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

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|-----------------------------------|--|------------------------------|----------------|-----------------------|-----------------|----------------------|-----------------|--------------------------------|-----------------|-----------------------------------|-----------------|--------|
| 6. | <p>Committee Minutes (Pages 3 - 26)</p> <p>Consider Minutes of the following Committees:-</p> <table data-bbox="255 739 1197 918"><tr><td>(a) Peebles Common Good Fund</td><td>7 October 2020</td></tr><tr><td>(b) Local Review Body</td><td>19 October 2020</td></tr><tr><td>(c) Audit & Scrutiny</td><td>22 October 2020</td></tr><tr><td>(d) Civic Government Licensing</td><td>23 October 2020</td></tr><tr><td>(e) Planning & Building Standards</td><td>2 November 2020</td></tr></table> <p>(Copies attached.)</p> | (a) Peebles Common Good Fund | 7 October 2020 | (b) Local Review Body | 19 October 2020 | (c) Audit & Scrutiny | 22 October 2020 | (d) Civic Government Licensing | 23 October 2020 | (e) Planning & Building Standards | 2 November 2020 | 2 mins |
| (a) Peebles Common Good Fund | 7 October 2020 | | | | | | | | | | | |
| (b) Local Review Body | 19 October 2020 | | | | | | | | | | | |
| (c) Audit & Scrutiny | 22 October 2020 | | | | | | | | | | | |
| (d) Civic Government Licensing | 23 October 2020 | | | | | | | | | | | |
| (e) Planning & Building Standards | 2 November 2020 | | | | | | | | | | | |

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|-----------------------------------|-----------------|
| (a) Peebles Common Good Fund | 7 October 2020 |
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| (e) Planning & Building Standards | 2 November 2020 |

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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 remotely via Microsoft Teams on
Wednesday, 7 October, 2020 at 11.00 a.m.

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, K. Chapman,
S. Haslam, and Community Councillor L. Hayworth
Apology:- Councillor E. Small
In Attendance:- Treasury Business Partner (S. Halliday), Solicitor (G. Sellar), Estates
Surveyor (T. Hill), Democratic Services Team Leader

1. MINUTES

The Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 1 July 2020 had been circulated.

DECISION

AGREED to approve the Minute for signature by the Chairman.

2. FINANCIAL MONITORING TO 30 JUNE 2020

There had been circulated copies of a report by the Executive Director, Finance & Regulatory providing details of the income and expenditure for the Peebles Common Good Fund for the three months to 30 June 2020, a full year projected out-turn for 2020/21, and projected balance sheet values as at 31 March 2021. Appendix 1 provided the projected income and expenditure position for 2020/21 and showed a projected surplus of £18,042 for the year. Appendix 2 provided a projected balance sheet value as at 31 March 2021 and showed a projected decrease in the reserves of £64,918. Appendix 3 provided a breakdown of the property portfolio showing projected rental income for 2020/21 and actual property expenditure to 30 June 2020. Appendix 4 showed the value of the Aegon Asset Management (formerly Kames Capital) Investment Fund to 30 June 2020. The Treasury Business Partner highlighted the main points in the report and answered Members questions and agreed to check the position with regard to the costs of cleaning Haylodge Toilets which had not opened over the summer. Councillor Bell queried why a number of properties showed no rental income and the Estates Surveyor undertook to check the position.

DECISION

NOTED the:-

- (a) **projected income and expenditure for 2020/21 in Appendix 1 to the report;**
- (b) **projected balance sheet value as at 31 March 2021 in Appendix 2 to the report;**
- (c) **summary of the property portfolio in Appendix 3 to the report; and**
- (d) **current position of the Aegon Asset Management Investment Fund in Appendix 4 to the report.**

3. PROPERTY – FORMER CORN EXCHANGE

The Estates Surveyor advised that the Shop located in the former Corn Exchange was now vacant since Changeworks had left. There had been 3 expressions of interest in the lease and she proposed that the lease should be advertised so that formal bids could be submitted.

DECISION

AGREED that the Estates Survey take the necessary steps to lease the shop at the Former Corn Exchange.

4. **PRIVATE BUSINESS**

DECISION

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

SUMMARY OF PRIVATE BUSINESS

5. **Jedderfield Farm**

The Sub-Committee received a presentation from Tweedgreen and then considered a report by the Service Director Assets and Infrastructure and agreed a series of actions.

6. **Minute**

Approved the private section of the Minute of the meeting held on 1 July 2020.

7. **Property Matter**

Members approved a request from the Scottish Wildlife Trust to access Common Good land.

