engage with the most vulnerable- not enough volunteers                      Alchemy Festival employ a co-ordinator to encourage volunteers – this is very successful.</p>	CLD		
<p><b>Communication</b>                      How do we ensure communities and individuals know what is happening in their area? How do we engage with those who are socially isolated?</p>	<p>Communication- social media large screen at town hall or heart of Hawick to advertise                      Spoon feed info- will not look for it.                      Supermarkets                      Depending on word of mouth can't change isolation overnight                      No age range                      Need to want to engage                      If this was solved it might mitigate crime and promote community events</p>			3

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Topic: Quality of Life				
Issue / Challenge	Solution	Play #yourpart		Priority rating
		Lead for action	Who else?	
<p><b>Police Scotland/Community Action Team (CAT)</b>                      What steps could be taken to address anti-social behaviours? How could the CAT team work with the community to tackle local issues?</p>	Burglars coming in from the south- raising Awareness eg. Locking doors rural crime issues Funding to train special constables- but not able to police own area alone Must be with employed colleague.	Police	Local communities – that fund resilient communities	
<p><b>Scottish Fire and Rescue Service</b>                      What measures could be taken to raise awareness and address safety in the home?</p>	Funding for resilient communities issues eg length of use for smoke alarms- how to deal with them going off in the night! (when you cant reach them) Borders community transport and providers promote safety checks to their vulnerable clients	SFRS	BCTS	
<p><b>Live Borders</b>                      How do we make leisure and culture services and facilities accessible to all? How do we encourage participation in leisure and culture opportunities?</p>	Improve selection of books on mobile library bus. Community outreach? Village halls are all accessible but don't have phones or wifi. Load of leisure and culture activities close by for rural communities ensure support recognition for all this. Check with older people if they need a visit at home	Communities and sports clubs	Live borders to share their pot	
<p><b>Community Learning and Development (CLD)</b>                      How do we improve the well-being and life chances of our most vulnerable children and young people?</p>	Why only children and young people- others are vulnerable too and many children/ young people in rural areas are separated from peers by lack of transport and different kind of deprivation	Third sector youth work organisations	Schools	
<p><b>Communication</b>                      How do we ensure communities and individuals know what is happening in their area? How do we engage with those who are socially isolated?</p>	Communities do know what is happening but maybe agencies don't? Communities already support those who are Isolated Neighbours community transport also good support Why doesn't it format of area partnership allow communities to tell agencies what they are doing?	Communities		

## Teviot & Liddesdale Area Partnership

	Format is not right to feed information to wider audience beyond own table.			
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# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of the Special Meeting of the  
AUDIT AND SCRUTINY COMMITTEE held  
in Council Chambers. Council Headquarters,  
Newtown St Boswells on Tuesday, 26  
February 2019 at 2.00 pm

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Present:- Councillors S. Bell (Chairman), H. Anderson, K. Chapman, N. Richards,  
H. Scott, E. Thornton-Nicol and S. Scott.  
Apologies:- Councillors J. A. Fullarton, S. Hamilton; M. Middlemiss and H. Barnett.  
In Attendance:- Chief Executive, Chief Financial Officer, Pensions & Investments Manager,  
Senior Internal Auditor, Clerk to the Council.

## 1. **TREASURY MANAGEMENT STRATEGY 2019/20**

With reference to paragraph 5 of the Minute of Meeting of 14 February 2019, there had been circulated copies of a Report and Appendix on the Treasury Management Strategy 2019/20, along with a briefing note by the Chief Financial Officer, explaining the changes to the report. The Chief Financial Officer, Mr Robertson, explained that the report which had been circulated at the previous meeting had not been the final version and the correct version had been issued via email to members of the Committee after the meeting. Subsequent to the circulation of the revised Treasury Management report, a later amendment to the Administration's draft budget for 2019/20 - 2023/24 was also published. This amendment would raise Council Tax by 1% which would be applied in future years to provide a matched contribution to the capital costs of replacing Hawick High School. A corresponding amendment was therefore required to the Administration's draft capital budget and corresponding amendments were therefore also required to the Treasury Management Strategy, including amendment of the prudential indicators, to reflect the material change proposed. Mr Robertson highlighted the main changes to both the covering report and the actual Strategy. In response to Members' wider questions, Mr Robertson advised that while the Council had purchased the Lowood Estate and that was reflected in the capital expenditure figures within the Treasury Management Strategy figures and included in the Council's future capital financing requirement, no borrowing had as yet taken place for this, the site purchase being financed temporarily from cash flow. Assumptions had been made in the Strategy that parts of the site would be developed and sold off over the coming years. The Pensions & Investments Manager, Kirsty Robb, further advised that any borrowing by the Council was made on a total needs basis and not per project, with cash flow monitored daily and short term loan opportunities taken up to minimise Council debt on an ongoing basis. With regard to the changes in capital financing requirement and the operational boundary for external debt, Mr Robertson explained that while the level of external debt was projected to increase closer to the operational boundary, this was an inevitable consequence of the accelerated build programme proposed for the new High Schools. Consideration also needed to be given to the impact of greater borrowing for capital projects on the revenue budget which would result in an increased percentage of the revenue budget being used for repayment of loan charges. With regard to any impact from current political uncertainties, although Brexit was a major consideration, with regular updates received from the Council's Treasury advisers, it was anticipated that while there was the potential for a short term rise in interest rates, this was not likely to impact on the medium to long term. The Council was closely monitoring the potential impact of Brexit and the associated risks, including a short term impact on inflation. Any borrowing to provide an additional cash cushion over the Brexit period would be undertaken only on a short term basis. Members enquired about emergency arrangements and the Chief Financial Officer confirmed there were a range of

measures in place should the Council be faced with an emergency event e.g. flooding or other disaster. These included insurance, the Bellwin Scheme, reserves, etc. The final protection for Council was an emergency budget raising the Council tax. Mr Robertson also confirmed that he had contacted Link Asset Services, the Council's Treasury Advisor, regarding the provision of a further training session on treasury management to members of the Committee and details would be sent to members in due course.

## **DECISION**

### **AGREED:**

- (a) to approve the Treasury Management Strategy 2019/20 as set out in Appendix 1 to the report for consideration by Council;**
- (b) to note that this Treasury Management Strategy replaced the one considered at the Audit and Scrutiny Committee on 14 February and the corrected version distributed via email on 15 February 2019;**
- (c) that the Council should review its capital expenditure plans going forward to ensure that they remained realistic, affordable and sustainable; and**
- (d) that the Council should ensure that the revenue consequences of all capital projects be fully reviewed in all investment decisions.**

*The meeting concluded at 2.30 pm*

# SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the GALASHIELS  
COMMON GOOD FUND SUB COMMITTEE  
held in Committee Room 1, Council  
Headquarters, Newtown St Boswells. TD6  
0SA on Thursday, 14 March 2019 at 10.00  
am

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

Apologies:- Councillor A. Anderson

In Attendance:- Treasury Business Partner, Community Services Managing Solicitor, Estates  
Surveyor (A. Scott), Democratic Services Officer (F. Walling).

3 members of the public

1. **MINUTE.**

There had been circulated copies of the Minute of 6 December 2018.

**DECISION**

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

2. **FINANCIAL 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 income and expenditure for nine months to 31 December 2018, full year projected out-turn for 2018/19 and projected balance sheet values as at 31 March 2019. Treasury Business Partner, Sara Halliday, highlighted the main points of the report and appendices. The projected income and expenditure position in Appendix 1 to the report showed a projected surplus of £2,487 for the year. Included were dividends from the Common Good Funds investment in Kames Capital Investment Fund amounting to £7,649. Dividends earned to date amounted to £6,171 which was in line with the overall 5% target and the monthly distribution profile projections provided by Kames. The projected Balance Sheet as at 31 March 2019, shown in Appendix 2 to the report, indicated a projected decrease in the reserves of £33,705 due to the depreciation charge. The breakdown of the property portfolio was shown in Appendix 3. The current position of the Kames Capital investment was shown in Appendix 4 to the report. Ms Halliday explained that the unrealised loss in market value since investment, largely due to continued volatility in investment markets, had actually moved into a slight gain by the end of February.

**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 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. **LADHOPE TREE PLANTING SCHEME AND TRAILS**

- 3.1 With reference to paragraph 3 of the Minute of 6 December 2018 and paragraph 2 of the Minute of 14 September 2017, there had been circulated copies of aerial pictures showing the Ladhope Tree Planting Scheme and a series of maps showing a network of possible recreation trails over the land at Ladhope, Glendearg and Langlee. Work had started to plant a new native woodland at Ladhope. Access for all would remain as before, with gates on fences to allow access on foot, bike and horseback. A planting design concept map was included to show the proposed location of blocks of various species of trees. In terms of the proposed recreation trails over the area, a project being driven by Galashiels Community Council, Mr Pete Laing had been commissioned to design a course of recreation trails and was in attendance at the meeting to explain the concept and give further information about the trails outlined on the detailed maps. Mr Laing described the three main pieces of ground over which the trails extended. Ladhope Recreation Ground, owned by the Common Good, was an area of approximately 59 hectares with a highest point of 305m. This was mostly open hill with one strip of woodland and one block of spruce. The Golf Course took up 16 hectares of this area east of the Ladhope Burn. Land which was part of Glendearg Farm formed the central part of the area. With a highest point of 310m, this was approximately 54 hectares of open hill with established and new woodland and one block of spruce. Langlee Woods, an area of approximately 26 hectares, also owned by the Common Good, was almost entirely mature broadleaf woodland and was very steep terrain in places. There was a further area of privately owned woodland which was part of the planned recreation area. Mr Laing explained that part of the plan was to upgrade existing paths and tracks. A further map showed all existing access points to the development zone for pedestrians, cyclists and horse riders, the existing parking area at Langlee Community Centre and a possible car park in the Ladhope recreation area. A low level link route between the proposed car park sites was shown using existing paths and tracks. A map of the proposed Core Path Strategy showed where routes would be for family cycling, trail running and walking on low level trails and fit family loops for the same activities at higher elevation. Keen mountain bikers would use the core paths to reach the high ground and then descend on specific single-track paths. The plan was further developed into ideas for mountain bike specific descents with styles to suit terrain and environment which were suitable for different cycling ability from novice to expert. Also shown on the map was a proposed skills area in the form of a pump track – a series of rolling bumps – near Langlee Community Centre. It was noted that, in Scotland, pedestrians, horse riders and cyclists had the same rights of responsible access to all core paths. The layout left all existing hill tracks untouched so that existing regulars could continue to enjoy their favourite links and circuits.
- 3.2 Mr Laing advised that he had talked to all landowners bordering the area who were quite positive about the proposals to use the land for recreation and for the upgrading of paths. Most comments at an open forum had also been positive although consultation with residents of Langlee Mains had raised concerns about mixed use of the farm access road. Horse riding groups had also voiced concern about being able to safely continue to use existing paths and traditionally used hill tracks. In response to these comments some modifications to the maps had been made. A further issue was the requirement to cross the Golf Course to access the hill at Ladhope. Options for a route were being looked at by the Golf Club. Once completed, the report, including costings, would be given to the Community Council and would be published. Mr Laing emphasised that it would be then up to a Community Group in Galashiels to take the project forward by applying for planning permission, carry out fundraising and take responsibility for maintenance and insurance. In the ensuing discussion Members were generally in favour of the ambitious proposals in principle and welcomed the opportunity presented to promote outdoor activities and fitness, particularly for families. However concerns were expressed about the challenge of managing the finished product in terms of mixed use and the possible

need to segregate different types of use for safety reasons. Councillor Scott expressed concern in particular about mixed use of paths in Langlee Woods, which he believed were currently more popular with walkers than cyclists and agreed that the access road to Langlee Mains was not suitable for cyclists. He would not want to see parking at that access point nor at the Ladhope Golf Course. On being invited by the Chairman to speak, the residents of Langlee Mains who were present at the meeting said that although there was a right of way along the access road to Langlee Mains this was a privately maintained road and its inclusion in the trail network was presumptuous. The road, which was narrow and twisty and used by pedestrians, was unsuitable for use by cyclists travelling at speed. There was a question about who would be liable in the event of an accident on that road. In terms of the continued safe use of the area by horse riders there were concerns about clashes where the proposed specific mountain bike paths joined the existing paths and the possible occurrence of 'off-piste' mountain bike riding. In further discussion Members agreed that, as far as the Common Good-owned land was concerned, they were in support of the plans going forward for wider consultation. It was also noted that the public would get an additional opportunity to comment when a planning application for the scheme was submitted. The Chairman thanked Mr Laing for his attendance.

#### **DECISION**

- (a) **NOTED the concept design for a network of recreation trails over land owned by Galashiels Common Good Fund at Ladhope and Langlee Woods.**
- (b) **AGREED to support the project going forward for wider public consultation on the basis of the maps presented at the meeting.**

#### **4. PROPERTY**

With reference to paragraph 3 of the Minute of 6 December 2018, the Estates Surveyor, Annabelle Scott, had obtained quotes for the repair of boundary dykes at Ladhope Golf Course, the lowest of which was £1,500. As Ms Scott would be approaching the adjoining landowner to share the cost of these repairs, the cost to the Common Good Fund was likely to be £750 which would come from next year's budget. With reference to paragraph 5.2 of the private minute of 6 December 2018, Ms Scott confirmed that the repairs to the access road to Ladhope Golf course had now been carried out.

#### **DECISION**

**AGREED that the necessary repairs be carried out to the boundary dykes at Ladhope Golf Course on the basis of the quote received.**

#### **DECLARATIONS OF INTEREST**

Councillors Jardine and Scott declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct.

#### **5. APPLICATION FOR FINANCIAL ASSISTANCE FROM THE FOCUS CENTRE, GALASHIELS**

Due to the above noted declarations of interest and the required quorum of two elected Members to make decisions, this application could not be considered and the item was deferred to a future meeting.

#### **6. 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 this involved the likely disclosure of exempt information as defined in paragraph 8 of part 1 of Schedule 7A to the Act.**

7. **MINUTE**

The private Minute of 6 December 2018 was approved.

