

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

6.	<p>Committee Minutes (Pages 3 - 62)</p> <p>Consider Minutes of the following Committees:-</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">(a)</td> <td style="width: 70%;">Teviot & Liddesdale Area Partnership</td> <td style="width: 25%;">12 January 2021</td> </tr> <tr> <td>(b)</td> <td>Audit & Scrutiny</td> <td>14 January 2021</td> </tr> <tr> <td>(c)</td> <td>Local Review Body</td> <td>18 January 2021</td> </tr> <tr> <td>(d)</td> <td>Executive Committee</td> <td>19 January 2021</td> </tr> <tr> <td>(e)</td> <td>Civic Government Licensing</td> <td>22 January 2021</td> </tr> <tr> <td>(f)</td> <td>Chambers Institution Trust</td> <td>27 January 2021</td> </tr> <tr> <td>(g)</td> <td>Eildon Area Partnership</td> <td>28 January 2021</td> </tr> <tr> <td>(h)</td> <td>Planning & Building Standards</td> <td>1 February 2021</td> </tr> <tr> <td>(i)</td> <td>Lauder Common Good Fund</td> <td>2 February 2021</td> </tr> <tr> <td>(j)</td> <td>Executive</td> <td>9 February 2021</td> </tr> <tr> <td>(k)</td> <td>Peebles Common Good Fund</td> <td>10 February 2021</td> </tr> </table> <p>(Copy Minutes attached.)</p>	(a)	Teviot & Liddesdale Area Partnership	12 January 2021	(b)	Audit & Scrutiny	14 January 2021	(c)	Local Review Body	18 January 2021	(d)	Executive Committee	19 January 2021	(e)	Civic Government Licensing	22 January 2021	(f)	Chambers Institution Trust	27 January 2021	(g)	Eildon Area Partnership	28 January 2021	(h)	Planning & Building Standards	1 February 2021	(i)	Lauder Common Good Fund	2 February 2021	(j)	Executive	9 February 2021	(k)	Peebles Common Good Fund	10 February 2021	5 mins
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SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA PARTNERSHIP

MINUTES of Meeting of the TEVIOT AND LIDDESDALE AREA PARTNERSHIP held in Via Microsoft Teams on Tuesday, 12 January 2021 at 6.30 pm

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

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

In attendance:- Service Director Neighbourhood Services, Clerk to the Council, 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 meeting of the Teviot and Liddesdale Area Partnership held remotely via Microsoft Teams, which included Elected Members, guests attending and those watching the live stream.

2. **FEEDBACK FROM MEETING OF 17 NOVEMBER 2020**

The Minute of the meeting of the Teviot and Liddesdale Area Partnership held on 17 November 2020 had been circulated and was noted.

3. **URGENT BUSINESS**

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

4. **COVID-19 UPDATE**

Jenni Craig, Service Director Customer and Communities gave an SBC update on the Covid-19 current position. Mrs Craig explained that Covid-19 had recently accelerated significantly with an increase in positive cases, partly due to the highly transmittable variant of the virus which was present in the Borders. Mrs Craig emphasised that it was essential that everyone followed the current guidelines to stay at home and minimise face to face contact. Referring to Covid-19 testing, Mrs Craig advised that due to the high case numbers, particularly in the Hawick area, a Mobile Testing Unit had been deployed to the Teviotdale Leisure Centre. In addition, a walk-in test facility had been opened at the Langlee Complex in Galashiels for symptomatic testing. Booking for tests was via the UK Government online portal. The Council was also involved in discussions with partners about the potential for asymptomatic community testing facilities in the Scottish Borders. In terms of SBC services, there was currently no direct impact over those already in place from the Level 4 period. However, the need to continue to deliver essential frontline services and give support to communities might result in staff being deployed to support other areas, for example the care service, which would result in other services having to scale back operations. Mrs Craig then discussed the Community Assistance Hubs (CAHs) explaining that they remained operational to co-ordinate support with community groups and partners within localities. Mrs Craig then advised that there had been changes to education provision with online remote learning being provided for all pupils. In-school support was still available to support key workers and vulnerable children. Mrs Craig advised that any teacher or key worker's child testing positive would

have a major impact on the school setting, therefore places had to be booked online and applications were considered on an individual basis. Mrs Craig further advised that any planned Senior Phase Assessments would be postponed and carried out when possible with appropriate preparation time provided. With regard to Live Borders, their facilities were closed. Live Borders membership had been kept updated and digital services ranging from online fitness classes to online library access continued to be offered and could support home learning. Regarding support to businesses, there was a range of funds available and the Council continued to work closely with South of Scotland Enterprise (SoSE) to ensure support was made available to businesses. Information was available on the Scottish Government website at 'Find Business Support'. Mrs Craig concluded her presentation by advising that anyone within the community requiring assistance should contact 0300 100 1800 to access support through the CAHs. In response to questions, Mrs Craig advised that she would investigate the lack of acknowledgements for business grant applications submitted through the SBC website. Mrs Craig would also feedback to NHS colleagues publicising Mobile Testing Unit availability, the Teviotdale Leisure Centre as a suggestion as a venue for testing and the access limitations at Hawick Town Hall. She would also feedback concerns that people were not abiding by the Covid-19 guidelines and that clarity on travel and a visible police presence was required to stop cross border visits for example at the Seven Stanes. The Chairman thanked Mrs Craig for the informative presentation.

(Note: Following the meeting the presentation slides were forwarded to the Area Partnership circulation list)

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

- 5.1 With reference to paragraph 4 of the Minute of 17 November 2020, the Chair advised that the Area Partnership needed to build on the findings of the Scottish Community Development Centre (SCDC) report and consider how to strengthen community engagement and participation. He welcomed Barbara Elborn, Newcastleton & District Community Council and Philip Kerr, Southdean Community Council, who provided a pilot proposal for a new way forward based on feedback and discussion with Teviot and Liddesdale Community Councils, Elected Members and officers. Introducing the presentation, Mrs Elborn explained that the proposed model would level up rural communities, create a new forum that met community needs, whilst working with the Council and partners in terms of provision of services at a local level, acknowledging strategic development requirements and funding. The model would build on core values established under the Community Empowerment Act and Participatory Budgeting Charter, be flexible, transparent, accountable and engage more widely with communities. 2020 learnings had shown that working collaboratively with key partners achieved more and it was important that the Community Assistance Hubs continued as they were indispensable in delivering services to the community. Administrative support would also need to be retained. Mrs Elborn went on to explain the three common elements from feedback were: more transparency and say; greater influence in service provision that impact each of us in different ways; and, community sustainability through economic growth, developing what we have, maximising its uses and attracting new investment. Shared learnings and experience, for example with access to a community council website, would increase confidence and expand community engagement. Mrs Elborn suggested that the remit for the Area Partnership going forward should include: budgets and funding; service provision and local delivery; and strategic issues impacting on place. It was also suggested that regular engagement with police, fire, health, education, waste services and the road services should be reintroduced. Sub-groups could be established which would be easier to manage and expand expertise in terms of learnings, for example to discuss bigger issues such as extending the railway line into Carlisle. Based on the principles of the Participatory Budgeting Charter, the fundamentals in developing the new vision and objectives should include: Community – reflecting the needs of the community it served; Participatory – consultative not imposed; Deliberative – beneficial to the wider community; Accessibility – everyone has the opportunity to have a say.

