

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

6.	<p>Committee Minutes (Pages 3 - 106)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Major Contracts Governance 3 November 2020 (b) Police, Fire & Rescue and Safer Communities Board 6 November 2020 (c) Eildon Area Partnership 12 November 2020 (d) Teviot & Liddesdale Area Partnership 17 November 2020 (e) Community Planning Strategic Board 19 November 2020 (f) Civic Government Licensing 20 November 2020 (g) Pension Fund (Special) 26 November 2020 (h) Berwickshire Area Partnership 3 December 2020 (i) Sustainable Development Committee 4 December 2020 (j) Planning & Building Standards 7 December 2020 (k) Hawick Common Good Fund 8 December 2020 (l) Selkirk Common Good Fund 9 December 2020 (m) Jedburgh Common Good Fund 9 December 2020 (n) Audit & Scrutiny 10 December 2020 (o) Innerleithen Common Good Fund 10 December 2020 (p) Pension Fund 11 December 2020 (q) Pension Board 11 December 2020 (r) Local Review Body 14 December 2020 (s) William Hill Trust 15 December 2020 (t) Lauder Common Good Fund 15 December 2020 (u) Jedburgh Common Good Fund 15 December 2020 (v) Berwickshire Area Partnership (Special) 18 December 2020 (w) Planning & Building Standards 11 January 2021 <p>(Copies attached.)</p>	5 mins
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(a)	Major Contracts Governance	3 November 2020
(b)	Police, Fire & Rescue and Safer Communities Board	6 November 2020
(c)	Eildon Area Partnership	12 November 2020
(d)	Teviot & Liddesdale Area Partnership	17 November 2020
(e)	Community Planning Strategic Board	19 November 2020
(f)	Civic Government Licensing	20 November 2020
(g)	Pension Fund (Special)	26 November 2020
(h)	Berwickshire Area Partnership	3 December 2020
(i)	Sustainable Development Committee	4 December 2020
(j)	Planning & Building Standards	7 December 2020
(k)	Hawick Common Good Fund	8 December 2020
(l)	Selkirk Common Good Fund	9 December 2020
(m)	Jedburgh Common Good Fund	9 December 2020
(n)	Audit & Scrutiny	10 December 2020
(o)	Innerleithen Common Good Fund	10 December 2020
(p)	Pension Fund	11 December 2020
(q)	Pension Board	11 December 2020
(r)	Local Review Body	14 December 2020
(s)	William Hill Trust	15 December 2020
(t)	Lauder Common Good Fund	15 December 2020
(u)	Jedburgh Common Good Fund	15 December 2020
(v)	Berwickshire Area Partnership (Special)	18 December 2020
(w)	Planning & Building Standards	11 January 2021

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SCOTTISH BORDERS COUNCIL MAJOR CONTRACTS GOVERNANCE GROUP

MINUTES of Meeting of the MAJOR
CONTRACTS GOVERNANCE GROUP held
in Via Microsoft Teams on Tuesday, 3
November 2020 at 2.00 pm

Present:- Councillors M Rowley (Chairman), G Edgar, J Fullarton, D Moffat, E Thornton-Nicol, T Weatherston.
Also present: Councillors H Anderson, S Bell.
In attendance: Service Director Finance and Regulatory, Neighbourhood Area Manager, Chief Officer Roads, Network Manager, Contracts Manager, Commercial Manager/Estimator, IT Client Manager; J Ewing, J Skully and J Hurst (CGI), Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting of the Major Contracts Governance Group of 15 September 2020.

DECISION

NOTED the Minute of the Major Contracts Governance Group of 15 September 2020.

2. **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 contained in the following items on the ground that they involved the likely Part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

3. **MINUTE**

Members approved the Private Section of the Minute of the Major Contracts Governance Group of 15 September 2020.

4. **SBC CONTRACTS TRADING OPERATION UPDATE**

Members considered a report on the trading and financial position of SBc Contracts for the period to 30 September 2020.

5. **CGI UPDATE**

Members considered a report outlining CGI performance.

The meeting concluded at 4.40 pm.

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

MINUTES of Meeting of the POLICE, FIRE &
RESCUE AND SAFER COMMUNITIES
BOARD held in Via Microsoft Teams on
Friday, 6th November, 2020 at 9.30 am

Present:- Councillors G. Turnbull (Chairman), D. Moffat, N. Richards, E. Robson,
H. Scott, Mr M Dickson - NHS Borders and Ms M Simpson - Voluntary Sector
Apologies:- Councillor E Small.
In Attendance:- Superintendent A MacInnes, Police Scotland; Local Senior Officer S Gourlay,
Group Commander M Jaffray, Scottish Fire & Rescue Service; Safer
Communities and Community Justice Manager; Senior Policy Advisor,
Communities and Partnership Manager and Democratic Services Officer, J
Turnbull, SBC.

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 28 August 2020.

DECISION

APPROVED the Minute.

2. **PROGRESS REPORTS/UPDATES ON SERVICE MATTERS - POLICE SCOTLAND**

2.1 There had been circulated copies of Police Scotland's Scrutiny Report for Quarters 1 & 2 - 2020/2021. Superintendent MacInnes began by explaining that the report was in a new format to ensure it directly correlated to the Local Police Plan. The report also included a section on Local Police Plan activities. He advised that Chief Inspector Stuart Reid had been promoted to a new role and that Inspector Jacqi Mcguigan would lead the local police team until a new local Area Commander had been appointed. Superintendent MacInnes referred to the continuing impact of Covid-19 and that Police Scotland continued to follow the four E's approach: Engage – understanding the regulations and changes; Educate - by explaining what we can and can't do; Encourage - people to comply, Enforcement – as a last resort for people who won't comply. He acknowledged the successful partnership working with the Council's Emergency Planning Team and community resilience work in response to Covid-19. Police Scotland recognised, that over the winter, mental health might come to the fore as people continued to live with restrictions. With regard to police attendance at community council meetings he advised that Police Scotland's IT policy meant they were unable to participate in meetings via Zoom but could use MS Teams. However, local police officers were meeting with elected Members to develop other levels of engagement. Local Area Command reports had also been adapted to be more area and Ward focused.

2.2 Superintendent MacInnes then highlighted the main points from the report. Regarding missing persons, he explained that Police Scotland were implementing the Herbert protocol for people with dementia, a national protocol which would be rolled out to the Scottish Borders. They were also developing an Autism protocol, focused on young people. Both initiatives would be reflected in the Local Police Plan and improve the response to missing people. In response to a question Superintendent MacInnes explained that the Autism protocol was still being developed and national engagement was taking place with the NHS and autism charities, following which the protocol would be discussed with local NHS Boards. Superintendent MacInnes then referred to the rise in

reports of domestic abuse incidents, explaining that because of Covid-19 more people were being confined to home which could raise tensions in households. Police Scotland and partners were aware and were responding appropriately. With regard to hate crime, there had been a small rise with 22% of such crimes against Police officers. Detection rate for hate crime was up by 7% since the end of September. Superintendent MacInnes then referred to the rise in reported sexual crime, 52% of which related to historically crimes. Indecent and sexual assault reports were down, but there had been an increase in reports of Group 2 crimes including communicating indecent images. Drug supply, production and cultivation had also increased by 12.5%. There had been some good recoveries of controlled drugs in the Cheviot and Tweeddale areas. Four warrants had been issued in the Eyemouth area and Class A drugs had been recovered. The report also showed there had been an increase in crimes of violence and a corresponding increase in detection rates. Analysis had shown no specific trends for concern. Referring to anti-social behaviour there had been an increase in incidents, 24% of which were attributed to Covid-19 breaches of regulations. Regarding disorder in town centres, weekend patrols continued. Going forward the police response would be dependent on which tier an area was in. The CAT and Community Policing team were also working on initiatives to tackle the rise in youth disorder, such as letters to parents. Superintendent MacInnes then advised that there had been an increase of 11 crimes of threats of extortion compared to the same period last year, a number of which related to personal relationships. In response to a question, he advised that trends had not shown that this crime was associated with vulnerability but was across the community regardless of age, education or gender. Superintendent MacInnes then advised of break-ins and detection rates both of which had risen. With regard to road safety there had been a reduction in all three categories of accidents. Unfortunately, there had been a fatal collision on the A68 involving a motorcyclist and van. Regarding the 18% increase in bail offences, the police were responding by maximising the safety of victims with proactive bail checks to ensure there were no breaches. With regard to Operation Glow Worm he would feedback the request for additional lights and high viz clothing to Inspector McGuigan. Mr Jones added that they the Council were assessing funding to be able to expand the project to other young people. Regarding cold calling signage at Lennel village, this would be referred to the appropriate council officer for action.

- 2.3 Superintendent MacInnes then reported on CAT activity during the period and response to specific tasking, including the issuing of parking tickets, drug searches and speed checks resulting in 255 warnings, 55 speeding offers with 18 reports to the Procurator Fiscal for excessive speeding.
- 2.4 Superintendent MacInnes then referred to new section of the report which detailed Local Policing Plan priorities. He highlighted that Covid-19 had an impact on the Borders Blue Zone project which would be implemented when appropriate restrictions were lifted. In the meantime the funding would be utilised for rural crime prevention activity.
- 2.5 Board noted the because of Covid-19, there had been delays in setting up forensic examination units for each health authority. It was requested that at the next meeting, the Board receive data over a period of time, of referrals for victims of sexual crime to support agencies. The data to include statistics on victims that did not wish to be referred. The Chairman thanked Superintendent MacInnes for his attendance and informative report.

DECISION

- (a) **NOTED the report.**
- (b) **AGREED statistics on sexual crime referrals to be circulated for the next meeting.**

MEMBER

Councillor Scott and Mrs Simpson left the meeting during consideration of the above report.

3. **PROGRESS REPORTS/UPDATE ON SERVICE MATTERS - SCOTTISH FIRE & RESCUE SERVICE**

- 3.1 With reference to paragraph 6 of the Minute of 7 February 2020, Local Senior Officer Gourlay began by advising that Bonfire night in the Scottish Borders had been quiet with no concerns. In terms of SFRS response during the pandemic, one member of staff had developed the virus which meant that an entire Watch had to self-isolate. The Watch staffing was covered and it had not affected SFRS response. LSO Gourlay advised that development of the SFRS Local Plan would be deferred and a draft would be presented to the Board early next year to dovetail with Scottish Borders Council's Community Plan. The new domestic smoke detection standard was likely to be delayed by a year, subject to Scottish Government decision. LSO Gourlay asked that if any Board members had any questions relating to service delivery that he be contacted direct as this would enable a quicker response. LSO Gourlay concluded his report by advising that the rural full time Watch Commander for the Hawick cluster would commence in January, interviews were taking place remotely the following week.
- 3.2 Group Commander (CG) Jaffray then presented the SFRS Local Plan Performance report for the period 1 April 2020 to 30 September 2020, copies of which had been circulated with the agenda. GC Jaffray summarised that there had been a slight increase to 38 in dwelling fires from the previous year; 61% of these originated in the kitchen, with 29% involving cooking appliances. There had also been an increase to nine of fire related casualties. There had been no fire fatalities during the period. GC Gourlay explained that Road Traffic Collisions had decreased due to Covid-19 restrictions which had meant less traffic on roads. It was anticipated this figure would unfortunately increase as restrictions were lifted. Deliberate Fire Setting had also decreased in the period to 79; many of the fires were attributable to anti-social behaviour. There had also been a reduction in special service categories from 42 the previous year. Unwanted Fire Alarm Signals (UFAS) had also decreased, although still an area of concern. In response to a question regarding UFAS caused by equipment failure, GC Jaffray advised that when fire crews attended a UFAS they categorised the failure in order that they could tailor advice to duty holders to alleviate any problems. There was also a UFAS champion who analysed incidents for trends. However, no specific cause or premises had been identified. CG Jaffray acknowledged that 13% of UFAS related to educational premises and the SFRS were available to work with the Council to drive down incidents.
- 3.3 GC Jaffray then went on to discuss the SFRS Prevention and Protection activities for Quarter 2 (1 July to 30 September 2020). He explained that fire safety audits had now recommenced with officers now visiting premises. Care homes were still an area they were unable to visit but advice was given over the telephone. Fire home safety visits had also been introduced and focused on high risk individuals referred from partnership referrals. Eleven visits had been carried out during the period. GC Gourlay explained the new safety standards to be introduced to reduce the risks of fires in domestic properties, a date for introduction was awaited from Scottish Government. It was noted that registered social landlords were working on delivering the standards to their properties and hoping to retain the 2021 target deadline. CG Gourlay concluded by advising that youth engagement had also been impacted by Covid-19 restrictions. However, advice was provided through social media. As a result of pausing youth engagement, TD1 was to receive a grant from the SFRS to support the work they did. The Chairman thanked LSO Gourlay and GC Jaffray for their informative reports. This was GC Jaffray's last meeting and he thanked him for his attendance at meetings and wished him well for his retirement.

DECISION
NOTED the report.

ADJOURNED

The meeting was adjourned between 10.30 am and 10.50 am

4. **SAFER COMMUNITIES PERFORMANCE UPDATE AND KEY ACTIVITIES**

There had been circulated copies of the Safer Communities performance report for 1 April 2020 to 30 September 2020. The Safer Communities and Community Justice Manager, Mr Jones, was in attendance. Mr Jones began by advising that staff restructuring within the service had taken place. With domestic abuse staff now permanently funded by the Council and changes to anti-social behaviour officers to achieve more resilience. Some staff were also still relocated to community assistance hubs for the Covid-19 response. As a result, mediation figures were down as the officer had also been heavily involved with the travelling community. Mr Jones then discussed the report. With regard to anti-social behaviour, the five year trend had been going down. However, during Covid-19 incidents had risen with new cases referred to the core group. Mr Jones explained that one of the issues was that officers were unable to physically meet people and often a more direct approach was helpful. Early intervention works would be monitored to analysis the effectiveness of different approaches. Youth warning letters from the Police Community Action Team had been issued to parents to highlight situations where young people had come to the attention of police officers when evidence of ASB was present. Face to face mediation had also been restricted but would hopefully normalise as restrictions reduced. Mr Jones then advised that although domestic abuse incidents had risen, referrals have gone down as there appeared a slight reticence in being referred to the domestic abuse service. However, victims were able to self-refer at any time and information was available on the Council's website. Repeat referrals were being analysed to consider additional support required. Mr Jones advised that although figures showed a reduction in contact targets, new clients to the domestic abuse service were being contacted within 24 and 48 hours, 100% of the time. Referring to the increase in MARAC numbers, Mr Jones explained that that this was important as these cases related to the most serious and a multi-agency approach was required to minimise risk. CEDAR referrals was also being sustained over the period using MS Teams and by telephone. To conclude, Mr Jones advised that accident levels had decreased. Drive Wise and motor cyclists training would be reintroduced when Covid-19 restrictions allowed and the Community Safety Officer returned to his substantive post. In response to questions, Mr Jones advised that incidents of domestic abuse have risen. Advocates undertook a risk assessment of all contacts to maximise an individual's safety and minimise the likelihood of perpetrator actions having a negative consequence. Superintendent MacInnes added that there had been an increase in calls, some related to Covid-19 restrictions. He would find out from police analysis if there had been an increase in reporting time. It was indicated in discussion that RSLs had maintained their phone service and increased digital contact with tenants, they had also undertaken proactive welfare calls for tenants to raise any issues. The Chairman thanked Mr Jones for his report and the work his team were doing in response to Covid-19.

DECISION

NOTED the report.

5. DATE OF NEXT MEETING

The next meeting was scheduled to be held on Friday, 5 February 2021 at 9.30 am.

The meeting concluded at 11.55 am

MINUTE of Meeting of the EILDON AREA PARTNERSHIP held remotely by Microsoft Teams on Thursday, 12 November 2020 at 6.00 pm

- Present:- Councillors G. Edgar (Chairman), S. Aitchison, A. Anderson, E. Jardine, D. Parker and H. Scott.
With 22 representatives of partner organisations, Community Councils, and members of the public.
- Apologies:- Councillor E. Thornton-Nicol
- In Attendance:- Communities and Partnerships Manager, Locality Development Co-ordinator (K. Harrow), Democratic Services Officer (F. Walling).

1. **WELCOME AND MEETING PROTOCOLS**

The Chairman welcomed everyone to the first meeting of the Eildon Area Partnership held remotely via Microsoft teams, which included elected Members, guests attending within the meeting and those watching via the Live Stream. He outlined how the meeting would be conducted.

2. **FEEDBACK FROM MEETING ON 27 FEBRUARY 2020**

The Minute of the meeting of the Eildon Area Partnership held on 27 February 2020 had been circulated and was noted.

3. **EILDON COMMUNITY FUND 2020/21**

Assessments of four applications to the Eildon Community Fund had been circulated, plus a summary of grant funding within Eildon in 2020/21 and the source of that funding. The summary showed grant applications awarded, those under assessment and those to be considered by the Area Partnership. Also included were funding commitments to Community Councils, Village Halls and Local Festivals. Before consideration of the four pending applications, Mr Kenny Harrow outlined the process of assessment of applications to the Community Fund and the criteria used for that assessment. He advised that all applications to the Community Fund would be put forward to the Area Partnership for consideration, with officer assessment advising if the criteria had been met. He went on to give a summary of each of the following applications under consideration and confirmed that each met the Community Fund criteria.

3.1 **Walks around Stow**

This was an application from a sub-group of Stow Community Council seeking funding of £5,000 to purchase 11 self-closing gates on identified walking pathways around Stow. The proposal was an extension of the Walks around Stow initiative which aimed to identify and promote 10 pathways around Stow. The gates and installation cost £5,000 each. Mr Stuart Jeffrey spoke in support of the application and explained that Walks around Stow were actively working with local farmers and landowners to plan the 10 routes which would cross over 5 farms in total. Two routes had been mapped so far and leaflets published. Another three walks would be published by early 2021. The project was

enthusiastically supported by those in attendance. Representative of Stow Community Council referred to the importance of the Walks with Stow initiative within the wider tourism project linked to the railway station at Stow, to revitalise the area by encouraging visitors to get off the train and enjoy Stow and the surrounding area. The request for funding of £5,000 was unanimously approved.

3.2 **Café Re-Charge**

With reference to paragraph 6.2 of the Eildon Area Partnership Minute of 27 February 2020, an application for a grant of £14,404 had been received from the Community Interest Company (CIC) Café Re-Charge. The company aimed to reduce the gap between food poverty and food waste by using unsold food from supermarkets to serve in a Pay What You Can Café in Galashiels. Ms Amy Wight spoke in support of the application and explained that the café project had been due to start operating in March 2020 based at the Focus Centre in Galashiels. Due to the constraints of lockdown it was unable to open to the public, but the facilities were used to produce over 1,000 home cooked meals and food parcels for those in need over that period. During this time strong links were developed with other community groups. Due to the uncertainty around the reopening of the Focus Centre the group had negotiated a competitive lease on alternative, currently empty, premises in central Galashiels. Volunteering opportunities would be available in all aspects of the project for people across the community no matter what their age or background. The grant application was to cover the costs of a Project Manager for 12 months and seven months rent on the property. The application detailed other funding sources which included over £12,000 raised through Crowdfunding. In the discussion that followed the project was welcomed by all present and the request for funding of £14,404 was unanimously approved.

3.3 **Youth Borders**

An application for a grant of £9,198 had been received from the organisation Youth Borders to support the continuation of employment of a Membership Development Officer. The current post had funding in place until 31st March 2021. A grant from the Community Fund would continue the post throughout 2021 and to the end of January 2022. Ms Susan Hunter, in attendance to support the application, explained that Youth Borders currently had 42 members, 28 of which were in the Eildon area and included Rowlands, Beyond Earlston and TD1 Youth Hub. These members would be the primary beneficiaries of the funding. Youth Borders had found that the complexity of members' needs was increasing due to new barriers or constraints as a result of the ever changing Covid-19 picture. As these were new experiences even the most established volunteers or leaders were requiring assistance. In a discussion of the application the value and importance of the work of the organisation was recognised. There was unanimous approval of the request for funding of £9,198.

3.4 **Works +**

The organisation Works + had applied for a grant of £5,000 as a contribution towards 2021 staff salaries. Works+ was a local 'person-centred' employability organisation, employing three full time members of staff, based in the Scottish Borders. Works+ was involved in the Kickstart preparations, which would allow young people to obtain 6 months of paid work experience and then be supported for the following 6 months. Works + helped young people by confidence building; barrier removal; and by improving employability skills. Currently Works+ staff were unable to work from the Focus Centre but were working out of the Galashiels Job Centre where the connections between Job Centre staff and Works+ were growing. Mr Mark Timmins was in attendance to support the application and provide further information. He highlighted that over 170 young people had been helped to achieve a positive destination during the first 2 ½ years of operation. However he also referred to the unprecedented rise in youth unemployment currently being experienced, which was expected to peak around 100,000 in Scotland. It was vital for Works+ to continue to support young people, not just into employment, further education or training but to provide support for their mental health and wellbeing. Those present commented on the life-changing work of the organisation and gave their full

support for the application. In terms of reporting requirements following grant of funding, it was suggested that, due to the current economic situation there may be an appropriate alternative reporting measure to use rather than 'the number of young people achieving positive destinations'. Mr Harrow confirmed that this was being looked at by the Community Learning & Development Team. The application for funding of £5,000 was unanimously approved.

4. **OTHER INFORMATION AND NEWS FOR NOTING**

The following information and news, as detailed on the agenda, was noted:

- Outstanding Community Fund Applications for 2019/20 - these had been dealt with as per the report that went to Council on 27 August 2020 which also contained the evaluation of Localities Bid Fund 1&2 and Participatory Budgeting. A summary paper had been circulated with the agenda.
- The Eildon Community Fund for 2020/21 was now open - guidance and application form was on the Council's website:
https://www.scotborders.gov.uk/info/20076/community_grants_and_funding/261/community_fund
- Community Councils - grants were being paid as normal for 2020/21
- Festival Grant Scheme – commitments re public liability and insurance were being met for 2020
- Federation of Village Halls – grants were being paid as normal for 2020/21
- VE Celebration Fund – this fund was now closed and commitments re expenses were being met
- Eildon Locality Plan & Action Plans - these plans were now published. They outlined the priorities of the Eildon area and could be the focus of a future Area Partnership meeting:
https://www.scotborders.gov.uk/downloads/download/1310/locality_plans
- Community Empowerment (Scotland) Act 2015 – Currently, there were no formal Participation Requests or formal Asset Transfer requests being considered within Eildon. One Asset Transfer (the sale of former Ettrick Primary School building) request had been agreed since the Area Partnership last met.