*The meeting concluded at 11.10 am*

# 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 March 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, C. Ramage and E. Small

Apologies:- Councillors S. Mountford

Also present:- Councillor S. Marshall

In Attendance:- Principal Planning Officer – Major Applications/Local Review, Principal Officer (Plans & Research) (for review 18/00001/RREF), Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **ORDER OF BUSINESS.**

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

2. **REVIEW OF 18/00728/PPP**

There had been circulated copies of the request from Mr Raymond Keddie, Hillhouse, 2 Damside, Innerleithen, to review refusal of the planning application for erection of a dwellinghouse on land east of Rose Cottage, Maxwell Street, Innerleithen. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in Officer's Report; Consultations; Objections; a further representation; and a list of policies. Members noted the planning history of the proposed site with regard to refusal of previous applications, that the green space on which the proposed development was sited was fenced off from public access and that the right of way which, according to some representations, had previously diagonally crossed the green space was located adjacent to the boundary of the site. In noting that this was not identified as a 'key green space' under Policy EP11, Members considered the function and value of the green space in the context of the Innerleithen Conservation Area and surrounding townscape. They concluded that they did not have sufficient information about this aspect to be able to make a determination. The review was therefore continued for further procedure in the form of written submissions. Members asked for further information from the applicant, officers and interested parties about the current usage and function of the greenspace in respect of:-

- (a) the environmental, social or economic value of the greenspace;
- (b) the function of the greenspace; and
- (c) confirmation as to why and when the right of way which previously ran through the site was re-routed.

**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 written submissions;**
- (c) that the applicant and interested parties be requested to provide information about the current usage and function of the greenspace which formed the application site in respect of:-**
  - i) the environmental, social or economic value of the greenspace;**
  - ii) the function of the greenspace; and**
  - iii) confirmation as to why and when the right of way which previously ran through the site was re-routed.**
- (d) consideration of the review be continued on a date to be arranged.**

**3. REVIEW OF 18/01330/FUL**

There had been circulated copies of the request from Mr Brian Lee, per Aitken Turnbull Architects Ltd, 9 Bridge Place, Galashiels, to review the refusal of the planning application for change of use from public bar and alterations to form residential flat at Mansfield Bar, 16 Mansfield Road, Hawick. Included in the supporting papers were the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations; and a list of policies. The Local Review Body applied the Section 43B test to a letter from a Ward Councillor submitted with the Review documents and concluded that the letter met the test and could be considered as part of the review. Members noted that attempts made to market the property as a business had been unsuccessful. They accepted that the property was identified to be at risk from a 1 in 200 year flood event but in their discussion balanced this against the risk of the property remaining empty and being boarded up. Members also took into account mitigation measures that were available against flood risk including membership of a relevant flood warning scheme.

**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 letter 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 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 for the reasons detailed in Appendix I to this Minute**

**4. REVIEW OF 18/01462/FUL**

There had been circulated copies of the request from Mrs Joan McKay, per R. Mitchell Glass Ltd, Currie Road Industrial Estate, Galashiels, for review of refusal of the planning application for replacement windows at Sunnybrae, Midlem. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in Officer's Report; and list of policies. Included in the submissions with the Notice of Review was a sample of the woodgrain effect uPVC which was available to Members to

examine at the meeting. Members noted that the property was located within the Midlem Conservation Area and that the southern elevation was within the Prime Frontage of that Conservation Area. After lengthy discussion of the proposals in terms of window pattern and materials Members' opinion remained divided as to whether the specific uPVC finish was acceptable as a replacement material for the existing windows which were constructed in timber.

### VOTE

*Councillor Ramage, seconded by Councillor Miers, moved that the decision to refuse the application be reversed subject to the astragal pattern within the front dormers replicating the existing.*

*Councillor Fullarton, seconded by Councillor Laing, moved as an amendment that the officer's decision be upheld and the application refused.*

*On a show of hands, Councillors voted as follows:-*

*Motion - 5  
Amendment - 3*

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

### **DECISION**

#### **DECIDED that:-**

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

#### **5. REVIEW OF 18/00723/FUL**

There had been circulated copies of the request from Mr D. Howard, Kilknowe Park, Wood Street, Galashiels, for review of refusal of the retrospective planning application for change of use to joiner's workshop and showroom; caravan repairs and sales; car valet; and siting of catering unit at Redburn Garage, Peebles Road, Galashiels. 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 policies. Members noted that this site had previously been used for car sales and repairs and accepted therefore that business use of this site had been established. They also noted that the proposals included five different uses of the site and considered that these business elements could be dependent on and mutually beneficial to each other. It was surmised that refusing one or two of these uses could affect the viability of the overall mix. In accepting this, Members went on to discuss the roadside location, the retail element, the layout and in particular the visual impact of the range of structures currently on the site.

### **DECISION**

#### **AGREED:-**

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

#### **MEMBERS**

Having not been present at the site visit for the following review, Councillors Laing and Mountford did not take part in the determination. Councillor Fullarton had not been present when this review was first considered so did not take part in the site visit nor the determination. These Councillors left the Chamber prior to its consideration.

#### **6. CONTINUATION OF REVIEW OF 18/01229/FUL**

With reference to paragraph 3 of the Minute of 18 February, 2019 and following a site visit, there had been re-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. Taking into account their deliberations when this review was first considered Members discussed the proposals in the light of the site visit which they agreed had been useful. In considering the visual impact of the proposals they had noted the size and appearance of existing buildings on the site and the amount of development in the wider vicinity. In particular they discussed the visual impact of the proposed two storey element of the extension in the context of the site.

#### **DECISION AGREED**

- (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 in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be reversed and planning permission be granted, subject to conditions, for the reasons detailed in Appendix IV to this Minute**

*The meeting concluded at 1.10 pm*



**APPENDIX I**

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

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

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

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**Local Review Reference:** 19/00002/RREF

**Planning Application Reference:** 18/01330/FUL

**Development Proposal:** Change of use from public bar and alterations to form residential flat

**Location:** Mansfield Bar, 16 Mansfield Road, Hawick

**Applicant:** Mr Brian Lee

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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 the change of use of a public bar and alterations to form a residential flat. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	AT3122 loc
Elevations/Floor Plan	AT3122 SK01

**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 18 March 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 Officer's Report; e) Consultations; and f) List of Policies, the Review Body considered whether a letter from the Ward Councillor 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 support for the proposal and included information on the attempts to market the property and mitigation of flood risk. Members considered that the information did meet the Section 43B test, was material to their consideration and could be considered. The Review Body then proceeded to consider and determine the Review.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD1, PMD2, PMD5, HD3, IS1, IS2, IS7 and IS8

### Other Material Considerations

- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Waste Management 2015
- Scottish Planning Policy

The Review Body noted that the proposal was for planning permission to change the use of a public bar and alterations to form a residential flat at the Mansfield Bar, Mansfield Road, Hawick.

The Review Body firstly considered the proposal against local service provision under Policy IS1 and noted that there had been genuine attempts to market the property and that the proposed use was both a viable alternative and preferable to the property remaining vacant and boarded up. They accepted the Review submissions from the applicant and Ward Councillor in this respect and noted that other public houses existed in the vicinity to compensate for the loss of the facility.

The Review Body then considered flood risk under Policy IS8. They noted that the property was identified to be at risk from a 1 in 200 year event but that it was a change of use, not new-build, and that there would already be a use at risk. They also considered that there were other ground floor residential properties adjoining at risk, that there appeared to be a rear escape route possible, that there was an established flood early warning scheme available to the occupants and that more frequent, albeit lesser flood risk, was being addressed through the implementation of the Hawick Flood Protection Scheme. Members did feel that further mitigation was advisable utilising flood resilient measures but that this could be secured through planning condition, together with membership of any relevant flood warning scheme.

The Review Body finally considered the impact of the proposal against Policy PMD2 and considered that, subject to conditions on the external doors and patio surface and boundaries, the use would be compatible with other uses, would enhance the area and that it was better to have the property in use rather than vacant.

## **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 further details of the proposed external doors are submitted to, and approved in writing by, the Planning Authority. Once approved, the doors then to be installed in accordance with the approved details.

Reason: To preserve the character of the property and the visual amenity of the area.

2. No development to be commenced until further details of the proposed patio garden surface and boundary markers are submitted to, and approved in writing by, the Planning Authority. Once approved, the development then to be completed in accordance with the approved details.

Reason: To preserve the character of the property and the visual amenity of the area.

3. No development to be commenced until a scheme of flood mitigation measures is submitted to, and approved in writing by, the Planning Authority. This should include use of flood resilient materials and membership of any relevant flood warning scheme. Once approved, the development then to be implemented in accordance with the approved scheme.

Reason: To minimise the impacts of flood risk on the property and occupants.

## **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 March 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**

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**Local Review Reference:** 19/00003/RREF

**Planning Application Reference:** 18/01462/FUL

**Development Proposal:** Replacement windows

**Location:** Sunnybrae, Midlem

**Applicant:** Mrs Joan McKay

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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 replacement windows to a dwellinghouse. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	
Elevations	27205 PL01
Window Schedule	
Window Section	
Photographs X 5	

**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 18 March 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 Officer's Report and e) List of Policies,

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

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan Policies: PMD1, PMD2 and EP9

Other Material Considerations

- SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015

The Review Body noted that the proposal was for planning permission to replace windows to a dwellinghouse at Sunnybrae, Midlem. Members noted that the property was located within Midlem Conservation Area and the southern elevation was within the Prime Frontage part of the Conservation Area, as defined in the Replacement Windows and Doors SPG. Members considered that whilst there should be full regard to the prevailing window types and materials in this part of the Conservation Area and that the normal expectation would be for timber, they noted that the SPG did not prohibit the use of uPVC provided the design of the replacement units was closely matching and there was justification in terms of surrounding window types. They also considered that the use of modern window materials in general would be of benefit in terms of energy efficiency and maintenance.

After considering the information submitted with the Review, including a sample of the woodgrain effect uPVC, Members felt that the proposals were a close match for the existing timber sash and case and that there was sufficient variety in surrounding window types, pattern and materials, to enable them to consider that the specific uPVC finish was acceptable in this instance, subject to agreement on the actual design detail of the windows.

The Review Body went on to discuss the design details and noted, in particular, that the proposed dormer window pattern did not replicate the existing two over two pattern and that there was insufficient information on the frame or astragal thickness and profile of all windows. However, they considered these matters could be agreed by condition to ensure that the finished windows were as close a match as possible to the timber units they were replacing. They had no issue with the replacement casement units to the rear kitchen window, given the concealed nature of the location.

## **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 further details of the window frames, externally visible frame thickness and external astragals are submitted to, and approved in writing by, the Planning Authority. The development then to proceed in accordance with the approved details.  
Reason: To protect the character of the property and the visual amenity of Midlem Conservation Area.
2. Notwithstanding what is shown on the approved Window Schedule, no development to be commenced until further details of the astragal pattern within the front dormers, which should replicate the existing, are submitted to, and approved in writing by, the Planning Authority. The development then to proceed in accordance with the approved details.  
Reason: To protect the character of the property and the visual amenity of Midlem Conservation Area.

## **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 March 2019

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**APPENDIX III**

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

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

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

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**Local Review Reference:** 19/00004/RREF

**Planning Application Reference:** 18/00723/FUL

**Development Proposal:** Change of use to joiner's workshop and showroom, caravan repairs and sales, car valet, retail and siting of catering unit

**Location:** Bruce Motors, Redburn Garage, Peebles Road, Galashiels

**Applicant:** D Howard

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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 and informatives as set out below.

**DEVELOPMENT PROPOSAL**

The application relates to change of use to joiner's workshop and showroom, caravan repairs and sales, car valet, retail and siting of catering unit. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Block Plan	1
Block Plan	2
Designation of Units	

**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 18 March 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 Officer's Report; e) Consultations; and f) List of Policies, the Review Body proceeded to consider the Review. They noted the applicant's suggestion for further written submissions, a hearing and site visit but did not consider these necessary after viewing photographs and plans of the site and surroundings.

## **REASONING**

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD1, PMD2, PMD4, PMD5, ED2, ED3, ED7, HD3, EP6, EP16, IS7, IS9 and IS13 and EP9

### Other Material Considerations

- SBC Supplementary Planning Guidance on Privacy and Sunlight 2011
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Countryside Around Towns 2011
- Snack Bar Operations Guidance Booklet

The Review Body noted that the proposal was for planning permission for change of use to joiner's workshop and showroom, caravan repairs and sales, car valet, retail and siting of catering unit. Members noted that all works had been carried out and that the application was retrospective.

Members attached weight to the previous car sales and repair use of the site and felt that the business use of the site had been established. They noted that there were five different uses occupying the site and were of the opinion that the uses were dependent upon, and mutually beneficial to, each other. The Review Body felt that refusing one or two of the uses could affect the viability of the overall mix and balance of uses on the site.

They noted that the uses were in a prominent roadside location whereby passing trade was attracted and that the mix of businesses were not inappropriate in this location, within the settlement boundary of Galashiels. They ultimately considered that there was little significant difference between the previous business use of the site and the current business uses and that it would have been challenging to have found a more suitable location for the mix of uses within existing industrial areas. They also felt that the retailing element was providing sales of bulkier items which were more suitable to be displayed and sold from such premises than in town centres or High Street locations.

The Review Body did express concerns over the visual impact of the disparate uses under Policy PMD2 and, in particular, the retailing and car wash uses, given the position of the site upon the entrance into Galashiels. They noted the impacts of the various sales items and the apparent diverse range of containers and structures required for the car wash element of the business. Whilst they accepted that screening of such uses was not realistic and, indeed, would be counter-productive to the operation of the uses, they still considered that some rationalisation and consolidation of structures and areas for sales items would need to be controlled using appropriate conditions, both to minimise visual impact but also to ensure clarity of forecourt and parking use.

The Review Body considered other issues raised by consultees but concluded that suitable planning conditions could control these matters, including road signage. Given the current operation of the uses and the retrospective nature of the application, Members agreed that a six month time period be generally included for satisfactory conclusion of all conditions requiring agreement of further details, in order to secure the necessary requirements.

## CONCLUSION

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

## CONDITIONS

1. Unless otherwise agreed in writing by the Planning Authority, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. All uses shall then operate in accordance with the mitigation identified in the scheme, following approval of the scheme in writing by the Planning Authority and implementation of the mitigation measures, no later than six months from the date of the consent.