- 5.2 Mrs Elborn then referred to the management of the Community Grant Fund. To ensure transparency and accountability the model suggested that all applications should be scored and assessed against criteria and that scorecards be published so the applicants knew why they had been awarded points. More information was required in terms of project assessment and why those decisions were being made. This would give a more considered view for each application before discussion at the Area Partnership. In the future, consideration could be given to allow communities to vote online for projects. Representation proposed for the new forum would be each community council, elected Members with a Chair and Vice Chair as well as administrative support. A Panel of 14 would consider applications and this would ensure a wider understanding of community needs and shared learnings. The balance of the Fund was to be split into two pots (one share for smaller communities and two shares each for Burnfoot and Hawick) to decide on smaller projects at a local level. The larger fund would be based on criteria measured on scoring and assessment on which the Area Partnership would vote. Mrs Elborn concluded the presentation by advising that the next step was for a report to go to Council in March where Area Partnership proposals would be considered. A separate report detailing Community Fund proposals would also go forward in March. The proposed model would work alongside the CAHs as their role was integral in solving issues in crisis situations. Working together, the Area Partnerships could be a force for change and help deliver community empowerment.
- 5.3 The Chair thanked Mrs Elborn for the comprehensive presentation. During discussion it was noted that the suggested model would tie in with Fit for 2024 and fully engage with the principles of community engagement, particularly with rural communities. The model was considered a positive way forward that would need further exploration and involvement with other partners such as the police, fire service and RSLs. In response to a question regarding the legality of Community Councils allocating Council money, Mrs Craig advised that further exploration and discussion was required to be clear on what was proposed going forward and how this would work. Ms Wilkinson added that one of the options that Council could consider was that Area Partnerships no longer be Council committees. The Council could grant the Community Fund to a community body with parameters on what and how the funding could be allocated and the decision making process. This was one model for consideration and through the public consultation other models might be suggested.

(Note: Following the meeting the presentation slides were forwarded to the Area Partnership circulation list.)

6. **TEVIOT AND LIDDESDALE COMMUNITY FUND 2020/21**

- 6.1 Gillian Jardine, Locality Development Co-ordinator advised that since the last meeting the Fund had received a further allocation which meant that the total Community Fund was £66,837.00. If the application to be considered tonight was successful the balance remaining would be £42,541.66.

- 6.2 **Hobkirk Community Council**
The application for consideration was from Hobkirk Community Council which was seeking £3,064.34 for the purchase of shrubs, trees, compost and material to plant shrubs at Bonchester's War Memorial and Village Hall. Mr Phipps from Hobkirk Community Council was in attendance and explained that the intention was to make the village look more vibrant and appeal to visitors travelling to the area. The pruning and maintenance of the shrubs would be undertaken by volunteers in the community. The Area Partnership approved the application for grant funding of £3,064.34 to Hobkirk Community Council.

7. **COMMUNITY FUND PROJECT EVALUATIONS**

With reference to paragraph 6.2 of the Minute of 19 November 2019, the Chair welcomed Rachael Disbury from Alchemy Film and Arts who was in attendance to give an evaluation

of the £9,925.00 funding they had received for the 'Once upon a time in Hawick' project. Ms Disbury explained that despite Covid-19, they had managed to deliver some of the proposed project and also a digital version of their Festival. This had received 15,000 online visits, many from international visitors, which they hoped in future years would generate in actual visits to Hawick. Alchemy's original proposal had also included community activities and they had been able to assist community groups to stay connected and transfer their content to digital means. Ms Disbury advised that they had delivered digital workshops to groups such as Interest Link; outdoor film workshops with Branching Out; partnered with Hawick Archaeological Society to produce online screenings of their lectures and digitally streamed Santa for Cherrytrees Nursery. Ms Disbury went on to advise that Alchemy had won an Inspire Award and had been nominated for a Scottish Charity Award through their work with community groups. Towards the end of 2020, they had launched Borders Community Archive which was designed to secure Hawick's history on film. They had also continued to coordinate the Border Screen Network and research and development on local themes for projects in 2021 including artist Andy Mackinnon and Natasha Ruwona who was working on a project surrounding Tom Jenkins: <https://alchemyfilmandarts.org.uk/natasha-ruwona/>. To conclude, Ms Disbury advised that it had not been the year Alchemy had expected but they had delivered a digital festival, research projects, established a community archive and responded to community needs by providing digital support and this would continue. In response to a question, Ms Disbury advised that they were one of the first film festivals to go online. The Chair thanked Ms Disbury for the interesting project and the Area Partnership congratulated Alchemy on their achievements during this difficult time.

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

- 8.1 The Chairman, Councillor Richards, advised that the Teviot and Liddesdale Community Fund for 2020/21 guidance and an application form was available on the Council's website. Any group wanting to submit an application should do so by the start of February for consideration at the March 2021 meeting.
https://www.scotborders.gov.uk/info/20076/community_grants_and_funding/261/community_fund
- 8.2 Referring to the Teviot & Liddesdale Locality Plan & Action Plans, he advised that these plans were now published and outlined the priorities of the Teviot & Liddesdale area and suggested these could be the focus of a future Area Partnership meeting:
https://www.scotborders.gov.uk/downloads/file/7595/teviot_and_liddesdale_locality_plan
- 8.3 With regard to the Community Empowerment (Scotland) Act 2015, currently there were no formal Participation Requests and no formal Asset Transfer requests being considered within Teviot & Liddesdale. Further information could be found here:
https://www.scotborders.gov.uk/info/20062/strategies_plans_and_policies/357/community_empowerment_scotland_act_2015
- 8.4 Councillor Richards further advised that Fit for 2024 proposals for community engagement had been circulated with the agenda. Mrs Elborn raised concerns that the proposals did not identify engagement with local rural communities. It was hoped that the new proposed model would be a way of engaging with local communities in the Teviot and Liddesdale area. Ms Wilkinson advised that this was the start of the engagement, the wider public consultation would involve Area Partnerships. Ms Batsch raised that the Third Sector should be resourced to support engagement with Fit for 2024.

9. **ANY OTHER FORMAL BUSINESS**

Regarding the Community Council Scheme Review Group it was noted that John Scott was to be replaced by Cameron Knox.