8. **Date of Next Meeting**

Noted that the next meeting of the Sub-Committee would be held on 18 November 2020.

The meeting concluded at 12 noon

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY conducted remotely by Microsoft Teams Live Event on Monday, 19 October 2020 at 10.00 am

Present:- Councillors S. Mountford (Chair), A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, D. Moffat, C. Ramage and N. Richards

Apologies:- Councillor E. Small

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

1. **REVIEW OF 20/00486/FUL**

There had been circulated copies of the request from Mr Neil Fortune and Ms Valerie Mauchlen, per Ferguson Planning, 54 Island Street, Galashiels, to review the decision to refuse the planning application for erection of dwellinghouse with detached garage on land north west of Strathmyre, Old Belses, Jedburgh. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations; general comment; and a list of policies. The Planning Advisor drew attention to information, in the form of amended drawings, which had been submitted with the Notice of Review documentation but which had not been before the Appointed Planning Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. However, they also agreed that the new drawings could not be considered without affording the planning officer and roads planning officer an opportunity of making representations on this new information.

DECISION

AGREED that:-

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **new evidence submitted with the Notice of Review in the form of amended Drawings - PP01 (Floor Plan Section, Elevations) and Drawing SP01 Site Plan met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) **the review could not be considered without the need for further procedure in the form of written submissions;**
- (d) **the planning officer and roads planning officer be given the opportunity to comment on the new drawings submitted with the Notice of Review documents; and**
- (e) **consideration of the review be continued on a date to be arranged.**

2. **REVIEW OF 20/00714/PPP**

There had been circulated copies of the request from Mr Stuart Corrigan, per Andrew Bennie Planning Limited to review the decision to refuse the planning application for erection of two dwellinghouses in the paddock north of Station House, Cowdenburn. The supporting papers included the Notice of Review (including the Officer's Report and Decision Notice); papers referred to in the Officer's Report, consultations; and a list of policies. In noting the site of the proposed development, Members referred to their determination of a previous application as documented in the Notice of Review submission and which related to a site on the eastern side of the road and where they had agreed a building group was present. In this regard Members re-stated their interpretation of the boundary of that building group which, whilst noting their presence, did not include the buildings on the opposite side of the road and the site of the proposed development. After further consideration they concluded that the site was not a well related addition to the building group. They also noted that in terms of the scale of addition, there was no further capacity to extend the building group within the current Local Development Plan period.

DECISION

AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision to refuse the application be upheld and the application be refused, for the reasons detailed in Appendix I to this Minute**

The meeting concluded at 10.45 am



APPENDIX I

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

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

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

Local Review Reference: 20/00023/RREF

Planning Application Reference: 20/00714/PPP

Development Proposal: Erection of two dwellinghouses

Location: Paddock North of Station House, Cowdenburn

Applicant: Mr Stuart Corrigan

DECISION

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

1. The development would be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would not relate sympathetically to an existing building group and would comprise sporadic development in a linear manner alongside the public road. No economic or other overriding case would override this conflict. Furthermore, the nearest building group has been increased by the maximum permissible in terms of policy HD2 within the current Local Development Plan period and no overriding case has been substantiated for allowing additional dwellinghouses.

DEVELOPMENT PROPOSAL

The application relates to the erection of two dwellinghouses. The application drawings and documentation consisted of the following:

| Plan Type | Plan Reference No. |
|--------------------|---------------------------|
| Location Plan | 1 of 2 |
| Proposed Site Plan | 2 of 2 |

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 19th October 2020.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; c) Consultations and d) List of Policies, the Review Body noted that the applicant had requested further procedure in the form of a site visit, but did not consider it necessary in this instance and 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: PMD2, HD2, HD3, IS2, IS7 and IS9

Other Material Considerations

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

The Review Body noted that the proposal was for planning permission in principle to erect two dwellinghouses on a site at Paddock, North of Station House, Cowdenburn

Members firstly considered whether there was a building group in the vicinity in terms of Policy HD2 and the Housing in the Countryside SPG. They noted that they had agreed a building group was present at Cowdenburn when determining a previous case in June 2019 on the eastern side of the public road – application reference 18/01469/PPP. Although the Review Body noted the applicant's contention that they had considered the Old Station and Station House to be part of the group when consenting that application, Members were clear that they had simply noted the presence of these two houses. They did not consider them to be part of the group and felt that the site (18/01469/PPP) was bookending the row of cottages forming the group, contained between those cottages and the railway. Members, therefore, agreed with the Appointed Officer in his interpretation of their decision relating to 18/01469/PPP and the boundaries of the building group.