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

a) desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Planning Authority prior to addressing parts b, c, d, and, e of this condition.  
and thereafter

b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its use (this shall include a method statement, programme of works, and proposed validation plan).

d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to the satisfaction of the Planning Authority.

e) Submission, if necessary, of monitoring statements at periods to be agreed with the Planning Authority for such time period as is considered appropriate by the Authority. Written confirmation from the Planning Authority, that the scheme has been implemented, completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer within six months of the date of this consent. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Planning Authority.

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

2. Full details of all water and drainage provision, including demonstration of compliance with relevant SEPA Guidance on car wash drainage, to be submitted to, and approved in writing by, the Planning Authority and then implemented in accordance with the approved details, all within six months of the date of this consent.

Reason: To ensure that the site is adequately serviced and to protect the water environment.

3. A directional sign for visitors entering the premises at the easternmost access to be submitted to, and approved in writing by, the Planning Authority, and then erected in accordance with the approved details, all within six months of the date of this consent. The sign then to be retained in perpetuity.  
Reason: To ensure that vehicles associated with the development hereby approved do not interfere with the free flow of traffic on the adjacent A72.
4. A plan detailing the area set aside for car parking in association with the catering unit, retail sales and car wash uses to be submitted to, and approved in writing by, the Planning Authority and the area then made available for car parking, all within six months of the date of this consent. The car parking area then to be maintained obstruction-free and available for car parking in perpetuity.  
Reason: To ensure that vehicles associated with the development hereby approved can be adequately accommodated on site and do not interfere with the free flow of traffic on the adjacent A72.
5. A plan detailing the containers/structures and area set aside for retail sales to be submitted to, and approved in writing by, the Planning Authority, all within six months of the date of this consent. All sales items then restricted to the approved containers/structures and area in perpetuity following approval.  
Reason: To safeguard the visual amenity of the area.
6. A plan detailing waste storage provision for all uses to be submitted to, and approved in writing by, the Planning Authority, and then implemented in accordance with the approved details, all within six months of the date of this consent.  
Reason: To safeguard the visual amenity of the area.
7. A plan detailing all structures and storage containers for all uses, including how such structures and storage containers will be rationalised or reduced in numbers, to be submitted to, and approved in writing by, the Planning Authority, all within six months of the date of this consent. All structures and storage containers then to be sited in accordance with the approved details within six months of the date of the consent and retained thereafter for the duration of the consent.  
Reason: To safeguard the visual amenity of the area.
8. Permission is hereby granted for a period of three years for all containers and storage structures on the site (including the catering unit) and, unless permission is sought and obtained for the retention of the containers and structures, all to be removed from the site upon expiry of the three year period.  
Reason: To safeguard the visual amenity of the area.
9. A scheme for ventilation and odour control in respect of the catering unit shall be submitted to and approved in writing by the Planning Authority, and the use of the premises for catering purposes shall then operate fully in accordance with the provisions of the approved scheme, all within six months of the date of this consent. Thereafter, the ventilation and odour control equipment so required shall be maintained in accordance with the approved scheme throughout the duration of the consented use.  
Reason: To ensure that the proposed ventilation/extraction system is of a specification that protects neighbouring amenity and is capable of being implemented and maintained during the period of the consented use.
10. The external colour of the catering unit to be changed in accordance with a colour agreed by the Planning Authority within six months of the date of this consent and then maintained in the agreed colour for the duration of the consent for the catering unit.  
Reason: To safeguard the visual amenity of the area.

11. Full details of the hours and days of operation of the catering unit to be submitted to, and approved in writing by, the Planning Authority within six months of the date of this consent and then operated in accordance with the agreed details for the duration of the consent of the catering unit.  
Reason: To safeguard the residential and visual amenity of the area.
12. Any noise emitted by plant and machinery used in connection with the development shall not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2  
Reason: To protect the residential amenity of nearby occupiers.
13. A scheme of air quality preservation and dust emission control for the joiner's workshop to be submitted to, and approved in writing by, the Planning Authority within six months of the date of this consent and then operated in accordance with the agreed details for the duration of the use of the premises.  
Reason: To safeguard the residential amenity of the area.
14. The joiner's workshop shown as Number 3 on the Designation of Units approved plan to be operated within Use Class 5 of The Town and Country Planning (Use Classes) (Scotland) Order 1997 and any subsequent Amendment Order, any retailing element remaining ancillary to the main use at all times.  
Reason: To ensure that the use is operated in accordance with the approval.

## INFORMATIVES

### 1. Ventilation and Odour Control

In order to discharge Condition 9 the applicant will need to provide information as specified in DEFRA Guide: *Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems*, January 2005 schedule B. If you have any questions in relation to this please contact an Environmental Health Officer.

#### Flue Height

The discharge stack shall discharge the extracted air not less than 1 metre above the roof ridge, or at chimney height, of any building within 20 metres of the building housing the commercial kitchen.

If 1 cannot be complied with (e.g. due to ownership or structural constraints), then the extracted air shall be discharged not less than 1 metre above the roof eaves or any skylight/dormer windows of the building housing the commercial kitchen. If this is the case, then additional odour control measures may be required.

If 1 or 2 cannot be complied with, then a high level of odour control will be required.

The stack should also be positioned as far as possible from the nearest residential accommodation, and a stack discharging into a semi-enclosed area, such as a courtyard or the area between back additions, should always try to be avoided.

### 2. Food Premises Registration

The premises will need to be registered with the Council before commencing operations. In order to ensure that the layout of the premises complies with the registration requirements

the applicant should contact an Environmental Health Officer as the earliest stage possible. This can be done by calling 0300 100 1800 or emailing [PLACEhealth@scotborders.gov.uk](mailto:PLACEhealth@scotborders.gov.uk)

3. In relation to Condition 14, ancillary retail would be restricted to any retailing use directly linked to the existing joiner's workshop use and comprising of no more than 10% of the total floor area.

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:

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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 March 2019

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**APPENDIX IV**

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

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

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

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**Local Review Reference:** 18/00040/RREF

**Planning Application Reference:** 18/01229/FUL

**Development Proposal:** 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

**Location:** Storage Units, Farknowes, Langshaw Road, Galashiels

**Applicant:** Wilson G Jamieson

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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 and informatives as set out below.

**DEVELOPMENT PROPOSAL**

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

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	
Elevations/Floor Plan	01 E

**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 18 February 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 Officer's Report e) Consultations; f) Objection; and g) List of Policies, the Review Body considered the Review. After discussion, Members felt that as this was a complex site, they would wish to carry out an unaccompanied site visit before reaching a decision. They noted that the applicant had also suggested further procedure in the form of a site visit.

The Review Body reconvened to consider the Review, following the site visit, at its meeting on 18 March 2019. After re-examining the review documentation at that meeting 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, ED2, ED7, EP1, EP6, EP16, HD3, IS7, IS9 and IS12

### **Other Material Considerations**

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Countryside Around Towns 2011

The Review Body noted that the proposal was for planning permission to construct an 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 Farknowes, Langshaw Road, Galashiels.

The Review Body noted that there was already an established business at the site and that there was a demonstrated demand for small storage and industrial units in this location. Whilst they accepted that the site was outside the Galashiels settlement boundary and within countryside, compliance with Policies ED7 and EP6 had to be assessed in relation to the significantly changing nature of the location where new housing development and the Council recycling facilities were nearby and had changed the rural character of the location. Given this and the fact that the site was still close to Galashiels, Members felt that the relevant policies were complied with and that the units could meet a proven demand for small workshop and storage uses, thereby expanding an existing successful business. The Review Body also noted the demand for the dog daycare facility and considered the site suitable for such a use, being away from residential properties but still close to the town for access.

The location of the site on the edge of Galashiels and the amount of development in the vicinity also influenced Members' consideration of the visual impact of the proposals. Whilst they noted the location and views, protected by Policy EP6 in particular and highlighted during the site visit, they also felt that the design of the extension was in keeping with the steel clad

agricultural buildings in the vicinity and that conditions could control the visible impact further, including planting, fencing and materials. There was some concern over the two storey element of the building extension but, ultimately and with reference to their observations on the site visit, Members considered that reducing it to single storey would cause difficulties with the roof alignment and was not wholly justified in any case, given that this element was of a similar height to the main existing building to the north of the site.

The Review Body then considered the issue of Policy PMD1 and the questions of sustainability of the units in the proposed location. However, they concluded that due to the location close to Galashiels, the existing traffic usage of the road leading to the site and subject to adequate parking being controlled by condition, there was no reason to oppose the proposals on sustainability grounds. They questioned the issue of toilet facilities on site but noted that this would be a matter for the building regulations to address.

The Review Body finally considered other matters, including waste storage, servicing and management of the dog daycare facility, but felt that these could be adequately addressed by appropriate conditions.

## **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 plan detailing an area for staff and visitor parking for the development is submitted to, and approved in writing by, the Planning Authority. The approved parking area then to be provided in accordance with the approved details before the first unit is occupied and maintained for parking thereafter in perpetuity.  
Reason: In the interests of road safety.
2. No development to be commenced until a plan detailing fencing for the dog exercise area and boundary screen planting for the whole development is submitted to, and approved in writing by, the Planning Authority. The approved fencing then to be completed in accordance with the approved details before first use of the dog exercise area, and the planting either concurrently with the development or no later than the next available planting season following occupation of the first unit. The planting and fencing then to be maintained thereafter in perpetuity.  
Reason: To safeguard the visual amenity of the area and in the interests of public safety.
3. No development to be commenced until all external materials for the building extension are submitted to, and approved in writing by, the Planning Authority. The extension then to be constructed in accordance with the approved materials.  
Reason: To safeguard the visual amenity of the area.

4. No development to be commenced until further details of waste storage provision for the development are submitted to, and approved in writing by, the Planning Authority. Waste storage then to be provided in accordance with the approved details before the first unit is occupied and maintained on the site thereafter in perpetuity.  
Reason: To ensure the site is provided with adequate waste storage facilities and to safeguard the amenity of the area.
5. No development to be commenced until further details of the water supply and foul/surface water drainage are submitted to, and approved in writing by, the Planning Authority. The development then to be implemented in accordance with the approved details before the first unit is occupied.  
Reason: To ensure the site is adequately serviced and to protect the water environment.
6. A plan for the management, control and operation of the dog daycare facility (including relationship with other uses on site and mitigation of potential nuisances such as noise, odour, flies, waste and other pests) should be submitted to and approved in writing by the Planning Authority. Thereafter the approved management plan shall be implemented and fully complied with as part of the development.  
Reason: To ensure that the operation of the dog daycare facility has no unacceptable impacts upon the amenity of adjoining uses, the surrounding area or upon the amenity of any neighbouring residential properties.

## **INFORMATIVES**

1. Please note that the development may be within the vicinity of a gas pipeline and the following advice is given from Scotland Gas Networks

Our gas pipe locations are now available online at [linesearchbeforeudig.co.uk](http://linesearchbeforeudig.co.uk). Not only can you access information about the location of our gas pipes in your proposed work area, but you can also search for information on other utility companies' assets at the same time. All requests for maps and plant location information must now be submitted through this online service, and your email has not been processed.

Please visit [sgn.co.uk/](http://sgn.co.uk/) for safety information and links to [linesearchbeforeudig.co.uk/](http://linesearchbeforeudig.co.uk/), where you can register for our online service and view our gas pipe locations. Our online service is not currently available in Northern Ireland. If you have emailed us about plant location or maps for Northern Ireland, we will respond to your email within 15 working days.

If you have any questions about our new plant location online service, please contact us on 0800 912 1722 or if you have any system queries contact Linesearch on 0845 437 7365

2. Under the Animal Boarding Establishments Act 1963, anyone wanting to board animals commercially must obtain a licence from their local council. The Act requires councils to ensure the business observes certain conditions regarding the suitability of the accommodation provided and the welfare of the animals boarded. At the present time, dog day care facilities within Scottish Borders Council area are not required to hold a licence under the Animal Boarding Establishments Act 1963. However Environmental Health advises the applicant to have regard for guidance issued by the Royal Institute of Environmental Health on dog day boarding to ensure minimum standards of welfare facilities are provided.

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.

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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.

**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 March 2019

...

# SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the HAWICK  
COMMON GOOD FUND SUB-COMMITTEE  
held in Lesser Hall, Town Hall, Hawick on  
Tuesday, 19 March 2019 at 4.00 pm

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

In Attendance:- Estates Strategy Surveyor (N Curtis), Treasury Business Partner (S  
Halliday), Managing Solicitor (R Kirk), Property Officer (F Scott), Democratic  
Services Officer (J Turnbull)

## 1. **WELCOME**

The Chairman welcomed everyone to the meeting and introduced Mr Graham Marshall, Hawick Community Council's representative on the Sub-Committee and Ms Sara Halliday, Scottish Borders Council's Treasury Business Partner.

### **DECISION**

**NOTED the appointment of Mr Graham Marshall as Hawick Community Council's representative on the Sub-Committee.**

## 2. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 11 December 2018.

### **DECISION**

**AGREED to approve the Minute of the Meeting held on 11 December 2018.**

## 3. **MATTERS ARISING FROM THE MINUTE**

### **Heads Together**

With reference to paragraph 3.1 of the Minute of 11 December 2018, the Chairman advised that Heads Together had secured funding to purchase their premises at Dovemount Place, where the charity was based.

### **DECISION**

**NOTED.**

## 4. **HAWICK FLOOD PROTECTION SCHEME**

4.1 The Chairman welcomed Conor Price, Senior Project Manager, CPE Consultancy, and Steven Vint, Design Manager, Jacobs, who were in attendance to give updates on the Hawick Flood Protection Scheme, Community Timber Project and Common Haugh Car Park design.

