



**SCOTTISH BORDERS COUNCIL
TO BE HELD ON WEDNESDAY, 26TH
JUNE, 2019**

**Please find attached Item No. 6 on the agenda
for the above meeting**

6.	<p>Committee Minutes (Pages 3 - 94)</p> <p>Consider Minutes of the following Committees:-</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">(a)</td><td style="width: 75%;">Eildon Area Partnership</td><td style="width: 20%;">7 March 2019</td></tr> <tr><td>(b)</td><td>Tweeddale Area Partnership</td><td>27 March 2019</td></tr> <tr><td>(c)</td><td>Teviot & Liddesdale Area Partnership</td><td>16 April 2019</td></tr> <tr><td>(d)</td><td>Cheviot Area Partnership</td><td>17 April 2019</td></tr> <tr><td>(e)</td><td>Planning and Building Standards</td><td>29 April 2019</td></tr> <tr><td>(f)</td><td>Executive</td><td>30 April 2019</td></tr> <tr><td>(g)</td><td>Berwickshire Area Partnership</td><td>2 May 2019</td></tr> <tr><td>(h)</td><td>Audit & Scrutiny</td><td>13 May 2019</td></tr> <tr><td>(i)</td><td>Local Review Body</td><td>27 May 2019</td></tr> <tr><td>(j)</td><td>Peebles Common Good Fund</td><td>29 May 2019</td></tr> <tr><td>(k)</td><td>Civic Government Licensing</td><td>31 May 2019</td></tr> <tr><td>(l)</td><td>Planning and Building Standards</td><td>3 June 2019</td></tr> <tr><td>(m)</td><td>Executive</td><td>4 June 2019</td></tr> <tr><td>(n)</td><td>Jedburgh Common Good Fund</td><td>4 June 2019</td></tr> <tr><td>(o)</td><td>Berwickshire Area Partnership</td><td>6 June 2019</td></tr> </table> <p>(Please see separate Supplement containing the private Committee Minutes.)</p>	(a)	Eildon Area Partnership	7 March 2019	(b)	Tweeddale Area Partnership	27 March 2019	(c)	Teviot & Liddesdale Area Partnership	16 April 2019	(d)	Cheviot Area Partnership	17 April 2019	(e)	Planning and Building Standards	29 April 2019	(f)	Executive	30 April 2019	(g)	Berwickshire Area Partnership	2 May 2019	(h)	Audit & Scrutiny	13 May 2019	(i)	Local Review Body	27 May 2019	(j)	Peebles Common Good Fund	29 May 2019	(k)	Civic Government Licensing	31 May 2019	(l)	Planning and Building Standards	3 June 2019	(m)	Executive	4 June 2019	(n)	Jedburgh Common Good Fund	4 June 2019	(o)	Berwickshire Area Partnership	6 June 2019	5 mins
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(o)	Berwickshire Area Partnership	6 June 2019

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Eildon Area Partnership



MINUTE of Meeting of the EILDON AREA PARTNERSHIP held in Borders College, Scottish Borders Campus, Nether Road, Galashiels. on Thursday, 7 March 2019 at 6.00 pm

Present:- Councillors G. Edgar (Chairman), S. Aitchison, A. Anderson, K. Drum, E. Jardine and C. Penman. 22 Partner representatives, Community Councillors, officers and members of the public.

Apologies:- Councillors D. Parker and H. Scott. Community Councillor R. Kenney.

1. **WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Edgar, welcomed everyone to the meeting of the Eildon Area Partnership and thanked Community Councillors, Partners and local organisations for their attendance. Councillor Edgar explained that the focus of the meeting was the preparation of a Locality Plan for the Eildon area which would be structured around all the priority issues identified under the four themes at previous meetings, namely: Economy, Skills and Learning; Health, Care and Wellbeing; Safer Communities; and Environment and Place.

2. **FEEDBACK FROM MEETING ON 24 JANUARY 2019**

The Minute of the meeting of the Eildon Area Partnership held on 24 January 2019 had been circulated. A summary of the discussion on the theme 'our health, care and wellbeing' was attached as an appendix to the Minute. The Locality Development Co-ordinator, Gillian Jardine, summarised the feedback which highlighted priority issues.

3. **DRAFT EILDON LOCALITY PLAN**

The Communities & Partnership Manager, Shona Smith, explained that the Draft Locality Plan which had been circulated with the agenda took into account all the comments and feedback from discussions that had taken place at the previous four themed meetings of the Area Partnership. The priorities and key priorities about what was important and what would make a difference to the lives of people in the Eildon area, within each theme, had been identified and listed in the draft plan. Those present were now asked to review the draft and assess whether the plan had missed any significant areas of discussion and to consider if they agreed with the priorities and key priorities that had been identified. It was explained that there would be a 20 minute discussion on each of the four themes within the draft plan with a facilitator responsible for that theme moving between each of the four tables to record the input. For each theme the questions were asked 'What would success look like; how can we work in partnership to achieve this; and how do I get involved'? Feedback from the discussions on the draft would be used to inform development of the Eildon Locality Plan. It was noted that Local Community Action Plans and Learning Community Partnership Plans would also form part of the Locality Plan. A summary of the output of the discussions is attached as an appendix to this minute.

4. **LOCALITIES BID FUND**

Ms Jardine gave an update on the Localities Bid Fund (LBF). She explained that there had been a good response to the invitation for bids as part of the second round of the LBF, the deadline for which had just passed. Officers were now contacting groups who had applied and the Assessment Panel would meet to consider the bids which, providing they met the essential criteria, would go forward to a public vote. The timescales for the vote would be confirmed soon. In response to a question about the voting process Ms Jardine advised that there would be a voting day and that voting would also be possible on-line, subject to registration to vote. She confirmed that a paper or postal vote would be made available for anyone unable to vote by these means. The Executive Member for Neighbourhoods and Locality Services, Councillor Aitchison, added that all successful projects would be publicised and there would also be feedback from the groups who were successful from Round 1 of the pilot. Councillor Aitchison expressed his thanks to the Communities and Partnerships team for their excellent work in dealing with the administration of the LBF.

5. **NEXT MEETING**

The next meeting of the Eildon Area Partnership was scheduled for Thursday 23 May 2019. The venue would be confirmed in due course.

The meeting concluded at 8.20 pm

Draft Locality Plan – Health, Care & Wellbeing		
Priority	Success What would success look like? (Measures)	Partnership How can we work in partnership together?
Increase the range and accessibility of community activities to encourage a reduction in drug and alcohol use in the Eildon locality	Family events- reduction in alcohol sales? Cheap alcohol? Work in partnership to reduce drug 'houses' 6 year students come back and share experiences. Peer support/ Stronger role models. Use college pupils/ assistant principles Reduce impact of negative social media Ettrick have a facebook page- Does anybody need anything?	Bring different groups into schools and youth groups to describe the impact of drugs. Different types of engagement with resources provided.
Increase the range of care and support options across the locality to enable people to remain in their own homes and communities	50 People attending Focus centre. Join up the activities that are happening. Spread the load- develop community champions Talk to your neighbours	Provide places for people to go. Share activities with each other. More drop in Volunteering not formal volunteering Care support should be more focussed mapping out whats available. Housing benefit, council tax letters are not human- ask people how they would like to be written too Mobile Library service- it's a lifeline for some people. Live Borders charging policy is closing down some community groups/organisations.
Increase the availability of locally based rehabilitation services	Outreach service needs to be extended. Simplify information as people get confused by the information. Plain English.	
Improve the availability and accessibility of services for people living in rural areas		Lots going on, but people don't know about those services Running village Hall and a programme of activities. Looking after neighbours, keeping villages tidy. Small groups of people being used to do everything
Increase the range of housing options available across the locality and plan for future housing needs		Work in partnership to ensure that a range of people are provided for.

Eildon Area Partnership

Reduce the number of people admitted to hospital with drug and alcohol related problems		
Reduce the number of people attending the Borders General Hospital on multiple occasions		Use pharmacies more often Specialist/ mobile outreach service on a bus? Drop in surgeries
Support people to make informed health and lifestyle choices		Increase sport + healthy activities Park run in other towns in the Borders Encouraging food growing projects and good for environments, bees Food and cooking Projects

Draft Locality Plan – Quality of life

Priority	Success What would success look like? (Measures)	Partnership How can we work in partnership together?
<p>Create safe areas for young people within local communities and provide leisure facilities that are accessible and affordable</p>	<p>Ensure all needs are supported Facilities need to be where the need is- not just town centres Need to allow young people to explore their own spaces Facilities are there but aren't accessible Transport for free facilities -it is too expensive Must ask young people what they want</p> <p>Places where young people feel in control – social activities, free through schools encourage socialisation More participation/ engagement Multi use facilities that can be used by all age groups Somewhere 'cool' Give and reward responsibility</p> <p>More places to go More opportunities Street games Facilities for older people to go and access activities/ services</p> <p>Identify areas within smaller communities that young people can take up as their own. Need more volunteers to deliver facilities. Support village halls, make pricing realistic</p>	<p>Community NHS 3rd Sector</p> <p>Schools- facilities for older and younger pupils (responsible)</p> <p>Live Borders CLD CAT</p> <p>Communities SBC</p>
<p>Revise transport provision to improve connectivity and reduce rural isolation</p>	<p>Better use of advertising of 'Happy Bus' Better funded supported Community Transport</p> <p>Circular route of community vehicles Linked infrastructure to tourists</p> <p>Alternative solutions to transport High costs of community transport Need public transport for rural communities</p>	<p>3rd Sector</p> <p>Community</p>
<p>Strengthen partnership working between local services</p>	<p>Not measurable</p> <p>Community Councils need to work better together Better attendance at Area partnership meetings</p>	<p>SBC CC's Communities</p>

Eildon Area Partnership

<p>Improve communication of social and leisure opportunities to local residents</p>	<p>Improved use of existing things- Facebook/Newsletters Connect existing mechanisms Ask young people what they want and work with them to do it Technology needs to meet needs of all people</p> <p>Community noticeboards (central) Community Newsletter</p> <p>Local radio Local advertisements</p>	<p>Community All Existing Providers Youth Borders Borders College Schools- regular announcements</p>
<p>Carry out more community mapping and consultations to identify what people want in their area</p>	<p>Need to identify how people want to be engaged with Easier to get engagement in smaller communities</p> <p>Work with Community Councils and communities to undertake consultations. Provide tool kit of information to help community councils undertake them.</p>	<p>All</p>
<p><i>Safe areas for older people + leisure facilities</i></p>		

Draft Locality Plan – Environment & Place		
Priority	Success What would success look like? (Measures)	Partnership How can we work in partnership together?
<p>Create appropriately placed, affordable & socially inclusive housing in the countryside.</p> <p>Develop attractions within the countryside to encourage visitors to the area</p>	<p>Planning Development to show more flexibility especially in rural areas, to accommodate need.</p> <p>Improve quality and appearance of housing being developed so there is no obvious distinction between private and social housing</p> <p>Create housing communities which are a mixture of private and affordable for different ages to create an improved sense of community</p>	<p>Active Discussion between communities and planners needs to be created</p> <p>Better understanding of how planning application process work and how decisions are made.</p>
<p>Housing stock should reflect need in the local community, be affordable and be accessible for local services</p>	<p>Integrate communities into the planning process to share views, information, ideas etc</p> <p>Measure levels of homelessness and migration out of the Borders</p> <p>Impact on the wider community when houses are developed needs to be factored into planning process (ie stain on health centres, schools, what public transport and shops are available etc</p> <p>Housing development should form communities which are mixed ie young, old, care homes etc and actively aim to reduce isolation and support people's wellbeing</p> <p>Allow for demographic changes</p> <p>Ministers could provide grants to purchase vacant sites</p>	
<p>Reduce fuel poverty across the Locality</p> <p>All housing developments to incorporate eco infrastructures into builds</p>	<p>Selkirk energy hub - can help inform and advise the community</p> <p>Ongoing measures to assess impact</p> <p>Do more to improve energy efficiency in private homes</p> <p>Flood protection groups works well in Hawick- replicate elsewhere</p> <p>Reduction of plastics etc to make us more environmentally friendly</p>	
<p><i>Development of town / village centres and housing must consider the environment and health and wellbeing of local residents</i></p>	<p>Outdoor Gym equipment ect</p> <p>Increase cycle networks and initiatives</p>	

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SCOTTISH BORDERS COUNCIL TWEEDDALE AREA PARTNERSHIP

MINUTES of Meeting of the TWEEDDALE
AREA PARTNERSHIP held in West Linton
Primary School on Wednesday, 27 March
2019 at 7.00 p.m.

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, K. Chapman, E. Small, together with 20 representatives from Partner Organisations, Community Councils and members of the public.

Apologies:- Councillor S. Haslam.

In Attendance:- Communities and Partnership Manager, Strategic Community Engagement Officer, Locality Development Co-ordinator (G. Jardine), Democratic Services Team Leader.

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting of the Tweeddale Area Partnership and explained the purpose of the meeting.

2. **FEEDBACK FROM MEETING ON 6 FEBRUARY 2019**

The Minute of the meeting of the Tweeddale Area Partnership held on 6 February 2019 had been circulated along with a summary of the discussion attached as an appendix to the Minute and this was noted. With reference to paragraph 2, the Chairman confirmed that the small schemes and quality of life projects had been approved.

3. **CONSUMPTION OF ALCOHOL IN PUBLIC PLACES**

3.1 The Chairman welcomed Mr. Brian Frater, Service Director Regulatory Services to the meeting. Mr. Frater explained that consideration had been given to the introduction of bye-laws prohibiting the consumption of alcohol in public places in certain communities back in 2013. It was considered that the responses to the consultation at that time, of which there had been very few, were no longer relevant so it would not be appropriate to proceed to implement the draft bye-laws and a new consultation process was to be undertaken. The consultation document was going live on the Council's website that evening and he encouraged everyone to take part. It was important that a wide range of groups and communities gave their views so that the responses were representative of the views of everyone across the Borders. He asked communities to consider whether there was a problem in their area which could be helped by bye-laws and emphasised that they were not designed to impact on local festivals or "café culture" but to help prevent anti-social behaviour. The first part of the consultation would close on 1 June and if there was a desire for bye-laws then a second consultation would be held to ascertain exactly where they should be implemented. He noted that under the previous proposal there had been no Tweeddale Communities included. A final report would be taken to Scottish Borders Council in November.

3.2 Dr Tim Patterson, Joint Director of Public Health was also in attendance at the meeting and highlighted that both the Police and NHS strongly supported the introduction of bye-laws. Scottish Borders was the only area without bye-laws and while they would not be the answer to alcohol abuse problems they were a useful tool to help reduce the normalisation of alcohol consumption in vulnerable communities.

4. **PLANS FOR WIDER PUBLIC ENGAGEMENT** The Chairman highlighted the difficulty in capturing the views of the wider Tweeddale Community. He offered the services of himself and his fellow Councillors to come along to Community Council meetings to explain the plans and gather feedback. Community Councils were asked to provide details of all groups in their areas so that contact could be made. The

development of a package for involving schools was also discussed. Shona Smith advised that the Council had acquired a new on-line debating tool (Consul) and it was proposed to use the Tweeddale Locality Plan as the pilot for this software.

5. **TWEEDDALE LOCALITY PLAN – HEALTH, CARE AND WELLBEING**

5.1 The Chairman welcomed Tim Patterson, Robert McCulloch-Graham and Fiona Doig to the meeting. Tim Patterson advised that the Scottish Government had issued a new set of health priorities which included action to tackle drugs and alcohol abuse, obesity, mental health problems and the impact of adverse childhood experiences. Dr Patterson would be taking his annual report on public health to Council in May. Robert McCulloch-Graham outlined his role with the Integrated Joint Board. One of the biggest challenges was the expected 50% increase in over 65's and 100% increase in those 84 by 2036. This required a fundamentally different approach to healthcare as there was a big gap in current funding.

5.2 Shona Smith explained the documents which were on each table which included blank templates to identify the vision for the future of health, care and wellbeing in Tweeddale. Each table had a facilitator and a period of 30 minutes was given for discussion.

5.3 At the conclusion of the discussion each table fed back their key points which included:-

- The need for intergenerational provision with creative ways to keep people well within their communities and using the community spaces which were already there
- With regard to alcohol problems look at what other countries did differently and encourage licence holders to stock a better range of alcohol free products
- Isolation and what could be done to identify people and use assets in the local area
- Use more NHS funding for prevention and valuing caring as a career
- The use of new technology e.g. video consultations with Doctors
- More information on current groups – What Matters Hubs, Churches, golf clubs, Men's Sheds etc.

There then followed a general question and answer session with the officers present with the management and recruitment of carers being a major issue.

6. **LOCALITY BID FUND UPDATE**

Shona Smith reported that the Assessment Panel had now met twice. There was a number of queries to be sent out to applicants and once these had been answered a definitive list of projects would be issued. The aim was to have voting at the end of May/early June.

7. **OTHER BUSINESS**

7.1 **Small Schemes**

It was agreed that the remaining money within the small schemes budget be spent on the replacement of a sign at Innerleithen which was located at an important entrance to the town.

7.2 **Speed Watch**

Councillor Anderson highlighted the nationally supported Community Speed Watch Scheme and advised that 8-12 volunteers were needed to be trained to operate the camera. The equipment was quite expensive so it was suggested that Community Councils might wish to get together to share the equipment. It was agreed that Councillor Anderson would circulate the details to all Community Council Chairs.