Members then considered the relationship of the site with the group as to whether it was in keeping with its character, whilst noting that the application was for planning permission in principle and that the position and design of houses was still to be submitted. They considered that not only was the site on the other side of the public road from the building group, it also resulted in development within an undeveloped field and represented ribbon development, against the provisions of Policy HD2 and the SPG. They concluded that the site was not within the sense of place and was not a well-related addition to the group.

The Review Body then considered the issue of scale of addition and, whilst noting the applicant's view that a 100% addition should be applied in line with the advice in the SPG, Members were of the opinion that adopted Policy stated a 30% or 2 house addition was the maximum permissible and that the proposal should be assessed against this. Given the approval of the aforementioned two houses under application reference 18/01469/PPP, there was no further capacity to extend the building group within the current Local Development Plan period, even if the site had been considered to be a suitable addition to the building group.

The Review Body finally considered other material issues relating to the proposal including any economic case for the houses, residential amenity, access, parking, water and drainage but were of the opinion that appropriate conditions could address them satisfactorily. They also noted that development contributions for education and affordable housing were required and could be secured by legal agreement.

CONCLUSION

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

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

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 Mountford
Chairman of the Local Review Body

Date...27 October 2020

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SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of Meeting of the AUDIT AND
SCRUTINY COMMITTEE held Via MS
Teams on Thursday, 22 October 2020 at
10.00 am

Present:- Councillors S. Bell (Chairman), H. Anderson, K. Chapman, J. A. Fullarton, J. Greenwell, N. Richards, E Robson, H. Scott, S. Scott, E. Thornton-Nicol and Mr M. Middlemiss.

Apologies: Councillor S Scott, Ms H Barnett.

In Attendance:- Executive Director Finance & Regulatory, Service Director Customer and Communities, Chief Officer Audit and Risk, Clerk to the Council, Democratic Services Officer (J Turnbull).
Mrs G Woolman and Mr G Samson – Audit Scotland.

1. **WELCOME AND INTRODUCTIONS**

The Chairman opened the meeting and welcomed members of the Audit and Scrutiny Committee and members of the public to the Scottish Borders Council's open on-line meeting. The meeting was being held remotely in order to adhere to guidance on public meetings and social distancing currently in place, due to Covid-19 pandemic

AUDIT BUSINESS

2. **MINUTE.**

There had been circulated copies of the Minute of 28 September 2020. With reference to paragraph 5 and 6 of the Minute, it was noted that the presentations on Customer and Communities Risk Management and Best Value Audit Action Plan had been circulated to members of the Committee.

DECISION

APPROVED for signature by the Chairman.

3. **ACTION TRACKER.**

There had been circulated copies of the Action Tracker for the Audit and Scrutiny Committee. The Chief Officer Audit and Risk, advised that there were a number of completed Actions. The Action Tracker captured the key decisions raised at the 28 September 2020 meeting, outstanding actions and status.

DECISION

NOTED the Action Tracker.

4. **EXTERNAL AUDIT ANNUAL REPORT 2019/20 FOR SCOTTISH BORDERS COUNCIL PENSION FUND**

With reference to paragraph 4.4 of the Minute of 23 September 2019, there had been circulated copies of a report by Audit Scotland in respect of Scottish Borders Council Pension Fund. Mrs Woolman, Audit Scotland, presented the report, highlighting that exceptionally this year, the report included an 'Emphasis of Matter' paragraph which related to the uncertainties caused by Covid-19 on property investment portfolio valuations. This was a generic issue across all private and public pension funds. In response to questions, Mr Samson advised that with regard to the £0.94m unadjusted

error, this was because not all of Fund managers' valuations of illiquid assets had been received on time. This 'timing issue' might be ongoing each year with some investments. As the amount was less than the materiality level, the accounts were not required to be adjusted. With regard to financial sustainability, Mr Robertson explained that cash flow was monitored on an ongoing basis and the Strategic Asset Allocation was amended, as necessary, to reflect future cash flow requirements. The Pension Fund was well-diversified to protect against a range of uncertainties, the Fund now had £818m of assets under management, a rise from £712m at the end of March. Mr Robertson further advised that overseas pensioners were required to provide a Life Certificate for continuation of their pension payments. UK pensioners were not required to provide a certificate as Registrars' death notifications were used to check eligibility. Regarding the proposed self-service facility, Mr Robertson confirmed that telephone contact would be retained for enquiries.

DECISION

NOTED Scottish Borders Council Pension Fund Annual Report 2019/20 from the Council's External Auditor.