4.2 Mr Price began by explaining that the aim of the Hawick Flood Protection Scheme was to reduce flood risk, enhance the environment and assist communities. He outlined the timeline for the project, explaining that over the past 18 months there had been extensive community engagement, which would culminate on 27 March when the finalised design would be presented to the public. The programme had been adjusted slightly, which had meant a six month delay. However, this would ensure the delivery of an enhanced project for Hawick, not only in relation to the flood protection scheme but in partnership with:

Transport Scotland regarding the Flood Wall at Commercial Road; Scottish Water with the delivery of a large pumping station within sewage treatment works at Mansfield Road; Sustrans in relation to a sustainable travel superhighway; and, SNH Green Infrastructural Fund. The next stage was on 31 May when tenders would be invited, this would conclude in November when a construction programme would be presented to the town. The project would commence in January 2020 with completion scheduled for December 2022. Throughout the programme, there would be engagement with the community to mitigate project risks. In response to questions, Mr Price advised that with regard to traffic management, he would attend a meeting of Burnfoot Community Council and clarify the proposals. With regard to the Scheme in relation to Hawick Common Good land, Mr Price would liaise with officers and circulate a plan identifying the works in relation to land in the ownership of Hawick Common Good.

- 4.3 Mr Price then gave an update on the Community Timber Project explaining that Phase one was ongoing. The remainder of the timber would be offered to the community through a second procurement exercise in the autumn. In response to a question, Mr Price advised that the current phase was timber sourced from Scottish Borders Council land and was being offered for use to Borders-wide community and charitable groups. The second phase, later this year, would be trees felled from Hawick Common Good land and applications would be restricted to constituted community and charitable groups from the Teviot and Liddesdale area. Mr Price also noted the concern that the application form was too complex and would feedback to the appropriate officers.
- 4.4 Steven Vint then updated on the suggested proposals for the Common Haugh Car Park. The design, which had followed community vision works, focused on the optimum layout for safety, particularly in relation to school transport. Mr Vint explained that 330 car parking spaces had been retained which included parking for disabled vehicles and electric vehicles. The orientation of the car park would align east to west, with one way circulation, improved signage, lighting and drainage, and a dedicated footway. During the construction stage, a minimum of 200 spaces would remain, any damage during construction would be repaired but there was no commitment to resurface the car park. The new layout also retained the eight campervan spaces – the same number as presently existed. Following discussion, Mr Vint provided clarification, in response to questions. Regarding extension of CCTV, he explained that this would require additional funding.

**DECISION  
NOTED.**

**5. APPLICATIONS FOR FINANCIAL ASSISTANCE**

**5.1 Future Hawick**

There had been circulated copies of an application for financial assistance from Future Hawick requesting £5,000.00 to cover the cost of employment of Hawick Welcome hosts. The Chairman of Future Hawick was in attendance and advised that the organisation faced extra challenges this year with the closure of the Visit Scotland centre and difficulties booking premises for fundraising events. The Sub-Committee congratulated Future Hawick on the success of the project and agreed to award funding of £5,000.00 for the employment of hosts.

**DECISION**

**AGREED to award a grant of £5,000.00 to Future Hawick for the cost of employment of Hawick Welcome hosts.**

**5.2 Future Hawick - Town of the Horse**

There had been circulated copies of an application for financial assistance from Future Hawick (Town of the Horse) requesting £2,000.00 towards a feasibility study for the redevelopment of Hawick Moor.

**DECISION**

**AGREED to award £2,000.00 towards a feasibility study for the redevelopment of Hawick Moor.**

**6. APPLICATION FOR USE OF THE COMMON HAUGH  
Big Kid Circus**

There had been circulated copies of an application from the Big Kid Circus requesting permission for use of the Common Haugh from 21 July to 24 July 2019 to hold a commercial circus. The Sub-Committee agreed the request on the condition that any damage incurred was repaired following the event.

**DECISION**

**AGREED to grant a lease to the Big Kid Circus for use of the Common Haugh from 21 July to 24 July 2019.**

**7. WILLIESTRUTHER LOCH - BOARDWALK**

There had been circulated copies of a letter from Hawick Community Council advising that Hawick Community Council had secured funding to provide a boardwalk around Williestruther Loch. However, the Community Council had not appreciated the necessity for ongoing maintenance work and insurance cover for the boardwalk. Hawick Community Council were therefore offering to gift the boardwalk to Hawick Common Good Fund Sub-Committee in order that future maintenance work and insurance would continue. Members discussed the request and asked that Hawick Community Council provide an indication of the annual costs for maintenance and insurance of the boardwalk. The Managing Solicitor would advise on the terms of agreement for the land.

**DECISION**

**AGREED that the Hawick Community Council's proposal be considered at the next meeting when further information would be provided.**

**8. MONITORING REPORT FOR NINE 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 Hawick Good Fund Sub-Committee 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. Appendix 1 to the report provided the projected income and expenditure position and showed a projected surplus of £12,514.00. Appendix 2 showed a projected decrease in reserves of £27,077.00. 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, in response to a question regarding the Fund's performance, Ms Halliday advised that the unrealised loss was due to continued volatility in investment markets. In response to a question regarding the ownership of Wilton Lodge Park, Mr Kirk advised that he would investigate outwith the meeting.

**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 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.**

**9. JAMES WILSON STATUE**

With reference to paragraph 7 of the Minute of 11 December 2018, the Property Officer, Frank Scott, advised that Live Borders had agreed to placement of the James Wilson Statute at the Heritage Hub. However, unfortunately, the previously agreed location was not suitable. The Heritage Hub had suggested, as an alternative, that the statue be positioned at the side of the building under the canopy. Mr Scott circulated photograph of the site, for information and advised that the relocation would cost in the region of £1,565.00. Following discussion, the Sub-Committee, noting that there was CCTV at the location, agreed that the statue be moved to the alternative position, under the canopy. Once relocated, the previously agreed repairs to the statue would be carried out.

#### **DECISION**

##### **AGREED:**

(a) **to request that the Property Officer arrange for the relocation of the James Wilson Statute to the side of the Heritage Hub; and**

(b) **once relocated the repairs to the statue be completed.**

#### 10. **HAWICK BURGH WOODLANDS**

With reference to paragraph 13 of the Private Minute of the 11 December 2018, Mr Curtis advised that the contractors would be liaising with Hawick Golf Club regarding extraction of the timber.

#### **DECISION**

**NOTED the update on Hawick Burgh Woodlands.**

#### 11. **PRIVATE BUSINESS**

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

### **SUMMARY OF PRIVATE BUSINESS**

#### 12. **HAWICK GOLF CLUB**

The Sub-Committee received an update on the Golf Club's business plan.

#### 13. **PRIVATE MINUTE**

Members approved the Private Minute of the Hawick Common Good Fund Sub-Committee held on 11 December 2018.

#### 14. **PROPOSED SERVITUDE OVER PILMUIR FARM AND ST LEONARD'S HORSE GALLOP**

The Sub-Committee received copies of a report by the Service Director Assets & Infrastructure.

#### 15. **ST LEONARDS STEADING AND BUILDINGS**

The Sub-Committee received copies of a report by the Service Director Assets & Infrastructure and made a recommendation to Council.

### **PUBLIC BUSINESS**

#### 16. **DATE OF NEXT MEETING**

The next meeting of the Hawick Common Good Fund Sub Committee was scheduled to be held on Tuesday, 28 May 2019 at 4.00 pm.

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

# 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 March 2019 at 10.30 a.m.

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

## 1.0 **MINUTE**

The Minute of the Meeting of 22 February 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 13 February 2019 and 12 March 2019.

### **DECISION**

**NOTED.**

## 3.0 **HOUSING (SCOTLAND) ACT 2014: LICENSING OF RESIDENTIAL CARAVAN SITES**

Mr Kirk explained that a report would be considered at the Council Meeting on 28 March 2019, which recommended that the Council agree to charge a fee of £600 in respect of processing first site licence applications and for a licence renewal for caravan sites with permanent residents with immediate effect. The report was to consider fees for caravan sites following changes to legislation with respect to a licensing system for mobile home sites with permanent residents. The Caravan Site and Control of Development Act 1960 ("the 1960 Act") required those wishing to use land as a caravan site to be licensed. Previous caravan site licences were granted in perpetuity and under the new system a site licence for sites with permanent residents runs for five years from the date the licence comes into operation. The local authority must renew the licence if planning permission was in place and the licence holder passes the fit and proper person test. Holiday sites were unaffected and remained in perpetuity or until planning permission expired. It was a function of the Council's Civic Government Licensing Committee to licence such sites. Scottish Government research found residents and local authorities had experienced problems with maintenance, security and safety standards on sites and issues around intimidation, abusive behaviour, vandalism and violence or damage to property. A new licensing system for mobile homes in terms of the 2014 Act commenced on 1 May 2017 and Holders of a current licence under the 1960 Act would require to apply for a new licence by 1 May 2019.

### **DECISION**

**NOTED the terms of the report.**

**4.0 PRIVATE BUSINESS  
DECISION**

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

**SUMMARY OF PRIVATE BUSINESS**

**5.0 LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS  
Hearings to consider grant of Taxi Driver Licences**

There had been circulated copies of an application for the grant of a Taxi Driver Licence together with a letter of representation dated 18 February 2019 from Police Scotland. The Applicant was present at the meeting. After hearing both parties, the Committee agreed that the Taxi Driver Licence be granted.

- 6.0 There had been circulated copies of an application for the grant of a Taxi Driver Licence together with a letter of objection dated 1 March 2019 from Police Scotland. Although cited to attend, the Applicant had contacted licensing officers and had asked if consideration of his application could be continued to the next meeting in order to give him the opportunity to obtain legal representation. The Committee agreed that the application for the grant of a Taxi Driver Licence be continued to the next meeting to allow the applicant the opportunity to obtain legal representation.

**7.0 REGISTRATION OF PRIVATE SECTOR LANDLORDS**

With reference to paragraph 7 of the Minute of 22 February 2019, there had been circulated copies of an updated report by the Service Director Regulatory Services together with a copy of the Police Disclosure and further written information received from the Applicants Agent, Murray Beith and Murray. The Applicant was present at the meeting together with his solicitor. After hearing both parties, the Committee agreed that the registration be granted.

**8.0 LICENSING OF DOG BREEDERS**

There had been circulated copies of an application for the Renewal of a Dog Breeding Licence together with a letter of representation dated 29 November 2018 from Police Scotland, a report from a Veterinary Surgeon, a report from the Principal Animal Control Officer and a timeline of events. The Applicant was present at the meeting together with her Son. The Applicant advised the Committee that she wished to withdraw her application.

**9.0 MINUTE**

The Private section of the Minute of 22 February 2019 was approved.

*The meeting concluded at 11.20 a.m.*

**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, 25 March 2019 at 10.00  
a.m.

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

1. **MINUTE**

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

**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) **An Appeal had been received in respect of replacement windows at The Honey House, The Row, Longformacus – 18/01627/LBC;**

(b) **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**

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

- (i) Variation of condition 4 of planning permission 16/00753/FUL to reinstate 2 no. windows in lieu of air conditioning at Deans Bar, 3 Orrock Place, Hawick – 17/01368/FUL;**
- (ii) Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure – 18/00681/FUL;**
- (iii) Erection of dwellinghouse with detached garage on Plot 3 Land North East of The Old Church, Lamberton – 18/00961/FUL**

**(d) there remained five reviews outstanding in respect of:-**

<ul style="list-style-type: none"><li>• Storage Units, Farknowes, Langshaw Road, Galashiels</li></ul>	<ul style="list-style-type: none"><li>• Bruce Motors Redburn Garage, Peebles Road, Galashiels</li></ul>
<ul style="list-style-type: none"><li>• Land East of Rose Cottage, Maxwell Street, Innerleithen</li></ul>	<ul style="list-style-type: none"><li>• Mansfield Bar, 16 Mansfield Road, Hawick</li></ul>
<ul style="list-style-type: none"><li>• Sunnybrae, Midlem, Selkirk</li></ul>	

*The meeting concluded at 10.50 a.m.*

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

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
18/01661/FUL	Variation of condition 1 of planning consent 09/01043/FUL to extend the commencement time period	Chapel, Brothers of Charity St Aidans Gattonside Melrose

Decision: Approved subject to the following conditions, informatives and a new Section 75 Agreement:

**CONDITIONS**

1. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority. The phasing scheme shall include the conversion of Gattonside House, all new build works, all accesses, roads, parking areas, paths and path links, cycle storage, play area and water and drainage services  
Reason: To ensure that the development of the site proceeds in an orderly manner, that does not undermine the character and setting of the Listed Building.
2. No development shall commence until a survey identifying trees to be removed and retained, and a constraints and root protection area plan, for trees located to the east and south of Plot 35 is submitted to and approved in writing by the Planning Authority. No trees within the grouping shall be removed unless with the written approval of the Planning Authority and those to be retained shall be protected with fencing during the construction works in accordance with BS5837  
Reason: To establish the risk to trees not identified on the original tree survey and constraints/protection plans
3. Aside from any additional trees to be removed under Condition 2, only those trees identified on drawing 1722/04 shall be removed, with the exception of trees 47 and 52 which shall be retained, unless prior written approval is granted by the Planning Authority. All trees to be retained shall be protected with fencing in accordance with BS5837 and all works within root protection areas shall be subject to specifications to be first agreed with the Planning Authority  
Reason: To ensure only those trees identified for removal are removed and that remaining trees which contribute to the landscape setting and character of the site are retained
4. Notwithstanding drawing 1722/01, no development shall commence until a revised and expanded landscape plan to 1:200 or 1:500 scale is submitted to and approved in writing by the Planning Authority. The plan shall include details of tree, shrub and hedge planting and landscaping including location and a schedule including sizes, species and numbers/density and an implementation scheme. The scheme shall include a full maintenance programme for all planting, landscaping and open space areas throughout the site, including the low lying land to the south, specifying short term (including replacements for felled planting) and long term maintenance (including identification of responsibilities for maintenance)  
Reason: Revisions to the planting and landscaping scheme submitted with the application are considered necessary to ensure that the development is sympathetic to the landscaping setting and character of the site
5. No development shall commence until details of all proposed finished floor and ground levels throughout the application site, including revised ground levels on Plots 25 and 26, and sections

through Plots 27, 28 and 35 have first been submitted to and approved in writing by the Planning Authority and once approved the development shall be carried out in accordance with the approved details

Reason: To ensure that alterations to ground levels and finished floor levels are sympathetic to the landscaping setting and character of the site

6. No development shall commence until, and notwithstanding the location and layout of the SUDs basin on the approved layout, a revised scheme is first submitted to and approved in writing by the Planning Authority and, once approved, the works shall proceed only in accordance with the approved revised scheme

Reason: In order to minimise excavation required to accommodate the SUDs basin and, therefore, minimise its visual impact

7. All boundary walls and hedges shall be retained with the exception of those specified for removal to provide accesses in accordance with the approved site layout, unless otherwise approved in writing by the Planning Authority under the terms of any other planning condition on this consent. All new boundary walls and fences shall be subject to the prior approval of the Planning Authority regarding route, design, height, materials and colours

Reason: To retain walls and hedges which contribute to the character and setting of the site and ensure that new walls or fences are sympathetic to the character and appearance of the Conservation Area

8. No development shall commence until a detailed plan and specification (including dimensions, design, construction and surfacing specifications as appropriate) for: the new vehicular access north of Gattonside House, including details of wall alterations and new gatepiers; improvements to the existing access from the B6360; a pedestrian access north of plots 39-42 (including location); a minor vehicular access onto Bakers Road; cycle storage provision; and, street lighting throughout the application site, has first been submitted to and approved in writing by the Planning Authority and, once approved, the works shall be implemented in accordance with the approved details and specifications in order of the phasing scheme agreed under Condition 1.