5. **FIT FOR 2024: REVIEW OF AREA PARTNERSHIPS & COMMUNITY FUND AND ACTIONS FOR EILDON AREA PARTNERSHIP**

5.1 A summary of reports to Council, on 27 August 2020, on the Reviews of Area Partnerships and the Community Fund, had been circulated with the agenda. The Communities and Partnerships Manager, Shona Smith, gave a slide presentation which highlighted the main findings of the reviews and outlined the next steps. Based on the findings of the review some immediate changes had been made to the Community Fund from 1 September 2020. As part of the Council's response to the Community Empowerment (Scotland) Act 2015, and from the findings of the Scottish Community Development Centre report, Area Partnerships and communities could now make recommendations to Scottish Borders Council by the end of January 2021 about how they would like their Area Partnership and Community Fund to operate in the future. These recommendations would then go out for further public consultation that would take place in February 2021. At the end of the public consultation, a report would go to Council in March 2021.

5.2 The Chairman asked for views about how Eildon Area Partnership could establish a way to review the findings and make recommendations at a local level for further public

consultation in February 2021. He referred to the suggested questions which were included in the paper circulated, as an aid to developing these recommendations. A discussion followed about the most effective and fair way of engaging with groups and communities and how to collaborate in the provision of a list of recommendations. It was accepted that a variety of ways could be used to consult with people, even through the current restrictions, including by remote meetings, email and group telephone calls. It was agreed that it would be useful if a brief communication, containing a list of the suggested questions, could be sent out to Eildon Community Councils and other partner organisations to initiate a response. It was also suggested that, as all five Area Partnerships were involved in the development of recommendations for their local area, it may be appropriate for a generic communication to encourage engagement be put out from Corporate Communications and through local media. The Chairman asked for responses within the next two weeks about how to take this forward.

6. **DATE OF NEXT EILDON AREA PARTNERSHIP - 28 JANUARY 2021**

The next meeting was scheduled for Thursday 28 January 2021. Suggestions for agenda items could be sent to the Locality Development Co-ordinator at kenny.harrow@scotborders.gov.uk.

7. **ANY OTHER FORMAL BUSINESS**

No items were raised.

8. **OPEN FORUM**

Heriot Community Council representative, Mrs Sue Sharp, wished to raise two matters as follows:

- 8.1 On behalf of communities in Heriot, Fountainhall and surrounding area, Mrs Sharp emphasised the need to sustain and improve the X95 bus service. This was the one and only public transport service for the local population and was the key access to Borders Railway, other public transport, medical services etc. Before the opening of the railway the X95 was a half hourly service. Frequency then dropped to hourly and was now two-hourly with no bus service on a Sunday. Mrs Sharp added that the right to public transport was highlighted within the Locality Plan. The Chairman explained that a question about this service had been raised by Councillor Harry Scott at the recent meeting of Scottish Borders Council. In the response it was explained that since the arrival of the Borders Railway, the X95 (previously operated by First Scotland East) sustained a reduction of £12k in revenue per week. In order to keep the route sustainable, changes were made based on travel patterns which were identified from data derived from the ticket machines. Since the onset of Covid-19, bus services had been under constant review and services had been reduced to cope with a reduction of patronage which was currently in the region of 40% of where it was pre Covid. Borders Buses were currently surveying their passengers in order to try and gauge what level of service that they could put back in when restrictions started to ease with a view to building services up as passengers started to return. The Council's Transport Team were in constant discussions with all operators including Borders Buses regarding the local transport network and service changes. The Team would continue engagement with communities and local bus operators including Borders Buses to ensure that all communities were served by a sustainable transport network which met the needs of the communities they served whilst remaining within the allocated budget. In further discussion Councillors recognised the importance of the X95 communication link to local communities and also emphasised the need for a Sunday bus service. It was suggested that a letter from the Area Partnership, on behalf of communities, be sent direct to Scottish Government to request an extension of subsidy post Covid. The Chairman confirmed that he would pass the views of the Area Partnership to the Transport Team.
- 8.2 In terms of the second issue raised on behalf of Heriot Community Council, Mrs Sharp referred to the Eildon Locality Plan, noting the priority given to: increase learning opportunities and skills development across a wide range of subjects and vocations and

ages; and to invest in local, sustainable employment opportunities. Mrs Sharp asked Scottish Borders Council and South of Scotland Enterprise to given consideration about how local people could benefit more from employment in the renewables sector, particularly windfarms – be that in planning, engineering, construction, maintenance etc. There was a need to create jobs in growth sectors, of which renewables was one. In the discussion that followed there was strong support for this aspiration. The Chairman confirmed that South of Scotland Enterprise was looking at the issue.

CHAIRMAN

The Chairman thanked everyone for their attendance and closed the meeting.

The meeting concluded at 7.25 pm

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SCOTTISH BORDERS COUNCIL

TEVIOT AND LIDDESDALE AREA PARTNERSHIP

MINUTE of Meeting of the TEVIOT AND LIDDESDALE AREA PARTNERSHIP held via Microsoft Teams on Tuesday, 17 November 2020 at 6.30 pm

Present:- Councillors N Richards (Chairman), S Marshall, W McAteer, D Paterson, C Ramage, G Turnbull.

21 representatives of partner organisations, Community Councils, and members of the public

In attendance:- Service Director Neighbourhood Services, Communities and Partnerships Manager, Locality Development Co-ordinator (G Jardine) , Democratic Services Officer (J Turnbull).

1. WELCOME AND MEETING PROTOCOLS

The Chairman welcomed everyone to the first meeting of the Teviot and Liddesdale Area Partnership held remotely via Microsoft Teams, which included Elected Members, guests attending within the meeting and those watching via the Live Stream. He outlined how the meeting would be conducted.

2. FEEDBACK FROM MEETING OF 18 FEBRUARY 2020

The Minute of the meeting of the Teviot and Liddesdale Area Partnership held on 18 February 2020 had been circulated and was noted. With reference to paragraph 2.2 of the Minute relating to Storm Dennis, Newcastleton Community Council asked that it be acknowledged that although the flood warning was received at 1625 hrs, it had been 1745 hrs before Newcastleton received any assistance and this had placed their local fire service at risk.

3. OTHER INFORMATION AND NEWS FOR NOTING

3.1 The Chairman, Councillor Richards, advised that outstanding Community Fund applications for 2019/20 had been dealt with as per the report to Council on 27 August 2020. The report also included the evaluation of the Localities Bid Fund 1 and 2 and Participatory Budgeting. The Teviot and Liddesdale Community Fund for 2020/21 was now open, guidance and an application form was available on the Council's website. https://www.scotborders.gov.uk/info/20076/community_grants_and_funding/261/community_fund

3.2 Councillor Richards also advised that Community Council grants would be paid as normal for 2020/21 as would grants to the Federation of Village Halls Festival Grant Scheme commitments regarding public liability and insurance were also being met for 2020. Under the Community Empowerment (Scotland) Act 2015, there had been no formal Participation Requests or formal Asset Transfer requests being considered within Teviot and Liddesdale. Councillor Richards went on to advise that the Teviot and Liddesdale Locality Plan and Action Plans had been published on the Council's website: https://www.scotborders.gov.uk/downloads/download/1310/locality_plans

3.3 In response to a question, the Communities and Partnership Manager, Shona Smith, Communities and Partnerships Manager, advised that Federation of Village Hall grants

had been processed; Community Council grants were being paid as documentation was received and checked. It was advised that the Participatory Budget Charter had been published and is accessible here: <https://pbscotland.scot/charter>. The Charter is about wider involvement in spend at local level.

4. **FIT FOR 2024: REVIEW OF AREA PARTNERSHIPS & COMMUNITY FUND AND ACTION FOR TEVIOT & LIDDESDALE AREA PARTNERSHIP**

4.1 A summary of reports to Council on 27 August 2020, on the Review of Area Partnerships and the Community Fund, had been circulated with the agenda. Jenni Craig, Service Director, Customer and Communities, gave a presentation highlighting the key areas from the summary document. She advised that following the review and report to Council by the Scottish Community Development Centre (SCDS), the Council agreed that a further report be presented to them for consideration in March 2021. This report will reflect the opinions and ideas of Area Partnerships and communities on how the Area Partnerships and Community Fund should evolve. Mrs Craig advised that Area Partnerships had yet to realise the level of community engagement and involvement that was envisaged when they were established. That Community Councils and community groups should be involved in shaping how their Area Partnership should develop going forward. It was therefore anticipated that each locality should develop recommendations which reflected their own localities' circumstances. These recommendations would then go forward for further public consultation in February 2021. At the end of the public consultation, a report would be considered by Council in March 2021. Mrs Craig advised that in some localities there was not enough community capacity to sustain local activity and that the Council were considering a model for communities going forward. Mrs Craig went on to explain that the SCDS review had also reviewed Community Fund arrangements. Findings were that most found the application process and criteria positive but that improved transparency was required about the decision making process and the grants available. It was also the preference for Village Hall, Community Council and Festival grants to remain ring fenced. Mrs Craig then asked for views about how the Area Partnerships could be developed going forward, acknowledging that this might be different within each of the localities.

4.2 The Chairman referred to the suggested questions included in the paper circulated as an aid to stimulate discussion on how Area Partnerships should operate, how they should be constituted and what their focus should be. A discussion followed and the following points were raised:-

- Covid-19 communications have been helpful and Community Assistance Hubs should be retained.
- Local authority resources provided at local level to continue.
- Communications on Covid-19 testing, vaccinations etc. could be advised at meetings.
- Balance Hawick town and rural priorities.
- Community Councils worked well together in relation to Pines Burn funding, a similar model could work for Area Partnerships.
- Chair to be appointed within the new committee, not imposed by Council. Could rotate Chair annually
- Representation - eight Community Councillors and six elected Members.
- Learnings to be used from Newcastleton Community Trust which had been set up to manage community funding.
- Equal number of community councillors and elected Members, community organisations also to be involved.
- Sub-Group to stand separately from the Council.
- Elected Members and Community Council know what is required in their areas.
- Engagement at local level required – involve other representatives from community organisations.
- Council officers' experience and support to be retained.

- Newcastleton paper to be discussed at the next Community Council network meeting and comments fed back.
- Community Council review needs to be progressed.
- Area Partnership's role to be established to empower communities and use budget at local levels. This needs to be agreed before setting up a new structure.
- Base on scheme for Pines Burn plus Councillors. Newcastleton will share paper with SBC.

4.3 Following the discussion it was suggested that officers should pull together points from the responses and comments from other Area Partnerships.

5. **TEVIOT & LIDDESDALE COMMUNITY FUND 2020/21**

5.1 Assessments of three applications to the Teviot and Liddesdale Community Fund had been circulated, plus a summary of grant funding for Teviot and Liddesdale in 2020/21 and the source of that funding. The summary showed grant applications awarded, those under assessment and those to be considered by the Area Partnership. Gillian Jardine, Locality Development Co-ordinator, outlined the process of assessment of applications to the Community Fund and the criteria used for that assessment. She advised that applications to the Community Fund would be put forward to the Area Partnership for consideration based on the assessment and whether the criteria had been met. Ms Jardine advised that since the agenda pack had been published, a grant to Hawick Rugby Memories had been approved to the value of £1,467.00. Two other fast track applications were being assessed together with the three applications for consideration this evening. Ms Jardine explained that the total requests amounted to £29,264 which meant that the funding pot was oversubscribed by £6,401. It was therefore agreed that because of this shortfall, the decision on allocation of funding would follow consideration of all three applications.

5.2 **Saturday Polish School Hawick**

The first application for consideration was from the Saturday Polish School Hawick (SPHS) who were seeking funding of £7,425 to enable the SPSH to continue to operate for the 2020/21 school year despite the loss in revenue due to reduced pupil numbers. The grant would be used to cover the cost of teaching staff, additional teaching support for student and admin/management costs. Since the start of lockdown classes had been provided virtually. During this time student numbers had decreased by 40% which had a knock-on effect on income raised by parental fees. A representative from the Polish School was in attendance and in response to a question advised that Brexit had caused a small part in the reduction in numbers attending the school, with some families returning to Poland. The main reason for the reduction was because of Covid-19 restrictions. Classes were currently held online and parents of younger children, particularly those 3 to 6 years of age, preferred attending classes in school. The work of the Saturday Polish School Hawick was commended by those in attendance at the meeting.

5.3 **Hawick Community Pump Track**

An application for a grant of £9,757.35 had been received from the organisation Hawick Community Pump Track. The grant would be used for the purchase of five year floodlight inspection and maintenance, electronic footfall counter, defibrillator and purchase and installation of eight picnic benches. The organisation had been planning to introduce Club membership but because of Covid-19 this was currently on hold. A representative from the Hawick Community Pump Track was in attendance and advised that the track attracted people from out with the area and they hoped to build on this when Covid-19 restrictions allowed. In response to a question he advised that the five year maintenance grant was part of the planning agreement for use of the floodlights. They had raised funding for all of the costs associated with running the floodlights for this year and next. Those present commended the work of the Hawick Community Pump Track organisation.

5.4 **Strawberry Lemonade Events**

The final application for consideration was from Strawberry Lemonade Events who had requested £9,500 to pay for a Project Manager and Project Co-ordinator with the aim to run a training programme called Event Management Fundamentals for those facing social exclusion. The funding would also be used to support additional training course materials including venue hire, training courses, supplies, printing and uniforms. Ms Jardine advised the assessment had shown difficulty in identifying need as there were other services offering employability support in the Hawick area. A representative from Strawberry Lemonade Events was in attendance and in answer to questions explained that they were originally from Edinburgh but were rolling out the programme nationally, this was an opportunity to bring the programme to Hawick. They identified people to join the programme by reaching out to organisations and partnerships. The sessions involved were two hours and covered fundamental course work and introduced skills such as budgeting in an accessible way. The aim of the project was to get people into jobs, by giving them experience, teaching transferable skill, helping with CVs and arranging paid work experience placements. Third sector organisations and partnerships provided referrals. Covid-19 had meant that they had managed other opportunities such as food and clothing deliveries which had given access to third party organisations. They were also working with Asda and a haulage company. Strawberry Lemonade Events were a company limited by guarantee and a not for profit organisation.

- 5.5 Following consideration of all three applications, the Area Partnership unanimously approved grant funding of £7,425.00 to the Saturday Polish School Hawick and £9,757.35 to Hawick Community Pump Track. The Strawberry Events Lemonade application was to be deferred until next year when the Covid-19 situation had hopefully improved. The Chairman thanked all three applicants for their attendance at the meeting.

(Note: Following the meeting Ms Jardine contacted Strawberry Lemonade Events to suggest they link in with SBC's Learning Community Partnership. This would be an opportunity for the organisation to make connections with DWP, Activity Agreements etc to develop a further funding application in the future).

6. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA PARTNERSHIP - 12 JANUARY 2021**

The next meeting was scheduled for Tuesday, 12 January 2021. Suggestions for agenda items could be sent to the Locality Development co-ordinator at gillian.jardine@scotborders.gov.uk

7. **ANY OTHER FORMAL BUSINESS**

No items were raised.

8. **OPEN FORUM**

On behalf of Southdean, Mr Kerr raised a concern about lack of engagement with vulnerable residents to advise of power outages. Recently there had been three separate Scottish Power outages at Southdean. Calls from Keltbray, the contractor, advising of the outage had been from an unidentified number which many older residents might not answer. It was requested that power companies liaise with the Council, to identify vulnerable residents in communities who could then be contacted and receive appropriate support. Ms Smith advised that utility companies currently did not liaise with SBC and asked that communities contact the Council when they were aware of any proposed outages if they had concerns. Mrs Elborn advised that Newcastleton had also recently had an unannounced power cut which had resulted in their fuel court being unavailable for three days.

CHAIRMAN

The Chairman thanked everyone for their attendance and closed the meeting.

The meeting concluded at 8.20 pm.

**SCOTTISH BORDERS
COMMUNITY PLANNING
STRATEGIC BOARD**

MEETING

Date: 19 November 2020 from 2.00 to 3:45 p.m.

Location: Via MS Teams

Attendees: Councillor Mark Rowley (SBC) [Chair], Councillor Stuart Bell (SBC), Ms Angela Cox (Borders College), Mr Nick Halfhide (South of Scotland Enterprise), Councillor Carol Hamilton (SBC), Ms Karen Hamilton (NHS Borders), Mrs Marjorie Hume (Third Sector), Mr Mike Jaffray (Fire & Rescue Service), Councillor Robin Tatler (SBC), Councillor George Turnbull (SBC).

Also in attendance: Jenni Craig, Rob Dickson, Lesley Munro, David Robertson, Janice Robertson, Shona Smith, Jenny Wilkinson (all SBC); Juliana Amaral (BAVS); Nile Istephan (Eildon Housing); Valerie Ormiston (SDS); Ralph Roberts (NHS Borders).

MINUTE AND ACTION POINTS

1. **APOLOGIES FOR ABSENCE.**

Apologies had been received from Ms Elaine Acaster (Borders College); Mr Stephen Gourlay (Fire & Rescue Service); Professor Russel Griggs (South of Scotland Enterprise); and Superintendent Angus MacInnes (Police Scotland).

2. **MINUTE**

The Minute of the Meeting of 10 September 2020 had been circulated.

DECISION

AGREED the Minute.

3. **COMMUNITY PLANNING PARTNERSHIP – KEY PRIORITIES/ACTION PLAN 2020/21**

Copies of a report presenting the CPP key priorities and action plan that would be the main focus of the Scottish Borders Community Planning Partnership work for the next 12 months had been circulated prior to the meeting. The SBC Service Director Customer & Communities advised that this was a dynamic document and while some of the key priorities and actions were already in the existing Community Plan and Locality Plans, more had been added in response to Covid-19, and these would provide the main focus for the Community Planning Partnership over the next year. The SBC Communities & Partnership Manager further added that the list was not exhaustive with engagement of partners and communities needed to take these forward. The localities model was under development along with digital access. With regard to alleviate poverty, the Child Poverty Action Plan and development of the Anti-Poverty Strategy would help with this. A fast paced response was needed in the economy as things were changing rapidly. Angela Cox, Borders College Principal, advised that the Borders Learning and Skills Partnership was taking a collective approach, tracking all developments e.g. No Young Person Left

Behind. Nile Istephan, Eildon Housing Chief Executive, further advised that more funding had been levered in; community wi-fi was being rolled out to sheltered housing, with work underway with the Scottish Government 'Internet of Things' across the Borders. There was interest in the Strategic Property Group from RSLs and others. The work in Food Hubs had been really impressive, with Fareshare in Galashiels and Eildon Housing distributing food to 30 community groups. This work was sponsored by Government schemes and while funding was due to finish at the end of November, investigations were being made as to how this could continue throughout the pandemic and beyond. There were also huge opportunities for SMEs in climate and carbon reduction work. Cllr Rowley confirmed that the Council had signed up to Climate Change and had appointed a new Portfolio Holder for Sustainability. The aim was to work to the UN Sustainable Development goals. Cllr Rowley praised the work of Eildon Housing on the food distribution network across the Borders and advised he would be happy to speak with Scottish Ministers regarding funding if Nile Istephan could furnish him with the details. Nick Halfhide, Chief Executive with SoSE, confirmed the Enterprise Agency's involvement in the Community Planning Partnership, with focus on the zero carbon agenda, and the establishment of links with RSLs and the private sector. The immediate priority was to keep people in work, moving the economy of, and employment in, the South of Scotland to a new era. Ralph Roberts, Chief Executive of Borders Health Board, requested the Covid vaccine programme be added in to the Plan. With regard to the recommendations within the report, the Board requested that progress would be reported at each meeting rather than on a six monthly basis.

AGREED:

- (a) to approve the draft Key Priorities and Action Plan as detailed in Appendix 1 to the report;**
- (b) that the Plan continued to be developed as the response to the ongoing pandemic continued, and actions added as required; and**
- (c) the Plan would be progressed by the CPP Programme Board and that progress would be reported to each meeting of the CPP Strategic Board for scrutiny.**

4. TSI - PERFORMANCE UPDATE

4.1 With reference to paragraph 10 of the Minute of Meeting held on 7 March 2019, copies of a report on the South of Scotland Third Sector: A Partnership Approach to Covid-19 Response and Recovering Planning had been circulated. Juliana Amaral, Chief Executive Officer with the Berwickshire Association for Voluntary Services, gave a presentation on the report which was the result of a series of interviews with third sector organisations (TSOs) across the South of Scotland during the first 2 months of lockdown. The themes captured during interviews were translated into 7 key principles and recommendations to inform the collective approach of Scottish Government, local statutory partners and the Third Sector to the "new" normal. These were:

- Principle 1 – Nothing about us without us
- Principle 2 – Keep it local, keep it place-based
- Principle 3 – Beneficiaries are at the heart of everything we do
- Principle 4 – Financial sustainability is vital
- Principle 5 – Volunteers are the lifeblood of communities
- Principle 6 – Digital working is our default
- Principle 7 – The Third Sector is a key employer

4.2 Some TSOs in the Scottish Borders did not participate and did not know the outcome would be the report, so a wider conversation was now needed. The report did highlight fragmentations between the Borders TSI, statutory bodies and TSOs in comparison to Dumfries & Galloway, and in response to this, the Borders TSI has created a plan for improved communication through a new strategy and strength of partnership. The

response to Covid had seen an increase in small community action groups and social enterprises, with a lot of good work going on. The Borders TSI aimed to take ownership of this and had now employed a Communications Officer, and was being helped by Dumfries & Galloway TSI. A survey would be distributed to as many groups as possible which aimed to seek wider sectoral engagement. A series of focus groups would be held online for all TSOs to open up the space for discussion and how best future collaboration would work. The Borders TSI was keen to collaborate further with Dumfries & Galloway TSI. A new website, with rebranding and an updated partnership agreement, would be launched. Everyone who was part of the Borders TSI was keen to be able to demonstrate actions which were based on lessons learned. Marjorie Hume, Chair of the Board of Volunteer Centre Borders, praised the amount of work which was carried out by over 600 TSOs in the Borders and expressed concern about the lack of input from the Borders in the report. Juliana Amaral confirmed that there had been difficulty recruiting participants at the time and a lack of clarity on the outcome of the report.

Noted.

5. **ANTI-POVERTY STRATEGY**

The SBC Service Director Customer & Communities gave the Board an update on the development of the Council's Anti-Poverty Strategy. Following approval of a Motion by Cllr Tatler to Council at its meeting on 25 September 2020, a Working Group had been set up – working in collaboration with partners and those with lived experience of poverty - to develop an Anti-Poverty Strategy, building on current work, identifying new areas where support was needed, and campaigning for additional resources to tackle poverty. It was intended to present a draft Strategy to the Council meeting in February 2021. Cllr Tatler advised that the Council, along with others, was already tackling poverty in a whole variety of ways and it was intended that the Anti-Poverty Strategy would bring this together and identify gaps. It was really important to have the support from all CPP partners. Nile Istephan confirmed that the work was welcomed by all the RSLs and gave an example of fuel poverty in terms of heating homes; this was a deep seated and long term issue, particularly in rural areas where options were restricted. The Scottish Borders Home Energy Forum was also happy to engage with the Working Group.

Noted.