5. FINAL PENSION FUND ANNUAL REPORT AND ACCOUNTS 2019/20

There had been circulated copies of a report by Executive Director Finance and Regulatory. The report provided the Audit and Scrutiny Committee with an opportunity to scrutinise the final Account Report and Accounts for the Pension Fund for 2019/20 prior to their submission to Scottish Borders Council for signature. The Local Government Pension Scheme Amendment (Scotland) Regulations 2010 specified the elements which must be contained in the Annual Report and Accounts, contained in Appendix 1 to the report. Audit Scotland had now completed their audit and had given an unqualified audit opinion. They had identified two new recommendations and three recommendations from 2018/19 requiring action and these had been accepted by Management and would be enacted within the agreed timescales. The Annual Report had also been presented to members of the Pension Fund Committee and Pension Board for approval prior to Scottish Borders Council for signature. With regard to the complexity of regulatory changes, Mr Robertson explained that officers regularly attended and engaged in pension training events to ensure the Fund complied with all requirements. Mrs Stacey added that the internal audit opinion concluded that risk management was firmly embedded in the decision making process.

DECISION

NOTED the Scottish Borders Council Pension Fund Annual Report and Accounts for 2019/20.

6. EXTERNAL AUDITORS' ANNUAL AUDIT REPORTS 2019/20.

6.1 With reference to paragraph 4.1 of the Minute of 23 September 2019 there had been circulated copies of covering letters and a report by Audit Scotland, the Council's external auditors. The report explained that Audit Scotland had now completed the audit of the Council's Annual Accounts for 2019/20 and had given an unqualified audit opinion in all cases. Mrs Woolman and Mr Samson from Audit Scotland summarised the report. Mrs Woolman advised that the financial statement gave a true and fair view and included, exceptionally, an 'Emphasis of Matter' paragraph for Common Good Funds and the Ormiston Trust for Institute because of the uncertainties caused by Covid-19 on property valuations. There were no unadjusted misstatements or material weaknesses in the accounting and internal control systems identified during the audit. The Committee confirmed that they knew of no issues or any concerns with regard to fraud or non-compliance.

6.2 A number of questions were raised which were answered by officers. Regarding Education Maintenance Grants, Mr Samson explained that external audit had identified discrepancies over attendance records and payments over the past few years. Officers had explained that school staff were satisfied pupils were in attendance but attendance

records were not always updated accordingly. The Service Director Customer and Communities, Mrs Craig, added that record management had been reviewed and progressed through Business World. In response to a request by Management, Internal Audit were also reviewing the process, ensuring appropriate controls and monitoring was in place. An update would be provided at a future meeting. With regard to the £0.8m health and social care overspend, Mr Robertson acknowledged that this was not sustainable. The ongoing problem of overspends with respect to the Social Work Budget had the potential to destabilise the Council's financial planning, was well documented in the Outturn report and Risk Register, and would be the focus of the Corporate Management Team going forward. Mr Robertson advised that slippage of the capital plan was a common to most other Councils and was currently being reviewed in terms of the impact of Covid-19, to ensure realistic and deliverable projects for 2021/2022. Regarding Executive Committee's lack of opposition membership, Mrs Woolman advised that local authorities had different administration models and this comparison would be captured in their 2020/21 Audit report. Regarding the Community Toolkit, Mrs Woolman agreed to include, as amendment to the draft report, a recommendation for more explicit monitoring going forward. With regard to payroll creditors, positive reassurance had been received from managers that Business World had improved the system of internal controls. With regard to the significant increase in gas consumption, Mr Robertson explained that this related to converting existing inefficient oil based systems to gas, and also additional heating costs associated with the opening of new buildings for example the Jedburgh Campus and Kelso High School. Whenever possible, renewable technology was used to minimise energy consumption within the Council's estate. Mrs Stacey added that an internal audit of the Council's decisions in terms of climate change would consider associated performance indicators aligned to carbon emissions. Regarding the Brexit Response Team, Mrs Stacey confirmed the Team had been meeting throughout the pandemic and the Brexit Risk Register continued to be updated. Mrs Woolman confirmed she would reference, in the draft report, the uncertainty around the European Union and Brexit. Members noted that 'Following the Public Pound' guidance would be refreshed in November 2020 and not November 2021 as stated in the report. The Chairman thanked Mrs Woolman and Mr Samson for their attendance and the comprehensive, clear reports provided to the Committee.

DECISION

NOTED the Annual Reports from the Council's External Auditors prior to Council approval.