8. **OPEN FORUM**

8.1 Mr Parker from Tweedsmuir Community Council was pleased to report that Tweedsmuir had obtained £214k funding to provide fibre broadband for the Community.

- 8.2 Mr Lewin from Upper Tweed Community Council advised that he had written to the Chief Executive of Scottish Borders Council recommending that they develop a new rural transport policy. This could look at innovative solutions used elsewhere and the use of pilot schemes. Councillor Tatler advised that a transport seminar was currently being planned.
- 8.3 The Mental Health LAC reported on a “curry and chat” initiative that was working well in Eyemouth which they would like to try in Tweeddale.
9. **NEXT MEETING**
The next meeting of the Tweeddale Area Partnership was scheduled for Wednesday, 12 June 2019. The venue would be confirmed in due course. The Chairman thanked everyone for attending.

The meeting concluded at 8.55 p.m.

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MINUTE of Meeting of the TEVIOT AND LIDDESDALE AREA PARTNERSHIP held in the Assembly Hall, Hawick High School on Tuesday, 16 April 2019 at 6.30 pm

Present:- Councillors N Richards (Chairman) W McAteer, D Paterson, C Ramage and G Turnbull.
In Attendance:- 24 Partners, Community Councillors, officers and members of the public.

1. WELCOME AND INTRODUCTIONS

The Chairman, Councillor Richards, welcomed everyone to the meeting of the Teviot and Liddesdale Area Partnership and thanked Community Councillors, Partners and local organisations for their attendance.

2. CONSUMPTION OF ALCOHOL IN PUBLIC PLACES

- 2.1 The Chairman also extended a welcome to Brian Frater - Regulatory Service Director Regulatory Services, and Susan Elliot - Alcohol & Drugs Partnership Coordinator, who were in attendance to advise of Scottish Borders Council's consultation on the Consumption of Alcohol in Public Places. Mr Frater explained that in 2014, the Council had considered the introduction of byelaws to prohibit drinking in public places. Following a consultation process, in 2018, the Council decided not to introduce byelaws due to a range of factors including the changes in licensing laws and the low level of response to the original consultation. The Council did however agreed to a new consultation which had been launched in Tweeddale, with over 300 responses already received. The purpose of the consultation was to determine the views of the community, to inform the Council in considering if there were areas in the Scottish Borders where drinking alcohol in public places were causing problems. Mr Frater encouraged participation in the consultation, copies of the questionnaire were available on the tables and the Council's website. The closing date for responses was 9 June. Following an analysis of the responses, subject to the responses received, a further consultation exercise may be carried out in the autumn, with a report back to Council by the end of 2019.
- 2.2 Mr Frater responded to a number of questions raised explaining that the byelaws would cover any public places not covered by a licence e.g. public parks. There could be exemptions for events such as Common Ridings and Rugby Sevens. Occasional licences could also be granted for special events. If introduced, the Police would enforce the byelaws; Police Scotland and NHS Borders were key partners in the consultation process. Regarding devolving the decision to Area Partnerships, Mr Frater advised that Area Partnerships could make recommendations to Council, but ultimately the decision was made by Scottish Ministers.
- 2.3 Ms Elliot went on to highlight that one in four adults were drinking to excess and that children exposed to alcohol by parents were more likely to drink alcohol. NHS Borders' view was that the introduction of byelaws would be an effective tool to reduce consumption and could change the mind-set of the public around the availability of alcohol; restriction could also help in terms of people's overall health. In response to a

question, Ms Elliot explained that the impact of minimum pricing had not yet been analysed. However, anecdotal information showed that consumption patterns had improved. The Chairman thanked Mr Frater and Ms Elliot for their attendance and encouraged everyone to participate in the consultation.

3. **FEEDBACK FROM MEETING ON 19 FEBRUARY 2019**

The Minute of the meeting of the Teviot and Liddesdale Area Partnership held on 19 February 2019 had been circulated. A summary of the discussion on the theme 'our quality of life was attached as an appendix to the Minute. Tonights' table discussion would discuss each theme and ensure that we had captured everything and had the right priorities.

4. **DRAFT TEVIOT AND LIDDESDALE LOCALITY PLAN**

The Communities & Partnership Manager, Shona Smith, explained that the Draft Locality Plan, which had been circulated with the agenda, took into account all the comments and feedback from discussions that had taken place at the previous four themed meetings of the Area Partnership. The priorities and key priorities about what was important and what would make a difference to the lives of people in the Teviot and Liddesdale area, within each theme, had been identified and listed in the draft plan. Those present were now asked to review the draft and assess whether the plan had missed any significant areas of discussion and to consider if they agreed with the priorities and key priorities that had been identified. It was explained that there would be a 20 minute discussion on each of the four themes within the draft plan with a facilitator responsible for that theme moving between each of the four tables to record the input. For each theme the questions were asked. Whether you agree with the priorities raised; has anything been missed; what would success look like; how can we work in partnership to achieve this; and how do I get involved'? Feedback from the discussions on the draft would be used to inform development of the Teviot and Liddesdale Locality Plan. It was noted that Local Community Action Plans and Learning Community Partnership Plans would also form part of the Locality Plan.

5. **LOCALITIES BID FUND UPDATE**

Gillian Jardine, gave an update on the Localities Bid Fund (LBF). There had been a good response to the process, the deadline for which was the of February. Teviot and Liddesdale had £40k to allocate. Officers were now in the process of communicating with groups to go forward to a public vote. Ms Jardine went on to explain the registration process and that voting would be online or at the one day public event. Further details on the process and timescales would be confirmed soon.

6. **OTHER BUSINESS**

Neighbourhood Small Schemes

The Chairman referred to a note by the Service Director and Infrastructure, copies of which had been circulated to Members at the meeting. The note requested Members' approval to delegate authority to the Service Director Assets & Infrastructure to approve Small Scheme applications in 2019/20 subject to the criteria detailed in the note.

DECISION

AGREED to delegate authority to the Service Director Assets & Infrastructure to approve Small Scheme applications in 2019/20, subject to the conditions detailed in the report.

7. **OPEN FORUM**

In response to a question, the Chairman advised that the Council would not be introducing car parking charges or a tourist tax.

8. **NEXT MEETING**

The next meeting of the Teviot and Liddesdale Area Partnership was scheduled for Tuesday 11 June 2019. The venue would be confirmed in due course. Ms Smith

explained that the meeting would develop actions on quality of life to work towards achieving priorities. Following a discussion members of the Area Partnership asked that all four themes be discussed at the next meeting, that the Area Partnership be restructured, Community Council Spotlight be reinstated and that Area Forums be reintroduced.

The meeting concluded at 8.30 pm.

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MINUTES of Meeting of the CHEVIOT
AREA PARTNERSHIP held in The
Assembly Hall, Kelso High School
Angraflat, Kelso on Wednesday, 17
April 2019 at 6.30 pm.

Present:- Councillors S. Hamilton (Chairman), J. Brown, S. Mountford, E. Robson, S. Scott, T. Weatherston together with 11 Representatives of Partner Organisations, Community Councils and Members of the Public.

Apologies:-

In attendance:- Communities and Partnership Manager, Locality Development Co-ordinators (Colin Banks and Gillian Jardine), Strategic Community Engagement Officer, 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 **CONSUMPTION OF ALCOHOL IN PUBLIC PLACES**

2.1 The Chairman welcomed Mr. Brian Frater, Service Director Regulatory Services and Mrs Nuala McKinlay, Chief Legal Officer to the meeting. Mr. Frater explained that consideration had been given to the introduction of bye-laws prohibiting the consumption of alcohol in public places in certain communities back in 2013. It was considered that the responses to the consultation at that time, of which there had been very few, were no longer relevant so it would not be appropriate to proceed to implement the draft bye-laws and a new consultation process was to be undertaken. The consultation document went live on the Council's website on 27 March 2019 and the volume of responses was encouraging with 300 responses in 2 weeks and Mr Frater encouraged everyone to take part. It was important that a wide range of groups and communities gave their views so that the responses were representative of the views of everyone across the Borders. He asked communities to consider whether there was a problem in their area which could be helped by bye-laws and emphasised that they were not designed to impact on local festivals or "café culture" but to help prevent anti-social behaviour. The first part of the consultation would close on 1 June and if there was a desire for bye-laws then a second consultation would be held to ascertain exactly where they should be implemented. A final report would be taken to Scottish Borders Council in November 2019.

2.2 In response to questions about comparative information, Mr Frater advised that Scottish Borders Council were the only Authority in Scotland not to have byelaws. He emphasised that the byelaws were not to tackle underage drinkers. In relation to what was a public place, Mrs McKinlay explained and highlighted when an occasional licence would be required. Mrs McKinlay explained that the byelaws, if approved would be an additional tool for Police to use. Mr Frater reiterated that no decisions had been made and the results of the consultation would decide whether the introductions of byelaws were to be pursued.

3.0 FEEDBACK FROM MEETING ON 30 JANUARY 2019

3.1 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. Feedback from each theme would then be drawn together to inform the Cheviot Locality Plan.

3.2 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.

4.0 DRAFT CHEVIOT LOCALITY PLAN

4.1 There had been circulated copies of the Draft Cheviot Locality Plan. The Chairman explained that the aim of the plan was to reflect the priorities and needs of Cheviot people and the draft had been prepared taking account of the feedback provided at all the previous themed meetings. There were 4 themes within the plan and the top priority for Cheviot under each theme had been identified and the views of those present were being sought to check that the plan had what people wanted.

4.2 Colin Banks explained how the evening would work. There was a facilitator at each table and each table would discuss one of the themes for 20 minutes with the facilitators moving round.

4.3 There followed some very constructive discussion and a copy of the main points raised are appended to the Minute.

5.0 LOCALITIES BID FUND UPDATE

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

URGENT BUSINESS

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

6.0 NEIGHBOURHOOD SMALL SCHEMES

6.1 There were circulated at the meeting copies of a note by the Service Director – Asset and Infrastructure which sought approval from Members for delegated powers for future applications for Small Schemes. The report explained that to ensure applications for Small Schemes are dealt with timeously, Members were asked to delegate authority to the Service Director Assets and Infrastructure to approve future applications in 2019/20 subject to conditions.

DECISION

AGREED that authority to approve future applications in 2019/20, be delegated to the Service Director – Assets & Infrastructure subject to the following:

- (a) **Application(s) for projects to be carried out from Small Schemes are received, assessed and costed by Council Officers;**

- (b) **Officers will then send details of the project(s) to Elected Members along with a recommendation for their consideration;**
- (c) **Elected Members will advise appropriate Council Officers of their support or otherwise for a particular project – support will be required from a majority of Elected Members for a project to proceed;**
- (d) **Should support by the majority of Members not be given for a project, this application will be refused; and**
- (e) **Details of projects funded from the Small Schemes budget will be presented to the Cheviot Area Partnership as part of any future updates on Grants and Funding.**
- (f) **Any application for Community Fund funded projects should be directed to the Communities and Partnership Team.**

7.0 DATE OF NEXT MEETING

- 7.1 The next meeting would be held on Wednesday, 19 June 2019 in Jedburgh at 6.30 p.m. The theme of the meeting would be confirmed in due course.

The meeting closed at 8 p.m.

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**SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of Meeting of the PLANNING
AND BUILDING STANDARDS
COMMITTEE held in Council
Headquarters, Newtown St Boswells TD6
OSA on Monday, 29 April 2019 at 10.00
a.m.

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

1. MINUTE

There had been circulated copies of the Minute of the Meetings held on 25 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) The Reporter had dismissed appeals against non determination in respect of :-

- (i) Erection of residential units, formation of dwellinghouse from engine house, relocation of allotment space, erection of workshop units with associated access and infrastructure works – 17/00063/PPP;**
- (ii) Demolition of mill buildings – 17/00064/CON**

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

- Land West of Whitslaid (Barrel Law), Selkirk**

- Greenloaning, The Loan, West Linton
 - The Honey House, The Row, Longformacus
- (c) A review request had been received in respect of Part change of use from agricultural barn to vehicle body repair and paint shop with associated parking(retrospective) – 18/01071/FUL;
- (d) The decision of the Appointed Officer was Overturned in respect of:-
- (i) Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure (subject to conditions, informatives and a Section 75 Legal Agreement) – 18/00681/FUL;
 - (ii) Change of use to joiners workshop and showroom; caravan repairs and sales; car valet; retail; and siting of catering unit (retrospective) (subject to conditions and informatives) – 18/00723/FUL
 - (iii) Extension to provide an additional 7 No workshop units (Class5/6), 1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area (subject to conditions and informatives) – 18/01229/FUL
 - (iv) Change of use from public bar and alterations to form residential flat(subject to conditions) – 18/01330/FUL
 - (v) Replacement windows (subject to conditions) – 18/01462./FUL
- (e) there remained three reviews outstanding in respect of:-

• Land East of Rose Cottage, Maxwell Street, Innerleithen	• Deans Bar, 3 Orrock Place, Hawick
• Plot 3 Land North East of the Old Church, Lamberton	

- (f) There remained 2 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 18th April 2019. This relates to sites at:

• Fallago Rig 1, Longformacus	• Fallago Rig 2, Longformacus
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The meeting concluded at 12.40 p.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/00213/FUL	Erection of Telecommunications Lattice Mast 30m High with associated Equipment within Fenced Compound	Land East of Deephope Farmhouse Selkirk

Decision: Approved subject to the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.

2. Within no more than 6 months of the date at which the development hereby consented ceases to be required for the purpose of telecommunications infrastructure provision:

(a) the telecommunications mast hereby consented, and all ancillary equipment and installations (including fencing, the cabinets, platform and hard standing) shall all be removed from the site; and

(b) the land at the site shall be restored to its former condition, unless, an application is first made and consent granted for the development's retention on-site to serve an alternative purpose.

Reason: Retention of the mast, and all ancillary installations on site, beyond the point in time at which it has become redundant, would not be sympathetic to the character of the site or the visual amenities of the surrounding area.

NOTE

Mr Ogilvie Jackson spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01555/FUL	Erection of five dwellinghouses with integral garages	Land North West of Primary School, Braeheads, Main Street Reston

Decision: Approved subject to a legal agreement to require contributions towards off-site affordable housing and local primary and secondary schools, and the following conditions and informatives:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.

2. No development shall commence until precise details of foul and surface water drainage arrangements have been submitted to and approved in writing by the Planning Authority. Thereafter, the dwellinghouses hereby consented shall not be occupied until the surface water and foul drainage arrangements are functional in accordance with such agreed details.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water and to ensure that surface water drainage is attenuated in a controlled manner that does not contribute to existing localised flooding.
3. No foul drainage system other than the public mains sewer shall be used to service the development without the written consent of the Planning Authority.
Reason: To ensure that the development does not have a detrimental effect on public health.
4. Prior to occupation of any property within the development hereby approved, 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.
5. Prior to the occupation of the dwellinghouses hereby approved, written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
6. 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.
7. 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
Reason: To protect the residential amenity of nearby properties.
8. All plant and machinery 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.
9. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the agreed details. Construction traffic movements shall avoid school drop-off and pick-up times.
Reason: To ensure construction traffic does not cause unacceptable harm to local road users and road safety.
10. Prior to the commencement of development, details of a footway between the site and the existing footway serving Reston Primary School shall be submitted for the agreement in writing of the Planning Authority. Prior to the occupation of the first dwelling, the footway shall be completed in accordance with the agreed details.
Reason: To secure adequate provision for pedestrians using Braeheads, in the interests of road safety.

11. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of all external materials to be used in the construction of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
12. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
13. 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.
14. No development shall commence until details (including a site plan) of protective fencing at a height of 1.5 metres that shall be erected at least 2.0 metres from the southern edge of the hedge that follows the northern boundary of the site have been submitted to and agreed in writing by the Planning Authority. Thereafter, there shall be no works or storage undertaken within the protected areas and the fencing shall not be removed until construction works are complete, unless otherwise agreed in writing by the Planning Authority.
Reason: To protect the hedging along the northern boundary.
15. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before the development commences and thereafter the development shall be carried out wholly in accordance with the agreed details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the north elevation of Plot 1 unless an application for planning permission in that behalf is first submitted to and approved in writing by the Planning Authority.
Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

Informatives

1. Stoves and Use of Solid Fuel 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 at:

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

2. 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.
3. The applicant should be aware that the streets within the site require Roads Construction Consent, this must be submitted and approved, with the relevant security in place prior to commencement of any building works on site.
4. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
5. With regards to Condition 2 above the applicant/developer should provide a detailed servicing/maintenance plan for the proposed attenuation tank.
6. The applicant/developer should consider incorporating proposals for the disposal of surface water drainage and appropriate attenuation for the remainder of the allocated site (BR6).

NOTE

Mrs Pat Alexander on behalf of Residents and Mr J Logan on behalf of Reston and Auchencrow Community Council spoke against the application.