Reason: Further information is required on all access works, and lighting of the road network, to safeguard road and pedestrian safety in a manner which is sympathetic to the landscaping setting and character of the site

9. Notwithstanding drawing 1722/01, a revised surfacing specification for the road network within the site, and for the path from Gattonside House along its entire route to the east, shall first be submitted to and approved in writing by the Planning Authority and, once approved, the works shall only be carried out in accordance with the approved specification. Samples of all road, parking and path materials throughout the application site shall be submitted for the prior approval of the Planning Authority

Reason: In the interests of securing a surfacing specification which is sympathetic to the character of the site and encourages safe pedestrian movement

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order), there shall be no further building, structure, hard surface or enclosure placed on plots 25-27, 35 or 39-44 (inclusive) unless an application for planning permission in that behalf has first been submitted to and approved in writing by the Planning Authority.

Reason: The Planning Authority considers that any further development could prejudice a satisfactory layout and could have a harmful effect upon the character and appearance of the Conservation Area

11. Plot 1 shall not incorporate a first floor window on its northern gable facing Plot 2

Reason: To ensure a satisfactory relationship between the two dwellinghouses

12. All single garages and carports identified on the approved layout shall be subject to the prior approval of the Planning Authority in terms of designs, dimensions and materials  
Reason: Further information on these elements of the development are required in order to ensure they will have a sympathetic visual impact
13. Notwithstanding the description of the materials and external colours in the application, no development shall commence until precise details of the materials and colours to be used in the construction of the external walls and roofs of the buildings, and a design specification for all windows and doors, 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 and colours require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
14. No development shall commence until a specification for the play area, including equipment, boundary treatment, levels, and a future maintenance programme has first been submitted to and approved in writing by the Planning Authority and once approved the works shall be implemented in accordance with a phasing scheme approved under Condition 1 and maintained thereafter in accordance with the approved maintenance programme  
Reason: To ensure the adequate provision and maintenance of play facilities within the site
15. No development shall commence until a scheme of road safety measures has first been submitted to and approved in writing by the Planning Authority. The road safety measures shall include traffic calming on the B6360; improvements to the Lowood Bridge junction; improvements to off-site pedestrian links and public transport facilities; improvements to Baker's Road; the means of closing off the West Lodge access to the development; and, an implementation programme for all works. Once approved, the works shall be carried out in accordance with the approved scheme and implementation programme.  
Reason: To minimise the impact of the development on the surrounding road network, encourage pedestrian movement and public transport use and ensure that access and egress to and from the site is provided only from the approved junctions onto the public road network
16. No development shall commence until the means of water supply and foul drainage is agreed with the Planning Authority. A surface water drainage scheme, for the construction and post-construction period of the development, incorporating the SUDs basin and the future maintenance of the same shall be submitted for the approval of the Planning Authority. The scheme shall include information which demonstrates that it shall accommodate the disposal of surface water in a manner which does not affect the water quality of the River Tweed SSSI/SAC  
Reason: To ensure the development is adequately serviced in a manner which includes the sustainable disposal of surface water which does not adversely affect the SSSI/SAC
17. No development shall commence until a Landscape Habitat Management Plan, including mitigation and enhancement measures identified in the Ecological Impact Assessment, Landscape Plan and Bird Community Assessment, and a 'Badger Friendly' Site Management Plan are first submitted to and approved in writing by the Planning Authority and, once approved, the works shall be carried out in accordance with the approved plan  
Reason: To safeguard nature conservation interests including wildlife habitats
18. No development, including demolitions and alterations to Gattonside House, shall commence until a copy of any European Protected Species licence (bats) that may be required is submitted to and approved in writing by the Planning Authority and the works shall proceed only in accordance with the terms of the licence. If felling or management of trees identified as having potential for bat roosts is required, checking surveys will be required in advance of tree work. Mitigation shall comprise soft-felling of trees, timing of works and provision of a proportionate number of bat boxes and compensatory tree replacement.  
Reason: To safeguard nature conservation interests including wildlife habitats.

19. No works shall commence during the breeding bird season (March-August) without the express written permission of the Planning Authority.  
Reason: To safeguard nature conservation interests including wildlife habitats.
20. No development shall commence until a repeat badger survey is undertaken in accordance with a scheme of details which shall first be submitted to and approved in writing by the Planning Authority. Works shall only proceed in accordance with the agreed measures.  
Reason: To safeguard nature conservation interests including wildlife habitats.
21. No development shall commence until a scheme is submitted to and approved in writing by the Planning Authority which identifies and assesses potential contamination on site. The scheme shall contain details of proposals to investigate and remediate potential contamination. Written confirmation from the Planning Authority that the scheme has been implemented and (if appropriate), monitoring measures are satisfactorily in place, shall be required before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.  
Reason: To ensure potential contamination of the site is adequately addressed
22. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority  
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
23. No development shall commence on the conversion of Gattonside House until further details of the materials and finishes/colours of the proposed external windows (chapel) and of the external door, including design and materials (west elevation), have first been submitted to and approved in writing by the Planning Authority and carried out only in accordance with the approved details. All approved rooflights shall be of 'conservation' specification installed with integral flashings.  
Reason: To safeguard the character and setting of the Listed Building
24. 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:
- a. Development at (Note 1)
  - b. 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.
  - c. The development comprises (Note 5)
  - d. 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. **Relevant scheme:** All conditions above relate to the details of the development and supporting information that was granted planning consent on 11 February 2016, under application reference 09/01043/FUL.
2. SEPA recommend production of a Site Waste Management Plan
3. Conservation Area Consent will be required for demolition of existing buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Scotland Act 1997
4. The Notes required of Condition 24 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.

### Reference

18/00181/LBC  
18/00182/FUL  
18/01286/LBC  
18/01287/FUL

### Nature of Development

Scheme 1 – Internal & External alterations, change of use from hotel and alterations to form 11 flats  
Scheme 2 – Internal and external alterations and conversion of existing building to form 8 flats and Erection of 3 flats

### Location

Castle Venlaw Hotel  
Edinburgh Road  
Peebles

Decision: Approved all four applications, subject to clearance from Scottish Ministers in relation to 18/00181/FUL and the schedule of conditions and informative set out below:

### 18/00181/LBC & 18/01286/LBC

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the planning authority.  
  
Reason: To ensure that the development is carried out in accordance with the approved details.
2. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.  
  
Reason: To comply with the provisions of section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended.
3. The development hereby approved shall be carried out only in strict accordance with details of the materials, finish and colour to be used on the external walls and roof and details of the proposed windows of the proposed extension which shall first have been submitted to and approved in writing by the planning authority. Once approved, the works shall be carried out according to the approved drawings and details.

Reason: To ensure a satisfactory form of development, which safeguards the character of the listed building.

4. No development shall commence until copies of the approved building warrant drawings for the development hereby approved are to be submitted to the planning authority.

Reason: To enable a review of the impact on detailed requirements and whether any additional consents are required and to ensure a satisfactory form of development, which safeguards the character of the listed building.

18/00182/FUL & 18/01287/FUL

1. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a written scheme of investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the planning authority before the commencement of development. Thereafter the developer shall ensure that the programme of archaeological works is implemented fully 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.

2. The development hereby approved shall be carried out only in strict accordance with details of the materials, finish and colour to be used on the external walls and roof and details of the proposed windows of the proposed extension which shall first have been submitted to and approved in writing by the planning authority. Once approved, the works shall be carried out according to the approved drawings and details.

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

3. No development shall take place except in strict accordance with a scheme of details for hard and soft landscaping of all parts of the site not covered by buildings, which shall first have been submitted to and approved in writing by the planning authority. The scheme of details so approved shall include:

1. A scaled plan showing vegetation, including trees, to be retained and planted;
2. proposed hardstanding and boundary treatment;
3. a schedule detailing sizes, numbers and densities of all proposed trees and shrubs
4. sufficient specification to ensure successful establishment and survival of new planting.

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and shall be maintained

thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

5. Only the trees identified on site, in the approved plans and agreed in writing by the planning authority shall be removed.

Reason: The existing trees represent an important visual feature which the planning authority considers should be substantially maintained.

6. A scheme of details to be submitted for approval, which detail improvement works to enhance and add to the current passing provision on the single track public road. Once agreed, the scheme of details will have to be implemented in full prior to occupation of any of the apartments.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of road safety.

7. Parking layout and strategy to be agreed in writing and implemented fully prior to occupation of any of the apartments.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of road safety.

8. Bin storage facilities to be agreed in writing following consultation with the council's Refuse team and implemented prior to occupation of any of the apartments. Should bin storage be accommodated adjacent to the existing building then adequate turning facilities for the refuse vehicles will have to be accommodated.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of road safety.

9. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2. All plant and machinery used on the premises shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the residential amenity of nearby properties from noise disturbance arising from the operation of plant on the site.

10. At least 6 weeks prior to the development commencing, the developer must prepare and submit a construction method statement for approval by the planning authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:

- Hours of operation;
- Vehicle movement;
- Protection and monitoring of private water supplies;
- Noise mitigation/ equipment maintenance;
- Dust – mitigation and management;
- Lighting – prevention of nuisance;

- Complaints procedure/ communication of noisy works to receptors.  
Reason: To protect the amenity of nearby residential properties from disturbance resulting from construction operations.

11. No demolition shall be undertaken during the breeding bird season (March to September inclusive), unless in strict compliance with a Species Protection Plan for breeding birds, that shall be submitted to the planning authority for approval. The SPP shall incorporate provision for mitigation and a pre-development checking survey.

Reason: To limit the potential for adverse impacts on breeding birds, in the interest of biodiversity.

12. No demolition shall take place until a Preliminary Roost Assessment (PRA) is first submitted to and approved in writing by the planning authority. The PRA shall incorporate provision for mitigation and the need for any further bat survey to be carried out. In the event of a further bat survey being required this must be submitted to and approved in writing by the planning authority before demolition commences.

Reason: To limit the potential for adverse impacts on bats, in the interest of biodiversity.

### **Informative**

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

The following are the recommended hours for noisy work

Monday – Friday      0700 – 1900

Saturday              0700 – 1300

Sunday and public holidays – no permitted work (except by prior written agreement with the planning authority).

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.

2. In relation to Condition 12 above, a preliminary roost assessment can be carried out at any time of year and will identify the need for any further bat survey. Presence/absence surveys can only be carried out May-August (low suitability), May-September (moderate-High suitability).

### NOTE

Mr Derek Scott, Agent, spoke in support of the application.

# Public Document Pack

## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 15 April 2019 at 10.00 am

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

Apologies:- Councillors T. Miers and A. Anderson

Also present:- Councillors S. Bell and C. Hamilton.

In Attendance:- Principal Planning Officer – Major Applications/Local Review, Lead Planning Officer (for review 18/00681/FUL. 19/00007/RREF), Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

### **CHAIRMAN**

In the absence of Councillor Miers the meeting was chaired by Councillor S. Hamilton.

#### **1. REVIEW OF 17/01368/FUL**

There had been circulated copies of the request from Mr Mark Deans, 64 Weensland Road, Hawick, to review refusal of the planning application for variation of condition 4 of planning permission 17/01368/FUL to reinstate 2 windows in lieu of air conditioning units at Deans Bar, 3 Orrock Place, Hawick. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in Officer's Report; Consultations; Objection; and a list of policies. Members noted that the application related to two proposals: to allow the installation of two windows (now retrospective) in the rear wall of the function room; and to vary condition 4 of the previous planning permission for the function room, to allow the reinstated windows to serve as the function room's ventilation in lieu of the ventilation system required under that planning consent. Also noted was the objection to the proposals by a neighbour who was concerned that he was subjected to an unacceptable level of noise from the function room exacerbated by the vented windows. Sympathy was expressed with the efforts made by the applicant to meet the requirements of the planning consent in respect of ventilation and noted that there had previously been windows, which had been blocked up, in the same position as those recently installed. With regard to the potential noise impacts of reinstating the windows on the residential amenity of neighbouring properties, Members referred to the difficulty of assessing the situation in view of the conflicting advice provided by experts in the form of the applicant's Noise Assessment Report and the Council's consultants who assessed that report. It was unanimously agreed that the Review Body could not come to a conclusion about the application without further information being provided by way of a hearing session, to which the applicant, Council's Environmental Health Officer and interested party should be invited.