7. SCOTTISH BORDERS COUNCIL ANNUAL REPORTS AND ACCOUNTS 2019/20

7.1 With reference to paragraph 5 of the Minute of 23 September 2019, there had been circulated copies of a report by the Executive Director Finance and Regulatory presenting copies of the Council's audited Annual Accounts for 2019/20. The audit appointment of Audit Scotland for Scottish Borders Council accounts included the requirement to provide an auditor's report for the Council as well as related charities. KPMG continued to provide the external audit of the Council subsidiary Bridge Homes LLP. Audit Scotland had now completed the audit of the Council's Annual Accounts for 2019/20 and given an unqualified audit opinion in all cases. In addition, Audit Scotland concurred with Management's accounting treatment and judgements; and had reached positive conclusions in respect of financial sustainability, financial management, governance, transparency and value for money. Audit Scotland had identified three recommendations for improvement requiring action and these had been accepted by Management and would be enacted within the agreed timescales.

7.2 As required under the Local Authority Accounts (Scotland) Regulations 2014, the audited Annual Accounts for Scottish Borders Council, SBC Common Good Funds, the SBC Charitable Trusts, Bridge Homes LLP and Lowood Tweedbank Ltd had been presented to the Audit and Scrutiny Committee prior to signature. The report also referred to KPMG's external audit of Bridge Homes LLP which had raised no issues, with no matters to report. In response to questions, Mr Robertson advised that the rise in the number of employees

in pay bands £50k to £69k per annum related to senior manager posts and the 2018/19 teacher pay award which had tipped a significant number of teachers over the £50k threshold.

DECISION

- **AGREED to RECOMMEND the following accounts for officer signature and Council approval:**
 - (a) **the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2020;**
 - (b) **the Scottish Borders Council Common Good Funds' (Charity SC031538) audited Annual Accounts for the year to 31 March 2020;**
 - (c) **the SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2020;**
 - (d) **the SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2020;**
 - (e) **the SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2020;**
 - (f) **the SBC Ormiston Trust for Institute Fund (Charity SC019162) audited Annual Accounts for the year to 31 March 2020;**
 - (g) **the Scottish Borders Council Charitable Trusts (Charity SC043896) audited Annual Accounts for the year to 31 March 2020;**
 - (h) **the Bridge Homes LLP audited Annual Accounts for the year to 31 March 2020;**
 - (i) **Lowood Tweedbank Ltd Annual Accounts for the year to 31 March 2020.**

8. ANNUAL ASSURANCE STATEMENT 2019/20 TO SCOTTISH HOUSING REGULATOR.

With reference to paragraph 8 of the Minute of 25 November 2019, there had been circulated copies of report by the Service Director Customer and Communities requesting consideration and approval of the Annual Assurance Statement 2019/20 in respect of landlord services provided by the Council for submission to the Scottish Housing Regulator. Homelessness Services Manager, David Kemp, joined Mrs Craig to present the report. In 2019, the Scottish Housing Regulator ("the Regulator") revised its regulatory framework. This placed a new requirement on all social landlords to submit an Annual Assurance Statement to the Regulator by the end of October each year. Part of the Audit and Scrutiny Committee's remit was to assess the effectiveness of internal controls, risk management and governance arrangements in place at the Council to achieve its objectives. Section 8 of the Annual Assurance Statement 2019/20 of the Service Director Customer and Communities at Appendix 1 of the report, was designed to meet this requirement of the Scottish Housing Regulator. It was the opinion of the Service Director Customer and Communities that, although there were a few areas of work to be completed for full compliance with the revised regulatory framework, the overall arrangements in respect of landlord services provided by the Council were operating satisfactory. Mrs Craig highlighted the two areas still outstanding: The gypsy/travellers site at Tweedside Park, Innerleithen related to changes to the occupancy agreement between the tenants and Council. Discussions continued and the Housing Regulator had been kept informed of progress towards meeting the standard. The other matter to be progressed related to strengthening governance arrangements to involve tenants in scrutinising performance. It was requested and noted that future reports would contain

more detail with regard to actions taken. A private Members' briefing would also be arranged to update Ward Councillors on progress with the occupancy agreement for Tweedside Park residents.