6. **DRAFT CHILD POVERTY ACTION PLAN - 2020/21**

With reference to paragraph 6 of the Minute of 10 September 2020, copies of the Local Child Poverty Report and Action Plan 2020/21 had been circulated. Endorsement of the Report and Action Plan was sought from the Strategic Board prior to submission to Scottish Government. The Report gave details of the national context, Covid-19 and the implications for child poverty, and the local context. The 20/21 Action Plan had been produced with input from the Council, NHS Borders and a range of partners. It was organised into categories, indicating the partners involved, the poverty driver, how the impact of the action would be assessed and the intended beneficiary and/or target group of the action. A broad range of activity was shown in the Action Plan which was designed to help alleviate child poverty in different ways through various services and organisations. The SBC Service Director Customer & Communities commented that there was a hugely challenging set of statistics, many of which were driven by the low wage economy in the Borders, but it was necessary to reflect on whether there was anything further that could be added. Juliana Amaral of BAVs advised that grass roots groups, providing very local support to children and families, often needed greater support than national groups. The Board supported the Report and Action Plan.

AGREED to endorse the Scottish Borders Local Child Poverty Report and Action Plan for 2020/21.

7. **ANY OTHER BUSINESS**

7.1 **Flu Vaccination Programme**

Marjorie Hume referred to some issues experienced in rural areas with a lack of public transport for people to get to clinics to receive a flu vaccination. As a Community

Partnership, more could possibly have been done working together on this. Ralph Roberts, Chief Executive of NHS Borders, acknowledged there had been a difficult start to the programme due to changes which had had to be made to the usual process. Any lessons learned would be taken forward into the Covid vaccination programme.

7.2 Cllr Tatler referred to the work of the Scottish Borders Living Wage Group which had agreed that all employers within the Eildon area would be encouraged to pay the living wage and thus the area would become the first living wage area in the Borders.

7.3 Marjorie Hume referred to the cost of fire alarms before installation, due to changes in regulations impacting on households. There were also issues for elderly people who could not change the batteries in them as they were too high. Nile Istephan advised that the batteries in the fire alarms being fitted lasted for 10 years. The Care and Repair Handyperson service was available to help the elderly and vulnerable. Angela Cox further advised that the College could probably help with students and apprentices on a voluntary basis.

8. **FUTURE AGENDA ITEMS**

No items were raised at the meeting.

9. **DATES OF FUTURE MEETINGS**

The dates of the next meetings of the Strategic Board were confirmed as 4 March and 10 June 2021. All meetings would start at 2:00pm and would be held remotely via Microsoft Teams for the foreseeable future.

SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held via Microsoft Teams on Friday, 20
November 2020 at 12.45 p.m.

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

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

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officer (Mr M. Wynne), Democratic Services Officer (F. Henderson), Inspector J McGuigan, Sergeant P. Begley and PC S. Lackenby - Police Scotland.

1. **MINUTE**

The Minute of the Meeting of 23 October 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 October and 31 October 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 **Application for Grant of Taxi Driver Licence**

There had been circulated copies of an application for the grant of a Taxi Driver Licence together with a letter of representation from Police Scotland dated 14 October 2020. The Applicant was present via Microsoft Teams. After hearing both parties, the Committee agreed that the Taxi Driver Licence be granted.

Member

Councillor Brown left the meeting during consideration of the following item of business and took no part in the decision.

2.0 **Renewal of Taxi Driver Licence**

There had been circulated copies of an application for the renewal of a Taxi Driver Licence together with a submission from the Licensing Standards Officer dated 10

November 2020. The Applicant was present via Microsoft Teams. After hearing both parties, the Committee agreed that the renewal of the Taxi Driver Licence be granted under delegated powers following submission of the required Medical certificate otherwise the matter be remitted to a future meeting of the Committee.

3.0 Revocation of Taxi Driver Licence

There had been circulated copies of a letter requesting the revocation of a taxi driver licence dated 3 November 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 her legal representative were present via Microsoft Teams. After hearing the preliminary submission from the legal representative for a continuation, the Committee agreed to continue the matter.

4.0 Renewal of Taxi Driver Licence

There had been circulated copies of an application for renewal of taxi driver licence in respect of which the Licensing Standards and Enforcement Officer gave a verbal summary. The licenceholder and her legal representative were present via Microsoft Teams. After hearing from the legal representative, the Committee agreed to continue the matter.

5.0 Minute

The Private section of the Minute of 23 October 2020 was approved.

The meeting concluded at 1.30 p.m.

SCOTTISH BORDERS COUNCIL PENSION FUND COMMITTEE AND PENSION BOARD

MINUTES of Meeting of the SPECIAL
PENSION FUND COMMITTEE AND
PENSION BOARD held Via Microsoft
Teams on Thursday, 26 November 2020 at
2.00 pm

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

In Attendance: Executive Director Finance & Regulatory, Pensions and Investment Manager, HR Shared Services Manager, Chief Officer Audit & Risk, Investment Advisory (Isio), Democratic Services Officer (J Turnbull).

1. **CHAIRMAN**

The Chairman clarified the special circumstances which required the arrangement of this special meeting. He explained that a response to the Scheme Advisory Board consultation was required to be submitted by 27 November for consideration at their meeting on 9 December 2020.

2. **PRIVATE BUSINESS**

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

3. **SCHEME ADVISORY BOARD CONSULTATION**

The Committee and Board discussed a private report by the Executive Director Finance and Regulatory.

The meeting concluded at 2.45 pm.

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MINUTE of Meeting of the BERWICKSHIRE
AREA PARTNERSHIP held via Microsoft
Team on Thursday, 3 December 2020 at
6.30 p.m.

Present:- Councillors J. Fullarton (Chairman), J. Greenwell, C. Hamilton, D. Moffat and
M. Rowley together with 13 representatives from Partners, Community
Organisations and Community Councils.
Apologies:- Councillor H. Laing; Mr J Anderson (Eyemouth Community Council).
In Attendance:- Service Director Customer & Communities, Communities and Partnerships
Manager, Locality Development Co-ordinator (G. Jardine), Clerk to the
Council.

1. **WELCOME AND MEETING PROTOCOLS**

The Chairman welcomed everyone to the first meeting of the Berwickshire Area Partnership held via Microsoft Teams and outlined how the meeting would be conducted and how those both in the meeting and watching via the Live Stream could take part.

2. **FEEDBACK FROM MEETING ON 6 FEBRUARY 2020**

The Minute of the meeting of the Berwickshire Area Partnership held on 6 February 2020 had been circulated and this was noted. With reference to paragraph 3 of the Minute, on Transport update, a question was asked about whether the meetings had taken place with Hutton/Paxton communities regarding the Berwick/Hutton/Paxton bus service and with Reston Community Council regarding transport links for the re-opening of Reston Station. The Clerk to the Council advised that the Council's Passenger Transport Manager had now left the Council but she would check with his successor on the status of the meetings.

3. **OTHER INFORMATION AND NEWS**

3.1 **Outstanding Community Fund Applications for 2019/20**

The Chairman advised that the Outstanding Community Fund Applications for 2019/20 were dealt with in a report that went to Council on 27 August and this report also contained the evaluations of Localities Bid Fund 1 & 2 and Participatory Budgeting. For Berwickshire, 12 projects had been approved so far, totalling £46,132.53.

3.2 **Berwickshire Community Fund 2021/20**

It was noted that the Community Fund for 2020/21 was now open and guidance and the application form was available on the Council website. At the moment, around £25,000 was available in the Fund, with an item later on the agenda bringing forward some applications. It had to be noted that the Fund was currently over-subscribed.

3.3 **Community Councils**

It was noted that the grants to Community Councils were being paid as normal for 2020/21.

3.4 **Festival Grant Scheme**

It was noted that commitments were being met for public liability and insurance for 2020 and the Scheme was now closed for claims.

3.5 **Federation of Village Halls**

It was noted that grants were being paid out as normal for 2020/21.

3.6 **VE Celebration Fund**

It was noted that while the Fund was now closed, expenses were being met for any commitments made by organisers of planned events.

3.7 **Berwickshire Locality Plan and Action Plan**

It was noted that the Berwickshire Locality Plan and related Action Plan were now published on the Council website. These plans outlined the priorities for the Berwickshire area and could be the focus of a future Area Partnership meeting.

3.8 **Community Empowerment (Scotland) Act 2015**

It was noted that there were currently no formal Asset Transfer Requests for the Berwickshire area. There were five ongoing Participation Requests relating to the involvement of Eyemouth Community Council and Eyemouth Community Trust.

4. **FIT FOR 2024: REVIEW OF AREA PARTNERSHIPS AND COMMUNITY FUND**

4.1 There had been circulated summaries of the Council reports. Jenni Craig, Service Director Customer & Communities, gave a presentation on the review and outlined the actions and next steps. A series of questions of the future of the Area Partnership and how the Community Fund might work were shared to aid the discussion. The Chairman commented on the small number present at the meeting but asked if they would share their views.

4.2 The following points were made:-

- Workshop in October 2019 by SCDC was very good, with a lot of discussion, so it may be difficult to have an open meeting to get to the bottom of what were some quite complicated issues around the future working of the Area Partnership
- Not sure about the difference between having the Area Partnership as a Council committee or not, as much depended on the purpose of the Partnership
- It would be helpful to have a Sub-Group set up to look in more detail at the questions and tease out the differences between the previous forms of committee in Berwickshire
- There needed to be opportunities given to shape the agendas
- Was the Area Partnership the owner of the Locality Plan?
- Whatever format the future Area Partnership took, it had to be the owner of the Locality Plan. This would be really important going forward with regard to "Place" planning, South of Scotland Enterprise, etc.
- Meetings should be more representative of communities both in terms of membership and attendance, and should not just comprise SBC members and Community Councillors but other community group representation
- The purpose of the current Area Partnership was not clear and seemed to be dominated by the Council telling everyone in the community what was happening
- People of Berwickshire were not enthused by the current Area Partnership and buy in from the public was needed
- There was quite a mix in Berwickshire between larger towns and rural villages
- One size should not fit all across the Borders in terms of the future of Area Partnerships in the 5 localities
- As many people as possible needed to be involved
- Covid response in communities had brought people and communities together
- It would not be possible to have representatives from every community group but key members needed to be identified
- This was a partnership and so should have equal representation from the Council, Community Councils and the Third Sector, with the Council facilitating meetings
- The community had to be involved in the Partnership on an equal basis
- Community planning was important at a local level and someone had to monitor that

- The Area Partnership was too big to have a proper discussion and a Sub-Group should be formed to look at the way forward, with potentially themed Sub-Groups formed in the future to consider specific issues and report back to the main Partnership as there were too many issues to be covered in a single meeting. This would allow the real voices to be heard.
- Frustration of previous meetings has been trying to cover too much in the meeting
- People would be willing to join and attend meetings in future if there was clarity of purpose and they could see outcomes which could make a difference within communities
- Research should be undertaken to establish what worked elsewhere for comparative purposes
- The future of the Community Fund should also be included in the remit of the Sub-Group

AGREED:

- that a Sub-Group would be set up of the Area Partnership, comprising 2 Councillors along with representatives from Community Councils and Community Groups to examine options for the future working of the Area Partnership and the Community Fund;**
- to note that James Anderson (Eyemouth Community Council), Juliana Amaral (BAVS), Keith Dickinson (Gavinton, Fogo & Polwarth Community Council), Anne McNeil (A Heart for Duns), and Jennie Sutton (Cockburnspath) had volunteered to be members of the Sub-Group;**
- that officers would request expressions of interest from other Groups to be represented on the Sub-Group; and**
- the Sub-Group would report its findings back to the Area Partnership.**

5. BERWICKSHIRE COMMUNITY FUND 2020/21

5.1 The Chairman reminded the members that the Fund was currently over-subscribed and there were six applications, totalling just over £41,000 for consideration at the meeting. The Chairman further advised that there were a further seven applications pending which were still to be assessed, and they added up to just under £81,000. As there may be other organisations who would also wish to submit applications, the meeting would need to consider how best to deal with the current applications and the others. Representatives from each of the applications were available to answer any questions about their projects. Gillian Jardine, SBC Locality Development Co-ordinator, gave details of the criteria used for the assessment of applications, those assessments having been circulated with the agenda for the meeting, and then presented each assessment. Ms Jardine further advised that there was £25,848.65 available in the Fund. The six applications were:

- Reston & Auchencrow Community Council – Play park improvements (£10,000)
- Cockburnspath Community Enterprise – Community Shop (£15,000)
- Duns PlayFest – Community Festival (£4,000)
- Abundant Borders – Community garden, Todlaw, Duns (£8,000)
- Coldstream Gateway Association – Floral display (£1,800)
- Ayton Heritage – Preservation of ruins of St Dionysius (£2,538)

5.2 The Chairman commented that all the applications seemed to be first class projects and thanked the communities for coming up with them, and also the officers for their work in assessing the projects against the Fund criteria. The applications were to be considered by the Area Partnership, with agreement on funding preferably reached by consensus (i.e. widespread agreement). Where consensus was not possible, then SBC Elected Members would make the final decision, with the Chairman of the Area Partnership having a casting vote if required, should there be an even split amongst the SBC Elected Members. Owing to the Fund being over-subscribed and not all applications being

assessed and therefore before the meeting, there followed considerable discussion on how to deal with matters. The following points were put forward:

- Projects should be considered on their own merits, with no % reduction to the amount to be granted applied across the board
- There were quite significant differences between the 6 projects, making it difficult to make a decision
- Match funding should be used as a criteria for assessment
- Match funding should not be used as a criteria for assessment
- Should impact and value to the community be taken into account
- Should decisions be deferred until all applications had been assessed
- Should the Fund have a closing date set and was a “fast track” application given priority
- Consideration should be given to those projects which were time limited due to the nature of the project, or had time limitations on match funding
- Should the Community Fund be released in tranches throughout the year with closing dates, and an assessment spreadsheet connected to the Fund criteria to allow a view to be formed
- It was difficult to compare such a disparate set of projects
- Scoring criteria and weighting should form part of future assessment
- All projects had merits but there was not enough funding for all of them
- The quality of each bid needed to be assessed
- The sustainability of each project could also be considered

5.3 Those attending the meeting considered various options to consider the applications but could not come to a consensus. The SBC Elected Members discussed whether to defer a decision until further information could be brought forward.

AGREED

- (a) **that a special meeting of the Berwickshire Area Partnership would be held on Thursday 17 December to consider the 6 assessed applications to the Community Fund; and**
- (b) **Officers would present to that meeting a matrix which would include details of those projects which were time limited, in regard to the nature of the project, and/or whether there were other funding consequences for those projects with match funding.**

6. NEXT MEETING - 4 MARCH 2021

It was noted that after the special meeting of the Area Partnership on 17 December 2020, the next meeting was scheduled for 4 March 2021.

7. ANY OTHER FORMAL BUSINESS

No items were raised.

8. OPEN FORUM

No items were raised.

The meeting concluded at 9.00 pm

SCOTTISH BORDERS COUNCIL SUSTAINABLE DEVELOPMENT COMMITTEE

MINUTES of Meeting of the SUSTAINABLE DEVELOPMENT COMMITTEE held in The meeting will be conducted remotely by Microsoft Teams on Friday, 4 December 2020 at 10.00 am

Present:- Councillors S. Aitchison (Chairman), H. Anderson, G Edgar, J. Greenwell, S. Scott.

Apologies Councillor S Haslam, D Paterson, Ms F Turpie-Laird.

In Attendance:- Chief Planning & Housing Officer (I Aikman), Corporate Policy Advisor (M Cook), Ecology Officer (A Tharme), Environmental Strategy Officer (L Cox), Chief Officer Roads (J. Hedley), Urban Designer (C Cooke), Clerk to the Council (J Wilkinson), Energy & Building Services Officer (J Caldwell), Young Ambassador, (L Barker), Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting of 4 September 2020.

DECISION

APPROVED for signature by the Chairman.

2. **BIODIVERSITY**

2.1 There had been circulated copies of a report by the Chief Planning Officer proposing that the Council published the Biodiversity duty report and submit to Scottish Government by 1 January 2021. The report explained that the Nature Conservation (Scotland) Act 2004 required public bodies in Scotland to provide a publicly available report, every three years, on the actions which they have taken to meet this biodiversity duty. The next report to be published by 1 January covered the period 2018-20. Previous Biodiversity duty reports submitted by the Council to Scottish Government by 1 January 2015 (Reporting period 2011-14) and 1 January 2018 (reporting period 2015-17 could be accessed at: https://www.scotborders.gov.uk/downloads/file/2211/biodiversity_duty_delivery_reports

2.2 Andy Tharme, Ecology Officer was in attendance to give a presentation on the Biodiversity Duty Report and Local Biodiversity Action Plan. Dr Tharme explained that the delivery of biodiversity was cross-cutting over a range of Council services, for example, in planning major projects, engineering and green space management. The establishment of the Sustainable Development Committee, together with the Council's declaration of a Climate Emergency would play an important role in meeting its biodiversity duty going forward. Dr Tharme then discussed some biodiversity activity, such as guidance for planning applications to protect species such as bats, and the development of a Regional Strategic approach to maximise the benefits of new woodland creation. He referred to recent biodiversity offset activity, mainly in relation to windfarm schemes such as Langhope Rig. To compensate for the scheme the Council, working with Tweed Forum and Scottish Forestry, had delivered 77 ha of new native woodland which had benefited natural flood protection, controlled pollution and integrated forestry and farming. Another offsetting scheme was the Penmanshiel Compensatory Replanting Scheme. This was where a commercial plantation was felled and the Council took on responsibility, under planning policy, to compensate for the loss, by delivery of 110 ha new woodland. This had created a range of community benefits in terms of recreation as well as enhancing landscape biodiversity. Dr Tharme referred to other Council major infrastructure projects such as Dirt pot corner and Jedburgh Campus. The required surveys for both projects and construction methods employed had protected biodiversity

and species such as otters, bats, badgers and breeding birds. Dr Tharme then referred to Greenspace Management, delivered by Neighbourhood Services, highlighting the creation of wildflower areas and wet woodland to balance amenity requirements with nature. He went on to discuss the challenges ahead and the need to channel resources from other sources. Opportunities would arise from Regional Land Use Partnerships, Borderlands and Natural Capital investment in the green economy. Dr Tharme concluded this section of his presentation by referring to the loss of capacity in terms of outdoor education and the need to work with partners, such as the Tweed Forum and Borders Forest Trust, to facilitate delivery.

- 2.3 In response to questions Dr Tharme advised that with regard to the measurement of acidity in rivers, SEPA oversaw the River Basin Management Plan and analysed water courses to retain good ecological conditions. There was an online interactive tool <https://www.sepa.org.uk/data-visualisation/water-environment-hub/> where further information was available. The Committee suggested that SEPA, and perhaps the Tweed Forum, be invited to a future meeting to discuss the River Basin Management Plan. Regarding grants available for tree planting, Dr Tharme advised that the Tweed Forum Borders Tree Planting grant scheme was available for smaller plots, larger plots could apply for a grant from Scottish Forestry. Regarding developer biodiversity contributions, Dr Tharme explained that biodiversity was a component of compensatory requirements. A Council working group was reviewing the developer contribution process. In Scotland NPF4 to be published next year, would determine how the Council could revise developer contributions. It was noted that the UN Climate Change Conference (COP26) to be held in Glasgow next year, would be the important step for Scotland to make clear we were addressing climate change and biodiversity loss Mr Aikman confirmed that the Council would make representations for observers to attend COP26 and report back to the next meeting.
- 2.4 Dr Tharme then went on to discuss the Local Biodiversity Action Plan 2018 – 2028, the key policy drivers of which were the Scottish Biodiversity Strategy, Scottish Government Purpose and Land Use Strategy. Climate change was the key driver with priority to action in and around settlements. Dr Tharme advised that consultation with stakeholders and local area partnerships had identified the key actions. He advised that the Scottish Biodiversity Strategy had six key themes: Ecosystem restoration; natural capital; conserving wild species; habitats and protected places; sustainable management of land and freshwater; greenspace for health and wellbeing, and, marine and coastal ecosystems. He explained the importance of ecosystem restoration to make space for natural processes, improving connectivity, habitat management and general water and river catchment, which would increase resilience to climate change and safeguard biodiversity. Dr Tharme then highlighted some of the key activities from the Action Plan including: restoring woodland ecosystems, encouraging biodiversity offsetting and enhancements as part of development planning, natural flood management; integrating woodland with other land users; enhancing habitat for pollinators; enhancing green space for health and wellbeing, conserving wildlife with initiatives such as supporting national species recovery, sustainable land management, ensuring appropriate tree planting, encouraging creative land and freshwater management projects. He then referred to the Marine and Coastal Ecosystem with the focus on the Berwickshire Marine Reserve with initiatives such as marine/coastal wildlife recording, beach litter surveys and beach cleans, reducing plastics in the marine environment. Dr Tharme concluded by quoting a Greek proverb “A society grows great when old men plant trees whose shade they know they will never sit in”, suggesting this was an appropriate mind-set to adopt a long term approach to ensure future generations’ sustainability.
- 2.5 In response to questions, Mr Aikman advised there would be an opportunity to respond to the NPF4 Position Statement consultation on national planning policy. The closing date for which was 19 February 2021. Any changes to planning policy would need to flow from national government policy which would then be developed to relate to a borders context. He would forward as an action for the Development Contribution Working Group.

With regard to peatbog extractions, Dr Tharme advised that partners, such as Tweed Forum, were active in terms of peatland restoration. Habitat maps for the Borders, together with the national inventory of peatlands, informed planning policy and forestry planting. With regard to biodiversity and the development of local place plans. Mr Aikman advised that guidelines were still awaited and policy documents would give cognisance to existing development policies; conversations with communities would need to take place to develop individual community place plans. Regarding the Anti-poverty Working Group, there was a volunteer coordinator who was available to assist and support communities interested in the Food Growing Strategy. With regard to the beavers, Dr Tharme advised that they would spread naturally as long as the habitat was suitable, the proposed LBAP action was to future proof habitats so that they could accommodate beavers. With regard to mink, there was not a large scale eradication programme. The Chair thanked Mr Tharme for his attendance and interesting presentation.

DECISION

NOTED the submitted report and that it would be published on the Council's website and submitted to Scottish Government by 1 January 2021.