### **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 hearing session;**
- (c) **that the applicant, Council's Environmental Health Officer and interested party be invited to attend a hearing on a date to be arranged to provide information on:**
  - **The case for the reinstated windows providing a means of ventilation as a suitable alternative to the ventilation system required under Condition 4 of planning consent 16/00753/FUL; and**
  - **The noise impacts of reinstating windows into the function room on the residential amenity of neighbouring residential properties.**

## 2. **REVIEW OF 18/00961/FUL**

There had been circulated copies of the request from Mrs Suzanne Currie, per Smith and Garratt Rural Asset Management, The Guildhall, Ladykirk, to review the refusal of the planning application for erection of a dwellinghouse with detached garage on Plot 3, land north east of the Old Church, Lamberton. Included in the supporting papers were the Notice of Review (including the Decision Notice, Officer's Report, HES consultation response, Community Council response, objections); papers referred to in the Officer's Report; consultations; further representations; and a list of policies. Members noted that full planning permission had previously been granted for the erection of a dwellinghouse at the proposed site and that the application under consideration sought approval for alternative siting and design of a house on the same site. The ensuing discussion focussed on the significant changes to the siting, orientation and design of the dwellinghouse and resulting potential impact on its relationship with the existing building group, the setting of the Lamberton Old Church Scheduled Monument, the right of way that crossed the site and the visual amenity of the surrounding area. As Members' opinion was divided on these issues a suggestion was made to hold a site visit.

### VOTE

*Councillor Fullarton, seconded by Councillor Laing, moved that an unaccompanied site visit be held.*

*Councillor Aitchison, seconded by Councillor Ramage, moved as an amendment that the review be determined without a site visit.*

*On a show of hands, Councillors voted as follows:-*

*Motion - 4*  
*Amendment - 3*

*The motion was accordingly carried.*

### **DECISION**

- (a) **AGREED that the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **DECIDED that:-**
  - (i) **the review could not be considered without further procedure in the form of a site visit; and**
  - (ii) **an unaccompanied site visit be carried out on a date to be arranged and consideration of the review be continued to a future meeting.**

3. **REVIEW OF 18/00681/FUL**

There had been circulated copies of the request from Mr and Mrs Ewan McCarthy, per Ferguson Planning, Shiel House, 54 Island Street, Galashiels, to review the refusal of the planning application for erection of a dwellinghouse with detached double garage and artist studio, associated access and infrastructure on site adjacent to No. 9, Caberston Avenue, Walkerburn. The supporting papers included the Notice of Review (including Decision Notice, Officer's report, consultation responses, general comment and objections); Papers referred to in officer's report; and a list of policies. In their initial discussion Members noted that the application site was outwith but adjoining the settlement boundary of Walkerburn as defined in the Local Development Plan. They concluded that the proposal did not meet any of the four exception criteria to justify approval outwith the development boundary but went on to debate whether the site represented a logical infill development opportunity. In this respect they noted the relationship of the site with the adjoining dwelling, Bellenden House. In further discussion they considered the design of the proposed house and the sustainable nature of the development. Particular concern was expressed about the vehicular access and junction with the A Class road and consideration was given as to whether the improvements required could be managed by planning conditions.

**DECISION**

**AGREED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal was not in keeping with the Development Plan but material considerations outweighed this; and**
- (d) **the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions for the reasons detailed in Appendix I to this Minute**

*The meeting concluded at 12.00 pm*

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**APENDIX 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:** 19/00007/RREF

**Planning Application Reference:** 18/00681/FUL

**Development Proposal:** Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure

**Location:** Site Adjacent to 9 Caberston Avenue, Walkerburn

**Applicant:** Mr & Mrs Ewan McCarthy

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

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse, detached double garage, artist studio and associated access. The application drawings and documentation consisted of the following:

<b>Plan Reference No.</b>	<b>Plan Type.</b>
1713-L01	Location Plan
1713-L02	Block Plans
1713-L03	Site Plan
1713-L07	Sections
1713-L08	Floor Plans
1713-L09	Elevations
1713-L10	Floor Plans
1713-L11	Floor Plans
1713-L12	Elevations
1713-L014	Sections

1713-L15	Other
1713-L20	Elevations
L (90) 001 A	Other
L (90) 003	Other
	Landscaping

## 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 15<sup>th</sup> April 2019.

After examining the review documentation at that meeting, which included: a) Notice of Review (including Decision Notice); b) Officer's Report; c) Papers referred to in Officer's Report; d) Consultations; e) General comment; f) Objections; and g) 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, PMD4, PMD5, HD2, HD3, EP1, EP2, EP8, EP13, EP16, IS2, IS7, IS9 and IS13

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011

The Review Body noted that the proposal was for detailed planning permission for the erection of a dwellinghouse, garage and artist studio on land to the northern edge of Walkerburn, west of No 9 Caberston Avenue and east of the property known as Bellenden House. Access would be via Caberston Avenue to the south of the site.

Members noted that the application site was outwith but adjoining the settlement boundary of Walkerburn as defined in the Local Development Plan. From the supporting papers and the site photographs, they also had regard to the nearby Schedule Monument site (Purvishill), cultivation terraces and the adjoining dwelling known as Bellenden House. The Review Body gave significant weight to the presence of Bellenden in assessment of the proposal. The Review Body also noted the planning history on the site including previous refusal.

Members considered the proposal principally against Policy PMD4 of the Local Development Plan and, firstly, against each of the four exception criteria. The Review Body agreed that the proposed dwellinghouse was not a job-generating development in the countryside that has an

economic justification under Policy ED7 or HD2 and was not an affordable housing development justified under Policy HD1. They also agreed that the proposed house did not meet the remaining criteria of Policy PMD4.

The Review Body acknowledged that whilst the site was outwith the development boundary it did represent a logical infill development opportunity between the existing dwelling at No 9 Caberston Avenue and Bellenden House. Members then considered the secondary criteria under Policy PMD4 and accepted that they were met by the proposal, especially in relation to the site representing a logical extension to the settlement edge of Walkerburn. Members considered that with the reduction in size of the nearby Scheduled Monument site (Purvishill) the current settlement boundary appears illogical and should be re-drawn to reflect the extent of development either side of the appeal site.

Members acknowledged that Policy PMD5 was not appropriate in this case but considered that the proposed house would be a 'good fit' in terms of the established pattern of development locally, blending Bellenden into the settlement. They consider the proposals as a tasteful demonstration of modern architecture within the 'practical boundaries' of the settlement.

The Review body then considered the development under Policy PMD2 and concluded that the proposed house was sensitively designed for this site and that the sustainable nature of the plans (which include SUDs pond, the use of grey water and sedum roofs) respects the traditional form of the surrounding area. Members considered that the design fits in well with Bellenden House but acknowledged that the steeply sloping site may pose problems in terms of landscaping and setting the proposed buildings into the settlement.

The proposed vehicular access and in particular junction improvements with Caberston Avenue and the A72 were considered. The Review Body acknowledged that improvements are required at the junction with the A Class road and noted that the proposed improvements put forward to do not address the Roads Planning Services concerns. It was noted that these matters could be addressed by suspensive planning condition.

The Review Body then considered the proposed landscaping and noted that the steep slope did not contain specimen trees. Members felt that the applicant would need to be careful in terms of the proposed landscaping to ensure that the buildings can be set within the village. The Review Body were content that this matter could be handled by way of suspensive planning condition.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that whilst the proposed development would be located outwith the settlement boundary and would not meet the exceptions criteria under Policy PMD4, the application site would be a logical expansion of the settlement that outweighs the need to protect the development boundary.

## **DIRECTIONS**

1. That the development to which this permission relates must be commenced within three years of the date of this permission.

## **CONDITIONS**

1. No development shall commence until a detailed scheme of junction and road improvements 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 approved junction and road improvements shall be completed prior to occupation of the dwellinghouse hereby approved.

Reason: In the interests of road safety

2. Two parking spaces, not including any garage, shall be included within the curtilage of the site prior to occupation of the dwelling hereby approved and shall be retained in perpetuity thereafter. The new access into the site must be at a gradient no greater than 1:18 over the initial length rising out to a gradient of no greater than 1:8 thereafter before flattening off again to 1:18 for the parking and turning area.

Reason: To ensure parking is made available clear of the carriageway and to ensure that the access is formed to an agreed specification.

3. A pre-commencement and post construction condition survey of Caberston Avenue (from the junction with the A72 and the site access) shall be submitted for the approval of the planning authority. Any defects identified through this process must be rectified to the satisfaction of the planning authority at the expense of the applicant within 3 months of the dwelling being habitable, unless otherwise agreed in writing with the planning authority. Any emergency repairs must be carried out within an agreed timescale relative to the severity of the situation.

Reason: In the interests of road safety and to ensure any defects caused by construction traffic are identified and rectified within an agreed timescale.

4. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development.

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

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

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

6. No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.

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

7. Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water drainage network.

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

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

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

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

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

10. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

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

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

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

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to** addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.

e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

**Written confirmation from the Council**, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, **shall be required by the Developer before any development hereby approved commences**. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

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

12. No development shall take place during the breeding bird season (March-August) unless wholly in accordance with a Species Protection Plan for breeding birds that shall first be submitted to and approved in writing by the Planning Authority.

Reason: In the interest of biodiversity and protected species.

13. No development shall commence until a Construction Management Plan has first been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved plan.

Reason: In the interests of residential amenity and to ensure that adequate access to existing properties is maintained.

14. The artist studio hereby approved shall at all times be used in connection with, and ancillary to, the dwelling approved under this consent and shall not be used for any commercial purposes unless an application for a change of use is first submitted to and approved by the planning authority.

Reason: To ensure effective control over the development and to restrict vehicle movements to that of a single dwelling unit.

## **INFORMATIVES**

1. In relation to Condition 1, the existing junction of Caberston Avenue with the A72 shall be altered and widened by approximately 3m to the west, with improved junction radii and visibility to the west improved so that an emerging driver can see the junction warning sign from a distance of 2.4m back from the edge of the A72. Carriageway widening is required on Caberston Avenue between the properties known as Royston and 1 High Cottages. An additional on street parking bay shall be marked at the start of the existing parking bays, along with hatching to prevent further parking.

2. In relation to Condition 2, the first 5 metres of the new private access must be surface to the following specification "75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1."

### 3. Stoves and Use of Solid Fuel

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

Accordingly this advice can assist you to avoid future problems.

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

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

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

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

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

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

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

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

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

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

## **LEGAL AGREEMENT**

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

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

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

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

**Date**..... ....18 April 2019

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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 16 April 2019 at 10.00  
am

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Present:- Councillors S. Haslam (Chairman), S. Aitchison, G. Edgar, C. Hamilton, E. Jardine, S. Mountford, M. Rowley, R. Tatler, G. Turnbull, T. Weatherston  
Absent:- Councillor T. Miers  
Also present:- Councillors S. Bell, K. Chapman, D. Moffat, S. Marshall, W. McAteer, D. Parker, C. Ramage, H. Scott.  
In Attendance:- Executive Director (R. Dickson), Chief Officer Economic Development, Chief Financial Officer, Service Director Regulatory Services, Service Director Assets & Infrastructure, Interim Service Director Children & Young People, Democratic Services Team Leader, Trainee Democratic Services Officer

## **ECONOMIC DEVELOPMENT BUSINESS**

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

### 1. **CHAIRMAN**

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

### 2. **ECONOMIC DEVELOPMENT UPDATE**

- 2.1 With reference to paragraph 1 of the Minute of 29 January 2019, 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 56 business start-ups and 8 of these had met the new classification of "Early Stage" growth. The Scottish Borders Business Fund had received 6 applications between 1 January 2019 and 20 March 2019, and approved 5 grants valued at £13,878.87. These projects were forecast to create 9.5 jobs with a forecast economic impact of £190,250 GVA. In terms of regeneration activity, the Selkirk BID had progressed key projects identified within the business plan including the development of a town brand identity; new signage to complement the streetscape signage and the development of a new town website. The Jedburgh CARS programme had been awarded a total of 9 repair grants with 8 completed or on site and a further 7 applications had been assessed. The Hawick Business Growth Project for the redevelopment of the Armstrong Department Store was underway and the Council had acquired the site to redevelop it as a business incubator hub to provide small office units for up to 17 businesses. A further initiative in Hawick was the establishment of a Textiles Training Centre for Excellence at Hawick High School, where Alistair Young had 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. Mr McGrath reported that the Scottish Borders Tourism Partnership hosted a conference at Peebles Hydro which had been a very successful day with a good turnout. He also advised that work was planned for the

new visitor welcome signage for Duns and Galashiels Town Centres and the new created cycle event, the Women's Tour of Scotland would be visiting the Borders on Sunday 11 August 2019.

- 2.2 In terms of European Funding Programmes, Mr McGrath advised that clarification from 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 168 property enquiries included 32 enquiries to purchase plots. As part of the Change Works in Peebles (CWIP) energy efficiency project, an assessment of supply local chain opportunities had been completed. The work had identified a range of opportunities and barriers to local businesses engaged in the installation of energy efficiency measures. In response of the decarbonisation of both the electricity and gas grids, the Council had initiated liaison between SP Energy Networks and SGN to assess opportunities for local energy solutions. The first workshop with SPEN was held on 25 February 2019 and a similar workshop with SGN was scheduled for 25 April 2019. This partnership would assist in the development of a range of Council functions, including the Local Development Plan, Economic Strategy, major projects / infrastructures and potential future Local Heat and Energy Efficiency Policies. Mr McGrath responded to the various questions raised by Members.

## **DECISION**

**NOTED the update.**

### **3. SOUTH OF SCOTLAND ENTERPRISE AGENCY – UPDATE**

- 3.1 With reference to paragraph 5 of the Minute of 6 November 2018 and paragraph 9 of the Minute of Scottish Borders Council of 20 December 2018, there had been circulated copies of a report by the Executive Director providing an update on the progress being made by South of Scotland Economic Partnership in supporting projects across the South of Scotland and also the progress of the South of Scotland Enterprise Bill at Scottish Parliament. Mr McGrath gave a brief presentation on the background to the setting up of the new Agency and advised that the Bill was being scrutinised by the Rural Economy and Connectivity Committee (RECC). During Stage 1, the Committee took evidence from the Council and a range of other stakeholders. The RECC published its Stage 1 report on the SOSE Bill on 4 March 2019 recognising the unique circumstances of the South of Scotland and the need for a new body to support the enterprise and skills needs of the area. Stage 1 concluded with a debate on 26 March 2019, when the Parliament unanimously agreed to the general principles of the South of Scotland Enterprise Bill.
- 3.2 Mr. McGrath reported that since it began work in early 2018, SoSEP had established a clear prioritised work programme; it had delivered a strong programme of engagement with stakeholders across the South of Scotland; and it had effectively influenced the design of the new Enterprise Agency. To ensure continued progress, the Scottish Government had made £13.3m available to 2019/20 to support the work of SoSEP and Appendix 1 to the report set out a summary of the projects supported to date. SoSEP was also continuing to engage with businesses and communities across the region and a further major round of engagements were planned for the coming months.
- 3.3 Professor Russel Griggs, Chair of South of Scotland Economic Partnership (SoSEP) was present at the meeting and gave a presentation on the work carried out to date. He highlighted the major impact that Brexit would have on the area, the demographic challenges and the need for 800 new workers every year. The purpose of the Agency was to grow all types of enterprises which would result in sustainable businesses. He commented on a current pilot in Langholm to make the whole community sustainable and the importance of good transport links. The purpose of phasing the Agency in over a three year period was to allow knowledge to be gained during this time, an approach which had the support of both the Board and the Cabinet Secretary.