Mr Allan Swan, Bain Swan Architects spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00768/S36	Erection of 11 turbines, 4 No turbines up to 149.9m high to tip, 3 No turbines 174.5m high to tip, and 4 No turbines 200m high to tip and associated works.	Crystal Rig Wind Farm Cranshaws

Decision: Agree to object for the following reasons:-

Reason for Objection 1: Adverse Visual Impact:

The proposed development would be contrary Local Development Plan Policy ED9 in that the visual impact of red aviation lights fitted to the nacelles of seven of the eleven turbines would introduce lighting, whose purpose is to draw attention to the development, with an industrial appearance which would be incongruous and visible from a considerable distance from the development. This is

incompatible with the visual amenity of the dark rural environment largely unaffected by artificial light, which is experienced by receptors travelling on public roads and paths within the Eastern and Central Borders in hours of darkness and would also increase the prominence of this wind farm environment from these affected routes at times of dusk and dawn.

Reason for Objection 2: Impact on Landscape Character

The proposed development would be contrary Local Development Plan Policy EP5 in that the location of red aviation lights on an elevated location within the Lammermuir Hills would adversely affect the night time character of the Lammermuir Hills Special Landscape Area by industrialising the dark rural environment which would be experienced by receptors travelling on roads and paths within the SLA.

Advisory Note

Should the development be considered for approval, then conditions and the need for a Legal Agreement have been identified covering a number of different aspects including noise limits, roads matters, ecology and archaeology.

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, 30 April, 2019 at
10.00 am

- Present:- Councillors C. Hamilton (Chairman – Education Business), S. Haslam (Chairman), S. Aitchison, G. Edgar, E. Jardine, T. Miers, S. Mountford, M. Rowley, R. Tatler, G. Turnbull and T. Weatherston
- Also present:- Councillors S. Bell, J. Greenwell, W. McAteer, N. Richards.
- In Attendance:- Chief Executive, Chief Financial Officer, Chief Officer Education, Clerk to the Council, Democratic Services Officer (F. Walling)

EDUCATION BUSINESS

Present:- Mr G. Jarvie, Ms C. Thorburn, Parent Representative: Ms Alison Ferahi.
Apologies:- Mr I Topping.

CHAIRMAN

Councillor Hamilton chaired the meeting for consideration of the Education business

1. EARLY LEARNING & CHILDCARE EXPANSION

- 1.1 With reference to paragraph 5 of the Council Minute of 31 May 2018, there had been circulated copies of a report by the Interim Service Director, Children and Young People, in response to the recommendation from the Audit and Scrutiny Committee on 11 March 2019 that the Executive Committee consider providing 1140 hours of Early Learning and Childcare (ELC) from August 2019, for all eligible 2 year olds, rather than from August 2020, regardless of whether or not they lived in one of the expanding primary school catchment communities. The relevant extract from the Minute from the Audit and Scrutiny meeting had also been circulated. The claim of residents supporting the petition entitled 'Nursery Place discrimination in Peebles 2019' was that the decision to roll out increased provision of nursery hours by catchment area was discriminatory. The Chief Officer Education, Michelle Strong, outlined the background and national expectations in relation to the Early Learning and Childcare Expansion. Currently all 3 and 4 year old children (and eligible 2 year olds) were entitled to 600 hours ELC a year, depending on their birth date. This entitlement did not change until August 2020. In 2020, the entitlement changed to 1140 hours, which would equate to a full day during term time. The Scottish Government blueprint set out that Local Authorities were to determine the most appropriate way to phase the expanded hours, reflecting the Scottish Index of Multiple Deprivation. In Scottish Borders a priority list was created, based on the Child Poverty Index, using thorough and robust data, which set out the order of phasing for all catchment communities. This approach was approved by the Executive Committee on 7 November 2017 and the programme of expansion agreed by full Council on 31 May 2018. The Programmed Expansion Plan submitted to the Scottish Government was attached as an appendix to the report. Ms Strong outlined the complexity and risk of deviating from this approved programme of implementation as detailed in the report and recommended that the Council continued with the agreed model.

- 1.2 The Executive Committee went on to consider the implications of providing 1140 hours of ELC for all eligible 2 year olds from August 2019 rather than August 2020 and received answers to their questions. In terms of the number of eligible 2 year olds, it was confirmed that the 37 quoted within the report was based on this year's enrolment. Due to multiple factors, it was not possible to establish specific numbers for 2019/20 which added to the complexity of the programme to expand nursery provision. In response to a question about risks of provision of nursery childcare from the private sector and what safety net was provided in the event of closure, Ms Strong confirmed that the Council would have a duty to provide alternative placements. In terms of standards, the Council worked closely with providers and with the Care Inspectorate in all settings. In response to questions about financial implications of deviation to the plan in terms of infrastructure and staff resources, Members were advised that the Capital Plan for new buildings and refurbishment of existing buildings was linked to the agreed phasing. In terms of training and payment of additional staff the Scottish Government was providing additional funding for the expansion but this was based on the plans submitted and there was no funding for a deviation to the plan. After further consideration it was proposed by Councillor Weatherston, seconded by Councillor Haslam, and unanimously agreed that the Programmed Expansion Plan agreed by Council on 31 May 2018 and submitted to Scottish Government be continued.

DECISION

AGREED that the Early Learning and Childcare Programmed Expansion Plan, agreed by Council on 31 May 2018 and submitted to Scottish Government, be continued.

2. UPDATE ON WORKSTREAMS WITHIN THE CONTEXT OF THE SCHOOL ESTATE REVIEW

- 2.1 With reference to paragraph 15 of the Council Minute of 29 November 2018 and paragraph 12 of the Executive Minute of 16 April 2019, there had been circulated copies of a report by the Interim Service Director, Children and Young People, providing an update on workstreams within the context of the School Estate Review. Lead Education Officer – School Estates, Lesley Munro, highlighted the main points of the report which offered a broad overview of key aspects within each area. Individual reports would continue to be presented where appropriate. With regard to the recommendations approved by Executive Committee with respect to Eyemouth and Earlston Primary Schools, there would be consultations held during the coming months with the respective communities to examine both the design and cluster elements of these projects. In terms of the High Schools, initial meetings had taken place in Galashiels and Hawick with Headteachers and parent representatives. Views were expressed in both towns that there were too many schools and that plans to rationalise and improve condition and suitability would be welcome. To encourage engagement in ongoing consultations, proposals for discussion would make suggestions on the potential number of sites or campuses, locations, likely size and scale of future provisions and considerations for rural schools. With regard to mothballed schools, formal consultations were underway on proposals to close the 3 schools currently mothballed in Etrick, Bonchester Bridge (Hobkirk) and Eccles/Leitholm. The report detailed projects for Early Years Expansion across the primary school estate to accommodate the additional numbers which would result from the Early Learning and Childcare expansion plan. With regard to the Jedburgh Campus, work was progressing and plans to bring the primary schools together in August were well advanced. In line with the principles of 'Fit for 2024' it was important that the review of the school estate was ongoing and responsive. The output of all the work to date was being collated into a new School Estate Management Plan which would be presented to the Executive Committee for approval.
- 2.2 Members welcomed the positive report and proposals for significant investment in the school estate going forward. In response to a question about added value of individual projects, Ms Munro explained that there would be wider discussions with partners and local consultation to look at all opportunities for co-location and provision of

complementary services. Members stressed that this was particularly important in smaller settlements where there were currently no community facilities available and stressed the importance of involving the community council and local residents in discussions at an early stage. Ms Munro advised that a list of primary schools which had been identified for investment would be shared once this was finalised. With regard to the consultations about Galashiels and Hawick High Schools, Ms Munro agreed to the request from parent representative Ms Ferahi to provide a schedule of consultation dates before the end of term so that parents could be mobilised. In answer to questions about small schools with reducing pupil role, Ms Strong advised that there was no exact threshold in terms of numbers, the focus being on educational benefit of the provision. However once numbers dropped to a single class size it appeared that parents' confidence faltered and there tended to be migration away to a larger school which may meet a wider spectrum of need. In recognising the importance of the rural school within the community the Council engaged with parents and looked at ways of helping to maintain the sustainability of schools once the school role fell below 50. Catchment areas were also being reviewed; for example the catchment area around Yarrow Primary School, which was the subject of a separate report.

DECISION

- (a) NOTED the update on workstreams within the context of the School Estate Review.**
- (b) AGREED:-**
 - (i) to approve the actions proposed as next steps for consultation in Galashiels and Hawick; and**
 - (ii) that the School Estate Management Plan be brought to the Executive Committee within six months.**

3. SENIOR PHASE LEAVERS REPORT FOR 2017-18

- 3.1** With reference to paragraph 2 of the Minute of 4 September 2018, there had been circulated copies of a report by the Interim Service Director, Children and Young People, providing an update on destinations and attainment for school leavers. Quality Improvement Officer, Catherine Thomson, was in attendance and gave a slide presentation to highlight the main points of the report, which provided the overall attainment data for the 1178 young people from S4-S6 who left secondary school in May 2018. The report also contained data on the positive destinations of those leavers. Tables within the report compared data from the Scottish Borders with a virtual comparator, the South East Collaborative, and with national figures. It was stated that 95.67% of all leavers from S4-S6 in May 2018 left school into a positive destination. This was greater than all the comparator data. This performance was consistent over a five-year trend and put Scottish Borders Council in the top ten of Local Authorities in Scotland for this measure. 41% of 2018 leavers went onto Higher Education; 27% went on to Further Education and 26% went onto employment; 2% went onto training and 1% to do voluntary work. The highest percentage for five years of young people who lived within the Scottish Index of Multiple Deprivation deciles 1 and 2 moved onto Higher Education and the lowest percentage for those in a negative destination. In terms of literacy and numeracy, 95% of all leavers in 2018 achieved SCQF Level 4 literacy and 92% achieved that level of numeracy. This was in line with the virtual comparator for the authority. 87% of all leavers in 2018 achieved SCQF Level 5 Literacy and 71% achieved Numeracy. This was in line with or greater than the virtual comparator. Performance of the most deprived 20% of S4 leavers at SCQF Level 3-5 was above the virtual comparator and there was improved performance from 2017 for all Care Experienced leavers at SCQF level 5 Literacy and Numeracy. The report went on to detail exam attainment data which indicated that attainment for all leavers in the Scottish Borders was in line with the virtual comparator and greater than the South East Improvement Collaborative and National

levels. It was confirmed that each school would provide a summarised update of this report to Parent Councils and staff. Ms Thomson concluded her presentation by drawing attention to ongoing collaboration, in terms of investment in a skills and young workforce plan, with groups including South of Scotland Enterprise, City Deal and the Borders College.

- 3.2 Members welcomed the positive data provided in the report and in particular the figures showing a significant narrowing of the attainment gap and the development of young workforce teams through the increase in number of Modern Apprenticeships. Discussion continued on how to keep young people in the Borders or encourage them to return. Ms Thomson confirmed that the Education and Skills Partnership Group was looking at that and was also working with employers to ensure young people were being educated with the skills and attributes to meet local demand. The Chief Executive advised that partners and agencies were being brought together to re-examine senior stage education to match with jobs and provide a route into the workplace. This would include a programme of more meaningful work experience. Discussion continued about the need to consider the wider picture in terms of the economy and employment; to develop centres of excellence and concentrate on making the Scottish Borders a vibrant destination to encourage young people to work in the Borders or to return once they had completed their higher education.

DECISION

NOTED the update.

4. PROPOSAL TO CONSULT ON CATCHMENT PROPOSAL FOR YARROW PRIMARY SCHOOL AND PHILIPHAUGH COMMUNITY SCHOOL, SELKIRK

With reference to paragraph 5 of the Minute of 7 November 2017, there had been circulated copies of a report by the Interim Service Director, Children and Young People, proposing to amend the catchment areas of Yarrow Primary School and Philiphaugh Community School, Selkirk. Ms Munro explained that a key outcome of the School Estate Review, commenced in February 2016, was to proactively support schools with a roll under 50 to become more sustainable. Following a decline in pupil numbers at Yarrow Primary School, Council officers had been meeting with parents to agree strategies to increase the roll and improve the sustainability of the school. One of the options identified was to consider increasing the size of the catchment area. Officers held an informal drop-in session in Yarrowford Village Hall in December 2018, where views were expressed for the Yarrowford and Broadmeadows area to be included in the catchment for Yarrow Primary School. This area was currently part of the Philiphaugh Community School catchment area. It was therefore proposed that a statutory consultation process was commenced to establish whether there was support for this amendment to both catchment areas. A copy of the draft Proposal Paper for the consultation was attached as an appendix to the report. If there was a positive response to the proposal, and a formal recommendation was made to Councillors to amend the catchment, it was proposed that pupils from the Yarrowford and Broadmeadows area, currently attending Philiphaugh, could decide which school they would like to attend and Council funded transport would be provided. This arrangement would also apply to any future siblings. Based on the number of children currently in the area proposed for consultation it was estimated that a contract for one additional vehicle would be required to transport the children to Yarrow Primary School at an additional cost of £15,000 per annum. In the discussion that followed Members emphasised the importance of retaining Yarrow Primary School if possible and were supportive of the proposal outlined in the report.

DECISION

AGREED to approve the commencement of a Statutory Consultation to obtain views on the proposal to amend the catchment areas of Yarrow Primary School and Philiphaugh Primary School.

OTHER BUSINESS

CHAIRMAN

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

5. MINUTE

There had been circulated copies of the Minute of the meeting of 16 April 2019.

DECISION

APPROVED for signature by the Chairman

6. CAPITAL PROGRAMME 2019/20 - BLOCK ALLOCATIONS

With reference to paragraph 4 of the Minute of 12 February 2019, there had been circulated copies of a report by the Chief Financial Officer seeking approval for the proposed individual projects and programmes within the various block allocations in the 2019/20 Capital Financial Plan. The Chief Financial Officer drew attention to Appendices A – X to the report which detailed proposals for the various projects to be allocated resources from the block allocations within the 2019/20 Capital Financial Plan and those budgets approved by the Executive Committee on 12 February 2019. He explained that these were high level blocks adjusted for underspend. Not all projects had been fully identified at this point. As and when available this information would be brought to Executive for approval. The Chief Financial Officer went on to answer Members' questions before the report was approved.

DECISION

AGREED to approve the block allocation breakdowns contained in Appendices A – X to the report.

7. STRATEGIC HOUSING INVESTMENT PLAN PROGRESS FOR 2018-2019

7.1

There had been circulated copies of a report by the Service Director Regulatory Services advising Members of the affordable housing annual completions and progress made in the delivery of the Strategic Housing Investment Plan (SHIP) projects for the period 2018-19. The Chief Planning Officer, Ian Aikman, was in attendance to present the report and answer Members' questions. He explained that the SHIP 2019-24, agreed by Council and submitted to Scottish Government in November 2018, had received very positive feedback from Scottish Government officials. For the financial period 2018-2019, 191 affordable homes were delivered against envisaged projects set out in the current SHIP. This exceeded the Council's Local Housing Strategy 2017-2022 (LHS) annual target of 128 new affordable homes, but was slightly less than the 213 homes originally envisaged to be delivered in 2018/19 as per SHIP 2019-24. A table within the report detailed Registered Social Landlord (RSL) project completions within 2018-19. Mr Aikman explained that the Scottish Government 2018-19 allocation of £14.065m to the Scottish Borders area was a record high level of external funding allocated to Scottish Border to date. However, there had been some slippage for a variety of reasons, such as statutory consent processes, site acquisitions and Scottish Environmental Protection Agency objections resulting in around £2.3m underspend which had had to be handed back to Scottish Government. Scottish Government, Scottish Borders Council and RSLs were looking to work together to ensure maximum spend in 2019-20. In an update to the figure stated within the report, Mr Aikman was pleased to advise that the allocation from Scottish Government to assist with the delivery of affordable housing projects in the Scottish Borders during 2019-20 had been increased to £15.998m with a projected allocation of £16.972m for 2020-21. This was a significant increase to deliver an enhanced delivery programme.

7.2

Members welcomed the report which was positive in terms of exceeding the target for the number of homes delivered under the SHIP programme of projects and increased level of investment in the delivery of affordable homes. With reference to the slippage there was

emphasis on the importance of focusing on project approval in order to ensure that the total amount of funding allocated would be spent. A plea was made for robust conversations between officers and Members on project proposals at an early stage to address any local planning concerns and to ensure the provision of high quality developments in every case. In endorsing the progress made, Members also noted the contribution of the SHIP programme of investment in terms of economic development in the area and congratulated the officers involved in its delivery.

DECISION

AGREED to endorse the progress made in the delivery of affordable housing in 2018 – 2019.

8. PRIVATE BUSINESS

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

SUMMARY OF PRIVATE BUSINESS

9. MINUTE

The private Minute of 16 April 2019 was approved.

10. TOWN CENTRE REGENERATION UPDATE

Members approved a report by the Executive Director which provided an update on the priority regeneration actions as part of the Council's agreed approach to town centre regeneration and proposals for the Town Centre Fund provided by the Scottish Government for 2019 - 2020.

The meeting concluded at 12.00 pm

SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA PARTNERSHIP

MINUTE of Meeting of the BERWICKSHIRE
AREA PARTNERSHIP held in Coldstream
Community Centre, Coldstream on Thursday
2 May 2019 at 6.30 pm

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

Apologies:- Councillor Greenwell
In Attendance:- Communities & Partnership Manager, Strategic Community Engagement Officer, Locality Development Co-ordinator, Clerk to the Council, Trainee Democratic Services Officer

1. **WELCOME AND INTRODUCTIONS**

Councillor Fullarton welcomed everyone to the Berwickshire Area Partnership and thanked the Community Councils, Partners and local organisations for their attendance. He outlined the programme for the evening and introduced the speakers.