3. MANAGING OUR OPEN SPACE

- 3.1 The Chair welcomed Jason Hedley, Chief Officer Roads and Carol Cooke, Urban Designer, who were in attendance to give a presentation on the provision of operational ground maintenance services across the Council's public realms, parks, footpaths, play facilities, public toilets and litter bins. It was noted that the service also had a role in statutory duties such as the Food Growing Strategy, Greenspace Strategy, Open Space Strategy and Land Use Planning, and Biodiversity (LBPA). Mr Hedley showed slides demonstrating achievements by delaying grass cutting in cemeteries and war memorials, which had encouraged wildflowers to grow around headstones and wild poppies around memorials, both of which achieved a better outcome for the ecosystem. He also referred to delayed maintenance around the River Tweed which had encouraged pollinators, whilst still retaining access for recreational purposes. Mr Hedley highlighted that delayed maintenance benefits were not always financial but would improve biodiversity. Ms Cooke then discussed how the service could respond to the climate emergency. She explained the four areas were: Mitigation - reducing emissions and carbon footprint, including reduction in grass cutting, introduction of electric vehicles, and reviewing procurement and supply chains. Adaptation - managing climate change with tree and woodland planning, participatory budgeting, managing spaces for nature, removal of bedding plants and increasing pollinator friendly planting, surface water management. Biodiversity – increasing wildflower planting, roadside verges, Food Strategy and ensuring we have the skills and awareness within our workforce. Land use – stewardship of the green estate for health and wellbeing, tree planting, food security and community growing schemes. Ms Cooke explained that wider engagement would be important to make sure the Council had capacity to meet future challenges and manage open spaces for future generations.
- 3.2 In response to a questions Mr Hedley confirmed the grass cutting was approximately 28 days between cuts. Regarding the effect of home working on the Council's carbon footprint, Ms Cox advised that she would request feedback from the Council's Energy Manager and advise out with the meeting. With regard to community engagement the Council would facilitate discussions to move communities to more sustainable practices. All Members and communities would need to discuss a strong rationale in terms of the Council's operational aspects to promote sustainable outputs. An educational and cultural change was also required, with sufficient capacity and resources to ensure that all services had climate and sustainability knowledge. With regard to food waste emissions Mr Aikman advised that a presentation would be included in the plan for consideration at a future meeting. The Chair thanked Mr Hedley and Ms Cooke for their attendance and informative presentation. Following the presentation Ms Barber, Young Ambassador

commented that emphasis should be on directly cutting emissions at their source rather than trying to adapt.

DECISION

NOTED the report.

4. ENGAGEMENT WITH YOUNG PEOPLE

Michael Cook, Corporate Policy Officer, referred to the recommendation from the Scottish Borders Council meeting on 25 September 'that the Sustainable Development Committee developed recommendations on a collaborative and inclusive regional dialogue on climate action...' The role of young people in the conversation was particularly important for the quality of life for future generations. Ms Rigby, Youth Engagement Worker, had developed a group of nine young people from across the region. Mr Cook suggested that the Committee build a relationship with this group and could consider each of the young people working with a specific Committee Member and their attendance at future Committee meetings. During discussion it was suggested that clarity was required on what we were asking Members and the young people to do. It was also suggested that young people could set questions for the Sustainable Development Committee to address. Mr Cook advised that he would take forward with Ms Rigby and come back with a proposal for the next Committee meeting in March. The Chair suggested that it might be appropriate to bring the March meeting forward to avoid school examinations.

DECISION

AGREED to develop a proposal for the next meeting on collaborative working and engagement with young people.

5. POTENTIAL AMENDMENTS TO COMMITTEE REPORT IMPLICATIONS SECTION

There had been circulated copies of a report by Executive Director Finance and Regulatory suggesting some change to the Implications section of committee reports to take account of UN Sustainable Development Goals and requesting feedback from the Committee. The report explained that at the Scottish Borders Council meeting on 25 September 2020, it was decided that the 'implications' section of Council reports would be reviewed and updated generally, with a specific objective of addressing the UN Sustainable Development Goals. This review and updating to be overseen by the Sustainable Development Committee with recommendations for a finalised format and approach to the 'implications' section of reports to be brought to Council for decision by 31 January 2021 at the latest. The implications section of committee reports covered a number of specific areas: Financial, Risk and Mitigations, Integrated Impact Assessment, Acting Sustainably, Carbon Management, Rural Proofing, and changes to the Schemes of Administration and Delegation. The paragraphs which were being reviewed were the ones relating to Acting Sustainably and Carbon Management. To ensure officers took account of the UN Sustainable Development Goals when drafting report, it was proposed that a checklist was completed and details given in a new section "Sustainable Development Goals", on the specific UN goals which were being impacted. The draft checklist was attached as an Appendix to the report. Subject to Members' views the intention was that report writers completed the checklist and drew the most salient issues into a brief narrative in the 'a Development Goals' section of the report, explaining relevance and (where appropriate) how the recommendations in the report supported progress against Sustainable Development Goals. While 'taking urgent action to combat climate change and its impacts' was a UN SDG (SDG 13), it was recognised that, national legislation, the Scottish public policy context (e.g. the Programme for Government 2021-2022), and Scottish Borders Council's own commitments manifested in the Responding to the Climate Emergency Report of 25 September 2020 required specific reference to be made to the Council's efforts and progressed in this area. Accordingly, it was proposed that a paragraph in the implications section was retained under the title 'Climate Change', with report writers setting out details of the impact of the report in this area, and (where appropriate) how the recommendations in the report supported progress against Climate Change objectives. The Committee supported the proposed amendment and it was

confirmed that report writers would receive appropriate training in completing the Climate Change Implications section of reports.

DECISION

AGREED to support the proposed amendment to the implications section of committee reports, in relation to UN Sustainable Development Goals and Climate Change, as set out in Section 4 of the report attached with the agenda.

6. **DATE OF NEXT MEETING**

The next meeting was scheduled for Friday, 12 March 2021 at 10.00 am.

DECISION

NOTED.

The meeting concluded at 12.55 pm

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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, 7 December 2020 at 11.15 a.m.

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

1. MINUTE

There had been circulated copies of the Minute of the Meeting held on 2 November 2020.

DECISION

APPROVED for signature by the Chairman.

DECLARATION OF INTEREST

Councillor Moffat declared an interest in application 19/01454/FUL- Land South of Dental Health Centre, Kelso Road, Coldstream and Councillor Ramage declared an interest in application 20/00893/FUL in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion of these applications.

2. APPLICATIONS

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

DECISION

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

The meeting adjourned at 12.55 p.m. for lunch and reconvened at 1.15 p.m.

The meeting adjourned at 2.30 p.m. to allow Councillors to discuss their reasons for proposing the refusal on an application and reconvened at 2.45 p.m.

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:-**

(i) **Erection of poultry building (Shed 5), upgrade of access junction, formation of access road, and associated works at Hutton Hall Barns, Hutton – 20/00347/FUL;**

(ii) **Erection of dwellinghouse on Land North East of Burnside, Lower Green, West Linton – 20/00378/PPP; and**

(iii) **Erection of poultry building (Shed 6) and associated works at Hutton Hall Barns, Hutton – 20/00470/FUL;**

(b) **there remained one review previously reported on which decisions were still awaited when the report was prepared on 25 November 2020**

Land North West of Willowdean House, Foulden	
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(c) **a review request had been received in respect of the formation of dormer at 19 Myrescroft, Ancrum, Jedburgh - 20/00537/FUL**

(d) **the review request in respect of the Erection of two dwellinghouses on Garden Ground of 7 Heriot House, Heriot had been withdrawn.**

(e) **the decision of the Appointed Officer had been upheld in respect of the formation of new boundary fence(retrospective) at 1 Forley's Field, Goslawdales, Selkirk**

(f) **the decision of the Appointed Officer had been overturned (SUBJECT TO CONDITIONS AND Informatives) in respect of the Erection of a dwellinghouse with detached garage on Land North West of Strathmyre Old Belses, Jedburgh**

(g) **there remained two reviews previously reported on which decisions were still awaited when the report was prepared on 25 November 2020**

<ul style="list-style-type: none">Garden Ground of Clifton Cottage, High Street, Kirk Yetholm	<ul style="list-style-type: none">Land North East of East Neuk, Morebattle
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(h) **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:**

<ul style="list-style-type: none">Fallago Rig 1, Longformacus	<ul style="list-style-type: none">Fallago Rig 2, Longformacus
<ul style="list-style-type: none">Crystal Rigg Wind Farm, Cranshaws, Duns	<ul style="list-style-type: none">

The meeting concluded at 2.50 p.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
19/01454/FUL	Change of use of agricultural land to form holiday caravan and camping park with associated vehicular access roads, parking, landscaping, drainage infrastructure and public car charging points	Land to South of Dental Health Centre, Kelso Road Coldstream

Decision: Approved subject to the following conditions and informatives:

1. The occupation of the caravans hereby approved shall be restricted to genuine holidaymakers only staying for a maximum of 6 months in total within any consecutive period of 365 days commencing on the 1st of January. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.
2. No development shall be commenced until samples including colour finishes of all external materials to be used on all buildings (including caravans and their decks) throughout the site are submitted to, and approved by in writing by the Planning Authority. Thereafter the development shall take place in accordance with the approved samples.
Reason: To safeguard the visual amenity of the area and the character of the landscape.
3. Notwithstanding the layout illustrated on approved Site Plan Drawing No 5773 – C – 02 Rev E, no development shall commence until a revised site plan (supplemented by updated visualisations) has been submitted to and approved in writing by the planning authority which seeks to microsite;
 - i. Caravans in the north eastern part of the site towards lower ground levels
 - ii Caravans and their associated decks and access roads in the south of the site away from the adjacent tree belt to the south.
 - iii The footpath at the north western corner which links to the track to the west of the site shall be repositioned to link with the site services further south.Reason: A revised positioning of proposed caravans is required to ensure that the development integrates with the character and appearance of the surrounding area.
4. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which shall first be submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
 - i. Location of new trees, shrubs, hedges and grassed areas
 - ii. Increased the number of planted areas between caravans and the width and length of those shown on approved Drawing No L(90)0002
 - iii. Schedule of plants to comprise species, plant sizes and proposed numbers/density which includes a three year Defects Liability Period
 - iv. Location and design, including materials, of walls, fences and gatesReason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings and respect the setting of the Scheduled Monument.
5. No development shall commence until protective fencing in accordance with BS537:2012 has been erected in accordance with the approved Tree Protection Plan, Drawing No 20_5837_10_39. The protective barrier shall only be removed when the development has been completed. All works to existing trees shall comply with the works specified within the

Arboricultural Implications Assessment and other than those identified for removal shown on approved Drawing No 20_5837_10_39, no trees within or around the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.

6. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which includes phasing of all soft landscape works which has first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the development of the proceeds in an appropriate manner which respects the landscape setting of the holiday park.

7. No development shall commence until precise details surfacing materials to be used on all roads, footpaths and parking spaces has first been submitted to, and approved by in writing by the Planning Authority. Thereafter the development shall take place in accordance with the approved materials.

Reason: To safeguard the visual amenity of the area and the character of the landscape.

8. No development shall commence until an engineering drawing of the new access onto the public road has first been submitted to and approved by in writing by the Planning Authority. Thereafter the development shall take place wholly in accordance with the agreed details and the new access shall be completed prior to the development becoming operational.

Reason: To ensure the access into the site is formed to an appropriate standard

9. 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.

10. No development shall commence until precise details of the location and design of a protective barrier of temporary fencing which shall be erected around the boundary of the Cottage Hospital, settlement 250m SE of, Scheduled Monument has been submitted to and agreed in writing with the Planning Authority and thereafter the barrier shall be erected before development works commence and shall only be removed once development works have been completed unless otherwise agreed with the Planning Authority.

Reason: To ensure that the Scheduled Monument is protected from construction works.

11. Prior to installation, precise details of the location and design (including text) of the interpretation board to be erected within the Scheduled Monument shall be submitted to and agreed in writing with the Planning Authority and thereafter the interpretation board shall be installed in accordance with the agreed details prior to the caravan and camp site becoming operational.

Reason: To preserve the archaeological interest of the Scheduled Monument.

12. No development shall commence until the following Ecological Mitigation Measures 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. The submitted details shall include

- a) Construction Environmental Management Plan (CEMP)
- b) A Species Protection Plan for badger and breeding birds which shall incorporate a pre-development supplementary survey and mitigation plan
- c) A Landscape and Habitat Management Plan (LHMP)

Points a) – c) shall address measures identified in the Ecological Impact Assessment, ECOS Countryside Services LLP, 8th October 2019. Once approved, the proposed development shall be carried out in strict accordance with the approved details.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection in accordance with previously approved details.

13. Prior to occupation of the development hereby approved a detailed Lighting Management Strategy for all exterior lighting throughout the site (including those attached to buildings and free standing) shall be submitted to and approved in writing by the Planning Authority. The Lighting Management Strategy shall include lighting provisions for bats. Thereafter the development shall take place in complete accordance with the agreed details.

Reason: To safeguard the visual amenity of the area and mitigate the impact of lighting on local biodiversity.

14. No drainage system other than the public mains sewer shall be used to service the development without the written consent of the Planning Authority and written evidence shall be supplied to the planning authority that the site is connected to the public water drainage network prior to the development becoming operational.

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

15. No development shall commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Written evidence shall be supplied to the planning authority that the site is connected to the public mains water supply prior to the development becoming operational.

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.

16. 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.

Informatives

1. A Traffic Regulation Order (TRO) should be pursued with the Councils Road Safety Team prior to development commencing on site. The TRO should seek to reduce the speed limit on the A698 for the section of road where the site access is provided. The conclusion of the TRO will inform the detailed design requirements for the site access including associated visibility splays which require to be agreed by Condition 8. Any signage and lining required to by the TRO will be required to be implemented before the development becomes operational.
2. 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 specified in Condition 17.

NOTE

1. Councillors John Greenwell and Donald Moffat spoke in support of the application
2. Mrs Franceys Murray and Isobel Coughlin, Residents spoke against the application
3. Mr Chris Gregg, Applicant and David Queripel, Agent spoke in support of the application.

VOTE

Councillor Laing, seconded by Councillor Small moved that the Occupation of the caravans be limited to genuine holidaymakers only staying for a maximum of 6 months in total within any consecutive period of 365 days commencing on the 1st of January. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Councillor Ramage, seconded by Councillor Richards moved as an amendment that the occupation of the caravans be limited to genuine holidaymakers staying up to a maximum of 11 months 2 weeks and closed for 2 weeks in February

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 – 4 votes

Amendment – 4 votes

As there was an equality of votes, the Chairman exercised his casting vote in favour of the motion.

The motion was accordingly carried

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/00769/FUL	Change of use to allow commercial equestrian use at existing equestrian site to facilitate the relocation of established equestrian business and erection of 2 No storage buildings, 1 no Office and 1 No toilet block.	Land at Quarry Farm Lamberton.

Decision: Approved subject to 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 an Ecological Impact Assessment informed by a Preliminary Ecological Appraisal has been submitted to and approved in writing by the Planning Authority. The Ecological Impact Assessment should include any necessary mitigation measures for adverse impacts on protected species or habitats. Thereafter the development hereby approved shall only be carried out in strict accordance with the agreed mitigation measures and any agreed enhancement measures.
Reason: to protect the ecological resource and ensure LDP policies EP1, EP2 and EP3 are satisfied.
3. Prior to the commencement of development, details of the siting, design, external materials, colours and any screening for the portacabin, tack room storage container and portaloo shall be submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be carried out wholly in accordance with the agreed details.
Reason: to control the appearance of the portacabin, tack room storage container and portaloo, in the interests of landscape and visual amenity.

4. Prior to the commencement of development, precise details of the design and materials (including elevation drawings and floor plans or photos) of the two lean-to additions to the existing shed building shall be submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be carried out wholly in accordance with the agreed details.

Reason: to control the appearance of two lean-to additions to the existing shed building, in the interests of landscape and visual amenity.

5. Prior to the commencement of development, a scheme of soft landscaping works shall be submitted to and approved in writing by the Planning Authority, and shall include:
- i. indication of existing trees, shrubs and hedges to be removed
 - ii. location of new trees, shrubs, hedges and grassed areas, including compensatory planting for the foliage to be removed for visibility at the junction with the public road.
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
 - v. Thereafter, the agreed landscaping works shall be carried out and maintained wholly in accordance with the agreed details.

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

6. Prior to the commencement of development, details of arrangements for toilet facilities and foul waste shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the agreed toilet facilities and foul waste arrangements shall be in place before the development becomes operational, and shall be retained thereafter unless otherwise agreed in writing by the Planning Authority.

Reason: to protect residential amenity and the wider environment.

7. Prior to the commencement of development, details of the siting of stable waste storage shall be submitted to and agreed in writing by the Planning Authority. Thereafter, stable waste from the development shall only be stored in strict accordance with the agreed details.

Reason: to protect residential amenity and the wider environment.

8. Prior to the commencement of development, details of the proposed water supply shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the agreed water supply arrangements shall be in place before the development becomes operational, and shall be maintained thereafter unless otherwise agreed in writing by the Planning Authority.

Reason: to ensure water supply arrangements do not harm existing private water supplies.

9. Prior to the commencement of development, details of all proposed external lighting shall be submitted to the Planning Authority for written approval. Thereafter, no external lighting shall be installed with the exception of external lighting that has first been agreed in writing by the Planning Authority.

Reason: to protect residential amenity and the character and amenity of the surrounding area.

10. Prior to the development becoming operational, visibility at the junction of the private access and minor public road shall be improved, the details of which shall first be submitted to and approved in writing by the planning authority. The junction of the private access serving the development shall also be improved to the following specification before the development becomes operational:

The bellmouth of the private access shall be no steeper than 1 in 10 for the first 6m and shall be 5m wide with 6m radii; and

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

Reason: To ensure safe access and egress from the site and to ensure the access is of a standard capable of accommodating the increase in traffic.

11. Prior to the development hereby approved becoming operational, two passing places shall be provided on the access track to the site in strict accordance with details first agreed in writing by the Planning Authority.

Reason: To ensure the access track is of a standard capable of accommodating the increase in traffic.

12. With the exception of the junction improvements and two passing places agreed under conditions 10 and 11, no permission is granted for the upgrade of the existing access track, and any such works shall only be carried out following the submission and approval of a separate planning application.

Reason: the upgrade of the access track did not form part of these proposals assessed and would require separate consideration.

13. Prior to the development hereby approved becoming operational, the parking shown on the approved site plan shall be provided in strict accordance with surfacing, levels, and edge protection details first agreed in writing by the Planning Authority.

Reason: To ensure adequate parking is provided within the site.

14. The external lighting hereby approved under Condition 9 shall only operate between the hours of 7 a.m. and 7 p.m.

Reason: to protect residential amenity and the character and amenity of the surrounding area.

15. Any noise emitted by plant and machinery used on the site shall not exceed Noise Rating Curve NR20 between the hours of 2300 to 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 site should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To protect residential amenity.

16. 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 residential amenity.

Information for the applicant

1. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
2. It is brought to the attention of the applicant that public comments lodged in response to the application raise the possibility of ragwort within the site and adjoining fields.
3. The applicant is advised of the former development and activities at the application site including vehicle storage/ abandonment. Should unexpected ground conditions e.g. made ground extending to depth, discolouration or malodorous substances be encountered in excavations, or evidence of potential contamination e.g. underground structures, remains of buried wastes or equipment be encountered during site works it is requested that Environmental Health are immediately consulted. Should the applicant wish to discuss this further their enquiry should be directed to Environmental Health.
4. It is recommended that the applicant contact the Environmental Health team to discuss whether the toilet, washing and welfare facilities intended meet the requirements under Health and Safety at Work legislation.

- The Riding Establishments Act 1964 defines a Riding Establishment as “the carrying on of a business of keeping horses to let them out on hire for riding, or for use in providing instruction in riding for payment, or both, “ and requires such businesses to be licensed by the Local Authority. If the applicant intends the stables to operate as a riding establishment in the future, the premises will need to be licensed. Current conditions of licence are discussed alongside health and safety issues applicable to the trade, within the CIEH publication *Health and safety guidance for inspections of horse riding establishments and livery yards*. A free copy may be downloaded from www.cieh.org/policy/inspections_horse_livery.html. Hardcopies may be purchased from CIEH Tel. 020 7827 5821. Further information about the required standards is available from SBC’s Regulatory Services, Environmental Health Team. Riding Establishment application forms are available from SBC’s, Licensing Team.

NOTE

Mr Joe Nugent, Agent spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/00893/FUL	Erection of two dwellinghouses (change of house Previously approved under planning consent 19/00947/FUL	Land South West of West Lodge Minto

Decision: Approved subject to the following conditions and Informatives

Conditions

- The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise agreed by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- All previous conditions attached to planning consent reference 19/00947/FUL remain valid and shall be duplicated in this permission unless otherwise agreed in writing by the planning authority. Any submissions already made to and approved in writing by the planning authority in response to conditions of that consent shall remain the council’s approved position and no further information will be required unless requested by the planning authority. The development hereby approved shall proceed in full accordance with the conditions and approved response of that permission unless otherwise agreed in writing by the planning authority.
Reason: To ensure a satisfactory form of development appropriate to its setting and to ensure the requirements of all previous conditions are met in full.

Informatives

- Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. The applicant should satisfy themselves that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.
- The access to the site from the public road to be constructed as a service layby to my standard specification DC3. The initial 5 metres of the shared driveway beyond the rear of the service lay-by to be a minimum of 5.5 metres wide to allow two vehicles to pass and surfaced to the same specification.

- 3 Only contractors first approved by the Council may work within the public road boundary.
- 4 The promoted Minto Hills path in the Paths around Hawick booklet is described from Denholm and the route shown is the route on the maps below. The full booklet may be accessed from the council website www.scotborders.gov.uk/walking
- 5 The applicant is reminded that, under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:
http://www.bats.org.uk/pages/bats_and_buildings.html
http://www.bats.org.uk/pages/existing_buildings.html <https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>

NOTE

Mr William Roberts, Denholm & District Community Council spoke against the application.

VOTE

Councillor Hamilton, seconded by Councillor Fullarton moved that the application be approved as per the officer recommendation.

Councillor Anderson, seconded by Councillor Small moved as an amendment that the application be refused on the grounds that the development was contrary to policy PMD2 of the Local Development Plan in that it would not be of a scale, massing and height appropriate to its surroundings and would constitute overdevelopment of the site.

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 – 5 votes

Amendment – 3 votes

The motion was accordingly carried.

SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the HAWICK
COMMON GOOD FUND SUB-COMMITTEE
held via Microsoft Teams on Tuesday, 8
December 2020 at 4.00 pm

Present:- Councillor G Turnbull (Chairman), W McAteer, S Marshall, D Paterson,
C Ramage, N Richards. Mr J Campbell (Hawick CC) Mr W Fletcher (Burnfoot
CC) (from para 2.2)

In Attendance:- Estates Strategy Surveyor (N Curtis), Managing Solicitor (R Kirk), Pensions
and Investment Manager (K Robb), Property Officer (F Scott), Project
Manager (R Warrington), Democratic Services Officer (J Turnbull).

1. MINUTE

There had been circulated copies of the Minute of the meeting held on 2 September 2020.

DECISION

**APPROVED the Minutes of the meetings held on 2 September for signature by the
Chairman.**

2. MATTERS ARISING FROM THE MINUTE

2.1 With regard to paragraph 3 of the Minute of 22 September 2020, Mrs Robb advised that Hawick
Reivers Association had reimbursed £566.00 to Hawick Common Good.