DECISION

- (a) to note the details of the Annual Assurance Statement 2019/20 in respect of landlord services provided by the Council, as detailed in Appendix 1, and the actions identified by management to improve arrangements; and**
- (b) approve the Annual Assurance Statement 2019/20 for submission to the Scottish Housing Regulator.**

9. INTERNAL AUDIT WORK TO SEPTEMBER 2020.

With reference to paragraph 10 of the Minute of 28 September 2020, 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 1 to 30 September 2020 was detailed in the report. During the period a total of five Internal Audit reports had been issued. There were a total of two recommendations associated with one of the reports (medium risk). An Executive Summary of the final Internal Audit reports issued, including audit objective, findings, good practice, recommendations (where appropriate) and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was included in Appendix 1 to the report. Mrs Stacey summarised the findings in the report, explaining that some areas of work were in addition to those agreed by Audit and Scrutiny Committee in March 2020. These related to risks associated with the response to Covid-19, for example, the administration and complexity of issuing Business Support Grants. In response to questions, Mrs Stacey explained that the Major Contracts Governance Group would review CGI performance on a quarterly basis. The next meeting was scheduled for 3 November 2020. With regard to the anomalies identified in the Local Government Benchmarking Framework internal audit report, Mrs Stacey explained that all had been corrected before local government benchmarking information was published across all 32 councils. Minor challenges related to remote working and discussion with officers had identified improvement actions required. The Committee congratulated the Internal Audit team for reorganising their priorities and providing assurance that payment of Business Support Grants were appropriately managed.

DECISION:

- (a) NOTED:**
 - (i) the final assurance reports issued in the period from 1 to 30 September 2020 associated with the delivery of the approved Internal Audit Annual Plan 2020/21; and**
 - (ii) the Internal Audit Assurance work in progress and Internal Audit Consultancy and Other Work carried out in accordance with the approved Internal Audit Charter.**
- (a) ACKNOWLEDGED the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work.**

10. AUDIT AND SCRUTINY COMMITTEE ANNUAL REPORT 2019/20 AND ANNUAL SELF-EVALUATION.

With reference to paragraph 5 of the Minute of 25 June 2019, there had been circulated copies of a report by Chief Officer Audit and Risk, providing members with the Audit and Scrutiny Committee Annual Report 2019/20 which presented performance in relation to its Terms of Reference and effectiveness of the Committee in meeting its purpose. It was

important that the Council's Audit and Scrutiny Committee fully complied with best practice guidance on Audit Committees to ensure it demonstrated its effectiveness as a scrutiny body as a foundation for sound corporate governance for the Council. The CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (CIPFA Audit Committees Guidance) included the production of an annual report on the performance of the Audit and Scrutiny Committee against its remit (Audit functions) for submission to the Council. The Audit and Scrutiny Committee Annual Report 2019/20, Appendix 1 to the report, was presented for consideration. The Audit and Scrutiny Committee carried out self-assessments of compliance with the Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committees Guidance during the informal session on 9 March 2020 facilitated by the Chief Officer Audit and Risk. The self-assessments were appended to the report at Appendices 2 and 3 for consideration. The outcome of the self-assessments was a high degree of performance against the good practice principles and a high degree of effectiveness with areas of further improvement identified.

DECISION

(a) APPROVED the Audit and Scrutiny Committee Annual Report 2019/20 which incorporated its self-assessments using the CIPFA Audit Committees Guidance; and

(b) AGREED that the Audit and Scrutiny Committee Annual Report 2019/20 be presented to Council and then published on the Council's website.

MEMBER

Mr Middlemiss left the meeting.

ADJOURNMENT

The meeting was adjourned at 12.35 pm and reconvened at 1.05 pm.

SCRUTINY BUSINESS

11. SCOTTISH WELFARE FUND AND DISCRETIONARY HOUSING PAYMENTS

There had been circulated copies of a report by the Service Director Customer and Communities providing an overview and summary of the performance of both the Scottish Welfare Fund and Discretionary Housing Payments in the Scottish Borders from 1 April 2019 to 31 August 2020. Les Grant, Customer Services Manager, joined Mrs Craig to present the report. The budget provided by the Scottish Government for the Scottish Welfare Fund for 2019/20 was £546,737. The amount spent during 2019/20 was £541,298.78. The budget provided for the Scottish Welfare Fund for 2020/21 was initially £587,921. Following commencement of the current pandemic, this was increased to £952,921. As at 31 August 2020, Crisis Grants totalling £48,399.32 had been made and a total of £188,031.73 had been awarded in Community Care Grants leaving a balance of £716,488.95 to spend over the remaining seven months. The Discretionary Housing Payments budget for 2019/20 (not including under-occupancy funding) was £144,095. A total of £120,639.82 of this budget was spent during 2019/20. The Discretionary Housing payment budget for 2020/21 (not including under occupancy funding) was £180,177. However, due to the current pandemic, this was increased to £217,641. At 31 August 2020, there was a commitment to spend £71,796.71 up to 31 March 2021. The Scottish Government reimbursed Scottish Local Authorities with 100% Discretionary Housing Payments for applications paid in respect of under occupancy. In response to a question regarding 'Failure to provide information' as a reason for refusing a grant, Mr Grant explained that staff were well versed in obtaining the information required and conversations were usually by telephone. The 'Other and No Reason' category would be extended to allow better understanding of the reasons for refusal. Mrs Craig advised that performance relating to other local authorities and comparison with other authorities, including Dumfries and Galloway, would be circulated to Members. Mrs Craig confirmed that Housing Associations played an important role in engaging with their tenants to