2. **CONSUMPTION OF ALCOHOL IN PUBLIC SPACES**

2.1 The Chairman also extended a welcome to Nuala McKinlay, Chief Legal Officer, who advised on Scottish Borders Council's consultation on the Consumption of Alcohol in Public Places. The purpose of the consultation was to determine the views of Borders citizens, groups and interested parties on the impact of public consumption of alcohol in our communities. Mrs McKinlay explained that in 2013, Scottish Borders Council (SBC) had considered the introduction of byelaws to prohibit drinking in public places. The process resulted in a draft byelaw being drawn up which would have brought restrictions in place in a number of Border towns. The process had been very lengthy and only came to a conclusion at the end of last year. Following a consultation process, in 2018, the Council decided not to introduce byelaws due to a range of factors which included changes in licensing laws. The previous consultation received a fairly low level of response and SBC was keen to encourage participation and to ensure that views were received from a broad range of people and groups. The Council had however agreed to this new consultation which had been launched in Berwickshire with over 400 responses already received. The purpose of this consultation was to determine the views of Borders citizens, groups and communities to inform the Council in considering if there were areas in the Scottish Borders where drinking alcohol in public places was causing problems. Mrs McKinlay encouraged participation in the consultation, with copies of the questionnaire available on the tables at the meeting and on the Council's website. Details of the consultation had been sent out to a range of bodies and officers were attending each Area Partnership meeting. The closing date for responses was 30 June 2019. Following an analysis of the responses and subject to the responses received, a further consultation exercise may be carried out in the autumn, with a report back to Council by the end of 2019 to decide on whether the matter would be pursued.

2.2 Mrs McKinlay responded to a number of questions raised explaining that the byelaws would cover any public places not covered by a licence e.g. public parks. There could be exemptions for events such as Common Ridings and Rugby Sevens. Occasional licences could also be granted for special events. If introduced, the Police would enforce the byelaws; Police Scotland and NHS Borders were key partners in the consultation process. Regarding devolving the decision to Area Partnerships, Mrs McKinlay advised that Area Partnerships could make recommendations to Council, but ultimately the decision was made by Scottish Ministers. Mrs McKinlay went on to stress that the aim of this Phase 1

consultation was not to introduce a further byelaw but to determine whether there were problems regarding public alcohol consumption and if a byelaw would be helpful in addressing it or if there was a desire to look in more detail at the introduction of a byelaw.

- 2.3 The Alcohol & Drugs Partnership Co-ordinator, Susan Elliot, who was in attendance, made comment on the Council's consultation. Ms Elliot highlighted that one in four adults were drinking to excess and that children exposed to alcohol by parents were more likely to drink alcohol. NHS Borders' view was that the introduction of byelaws would be an effective tool to reduce consumption and could change the mind-set of the public around the availability of alcohol; restriction could also help in terms of people's overall health. Ms McKinlay stressed that participation in the consultation was being encouraged and to spread the word to take part, in particular to gain the views of groups within Scottish Borders. In response to a question, Mrs McKinlay explained that any premises with an occasional licence would not be affected and this would cover beer gardens, social events, festivals etc. and any event with no licence – i.e. cheese and wine parties held in gardens, would then require a licence. Mrs McKinlay advised that Police Scotland did not have the tools at present to deal with the drinking of alcohol in public places and criminal law was not sufficient and would benefit from a supplementary byelaw to interact with persons causing a nuisance/breach of peace whilst drinking alcohol. After further discussion, covering all aspects and areas of this consultation, the Chairman thanked Mrs McKinlay and Ms Elliot for their attendance and encouraged everyone to participate in the consultation.

**DECISION
NOTED.**

3. **FEEDBACK FROM MEETING ON 7 FEBRUARY 2019**

The Minute of the Meeting of the Berwickshire Area Partnership held on 7 February 2019 had been circulated along with a summary of the discussion attached as an appendix to the Minute. The Chairman gave some highlights from the feedback received at that meeting.

**DECISION
AGREED the Minute.**

4. **DRAFT BERWICKSHIRE LOCALITY PLAN**

The Communities & Partnership Manager, Shona Smith, explained that the Draft Locality Plan, which had been circulated with the agenda, took into account all the comments and feedback from discussions that had taken place at the previous four themed meetings of the Area Partnership. The priorities and key priorities about what was important and what would make a difference to the lives of people in the Berwickshire area, within each theme, had been identified and listed in the draft Plan. Those present were now asked to review the draft and assess whether the Plan had missed any significant areas of discussion and to consider if they agreed with the priorities and key priorities that had been identified. It was explained that there would be a 20 minute discussion on each of the four themes within the draft Plan with a facilitator responsible for that theme moving between each of the four tables to record the input. For each theme the questions were asked: 'Whether you agree with the priorities raised; had anything been missed; what would success look like; how could we work in partnership to achieve this; and how do I get involved?'. Feedback from the discussions on the draft Plan would be used to inform development of the final Berwickshire Locality Plan. It was noted that Local Community Action Plans and Learning Community Partnership Plans would also form part of the Locality Plan.

**DECISION
NOTED.**

5. **LOCALITIES BID FUND UPDATE**

Shona Smith gave an update on the Localities Bid Fund (LBF). There had been a good response to the process. All projects were on the website with all the required information available. Officers were now in the process of communicating with groups to go forward to a public vote. Ms Smith went on to explain the registration process and that voting would be online or at the one-day public event. Further details on the process and timescales would be confirmed soon and featured on SBC's website.

**DECISION
NOTED.**

6. NEIGHBOURHOOD SMALL SCHEMES

The Chairman referred to a note by the Service Director and Infrastructure, copies of which had been circulated to Members at the meeting. The note requested Members' approval to delegate authority to the Service Director Assets and Infrastructure to approve Small Scheme applications in 2019/20 subject to the criteria detailed in the note.

DECISION

AGREED to delegate authority to the Service Director Assets & Infrastructure to approve Small Scheme applications in 2019/20, subject to the conditions detailed in the report.

7. OPEN FORUM

In response to a question raised on the remit of the Council to train all community councillors, the Clerk to the Council, Jenny Wilkinson, advised that training would be made available and would be offered in the Berwickshire area if there were enough people attending. With regard to a question about teacher absence, as this was a very specific instance, Ms Wilkinson advised she would be happy to take this matter back to the Service Director, but it could not be discussed at a public meeting. The Chairman then advised that ownership of the Locality Plan rested with the community in the form of the whole Area Partnership. Actions would be developed and measures added to take forward the priorities. Shona Smith further advised that the Scottish Borders Community Plan would be led by the Community Planning Partnership, which had a multi-agency approach with communities. Councillor Rowley, Chair of the Community Planning Strategic Board, advised that while there was a Borders wide Community Plan, the Berwickshire Locality Plan took up local issues and would be a live document, constantly updated and reviewed. Actions would be developed and could be delivered by a number of agencies, but where possible a named lead would be included. A question was raised about a specific budget for the Partnership, and Ms Smith advised that no specific funds were allocated for the Plan, but a number of funding options were available which would vary depending on the action being taken forward. The Chairman thanked everyone for the time spent on the Plan and all comments from the meeting.

**DECISION
NOTED.**

8. DATE OF NEXT MEETING

The next meeting of the Berwickshire Area Partnership was scheduled for Thursday 6 June 2019 at Whitsome Ark where there would be a briefing on the Community Fund and Area Partnership Reviews. Councillor Fullarton thanked all those who had attended the meeting for their participation and input.

The meeting concluded at 8.40pm

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SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTE of Meeting of the AUDIT AND
SCRUTINY COMMITTEE held in Committee
Rooms 2 and 3 on Monday 13 May 2019 at
10.15am

Present:- Councillors S Bell, (Chairman), H. Anderson, J. Fullarton, N. Richards, H. Scott, S. Scott, Mr M Middlemiss and Ms H Barnett

Apologies:- Councillors K. Chapman, S. Hamilton, E. Thornton-Nicol
In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk, Mr G Samson - Audit Scotland, Principal Internal Auditor, Clerk to the Council, Trainee Democratic Services Officer

AUDIT & SCRUTINY BUSINESS

1. **MINUTE**

There had been circulated copies of the Minute held on 18 April 2019.

DECISION

APPROVED for signature by the Chairman.

2. **ACTION TRACKER**

With reference to paragraph 7 of the Minute of 18 April 2019, there had been circulated copies of the Action Tracker for the Audit and Scrutiny Committee. It was noted that the provisional date for the informal session on the Treasury Management Strategy remained as scheduled for 25 November 2019. With regard to Risk Management Services, it was agreed that the Clerk to the Council would add this item to the programme for Members Briefings. Ms Stacey advised that any progress on the Petition for speed bumps in Langlee Drive would be added to the action tracker and that following today's meeting, any items marked as completed, would be removed from the Action Tracker.

DECISION

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

(b) **AGREED that Risk Management Services be added to the Members Briefing programme**

AUDIT BUSINESS

3. **PROPERTY AND ESTATE ASSURANCE**

There had been circulated copies of a report by the Service Director Assets and Infrastructure which provided a summary update on the various matters which had implications for the Council's operational property portfolio. The report fulfilled a request on the Action Tracker, agreed at the meeting on 26 June 2018, for further information now included in the report. Specifically, the report provided details of Scottish Borders Council's response, instructions or works which had been undertaken, primarily in response to concerns raised following several specific and tragic events which had occurred nationally. The report noted, that in light of these recent events, Scottish Government had indicated that irrespective of the contractual procurement route, Local Authorities cannot abdicate responsibility for quality assurance and oversight with respect

to the construction and maintenance of operational properties and the potential future changes which would be enacted in law which had further future consequences for the Council and other third party construction works. The Chairman welcomed the Service Director Assets and Infrastructure, Mr Joyce who summarised the number of factual events and health and safety related incidents that had taken place over recent years nationally which by extrapolation had potential serious implications for the Council, and its partners, across operational property portfolios. Mr Joyce explained that the report primarily highlighted specific incidents, operational arrangements for property maintenance and the drinking water lead testing programme which had been undertaken. There had been a full discussion on the report and Mr Joyce responded fully to the questions raised by Members, in particular on whether the Council had storm damage insurance, the property maintenance contract and the lead water testing programme. Mr Robertson advised Members that the Council was not covered for storm damage. With regard to the property maintenance contract, Mr Joyce explained that any issues or concerns raised through the routine and cyclic planned maintenance were dealt with through the property and estates section. Any buildings that were included within the handback criteria, the Council would ensure that the buildings were at an acceptable standard at the end of the 5 year lifecycle maintenance contract. Mr Joyce further explained that the drinking water testing programme had been carried out in schools with high levels of lead found in Ednam Primary School, following which immediate steps had been taken to relocate the children to Broomlands Primary School. In response to a question from Ms Barnett on the communication process to those affected by the drinking water, Mr Joyce advised that communication went out through the schools to Parent Councils with advice given to contact their own GP, if anyone had concerns. A further question was raised on if the water testing rollout would be carried out in village halls and old people's homes and Mr Joyce confirmed that the current testing schedule was currently for schools and old people's homes and a further programme would be scheduled within other properties. Ms Stacey advised Members that all areas of risk around property and asset maintenance would be included in the Internal Audit Plan for 2019/20 which would allow the testing programme to be part of the Internal Audit review and would also include the corporate landlord operational process. The Chairman thanked Mr Joyce and his team for all the work currently being carried out within this programme.

DECISION

NOTED:-

- (a) the contents of the report;**
- (b) that Officers would continue to ensure that appropriate systems and processes were in place to manage and mitigate risk wherever possible in respect of the Council's operational estate; and**
- (c) there may be further implications for the Council as further likely legislative changes were implemented**

4. LOCAL GOVERNMENT CHALLENGES AND PERFORMANCE 2019

There had been circulated copies of a national performance report by Audit Scotland of relevance to Local Government on "Local Government Challenges and Performance 2019" published on 21 March 2019 designed to share best practice and lessons learned, which sets out recommendations and included a scrutiny toolkit for Councillors. The report also included the highest standards of governance and financial stewardship the Council was expected to achieve, value for money on how resources were used and the services provided. Ms Stacey summarised the national report and highlighted the best practices to be sighted and officers were to be more focussed around the challenges at a national level and considered the recommendations highlighted within the report to continue to improve the outcomes for communities and to be open to transformational change and would implement new ways of working. Ms Stacey explained that the Council

had significant elements to resolve through the Transformation Programme going forward with arrangements in place to support changes going forward. To reduce budgets through long term financial planning which would be included in the internal audit programme. The key elements around the importance of decision making and to ensure elected Members understand the different impacts and options being presented through the use of benchmarking and experiences to evaluate all the options. With regard to workforce planning, work had been carried out through the workforce framework recognising the Council's effective arrangements and work would continue to ensure ongoing alignment with financial and workforce planning along with the skill sets on what we have now and what we would need in the future. Work on performance management had been carried out with data submitted through the local government framework to potentially look at the performance management aspect which showed the indicators and highlighted policy decisions. The Chief Financial Officer, Mr Robertson advised that the report was very helpful specifically regarding financial planning and was a useful tool to adopt for budget setting and to ensure a 5 year plan was in place adopting a longer term financial framework. The Chairman asked that Audit Scotland were to be informed that it was a very good report but to also state that the graphics in Exhibit 4 were too compressed and it would be valuable to represent some of the data more clearly. Mr Samson from Audit Scotland would feed this back. It was also agreed that this report would be sent for the attention of all Members along with a briefing note from the Chair. In response to Members' concerns on child poverty information in the Borders, Mr Robertson advised that a question would be raised to the Chief Executive on when the Council and NHS would produce a report on child poverty to Council.

**DECISION
AGREED:-**

(a) a briefing note be sent out to Members; and

(b) to ask the Chief Executive to arrange a briefing note on the NHS/SBC joint performance report for Council

5. INTERNAL AUDIT WORK TO MARCH 2019

With reference to paragraph 6 of the Minute of 11 March 2019, there had been circulated copies of a report by the Chief Officer Audit and Risk which provided details of the recent work carried out by Internal Audit and the recommended audit actions agreed by management to improve internal controls and governance arrangements. The work Internal Audit had carried out during the period 24 February to 31 March 2019 was detailed in the report. During the period, a total of 4 Final Internal Audit reports had been issued with no recommendations. An Executive Summary of the final Internal Audit reports issued, included 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) included the production of this report to communicate the results of the reviews. Further information on the work of Scottish Local Authorities Chief Internal Auditors Group (SLACIAG), which was the professional networking group for the Councils' Heads of Internal Audit, is shown in Appendix 2 to this report. Ms Stacey highlighted some aspects of the final assurance reports issued and reference was made to each of the Internal Audit Final Assurance Reports detailed in the Appendix to the report: Asset Registers; Corporate Transformation; Financial Governance (Business World ERP system); and Revenues (Council Tax and NDR). Ms Stacey reported that the review on the Business World ERP system had been the most significant piece of work carried out on the integration of four audits as part of the Financial Governance assurance work related to the workstreams: Procure to Pay; Sales to Cash; Payroll and Record to Report and the core systems covering Finance, Procurement and HR. Internal Audit would continue to

monitor and review progress in 2019/20 on the three remaining recommendations which were work in progress to address risks, issues and concerns.

DECISION:-

- (a) **NOTED the final assurance reports issued in the period from 24 February to 31 March 2019 associated with the delivery of the approved Internal Audit Annual Plan 2018/19; and**
- (b) **AGREED to acknowledge the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work**

6. RISK MANAGEMENT ANNUAL REPORT 2018/19

With reference to paragraph 6 of the Minute of 14 May 2018, there had been circulated copies of a report by the Chief Officer Audit and Risk detailing Scottish Borders Council's responsibilities in respect of risk management and the progress made to deliver the Council's Risk Management Strategy during 2018/19. The report explained that effective Risk Management was one of the foundations of successful Corporate Governance and was recognised as such within the Council's Code of Governance. Compliance with the principles of sound Corporate Government required the Council to adopt a coherent approach to the management of risks and more assured risk management would bring benefits to the Council and the people it serves. The Audit function of the Audit and Scrutiny Committee included a requirement to scrutinise the framework of internal financial control, risk management and governance throughout the Council to ensure its adequacy. The Council had undergone, and continued to undergo substantial change and with a Risk Management landscape that was dynamic, moving increasingly towards partnerships and alternative models of service delivery, the range of risks that the Council was exposed to had also increased. The report detailed the work that had been undertaken with Management to ensure that a Risk Management culture was embedded throughout working practices across the Council and the actions taken to progress this work. The Council continues to refine its approach to Risk Management and embed the key aspects into the management practices of the Council, as shown within this report and outlines progress made during 2018/19. Ms Stacey summarised the activity throughout the year as detailed in the report. The standard risk management process with risk registers at Corporate and Service levels had been uploaded to Pentana, the Council's performance management system. Risk registers had been developed for all service areas. The presentations carried out by Service Directors highlighted a good understanding of the process around risk review with resources working with Management in terms of risk review activity and the management of risks and how this was built into current practices. Ms Stacey advised that the systems fundamentally were in place to review all risk registers and the arrangements should be proportionate and be practicable in terms of the implementation going forward. In response to Members request, it was agreed that a schedule would be drawn up for Service Directors to attend Committee to provide an insight on specific risks, though Members would liaise with Service Directors in advance of their attendance to set the focus for their risk management presentations on specific risks.