- 3.4 Professor Griggs, Mr Dickson and Mr McGrath responded fully to Members' questions covering a number of areas including links with the Borderlands Project, the need for cross-border working, the importance of public transport and the provision of affordable housing.

**DECISION**

**(a) NOTED the:-**

- (i) progress made to date in securing funding for key South of Scotland and Scottish Borders projects, as set out in Appendix 1 to the report; and**
- (ii) successful completion of Stage 1 of the South of Scotland Enterprise Bill**

**(b) AGREED:-**

- (i) to monitor further stages of the South of Scotland Enterprise Bill and input as appropriate;**
- (ii) that officers continue to work jointly with Dumfries & Galloway Council, and other partners, to develop projects and to deliver key actions through South of Scotland Economic Partnership; and**
- (ii) to receive further reports on the South of Scotland Economic Partnership and SOSE Bill as work progresses**

**4. HAWICK CONSERVATION AREA REGENERATION SCHEME (CARS)**

With reference to paragraph 4 of the Minute of 6 November 2018, there had been circulated copies of a report by the Executive Director providing an update on the progress of the development of the Hawick Conservation Area Regeneration Scheme (CARS) and to seek approval for the Council's revised funding contribution to the proposal. Ms J. Hogg, Principal Officer Regeneration advised that Council officers presented a report on the Hawick Conservation Area Regeneration Scheme (CARS) proposal to Elected Members in November 2018. An application was submitted to Historic Environment Scotland (HES) by the November 2018 deadline. The initial grant request was for £1,419,300. Officers from Historic Environment Scotland highlighted that they were supportive of the proposal but that the grant request was considered high given the scale and impact of the proposed scheme. Following a process of discussion and negotiation with HES, alternative match funding was sought from within the Council and from the South of Scotland Economic Partnership (SoSEP). The Council's contribution had been increased to £200,000 over the five year period from within existing revenue budgets. An application for funding for £60,000 had been submitted to SoSEP. An updated financial profile was submitted to HES in February 2019 with a revised grant request of £1,314,800. Historic Environment Scotland had recently confirmed their grant offer of £1,314,800. SoSEP had advised that the outcome of the grant application was due shortly. The total programme budget was now £1,935,000, which also included private sector contributions. Members welcomed the scheme and noted the successful bid to Historic Environment Scotland and agreed to the Council's contribution of up to £200,000 of revenue funding over the five year programme.

**DECISION**

**AGREED:-**

- (a) to note the successful funding bid to Historic Environment Scotland, with funding of £1,314,800 confirmed;**

- (b) to note the funding application to the South of Scotland Economic Partnership for £60,000; and
- (c) the Council's contribution of up to £200,000 of revenue funding over the five year programme, allocated from existing Economic Development budgets, and up to £50,000 from the existing Town Centre Regeneration block allocation in the Council's Capital Plan.

5. **PRIVATE BUSINESS**

**AGREED** that under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 9 of Part 1 of Schedule 7A to the aforementioned Act.

**SUMMARY OF PRIVATE BUSINESS**

6. **STRATEGIC EVENT OPPORTUNITIES**

The Committee approved a report by the Executive Director regarding future events in the Scottish Borders.

**OTHER PUBLIC BUSINESS**

7. **MINUTE**

The Minute of the Meeting held on 12 March 2019 had been circulated.

**DECISION**

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

8. **CONTROL OF CONTRACTORS POLICY**

With reference to paragraph 15 of the Minute of 18 August 2015, there had been circulated copies of a report by the Service Director Regulatory Services providing an update on the Control of Contractors Policy (Construction, Maintenance & Repair). The policy defined to move to the in-house approval of Contractors using SHE ASSURE (Lexi) instead of external approval by ConstructionLine and defined how the Council would uphold its Health and Safety responsibilities by ensuring a standard of safety from those employed to undertake contracted works for and on behalf of the Council. The policy was managed by the Health and Safety Team and Mr Stuart Ford, the Health & Safety Team Leader reported that the policy contained a requirement that Scottish Borders Council (SBC) only employed contractors who were fully accredited SSIP (Safety Schemes in Procurement) members. It removed the additional requirement to be a member of ConstructionLine but retained the requirement to provide SSIP Assessment Certification, Public Liability Insurance etc, which would now be recorded and managed on the SHE ASSURE (Lexi) platform. The revised policy also introduced the "Alternative works" category which was for Construction, Repair or Maintenance works not involving SBC owned or occupied buildings or sites or any fixed plant, equipment, fixtures or fittings therein. This required contractors involved in these works to provide suitable information to allow the Health and Safety Team to assess their suitability. These works had not previously been suitably covered by the policy. The Service Director Regulatory Services highlighted that the reliance on a third party to undertake background checks created a potential risk to the Council, if the third party failed to ensure suitable background checks had been carried out and using SHE ASSURE would allow this to be managed in-house and remove this risk. Mr Frater and Mr Ford responded to members questions and confirmed that the use of sub-contractors was covered by SSIP. If any issues were raised in this regard they would be investigated.

**DECISION**

**AGREED** to approve:-

- (a) **the updated requirement for approval using SHE ASSURE instead of ConstructionLine as part of the Control of Contractors Policy (Construction, Maintenance & Repair); and**
- (b) **the new mechanism for approval of Contractors involved in “Alternative Works”**

9. **ANNUAL TAXI FARES REVIEW 2019**

With reference to paragraph 3 of the Minute of 4 December 2018, there had been circulated copies of a report by the Service Director Regulatory Services advising Members of the recent consultation undertaken in connection with the statutory review of the current scale of charges for taxi fares. The Council, as licensing authority, was required in terms of Section 17 of the Civic Government (Scotland) Act 1982 (“the Act”) to review the scales for fares and other charges in connection with the hire of a taxi at intervals not exceeding 18 months of the last review. For 2019, the formula which the Council used to review taxi rates delivered a variation percentage of +3.7% on the usual indicators over the previous 12 months. The Passenger Transport Manager, Mr Timothy Stephenson gave further information about the consultation process and the individual questions as set out in the Appendices to the report. The Service Director Regulatory Services advised that once Members agreed the proposed taxi rates, public notices would be placed in newspapers circulated within the Scottish Borders area and representations in writing would be invited by a specified date. Councillor Jardine commented on the impact of the increase on the more vulnerable members of society and moved that fares not be increased. However, there was no seconder so the motion fell. The outcome of the consultation would be reported back to a future meeting of the Committee.

**DECISION**

**AGREED that:-**

- (a) **the taxi fare rates increase by 3.7% in line with the outcome of the Council’s established formula; and**
- (b) **a further review of the taxi fare settings be undertaken and implemented within 18 months of this review.**

10. **CCTV IN THE SCOTTISH BORDERS**

There had been circulated copies of a report by the Service Director Regulatory Services detailing the current Public Space CCTV provision in the Scottish Borders and providing a further update to the previous report issued in 2015. The report explained that questions had arisen as to the viability of the Council continuing to provide and fund public space CCTV. There were currently seventy Public Space CCTV cameras located within eight towns within the Scottish Borders. Generally, the systems were analogue and with recent technological advances they were out of date and life expired. The Council was not currently in a position to fund the installation and maintenance of new public space CCTV systems throughout the Region. The Street Lighting Team Leader, Mr Alex Young reported that the Council had met all ongoing revenue costs, including energy consumption, telecoms charges, consumable items and annual charges from contractors who provided maintenance support for each system and Police Scotland did not make any financial contribution to the town centre schemes. The Police were supportive of CCTV provision within the local communities but had indicated that they were not in a position to fund or to contribute to the funding of public space CCTV in the Borders. It was further reported that there was revenue budget provision of £40,000 available for the maintenance of all eight systems, of which around £33,000 was within the maintenance contract and the remainder spent on repairs. After a full discussion referencing the desire of communities to have CCTV, the availability of cheaper systems and the need for the Police to contribute to funding, Councillor Turnbull, seconded by Councillor Tatler proposed that a further recommendation be added requesting that the Service Director Assets and Infrastructure use the 5 Area Partnerships as a vehicle to consult the public

and the strategic Community Planning partners on the future provision of CCTV within communities and how this could be funded and this was unanimously agreed.

**DECISION  
AGREED:-**

- (a) to note that the current Public Space CCTV provision in the Scottish Borders was no longer fit for purpose;**
- (b) to note that the Council was not in a position to fund the installation and ongoing maintenance of public space CCTV systems within the current available budget;**
- (c) to support the Police and communities that wished to install, extend or replace CCTV systems to help them find a solution fully funded by those communities. Funding would include the cost of installation and subsequent maintenance and monitoring. The protocols around the use, management and monitoring of any CCTV system would be agreed by the community with the Police; and**
- (d) that the Director of Assets & Infrastructure use the 5 Area Partnerships as a vehicle to consult the public and the strategic Community Planning partners on the future provision of CCTV within communities and how this could be funded**

**11. REVIEW OF PARKING ISSUES**

With reference to paragraph of the Minute of 17 November 2017, there had been circulated copies of a report by the Service Director Assets and Infrastructure which provided details of the findings of the Parking Issues Working Group which had been set up following a recommendation by Committee. The Working Group had been established to explore innovative solutions to parking issues in the Scottish Borders. The Working Group had now concluded their investigations and a report on their findings, with recommendations, was attached as an Appendix to the report. The Corporate Management Team considered the Report of the Working Group and endorsed the findings, subject to sufficient resources being available, apart from Recommendation Five. The Infrastructure Manager, Mr Brian Young reported that there were significant financial implications associated with the other recommendations in the Working Group Report. He further advised that Police Scotland had previously indicated that they would not utilise a Disc Parking system as it was not deemed sufficient evidentiary proof for a criminal prosecution. Members commended the Working Group for their work and discussed the proposals in detail. It was agreed to support the recommendations on the basis that a full evaluation of the introduction of the second CAT Team and their impact on parking issues would be carried out after one year. The lack of uniformity across towns in the Borders with regard to the time limit for parking was highlighted and it was noted that this would be considered as part of the review of Traffic Regulation Orders.

**DECISION**

**(a) NOTED:-**

- (i) the findings of the Parking Issues Working Group;**
- (ii) that Corporate Management Team endorsed the following recommendations of the Working Group:**
  - (1) Recommendation One (Review of TROs) – Estimated cost £205k in-house or £225k external;**

- (2) **Recommendation Two (Car parking directional signage) – Estimated cost £28,500;**
- (3) **Recommendation Three (Updating single and double yellow lining; parking bay review; dropped kerbs) – Estimated cost from £28,250 to £278,250;**
- (4) **Recommendation Four (media campaign to “park fair”) – Estimated cost £10k;**
- (5) **Recommendation Six (Feasibility study) – Estimated cost £35k;**

**(b) AGREED:-**

- (i) **not to proceed at this time with Recommendation Five of the Working Group Report (Potential Enforcement regimes) with parking issues continuing to be addressed through the work of the 2 Police Community Action Teams in the interim;**
- (ii) **that a further report be brought to Executive Committee after one full year of operation to review the effectiveness of those teams; and**
- (iii) **that, given that the estimated cost of implementing Recommendations One to Four and Recommendation Six of the Working Group Report was within a range of £306,750 and £576,570, Officers would proceed to implement these as and when funding was available within current resources, but noted that works would commence during 2019/20 and continue in future years as part of normal business activities**

**12. PRIMARY SCHOOL ESTATE UPDATE REPORT - EYEMOUTH PRIMARY SCHOOL AND EARLSTON PRIMARY SCHOOL**

With reference to paragraph 5 of the Minute of 7 November 2017, there had been circulated copies of a joint report by the Interim Service Director Children and Young People and the Service Director Assets and Infrastructure which provided an update of the community consultations that had been undertaken at Eyemouth Primary School and Earlston Primary School. The report also provided a summary of the work undertaken to date and further recommended that approval was given to the next stage of the detailed design and costings process in respect of both schools. The Lead Education Officer – School Estates, Lesley Munro was in attendance to present the report. Ms Munro reported that the recommendations set out in the School Estate Review Next Steps 2017/18 report presented on 7 November 2017 approved to progress the next steps with regard to investment at Earlston and Eyemouth Primary Schools, which included informal consultations with stakeholders. Ms Munro went on to advise that both schools were situated in old high school buildings and there was a need to provide new buildings for schools with both schools showing an increase in capacity for pupils. The Service Director of Assets and Infrastructure explained that all investment models for the School Estate were delivered in partnership with Scottish Government with the establishment of the Scottish Futures Trust to take forward infrastructure projects and innovative schemes were more likely to be funded. He explained that other opportunities were being looked at through the new South of Scotland agency and the direction of travel was to bring together complementary services in the one building.

**DECISION  
AGREED:-**

- (a) **to note the contents of this update report;**

- (b) to progress to the next stages in the detail design and costing process for both Eyemouth Primary School and Earlston Primary School;
- (c) that further updates would be provided to Members as more detailed information and clarity around potential future funding support from Scottish Government becomes available;
- (d) that Eyemouth, would be treated as a priority, and further considers that if sufficient funding support were to be provided by Scottish Government, that Eyemouth Primary School and Earlston Primary School would be progressed and procured in parallel (subject to any revised profiling of the capital programme); and
- (e) in accordance with the principle of 'Fit for 2024', request that officers consider all potential options for property asset consolidation within each of the respective school clusters as part of the proposed capital investment

13. **PRIVATE BUSINESS**

**AGREED** that under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 8 and 9 of Part 1 of Schedule 7A to the aforementioned Act.