encourage uptake of Crisis Grants and Community Care Grants. Mr Grant further advised that if a Crisis Grant was refused, depending on personal circumstances, the applicant would be directed to appropriate, alternative areas for assistance. The Chairman thanked Mrs Craig and Mr Grant for their attendance and report which had provided reassurance that this difficult area was being closely and carefully managed and there were no issues for further scrutiny. The Committee congratulated officers on the improvements in performance.

DECISION

NOTED the performance of the Scottish Welfare and Discretionary Housing Payments in the Scottish Borders.

12. 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 keep Members informed.

13. POLICE COMMUNITY ACTION TEAMS GOVERNANCE

With reference to paragraph 14 of the Minute of 28 September 2020, there had been circulated copies of a report by the Chief Executive providing details of the existing governance arrangements for the Police Community Action Teams and options and implications of including the Member/Officer Strategic Oversight Group into the Scheme of Administration. The report explained that as part of the budget for 2018/19, Scottish Borders Council agreed to fund a Community Action Team (CAT) of police officers for the Scottish Borders. As the intelligence information being provided to Members of the CAT Strategic Oversight Group by Police Scotland was intrinsic to current police operations, Members of the Oversight Group were required to agree to a confidentiality non-disclosure clause at each meeting. For this reason, the Oversight Group was a closed group with no other Members included either in the meetings or with access to the papers for each meeting. Due to the confidential nature of police intelligence provided to the Strategic Oversight Group, it was not possible in its current form for the Strategic Oversight Group to be included in the Scheme of Administration. An option, detailed in Section 4 of the report suggested possible changes to allow performance management of the CATs through the Executive Committee, with operational tasking of the CATs carried out by a new Member/Officer Reference Group. It was the view of all involved in the process that the current arrangements with the Strategic Oversight Group seemed to be working well and was successful. For this reason, the officer recommendation in the report was that no further action was taken. Following discussion and consideration of alternative ways of working as detailed in section 4 of the report. The Committee requested that a further report be brought to the next meeting. The report to include: details on enhancing transparency and performance monitoring to Executive Committee; and, investigating a mechanism for improving communications between the Oversight Group and the Police, Fire & Rescue and Safer Communities Board. A workshop could also be considered if required.

DECISION

(a) NOTED the alternative ways of working detailed in section 4 of the report.

(b) AGREED that officers bring back a report with details on enhancing reporting to Executive Committee and investigating a mechanism for improving communication between the Oversight Group and Police, Fire and Rescue and Safer Communities Board.

The meeting concluded at 2.00 pm

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SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held via Microsoft Teams on Friday, 23
October 2020 at 11.15 a.m.

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

1. **MINUTE**
The Minute of the Meeting of 18 September 2020 had been circulated.

DECISION
APPROVED and signed by the Chairman.

2. **LICENCES ISSUED UNDER DELEGATED POWERS**
There had been circulated copies of the Civic Government and Miscellaneous Licences
issued under delegated powers between 1 September and 30 September 2020.

DECISION
NOTED.

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 14 of part 1 of Schedule
7A to the Act.**

SUMMARY OF PRIVATE BUSINESS

- 1.0 **Hearing to consider request for revocation of Taxi Driver Licence**
There had been circulated copies of a letter requesting the revocation of a taxi driver
licence dated 6 October 2020, from Police Scotland on the grounds that the licenceholder
was no longer a fit and proper person to hold a licence. The licenceholder and his
representatives were present via Microsoft Teams. After hearing both parties, the
Committee agreed that a written warning be issued.
- 2.0 **Minute**
The Private section of the Minute of 18 September 2020 was approved.

The meeting concluded at 12.15 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
by Microsoft Teams on Monday, 2 November
2020 at 10.00 am

Present:- Councillors S Mountford (Chairman), A. Anderson, J. Fullarton, S.
Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards.
Apologies:- Councillor E. Small.
In Attendance:- Lead Planning Officer (B.Fotheringham), Lead Roads Planning Officer,
Solicitor (Fraser Rankine), Democratic Services Team Leader,
Democratic Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 5 October 2020.