2.2 With reference to paragraph 4.2 of the Minute, relating to Hawick Recreation Association's
request for a grant of £7,374.00. It was noted that the Association had been advised that the
Council were not liable for the heating system at the Auld Baths. Mr Scott, Property Officer
advised that the original quotation, received with the application, had been forwarded to the
Council's Heating Engineer. However, approval was still awaited and modifications might be
required. The Committee were concerned at the delay and asked that the matter be
progressed timeously. It was noted that at the last meeting, the Association had been asked to
apply for funding from alternative sources and advise with progress of their application to the
Community Fund. Once this information had been ascertained and the heating costs quantified
a Special Meeting of Hawick Common Good was to be arranged. It was also noted that Hawick
Recreation Association would fund 10% of the costs.

2.3 MOTION BY COUNCILLOR MARSHALL

Councillor Marshall seconded by Councillor Turnbull, moved that Hawick Common Good Fund
50% of the new heating system, when costs had been quantified. The Council to consider
contributing 50% of the costs. The Motion was unanimously agreed.

DECISION

AGREED

- (a) **To fund 50% of the costs for a new heating system at The Auld Baths, Hawick, the
figure to be advised to Members when quantified;**
- (b) **To request that the applicant advise of the outcome of funding applications
submitted to alternative sources;**
- (c) **The Council to consider funding 50% of the heating costs;**
- (d) **That the tenancy agreement for the Auld Baths be clarified; and**
- (e) **A Special Meeting of the Hawick Common Good to be arranged when costs had
been quantified.**

(Note: Following the meeting Mr Kirk advised that in terms of the Scheme of Administration the Committee did not have the vires to ask the Council to consider paying 50% of the costs of the new heating system.)

3. FINANCIAL ASSISTANCE

3.1 Hawick Volunteers Group

There had been circulated copies of an application for financial assistance from Hawick Volunteers requesting £13,424.00 to re-wild the Hornshole site. The Chairman thanked Mr Hogg, Chair of Hawick Volunteers Group, for joining the meeting remotely. The Sub Committee congratulated the Group on their detailed application and welcomed the support from the community and volunteers for the project. Mr Hogg advised that because of additional funding received, the assistance required was now £10,724.00, the Group also continued to explore other sources of funding. The Sub-Committee unanimously agreed the funding and that the amount be rounded up to £11,000.00

DECISION

AGREED to award £11,000.00 to Hawick Volunteers Group for the re-wilding of the Hornshole site.

3.2 Future Hawick

There had been circulated copies of an application from Future Hawick requesting £9,500.00 for the Town of the Horse Project. The grant was required to fund a Business Plan and Quantity Surveyor's report which would enable other funding options to be explored. The Chair thanked Mr Bouglas, Project Leader, for joining the online meeting. The Sub-Committee discussed the application and raised concern that there was no Project Plan with associated costs, resources from other sources/organisation and details of a public consultation. In response to questions Mr Bouglas advised that SOSE required a Business Plan to enable other funding options to be assessed. The Business Plan would also inform a public presentation/consultation on what the Town of the Horse project was looking to achieve at St Leonard's Park (Hawick Moor). Future Hawick was also setting up a Steering Group for the Project which would include representatives from other organisations in the town. Any new building would use renewable green energy and the Business Plan would provide further details. Mr Bouglas advised that the Business Plan would be completed, ready for public presentation by May/June 2021. The Sub-Committee agreed to award Future Hawick £9,500.00 for a Business Plan and Quantity Surveyor's report.

DECISION

AGREED to award £9,500.00 to Future Hawick for a Business Plan and Quantity Surveyor's report for the Town of the Horse project.

4. APPLICATION FOR USE OF COMMON HAUGH

There had been circulated copies of an application from K Stuart Family Fund Fair for use of the Common Haugh for a Family Fun Fair, from Sunday, 21 March 2021 to Saturday 3 April 2021. The supplement to the application explained that if Covid-19 restrictions were still in place, the applicant would put fencing around the area to control numbers and have a track and trace system in place. There would also be a one way system, social distancing and hand sanitiser stations. Officers advised that because of flood protection works, space was limited and there was also restricted use for parking of cars, buses and campervans. The Wee Haugh was also been occupied as a laydown site by the Flood Protection team. Because of limited space available at the Common Haugh, the Sub-Committee unfortunately refused the application. However, it was hoped they would be able to welcome the Family Fun Fair back to Hawick in the near future.

DECISION

REFUSED the application from K Stuart Family Fun Fair for use of the Common Haugh for a Family Funfair in March/April 2021.

5. MONITORING REPORT FOR SIX MONTHS TO 30 SEPTEMBER 2020

With reference to paragraph 7 of the Minute of 2 September 2020, there had been circulated copies of a report by the Executive Director Finance & Regulatory providing details of income and expenditure for the Hawick Common Food Fund for the six months to 30 September 2020, a full year projected out-turn for 2020/21 and projected balance sheet values at 31 March 2021. The Pensions and Investment Manager, Mrs Robb highlighted the main points of the report. Appendix 1 to the report provided the projected income and expenditure position for 2020/21. This showed a projected surplus of £3,553 for the year, which was less than previously reported due to the proposed reduction in the Property Income budget. Appendix 2 provided a projected balance sheet value as at 31 March 2021 and showed a projected decrease in reserves of £34,848, the main reason for which was reduction in rental from the Common Haugh car park. Appendix 3 provided a breakdown of the property portfolio showing projected income for 2020/21 and actual property expenditure to 30 September 2020. Appendix 4 showed the value of the Aegon Asset Management Investment Fund to 30 September 2020. It was anticipated that this would increase in the next monitoring round. It was noted that reduction in rental income of £9,474 was due to Covid-19 restrictions restricting rental, flood protection works and reduced rental from Hawick Market. Mrs Robb advised that at the next meeting the Sub-Committee might consider further investment in the Aegon Asset Management Fund from the income received from the Pilmuir servitude and the sale of timber.

DECISION

- (a) AGREED the projected income and expenditure for 2020/21 in Appendix 1 as the revised budget for 2020/21.**
- (b) NOTED within the appendices to the report the:-**
 - (i) projected balance sheet value as at 31 March 2021 in Appendix 2;**
 - (ii) summary of the property portfolio in Appendix 3; and**
 - (iii) current position of the Aegon Asset Management Investment Fund in Appendix 4.**

6. HAWICK MARKET

With reference to the paragraph 13.4 of the Minute of 2 September 2020, the Estates Strategy Surveyor, Mr Curtis, confirmed that Geraud Markets had served notice and no longer ran Hawick Market. The interim measures now in place was that a stallholder collected rental and reimbursed Hawick Common Good. Income from the market was £45 to £85 per week. Mr Curtis asked that the Sub-Committee consider the future for Hawick Market. Following discussion it was agreed that the market was important to the town and the traders. Members asked for a report to the March meeting, on options for Hawick Market, to include location of the market – to retain in the Common Haugh or if there was an alternative appropriate site (Wee Haugh, Civic Space, former Armstrong's site); an open day; if there were other interested parties in managing the market and how to encourage more stallholders. In response to question Mr Curtis advised that a large stall was £25.00, Medium stall was £20.00 and car boot stall £10.00.

DECISION

AGREED that officers bring back a report to the March meeting on options for the future of Hawick Market.

7. URGENT ITEM

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.

8. FACILITY FOR CAMPERVANS AT THE COMMON HAUGH

It was requested that officers investigate the creation of sluice facility for campervans at the Common Haugh to empty their WCs. Mr Curtis advised that a manhole with drainage facility would need to be installed and he would advise of costs and maintenance requirements the next meeting. The Sub-Committee also to consider charging campervans for use of the Common Haugh or if this should remain free of charge. It was noted that Future Hawick had agreed to contribution of £500.00 for the works.

DECISION

AGREED to request officers provide an update at the Special Meeting on the costs associated with installation of a sluice facility for campervans at the Common Haugh.

9. PROPERTY UPDATE

9.1 Toilets at Hawick Moor

With reference to paragraph 13.1 of the Minute of 2 September 2020, Mr Scott, Property Officer, advised that asbestos would be removed from the building on 11 December at a cost of £750.00. Once the asbestos was removed he would progress the demolition of the toilets.

9.2 Pilmuir Farm

Mr Curtis advised that St Leonard's Moss at Pilmuir Farm would be included in the Local Development Plan as a local biodiversity site in recognition of the areas benefits to wildlife.

DECISION

NOTED the property updates.

10. 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 Paragraphs 6 and 8 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

11. PRIVATE MINUTE

Members approved the Private Minute of Hawick Common Good Fund Sub Committee held on 2 September 2020.

12. MATTERS ARISING FROM THE MINUTE

Officers provided updates on matters arising from the Minute of 2 September 2020

13. PROPERTY UPDATE

The Sub-Committee considered updates on Acreknowe Reservoir, the Woodlands and St Leonard's Cottage.

The meeting concluded at 6.35 pm

SCOTTISH BORDERS COUNCIL SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK
COMMON GOOD FUND SUB COMMITTEE
conducted remotely by Microsoft Teams Live
Event on Wednesday, 9 December 2020 at
3.00 pm

- Present:- Councillors G. Edgar (Chairman), C. Cochrane and E. Thornton-Nicol (from para 3.2)
- Apologies:- Community Councillor T. Combe
- In Attendance:- Treasury Business Partner (S. Halliday), Solicitor (J. Webster), Estates Surveyor (T. Hill), Property Officer (F. Scott), Democratic Services Officer (F. Walling).

1. **MINUTE**

There had been circulated copies of the Minute of 2 September 2020.

DECISION

APPROVED the Minute for signature by the Chairman.

2. **FINANCIAL MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2020**

There had been circulated copies of a report by the Executive Director Finance & Regulatory providing the details of income and expenditure for the Selkirk Common Good Fund for the six months to 30 September 2020, a full year projected out-turn for 2020/21, and projected balance sheet values as at 31 March 2021. Treasury Business Partner, Sara Halliday, highlighted the main points of the report and appendices. Appendix 1 provided the projected income and expenditure position for 2020/21. This showed a projected deficit of £44,426 for the year. A total of £5,540 in grants and donations had been paid out to date. Appendix 2 of the report, provided a projected balance sheet value as at 31 March 2021 showing a projected decrease in the reserves of £133,727. A breakdown of the property portfolio showing projected rental income for 2020/21 and actual property expenditure to 30 September 2020 was shown in Appendix 3 to the report. Appendix 4 showed the value of the Aegon Asset Management Investment Fund to 30 September 2020. The report explained that the fund has had a 7.91% unrealised loss in market value since investment, largely due to continued volatility in investment markets. Overall, however, taking account of the income received the fund had achieved a return of 4.83% since investment in February 2018.

DECISION

NOTED within the appendices to the report the:-

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

3. **APPLICATIONS FOR FINANCIAL ASSISTANCE**

3.1 **Selkirk Mini Hockey**

There had been circulated copies of an application from Selkirk Ladies Hockey Club Youth Development (Selkirk Mini Hockey) for a grant of £250 to cover the extra expenses incurred due to Covid-19. It was explained that Selkirk mini hockey club had been running for over 50 years, coaching hockey to primary aged children in Selkirk and the surrounding valley communities. In order to follow Scottish Hockey's guidelines 'Return to safe play' it was explained that the club was required to sanitise all equipment prior to and after training, provide hand sanitiser for use of both coaches and players and have full PPE in the event of injury to any player. The amount requested was to cover the initial cost of purchasing sprayers, sanitisers and PPE and ongoing expenses the club would have, to continue to provide hockey safely under current guidelines. Members commented on the importance of the club to the young people of Selkirk and approved the application in full.

DECISION

AGREED to grant funding of £250 to Selkirk Ladies Hockey Club Youth Development (Selkirk Mini Hockey).

MEMBER

Councillor Cochrane declared an interest in the following application, considered in 3.2 below, in terms of Section 5 of the Councillors Code of Conduct and did not take part in the discussion or decision.

3.2 **Cycling Without Age – Scotland: Selkirk Community Chapter**

There had been circulated copies of an application from Cycling Without Age – Scotland: Selkirk Community Chapter for a grant of £8,450 for the purchase of a trishaw through the Cycling Without Age (CWA) – Scotland Scheme. Mr McPherson, who had submitted the application on behalf of the group, was in attendance to give background information. He explained that CWA was a movement which started in 2012 and had since spread to 50 countries around the world including Scotland. The purpose of CWA was to enable elderly, house bound or mobility-limited people to get out and about by offering free rides on a piloted trishaw. The aim of the Selkirk Community Chapter was to purchase 2 trishaws, a wheelchair carrier e-bike and sundry ancillary equipment at a total cost of £29,200. The organisation planned to apply to other Grant Awarding bodies for other elements of the project, the request for funding from the Common Good Fund for a single trishaw being sufficient to start up the project. Alongside this, the group would be working to attract more volunteer pilots for the trishaws and to ensure they underwent the prescribed training. The trishaw would be based in secure storage in the vicinity of the Haining House in Selkirk where advantage would be taken of the new path system offered by the current developments of the Haining House and Estate. Members discussed the application and received answers from Mr McPherson to their questions on various aspects of the project. They were very supportive of the scheme and the potential benefits to the elderly and mobility-limited residents of Selkirk. A question was asked as to the ownership of the trishaw should the Selkirk Community Chapter cease to operate and whether this would revert to the national CWA. After further consideration Members agreed to grant the full amount requested but that this be subject to a stipulation that, in the event of the Selkirk Community Chapter ceasing to operate, Selkirk Common Good Fund Sub Committee would be consulted about where the trishaw would be sent for continuing use. Members also asked that the group continued to seek other funding sources to enable their funding target to be met and the project to be fully implemented.

DECISION

AGREED to grant funding of £8,450 to Cycling without Age – Scotland: Selkirk Community Chapter for the purchase of a trishaw, subject to:-

- (a) a stipulation that, in the event of the Selkirk Community Chapter ceasing to operate, Selkirk Common Good Fund Sub Committee would be consulted about where the trishaw would be sent for continuing use; and**

- (b) **the understanding that Selkirk Community Chapter continued to seek other funding sources to meet their target and to enable the project to be fully implemented.**

4. **SOLAR ARRAY STUDY**

There had been circulated copies of a request to Selkirk Common Good Fund Sub Committee from Selkirk Regeneration for consent to apply for an Enablement Grant from Community Energy Scotland for a basic feasibility study into the installation of an array of solar panels on an identified piece of land to the south and below the Rig. The piece of land in question was shown on an accompanying map and was within the holding of Smedheugh Farm, owned by the Common Good. Mr Lawrence Robertson was in attendance at the meeting to represent Selkirk Regeneration and to provide further information. One of Selkirk Regeneration's key ambitions was to encourage better use of renewable energy in the community. Sustainable Selkirk was set up to assist residents to reduce energy in their homes, with a former shop at 5 Tower Street being renovated to provide a community hub and energy advice centre. Opportunities in and close to Selkirk, for generation of renewable energy and low carbon transport, were investigated in co-operation with Community Energy Scotland through one of their programmes called Community Energy Futures. The ideas were discussed at an open meeting held in Selkirk at the end of October 2019. From this meeting, key proposals were identified for development. A second community meeting was scheduled for the end of March 2020 but had to be cancelled due to the Covid-19 outbreak. Research suggested opportunities for solar power in the form of a ground array of panels located away from normal public view on Common Good land at the Rig. Should the study suggest the project would be feasible Selkirk Regeneration would be eligible to apply for funding to develop the proposal. Members were supportive of the proposal and agreed to give consent as landowner for the feasibility study to be carried out. It was noted that, should the project be implemented, any income generated would come to the Common Good Fund as landowner. The Solicitor advised that, should the study suggest the project was feasible there would need to be a consultation process under the terms of the Community Empowerment Act. The Estates Surveyor confirmed that the tenant of Smedheugh Farm had been informed that the proposal was being discussed.

DECISION

AGREED to consent, as landowner, for a feasibility study to be carried out for the installation of a ground array of solar panels on an identified piece of land to the south and below the Rig.

5. **PROPERTY UPDATE**

With reference to the Briefing Note which had been circulated, the Estates Surveyor, Tricia Hill and Property Officer, Frank Scott, gave an update:

5.1 **Green Hut**

The works to the Green Hut were now complete. Councillor Edgar asked about the intruder alarm which was apparently not working. Ms Hill said that she would check the lease and advise Mr Scott if it was the responsibility of the Common Good so that it could be repaired.

DECISION

AGREED to request the Property Officer to arrange repair of the Intruder Alarm at the Green Shed if the responsibility of the Common Good.

5.2 **Selkirk Victoria Hall**

Mr Scott confirmed that the safety inspection with a cherry picker been undertaken. A stone balustrade had been taken down as it was unsafe and would need to be rebuilt.

One window needed to be replaced and all the other windows needed painting. Works to the roof were also required. Internal work was required in the men's toilets, near the main entrance, where Mr Scott had disconnected a rotten water tank. Work to remove the tank, plumb the men's toilets into the mains and refurbish the toilets would be priced in Spring 2021. A quote would also be obtained for the other works required. Councillors referred to a recent incident where a vehicle had clipped the pillar at the front of the Hall. Mr Scott had not been informed about this and agreed to contact the caretaker and to investigate further.

DECISION

AGREED that:-

- (a) **the minor internal works relating to the water tank in the men's toilets be carried out in early 2021; and**
- (b) **the Property Officer obtain quotes for the other works required, which had been identified by the inspection.**

5.3 Local Biodiversity Site

There had been circulated copies of a letter from The Wildlife Information Centre and accompanying statement and site plan giving the Selkirk Common Good, as landowner, notification that the Gala Rig area of Smedheugh and an adjacent field were being proposed as a Local Biodiversity Site in the new Local Development Plan (LDP). This was a non-statutory designation but could affect any future development on the designated land which required planning permission. The LDP was currently out for consultation with responses to be made by 25th January 2021.

DECISION

AGREED to note that the Gala Rig area of Smedheugh and an adjacent field were being proposed as a Local Biodiversity Site in the new Local Development Plan (LDP) but not to send a comment about this, on behalf of Selkirk Common Good, as part of the current consultation on the LDP.

5.4 Replacement of Electricity Poles

With reference to paragraph 6.7 of the Private Minute of 2 September 2020, Ms Hill reported that the new pole on Riverside Road was no longer required.

DECISION

NOTED

6. ITEMS LIKELY TO BE TAKEN IN PRIVATE

DECISION

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

PRIVATE BUSINESS

7. MINUTE

The private section of the Minute of 2 September 2020 was approved.

8. PROPERTY UPDATE

Members considered a briefing note by the Estates Surveyor giving an update in respect of private property business.

The meeting concluded at 4.20 pm

SCOTTISH BORDERS COUNCIL JEDBURGH COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the JEDBURGH
COMMON GOOD SUB-COMMITTEE held
via Microsoft Teams on Wednesday, 9
December 2020 at 4.30 pm

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

In Attendance:- Pension and Investments Manager, Solicitor
(Steven Robertson), Democratic Services Officer (F. Henderson).

Members of the Public:- 1

1.0 APPLICATION FOR FINANCIAL ASSISTANCE

1.2 Jedburgh Leisure Facilities Trust

There had been circulated copies of an application from the Jedburgh Leisure Facilities Trust on behalf of the Jedburgh Legacy Group. The application explained that JLFT was a member of the Jedburgh Legacy Group, which included representatives from a large number of community organisations within Jedburgh and was hosting this bid on their behalf. The Group wished to consult with the residents in Jedburgh and District on the proposal for the Jedburgh Community to take over the Town Hall, Library and other public services including the running of the public toilets, grass cutting of green areas and maintaining floral displays. The proposal would improve the quality of life and increase access to activities, events and services and the consultation would be following best practice in community empowerment. The bid was in the sum of £1,840 to cover the production costs of a 4 page centre pull-out in the Jed Eye Christmas Issue, with information on the Town Services proposal and a questionnaire (2000 copies), plus 1500 additional copies of the questionnaire for distribution around the area. Drop boxes would be organised in multiple locations around the town to facilitate the return of the completed questionnaire. The article in the Jed Eye would also publicise the online version of the questionnaire via Survey Monkey, which was being provided by the Bridge as a contribution in kind.

1.3 Councillor Scott sought evidence that the Jedburgh Legacy Group had applied for funding elsewhere prior to approaching the Common Good. He raised the matter of the £30,000 which had already been awarded to the Jedburgh Leisure Facility for improvements. Mr George Burt who was present on behalf of the Jedburgh Leisure Facility and had completed the application explained that the Leisure facility had submitted the application on behalf of the Legacy Group as it was a relatively new group. The £30,000 referred to by Councillor Scott was specifically for the refurbishment of the swimming pool for which they were very grateful. Mr Burt went on to refer to a previous meeting with Scottish Borders Council Officers during which they discussed the transfer of assets to the Legacy Group and had suggested that the Group apply to the Common Good Fund for a grant to finance the community survey. Councillor Hamilton thanked Mr Burt for his explanation and sought clarification on the costings contained in page 2 of the application in terms of the amount for the survey monkey being given in kind by the Bridge. Councillor Hamilton raised concerns that this was a retrospective application, there appeared to be overlaps between the previous survey held in February 2020 and the proposed survey and the results of the survey held in February had not been shared. Mr Burt explained that the original

survey had been very specific about the closure of the Library and the new survey would include more in depth questions about how the facilities were used by the Community and was being seen as a pilot for other Communities. Mr Taylor confirmed that the results from the survey in February were not being hidden and that they had been analysed and set out in graphic form.

- 1.4 The Chairman was of the opinion that the grant be approved due to the time constraints. Councillor Scott raised concerns regarding the security of the paper survey and that there was no mechanism to prevent fraud in that one person could complete more than one copy and would not support. The Sub-Committee sought advice from the legal representative.

Meeting adjourned at 5.00 p.m. and re-convened at 5.10 p.m.

Following the adjournment, the Sub-Committee agreed that the application be continued to allow the Legal Representative the opportunity to explore whether the Common Good could expend money on something which was potentially open to fraud.

DECISION

AGREED that:-

- (a) the application be continued to allow the Legal Representative the opportunity to explore whether the Common Good could expend money on something which was potentially open to fraud.**

- (b) a re-convened meeting be held on Tuesday, 15 December 2020 at 4.30 p.m. via Microsoft Teams**

The meeting closed at 5.20 p.m.

**SCOTTISH BORDERS COUNCIL
AUDIT AND SCRUTINY COMMITTEE**

MINUTE of Meeting of the AUDIT AND
SCRUTINY COMMITTEE held via Microsoft
Teams on Thursday, 10 December 2020 at
10.00 am

Present:- Councillors S. Bell (Chairman), H. Anderson, J.A. Fullarton, J. Greenwell,
N. Richards, E. Robson, H. Scott, S. Scott, E. Thornton-Nicol.
In Attendance:- Executive Director Finance & Regulatory, Clerk to the Council, Democratic
Services Officer (F. Henderson).

AUDIT & SCRUTINY BUSINESS

1. MINUTE

There had been circulated copies of the Minute of the Meeting held on 22 October 2020.

DECISION

APPROVED for signature by the Chairman.