10. **OPEN FORUM**

- 10.1 Mrs Elborn advised that Newcastleton and District Community Trust had started its first outreach learning project for women in business who needed support. There was a limited number of free places.
- 10.2 Regarding campervans at the Common Haugh, it was advised that this would be considered at the next Hawick Common Good Fund Sub-Committee.
- 10.3 Mr Kerr advised that Keltbray were offering vouchers for households disrupted by recent power outages and he would follow up. Severed phone lines had recently been repaired by Open Reach. SBC's emergency planning team did not have BT or Open Reach on their preferred contact list and Ms Jardine would discuss this with emergency planning.
11. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA PARTNERSHIP - 9 MARCH 2021**
The next meeting was scheduled for Tuesday, 9 March 2021. Suggestions for agenda items could be sent to the Locality Development co-ordinator at gillian.jardine@scotborders.gov.uk It was agreed that the next meeting should start at 6.00 pm.

CHAIRMAN

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

The meeting concluded at 8.40 pm.

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SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTE of Meeting of the AUDIT AND
SCRUTINY COMMITTEE held via Microsoft
Teams on Thursday, 14 January 2021 at
10.00 am

Present:- Councillors S. Bell (Chairman), H. Anderson, J.A. Fullarton, J. Greenwell,
N. Richards, E. Robson (from para 3.3), H. Scott and S. Scott.
Also present:- Councillors S. Aitchison and A. Anderson (for petition).
Apologies:- Councillor E. Thornton-Nicol

In Attendance:- Service Director Assets & Infrastructure, Service Director Young People,
Engagement & Inclusion, Service Director Customer & Communities, Clerk to
the Council, Democratic Services Officer (F. Walling).

SCRUTINY BUSINESS

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 10 December 2020.

DECISION

APPROVED for signature by the Chairman.

MEMBER

Councillor Harry Scott declared an interest in the following item of business and left the meeting during the discussion.

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 Dr Stuart Gordon.

2.2 **Petition – Save Scott Park - Galashiels**

There had been circulated copies of a petition entitled “Save Scott Park – Galashiels”, which had received the required 10 signatories. There had also been circulated a Change.org petition with over 700 signatures, although not all those signing were from the Scottish Borders. There had also been circulated copies of a briefing note by the Service Director Assets and Infrastructure in response to the petition. The reason for the petition, as stated within the submission circulated, was that from a presentation given by Scottish Borders Council to local residents, it was clear that the Council was currently developing its preferred option for the new Galashiels Academy and, if given planning consent, the proposal would place the new campus within Scott Park. The Clerk confirmed that this was a valid petition for consideration by the Committee.

- 2.3 The Chairman invited the petitioner to present the petition. Dr Gordon introduced himself and gave a summary of his background. He explained that he was a Chartered Engineer with over 30 years’ experience. He was now a consultant and been involved in a series of high profile projects which included work for the Scottish Government. Dr Gordon referred back to the petition statement, which maintained that the design team had selected a preferred site for the new development before any public consultation had

taken place. Although the petitioners agreed that the construction of a new school and associated sporting and community facilities would be of great benefit to Galashiels, the group strongly opposed locating the campus within the park. It was stated that Scott Park was one of the few remaining open spaces in the town which provided a safe and natural environment that was used widely by families and for a range of social events and sporting activities. The petitioners insisted that the Council should develop an alternative option to their proposed plan that would make use of the existing 7 hectare site to accommodate the new campus building and pitches. Council policies included reference to Key Greenspace and Scott Park was identified as such. The policy offered protection to these spaces and the petitioners asked that the Council respect this policy and endeavour to deliver a new campus within the existing school grounds that would sit alongside and in harmony with the park. The statement concluded by emphasising that the petition was being presented to save one of the best open spaces in Galashiels.

2.4 Dr Gordon had noted that ground investigation works had been undertaken in Scott Park in October of last year and he and his group had made efforts, in October and November 2020, to raise objections to development within the park with the Service Director Assets & Infrastructure. A petition had been submitted at the end of November but had been misplaced. Dr Gordon referred to the report to Council on 17 December 2020, which he said was to essentially take forward the preferred option for the campus building despite there having been no consultation on the options. The report did not preclude consideration of all 5 options for location but only option 3, the preferred option, had been fully developed. The public now expected robust consultation on a set of properly developed options. Dr Gordon went on to highlight in detail the problems that he saw within that report. He emphasised that policy should drive development but he gave examples of where he believed the proposal contradicted the Local Development Plan (LDP2) and in particular policy EP11 – protection of greenspace. Dr Gordon quoted parts of policy EP11 and stated where he believed this was not being complied with. He referred to the independent planning advice, accompanying the report to Council, which noted that policy EP11 could be seen to permit development on greenspace subject to mitigation in the form of replacement greenspace to a similar level of provision. Dr Gordon maintained that the alternative proposed area of greenspace offered in mitigation was not an acceptable or adequate replacement for the area of Scott Park being lost, in terms of its character and amenity. The alternative represented a patchwork of areas which would be severed by a live access road to the new school and rather than creating safe places for leisure activities the secluded areas would be hidden from sight and encourage vandalism. Furthermore it was proposed to remove an attractive Victorian Lodge and replace this with a playpark. Dr Gordon said that, in terms of the preferred option, he had physically marked out in Scott Park the footprint of the campus building and that this could be compared in size to one of the large superstores within the town. He said this option should be a last resort and that the Council should properly develop other options which had been presented in the report to Council. He had ideas, in particular, about the feasibility of options 1 and 2 and how these could be developed. He would be happy to share these ideas with the Council. In conclusion Dr Gordon asked the Council to adhere to LDP2, to properly comply with policy EP11 and to develop a set of viable options to take forward to public consultation.

2.5 Councillors thanked Dr Gordon for his detailed presentation. In response to a question about the alternative greenspace offered as part of the preferred option, Dr Gordon explained that if the alternative area had the same flat and open character of Scott Park this would be more acceptable. In fact it was different in character and not connected but divided by trees. He regarded the existing park as an open and safe area which he had observed being used by children and adults for games and exercise, dog walking and sledging. The park was also used for Braw Lads events and in the past had been used to facilitate an annual caravan rally. In response to a further question about whether he was suggesting the existing school children be decamped while a new campus was built on the same site, Dr Gordon accepted that he did not want this but suggested that if option 1 was explored, to build on existing pitches behind the school, the children would be

unaffected. He clarified that what the petition was seeking was for the Council to take forward for public consultation a set of viable well developed options that were the best they could be.