DECISION

AGREED:-

- (a) **with the arrangements for managing risks at the Council to ensure their ongoing effectiveness in support of the Council's risk management policy and strategy; and**
- (b) **that further action was required to schedule Service Directors to attend this Committee to provide an insight on specific risks**

7. COUNTER FRAUD ANNUAL REPORT 2018/19

With reference to paragraph 7 of the Minute of 14 May 2019, there had been circulated copies of a report by the Chief Officer Audit and Risk. The report provided an update of the Council's responsibilities in respect of fraud prevention, detection and investigation activity during the year to 31 March 2019. The Council was committed to minimising the risk of loss due to fraud, theft or corruption and to take appropriate action against those who attempt to defraud the Council, whether from within the authority or from outside. The report explained that in 2018 there had been a revised Counter Fraud Policy Statement and a 3-year Counter Fraud Strategy endorsed by this Committee and approved by Council to continue to refine its approach to tackle fraud with a focus on prevention and detection and promotion of anti-fraud culture across the Council, taking account of reduced resources. It was noted that this was the first report on progress presented to Audit and Scrutiny Committee. The report advised on the assurances about the effectiveness of the Council's existing systems and arrangements for the prevention, detection and investigation of fraud would be taken from the results in the Annual Fraud Report 2018/19 contained within this report. Ms Stacey advised that the report outlined the activity undertaken throughout the year and that work had been carried out with Service Managers to establish a counter fraud culture as fundamental to ensure effective response to fraud, theft, corruption or crime and the leadership part played by Corporate Management Team and Senior Manager was key to established counter fraud behaviour within the organisation, its partners, suppliers and customers. A Corporate Fraud Steering Group had been set up for senior management as a forum to assess any issues and learn from any incidents that had occurred and to enhance working practices. There was a full discussion and officers responded to questions raised by Members, in particular to the figures highlighted in the report for on-line training modules and to ascertain why it was only compulsory for new starts. It was recommended that clarification on the criteria for the fraud on-line training module would be submitted to the Corporate Fraud Steering Group. Ms Stacey went on to highlight that there was guidance on the intranet on counter fraud policy and strategy.

DECISION

(a) AGREED:-

- (i) that the Corporate Fraud Steering Group reassess the personnel for the mandatory on-line training module to improve completion based on risk; and**
- (ii) that the counter fraud work undertaken in support of the Council's counter fraud policy and strategy be considered**

(b) NOTED the content of the Counter Fraud Annual Report 2018/19 outlined the outcomes

8. INTERNAL AUDIT ANNUAL ASSURANCE REPORT 2018/19

With reference to paragraph 8 of the Minute of 14 May 2018, there had been circulated copies of a report by the Chief Officer Audit and Risk presenting the Committee with the Internal Audit Annual Assurance Report for the year to 31 March 2019, which included the Chief Officer Audit and Risk's independent assurance opinion on the adequacy and effectiveness of the Council's overall control environment. In support of the overall governance arrangements of the Council, the Local Code of Corporate Governance and the Public Sector Internal Audit Standards required the Chief Officer Audit and Risk to provide an annual internal audit opinion and report to the Chief Executive on the adequacy and effectiveness of the Council's internal control and governance arrangements to support the preparation of the Annual Governance Statement. The remit of the Audit and Risk Committee indicated that it should ensure an adequate framework of internal control, risk management and governance throughout the Council. Ms Stacey,

the Chief Officer Audit and Risk's opinion, based on internal audit reviews, risk assessments and knowledge, was that the systems of internal financial control and knowledge, the systems of internal control, governance and risk management were operating satisfactorily. The Chief Officer Audit and Risk's Annual Report for 2018/19 had been used to inform the Chief Executive's Annual Governance Statement 2018/19. Ms Stacey highlighted the main points of the report to comply with Public Sector Internal Audit Standards and advised that quality self-assessment confirmed conformance with PSIAS with the actions reviewed on the quality improvements to be carried out. In relation to the analysis of the planned and actual days of audit delivery, Members were advised how hours were allocated to work undertaken by Internal Audit, why that allocation might change and the flexibility which allowed other resources to be utilised when required. Ms Stacey advised that, due to a recent appointment, the internal audit function was now at full establishment and staff would continue to progress through a performance, review and development (PRD) process to ensure appropriate skills and knowledge and personal learning plans were in place and the workforce within the team would be managed appropriately. With regard to the discussion on 'critical friend', Ms Stacey confirmed that there was a clear distinction on the role of internal audit staff and that they were only involved to ask challenging questions, give constructive advice and ensure that a clear balance was maintained.

DECISION

- (a) NOTED the Internal Audit Annual Assurance Report for 2018/19; and**
- (b) AGREED that the Internal Audit Annual Report for 2018/19 be published on the Council's website**

9. **SCOTTISH BORDERS COUNCIL ANNUAL GOVERNANCE STATEMENT 2018/19**
- With reference to paragraph 9 of the Minute of 14 May 2018, there had been circulated copies of a report by the Chief Executive seeking approval of the Annual Governance Statement to be published in the Council's Statement of Accounts for 2018/19. The report explained that the CIPFA/SOLACE framework "Delivering Good Governance in Local Government" urged Local Authorities to review the effectiveness of their existing governance arrangements against their Local Code and to prepare a governance statement in order to report publicly on the extent to which they complied with their own Code on an annual basis, including how they had monitored the effectiveness of their governance arrangements in the year, and on any planned changes for the coming period. Part of the Audit & Risk Committee's remit was to assess the effectiveness of internal controls, risk management and governance arrangements. The Annual Governance Statement 2018/19 was detailed in Appendix 1 to the report and this explained the Governance Framework, including the key elements of the Council's governance arrangements and the Review Framework, outlining the annual review process, overall opinion and areas of further improvement. The Chief Financial Officer, Mr Robertson reported that in terms of overall corporate governance, it was the Chief Executive's opinion that, although there were a few areas of work to be completed for full compliance with the Local Code, the overall governance arrangements of the Council were considered sound. With regard to recognised responsibilities, Mr Robertson explained that it was the overall aim to ensure that resources were directed in accordance with agreed policy and properly executed. There were defined seven core principles set out by governance and assessment had shown how compliance had been applied. The Council's Local Code of Corporate Governance was reviewed and showed to be consistent with the principles and recommendations of the Framework. Mr Robertson highlighted the challenges in the development of new technology and expectations were ambitious in the Council's change programmes but were efficient and effective on the deliverability of services. With regard to the Corporate Landlord contracts, Mr Robertson advised contracts were now in place and ongoing arrangements in performance management and complaints handling procedures were also in place. In response to a question on staff performance, Mr Robertson advised that staff performance was

undertaken through the PRD scheme. Ms Stacey also reported that work would be carried out through the Council's HR team on the development of the process under the Fit for 2024 competency framework. The Chairman highlighted that the framework for good governance was explained in the Appendix to the report and thanked Mr Robertson for presenting the report on the Chief Executive's behalf.

DECISION

- (a) **NOTED the details of the Annual Governance Statement 2017/18 as detailed in Appendix 1 to the report and acknowledged the actions identified by Management to improve internal controls and governance arrangements; and**
- (b) **AGREED that it be published in the Council's Statement of Accounts 2018/19**

SCRUTINY BUSINESS

10. PRIVATE BUSINESS

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.

11. MINUTE

The private Minute of the meeting held on 18 April 2019 was approved. The Chairman requested that the decision, as detailed below, from this Minute be copied into the public minute.

DECISION

AGREED:-

- (a) **to note the update on the work underway as part of the CGI contract; and**
- (b) **that a further report be brought to the Audit and Scrutiny Committee in a year's time, demonstrating the progress made with the CGI Contract against the targets based on the original business case, the timescales and the anticipated financial savings**

The meeting concluded at 12.35pm

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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, 27 May 2019 at 10.00 am

Present:- Councillors S. Hamilton (Chairman), A. Anderson (18/00728/PPP), J. A. Fullarton, H. Laing, S. Mountford (17/01368/FUL & 18/00961/FUL), C. Ramage and E. Small

Apologies:- Councillors T. Miers and S. Aitchison

Also present:- Councillor G. Turnbull

In Attendance:- Principal Planning Officer – Major Applications/Local Review, Principal Officer – Plans & Research (for review 18/00728/PPP), 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.

MEMBER

Having not been present when the following review was first considered Councillor Anderson did not take part in the determination and left the Chamber prior to its consideration.

1. CONTINUATION OF REVIEW OF 17/01368/FUL

1.1 With reference to paragraph 1 of the Minute of 15 April, 2019, the Local Review Body continued their consideration 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. Clarification had been requested by Members, in the form of a hearing session regarding:-

- 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.

Following the hearing session Members of the Local Review Body would consider all aspects of the review with no further input from the hearing attendees.

HEARING SESSION

1.2 The appellant Mr Mark Deans and his wife Mrs Pauline Deans were in attendance at the Hearing to present their case. Speaking on behalf of Scottish Borders Council's Environmental Health Service was Ms Lynn Crothers, Principal Regulatory Services Officer. The third party, who had objected to the application, did not respond to an invitation to take part in the Hearing and was not in attendance. A Hearing statement on behalf of the appellant had been circulated, which included a re-issued report from CSP Acoustics and photographs of the inside of the old smashed windows and of the newly installed windows. A statement by Ms Crothers had also been circulated.

1.3 Mrs Deans explained that the premises had been purchased in 2016 as a family business. It was only when an application was made for an operating licence that they had been

informed that a change of use application to a public house was required. This was despite the premises having been used originally as a pub and more recently as a club. In terms of Condition 4 of planning permission 16/00763/FUL, which related to the function room, the use of this room had not changed so there was a question as to why a new ventilation system was now required. It was thought unreasonable to ask a small business to spend in excess of £8,000 on air conditioning units when these had not been required previously. There was already ventilation by way of extractor fans that were fitted in the walls. There was also concern that their neighbour who complained about noise breakout from the premises would also complain about the noise of air conditioning units if fitted. The applicants had been unable to source satisfactory units that complied with the noise criteria. Fitting the triple glazed windows and the existing extractor fans to provide ventilation was really the only hope of getting the room opened.

1.4 Mrs Deans went on to explain that it was extremely difficult to run a business in the town in the current economic climate, particularly now it was operating at half capacity without the use of the function room. With regard to noise emission, thousands had already been spent on noise assessments and solicitor's fees following objections from a neighbour. Although the consultants CSP Acoustics were not in attendance their noise report had been re produced with the recommendations that either:-

- the sound insulation performance of the window glazing specification was improved; or
- that the internal music levels within the function suite were reduced to make current glazing performance more effective in the control of music breakout noise.

Mr and Mrs Deans would therefore like to suggest the installation of acoustic boards made to fit the inside of the windows that could be removed when the room was not in use. A traffic light system could also be used to monitor the level of music.

1.5 Ms Crothers referred Members to the detailed statement she had provided which outlined the reasons why Environmental Health had objected to the application to vary Condition 4 of the previous application 16/00753/FUL, whereby windows in the function room of Deans Bar would be reinstated in lieu of installing a ventilation system. The statement was divided into four parts: provision of context and clarity of the role of Environmental Health in the planning process; information on the input and recommendations made by Environmental Health during the consultation on the planning applications; an explanation of the issues raised with noise assessment which was submitted by the applicant; and an explanation of the noise criteria used to assess noise impacts.

1.6 With specific regard to the two matters on which the Hearing was based, Ms Crothers advised that it was not known, in a practical sense, if the windows could be used as a suitable means of ventilation as this would depend on the number of air changes required per hour. Building Standards colleagues may be able to provide more specialist advice on this. Environmental Health's response to this statement would be no. This was because for the windows to be a suitable means of ventilation they would have to remain open. This would then render the content of the noise assessment as obsolete because the noise attenuation of the triple glazed windows would be in the region of 10dB thereby offering little protection to nearby residential dwellings.

1.7 Although the noise assessment submitted by Mr Deans appeared to demonstrate that the windows offered adequate protection of the surrounding amenity, detailed analysis of this assessment by Environmental Health and an independent consultant had highlighted a number of shortcomings with the assessment. In addition to the theoretical assessment, visits to the upstairs residential dwelling had demonstrated that the residential amenity was adversely impacted by the noise emissions from the premises.

1.8 On being given the opportunity to ask questions, Members asked Ms Crothers for clarification about various technical points in her statement. They also asked for her view

as to whether there would be unacceptable breakout of noise from the existing extractor fans and whether acoustic boards at the windows would keep noise breakout to an acceptable level. In response Ms Crothers advised that in her opinion there would be unacceptable noise from the existing fans. She could not comment on the effectiveness of acoustic boards in reducing noise breakout without having their specifications. She agreed that noise levels could be reduced by the use of, for example, the direction of speakers. When asked if there was some sort of compromise possible for a ventilation system Ms Crothers said that more information would be required about what was proposed. She accepted that the applicant could spend a significant amount of money on a new ventilation system which may still not be acceptable in respect of noise breakout but that the applicant would need to engage with Environmental Health at an early stage in the planning process. In response to questions to the appellants, Mrs Deans referred to efforts they were making to minimise noise emissions and mediate with the neighbour who was complaining.

- 1.9 After the parties involved had given closing summaries of their submissions, the Chairman closed the Hearing session and the Local Review Body reconvened to continue consideration of the review. Members agreed that the Hearing had been useful in providing further information. They expressed sympathy with the appellants' position in trying to grow a business in difficult circumstances and noted that the premises were located in a commercial, not a residential area. Despite the technical detail supplied, Members remained unclear about how effective the suggested acoustic boards and volume limiting equipment would be in reducing noise breakout from the function room. Members made a request to the Legal and Planning Advisors for advice about whether temporary planning permission would be possible to facilitate a trial period with the acoustic boards in place. Following a brief adjournment the officers advised that this would not be the best way forward and that Members should consider continuation and a request for further information. After more discussion Members concluded that they could not make a determination without further procedure and clarification on these matters.

DECISION

AGREED that:-

- (a) **the review could not be determined without further procedure in the form of written submissions from the applicant;**
- (b) **the applicant provide written submissions on the following:-**
 - **Details of the acoustic boards including dimensions, technical specifications, sound insulation properties and fitting aspects (duration; methods of fixing and removal); and**
 - **Details of volume limiting equipment which could be used to reduce noise breakout from the function suite.**
- (c) **the Council's Planning Officer and Building Standards Officer provide written submissions on the following:**
 - **With the proposed acoustic boards in place at the windows, did the extractor fans currently installed provide adequate ventilation in terms of Condition 4 of planning permission 16/00753/FUL and the requirements of building standards/environmental health as appropriate.**
- (d) **the review be continued on a date to be arranged.**

MEMBER

Having not been present when the following review was first considered Councillor Mountford did not take part in the determination and left the Chamber prior to its consideration.

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

With reference to paragraph 2 of the Minute of 18 March 2019 there had been re-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. In response to the request from Members for further information, written submissions had also been circulated from the applicant, planning officer, access officer and interested parties about the current usage and function of the greenspace. In focussing on whether the proposal was an appropriate infill site for development, Members considered the additional information provided and discussed at length issues relating to the green space, the significance of the right of way to the northern side of the site and all the third party comments and objections including concerns about the disposal of surface water.

DECISION

AGREED that:-

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

MEMBER

Having not been present when the following review was first considered Councillor Anderson did not take part in the determination and left the Chamber prior to its consideration.

3. **CONTINUATION OF REVIEW OF 18/00961/FUL**

With reference to paragraph 2 of the Minute of 15 April, 2019 and following a site visit, there had been re-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. Members agreed that the site visit had been useful in allowing them to assess how the proposed development would relate to other dwellings within the group, also taking into account the view of the site from the A1; and whether there would be a significant impact of the development on the setting of the Scheduled Monument of Old Lamberton Church, Members continued their discussion of the design, mass and orientation of the proposed dwellinghouse, taking into account observations made during the site visit and their deliberations when this review was first considered.

DECISION

AGREED

- (a) **the review could be considered without the need for any further procedure on the basis of the site visit and the papers submitted;**
- (b) **the proposal would be in keeping with the Development Plan; and**

- (c) **the officer's decision to refuse the application be reversed and planning permission be granted, subject to conditions, for the reasons detailed in Appendix II to this Minute**

The meeting concluded at 12.35 pm

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APPENDIX I

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY INTENTIONS NOTICE

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

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

Local Review Reference: 19/00001/RREF

Planning Application Reference: 18/00728/PPP

Development Proposal: Erection of dwellinghouse

Location: Land East of Rose Cottage, Maxwell Street, Innerleithen

Applicant: Mr Raymond Keddie

DECISION

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

DEVELOPMENT PROPOSAL

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

Plan Type	Plan Reference No.
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Location Plan	
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Site Plan	
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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 27th May 2019. The review had previously been considered at the meeting of the LRB on 18th March 2019 where it was agreed to defer determining the appeal until further information had been sought from interested parties.