SCRUTINY BUSINESS

2. PETITION

2.1 Petitions Procedure

There had been circulated copies of an extract from the Audit and Scrutiny Committee Petitions procedure and the Chairman asked for this to be noted. The Chairman welcomed to the meeting lead petitioner Mr Malcolm Campbell and also Alison Campbell.

2.2 Petition – Removal of Scottish Flags from Henderson Park, Coldstream

There had been circulated copies of a petition entitled “Stop Scottish Borders Council removing Scottish Flags from Henderson Park, Coldstream”, which had received the required 10 signatories. There had also been circulated a Change.org petition with over 3,000 signatures, although not all those signing were from the Scottish Borders. These petitions were in response to the Council’s decision to have the flags removed from Henderson Park, Coldstream. There had also been circulated copies of a briefing note by the Service Director Assets and Infrastructure in response to the petition. It was stated within the petition that “Scottish flags had been put in by an individual in Coldstream to cheer us all up during the Covid outbreak when we should have been celebrating our Civic Week but could not. As Coldstream was the ‘first true Border town’ it was entirely appropriate that Scottish flags be flown proudly in Henderson Park and tourists and residents have been pleased to enjoy these flags over the years.”

2.3 The Chairman invited the petitioner to present the petition via Microsoft Teams. Mr Campbell introduced himself and explained that he wanted the Committee to understand how important these flags were to the community. The flags had first been put up in Henderson Park in 2014 following a request from Scottish Borders Council to the Community Council to decorate the park to mark the Commonwealth Games being held in Scotland and the baton being carried through the town by Olympic athletes. Mr David Shepherd had been asked to create a display, as he had experience in creating displays which complied with Health and Safety legislation, and to make the town more attractive. The flags had been erected in Henderson Park every year since to mark the town’s Annual Civic Week (first full week in August) and remained up until after the anniversary of Flodden Day on 9th September. On 7 September 2020, Mr Shepherd was advised that a complaint had been received about a saltire flag attached to Council property and that the flags should be removed with immediate effect. Despite requests, no reason was given at the time although there had been a series of e-mail exchanges to the nature of

the complaint and the flags were removed on 7 September 2020 (and therefore not flying on Flodden Day for the first time since 2014). Scottish Borders Council had since gone on record in a Freedom of Information (FOI) request that there was no complaint, merely an enquiry and that the 'flags were erected/attached to Council Property with no prior permission'. The FOI response continued: "whilst these may have been erected in this location in previous years to mark Coldstream Civic Week, this year they had remained in place for over a month.....This decision was taken by Officers and was solely related to these items being on Council property and was in no way related to the type of flag flown".

2.4 Mr Campbell went on to explain that the Tourist Information Service was moved out of the town and Scottish Borders Council was at pains to reassure the town that Coldstream would be promoted strongly as a Gateway centre but none of that had happened. Coldstream had good community spirit and many events had been held over the years, and flags were part of that. It was important to residents but also a gateway to Scotland. Visitors would have their photographs taken on the bridge and also of the flags. Henderson Park was a stunning view point and the flags helped brighten it up. Mr Campbell expressed sadness that Scotland's 'first true Border town' had very little to attract the kind of tourists who were happily having their photos taken next to the flags even as they were being removed. From online research, it was clear that the Council had a protocol for 'Flying of flags from Council buildings' which (from the Equality Impact Assessment on line) appeared to have been last updated in April 2016. The document suggested that it was reviewed every two years so perhaps a review now might allow for arrangements in terms of flags being flown at Henderson Park between Civic Week and Flodden Day to be formalised. The decision making on flag flying appeared to be reserved to the Convener per the protocol itself and information on his involvement in the complaint/enquiry, if any had been requested. Mr Campbell highlighted that the Equality Impact Assessment prepared re the Flag Protocol talked about 'the many benefits that help Scottish Borders Council contribute well to its obligations under the Equality Act. Examples include:-

- Ensures Scottish Borders Council demonstrates dignity and respect of the tradition of flag flying within the United Kingdom
- Encourages Flag Flying which allowed Scottish Borders Council to promote positive messages including pride, inclusiveness, respect and celebration.

2.5 In conclusion, Mr Campbell requested to know why this year the people of Coldstream had not been allowed to have a flag flying on the anniversary of the Battle of Flodden in 1513. Why a complaint was suddenly not a complaint? And, whether the Council would like to work with the community to formalise what it had previously accepted as the norm (and in actual fact itself commissioned in 2014). The Chairman thanked Mr Campbell for his presentation, confirmed that the meeting discussion would focus on how the Council could work with the Coldstream community to formalise arrangements for flag flying, and invited questions from members of the Committee. It was pointed out that due to Covid restrictions, Coldstream did not currently have a Community Council at the moment, and without that leadership, the protocol on the flying of flags and how to seek permission from the Council was not well known. In response to a question about the flying of the Flag of St George, Mr Campbell advised that the Saltires were being flown in Coldstream as it was a gateway town to Scotland and he was quite content for the Flag of St George to be flown on the English side of the bridge. Mr Campbell also suggested that any procedure for applying for permission for flag flying should be clear and easy to use. In response to a question about the online petition, Ms Alison Campbell commented that this was an American App and therefore open worldwide for signatures. It had attracted 375 signatures from the Borders, with a further 3019 from across the world. It was noted that the flags flown at the A1 and the Carter Bar came under the jurisdiction of Transport Scotland as these were on Trunk routes.

2.6 In attendance to present the Council's response to the petition, were the Mr John Curry, Service Director Assets & Infrastructure; Mr Jason Hedley, Chief Officer Roads; and the

Parks & Environment Manager, Mr Craig Blackie. The Briefing paper by the Service Director Assets and Infrastructure, which had been circulated prior to the meeting, summarised the content and context of the petition received by the Council for the Audit and Scrutiny Committee. A further document entitled 'Flag Gate' was also submitted with the petition and this was attached to the Briefing paper as Appendix 1. Mr Hedley started first of all by offering a wholehearted apology to the petitioners and 'Presenting Coldstream', advising that it was never the intention to disrespect the flag or the people of Coldstream. He then went on to present the Briefing paper. In September 2020 Scottish Borders Council received an enquiry about flags flying at Henderson Park, Coldstream. Following a review, officers from the Parks and Environment team found that the flags had been installed by Presenting Coldstream but were unable to establish that the correct permissions had been obtained from the Council to fly the flags. Subsequently officers contacted Presenting Coldstream and requested that the flags be removed, which was carried out in a timely manner. The "Flag gate" document introduced additional background information on the flying of flags at Henderson Park, dating back to 2014 and the celebrations associated with the Commonwealth Games of that year. It set out that since that date the flags had been erected to coincide with Civic week (first full week of August) and they stayed in place until Flodden day 9th September. The report detailed the Flag Flying Protocol contained in the document "The Flying of Flags from Council buildings And Arrangements for Books of Condolence", appendix 2 to the paper. This set out prescribed locations/procedures for flag flying, and the due process for discretionary decision making regarding flying of flags out-with these prescribed locations/procedures. Mr Hedley went onto explain that the matter had never been a complaint, but an enquiry for a service, and as such Officers should have advised the Coldstream Community what was required to rectify the situation. This had been an oversight by officers and should not have happened, and Mr Hedley apologised for this. The Service Director Assets and Infrastructure added that the Council was committed to working with communities on a range of matters and particularly, making access to services easier. The Chairman thanked officers for their forthright apology and clarification about the complaint.

- 2.7 Councillor Robson requested that any amended protocol for flag flying should also include local Members and other relevant local organisations, and it had been unfortunate that the Community Council election had coincided with lockdown. Councillor Harry Scott also commented that the SBC local Elected Members would have been available to assist at the time. The Chairman advised that there seemed to have been a whole series of misunderstandings. Mr Campbell questioned why the Council had made contact by e-mail and not telephone and the Service Director acknowledged that a phone call would have been more appropriate. Mr Curry further advised that any review of the Flag Flying Protocol would also need to take account of flag flying out-with specific circumstances and not only on buildings. Members of the Committee discussed how best to take matters forward in terms of flying flags at Civic Week, Flodden Day, and beyond. Councillor Anderson, seconded by Councillor Greenwell, moved that the matter be referred to the Service Director Assets & Infrastructure to develop a straight forward protocol – in consultation with Presenting Coldstream, for flying flags at Henderson Park, Coldstream over an agreed period of time each year. Councillor Fullarton moved as an amendment that no further action was required but, as there was no seconder, the amendment fell. The Chairman thanked Mr Campbell and Ms Campbell for taking the time to organise the petition and for their helpful input at the meeting.

DECISION

AGREED to refer the matter to the Service Director Assets & Infrastructure to develop a straightforward protocol - in consultation with Presenting Coldstream - in respect of flying flags in Henderson Park, Coldstream over an agreed period of time each year.

3.0 BALANCE BETWEEN 20MPH SPEED LIMITS AND STREET ARCHITECTURE

- 3.1 There had been circulated copies of a report by the Service Director, Assets and Infrastructure which provided details to members on the balance between 20mph speed limits and the use of street architecture, and an update on the 20mph experiment across settlements in the Scottish Borders. Ms Gilhooly, Project/Road User Manager, explained that there was a variety of traffic calming features available for construction. However, research into the efficacy of these in general was very dated, and in rural settings, was extremely rare. The most commonly used traffic calming features were:
- Signing
 - Lining and Surface Treatments
 - Humps and Bumps
 - Variable Message Signs
 - Islands, Chicanes, Build Outs
 - Protected Parking and Realignment
 - Light Controlled Crossings
 - Roundabouts, Gateway Treatments and Transition Buffers
 - Shared Spaces (moratorium at present)
- 3.2 Each traffic calming feature came with its own advantages and disadvantages and some worked in tandem better with others. Costs varied depending on the interventions, with some having ongoing maintenance issues and others causing problems on bus routes and emergency access roads, with noise and vibration frequently cited as intolerable by residents. It was rare for an individual traffic calming feature to be successful in the longer term, and it was generally accepted that a mix and match of features was the most appropriate. Also worth bearing in mind was that some traffic calming features had a very localised effect, and consideration was needed into possible adverse effects elsewhere and unintended consequences. The Council's traffic and road safety team had successfully applied to the Transport Scotland Road Safety Research fund for '*The Eddleston Study*' into traffic calming features. This research involved Edinburgh Napier University conducting a worldwide literature review of the effects of traffic calming as well as an analysis of recently introduced local traffic calming features in Eddleston. An assessment of the strengths of traffic calming measures was detailed in the report. In the context of Eddleston village, where Dragon's teeth at the speed limit change were introduced first, followed by Vehicle Activated Signage (VAS), the evidence from this Literature Review was that careful selection of additional traffic calming measures may provide a synergetic effect in bringing down motor vehicle speeds as they enter and proceed through the village. Further application of traffic calming measures on the approach or at the village gateways, plus the potential for further measures in the village itself, would look to be the approach needed. There was a range of options which included, for example, installing VAS at or close to each gateway and changes in road surface colour, potentially with the 30mph speed limit painted onto the red surfacing. The potential for speed tables and chicanes may be limited by the proximity of residential properties and geometry but may be worth exploring as they were both reported as achieving relatively high speed reductions. There was a need to keep traffic moving within the speed limit, with drivers preferring to keep moving rather than stop/start, which could lead to faster speeds at places within the limit.
- 3.3 At its meeting on 27 August 2020, Council had agreed to implement a Sustrans/Transport Scotland "Spaces for People" externally funded £1.2M trial of 20mph across all streets in settlements with existing 30mph speed limit in the Scottish Borders. Ms Gilhooly advised that this involved 97 settlements in total, including 8 trunk road towns and the timetable for the work was detailed in the report. From December 2020 through to February 2021, an analysis of traffic surveys and determination of possible traffic calming features would be carried out in discussion with Elected Members and Police Scotland. From June to August 2021, further consultation would be carried out with Elected Members on options to be presented to Council in September 2021. Depending on the decision of Council at that time, from October 2021 to May 2022, the statutory process would take place to introduce any retained 20mph schemes, and decommission others. A marketing strategy for the current scheme was ongoing with radio, internet, social media updates and

advertising. The Council website FAQ was updated regularly to reflect questions from the public and all primary aged children had been issued with high viz vests. An Evaluation group was being set up, consisting of SBC Officers, Edinburgh Napier University academics, Sustrans and Transport Scotland.

- 3.4 As expected, there had been a mixed reaction to the widespread introduction of the 20mph schemes. Some communities warmly welcomed the trial, while others were unhappy over a lack of consultation at the outset. Some had reservations on the need for all streets to be included, and there had been a number of queries over justification, based on very few injury accidents and questions of over funding, even though the scheme was fully externally funded. It would appear that some drivers were concerned over the additional drive time, and conversely some pedestrians were happier with the change in driver behaviour. Some residents were finding noise disturbance reduced by slower moving vehicles. Early discussions from both local Police Sergeants had not seen a spike in complaints over speeding or driver behaviour, with complaints over non-compliance and poor driving similar to locations when a 30mph was the speed limit in place and police were not surprised with the level of compliance so far. A questionnaire on the 20mph speed limit had been circulated to Community Councils and 34 responses received to date. Members commented on the more pragmatic view being taken by some members of the public since the initial opposition; the need to take account of the business community, with potential impact on costs and delays in deliveries; whether arterial routes should be included; and how to engage Community Councils going forward. The Chairman commented on the “living areas” in Holland whereby street architectural measures such as changes in road surface, bends, footways melding with roadways, produced a cultural change and almost incidental to that a reduction in speed. Members thanked Ms Gilhooly and her Team for managing to complete the work in all 97 locations. In response to questions about the funding of such a project when residents were concerned about the general repair of footpaths and potholes, Ms Gilhooly advised that the installation work had been undertaken by local companies.

DECISION

NOTED the update.

4. POLICE COMMUNITY ACTION TEAMS GOVERNANCE

- 4.1 With reference to paragraph 13 of the Minute of the Audit and Scrutiny Committee of 22 October 2020, there had been circulated copies of a report by the Executive Director, Finance & Regulatory, which provided further details of potential amended governance arrangements for the Police Community Action Teams (CATs). As had been reported previously, the performance monitoring of the CATs could be moved from the CAT Member/Officer Oversight Group to the Executive Committee and be reported through the Executive Committee on a quarterly basis. This would allow a more public view of the work of the CATs, with reports being published committee papers and available on the Council website. A workshop could be held for members of the Police, Fire & Rescue, and Safer Communities Board to explain the process used to decide on the work of the CATs, including when issues are passed to Police Scotland. This would allow members of that Board to gain an insight into the governance of the CATs. It may also be helpful to consider whether the CAT Oversight Group and the Police, Fire & Rescue and Safer Communities Board should meet informally, in private, once per year to discuss the work of the CATs and raise any concerns. The Clerk to the Council explained the potential amendments contained within the report and, following discussion, Councillor Harry Scott sought to simplify the recommendations as follows:-
- 4.2 Councillor Harry Scott, seconded by Councillor Anderson proposed the following motion:-
- (i) that the tasking of the Police Community Action Teams remains with the CAT Member/Officer Oversight Group.
 - (ii) that the performance monitoring of the Police Community Action Teams be moved

from the CAT Member/Officer Oversight Group to the Executive Committee, with reporting on a quarterly basis; and

- (iii) that a workshop be held for members of the Police, Fire & Rescue and Safer Communities Board to explain the process of tasking for the Police Community Action Teams.

4.3 Councillor Fullarton, seconded by Councillor Greenwell, proposed as an amendment that the recommendations contained within the report be approved as follows:

- (i) Notes that those involved in the current CAT Member/Officer Oversight Group consider it to be working effectively, therefore it remains the officer view that no changes are required to the governance arrangements.
- (ii) Agrees to make recommendations to Council on the current Police Community Action Teams governance arrangements, potentially:
 - (1) that the tasking of the Police Community Action Teams remained with the CAT Member/Officer Oversight Group;
 - (2) that the performance monitoring of the Police Community Action Teams be moved from the CAT Member/Officer Oversight Group to the Executive Committee, with reporting on a quarterly basis; and
 - (3) the Police, Fire & Rescue and Safer Communities Board and the CAT Member/Officer Oversight Group meet informally, in private, on an annual basis, to discuss the work of the Police Community Action Teams.
- (c) Agrees to recommend that a workshop be held for members of the Police, Fire & Rescue and Safer Communities Board to explain the process of tasking for the Police Community Action Teams.

VOTE

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 – 4 votes

Amendment – 4 votes

Abstain – 1 vote

As there was an equality of votes, the Chairman exercised his casting vote in favour of the amendment.

The amendment was accordingly carried

DECISION

- (a) **DECIDED to NOTE** that those involved in the current CAT Member/Officer Oversight Group consider it to be working effectively, therefore it remained the officer view that no changes were required to the governance arrangements.
- * (b) **DECIDED to RECOMMEND** to Council the following changes to the current Police Community Action Teams governance arrangements:

- (i) that the tasking of the Police Community Action Teams remained with the CAT Member/Officer Oversight Group;
 - (ii) that the performance monitoring of the Police Community Action Teams be moved from the CAT Member/Officer Oversight Group to the Executive Committee, with reporting on a quarterly basis; and
 - (iii) the Police, Fire & Rescue and Safer Communities Board and the CAT Member/Officer Oversight Group meet informally, in private, on an annual basis, to discuss the work of the Police Community Action Teams.
- * (c) **DECIDED to RECOMMEND** that a workshop be held for members of the Police, Fire & Rescue and Safer Communities Board to explain the process of tasking for the Police Community Action Teams.

The meeting concluded at 11.55 am

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SCOTTISH BORDERS COUNCIL INNERLEITHEN COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the INNERLEITHEN
COMMON GOOD FUND SUB-COMMITTEE
conducted remotely by Microsoft Teams Live
Event on Thursday, 10 December 2020 at
3.00 pm.

Present:- Councillors R. Tatler (Chairman), S. Bell and S. Haslam.

Apologies:- Community Councillor M. Douglas

In Attendance:- Treasury Business Partner (S. Halliday), Solicitor (G. Sellar), Estates
Surveyor (T. Hill), Democratic Services Officer (F. Walling).
R. McGinn (Innerleithen Community Trust).

1. **MINUTE**

The Minute of Meeting of the Innerleithen Common Good Fund Sub-Committee held on 4 March 2020 had been circulated.

DECISION

APPROVED the Minute for signature by the Chairman.

2. **FINANCIAL MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2020 AND
PROPOSED BUDGET FOR FINANCIAL YEAR 2020/21**

There had been circulated copies of a report by the Executive Director, Finance & Regulatory providing details of the assets held by the Innerleithen Common Good Fund as at 31 March 2020, a full year revenue out-turn for 2019/20 and projected balance sheet values as at 31 March 2021. Detail on income and expenditure for the year to 31 March 2020 was provided in Appendix 1 to the report. Appendix 2 provided actual balance sheet values as at 31 March 2020, which showed an increase in the reserves of £257,414 due to the revaluation of properties. The report explained that all fixed assets of the Common Good Fund were revalued every five years as part of the Council's rolling programme. The fixed assets were revalued at 1 April 2019 resulting in an increase of £288,644. The property portfolio in Appendix 3 showed the difference in value from 31 March 2019 to 31 March 2020 for the individual properties.

DECISION

(a) **NOTED within the appendices to the report:-**

- (i) **the actual income and expenditure for 2019/20 in Appendix 1;**
- (ii) **the final balance sheet value as at 31 March 2020 in Appendix 2; and**
- (iii) **the summary of the property portfolio in Appendix 3.**

(b) **AGREED the proposed budget for 2020/21 as shown in Appendix 1.**

3. **INNERLEITHEN MEMORIAL HALL**

With reference to paragraph 3 of the Minute of 4 March 2020, the Chairman welcomed Mr Ross McGinn to the meeting to give an update on behalf of the Memorial Hall User Group. Mr McGinn explained that completed work had resulted in an office, attic space and 2

large rooms being available for let, providing an income for Live Borders. Improvements had been carried out in the kitchen including the installation of an extractor fan. In partnership with Live Borders, the User Group had put together a list of priorities for future improvements. In response to a question, Mr McGinn explained that there had been good engagement from local groups in the work being carried out to make the hall more appealing for use. There remained some outstanding electrical works in the building, which were the responsibility of Scottish Borders Council. The Estates Surveyor agreed to arrange for this to be investigated.

**DECISION
NOTED:-**

- (a) the update on work carried out in the Memorial Hall; and**
- (b) that the Estates Surveyor would arrange for a technician to investigate the electrical works that were required.**

4. WAR MEMORIAL AND GARDEN

With reference to paragraph 4 of the Minute of 4 March 2020, the Chairman explained that a proposed design for the metal wreath holder had been circulated to Members and agreed. It unfortunately had not been made in time for Remembrance Day 2020 but the Chairman agreed to follow this up on behalf of the Sub Committee. Discussion continued on the state of the garden, adjacent to the hall, which was looking rather unkempt. In referring to the heather and bushes which covered the ground, Members agreed that this more natural appearance was desirable for this particular garden but that it had been neglected and was basically overgrown. Mr McGinn confirmed that the Innerleithen Community Trust would be happy to take on a project to tidy the garden and to put forward a proposal for consideration. Members agreed to this suggestion and added that funding may be available through the Community Fund or Small Schemes budget to cover the costs of the work required.

**DECISION
AGREED that the Innerleithen Community Trust put forward for consideration a proposal for the improvement of the garden adjacent to the Innerleithen Memorial Hall.**

The meeting concluded at 3.15 pm

SCOTTISH BORDERS COUNCIL PENSION FUND COMMITTEE AND PENSION BOARD

MINUTES of Meeting of the PENSION FUND
COMMITTEE AND PENSION BOARD held
in To be advised on Friday, 11 December
2020 at 10.00 am

Present:- Councillors D Parker (Chair – para 1 - 6), S Aitchison, J Brown, G Edgar, D Moffat, S Mountford (Chair - para 7 -), Mr D Bell, Mr M Drysdale, Mr M Everett (part) Ms K Hughes, Ms H Robertson and Ms L Ross

Apologies:- Councillor S Scott.

In Attendance: Executive Director Finance & Regulatory, Pensions and Investment Manager, HR Shared Services Manager, Chief Officer Audit & Risk, Democratic Services Officer (J Turnbull).

Also in Attendance: Mrs J West, Hyman Robertson, Mr A O'Hara and Mr A Singh, Isio.