- 2.6 In attendance to present the Council's response to the petition, were Mr John Curry, Service Director Assets & Infrastructure and Mr Steven Renwick, Project Manager. Also present was Ms Lesley Munro, Service Director Young People, Engagement & Inclusion. The report, which had been circulated prior to the meeting, summarised the content and context of the petition received by the Council. It set out the background to the decision to build a replacement Galashiels Academy, that the location should be focused on the existing school site and that a key criteria was to develop a proposal for a new Community Campus while keeping the existing Academy operational. The 5 options presented in the report to Council on 17 December 2020 had been assessed as part of an options appraisal process. The report identified a preference for option 3 and Councillors agreed at the Council meeting to take the project to public consultation. The report acknowledged that this would have an impact on Scott Park and its key greenspace designation. Independent planning advice had been obtained which identified that there would be prospects to promote a planning application for the new Community Campus. The planning advice identified that, subject to justification, replacement greenspace adjacent to the development would be considered material to a planning application. The appendix to the report to Council on 17 December 2020 identified landscape proposals that re-provided and enhanced Scott Park. These proposals would be developed in more detail as part of the ongoing design process to improve access, usability and the overall environment of the park. Public consultation material was now being prepared with the intention of commencing early February 2021. The public consultation would be structured under the Schools (Consultation) (Scotland) Act 2010. Within this legislation, the Council was required to consult on a 'relevant proposal'. While the consultation material would show and describe all options considered, it was intended that the 'relevant proposal' would be Option 3 as contained within the report to Council on 17 December 2020. Mr Curry advised that as the project would cover an area greater than 2 hectares a 'Proposal of Application Notice' (PAN) would be required under planning legislation. This process would take place prior to a full planning application. Officers had reviewed the requirements of the PAN and intended delaying this consultation process until after the consultation which was being prepared under the Schools (Consultation) (Scotland) Act 2010. Mr Curry acknowledged that, whilst it was normal practice to carry out ground investigation works based on a preferred option, this survey work carried out in the October School holiday, appeared to have been the catalyst for local and community based opposition to a proposed development that would impact on Scott Park. Officers had taken steps to meet groups, including the nearby Scott Crescent residents, in an attempt to be proactive and engage with the community.
- 2.7 The Chairman invited Members' questions on the officers' response to the petition. In terms of the area of proposed replacement green space Mr Renwick referred to the appendix to the report to Council on 17th December 2020 which identified a net gain of 2.3 hectares, but he acknowledged that this did not provide like for like replacement of a flat area of grass. However, there appeared to be no reason that the present activities identified as taking place on Scott Park could not also take place on the re-provisioned spaces. Mr Curry confirmed that, for the consultation, there were no plans to develop the other options to an equivalent level as Option 3 but that the public would be able to question and comment in relation to all the options. It was hoped that the consultation would access a large number of groups and capture as much feedback as possible through major platforms and on-line workshops. In terms of the successful bid for funding support from Scottish Government, Mr Curry agreed that there was a potential risk to the delivery of the new campus if delivery proved to be too challenging. However it was a priority for the Council to include and engage with the community throughout the process. With reference to the Council's dual role in relation to this project, the Chairman asked how the Council, in developing the proposal, would ensure its independence from the planning process. Mr Curry explained that the external team commissioned to develop the

proposals sat separate from the regulatory team. An independent planning consultant had also been brought in to advise the design team and to ensure separation from the Council's planning team. The Chairman asked Mr Curry to make this clear in communications to the public. With regard to proposals for the site and in particular in terms of plans for the historic lodge building and the access road across the park, Mr Renwick agreed that there was flexibility. Under Option 3, the volume of traffic on the existing access road which bisected the park would be reduced as the proposal was to use, as an access to the school, the access to the new car park to the north of the site. He confirmed that there was scope for changes. When invited to put questions to the officers, the petitioner, Dr Gordon, asked if the design team would consider exploring further development of Options 1 & 2 in a workshop with himself and others within his group, so that there was a viable strong alternative to Option 3. Mr Renwick pointed out that, as outlined in the report to Council, Option 1 would result in the loss of existing sports provision for about 900 children during the 2 ½ year construction period, which would significantly disrupt curriculum provision for those young people. Mr Curry expressed confidence in the experienced and capable design team and indicated his preference to continue as planned rather than develop a solution that may not be viable. He added that should the outcome of the consultation raise other options these would be considered.

- 2.8 The Chairman invited members of the Committee to discuss the submissions and consider their findings. Members welcomed the well-researched petition and the debate that had been initiated. However, on balance, they were satisfied that all the options had been developed and wanted to support Mr Curry in taking forward the existing proposals for public consultation. They commented in particular on the importance of minimising the impact on the pupils attending the existing Academy during the construction of the new campus building. Members noted that should other possibilities and suggestions be put forward as a result of the public consultation they could be considered at that stage. The Chairman asked that the micro-siting opportunities discussed, such as restricting use of the existing access road, be explored for Option 3 if, after consultation, that remained the favoured way forward. Councillor Bell thanked Dr Gordon for his well-articulated case and the officers for their response. He apologised to Dr Gordon for the delay in considering his petition which had not happened until after Council had considered the options for the new Galashiels Campus and hoped that Dr Gordon would take the decision of the committee in the spirit in which it was intended.

DECISION

AGREED that the issue raised by the petition did not merit further action at this time.

MEMBER

Councillor Harry Scott re-joined the meeting.

3. CHILD POVERTY

- 3.1 There had been circulated copies of a joint report by the Service Director, Customer & Communities and Service Director, Young People Engagement & Inclusion providing an overview of the evaluation of the actions that Scottish Borders Council and Partners were taking to tackle Child Poverty in the Scottish Borders. The report was presented by Ms Jenni Craig, Service Director, Customer & Communities and summarised in a slide presentation. Also in attendance was Ms Janice Robertson, Strategic Planning & Policy Manager. Ms Craig explained that The Child Poverty (Scotland) Act 2017 required Local Authorities and Health Boards to jointly prepare a Local Child Poverty Action Plan, Report and an Annual Progress report. A Report, Action Plan and Annual Progress Report for both 2018/19 and 2019/20 had been agreed by the Community Planning Partnership Strategic Board, submitted to Scottish Government and published on the Council's website. A current Report and Action Plan for 2020/21 had also been agreed and published with an Annual Progress Report to follow in April 2021. The Child Poverty Planning Group (CPPG) managed the implementation of the Plans and was accountable

to the Scottish Borders Community Planning Partnership (CPP). Membership of the CPPG, a strategic group of senior multi-agency partners, was shown in Appendix 1 to the report. The remit of the CPPG was to plan, undertake and monitor actions and to report to CPP and Scottish Government. Plans were prepared within themes and outlined the activity taking place, which partners were involved, which poverty driver the action sought to improve, intended beneficiaries/target groups and how the impact would be assessed.