After examining the review documentation which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Papers referred to in officer's report; e) Consultations; f) Objections; g) Further representation; and h) List of Policies, and having considered the responses received to the information requested, 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, PMD5, EP9, EP11, EP16, HD3, IS2, IS5, IS7, IS8, 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 Planning Permission in Principle (PPP) to erect a dwellinghouse on the site. At their meeting in March 2019 the LRB requested further information in terms of what was considered to be the environmental, social or economic values of the greenspace; what was the function of the greenspace; and to give confirmation as to why and when the right of way which previously ran through the site was re-routed.

As the proposal was a PPP members acknowledged that there was no requirement to submit details of, for example, the house type, its design and proposed finishing materials. These matters are considered at the Approval of Reserved Matters stage. Members considered the site was of a sufficient size to accommodate a house and matters such as any impacts on nearby properties would be considered at the Reserved Matters stage. It was not considered any impacts on neighbouring amenity would raise any insurmountable issues.

The Review Body viewed the current appearance of the land, its relationship to other buildings in the area, the character of the conservation area in the vicinity and noted the site was physically fenced off preventing third party access and use. From the additional information provided Members considered that there was no evidence that the site was of significant environmental, social or economic benefit and that development of a well-designed house on the site would not have an adverse impact on this part of the conservation area.

In terms of the claimed Right of Way which previously ran through the application site but had now been rerouted to the northern side of the site, Members noted the third party comments received. Members noted the comments of the SBC Access Officer who stated the Council has no records of any claimed Right of Way on the land in question, although it was acknowledged that the community have intimated that the route was a Right of Way. Members agreed even if there were no formal records of such a route this does not prevent a

case being made for it to be formally recognised and delegated. Members considered that if they were minded to support the proposal a condition should be attached to ensure the new route's retention and for it to be kept free of any obstruction.

In terms of the disposal of surface water from the site, third party objections have stated it could not be put into a soakaway nor put into a combined public sewer. Clearly this matter would need to be resolved before any house on the site could be built. This would be done in consultation and agreement with Scottish Water / SEPA / Building Control. Such specific details would require to be resolved at the Approval of Reserved Matters planning application / Building Warrant stage and could not be implemented without the formal agreement of the necessary parties. Members agreed this matter could be addressed at that stage of the process should this appeal be granted.

In terms of potential contamination on the site, it was noted that in the Report of Handling the Planning Officer stated that following discussions with the Council's Planning Enforcement section it was confirmed the site was cleared up with the removal of weeds and builder's rubble following the serving of an Enforcement Notice. These materials were stored on top of the land as opposed to being under it.

Members noted there was a discrepancy between the refused site plan and the location plan. The site plan included an area of land to the west which is a private vehicular access road. If consent was to be granted then a condition should be attached to ensure the access route was safeguarded and kept free from any obstructions.

Members noted that although the planning officer's Handling Report stated that there would be a requirement for a financial contribution towards affordable housing, as the proposal was for a single house any such contribution would not be required, but that a legal agreement would be required to secure a contribution towards education.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Local Development Plan policies, most notably policies PMD5, EP9 and EP11 and relevant Supplementary Planning Guidance. The proposal was considered to be an appropriate infill site within the Innerleithen Conservation Area. Consequently, the application was approved.

DIRECTIONS

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

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

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

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

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

CONDITIONS

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

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

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

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

3. No development shall commence until the details of the access and the parking and turning facilities within the site have been submitted to and approved in writing by the Planning Authority. The details to include 2 no. parking spaces, not including any garage, and turning area to be provided within the curtilage of the site

Reason: To ensure the site is adequately serviced.

4. No development to commence until further details of the provision of foul and surface water drainage are submitted to, and approved by, the Planning Authority. Thereafter, development shall proceed in strict accordance with the approved details.

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

5. The private vehicular access route to the west of the site to be safeguarded and kept free from any obstructions

Reason : To ensure the unrestricted retention of the private access route

6. The claimed Right of Way on the northern part of the site to be safeguarded and kept free from any obstructions

Reason : To ensure the unrestricted retention of use of the claimed Right of Way

INFORMATIVES

With regard to Condition 4, all work within the public road boundary must be undertaken by a contractor first approved by the Council. Any proposed gate to the access must open into the driveway away from the public road.

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 contributions towards St Ronan's Primary School and Peebles High School.

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, 4th 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.

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.....11 June 2019

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APPENDIX II

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

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

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

Local Review Reference: 19/00006/RREF

Planning Application Reference: 18/00961/FUL

Development Proposal: Erection of dwellinghouse with detached garage

Location: Plot 3 Land North East of The Old Church, Lamberton

Applicant: Mrs Suzanne Currie

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.

DEVELOPMENT PROPOSAL

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

Plan Type	Plan Reference No.
Location Plan	
Floor Plans	CUR001-S&G001
Floor Plans	CUR001-S&G002
Roof Plan	CUR001-S&G003
Elevations	CUR001-S&G004
Elevations	CUR001-S&G005
Sections	CUR001-S&G006
Floor Plans	CUR001-S&G007
Elevations	CUR001-S&G008
Site Plan	CUR001-S&G009
Site Plan	CUR001-S&G010
Photomontage	

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 27th May 2019. The review had previously been considered at the Local Review Body meeting of 15th April 2019 where it was agreed to defer hearing the appeal until after an unaccompanied site visit had been carried out.

After examining the review documentation which included: a) Notice of Review (including Decision Notice and Officer's Report); b) Papers referred to in officer's report; c) Consultations; d) Further representations and e) List of Policies, and having carried out further procedure in the form of an unaccompanied site visit, the Review Body proceeded to determine the case.

REASONING

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, EP5, EP8, EP13, EP14, IS2, IS5, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- Scottish Planning Policy

The Review Body noted that the proposal was for planning permission to erect a dwellinghouse and detached garage on the site. They were of the opinion that the site visit carried out, following the decision to undertake further procedure at the April Local Review Body meeting, was very useful in allowing them to understand the proposals further and how the proposed house and garage siting and design would relate to other dwellings within the group and to the Scheduled Monument of Old Lamberton Church.

Members noted the planning history to the site including an earlier appeal dismissal of two houses on a larger plot and the most recent full planning consent for a house on the application site 16/00947/FUL. They noted that this consent was still valid and established the principle of a dwellinghouse on the plot.

The Review Body then considered the issues of siting, design and scale in relation to compliance Local Development Plan Policies PMD2 and HD2 and the relevant Supplementary Planning Guidance. In terms of siting, there was some concern about orientation of the house with the building group and proximity to existing buildings. They noted from the comparative photomontages that the proposed dwellinghouse appeared to be in a similar location to the approved design and that, whilst

there was realignment which turned the dwellinghouse slightly further away from the group, this was not sufficiently significant to contravene Policies PMD2 or HD2.

In terms of design, the Review Body noted the other buildings within the building group, including Lamberton Lodge, and the design of the previously approved dwellinghouse on the site. They did not consider there was any particular uniformity of design within the group at present and they were content that the design approach was acceptable on the site, noting that materials and colours could be controlled by condition. Members also discussed the differing styles of the east and west elevations of the dwellinghouse but ultimately considered that the appropriate, more traditional elevation faced into the building group and the more contemporary elevation was adequately screened from the A1.

On scale, the Review Body noted that the proposal was not significantly greater in scale than Lamberton Lodge but that the height was also reduced in comparison to the ridge height of the approved design. Having assessed the proposals on site and from the A1, Members did not consider that the scale was excessive or inappropriate to the site and its surroundings.

The Review Body then considered the issue of potential impact of the proposal on the Scheduled Monument of Old Lamberton Church. In this respect, they found the site visit particularly useful in understanding the proposed location of the development and the setting and views in and out from the Scheduled Monument site. Taking into account all factors, including the screening from the Church site and the lack of objection from Historic Environment Scotland, Members did not feel that the impacts on the setting of the Scheduled Monument would be adverse and that, consequently, Policy EP8 could be complied with.

The Review Body finally considered other material issues relating to the proposal including road access, rights of way, landscaping and drainage but were of the opinion that appropriate conditions could address them satisfactorily. They also noted that development contributions for Eyemouth Primary and High Schools had already been paid and a Section 75 Agreement discharged in relation to the plot.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, HD2 and EP8 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be of appropriate scale, siting, form and design in relation to the building group and that there would not be adverse impacts on the Scheduled Monument of Old Lamberton Church.. Consequently, the application was approved.

DIRECTIONS

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

CONDITIONS

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the house and garage have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

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

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

3. No development shall commence until the following details of the access and parking arrangements have been submitted to and approved in writing by the Planning Authority:
- i. A service lay-by constructed to the Council's specification (DC-3) at the junction of the site access with the public road.
 - ii. A passing place constructed to the Council's specification (DC-1) on the public road at a location to be agreed by the Local Planning Authority.
 - iii. Parking and turning for a minimum of two vehicles, not including any garages, provided within the curtilage of the property. These facilities shall be retained thereafter perpetuity for that purpose only.
 - iv. Measures to prevent the flow of water onto the public road.

Thereafter, the dwellinghouse not to be occupied until all approved details have been completed.

Reason: To ensure the site is adequately serviced and accessed.

4. No development to be commenced until a tree survey identifying the existing mature trees to the southern boundary of the site with No.3 Lamberton Holdings is submitted to, and approved by, the Planning Authority. The identified trees then to be protected at all times during construction and building operations, by the erection of substantial timber fence around the trees, together with such other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.

Reason: To ensure that adequate precautions are taken to protect trees during building operations.

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

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

6. No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse hereby approved.

Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.

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

8. Right of Way BB53 that runs through the site must be maintained open and free from obstruction in the course of development and in perpetuity. There should be no additional gates, steps, stiles, fences, walls or hedges on this route (shown on the map attached to the Access Officer's consultation reply on the planning application) which would restrict public access.
Reason: To protect general rights of responsible public access.

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, 4th 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.

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

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

Signed....Councillor S. Hamilton
Chairman of the Local Review Body

Date.....31 May 2019

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

MINUTE of MEETING of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Rosetta Road,
Peebles on 29 May 2019 at 5.00 p.m.

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Haslam, E. Small (from para 4)
Apology:- Councillors S. Bell, K. Chapman, Community Councillor L. Hayworth
In Attendance:- Treasury Business Partner, Solicitor (F. Hamilton), Estates Surveyor (A. Scott), Democratic Services Team Leader

Members of the Public:- 8.

1. MINUTE

The Minutes of the Meeting of Peebles Common Good Fund Sub-Committee held on 27 February and 27 March 2019 had been circulated.

DECISION

AGREED to approve the Minutes.

2. MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2019

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the year 2018/19 including balance sheet values as at 31 March 2019, and proposed budget for 2019/2020. Appendix 1 to the report provided the actual income and expenditure for 2018/19 which showed a projected surplus of £44,630 for the year, which varied from the projected surplus figure reported at the 27 February 2019 meeting, due to an increase in rental income as well as lower than anticipated grant expenditure. Appendix 2 to the report provided a projected balance sheet value as at 31 March 2019 which showed an increase in reserves of £11,643. Appendix 3 to the report provided a breakdown of the property portfolio showing actual rental income for 2018/19 and actual property expenditure to 31 March 2019. Appendix 4 to the report showed the value of the Kames Capital Investment Fund to 31 March 2019. The Treasury Business Partner highlighted the main points in the report and explained that income included a rebate from Kames Capital of £452 which had been reinvested to purchase an additional 422 units. The proposed budget for 2019/20 proposed a budget of £19,500 for grants based on the average amount awarded over the last few years. Councillor Haslam proposed that this figure be increased to £29,500 and this was unanimously approved.

DECISION

AGREED to:-

- (a) **note the actual income and expenditure for 2018/19 detailed in Appendix 1 to the report;**
- (b) **approve the proposed budget for 2019/20 as shown in Appendix 1 to the report subject to the amount for grants and other donations being increased to £29,500;**
- (c) **note the final balance sheet value as at 31 March 2019 detailed in Appendix 2 to the report;**

- (d) **note the summary of the property portfolio detailed in Appendix 3 to the report; and**
- (e) **note the current position of the Kames Capital investment fund in detailed in Appendix 4 to the report.**

MEMBER

Councillor Small joined the meeting.

4. APPLICATIONS FOR FUNDING

4.1 Peebles Ex-Servicemen's Pipe Band

There had been circulated copies of a request from Peebles Ex-Servicemen's Pipe Band for funding totalling £10,000. Tracey Thomson representing the applicants advised that it was coming up for the Pipe Bands Centenary Year and it was proposed to buy new equipment and uniforms. The application also covered the rental for new accommodation. Members discussed the request and agreed that as the proposed property had not yet been legally acquired by the new owners no funding would be provided at this time for rental. However, they would consider a further application for this element at the appropriate time. It was proposed that funding of £6,500 be awarded at this time and this was unanimously agreed.

DECISION

AGREED:-

- (a) **to grant funding of £6,500 to the Peebles Ex-Servicemen's Pipe Band; and**
- (b) **that consideration would be given to a further application to assist with rental payments once the building had been legally acquired by the new owners.**

4.2 Old and New Horizons

There had been circulated copies of a request by Tweed Wheels on behalf of Old and New Horizons for funding of £5,000. The group organised day trips for older residents who struggled to use public transport and did not have access to a car. The funds were to be used to continue the service which had previously been provided by volunteers. Members queried whether staffing costs could be funded and also requested a detailed breakdown of how the funds would be spent.

DECISION

AGREED to continue the application to obtain more detailed information.

4.3 Tweedgreen

There had been circulated copies of a request by Tweedgreen for funding of £600. Tweedgreen were a local environmental group working to create a more sustainable and resilient community. The funding was to be used to hold a public event involving relevant stakeholders to share best practice around making housing more sustainable, affordable, creative and attractive. Members agreed to approve the request.

DECISION

AGREED to grant funding of £600 to Tweedgreen.

4.4 Peebles Slot Car Racing Club

There had been circulated copies of a request by Peebles Slot Car Racing Club for funding of £1571 to secure club premises. James Crawley founder of the Club outlined how the club would operate and that it covered all generations. Members noted that the accommodation the club hoped to secure was in the same property as the Pipe Band above and agreed that they could not grant money until the property was in the ownership of the new operator. However, Mr Crawley was encouraged to resubmit his application once he had a proper tenancy agreement.

DECISION

AGREED that funding would not be provided at this time but that a further application be submitted once a proper tenancy agreement was in place.

4.5 Peebles Rugby Club

There had been circulated copies of a request by Peebles Ruby Club for funding of £5880 to fund the replacement of the existing boilers in the changing pavilion. Jim King and Steven Matthews spoke in support of the application and emphasised the need for proper shower facilities. Members unanimously agreed to support the application.

DECISION

AGREED to grant funding of £5880 to Peebles Rugby Club.

DECLARATION OF INTEREST

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

4.6 Eastgate Theatre

With reference to paragraph 2 of the Minute of 30 July 2018, there had been circulated copies of a request from the Eastgate Theatre to reinstate the previous offer of loan in the sum of £20,000 to provide some financial resilience as they undertook the major development of the theatre over the summer period. Ian Jenkins explained the need for the loan as there were no reserves which could be called upon if there were cash flow issues during the development. Members agreed to recommend approval of the loan on similar terms to the previous loan.

DECISION

*** AGREED to RECOMMEND a loan of up to £20k (should it be required) be made to Eastgate Theatre on the following conditions:**

- (a) the loan be repaid in full within one year from the date the loan is drawn down;**
- (b) interest on the loan be charged at 3% over base rate; and**
- (c) interest paid monthly from the date the loan is drawn down.**

5. COMMON GOOD FUND LAND

5.1 Peebles Callant's Plans for Planting Neidpath Grazings

The Chairman advised that he and Councillor Bell had met with the Callant's Committee on site. The Callant's Club representatives advised that the trees would be provided by the Woodlands Trust. The issue for the Club was the commitment to look after the trees in perpetuity which was something he could not commit future generations to do. The Estates Surveyor proposed that she meet the Callant's Club representatives on site and would prepare a report on the future use of this land and other land held by the Common Good Fund for consideration by the Sub-Committee at their next scheduled meeting. The Chairman also requested that the fence on the site be checked.

DECISION

AGREED that:-

- (a) the Estates Surveyor meet with the Callant's Club representatives on site to consider the planting proposals; and**
- (b) the Estates Surveyor prepare a report on the future use of all Peebles Common Good Fund land for consideration at the next scheduled meeting on 21 August 2019.**

5.2 Elliots Park Grazings

In the absence of Community Councillor Hayworth there was no discussion. However, it was noted that the future use of this land would be included in the report at (b) above.

5.3 Request from Peebles Highland Games to Site Equipment Container at Haylodge Park

It was reported that a request had been received from Peebles Highland Games to site a container at Haylodge Park to hold equipment. A letter and site plan provided by Scott Watson on behalf of the Highland Games was circulated at the meeting. Councillor Haslam requested a scale drawing showing the impact of the container on the site. She expressed concerns regarding the fire escape for the adjacent building and the visual impact on visitors to the Park. It was agreed that the Estates Surveyor would liaise with the Highland Games Organisers and would bring back a report providing the information requested.

DECISION

AGREED to defer consideration until a report detailing the full impact of the container on the adjoining buildings and visual amenity of the park was provided.

The meeting concluded at 6:05 p.m.

SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in Committee Rooms 2 and 3 on Friday,
31 May 2019 at 10.30 a.m.