1. 2020 VALUATION: WHOLE FUND RESULTS

- 1.1 The Chairman welcomed Mrs Julie West, Actuary from Hymans Robertson who was in attendance to give a presentation on the Pension Fund's formal valuation results. Mrs West began her presentation by explaining that the aim of the valuation was to find the balance between employer contributions and investment returns to ensure funding was in place to cover payment of future benefits to members. The Actuary determined the valuation by placing a value on all the benefits earned to date by all members, including those that had left, deferred members and active members and comparing with the Fund's assets. The Actuary also had to try to understand future risk when setting contribution rates and that rates were stable to ensure the long term sustainability of the Pension Fund. Referring to the graphs in the presentation slides, Mrs West explained the likelihood of achieving the assumed future investment return. In discussion with officers they had determined that the likelihood of being fully funded should be set at 70%. The key assumptions in determining the 70% likelihood was: investment returns decreasing, salary increases and benefit increases. The demographic assumption also influenced when benefits were paid and for how long. The most influential of which was life expectancy. Hymans Robertson were able to drill down to local level to set a life expectancy based on the trends shown for specific areas. Since the last valuation on 31 March 2017: inflation had dropped, demographic assumptions had changed, adopting VitaCurves longevity assumption and changes in financial assumptions, such as future investment returns. This had resulted in a decrease in the Fund surplus from £81m to £63m.
- 1.2 Mrs West went on to discuss uncertainties considered when determining their valuation. The McCloud judgement, ruled protection for those within 10 years of retirement at 31 March 2012. The true costs of this would not be known until all potentially affected members had retired. This judgement would be a significant burden for the administration of the Fund. The Actuary's valuation had made an allowance for the McCloud judgement. The Cost Cap Valuation meant that if the cost of the scheme decreased, future benefits earned would need to increase to the original cost assessed for the scheme. The Actuary's valuation had not made an allowance for Cost Cap.
- 1.3 Mrs West then explained that the Actuary determined a funding level by considering different future scenarios. She highlighted three scenarios which were all in excess of

70%. However, with the potential of Cost Cap the decision reached with officers, was for contributions to stay at the same level for two years and then increase by ½% in the third year. This would give a protection against future uncertainties. The next steps in the valuation process was continuing the work of setting contribution rates for the remaining employers in the Fund and also revising the Funding Strategy Statement. The final valuation would be completed by 31 March 2021.

- 1.4 In response to questions, Mrs West advised that the Goodwin judgement had not been published but it was likely to be more of an administration challenge. As it only affected a small number of individuals it was not anticipated to have a significant impact on liabilities. Regarding the 1/2% increase in year three, this was to manage future uncertainty and protect the Fund. The Chairman thanked Mrs West for her attendance and comprehensive, clear presentation.

DECISION

NOTED the presentation.

2. MINUTES

There had been circulated copies of the Minutes of the Meetings of 24 September 2020 and 26 November 2020.

DECISION

NOTED for signature by the Chairman the Minute of the Meeting held on 24 September 2020 and the Minute of the Special Meeting held on 26 November 2020.

3. PENSION FUND INVESTMENT AND PERFORMANCE SUB-COMMITTEE

There had been circulated copies of the Minute of the Pension Fund Investment and Performance Sub-Committee held on 29 September 2020

DECISION

NOTED.

4. RISK REGISTER UPDATE

With reference to paragraph 5 of the Minute of 24 September, there had been circulated copies of a report by the Executive Director Finance and Regulatory. The report formed part of the risk review requirements of the Pension Fund Committee and Pension Board with an update on progress of the actions taken by management to mitigate risks and highlighted changes to any of the risks contained in the Risk Register. Identifying and managing risk was a corner stone of effective management and was required under the Council's Risk Management Policy and process guide and CIPFA's guidance "Delivering Governance in Local Government Framework 2007". It was further reflected and enhanced in the "Local Government Pension Scheme" published by CIPFA. A full risk review was undertaken on 15 May 2020 and the revised Risk Register approved by the joint Pension Fund Committee and Pension Board on 22 June 2020, with an update of the action undertaken on 24 September 2020. Appendix 1 to the report detailed the risks within the approved Risk Register which had identified management actions and the progress of these actions to date.

DECISION

- a) **NOTED:**
- (i) the management actions progress as contained in Appendix 1, to the report; and**
 - (ii) no new quantifiable risks had been identified since the last review.**
- b) **AGREED to a key risk review being undertaken in March 2021 and a report on progress on risk management actions.**

5. BUSINESS PLAN PERFORMANCE UPDATE

There had been circulated copies of a report by Executive Director Finance and Regulatory providing an update on delivery of actions within the approved Business Plan. The 2020/21 – 2022/23 Business Plan for the Pension Fund was approved by the Committee and Board on 22 June 2020. Included within the Plan were key objectives and actions with target dates. A summary of the progress of the actions was included in Appendix 1 to the report. As part of the risk register update, approved on 24 September, it was agreed that a mid-year progress report on Business Plan actions would be presented to members at the December 2020 meeting and a further progress report and update at the June 2021 meeting. The report explained that there were 25 key tasks due for completion during 2020/21. Of these, 11 were fully completed, seven were on track to be completed by the approved target date and seven required revised target dates as detailed below. Mrs Robb confirmed that all legislative requirements had been met and explained that staff resource constraints and the impact of Covid-19 were the reasons for the revised target dates.

DECISION

(a) NOTED the progress of the 2020/21 actions within the business plan;

(b) AGREED:

- (i) the revised target date of 31 March 2021 for completion of the Triennial valuation;**
- (ii) the revised target date of 31 March 2021 for completion of the Cessation and Discretion policy which will be included in the Funding Strategy Statement;**
- (iii) the revised target date of 30 June 2021 for the review of admission agreements;**
- (iv) the revised target date of 30 June 2021 for the review of employer guarantees;**
- (v) the revised target date of 31 March 2021 for the implementation of i-Connect;**
- (vi) the revised target date of 30 June 2021 for the review of the Stewardship Code; and**
- (vii) the revised target date of 31 March 2021 for the procurement of Investment Advisor.**

6. PENSION FUND BUDGET MONITORING

With reference to paragraph 8 of the Minute of 24 September 2020 there had been circulated copies of a report by Executive Director Finance and Regulatory providing an update on the Pension Fund budget to 30 September 2020 including projections to 31 March 2021. The Local Government Pension Scheme (Scotland) Regulation 2014 required Administering Authorities to ensure strong governance arrangements and sets out the standards that were to be measured against. To ensure the Fund met the standards a budget was approved on 10 March 2020 following the recommendations within the CIPFA accounting guidelines headings. This report was the second quarterly monitoring report of the approved budgets. The total expenditure to 30 September 2020 was £0.314m with a projected total expenditure of £6.906m against a budget of £6.901m. This projected a budget variance of £5k which represented the commissioned work to undertake the Funding Strategy Statement. The Committee congratulated the Pensions Team on keeping the budget on target during this difficult time.

DECISION

(a) NOTED the actual expenditure to 30 September 2020.

(b) AGREED the projected out-turn as the revised budget.

MEMBER

Councillor Parker left the meeting following consideration of the above report. Councillor Mountford in the Chair.

7. INVESTMENT TAXATION REVIEW

There had been circulated copies of a report by the Executive Director Finance and Regulatory updating the Committee and Board on the findings of a review undertaken by KPMG on the reclaiming of taxation on the Fund's overseas investments. This review was approved as part of the agreed Business Plan to ensure the Fund was as tax efficient as possible. The report explained that the income generated by these investments could be subject to Withholding Tax (WHT) in the country of origin. The WHT was deducted at different rates depending on the tax regime in the country where the investment was held. This withheld tax could be reclaimed under certain circumstances. To ensure the performance of investments was maximised the Fund needed to ensure it reclaimed as much WHT as possible. KPMG were commissioned to undertake the review which was broken down into three parts. Review of the performance of Northern Trust as the Fund's custodian for the segregated funds. Review of the infrastructure investments made in collaboration with Lothian Pension Fund and a review of investments in pooled funds. The review of the performance of Northern Trust for the segregated funds highlighted a small number of differences in rates reclaimed, which have now been addressed. The review of the infrastructure investments made in collaboration with Lothian Pension Fund highlighted one investment which had triggered a US filing obligation. The costs and requirements of this was currently under fuller investigation but might result in additional costs for the Fund. The review of the pooled funds held confirmed all funds were tax efficient. Mrs Robb advised that since publishing the report KPMG advised that no final obligation was required for any of the funds held and therefore 5.1(b) on the report was no longer relevant.

DECISION

(a) NOTED the outcome of the taxation review.

(b) APPROVED, when appropriate, the filing of any required USA tax documents with the assistance of KMPG.

8. INFORMATION UPDATE

8.1 There had been circulated copies of a briefing paper by Executive Director Finance and Regulatory providing an update on a number of areas which were being monitored and where work was progressing. Full reports on individual actions would be tabled as decisions and actions were required. In summary:-

8.2 Data Quality

Mr Angus explained that the Common Data results would never meet all the requirements of the Pension Regulator. For example, some overseas addresses had no postcode and there were no NI numbers for children under 16 years of age. An update would be provided at the next meeting on any rectification work required.

8.3 McCloud Consultation

Officers from all Scottish LGPS Funds had submitted a combined response to the McCloud consultation, a copy of which was attached to the briefing paper. Mr Angus highlighted the significant complexity the judgement would have for the administration of the Scheme and also concern that the software supplier would be able to meet the timeline. A further update would be provided following conclusion of the consultation.

8.4 AVC Update

Mr Angus advised that there had been a further increase of 18 employees participating in the Shared Cost AVC Scheme. The Scheme was promoted through the intranet, Fund website and SB Scene.

8.5 Scheme Advisory Board

The Appendix to the briefing paper contained the bulletin from the SAB meeting held on 16 September. It was noted that a full response was submitted on 27 November following the Pension Fund Special meeting on 26 November. The Chairman advised that at the meeting on 9 December it was considered that the paper lacked clarity and specific information on the brief for tender and governance was required. The joint secretaries were asked to prepare a new report for consideration at a special meeting to be held in January 2021. The procurement exercise would be in two stages: a brief for the four different options, followed by an analysis of the information and reporting back to the SAB.

8.6 Training Opportunities

Mrs Robb gave an update on recent training events. The annual PLSA Investment Conference on 9th to 11 March would be a virtual event. Once further information was available she would circulate. To date six Pension Fund Committee members and seven Pension Board members had completed the minimum training requirements. Any member who had not completed the requirement would be notified.

8.7 Future Meetings

Joint Pension Fund Committee and Pension Board – Thursday, 4 March 2021 and Thursday 10 June 2021. Pension Fund Investment Performance Sub Committee – Tuesday, 16 February 2021 and Tuesday, 29 June 2021.

DECISION

NOTED the briefing paper.

9. PRIVATE BUSINESS

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

10. MINUTES

The Committee noted the Private Minute of the meetings of 24 September and 26 November 2020.

11. PENSION FUND INVESTMENT AND PERFORMANCE SUB-COMMITTEE

The Committee noted the Private Minute of the Pension Fund Investment and Performance Sub-Committee of 29 September 2020.

12. QUARTER PERFORMANCE UPDATE

The Committee and Board considered a private report by Isio.

MEMBER

Councillor Parker re-joined the meeting during consideration of the above report.

The meeting concluded at 11.45 am

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SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTES of Meeting of the PENSION BOARD held in Via Microsoft Teams on Friday, 11 December 2020 at 12.00 pm

Present:- Councillor S Aitchison (Chair), Mr D Bell, Mr M Drysdale, Mr M Everett, Ms K M Hughes, Ms H Robertson, Ms L Ross.
In Attendance:- Pension & Investments Manager, HR Shared Service Manager, Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting of 24 September 2020.

DECISION

NOTED the minute for signature by the Chairman.

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

Referring to the Actuary's presentation Mrs Robb explained that it had highlighted that the Pension Fund had a 70% likelihood of meeting future pension benefits of its members, based on the existing contribution rate. However, because of anticipated additional costs such as McCloud and Cost Cap, and to be prudent, the contribution rate would rise by ½% on 1 April 2023. Mrs Robb confirmed that Borders College and Live Borders were part of the main pool within the Scottish Borders Pension Fund and would have the same contribution rate. AMEY, SBHA and CGI were closed funds and would be on a different rate. SOSE, being a new admission to the Fund, would also be considered separately and would be on different rates. Regarding the McCloud judgement this would be a significant administration burden for the pension administration team. Mr Angus added that they were awaiting regulations before contacting each of the employers requesting additional information. The consequence of the judgement was difficult to quantify until the new regulations and rectification arrangements were available. Regarding the impact of Fit for 2024 on membership, Mrs Robb advised that there would be a consequence as the less active members contributed, the more the Pension Fund relied on investments to pay out ongoing pensions. Regarding Brexit, Mrs Robb advised that the Fund was well diversified globally so not reliant on one individual country. Regarding Borders College workforce redesign, Mrs Robb advised that as part of their annual return Borders College were required to advise of any changes to their membership. The Chair closed the meeting and asked that for the Pension Board's thanks be passed to Hymans Robertson and Isio for their advice throughout this difficult year.

DECISION

NOTED.

3. **DATE OF NEXT MEETING**

The next meeting was scheduled to be held on Thursday, 4 March 2021, following the Pension Fund Committee and Pension Board.

DECISION

NOTED.

The meeting concluded at 12.25 pm

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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, 14 December 2020 at 10.00 am

Present:- Councillors S. Mountford (Chair), A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards and 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 20/00028/PPP**

There had been circulated copies of the request from Mr & Mrs G & M Walker, per Ferguson Planning, 54 Island Street, Galashiels, to review the decision to refuse the planning application for the erection of a dwellinghouse together with access, landscaping and associated works on land NE of East Neuk, Morebattle. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); papers referred to in the Officer's Report; consultations; support comment; further representation; and a list of policies. Members noted that the site of the proposed development was outwith the settlement boundary of Morebattle, according to the Local Development Plan but in terms of location adjoining other houses and its sense of place concluded that it was well related to the settlement. Members went on to discuss the economic and employment justification for a house on the site. They were keen to support this thriving local business and concluded that the dwellinghouse was justified to support the agricultural and forestry elements of the business.

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

2. **REVIEW OF 20/00537/FUL**

There had been circulated copies of the request from Mr & Mrs D Tully, per Stuart Patterson Building & Timber Frame Design, 5 Burnflatt Lane, Hawick, to review the decision to refuse the planning application for formation of dormer at 19 Myrescroft Road, Ancrum. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; and a list of policies. Members expressed sympathy with the position of the applicant, in seeking to achieve the additional accommodation required, by provision of a double width dormer. In noting the prominent street frontage position of the property, they debated at length the scale and design of the

proposed dormer and their opinion was divided as to whether this was of an appropriate scale and in character with the property and the adjoining area.

VOTE

Councillor Laing, seconded by Councillor Fullarton moved that the decision to refuse the application be upheld.

Councillor Hamilton, seconded by Councillor Ramage, moved as an amendment that the decision to refuse the application be reversed and the application approved.

Members voted as follows:-

Motion - 6 votes

Amendment - 3 votes

The motion was accordingly carried and the application refused,

DECISION

DECIDED 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 II to this Minute.**

The meeting concluded at 11.40 am



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: 20/00025/RREF

Planning Application Reference: 20/00028/PPP

Development Proposal: Erection of dwellinghouse together with access, landscaping, associated works

Location: Land North-East of East Neuk, Morebattle

Applicant: Mr & Mrs G & M Walker

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 intentions notice subject to conditions and the applicants entering into a Section 75, or other suitable Legal Agreement, as set out below.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse, access, landscaping and associated works. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	9420.0.01
Site Plan and Site Section	9420.0.02

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 14th December 2020. 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) Support comment; e) Further representation; and f) List of Policies, the Review Body proceeded to determine the case.

REASONING

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD1, PMD4, PMD5, ED2, ED7, HD2, HD3, HD4, IS2, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Scottish Planning Policy 2014

The Review Body noted that the proposal was for the erection of a dwellinghouse together with access, landscaping and associated works on land North-East of East Neuk, Morebattle.

The Review Body noted that Morebattle was a defined settlement in the Local Development Plan and that the site lay immediately outwith the settlement boundary. Members were aware that development would not normally be approved under Policy PMD4 unless one of four qualifying criteria were met. Whilst they considered all criteria, including housing land supply and affordable housing, Members considered the most relevant criterion to be that relating to job-generating development. It was also understood that as the site lay outwith the defined settlement boundary, Policy HD2 and the Housing in the Countryside Guidance Note also applied, particularly Part F relating to economic justification.

The Review Body then discussed the economic and employment justification for a house on the site. They were aware of the previous unsuccessful application by the applicants for a house on a site to the south of the village, based solely upon the groundworks business. However, Members noted that the current proposals were supported by agricultural and forestry contracting elements and that, combined with the groundworks business, the company was thriving in the local area with growing employment and the need to expand further. The Review Body were keen to support such a successful local business. They noted the Local Member's support for the business and house proposal and generally concluded that, even if the groundworks business was excluded from the justification, both the agricultural and forestry-based business were appropriate to the rural location and in compliance with Part F of Policy HD2.

Members also considered that the agricultural business, whilst not appearing to create sufficient labour hours at present to justify a full time residence on the site, would be enabled to expand as a result of such a presence. Residence on site would assist in the security and husbandry of the cattle and facilitate the expansion of the herd in the short term future. Given these proposals and, when combined with the forestry contracting element, and the business

performance and staff levels from the groundworks business over recent years, the Review Body were satisfied that a dwellinghouse was justified to support and nurture the agricultural and forestry elements of the business, thereby both complying with Part F of Policy HD2 and facilitating job generating development, thus representing an exception to Policy PMD4.

The Review Body then considered other aspects of Policies HD2, PMD4 and the Housing in the Countryside Supplementary Planning Guidance. It was concluded that the location and nature of the site resulted in the site being an appropriate addition and well-related to the settlement of Morebattle, immediately adjoining other houses and buildings, related to an existing cul-de-sac and lying between that and the farm track to the east. With appropriate design, siting and landscaping which could be controlled at the next planning stage, Members considered that the proposal was in compliance with the secondary criteria in Policy PMD4 and the general requirements of Policy HD2 and the SPG. Whilst they understood that an alternative approach may have been to seek inclusion of the site within the Morebattle settlement boundary during the next stage of the Local Development Plan, the Review Body were aware that the timescale for consideration of such inclusion could be lengthy and would not be conducive to the expansion of the business, which could be assisted at this stage by approval of the site on a justified economic case basis.

In supporting the case as an economically justified house under Policy HD2 and as a justified exception to Policy PMD4, Members were of the opinion that the occupancy of the house should be connected with the business that provided the justification, leading to their support and compliance with Policies. They agreed that an agricultural occupancy condition be attached to the consent and that a Legal Agreement tie the house to the agricultural land holding

The Review Body finally considered other material issues relating to the proposal including residential amenity, roads, parking, water and drainage but were of the opinion that appropriate conditions could address them satisfactorily. This should include a specific landscaping condition and a condition requiring that the main vehicular access be taken from the farm track to the east. Members also noted that development contributions for education were required and could be secured through the aforementioned legal agreement.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies HD2 and PMD4 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be a justified exception to PMD4 with a substantiated economic case for a house on this site. The site would also be a well-related and appropriate addition to the settlement of Morebattle with design and landscape treatment able to be addressed at the next planning stage. 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. The landscaping shall include tree planting to form a strong boundary to the north-west. 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. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 277 of the Town and Country Planning (Scotland) Act 1997, or a dependant of such a person residing with him or her or a widow or widower of such a person, and to any residential dependents.

Reason: The site is outwith a settlement boundary where it is not the Council's policy to permit unrestricted residential development, and permission has therefore only been granted on account of the demonstrated agricultural needs.

4. 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. trees to be retained within the site
 - III. existing landscaping features, hedgerows and trees to be retained, protected and, in the case of damage, restored
 - IV. location and design, including materials, of walls, fences and gates
 - V. soft and hard landscaping works including new planting within the site
 - VI. existing and proposed services such as cables, pipelines, sub-stations
 - VII. A programme for completion and subsequent maintenance.

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

5. No development to be commenced until further details of access and parking provision are submitted to, and approved in writing by, the Planning Authority. Thereafter the

development to be completed in accordance with the approved details prior to occupation of the dwellinghouse unless otherwise agreed. The details shall include:

- I. The main vehicular access to the site to be taken from the farm track to the east of the site, including construction and levels details.
- II. 2 no. parking spaces, not including any garage, and turning area to be provided within the curtilage of the site and retained thereafter in perpetuity

Reason: To ensure satisfactory form of access and adequate parking and turning provision, in the interests of road safety.

6. No development to be commenced until the details of water and drainage provision are submitted to, and approved in writing by, the Planning Authority. Once approved, the development then to be completed in accordance with those details.

Reason: To ensure that the development is adequately serviced and in the interests of public health.

7. No development to be commenced until a scheme of waste storage has been submitted to, and approved in writing by, the Planning Authority. Once approved, provision to be made in accordance with the approved details prior to occupation of the dwellinghouse.

Reason: To ensure adequate provision for waste storage within the site.

LEGAL AGREEMENT

The Local Review Body required that a Section 75, or other suitable legal agreement, be entered into to secure developer contributions for Kelso High School and to tie the house to the land holding.

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 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.....17 December 2020



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: 20/00026/RREF

Planning Application Reference: 20/00537/FUL

Development Proposal: Formation of dormer

Location: 19 Myrescroft Road, Ancrum

Applicant: Mr & Mrs D Tully

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 PMD2 of the Scottish Borders Local Development Plan 2016 in that it would have a visually unsympathetic and dominant impact on the dwellinghouse and have an adverse impact on the character and appearance of the surrounding area. This conflict is not overcome by other material considerations.

DEVELOPMENT PROPOSAL

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

Plan Type	Plan Reference No.
Location Plan	20-693-1002
Existing Layouts	20-693-PL-1001
Proposed Layouts	20-693-PL-2001

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 14th December 2020.

After examining the review documentation at that meeting, which included a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Papers referred to in Officer's Report; and e) List of Policies, the Review Body 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 and HD3

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Review Body noted that the proposal was for planning permission to form a dormer extension to a dwellinghouse at 19 Myrescroft Road, Ancrum.

Members firstly considered the scale, position and relationship of the dormer window with the property and the adjoining area. They noted that the applicants were of the opinion the proposal was necessary to achieve the additional accommodation required and they also noted the examples of double width dormers in St. Boswells provided by the applicants. However, Members also noted the presence of lesser width dormers in the same and adjoining streets nearby. Whilst there was some discussion on the appropriateness of single and double width dormers on the character of the properties, the Review Body ultimately agreed with the Appointed Officer that the proposed dormer was excessive in width and was both out of scale with the property itself and out of character with the more relevant and appropriate examples of dormer extensions nearby.

They considered that the width of the dormer did not follow the scale and design of the more appropriate local examples and was, thus, contrary to Policy PMD2 and guidance within the Placemaking and Design SPG. The width, prominent street frontage position and loss of the chimney all contributed to a feeling that the dormer would be overbearing, out of scale and character. Members agreed with the Appointed Officer that the proposed dormer was not acceptable and that, if the applicants wished to pursue the proposal, reduction in width would be necessary in any new application.

The Review Body then considered other issues relating to the proposal including materials and residential amenity. They concluded that the materials could be addressed by condition and that there was no issue with privacy or overshadowing, the frontage of the property being angled away from those properties opposite.