- 3.2 Ms Craig went on to provide the highlights from the reports and referred to the Child Poverty Action Plan attached as Appendix 2 to the report. The 2018/19 report, the first produced under the Act, detailed activities including modern apprentice opportunities; targeted support and intervention to close the poverty related attainment gap; active promotion of free school meals, clothing grants and educational maintenance allowances; Early Years Pathway Project; and Housing Plans to assist homeless. Highlights of the 2019/20 report included apprenticeships and training opportunities in partnership; Inspire Learning programme – access to own Ipad for all students from P4; and continuing successful Early Years Project. The current report, due by June 2021, contained planned actions on a Money Worries App to signpost to services; Connecting Scotland bids to enable the more vulnerable to get online; continued work on the poverty related attainment gap; families in crisis access to emergency funds; and affordable housing developments. A recommendation that was highlighted for local action, in a Poverty and Inequality Commission review of the 2018/19 Action Reports, was ‘to review how data and evidence is used to measure progress and ensure effective evaluation and monitoring methods were in place’. The approach to this recommendation was outlined in the report. Action Plans were organised into themes and indications given of which partners were involved in each action and which poverty driver the action was designed to address. The Action Plan also set out how the impact of each action would be assessed and the beneficiaries and target groups of that action. Evaluation and monitoring methods continued to be strengthened and were reviewed by the CPPG to ensure that they were effective and produced outputs and evidence to support actions.
- 3.3 In a discussion of the report and presentation, Members received further information in response to their questions, particularly in relation to the statistics contained within the Action Plan attached as Appendix 2 to the report. Attention was drawn to the fact that, in terms of the HMRC child poverty data, shown within the appendix, the percentage of children who lived in families with limited resources in the Scottish Borders was significantly higher than the percentages in other local authorities in the family group. It was accepted that this could be due to the significant impact of the low wage economy in the Scottish Borders. However officers were asked if more in-depth benchmarking work could be carried out with the comparator authorities to explore whether there were significant underlying issues or whether the difference was due to how the data was gathered. Attention was drawn to a formatting problem in the table under Figure 8 within the appendix which resulted in a misleading set of figures. Also there were no headings on the table to explain the information presented. Officers apologised for this error and advised that a corrected table, with headings and showing figures for each Ward, would be circulated to Members. When asked if there was scope for Councillors to be more involved in the actions to tackle child poverty, Ms Craig referred to the Member/Officer Anti-Poverty Strategy Working Group. This was a short-life working group but there may be an opportunity for further Member involvement deriving from that. Officers would raise this point with the Group. In terms of the progress of the Pathways Project, Ms Craig explained that the pilot had been successful and that the project had been at the point of roll-out when the Covid outbreak occurred. A question was asked about the risk of poverty remaining hidden and the significance of the Child Poverty Index (CPI), developed by Scottish Borders Council from data related to four components, rather than relying on one-dimensional measures. Ms Craig confirmed that the CPI was a valuable tool with data being reported through the Anti-Poverty Strategy Working Group. She would provide an update on how this was used and circulate to Members. In response to a question about the attainment gap and issues around internet connectivity, the Service Director, Young People Engagement & Inclusion, agreed that in addition to providing Ipads there

were actions being taken to address connectivity problems, for example by the provision of MiFi Units. However there needed to be more granular understanding of the attainment gap and its impact as this may not be the same for each young person. Ms Craig agreed that financial challenges for families appeared to be growing and that an increasing level of advice would be required. The Council would be liaising with Citizen Advice colleagues about what was expected to be a key area of focus this year. The concluding discussion focused on how Child Poverty was defined as there appeared to be no clear definition. It was noted that identification of the drivers for poverty were dependent on the definition. Members also expressed the view that, although the report presented a raft of initiatives, it would be helpful to have more performance information. Members welcomed Ms Craig's suggestion to include performance information in the quarterly corporate performance report in addition to the presentation of a more detailed annual report. It was agreed that officers be requested to provide an update to the Audit and Scrutiny Committee meeting in June 2021 to take forward the issues that had been raised. The Chairman thanked the officers for their attendance.

DECISION

AGREED:-

- (a) that an updated table of figures showing child poverty levels in each Ward would be circulated; and**
- (b) to request that officers provide an update to the June Audit & Scrutiny Committee to facilitate discussion on the following:**
 - (i) a definition of child poverty and a view of the key drivers for child poverty;**
 - (ii) how Councillors could be involved in the Council's approach to tackle child poverty;**
 - (iii) the information to be included in presentation of data in quarterly performance reports; and**
 - (iv) whether benchmarking with local authorities within the family group could be carried out to identify any underlying issues giving rise to the difference in percentage levels of child poverty and to learn from best practice.**

The meeting concluded at 12.45 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, 18 January 2021 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).

MEMBERS

Having not been present when the following review was first considered, Councillors Anderson and Moffat left the meeting.

1. CONTINUATION OF REVIEW OF 20/00453/FUL

- 1.1 With reference to paragraph 3 of the Minute of 17 August 2020 and paragraph 3 of the Minute of 16 November 2020, the Local Review Body continued their consideration of the request for review of refusal of the application for demolition of a garage and erection of a dwellinghouse in garden ground of Clifton Cottage, High Street, Kirk Yetholm. Due to the ongoing Covid-19 restrictions which prevented a site meeting being held, Members had asked the Planning Advisor to take video footage of the site and immediate surroundings and to present this at an oral hearing session. Due to the dispute between the applicant's agent and one of the objectors over the accuracy of the measurements in producing the cross section to demonstrate the relationship of the proposed house with the neighbouring house to the north, Members had also requested the findings relating to the disputed measurements to be presented at the hearing in addition to the video footage.

HEARING SESSION

- 1.2 The applicant was represented at the hearing by agent Mr Tim Ferguson, of Ferguson Planning. Also in attendance was Mr Kristoffer Smith who had objected to the application and the Council's Architectural Manager Mr Ray Cherry, who was present to answer questions if required, relating to the disputed measurements in producing the cross section. The other interested parties had not responded to invitations to attend. Hearing statements by Ferguson Planning and Mr Smith had been circulated in addition to observations from Mr Cherry, on the methodology adopted to produce the measurements for the cross section.
- 1.3 The Planning Advisor, Mr Craig Miller, proceeded to present video footage of the site. He explained that he had taken the footage from a series of viewpoints suggested by interested parties, which he detailed on a map of the area. He also confirmed that, in response to the request by Members, the applicant had erected a temporary profile on the site, indicating the ridge height of the proposed dwellinghouse, to enable this to appear in the footage. Markings at metre intervals had helpfully been added to the profile, but Mr Miller explained that, due to being inserted into the ground, the measurement to the first mark was a few centimetres less than a metre and consequently the overall height of the profile was slightly less than the ridge height shown on the cross section. Following the presentation the Chairman gave Members and interested parties the chance to ask questions or ask for any part of the footage to be repeated. Mr Miller was commended for the video and the applicant was thanked for providing the temporary profile on the site.