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

1.0 **MINUTE**

The Minute of the Meeting of 22 March 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 during April and May 2019.

DECISION

NOTED.

3.0 **PRIVATE BUSINESS**

DECISION

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

SUMMARY OF PRIVATE BUSINESS

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

Hearings to consider 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 12 April 2019 from Police Scotland. The Applicant was present and represented at the meeting by his legal agent. After hearing from all parties, the Committee agreed that the Taxi Driver Licence be granted with delegated powers subject to outstanding paperwork being received.

- 5.0 There had been circulated copies of an application for the grant of a Taxi Driver Licence together with a letter of representation dated 24 April 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 25 March 2019 from Police Scotland. Although cited to attend, the applicant was not present. 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 attend.
- 7.0 There had been circulated copies of an application for the grant of a Taxi Driver Licence together with a letter of objection dated 1 May 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.
- 8.0 **MINUTE**
The Private section of the Minute of 22 March 2019 was approved.

The meeting concluded at 10.55 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 on
Monday, 3 June 2019 at 10.00 a.m.

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 19 April 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.

DECLARATION OF INTEREST

Councillor Fullarton declared an interest in application 18/01804/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

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) Appeals had been received in respect of the following:-

- (i) Erection of 2 blocks of residential flats comprising 40 No units of mixed accommodation with communal bike store, bin stances and associated parking and landscaping at 1-39 Tweedbridge Court, Peebles – 18/01086/FUL; and**

- (ii) Residential development comprising of 69 dwelling units with associated works at Coopersknowe, Phase 4 and 5, Coopersknowe Crescent, Galashiels – 18/01417/FUL.
- (b) An Enforcement Notice had been issued in respect of Residential caravan without Planning Permission on Land West Gallowberry Bank, Blyth Bridge – 15/00045/UNDEV.
- (c) The Reporter had dismissed an appeal against non determination in respect of Replacement windows at the Honey House, The Row, Longformacus – 18/01627/LBC.
- (d) The Report dismissed an Appeal against Enforcement in respect of Use of dwellinghouse as a Party House at Greenloaning, The Loan, West Linton – 18/00074/UNUSE
- (e) there remained one appeal outstanding in respect of Land West of Whitslaid (Barrel Law), Selkirk.
- (f) A review request had been received in respect of the Erection of two dwellinghouses at Paddock South of and Incorporating part Garden Ground of 1 Cowdenburn Cottgages, West Linton – 18/01469/PPP
- (e) there remained four reviews outstanding in respect of:-

• Land East of Rose Cottage, Maxwell Street, Innerleithen	• Deans Bar, 3 Orrock Place, Hawick
• Plot 3 Land North East of the Old Church, Lamberton	• Agricultural Barn Mid Softlaw Farm, Kelso

- (f) There remained 2 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 18th April 2019. This relates to sites at:

• Fallago Rig 1, Longformacus	• Fallago Rig 2, Longformacus
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The meeting concluded at 12.40 p.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/01712/PPP	Erection of Two Dwellinghouses	Land East of Leader House, Oxton

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

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. A drawing showing existing and proposed ground levels, finished floor levels and sectional drawings of the site and proposed dwellings to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved drawings.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
4. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - ii. Location of new trees, shrubs, hedges and grassed areas, including replacement of any trees removed;
 - iii. Schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - iv. Programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
5. Details of all proposed means of enclosure around the site and between plots to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

6. Full details of the means of water supply and of foul and surface water drainage are to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development is to be completed in accordance with the approved details and the drainage and water supply to be functioning, as approved, before the dwellinghouses are occupied.

Reason: To ensure that adequate drainage and a sufficient supply of wholesome water is provided and to ensure that there are no unacceptable impacts upon the amenity of any neighbouring properties.

7. Parking and turning for a minimum of two vehicles, excluding any garages, are to be provided within the curtilage of each plot prior to occupation and thereafter to be retained in perpetuity.

Reason: To ensure the development is served by satisfactory off-street parking so as to not have a detrimental impact on the adjacent public road network.

8. No development shall commence until a surface water drainage scheme has been with the first Approval of Matters Specified in Conditions application or detailed application for the site which demonstrates that surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and occupancy of the dwellinghouse. The development shall be completed in accordance with the approved details.

Reason: To ensure the development can be adequately serviced and to safeguard the public road and neighbouring properties from potential run-off.

9. A detailed drawing showing the access to each plot, to the specification of the Planning Authority, to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. The first 5m of any access and the parking and turning areas to be no greater than 1 in 15 with the intervening lengths to be no greater than 1 in 8. Visibility, a minimum of 2.4m x 43m, to be provided where an access meets the public road. The accesses to be completed in accordance with the approved drawing prior to occupation of the dwellinghouse it serves.

Reason: To ensure the development is served by an adequate access of acceptable gradients.

Informatives

1. In respect of Condition 4, and notwithstanding the indicative landscaping shown on the approved site plan, the scheme of soft landscaping shall include a robust planting strip along the west and north boundaries of the application site to ensure the development is properly assimilated into the building group.
2. In respect of condition 9, it should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
3. In respect of Conditions 1 and 3 the applicant should pay particular attention to the plot layout, the siting, design (including position of windows), orientation and height of the proposed dwellings to ensure that the residential amenity of existing dwellings is not unduly compromised by loss of privacy or overlooking.

NOTE:

Mr Tim Ferguson spoke in support of the application on behalf of the Applicant.

Reference

18/01804/FUL

Nature of Development

Erection of 50 No dwellinghouses with
Associated infrastructure

Location

Land South West and
South of Ayton Primary
School, Beanburn, Ayton

Decision: Continued to the next available Planning & Building Standards Committee meeting to allow Officers an opportunity to investigate with the applicant an improved means of access to the site.

NOTE:

Brian Hawksfield, Resident and Isobel Kellie and Sarah Woodbury on behalf of Ayton Community Council spoke against the application.

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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, 4 June, 2019 at 10.00 am

- Present:- Councillors S. Haslam (Chairman), S. Aitchison (Vice-Chairman), G. Edgar, C. Hamilton, E. Jardine, T. Miers (from para 2), R. Tatler, G. Turnbull and T. Weatherston
- Also present:- Councillors A. Anderson, S. Bell, S. Marshall, W. McAteer, D. Parker, H. Scott and E. Thornton-Nicol.
- Apologies:- Councillors S. Mountford and M. Rowley
- In Attendance:- Chief Executive, Chief Financial Officer, Executive Director (R. Dickson), Service Director Customer & Communities, Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **MINUTE**
The Minute of the Meeting held on 30 April 2019 had been circulated.

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

MEMBER
Councillor Miers joined the meeting during the discussion of the report below.

2. **OUR PLAN AND YOUR PART IN IT: SBC'S CORPORATE PERFORMANCE AND IMPROVEMENT REPORT 2018/19 (ANNUAL SUMMARY AND DATA FOR QUARTER 4 2018/19)**
- 2.1 With reference to paragraph 5 of the Minute of 12 February 2019, there had been circulated copies of a report by the Service Director Customer & Communities, presenting a high level summary of Scottish Borders Council's 2018/19 performance information. The report included reporting on the progress of change and improvement projects across SBC, replacing what was the separate Corporate Transformation report. Change and Improvement Projects were monitored on a weekly basis by Corporate Management Team (CMT) and through the SBC Financial Plan and associated monitoring. More detail was contained within Appendix 1 to the report and Appendix 2 presented the performance information on a quarterly basis, with more detailed commentary on performance. To reflect the significant investment made by the Council during 2018/19, an overview of the work and impact of Police Scotland's Community Action Team was provided in the report and within Appendix 3. Senior Business Services Officer, Alasdair Collison, highlighted key successes identified from the performance measures and also drew attention to challenges facing the Council in terms of performance. During 2018/19, SBC had made a number of significant achievements. In particular economic development efforts had continued with further progress being made with the Borderlands Inclusive Growth Deal, Edinburgh and South East Scotland City Region Deal, the South of Scotland Economic Partnership and the upcoming establishment of South of Scotland Enterprise. There was an increase in the number of Affordable Homes provided in the Borders, rising to 191 during 2018/19. In February 2019, Scottish Borders Council announced the 'Inspire

Learning Programme', an investment of £16million over a ten year period in a world-class digital learning environment in Scottish Borders schools starting in 2019/20.

- 2.2 Members welcomed the positive news within the report and commented on particular achievements. In further discussion officers answered questions in relation to particular challenges identified from the performance indicators. With regard to the reduction in recycling rates Members were advised that discussions were taking place with partner Local Authorities who were experiencing a similar reduction in recycling. Scottish Borders Council already had a plan in place for a campaign to increase recycling but Members' concern would be reported back to the Waste Services Manager. With regard to the numbers of Looked After Children being in family-based placements Members asked for an evaluation around the response to the recent campaign to recruit foster carers. In terms of Asset Transfer enquiries the Service Director confirmed that the enquiries referred to in the report were ongoing, some informal enquiries now becoming formal. She advised that each scenario was different and advised that she would send an update to all Members of the latest position together with observations from the team. In response to a question about timescales around the full deployment of a second Community Action Team, the Chief Executive advised that she expected the second team to be at full capacity within the next three months.

**DECISION
AGREED:-**

(a) NOTED:-

- (i) the progress update relating to Change and Improvement Projects, referenced in Section 4 and detailed further in Appendix 1 to the report;**
- (ii) the changes to performance indicators outlined in Section 5 of the report; and**
- (iii) the performance summarised in Sections 6 and 7, and detailed within Appendices 1, 2 and 3 to the report and that action was being taken within services to improve or maintain performance.**

(b) AGREED that Members be provided with the further information requested in paragraph 2.2 above.

3. 2018/19 UNAUDITED REVENUE OUTTURN

- 3.1 There had been circulated copies of a report by the Chief Financial Officer with a statement comparing final revenue outturn expenditure and income for 2018/19 with the final approved budget for the year along with explanations for significant variances. The Chief Financial Officer, David Robertson, explained that an unaudited outturn net underspend of £1.344m was achieved in the 2018/19 revenue budget. The £1.344m net underspend (0.52% of final approved budget) was delivered following a number of earmarked balances approved by the Executive Committee during 2018/19. In total, these amounted to £7.365m and related to a number of initiatives across departments and specifically included £1.158m of carry forward for Devolved School Management (DSM including PEF). The net outturn position had primarily been achieved through the completion of a balance sheet review previously reported through Executive revenue monitoring during 2018/19. This review highlighted a previous over accrual of Housing Benefit, the conclusion of which had resulted in a one-off benefit of £1.215m to the revenue account in 2018/19. The remaining services had delivered a small underspend position having delivered significant financial plan savings totalling £16.4m. Of these, £11.656m (71%) were delivered permanently. The remaining £4.758m (29%) of savings were achieved on a temporary basis. Particular emphasis was being placed by CMT on the permanent delivery of these savings during the early part of 2019/20 or where this

was not possible on the identification of alternative proposals. A high level summary of the outturn position in each Council Service was included in section 4 of the report with detail shown in Appendix 1 to the report. Within integrated Health & Social Care services, during 2018/19, additional in-year budget allocations were made to the value of £3.2m to support delayed discharge and alleviate service pressures of £1.8m. In year £1.4m of savings which were anticipated by the Financial plan were not delivered and this required additional financial resources from the Council to ensure that the Service did not overspend its allocated budget. The report highlighted the significant risks to the Council presented by the Health & Social Care partnership budget and noted that the Council would not be in a position to allocate substantial additional resources to the partnership in 2019/20.

- 3.2 Mr Robertson and his team were thanked for the report and Members recognised the achievements of departments in delivering 71% of permanent savings. In response to a question regarding the use of the balance of £1.344m and about how many of the priorities for funding identified by CMT would be ongoing requirements, Mr Robertson explained that spending on the waste contract would be recurring and also funding on additional frontline support for Children and Young People with mental health issues, including 24 hour supported places to prevent escalation and avoid more expensive support models. The Chief Executive added that this project would be an investment, to bring Young People into area placements and also provide other solutions, in the form of 'safe places', to achieve better outcomes for young people and adults in crisis. Members went on to express their serious concern about the implications to the Council of the budget pressures within the Health and Social Care partnership budget and referred to the need for robust management action in future years. A question was asked about the current stage of negotiations around a Single Public Authority. The Chief Executive explained that discussions between colleagues, Local Authorities, COSLA and Scottish Government were ongoing about a model for closer collaboration. The results of these discussions would be brought back to Members within the next 2 months.

**DECISION
AGREED:-**

- (a) **the content of this report and noted the outturn position for 2018/19 prior to Statutory Audit;**
- (b) **to note that this draft unaudited outturn position would inform the budgetary control process during 2019/20 and financial planning process for the current and future years;**
- (c) **to approve the adjustments to previously approved earmarked balances noted in Appendix 1; and**
- (d) **to endorse the Corporate Management Team proposals for the use of the balance of £1.344m identified in section 6.2 of this report.**

4. **BALANCES AT 31 MARCH 2019**

With reference to paragraph 3 of the Minute of 12 February 2019, there had been circulated copies of a report by the Chief Financial Officer providing an analysis of the Council's Balances as at 31 March 2019. Included in the report were details of the accounts and funds operated by the Council and their respective balances. Appendix 1 to the report summarised the projected transactions and resultant balances at 31 March 2019 on the General Fund and Appendix 2 showed the projected non-General Fund balances. Appendix 3 detailed the balances currently held in the Capital Fund. The useable General Fund balance after earmarked funds, allocated reserves and the unaudited 2018/19 revenue outturn was £6.315m at 31 March 2019 in line with the financial strategy. The 2018/19 balances were before a series of technical accounting adjustments, the effect of which were expected to be broadly neutral. Adjustments

required as a result of the Statutory Audit process would be reported at the conclusion of the Audit. The total of all useable balances, excluding developer contributions, at 31 March 2019 was £27.799m compared to £28.798m at 31 March 2018.

**DECISION
NOTED:-**

- (a) **the revenue balances as at 31 March 2019 as per Appendices 1 & 2 to the report, including movement in the Allocated Reserve since the last reporting period; and**
- (b) **the balance in the Capital Fund as per Appendix 3 to the report.**

5. CAPITAL FINANCIAL PLAN 2018/19 - FINAL UNAUDITED OUTTURN

There had been circulated copies of a report by the Chief Financial Officer providing a statement comparing the final capital outturn for 2018/19 with the final budget for the year and identifying the main reasons for any significant variations. The final capital outturn statement for 2018/19 was included at Appendix 1 to the report and included the reasons identified by the Project Managers and Budget Holders for the variances to the final approved budget. This identified an outturn expenditure of £47.807m which was £16.673m below the final revised budget of £64.480m. Further appendices to the report contained summaries of the final outturn position for each block contained within the 2018/19 Capital Plan; each block allocation within the 2019/20 Capital Plan of approved and proposed proposals; and a list of estimated whole life project costs for those key schemes where the project had not been completed in the financial year 2018/19. The report included key highlights from the variances in Appendix 1 and noted that, although there was timing movement with regards to the funding and expenditure associated with these projects they remained in overall healthy positions with regard to service delivery. In terms of the remaining budget of £0.170m from Emergency and Unplanned Schemes, the report proposed that this would be used to fund pressures relating to Selkirk Flood Protection Scheme in 2019/20.

DECISION

(a) AGREED:-

- (i) **the final outturn statement in Appendix 1 to the report;**
- (ii) **that the remaining budget of £0.170m from Emergency & Unplanned be allocated to Selkirk Flood Protection Scheme; and**
- (iii) **to approve the block allocations in Appendix 3 to the report.**

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

- (i) **the adjustments to funding in Appendix 1;**
- (ii) **the final block allocations in Appendix 3; and**
- (iii) **the whole project costs detailed in Appendix 4.**

6. DAY SERVICE TRANSFORMATION

- 6.1 There had been circulated copies of a report by the Chief Officer, Health & Social Care outlining the progress made in delivering a Re-imagined Day Service for Older Adults and seeking approval for the decommissioning of individual day services, although only when suitable alternatives that met assessed needs were identified, based upon the introduction of the new model of Local Area Co-ordination for older adults. In his introduction to the report Robert McCulloch-Graham, Chief Officer, Health & Social Care, explained that,

despite significant increases in the numbers of older people living in our communities and accessing Social Care Services, the volume of clients using Day Services had reduced in number from 240 in 2014/15 to 43 in 2019. There has been a corresponding increase in people taking a direct payment to be supported to take part in activities of more interest to them and in their own communities. The Scottish Borders Health & Social Care Partnership strategic plan gave a focus on providing more access to opportunities and activities within our communities. This was being delivered by Local Area Co-ordinators providing access for the frail and elderly to a wider range of community services and support provision beyond traditional day centres catering solely for elderly people. This provision was bringing our older people back into our communities and maintaining the right to a community life. Social Workers would work alongside the Local Area Co-ordination team to ensure that clients' long term care needs and carers' respite needs were adequately met. The 2017-18 Financial Plan approved by Scottish Borders Council on 9 February 2017 outlined efficiencies and the need to "review current Day Services and staffing models". This was re-affirmed in the 2018-19 Financial Plan. This modernised approach aimed to provide better services focussed on the needs of individual people whilst also providing greater efficiency. Initial Local Area Co-ordination work in the Berwickshire area successfully developed community based alternatives for clients attending Saltgreens Day Service. This approach would be utilised across the whole of the Borders. Appendix 1 to the report showed indicative timescales for Day Service transformation across the remaining localities.