**SUMMARY OF PRIVATE BUSINESS**

**DECLARATIONS OF INTEREST**

Councillor Jardine 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

14. **NETHERDALE SPECTATOR STAND**

The Committee approved a report by the Service Director Assets and Infrastructure on the Netherdale Spectator Stand in Galashiels.

15. **UNION CHAIN BRIDGE PROJECT UPDATE**

The Committee approved a report by the Service Director Assets and Infrastructure the Union Chain Bridge Project.

*The meeting concluded at 1.00pm*

# 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 18 April at 10.00 am

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

Apologies:- Councillors H. Scott, Ms H Barnett, Mr M. Middlemiss.

In Attendance:- Mr G Samson – Audit Scotland, Principal Internal Auditor, Clerk to the Council, Trainee Democratic Services Officer.

## 1. WELCOME AND INTRODUCTIONS

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

## SCRUTINY BUSINESS

## 2. INTRODUCTION OF SPEED BUMPS IN LANGLEE DRIVE

- 2.1 There had been circulated copies of an extract from the Audit and Scrutiny Committee Petitions procedure. The Chairman gave a reminder of the Petitions procedure to be followed at the meeting, highlighting the options available to the Committee. The Chairman welcomed Mrs Elspeth Johnston, Lead Petitioner, who was in attendance to present a petition on the introduction of speed bumps in Langlee Drive and who was accompanied by Mr Albert Cruikshank. Mrs Johnson gave further information in support of the supporting statement in the Petition, advising that 260 children attended Langlee Primary School, including her 2 grandchildren, and they were intimidated by speeding cars using Langlee Drive, which was the main access road to the Primary School. While the SBC survey showed an average speed of 18mph, this did mean that some cars were driving in excess of this. Braking distances increased exponentially with increased speed and it was felt that the only thing that would work would be the installation of speed bumps as accident prevention measures. The proposed speed bumps would help curtail the speeding of cars along this narrow residential area. Mrs Johnston made reference to the development of children's perceptual ability and judgement of distances, commenting that there should be no price on a child's life. Mr Cruikshank added that this had been an ongoing issue and he had been in communication with Scottish Borders Council for 4 years and he had also communicated with MP John Lamont, who had campaigned on their behalf and the issue had been reported in the local press and on local radio. The 20's plenty and cardboard pop up police officer were frequently ignored and were no longer effective on this one-way street. He further explained that young drivers were rushing to get to school along this one-way road, which had a straight stretch for 300 yards. Cars were parked diagonally so there were also issues with cars reversing out of spaces into oncoming traffic. Mr Cruickshank then passed round a photograph of the type of speed bump the petitioners wished to have installed, which were rubber and bolted to the road surface. The Chairman assured the petitioners that the Committee and the Council took child safety very seriously and he summarised the main points put forward by the petitioners: appropriate signage installed; reduced speed limit; installation of speed bumps; enforced speed restrictions on both Langlee Road and Melrose Road;

and an increased Police presence in the area at peak times. Members asked various questions of the petitioners to gain further clarification on the points raised.

- 2.2 There had been circulated copies of a presentation by the Service Director Assets and Infrastructure, Mr Joyce, and the Team Leader for Traffic and Road Safety, Ms Philippa Gilhooly. Ms Gilhooly explained that the road had been surveyed a number of years ago with the involvement of parents. The Safer Schools Team had worked with Langlee Primary School to encourage more walking to school over a period of many years and most recently the school had signed up to a walking initiative. The existing traffic calming features and initiatives included extending the radius of footways to improve the crossing at the school entrance and to slow vehicles. Ms Gilhooly reported that a Twenty's Plenty sign; echelon parking; school sign and plate; and stop, look and listen crossing mats had been included along Langlee Drive as well as a flat topped speed hump at the crossing point at the school access. The Safer Routes to School process included parents, Community Councils and the Police. Ms Gilhooly further reported that the zebra crossing on Melrose Road had been replaced with a Puffin light controlled crossing, the school crossing patrol was retained, and a part time 20mph speed limit was also in place. There was also a multi-coloured fence in place to indicate to drivers that a school was close by.
- 2.3 Ms Gilhooly went on to explain that traffic surveys had been carried out and showed general compliance with advisory Twenty's Plenty signs, and the low average and 85%ile speeds were to be welcomed, and would be welcomed at other school locations. Large scale traffic calming measures using speed humps had been constructed in other areas more than 15 years previously and smaller scale ones had been installed at a limited number of schools since then. A second flat topped speed hump and build-out at a revised crossing point to the school entrance was planned to be installed in the future. The presentation given showed clear data from Tracsis plc traffic and data services which highlighted traffic flows and speed of vehicles in this area with an average speed of 18mph. It was also noted that zero reported injury accidents were on record since 2003. Having spoken with Police Scotland a few times, Ms Gilhooly advised that they had not indicated any concerns about traffic speeds in Langlee Drive. Mr Joyce confirmed that the planning application for the new school at Langlee would have taken account of traffic and included any off-site road works as part of the conditions for the build and no such conditions had been put in place. Ms Gilhooly further advised that the rubber speed bumps being proposed by the petitioners were only for use in car parks as they were unfortunately not suitable for use on public roads as they were not robust enough and had a limited life span. The flat topped speed hump would be the better option. Discussions had taken place with Langlee Primary School as children were now using a different access point to the school than had been originally envisaged. Ms Gilhooly also suggested that moving the parking from the right hand side of the road to the left may help with some of the concerns of the petitioners over children running out from the grass verge. Residents could be asked their opinion on this change. In response to questions from Members, Ms Gilhooly advised she would be happy to pass on the data to the community; the Twenty's Plenty signs had been part of a programme from a few years ago; police were targeting resources where they were most needed and 20mph zones were not where accidents were happening. Mr Joyce confirmed that putting in a second flat top speed hump reflected the actuality of the entrance to school most used by children and was not in response to speeding concerns in the road.
- 2.4 Members of the Committee discussed the information which had been provided at the meeting and made reference to the enforcement of the 20mph speed limit. Ms Gilhooly reported that the Restricted Roads (20 mph Speed Limit) (Scotland) Bill was currently going through Stage 1 in Parliament and officers were waiting on that outcome. Langlee Drive would be covered by the 20mph zoning if the Bill became law. Members appreciated the frustrations of the petitioners and had some concerns over the vehicles that chose not to adhere to the speed limit, but overall were content by the number of vehicles within the speed limit, it being evident from the data that only one vehicle had been over the limit. In response to the Members' suggestion made on the presence of the

Police Community Action Team (CAT) at peak times and to work in this area to improve some of the issues the community were facing, it was noted that Ms Gilhooly would approach them to see if this would be feasible. Members then discussed the matter of communication with the community and how the Department managed this. It was the responsibility of parents to get their children to and from school safely, and there was a footway which children could use on one side of Langlee Drive. In response to a question about what would officers consider a safe speed, Mr Joyce confirmed that this was a difficult question to answer as injury incidents were significantly better at 20mph but there had been no recorded accidents in Langlee Drive since 2003. In the survey data, 1 in 5 vehicles were travelling at more than 20mph (16 out of 71) but that in itself did not cause undue alarm. Parking on the angle narrowed the road and slowed down traffic.

- 2.5 The petitioners expressed concern that the 2<sup>nd</sup> speed hump being located close to the school would not help slow traffic from the entrance to Langlee Drive which is where speeding took place. However, the site for the most recent survey of traffic had been requested by the community and that was where the data had been provided for the meeting. The speed bump was close to the school to offer children a safer crossing point to school from the footway. The petitioners again expressed concern that children did not always stay on the footway where it was safe. Members discussed the options available to them and considered the data output from the surveys, the concern of the petitioners, and what the Department could do to alleviate these concerns, taking account of the road layout and the resources available. The Chairman then advised the Committee Members of their options in response to the petition: to refer the petition to another Committee or Director for final decision; to refer the petition to a relevant Community Planning Partner; or that the issue(s) raised did not merit or did not require further action. The Chairman clarified the main points raised and thanked the petitioners and officers for their attendance and the comprehensive clear presentation that was provided to the Committee.

#### **DECISION**

**AGREED to refer the petition to the Service Director Assets & Infrastructure, who would consider:**

- (a) what improvements could be made to Departmental communications with communities about road issues, sharing the data from traffic surveys, and proposals for any changes to road architecture;**
- (b) investigating the opportunity for a mandatory 20mph speed limit being applied in Langlee Drive on either a temporary or permanent basis;**
- (c) the Police CAT monitoring speeds on Langlee Drive at peak times;**
- (d) the community being asked about changing the parking from one side of Langlee Drive to the other; and**
- (e) a further meeting with the community to explain the location of the 2<sup>nd</sup> speed bump and to ascertain if there were any other measures the Department could put in place to assist with road safety.**

#### **3. HEALTH & SOCIAL CARE INTEGRATION UPDATE**

- 3.1 With reference to paragraph 11 of the Minute of 14 May 2018, the Chairman welcomed Mr Robert McCulloch-Graham, Chief Officer Health and Social Care Integration, to the meeting who was in attendance to provide Members with a greater understanding on how the Health and Social Care Integration Joint Board (IJB) was delivering its Strategic Plan to improve the lives of Borderers and meet the growing demands in the care sector. Mr McCulloch-Graham began by informing the Committee that the Interim Chair of NHS Borders Board was Non-Executive Director Karen Hamilton, and the new Chief Executive of NHS Borders was Ralph Roberts who was due to take up the post on Monday 22 April

2019. Mr McCulloch-Graham updated Members on the identified challenges facing the Health and Social Care Partnership which included an increase in the population in the Borders, an increase in the complexity of cases being presented, and the reduction in available resources, with difficulties in balancing the budget. More people were accessing Primary Care (GPs) and presenting at hospital; admissions were more complex and therefore patients were remaining in hospital for longer; more care at home was required; and more care home places were also required. Mr McCulloch-Graham explained the governance of the Integrated Joint Board (IJB) and how funding under Delegated Funds and Set Aside Fund was allocated differently at a local level in the Scottish Borders and nationally, an example being that Palliative Care may or may not be included in this Set Aside Fund. The process for the Discharge to Home Service was now across the five localities and numbers had increased with the STEP down facilities at Garden View (Craw Wood) and Waverley improved. Work was ongoing to put savings in place to close the budget gap. There had been challenges during the previous winter period through significant delays and cancellations although due to the partnership working this year this had substantially improved and the joint winter plan had worked well. Mr McCulloch-Graham went on to explain how integrated services were provided and funded under the headings of Community Health Services, Acute Health Services provided in a hospital and Adult Social Care Services. Mr McCulloch-Graham reported that SB Cares and the NHS were working closely within the partnership with a consultation firm called Meridian now in place to look at improvements in processes. There had been a particular challenge around nursing care and the Council had helped to purchase beds at Queens House in Kelso. The question was how to make the best use of health care services in communities. A new system had been trialled at The Knoll, using a consultant from the BGH and nurse practitioners, with the rest of the Community Hospitals supported by GPs. The whole essence of the Health and Social Care partnership was to shift from acute to community based services, and there was a need to have a fundamental look at how health was managed in the Borders. The Primary Care Improvement Plan, led by GPs, was being introduced, with the intention being to support GPs work and adopt different models of triage going forward. Scottish Government was happy with progress made to date although there were some issues to resolve.

- 3.2 Members raised a number of questions, in particular around delayed discharges and lack of transport. Mr McCulloch-Graham advised that transport was reliant on the ambulance service and there was some funding of voluntary transport services. Some delayed discharges had been due to lack of transport at the weekends and SB Cares had brought in a vehicle/driver to assist. Issues still remained with transport and this was being worked on within the partnership. Rurality was an issue in the Borders but had not impacted on the recruitment of GPs in the Borders, although there were difficulties in recruiting nurses and care staff to work in residential and private homes. Some nursing homes were changing to residential care homes. Most of the GP practices in the Borders were individual companies but the property was owned by NHS. With regard to delayed discharges, the measure for these had changed and there had been a 10% improvement over the last year. If that rate of improvement continued, then it would be possible to release acute beds. In response to a question from Members on pay scales and terms and conditions for NHS and SBC staff, Mr McCulloch-Graham advised that the differences still existed as the IJB was not an employer. NHS and SBC mental health and learning disability had been operating as joint services for 8 years, but they were still using separate IT systems, etc. although that was being worked on to try to find a solution.
- 3.3 Further discussions followed in relation to the way the Borders was changing, with communities growing at different rates. Rurality was a very important factor and an example was given of physiotherapy service being hospital based when the service should be out in the community in clinics. The challenge was also around communication and ensuring the public understood the changes in services. The example was given of the recent gap in communication around proposed changes to the Day Centre provision. Mr McCulloch-Graham confirmed that only 40 clients were currently using the Day Centres and these Centres would not close until alternative provision had been put in

place for clients. The Chairman thanked Mr McCulloch-Graham for his attendance and update on the work of the partnership.

**DECISION**

**NOTED** the update.

4. **PRIVATE BUSINESS**

**AGREED** that under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 9 of Part 1 of Schedule 7A to the aforementioned Act.

**SUMMARY OF PRIVATE BUSINESS**

5. **DELIVERY OF THE COUNCIL'S IT STRATEGY AND PLAN WITHIN SCOTTISH BORDERS COUNCIL**

The Committee noted the presentation by the Chief Financial Officer and Interim ICT Programme Manager regarding delivery of the Council's IT strategy.

**AUDIT & SCRUTINY BUSINESS**

6. **MINUTE.**

There had been circulated copies of the Minute of Meeting of the Audit & Scrutiny Committee held on 11 March 2019.

**DECISION**

**APPROVED** for signature by the Chairman.

7. **ACTION TRACKER**

With reference to paragraph 5 of the Minute of 11 March 2019, there had been circulated copies of the Action Tracker for the Audit and Scrutiny Committee.

**DECISION**

**NOTED** the Action Tracker

*The meeting concluded at 1.10 pm*

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