- 1.4 The Chairman then invited Mr Ferguson to present his case in relation to the disputed measurements used to produce the cross section. Mr Ferguson referred to his hearing statement which he said sought to consolidate previous representations on the issue of the proposed dwelling's ridge and eaves height. He welcomed the observations of the Council's Architectural Manager that in his opinion best endeavours had been employed by the applicant's agent to provide the measurements requested. Mr Ferguson explained that a GPS unit was used to take measurements and each measurement was an average of three individual readings, all of which fell into a very narrow range. The measurements of Clifton Cottage were previously taken, prior to restrictions on movement owing to Covid-19, and subsequently used as reference points for the performance of the GPS unit. Each measurement taken on Clifton Cottage proved correct to within 2% tolerance of the professionally taken measurement. The statement detailed the relationship of the proposed dwelling's ridge height with ridge heights of nearby existing dwellings. The ridge of the proposed dwelling standing significantly shorter than 9 High Street but taller than Burnsyde served to illustrate the influence of the slope upon which all three sat. The broad parity of height with Clifton Cottage (with 38 cm discrepancy) showed the proportionate scale of the proposed dwelling. Mr Ferguson added that, if considered significant, the appellants were prepared to accept a condition requiring that the ridge height of the proposed dwelling be no taller than the ridge height of Clifton Cottage. In conclusion Mr Ferguson maintained that in his view the impact of the proposed dwelling on the streetscape was minimal.
- 1.5 When invited to present his case, Mr Smith said he did not have anything to add to his hearing statement which was before Members and which set out in detail his position with regard to his challenge about the accuracy of measurements taken to demonstrate the relationship of the proposed house with the neighbouring house to the north. Within the statement Mr Smith explained that he was not in a position to dispute the dimensions provided on the section drawing. Rather he questioned the accuracy of the submission based on, firstly, the difficulties in conducting accurate level surveys and the experience required to conduct such an exercise and secondly, the anomalies and inaccuracies in submissions. The statement went on to set out concerns about the accuracy of measurements undertaken at Burnsyde, the neighbouring house to the north of the site and questions about the mapping software used. Drawings were included to illustrate the possible effects on ridge height from inaccurate building measurements. It was pointed out in the statement that it would seem logical for the survey, used to produce the section, to have been carried out in accordance with the RICS guidance note 'Measured surveys of land, buildings and utilities, 3rd edition', a copy of which had also been circulated. In further discussion Mr Smith questioned the position of the temporary profile which had been erected on the site to demonstrate the height of the proposed dwellinghouse. He pointed out that there would need to be excavation works to adjust the level and that there would consequently be excavation of the access over the green space. In response, Mr Ferguson clarified that the existing access to the garage would be used and that, during the construction phase excavation would be internal to the site and within the parameter of the access.
- 1.6 The Council's Architectural Manager, Mr Ray Cherry, did not add to the observations he had provided, in relation to the methodology adopted for the survey of the site. In those observations, he put forward that the method of measurement seemed reasonable, although the description of 'GPS measurements' could mean a variety of options. Clarification of the particular device used would have dictated the tolerance of measurements. However Mr Cherry suggested that the approach taken appeared to have been a robust one that should have produced consistent results across the area in question. Mr Cherry outlined other information which would have been helpful, such as an indication of locations from where measurements were taken and level heights at key points, but he concluded by advising that it appeared the applicant's agent had employed their best endeavours to provide the information requested by the Local Review Body.

1.7 The Chairman thanked all parties for their attendance and submissions, closed the hearing session and asked the Local Review Body to reconvene to continue consideration of the case, based on the information received during the hearing and contained within all the documents circulated.

1.8 **CONTINUATION OF REVIEW**

Prior to discussion of the case, the Planning Advisor, summarised the background to the review and the information provided. Members discussed the application in detail, focussing on whether the site could be considered an infill location, whether the proposal was acceptable in terms of its height and mass and whether the proposal would preserve and enhance the amenity of the Conservation Area. In particular they took into account the footprint of the proposed house within the size of the plot, the slope of the site and potential impact of the proposed development on the surrounding street scene and historical setting. Members took into account the suggestion that the ridge height could be reduced to match Clifton Cottage opposite. After lengthy debate Members' opinion remained divided:

VOTE

Councillor Small, seconded by Councillor Ramage moved that the decision to refuse the application be upheld.

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

Members voted as follows:-

*Motion - 5 votes
Amendment - 2 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, the additional information provided and the oral Hearing session;**
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision to refuse the application be upheld and the application be refused, for the reasons detailed in Appendix I to this Minute.**

The meeting concluded at 11.55 am

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APPENDIX I

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

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

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

Local Review Reference: 20/00018/RREF

Planning Application Reference: 20/00453/FUL

Development Proposal: Demolition of garage and erection of dwellinghouse

Location: Garden ground of Clifton Cottage, High Street, Kirk Yetholm

Applicant: Mr & Mrs D & C Morrison

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. A dwellinghouse on this site would not comply with policy PMD5 of the Local Development Plan 2016 as it would detract from and harm the character and amenity of the surrounding area.
2. The proposals would not comply with Policy EP9 of the Local Development Plan 2016 in that there would be significantly harmful adverse impacts to Yetholm Conservation Area.
3. The proposals are contrary to Policy EP11 of the Local Development Plan 2016 in that there would be direct and indirect adverse impacts and harm caused to the public open space (the roadside verge and water pump) which front the site, to the detriment of the visual amenities of the area.
4. The proposals do not comply with Policy PMD2 and Policy PMD5 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that they do not respect the scale, form, and design of the surroundings, to the detriment of the visual amenities of the area.
5. Without further field evaluation, the development is contrary to Policy EP8 of the Local Development Plan 2016 in that there is a medium to high potential of the site yielding

archaeology of local or regional importance which could be harmed or destroyed by the development.

DEVELOPMENT PROPOSAL

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

Plan Type	Plan Reference No.
Location Plan	AH073 P03B
Site Plan	AH073 P02B
Floor Plans and Elevations	AH073 P01A
Shadow Plan	AH073 P03B
Site Sections Plan	AH073 S01A

PRELIMINARY MATTERS

The Local Review Body initially considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17th August 2020.

After examining the review documentation at that meeting, 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 Comments; e) Objections; f) General Comment; g) Additional representation from objector and response from applicant; and h) List of Policies, the LRB concluded that it did not have sufficient information to determine the Review with regard to the potential impacts of the scale and, especially, the height of the dwellinghouse on the character of the village. The Review Body requested further information be provided by the applicant on the ridge height of the proposed dwellinghouse and a drawing to show the levels/ridge height in comparison to the neighbouring house to the north. Members also decided to carry out an unaccompanied site visit to assess the development in the context of the surrounding area.

At its meeting on 16th November 2020, the Review Body were asked to consider the further procedure to be followed in terms of the unaccompanied site visit. The ongoing Covid-19 restrictions had delayed the visit and responses to risk assessments carried out, following a tightening of restrictions, led the Council to decide that a site visit could not be carried out. Members considered whether there were any alternative means of viewing the site. They concluded that video footage taken by the Planning Advisor and presented to the Review Body within an oral hearing session, open to all interested parties, was an appropriate alternative approach. Members also agreed that interested parties should be given the opportunity to suggest viewpoints and topics for the footage and that the applicant should be encouraged to erect a temporary profile on site, indicating the ridge height of the proposed dwellinghouse, to enable this to appear in the footage.