DECISION

APPROVED for signature by the Chairman.

2. **DECLARATION OF INTEREST**

Councillor Mountford declared an interest in application 20/00691/FUL- Ballantyne Place, Peebles in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion.

CHAIRMAN

In the absence of the Chairman, the Vice Chairman, Councillor Laing chaired the meeting for the following item of business.

3. **APPLICATION**

There had been circulated copies of a report by the Chief Planning and Housing Officer on an application for planning permission requiring consideration by the Committee.

DECISION

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

MEMBER

Councillor Mountford resumed chairmanship for the remainder of the meeting.

4. **APPEALS AND REVIEWS**

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

DECISION

NOTED that:-

- (a) **the Reporter had dismissed the appeal in respect of the Erection of 8 No wind turbines with a maximum tip height of 130m, formation of access tracks, borrow pit, temporary construction compound, erection of control building, onsite substation and associated infrastructure and energy storage compound for up to 4MW on Land North of Carcant Lodge Wull Muir Wind Farm, Heriot.**

- (b) there remained one appeal outstanding in respect of Land North West of Willowdean House, Foulden.
- (c) Review requests had been received in respect of:-
- (i) Erection of dwellinghouse together with access, landscaping and associated works on Land North East of East Neuk, Morebattle – 20/00028/PPP
 - (ii) Formation of new boundary fence(retrospective) at 1 Forley’s Field, Goslawdales, Selkirk – 20/00472/FUL
- (d) the decision of the Appointed Officer had been upheld in respect of erection of two dwellinghouses at Paddock North of Station House, Cowdenburn – 20/00714/PPP
- (e) there remained three reviews previously reported on which decisions were still awaited when the report was prepared on 23 October 2020.

| | |
|---|---|
| Garden Ground of 7 Heriot House, Heriot | Garden Ground of Clifton Cottage, High Street, Kirk Yetholm |
| Land North West of Strathmyre, Old Belses, Jedburgh | |

- (f) There remained 3 S36 PLI’s previously reported on which decisions were still awaited when the report was prepared on 24th September 2020 and related to sites at:

| | |
|---|-------------------------------|
| • Fallago Rig 1, Longformacus | • Fallago Rig 2, Longformacus |
| • Crystal Rigg Wind Farm, Cranshaws, Duns | • |

The meeting concluded at 11.47 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

| <u>Reference</u> | <u>Nature of Development</u> | <u>Location</u> |
|-------------------------|---|---|
| 20/00691/FUL | Erection of 2 dwellinghouses and removal of condition 4 of 02/01783/FUL | Land West of 8 Ballantyne Place Peebles |

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

1. The development would be contrary to Policy EP11 – Protection of Greenspace of the Scottish Borders Local Development Plan 2016 in that the erection of two houses on this site would result in the permanent loss of green space to the detriment of the amenity and character of the surrounding area. The loss of the green space would be contrary to Condition 4 of planning consent 02/01783/FUL which requires the layout of the wider development site to make adequate provision for a play area(s), and it has not been adequately demonstrated that the development would outweigh the need to retain this open space.
2. The development would be contrary to Policy PMD5 – Infill Development of the Scottish Borders Local Development Plan 2016 in that the erection of two houses would result in over development of the site. The development would result in the permanent loss of an area of green space to the detriment of the character and amenity of the surrounding area.
3. The development would be contrary to Policy PMD2 – Quality Standards of the Scottish Borders Local Development Plan 2016 in that the erection of two house on this site would not respect the character of the surrounding area. The development of this site would result in the permanent loss of meaningful green space.

NOTE

1. Councillor Heather Anderson spoke against the application (Due to a technical issue which did not allow Councillor Anderson to be heard her statement was read out on her behalf by the Democratic Services Team Leader)
2. Mr Peter Maudsley, Peebles CC and Mr Colin Sandie, Resident spoke against the application.

VOTE

Councillor Hamilton, seconded by Councillor Richards moved that the application be approved as per the Officer recommendation.

Councillor Ramage, seconded by Councillor Moffat moved as an amendment, that the application be refused on the grounds that the development was contrary to Policies EP11, PMD5 and PMD2 of the Scottish Borders Local Development Plan 2016.

As the meeting was conducted by Microsoft Teams members were unable to vote by the normal show of hands and gave a verbal response as to how they wished to vote the result of which was as follows:-

Motion – 3 vote

Amendment – 4 votes

The amendment was accordingly carried.