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.....17 December 2020

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SCOTTISH BORDERS COUNCIL WILLIAM HILL TRUST SUB-COMMITTEE

MINUTE of Meeting of the WILLIAM HILL
TRUST SUB-COMMITTEE held via Microsoft
Teams on Tuesday, 15 December 2020 at
2.45 p.m.

Present:- Councillors D. Parker (Chairman), T. Miers
In Attendance:- Pensions & Investment Manager, Principal Solicitor, Democratic Services
Team Leader

1. **MINUTE.**

There had been circulated copies of the Minute of 19 February 2020.

DECISION

NOTED the Minute.

2. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2020 AND PROPOSED BUDGET FOR FINANCIAL YEAR 2020/21**

There had been circulated copies of a report by the Executive Director Finance & Regulatory detailing income and expenditure for the William Hill Trust Fund for twelve months to 31 March 2020, including actual balance sheet values as at 31 March 2020 and proposed budget for 2020/21. Appendix 1 provided the actual income and expenditure for 2019/20. This showed a surplus of £17,723 for the year, which was slightly better than the projected surplus figure reported at the 19 February 2020 meeting due to an increase in the donations received from Other Trusts. Appendix 2 provided an actual balance sheet as at 31 March 2020. It showed a decrease in the reserves of £11,769. Appendix 3 showed the value of the Aegon Asset Management (formerly Kames Capital) Investment Fund to 31 March 2020. The Pensions and Investment Manager outlined the main points contained within the report.

DECISION

AGREED:-

- (a) to notes the actual income and expenditure for 2019/20 in Appendix 1 to the report;
- (b) the proposed budget for 2020/21 as shown in Appendix 1 to the report;
- (c) to notes the final balance sheet value as at 31 March 2020 in Appendix 2 to the report; and
- (d) to notes the current position of the investment in the Aegon Asset Management Fund in Appendix 3 to the report.

The meeting concluded at 2.50 p.m.

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

MINUTE of Meeting of the LAUDER
COMMON GOOD FUND SUB-COMMITTEE
held remotely via Microsoft Teams on
Tuesday, 15 December 2020 at 2.00 p.m.

Present:- Councillors D. Parker (Chairman), T. Miers, Community Councillor A. Smith
In Attendance:- Pension & Investment Manager, Principal Solicitor (H. MacLeod), Estates
Surveyor (J. Stewart), Democratic Services Team Leader.

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 29 September 2020.

DECISION

NOTED the Minute for signature by the Chairman.

2. **FINANCIAL MONITORING REPORT FOR 6 MONTHS TO 31 SEPTEMBER 2020**

There had been circulated copies of a report by the Executive Director Finance and Regulatory detailing income and expenditure for the Lauder Common Good Fund for the 6 months to 31 September 2020, a full year projected outturn and projected balance sheet values as at 31 March 2021. The Pensions & Investment Manager highlighted the main points of the report and appendices. Appendix 1 to the report provided actual income and expenditure position for 2019/20. This showed a projected deficit for the year of £17,432. Appendix 2 to the report showed projected balance sheet values as at 31 March 2021. This showed a decrease in reserves of £12,796. Appendix 3 provided a breakdown of the property portfolio which showed projected rental income and actual property expenditure. Appendix 4 detailed the value of the funds invested with Aegon Asset Management Investment Fund to 31 September 2020.

DECISION

AGREED:-

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

3. **LEASE OF LAND TO LAUDERDALE CYCLING CLUB**

The Estates Surveyor reported that she had met with Mrs Jackson from the Cycling Club. A suitable area of land had been identified which could be leased to the club but plans for the use of the land needed to be prepared. Mrs Jackson had queried if something could be done to the adjacent derelict buildings but as these were not in the ownership of the Common Good and even demolition costs would be high it was agreed that no action would

be taken to acquire them. The Council's Enforcement Officer had been asked to look at them to ascertain if any action could be taken. The Principal Solicitor confirmed that in terms of the legislation there would have to be a public consultation on the proposed use of the land before a lease could be issued. The Estates Surveyor had also advised Mrs Jackson that she should make a pre-application enquiry with regards to planning permission for the site including access.

DECISION

AGREED that the Estates Surveyor provide a report at the next meeting with proposals following further negotiations with the Cycling Club.

4. PROPERTY

The Estates Surveyor raised a number of property items as follows:-

- (a) With regard to the woodland planting it was noted that the consultation period ended on 10 January and it was proposed that a special meeting of the Common Good Fund Sub-Committee be held in January to receive the feedback. This would allow the lease and minute of agreement to be issued in February followed by grant applications being finalised.
- (b) It was noted that the Lauder Burn was being proposed as an area of outstanding biodiversity in the next Local Plan.
- (c) It was reported that the lease for the golf course did not match the actual area of the current golf course so it was suggested that a variation be made to the lease to correct this error.
- (d) With regard to the trees at the Lauder Burn the bat survey had now been received and 3 trees had been identified as having potential bat roosts. The Tree Specialist had recommended crown reduction for the trees around the Burnmill Car Park and quotes were being obtained for that work. A 2nd phase of works had been recommended which would look to carry out similar works to the trees on the other side of the road. Quotes were also being obtained for those works.

DECISION

(a) AGREED that:-

- (i) **a special meeting be arranged for 10 am on 27 January 2021 to look at the outcome of the consultation detailed at (a) above;**
 - (ii) **that powers be delegated to the Estates Surveyor to issue the variation of lease in respect of the golf course and that the plans showing this variation be shared with the Members of the Sub-Committee.**
- (b) NOTED the other items and that further reports would be provided where appropriate.**

5. PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 8 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

6. **MINUTE**

The private minute of the meeting held on 29 September 2020 was noted.

7. **PROPERTY UPDATE**

Members approved proposals to obtain quotes for the tree works and to proceed with negotiations for the lease of grazing land.

The meeting concluded at 2.40 p.m.

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SCOTTISH BORDERS COUNCIL JEDBURGH COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the JEDBURGH
COMMON GOOD SUB-COMMITTEE held
via Microsoft Teams on Tuesday, 15
December 2020 at 4.30 pm

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

In Attendance:- Pension and Investments Manager, Solicitor
(Steven Robertson), Democratic Services Officer (F. Henderson).

Members of the Public:- 1

1.0 APPLICATION FOR FINANCIAL ASSISTANCE

Jedburgh Leisure Facilities Trust

- 1.2 With reference to paragraph 1 of the Minute of 8 December 2020, Legal advice had been sought and circulated to the Sub-Committee together with a letter from the Applicant, Mr Burt. The Legal advice submitted stated that Common Good monies may be used for granting donations to public institutions or charities on condition that such donations must be granted to benefit the interests of the general public of the relevant area. In terms of the specific question as to whether the Jedburgh Common Good Fund Sub-Committee (“the Sub-Committee”) was prevented in law from funding the application as a result of the possibility of the survey system that the funds would pay for being open to manipulation?
- 1.3 The advice given was that it would not. The Sub-Committee were entitled to continue to fund the application should they wish to do so and its actions in that respect would not be ultra vires, illegal or contrary to public policy. The purpose of the survey was to assess whether the populace of Jedburgh would be in support of the applicant taking on care of town resources. It was for the Sub-Committee to consider whether it felt that it would be of benefit for the populace of Jedburgh to have such an endeavour funded in the sense of whether the outcome of such a survey would reasonably be seen as being of possible benefit to the town.
- 1.4 Even if for example, some individuals were to vote more than once in the survey, it was not clear that this would be “illegal” in the sense of contravening voter laws such as those which relate to election of public officials or referenda. This was simply a survey being carried out to gauge opinion on a matter of relevance to the town. If it was manipulated then clearly its results would be unreliable but it would not on the face of it be illegal, bar perhaps some nefarious end purpose to the manipulation that would itself be the illegal act. There was no known law on how voluntary public surveys of this nature must be conducted or legal repercussions if that was not the case. It was suggested that the costs of carrying out surveys of this nature in the manner that would be required for the election of public officials or referenda would result in their being unduly onerous and in many cases surveys that could be of utility would not be able to proceed. The Sub-Committee it was suggested would have no legal prohibition on reaching such a view and it would be reasonable to fund a survey of this nature.
- 1.5 The matter simply came down to the judgement of the members of the Sub-Committee as to whether they thought the funding of the survey would be of benefit to the general populace of the town, or whether in the judgement of the Sub-Committee the possibility of the survey being open to manipulation resulted in it no longer being of benefit.

- 1.6 In terms of whether the Jedburgh Common Good Fund Sub-Committee were prevented in law from funding the application as a result of the failure of the applicants to first seek funding from other sources, from the information available at present it did not appear that there was such a formal written policy and this decision making tool would instead appear to represent an informal rule of thumb that was applied by this and indeed all of the Sub-Committees. Should that prove to be the case, there would be no legal impediment on the Sub-Committee granting this application despite the fact that there had been no demonstration on the part of the applicant as to other sources of funding being sought. Were there to be a specific policy that an application can only be funded following receipt of confirmation as to alternative funding sources being exhausted, it was suggested that it was unlikely to be absolute and could be expected to leave some room for deviation if there were a clear and overwhelming case for doing so relating to the benefit of the populace of the town.
- 1.7 In response to questions about how the postcodes of voters would be verified, Mr Burt explained that there would be a random sample taken and independently scrutinised and any postcodes outwith the Jedburgh area would be discounted.

VOTE

Councillor Hamilton, seconded by Councillor Brown moved that while in support of Councillor Scott's concerns and displeased that the application was retrospective, a grant of £1,500 be made to cover the cost of the Jedeye and that the shortfall be found from somewhere else.

Councillor Scott moved as an amendment, that the application be refused. There was no seconder and the amendment fell.

The Motion was accordingly carried.

DECISION

DECIDED that a grant of £1,500 be made to the Jedburgh Legacy Group c/o Jedburgh Leisure Facility to cover the costs incurred for the Jedeye.

MINUTES of the Special Meeting of the
BERWICKSHIRE AREA PARTNERSHIP
held Via Microsoft Teams on Thursday, 17
December 2020 at 6.00 pm

Present:- Councillors J. A. Fullarton (Chairman), J. Greenwell, C. Hamilton, H. Laing,
D. Moffat and M. Rowley together with 10 representatives from Community
Councils and Community Organisations.

In Attendance:- Service Director Customer and Communities, Locality Development Co-
ordinator (G. Jardine), Communities and Partnership Manager, and Clerk to
the Council

1. **WELCOME AND MEETING PROTOCOLS**

The Chairman welcomed everyone to the special meeting of the Berwickshire Area Partnership, which would be considering the applications to the Community Fund which had been assessed. The meeting was held via Microsoft Teams and the Chairman outlined how the meeting would be conducted and how those both in the meeting and watching via the Live Stream could take part.

2. **FEEDBACK FROM MEETING ON 3 DECEMBER 2020**

The Minute of the meeting of the Berwickshire Area Partnership held on 3 December 2020 had been circulated. The Clerk to the Council advised that there was an amendment to be made to paragraph 4.2(b) of the Minute in that Keith Dickinson (Gavinton, Fogo and Polwarth Community Council) and Anne McNeil (A Heart for Duns), had also volunteered to be members of the Sub-Group being set up to examine options for the future working of the Area Partnership and the Community Fund. This amendment was accepted and the Minute noted.

3. **BERWICKSHIRE COMMUNITY FUND 2020/21**

3.1 With reference to paragraph 5 of the Minute of 3 December 2020, copies of the assessments for each application, along with additional details of timelines and funding, had been circulated prior to the meeting. The Service Director Customer & Communities gave an overview of the purpose of the meeting, the additional funding which had now come into the Community Fund, and the criteria which was applied to applications to the Community Fund. The Clerk to the Council then reminded the meeting of the decision making process. The following points were then made:

- While there was now sufficient funding to cover the applications which had been assessed to date, there was still a shortfall to cover all applications received so far to the Fund, and for those which could come in up until February 2021, so that would need to be taken into account when deciding on the assessed applications
- There were 3 substantial applications to the Fund still to be assessed, and there could be no guarantee of the size of the Community Fund in the next financial year as that would need to be considered as part of the Council budget in February 2021.
- Consideration could be given to fund applications either in full or in part

3.2 The Locality Development Co-ordinator then gave brief details of the assessed applications, the timeline and funding for each and the Area Partnership considered each one:

(a) **Reston & Auchencrow Community Council – Play Park improvements**

The Area Partnership considered the application and agreed that this was very clear, a significant project with successful match funding.

AGREED to award Reston & Auchencrow Community Council £10,000 from the Community Fund for play park improvements.

(b) **Cockburnspath Community Enterprise – Community Shop**

The Area Partnership considered the application. In response to some questions, Jenni Sutton, of Cockburnspath Community Enterprise, confirmed that an additional £5,000 more than anticipated had been received from crowdfunding efforts and it was hoped to use this to stock a broader range of goods in the shop and to pay for staff. The funding generated so far was for the building, training of volunteers and purchase of fridge/chiller cabinets, and did not cover staff costs. It was hoped that the project would be self-sustaining in a year's time. With regard to £10,000 funding from windfarms, this was ring-fenced for site reinstatement and was a condition of funding. The Area Partnership considered the application and whether the amount of funding could be reduced and whether the Community Enterprise could then apply for further funding in the future should this be required. All present agreed that this was a fantastic project, which was well supported by the community, the team had worked extremely hard in their funding efforts, and the project should be supported. However, there was no consensus as to the amount which should be granted, therefore the decision was made by SBC Elected Members. Councillor Rowley, seconded by Councillor Moffat, moved that the amount awarded to the project should be £5,000 to allow the project to get started. Councillor Laing, seconded by Councillor Greenwell, moved as an amendment that the amount awarded should be £10,000.

Vote

Motion (£5,000 award) - 2 votes

Amendment (£10,000 award) 4 votes

The Amendment was carried.

DECIDED to award Cockburnspath Community Enterprise £10,000 from the Community Fund for the Community Shop.

(c) **Duns Playfest – Community Festival**

The Area Partnership considered the application. In response to a question around what would happen if Covid restrictions continued, given the interactive nature of the Festival, Anne McNeil advised that there was superfast broadband throughout the Volunteer Hall so enough to stream performances. Juliana Amaral further advised that, on behalf of BAVs and Berwickshire Housing Association, iPads could be made available for those to watch performances. The application was approved.

AGREED to award Duns Playfest £4,000 from the Community Fund for the Community Festival.

(d) **Abundant Borders – Community Garden, Todlaw, Duns**

The Area Partnership considered the application. All were fully supportive of the project and in response to a question, the Locality Development Co-ordinator confirmed that the balance of funding to meet the total project costs would be met by Abundant Borders. The application was approved.

AGREED to award Abundant Borders £8,000 from the Community Fund for a Community Garden at Todlaw, Duns.

(e) **Coldstream Gateway Association – Floral display**

The Area Partnership considered the application. It was noted that usually the Gateway Association raised their own funding throughout the year with coffee mornings and social events, but these had been cancelled due to Covid19, so this was the first time they had had to apply for funding. All present were supportive of the project and the application was approved.

AGREED to award Coldstream Gateway Association £1,800 from the Community Fund for a floral display.

(f) **Ayton Heritage – Preservation of ruins of St Dionysius**

The Area Partnership considered the application. In response to a question, the Locality Development Co-ordinator confirmed that the original application submitted in February 2020 had not met the criteria for the Fund in place at the time, and had been re-submitted in October 2020 after the criteria had changed. All were supportive of the project. Bill Black, Chairman of the Heritage Group, confirmed that it was the restoration of the Old Kirk at Lennel which had inspired him to start the Ayton project. The Group was working with Historic Scotland and the funding would allow the project to get started. The application was approved.

AGREED to award Ayton Heritage £2,538 from the Community Fund for the preservation of the ruins of St Dionysius.

- 3.3 The Chairman thank everyone for their input into the discussions and commented on the successful crowdfunding by Cockburnspath Community Enterprise. It should be noted that the Community Fund did not hold a substantial amount, so other sources of funding should also be sought. He wished success to all the projects which had received grants that evening.

4. **ANY OTHER BUSINESS**

- 4.1 In response to a question around decision making at Area Partnership meetings, the Clerk to the Council explained that as the Area Partnership was a committee of Scottish Borders Council it was governed by the Local Government (Scotland) Act 1973. This in effect restricted the number of non-SBC Elected Members who could have voting rights on the committee. This was why consensus from those present at the meeting was sought in the first instance for decisions of the Area Partnership. Should consensus not be reached, then the decisions would revert to the SBC Elected Members. The Sub-Group established for the review of Area Partnership and the consideration of options for the future would consider whether the Area Partnership should remain as a Council committee. With regard to the Community Fund, a request was made that the scene was set for applicants to the Fund before they submitted their applications as to the assessment and decision making process that would be used. Simon Wright reflected on the experience of Chirside Community Council with their successful bids to the Community Fund the previous year. It was noted that recommendations for the future Community Fund would also be considered by the Sub-Group.
- 4.2 The Chairman thanked everyone for their attendance at the meeting and wished everyone a happy and healthy Christmas.

The meeting concluded at 7.30 pm

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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, 11 January 2021 at 10.00 a.m.

Present:- Councillors S Mountford (Chairman), A. Anderson, J. Fullarton, S. Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards, E. Small.
In Attendance:- Planning and Development Standards Manager, 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 7 December 2020.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATION**

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

DECISION

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

3. **PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2019/20**

3.1 The Planning and Development Standards Manager gave a verbal summary on the feedback received from Scottish Government to the Annual Planning Framework which had been previously circulated to Members of the Committee. This was the ninth Planning Performance Framework (PPF) prepared by Scottish Borders Council for its Planning Service and covered the period 1 April 2019 to 31 March 2020. The PPF system was established in 2012 and was intended to provide a rounded approach to assessing the progress and improvement of planning service delivery across Scotland. It focussed on addressing some of the Scottish Government's key performance markers and made reference to key statistics, using examples to illustrate good practice being used locally. The format and headings of the report followed a template agreed by Scottish Government and highlighted both performance and good practice to demonstrate service direction, targets and outcomes in the context of both national indicators and local corporate initiatives. It was highlighted that it was not simply about measuring speed of decision-making, although that was undoubtedly a factor, it was also a reflection and review of service improvements and driving up the quality of development generally.

3.2 The report submitted to Scottish Government set out the work and activities of the wider Planning, Housing & Related Services division in delivering the Council's corporate priorities. It also highlighted continuing improvement in performance in the challenging budgetary environment and adapting the service to meet the needs of the Borders. The period of the review was just coming to an end as the pandemic began, so while there was a slight overlap, the full effect of the pandemic upon service delivery would be more fully reported in the next PPF. The Performance Markers RAG (Red/Amber/Green) report issued by Scottish Government in respect of the previous year's PPF awarded 13 Green, 1 Amber and 1 Red

RAG ratings, an increase of one Green marker rating from the previous year, and it was reported that there had been further improvement since that last review. The elimination of that last red reflected the continuation of the positive improvement journey the Planning Service had been on in recent years. The one Red marker received in 2019 related to the time taken to process applications that had an accompanying legal agreement, which was slower than the previous year and the Scottish average. The service, in partnership with legal service, had made a concerted effort to reduce the timescales and had managed the processing of these critical contributions to essential infrastructure using planning processing agreements. As a result, that marker had now moved from red to green.

- 3.3 The table at the end of the letter circulated indicated the position for each of the review periods since the system began in 2013 and despite some challenging circumstances, had resulted in the best outcome since the system was introduced, with greens virtually across the board. Mr Hayward acknowledged the continued hard work and commitment of staff to the delivery of not just a high quality service but also of high quality outcomes.

DECISION NOTED

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) **there remained outstanding four appeals previously reported on which decisions were still awaited when the report was prepared on 22 December 2020**

<ul style="list-style-type: none"> Land North West of Willowdean House, Foulden 	<ul style="list-style-type: none"> Hutton Hall Barns, Hutton (Shed 5)
<ul style="list-style-type: none"> Land North East of Burnside, Lower Green, West Linton 	<ul style="list-style-type: none"> Hutton Hall Barns, Hutton (Shed 6)

- (b) **the decision of the Appointed Officer had been upheld in respect of the formation of a dormer at 19 Myrescroft, Ancrum, Jedburgh.**
- (c) **the decision of the Appointed Officer had been overturned (Subject to conditions and informatives) in respect of the Erection of a dwellinghouse together with access, landscaping and associated works Land North East of East Neuk, Morebattle.**
- (d) **there remained one review previously reported on which a decision was still awaited when the report was prepared on 22 December 2020**

<ul style="list-style-type: none"> Garden Ground of Clifton Cottage, High Street, Kirk Yetholm

- (e) **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:**

<ul style="list-style-type: none"> Fallago Rig 1, Longformacus 	<ul style="list-style-type: none"> Fallago Rig 2, Longformacus
<ul style="list-style-type: none"> Crystal Rigg Wind Farm, Cranshaws, Duns 	<ul style="list-style-type: none">

The meeting concluded at 11:05 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/01382/PPP	Residential development comprising five Dwellinghouses and associated access	Redundant Station Yard and associated grounds - Dolphinton

Decision: Approved subject to a legal agreement addressing contributions towards Education and Lifelong and affordable housing, and the following conditions and informatives:

1. No development shall commence until the details of: the layout, siting, design and external appearance of the buildings; the means of access thereto; appropriate parking provision within the site; refuse and recycling bin storage and; the landscaping and boundary treatments 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.
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.
3. The number of houses forming part of the development hereby approved shall be limited to a maximum of five.
Reason: To ensure a satisfactory form of development which contributes satisfactorily to the setting.
4. No development shall commence, unless otherwise agreed in writing with the planning authority, until a scheme to identify and assess potential contamination on site has been submitted to the planning authority for prior written approval. No construction work shall commence until the scheme has been submitted to and approved by the planning authority. Once approved, it shall be thereafter implemented in accordance with the approved scheme.

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

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

thereafter,

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

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

d) submission to the planning authority of a validation report (should remedial action be required) which will validate and verify the completion of works;

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

Written confirmation from the planning authority, that the scheme has been completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required prior to the commencement of development. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the planning authority.

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

5. No development shall commence until precise details of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The surface water drainage arrangements shall be based on sustainable drainage techniques. And surface water run-off rates shall not exceed existing levels

Reason: To ensure an adequate water supply is available and that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

1. Landscaping

With regards to Condition 1 above, the landscaping scheme to be submitted at the detailed planning stage shall include details of the following, if proposed:

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

2. Layout

With regards to Condition 1 above, the maximum number of new builds served by a private road is four. Depending on the layout for the proposed development, that may result in the need for the road to be constructed to an adoptable standard. However, if the layout was designed in a manner that the first plot was served via the existing public road, even if it was just a pedestrian link depending on the close proximity of the plot to the public road, then the road serving the remaining four plots could remain private.

Parking provision would be either 225% for curtilage parking or 175% for communal parking. Pedestrian provision shall be incorporated into the design.

NOTE

1. Mr Deryck Hogge, Resident spoke against the application
2. Mr Ruairaidh Thompson, Agent spoke in support of the application.