At the meeting on 16th November 2020, Members noted that the requested further information had also been submitted by the applicant in the form of a street section through the site, comparing ridge heights to those of surrounding houses. In noting that one of the objectors had questioned the survey methodology and accuracy of the submitted section, Members decided to seek further clarification from the Planning Officer on these matters, understanding that this may also necessitate the Officer seeking advice from an appropriately qualified colleague. The Review Body agreed that the advice should then be presented, with the video footage, at the hearing session, with opportunities for the applicant, third parties and the Planning Officer or colleague to participate in the session.

The hearing was held at 10am on Monday 18th January 2021, after which the Review Body re-convened to consider the case. Following the hearing, Members agreed that it had been very helpful viewing the video footage in place of a site visit and also understanding the technical details and arguments relating to the ridge height and associated section. Members then 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, PMD5, HD3, EP8, EP9, EP11, EP13, IS2, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Green Space 2009
- Scottish Planning Policy 2014
- PAN 65 "Planning and Open Space"
- PAN 71 "Conservation Area Management"

The Review Body noted that the proposal was for planning permission to demolish a garage and erect a dwellinghouse on a site opposite Clifton Cottage, Kirk Yetholm.

In their initial consideration of the case at the 17th August 2020 LRB meeting, Members had identified that whilst the site was within the settlement boundary of Kirk Yetholm and could potentially be considered an infill location, there was concern as to whether the proposal and site were acceptable under the infill Policy PMD5. In particular, the Review Body expressed concerns over the scale of the development in height and mass, impact on key greenspace, the contribution of the site to the history of the village and whether the proposal would preserve and enhance the amenity of the Conservation Area under Policy EP9. Members realised there were many such issues to be considered and felt it was necessary to carry out a site visit and seek a cross section showing the relationship of the proposed house with the immediately adjoining house to the north, "Burnsyde".

Due to Covid-19 restrictions, Members subsequently agreed to carry out a virtual site visit by viewing video footage taken by the LRB Planning Advisor and to view this within a Hearing. They also heard statements and comments from the applicant's agent and an objector regarding the submitted cross section and differing opinions over the measurements and methodology used.

Following the Hearing, Members returned to their concerns over the scale, size and prominence of the proposed house on the site. They considered that the video footage, including the height marker and pegged out footprint, indicated a development of significant scale and mass for the sensitive location. The Review Body considered the house to be oversized in relation to the size of the plot, domineering and incongruous in the street scene and on the Conservation Area. The fact that there was a slope on the site also concerned Members in relation to overbearing impact and scale, despite the suggestion that the ridge height could be reduced to match with "Clifton Cottage" opposite. They identified that the site was a key component and part of the setting of the Conservation Area, the view of, and from, the village green being potentially dominated by the proposal. Ultimately, the Review Body felt that the proposal represented overdevelopment and was of excessive scale and mass on a constrained site, both contrary to infill Policy PMD5 and to Conservation Area Policy EP9.

Members were also concerned that the site was allocated Key Greenspace in the Local Development Plan under Policy EP11. Whilst they understood that the site no longer functioned as allotments, they were aware of the history of the site as part of a wider area of open space and allotments on this part of the High Street. They also noted that the proposal resulted in the loss of open space without adequate or acceptable replacement of the space.

The Review Body also considered the design of the dwellinghouse and external materials. They acknowledged that there had been efforts to fit the design and frontage in with the village and street scene but that, ultimately, the overdevelopment, scale and mass of the house on the site outweighed any benefits resulting from the design.

The Review Body then considered other issues relating to the proposal including parking and archaeology but saw no reason to vary those matters that contributed to the original reasons for refusal. Similarly, Members considered that other matters such as drainage and residential amenity could be addressed by conditions.

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.....21 January 2021

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SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE
COMMITTEE held remotely by Microsoft
Teams on Tuesday, 19 January 2021 at
10.00 am

Present:- Councillors S. Haslam (Chairman), S. Aitchison (Vice-Chairman), G. Edgar, C. Hamilton, S. Hamilton, E. Jardine, S. Mountford, M. Rowley, R. Tatler, G. Turnbull and T. Weatherston.

Also Present:- Councillor A. Anderson

In Attendance:- Executive Director Corporate Improvement & Economy, Executive Director Finance & Regulatory, Service Director Assets & Infrastructure, Service Director Young People Engagement & Inclusion, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

EDUCATION BUSINESS

Present:- Mr I. Topping, Mr G Wilkinson, (Parent Representative), Harry Scott (Pupil Representative), Lindsay Craig.

Apologies:- Mr T. Davidson, Katie Brookes.

CHAIRMAN

Councillor Hamilton chaired the meeting for consideration of the Education business and welcomed everyone to the meeting.

- 1. APPROVAL OF FINAL DRAFT OF NURTURING APPROACHES GUIDELINES**

There had been circulated copies of a report by the Service Director Young People Engagement & Inclusion which proposed the approval of the whole school nurturing approach and targeted nurture intervention groups as detailed in Appendix 1 to the report which reflected and aligned with previous SBC Inclusion guidance and legislation to provide a clear strategic direction on Nurturing practice for all schools and Early Years settings in Scottish Borders Council. The report explained that the Nurturing Approaches Guidelines formed part of a suite of Inclusion documents described and presented to the Executive Committee in January 2020. These were in line with National Legislation and Guidance listed in the previous Committee Report in June 2018. Recent documents had been published by Scottish Government (Education Scotland) to provide further guidance to Local Authorities and their policy making and outline Scotland's vision and underlying principles of inclusion. Caroline Didcock presented a summary of the Guidelines and answered Members questions and highlighting the work being undertaken to ensure there were proper connections between schools and parents.

DECISION

AGREED:-

- (a) to approve the draft of Scottish Borders Council's Nurturing Approaches Guidelines - A practical guide for schools and settings to develop a whole school nurturing approach and targeted nurture intervention groups (Appendix 1).**
- (b) that the documents could be circulated to all learning establishments in Scottish Borders.**

2. **APPROVAL OF FINAL DRAFT OF LEARNING, TEACHING AND ASSESSMENT FRAMEWORK**

There had been circulated copies of a report by the Service Director, Young People Engagement and Inclusion which sought approval of the Learning, Teaching and Assessment Framework contained in the report which reflected and aligned with the National guidance and legislation to provide strategic direction for Learning, Teaching and Assessment in all schools and Early Years settings within Scottish Borders Council. The report explained that the development of this Learning, Teaching and Assessment Framework was a key priority for this year's Education Service Plan. Analysis of data and self-evaluation highlighted a need to provide consistent guidance for all schools and settings. Adherence to the guidance and focused attention on key areas would ensure the highest possible standards of learning and teaching for all children and young people across Scottish Borders Schools and Settings. The consistency provided by the Framework would support quality assurance activity and the identification of any improvement needs for schools and professional learning needs for all staff. Catriona McKinnon and Catherine Thomson presented the report and answered Members questions. Members thanked officers for the presentation and asked if they could receive a copy of the slides.