- 6.2 In the ensuing discussion Members expressed their support in principle for the proposals. In noting the increase in uptake of Self Directed Support they recognised that the Local Area Co-ordination approach gave people more choice and had the potential of achieving better outcomes. However the importance of continuing to provide respite for carers was emphasised. Discussion continued about the need for effective communications. Mr McCulloch-Graham confirmed that every service user had been contacted about the proposals, with communication to those without capacity being through relatives/carers. In response to questions about the services and community based alternatives identified in each locality it was agreed to re-circulate to Members the briefings that were issued in March. It was noted that for a small number of people whose needs were so complex that they could not benefit from community based support, appropriate alternatives would be developed.

DECISION

- (a) **NOTED the expansion of Local Area Co-ordination to all areas of the Scottish Borders; and**
- (b) **AGREED:-**
- (i) **to the decommissioning of individual Day Services when suitable alternatives that met assessed needs were identified following the introduction of the new model of Local Area Co-ordination for older adults; and**
 - (ii) **that the Day Service Transformation individual locality briefings be re-circulated to Members.**

7. PRIVATE BUSINESS

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

8. **MINUTE**

The private Minute of 30 April 2019 was approved.

9. **MELROSE 3G - SYNTHETIC PITCH PROJECT**

Members approved a report by the Executive Director providing details of the proposed Melrose 3G synthetic pitch and seeking approval to deliver the project with part funding from the Council, the Scottish Rugby Union and sportscotland.

The meeting concluded at 11.25 am

SCOTTISH BORDERS COUNCIL JEDBURGH COMMON GOOD SUB-COMMITTEE

MINUTE of Meeting of the JEDBURGH
COMMON GOOD SUB-COMMITTEE held in
Committee Room 4, Council Headquarters,
Newtown St Boswells on Tuesday, 4 June
2019 at 4.30 p.m.

Present:- Councillors J. Brown (Chairman), S. Hamilton, S. Scott, Community
Councillor J. Taylor.

In Attendance:- Pension and Investment Manager, Principal Solicitor (Hannah
MacLeod), Democratic Services Officer (F. Henderson).

Members of the Public:- 0

1.0 **MINUTE**

1.1 There had been circulated copies of Minute of the Jedburgh Common Good Fund Sub-Committee held on 5 March 2019.

DECISION

NOTED the Minute.

2.0 **MONITORING REPORT FOR 12 MONTHS 31 MARCH 2019**

2.1 There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Jedburgh Common Good Fund for year 2018/19 including balance sheet values as at 31 March 2019 and proposed budget for 2019/20. Appendix 1 provided actual income and expenditure for 2018/19. This showed a projected surplus of £32,870 for the year, which varied from the projected surplus figure reported at meeting on 19 March 2019 due to an increased return from Kames Fund Investments as well as lower than anticipated grant payment. Appendix 2 provided actual balance sheet figures as at 31 March 2019 which showed a projected increase in reserves of £30,453. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 31 December 2018. Appendix 4 detailed the value of the Kames Capital Investment Fund March 2019.

DECISION

(a) **AGREED the proposed budget for 2019/20 as shown in Appendix 1 to the report.**

(b) **NOTED:-**

(i) **the actual income and expenditure for 2018/19 in Appendix 1;**

(ii) **the final balance sheet value as at 31 March 2019 in Appendix 2 to the report;**

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

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

3.0 **APPLICATION FOR FINANCIAL ASSISTANCE**

3.1 **Jedburgh Community Council – Festive Lights**

There had been circulated copies of an Application for Financial Assistance from the Jedburgh Community Council towards providing Festive Lights in Jedburgh for 2018. The application which was in the sum of £1,300 was towards the costs of installing and dismantling the Festive Lighting in Jedburgh. Following discussion, it was agreed that a grant of £1,300 be paid towards the Festive Lighting in Jedburgh for 2018.

DECISION

AGREED to award a grant of £1,300 to the Jedburgh Community Council in respect of the installation and dismantling of the Festive Lighting in Jedburgh for 2018.

The meeting closed at 4.45 p.m.

SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA PARTNERSHIP

MINUTE of Meeting of the BERWICKSHIRE
AREA PARTNERSHIP held in Berwickshire
High School on Thursday 6 June 2019 at
6.30 pm

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

Also present:- Councillor S. Aitchison

Apologies:- Councillor M. Rowley

In Attendance:- Service Director Customer & Communities, Communities & Partnership Manager, Locality Development Co-ordinator, Clerk to the Council, Trainee Democratic Services Officer

1. WELCOME AND INTRODUCTIONS

Councillor Fullarton welcomed everyone to the Berwickshire Area Partnership and thanked the Community Councils, Partners and local organisations for their attendance. He outlined the programme for the evening and introduced the speakers.

2. INSPIRE LEARNING

- 2.1 The Chairman also extended a welcome to Catherine Thomson, Quality Improvement Officer, who gave a presentation on the Inspire Learning Programme and explained how the programme would benefit all teachers and pupils across the Scottish Borders. Ms Thomson advised that the programme was a £16m investment in a world-class digital learning environment for all pupils. The programme was a key part of the Digital Learning Strategy and would transform teaching and learning in schools for the benefit of children and young people now and into the future. It included plans for iPads to be provided to all P6-S6 pupils and shared devices at a ratio of one for every five P1-P5 pupils. The rationale was aimed at raising attainment and to support equity and inclusion for all children and young people and putting them at the heart of education with improved outcomes and success. The effective deployment of digital technology in schools would ensure children and young people developed a level of general and specialised digital skills that were vital for learning, life and work in an increased digital world. It would not be about having an iPad as a device, but a tool used to enhanced learning, teaching and assessment. The national expectation of this new digital solution would allow learners to select and make use of the high-quality resources and equipment; a deployed wide variety of innovative and creative resources and teaching approach; increased responsibility to become more independent in learning; and increased employability skills.
- 2.2 The partnership with CGI throughout the programme brought benefit of having expert knowledge of the wider IT marketplace and the Apple iPad was chosen because the project team had researched a number of current devices and platforms for learning and had also looked at the pros and cons of each one and as a result the iPad was the best value option. Ms Thomson went on to explain that the introduced Inspire Learning would be more current and more up to date in a very connected world. It would improve how we communicate, change the way we communicate with each other and within families and would change how we live. Inspire Learning would be adaptable, flexible and impact on how we learn and work. It would collaborate change in the way we connect in the classroom with the teachers and other schools, in Scotland and the world and put Scottish Borders on the global map. Inspire Learning was personal, collaborative and mobile to bring excellence. The feedback given to youngsters would move quicker through their learning and would be used to improve teaching. Ms Thomson also explained that this

would be a big drive towards bringing forward digital strategy. It was not just about iPads, it was about piecing all things together through the Pillars of Inspire Learning through: professional learning and teaching, strategic planning, correct infrastructure and environment, the clusters and school leaders. Ms Thomson advised that the teacher iPad deployment programme would commence on Monday 17 June in Selkirk and continue until Friday 28 June 2019 to Hawick, Kelso, Berwickshire, Eyemouth, Earlston, Jedburgh, Peebles, Galashiels and Peebles. Pupil deployment would be August/December; Selkirk, Kelso and Hawick; January/March: Earlston, Peebles, Eyemouth; April June: Galashiels, Jedburgh, Berwickshire. Ms Thomson also clarified the next steps through the training plan for secondary schools, with the Apple teacher sign up and the digital learning strategy in place. The Inspire teams would include CGI and Apple and would allow secondment opportunities for teaching staff for 23 months, with project teams, clusters and school leads, an executive board and an education strategic group formed.

- 2.3 Inspire Learning Consultant, Andrew Jewell, was welcomed to the meeting and continued the presentation. iPads were passed around and it was explained how technology could best enhance education. Volunteers took part in an interactive exercise with the iPads, taking photographs of angles in the room, which Mr Jewell later showed on the main screen, demonstrating how individual iPads could be locked, how they could be locked in one app, and an example of a text book which had been produced by a teacher using an app. Mr Jewell gave many examples on how the iPads would be used in schools and at home. The facility to lock and unlock the iPad was available and teachers would be able to view any iPad in the class. The iPads would allow teachers and parents to view live examples of pupils work. Teachers would have the facility to give instant feedback, the lessons would be more active, be interactive and direct learning would be carried out during the course of the lessons. This Inspire Learning Programme would make technology in schools a better experience in learning. The Chairman thanked the speakers for the very comprehensive presentation and wished them well in the implementation of the project.

3. **PROVISION OF OUTDOOR COMMUNITY SPACES**

- 3.1 There had been circulated copies of a report by the Service Director Assets and Infrastructure setting out guidance and recommendations for the Berwickshire Area for future investment in Public Play facilities and proposals for the removal of obsolete play areas, agreed as part of the 2018/19 Capital Investment Plan and updated within the Capital Investment Plan 2019/20. The 2019/20 Capital Investment Plan had funding of £5.036m for investment within Outdoor Community Spaces over the 10 years. This presented a tremendous asset for communities, however also brought a maintenance burden, for which no additional revenue resources were being provided. As part of the original investment within the 2018/19 Capital Investment Plan, it was simultaneously agreed by Council to review the distribution of play equipment provision across play parks in the Borders which could: (1) inform decision making around future investment in communities; and (2) guide the rationalisation of obsolete play facilities which were deemed no longer fit for purpose, ensuring a cost neutral impact on established budgets with the Service.
- 3.2 The programme of investment in play facilities aimed to improve community wellbeing and enhance activity levels for all ages with a beneficial impact on the health of the population. The programme of proposed projects across the Scottish Borders and an indicative timescale for delivery for the period 2018/19 to 2022/23 was provided within the report. The programme proposed a range of provision including Children's Playparks, Pump bike/Skate tracks and Fitness/Youth Shelter provision as well as the rationalisation of obsolete equipment, where this was no longer fit for purpose. In conjunction with the strategic investment across the Region, Members previously agreed to: change the Scheme of Delegation to give authority to the Service Director Assets and Infrastructure and create a reference group which would include the remit to "make recommendations to the Service Director Assets and Infrastructure or Executive Committee on which obsolete play areas should be removed, particularly in areas where there had been significant

investment. The Neighbourhood Operations Manager, Mr Craig Blackie explained that in this context, officers had undertaken an appraisal of the wider network of play equipment aimed at responding to the issue of low play value, which Scottish Borders Council (SBC) had within its play facilities assets. The evaluation had been undertaken to ensure SBC retained and developed a network of valued, well equipped spaces for local communities. In the Scottish Borders currently the quantity of play provision was high per head of population, but the quality was very low (compared to national benchmarking) and this diminished the wider benefits of these facilities to communities. This programme of investment would address the challenge of balancing quantity against quality, ensuring optimal provision of play facilities across the network. Areas of low value play facilities where there was a recognised need i.e. the only play park in the locality, would be identified as priorities for potential future investment. As no additional revenue resources were being provided to support the long term management and maintenance of the new play parks being created, the removal of obsolete facilities was essential to ensure there was a cost neutral impact on established budgets with the service. Mr Blackie advised that no play facility would be decommissioned until the appropriate investment in new facilities in the locality had been completed. Scottish Borders currently had 243 play parks, including those located within schools, ranging from smaller local areas for play to strategic destination play parks. The programme set the context for refining and rationalising the wider network within Berwickshire sites which included the Public Park in Duns and The Bantry in Eyemouth scheduled for 2020/21. The installation of new facilities was underway in Home Park, Coldstream with an estimated completion date of June/July 2019. Mr Blackie explained that a review of the whole network of play parks had been carried out and sites of low and medium value, based on the Fields in Trust national criteria for play park assessment, had been identified. As a result of this assessment, 74 play parks had been identified to be decommissioned, of which eight are in the Berwickshire area. A full discussion was held, in particular relating to the Lower Burnmouth Site and the alternative location as Upper Burnmouth, covering child safety, previous underspend on play park facilities, the use of developer contributions and planning requirements in new build estates for play park provision, and the consultation process for the new enhanced play parks. Mr Blackie gave examples of work undertaken by groups in Stow and Selkirk and explained that alternative funding/grants could be available to community groups for enhancing play parks and assistance would be given with regard to the submission of applications for any funding. Councillor Aitchison advised that the Council was trying to invest in play parks and that no change would be made to existing play parks until the new ones were in place; as revenue budgets were tight for the Council it had to work within its means. In response to the feedback and various questions raised, it was agreed that Mr Blackie would investigate and respond, in particular to the funding availability for play parks, planning process undertaken, the maintenance of facilities and the small schemes projects. Mr Blackie would welcome any feedback from communities and individuals in the Berwickshire area, confirming that these would be included in a report to Council.

4. **JIM CLARK RALLY 2019**

There had been circulated copies of a report by the Executive Director and Service Director Assets and Infrastructure to provide the Area Partnership and the local community an opportunity to consider and comment on the proposals submitted by the event organisers of the Jim Clark Rally to hold a rally on closed roads in Berwickshire on 8 and 9 November 2019. The revised legislation had been introduced to allow motor sports events to take place on closed public roads. The new regulations built upon previous experience through the Jim Clark Rally and other events and were intended to introduce increased rigor to the procedure for organising and running such events. The new regulations introduced a two stage procedure where organisers must first successfully apply to an "authorised body" for a permit before applying to the local roads authority for a Motor Sports Order. In determining whether to make a motor sports order Scottish Borders Council, as local roads authority, had to consider a number of factors that were laid out in the regulations. The report outlined those factors and provided an opportunity to, in particular, examine the proposals submitted by the rally organisers in

respect of the routes and timings for the rally on 8 and 9 November 2019. The Infrastructure Manager, Mr Brian Young, advised that the updated Appendices would be circulated and that the information circulated was to raise awareness that the organisers of the Jim Clark Rally had successfully applied for a permit and had lodged an application for a Motor Sports Order to Scottish Borders Council. As part of the new legislation the Council had launched a public consultation, which included the timings and layout, and was available online until 28 June. He further advised that the format would be the same as previous and that there would be no overnight schedule. The organisers had also intimated that they would have a stand at the Duns Agricultural Show on 3 August 2019. It was agreed that Mr Young would also make available the contact details of the organisers from the Jim Clark Rally website.

5. **FEEDBACK FROM MEETING ON 2 MAY 2019**

The Minute of the Meeting of the Berwickshire Area Partnership held on 2 May 2019 had been circulated along with a summary of the discussion. Colin Banks, Locality Development Co-ordinator, gave a brief outline of the previous discussion.

DECISION

AGREED the Minute.

6. **RURAL TRANSPORT: AREA PARTNERSHIP PRIORITIES**

Those present at the Area Partnership meeting then split into groups to discuss specific rural transport related issues and priorities to be raised at the planned rural transport conference to be held on 28 June 2019. The flyer for the conference and the transport related discussion output document would be circulated for response back by 14 June 2019.

7. **NOMINATION FOR SBC ELECTED MEMBER FOR THE COMMUNITY COUNCIL SCHEME REVIEW WORKING GROUP**

The Clerk to the Council advised that nominations were required for the SBC elected member for the Community Council Scheme Review Working Group. Councillor Helen Laing was nominated by Councillor Fullarton and seconded by Councillor Carol Hamilton. Councillor Laing was happy to accept and this was unanimously approved.

8. **BERWICKSHIRE COMMUNITY FUND 2019/20 APPLICATIONS**

The Communities & Partnership Manager, Shona Smith, explained that the Berwickshire Community Fund 2019/20 guidance and application forms were available on the SBC website. An application would be assessed and officers would make a recommendation to either proceed to Area Partnership for approval; to hold until further information received; or that the application would not progress any further. If the application was agreed at the Area Partnership meeting, an award letter and payment would be processed in accordance with the terms and conditions along with a monitoring and evaluation form for completion at the end of the project. Ms Smith advised on the two applications received:-

- (a) Connect Berwickshire Youth Project – funding requested £6,099 to provide support towards premises costs including a complete redecoration of the facilities, a contribution towards rent and the cost of essential new software for updating financial systems.
- (b) A Heart for Duns – funding requested £1,925 to replace four existing old and worn wooden planter in the Duns Market Square with new planters, along with top soil/compost with the existing Summer bedding plans to be transferred and would explore opportunities with the local Men's Shed in the supply/provision of wooden planters for other suitable sites in the town

DECISION

AGREED:

- (a) to approve a grant from the Community Fund of up to £6,099 to Connect Berwickshire Youth Project, on the basis that if the quote for redecoration was less than the requested amount, the award would be adjusted accordingly; and
- (b) to approve a grant from the Community Fund of £1,925 to Heart of Duns, on the basis that opportunities would be explored with the local Men's Shed in the supply/provision of wooden planters for other suitable sites in the town.

9. **OPEN FORUM**

Mr Cronin addressed the meeting making reference to a letter from David Carpenter dated 3 August 2016 and to ask the Council to reconsider the use of wi-fi in schools. This was noted.

10. **DATE OF NEXT MEETING**

The next meeting of the Berwickshire Area Partnership was scheduled for Thursday 5 September – venue to be agreed. Councillor Fullarton thanked all those who had attended the meeting for their participation and input.

The meeting concluded at 8.35pm

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