DECISION

AGREED:-

- (a) **to approve the Draft of the Learning, Teaching and Assessment Framework contained in Appendix 1 of the report;**
- (b) **that the document could be circulated to all learning establishments in the Scottish Borders; and**
- (c) **copies of the presentation be circulated to the Committee.**

OTHER BUSINESS

CHAIRMAN

Councillor Haslam chaired the meeting for the remainder of the meeting with the exception of paragraph 6.

3. **MINUTE**

There had been circulated copies of the Minute of the meeting of 1 December 2020.

DECISION

APPROVED for signature by the Chairman.

4. **OUR PLAN AND YOUR PART IN IT: SBC'S CORPORATE PERFORMANCE AND IMPROVEMENT REPORT – QUARTER 1 AND QUARTER 2 2020/21**

There had been circulated copies of a report by the Executive Director, Corporate Improvement and Economy which presented a high level summary of Scottish Borders Council's Quarter 1 and Quarter 2 2020/21 performance information with more detail contained within Appendices 1, 2a and 3. The report included reporting on the progress of change and improvement projects across Scottish Borders Council (SBC), under the Fit for 2024 programme. The report explained that SBC approved a revised Corporate Plan ([Our Plan and Your Part in it 2018-2023](#)) in February 2018, with four corporate themes. In order to monitor progress against the four themes, performance and context information would be presented quarterly to Executive Committee, with an annual summary in June each year. During Quarter 1 and Quarter 2 2020/21, SBC had continued to press ahead with a range of important initiatives and innovation, including:

- (a) The opening of the new Jedburgh Grammar Campus to pupils;

- (b) The use of Inspire Learning by pupils and teachers during the Covid-19 lockdown period; and
- (c) Beginning work on the Borders Innovation park

The information contained within this report and appendices was also made available on the Council website and could be accessed at www.scotborders.gov.uk/performance. The quarter 1 element of the report would ordinarily have been produced for the August 2020 Executive Committee but had been delayed due to the impact of the COVID -19 pandemic, and combined with Quarter 2. Quarter 3 would be presented in March with the full outturn in June. Mr Dickson highlighted the areas which had been impacted by the Covid-19 pandemic. Members commented that despite the pandemic standards had mostly been maintained and noted improvements in areas such as recycling and payment of invoices. Mr Dickson answered Members questions and undertook to provide further information on Looked After Children and an update on the gender pay gap.

DECISION

(a) NOTED:-

- (i) **the progress update relating to Change and Improvement Projects, referenced in Section 5 and detailed further in Appendix 1; and**
- (ii) **the changes to performance indicators outlined in Section 6 of this report;**

(b) ACKNOWLEDGED and noted the performance summarised in Sections 7 and 8, and detailed within Appendices 1, 2a and 3 and the action that has been taken within services to improve or maintain performance.

5. THE GREAT TAPESTRY OF SCOTLANDVISITOR CENTRE, GALASHIELS – UPDATE REPORT

There had been circulated copies of a report by the Service Director Assets & Infrastructure which provided an update. The report explained that the site works commenced on 10 June 2019 under a contract awarded to Ogilvie Construction and had progressed well on site until the outbreak of COVID -19 pandemic early in 2020 and the country wide lockdown. Following a resumption of construction in July 2020, significant progress had been made with the project and the works on site within the final 18 weeks and remained on schedule for a 2021 opening. Finalised costs for the exhibition/display cases fit out had been presented to the Council and these were in excess of the allowance within the current budget. In order to resolve this, additional funding of £316k from the Emergency & Unplanned Scheme fund for 2021 was being sought. The report detailed the background, the need for specialist exhibition display cases and the financial implications. In response to questions, Mr Curry advised that the cases also incorporated a number of technological features including lighting which would enhance the display of the Tapestry and improve the visitor experience. Members considered that the budget increase was unfortunate at this stage but that this was a crucial project for the future of tourism in the Borders.

DECISION

- (a) **NOTED the contents of the report**
- (b) **AGREED £316k be allocated from the 2020/21 Emergency & Unplanned Schemes funds to allow completion of the building fit out.**

DECLARATION OF INTEREST

Councillor Haslam declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion. In the absence of Councillor Haslam, Councillor Mountford chaired the meeting.

6. **BORDERS DISCRETIONARY SUPPORT FUND FOR BUSINESS**

There had been circulated copies of a report by the Executive Director, Finance & Regulatory which set out a proposal to establish a cash limited discretionary business support fund. The fund was intended to complement other arrangements put in place by Scottish Government to assist businesses and organisations to survive the current emergency situation. The report explained that the Council had been provided with a grant of £672,021 to administer a COVID-19 Local Authority Discretionary Fund. The funding represented 2.7% of a £25m national discretionary fund agreed by COSLA Leaders. The aim of the fund was to mitigate the short term financial challenges being experienced by businesses since October 2020. The fund was intended to enable local authorities to direct additional financial support based on the distinct characteristics of local economies. Financial support could be provided to Limited Companies, Charities, Social Enterprise, Sole Traders and Trusts. The report detailed the purpose of the funding, Eligibility for funding, funding priorities, the application process, scope, Grant criteria and financial implications. Following discussion, it was agreed that the wording 'per eligible business' be removed from recommendation (b).

DECISION

AGREED:-

- (a) the establishment of a discretionary fund for business as set out in the report based on the criteria in section 4.1 of the report;**
- (b) that the final amount of support to individual business be determined by the number of eligible applications received;**
- (c) to delegate authority to the Executive Director, Finance and Regulatory Services, to determine grant applications in accordance with the provisions agreed in the report;**
- (d) to delegate authority to the Executive Director, Finance and Regulatory Services - in consultation with the Executive Member for Economic Development and Finance - any further changes required to the approved criteria of the scheme to enable the grant scheme to function effectively; and,**
- (e) that the Executive Director, Finance and Regulatory Services, submit a report to Council by the end of May 2021 setting out the numbers and types of business assisted by the discretionary scheme.**

The meeting concluded at 11.55 am.

SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held via Microsoft Teams on Friday, 22
January 2021 at 10.30 a.m.

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

Apologies:- Councillor G. Turnbull.

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr M. Wynne and Mr. I Tunnah), Democratic Services Officer (F. Henderson), Sergeant David Rourke and PC S. Lackenby - Police Scotland.

1. **MINUTE**

The Minute of the Meeting of 20 November 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 10 November 2020 and 12 January 2021.

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 **Renewal of Taxi Driver Licence**

With reference to paragraph 2 of the private Minute of 20 November 2020, there had been circulated copies of an application for the renewal of a Taxi Driver Licence together with a submission from the applicant. The Applicant was not present. The Committee agreed that the renewal of the Taxi Driver Licence be continued.

2.0 **Minute**

The Private section of the Minute of 20 November 2020 was approved.

The meeting concluded at 10.35 a.m.

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SCOTTISH BORDERS COUNCIL CHAMBERS INSTITUTION TRUST

MINUTE of Meeting of the CHAMBERS
INSTITUTION TRUST held via Microsoft
Teams on Wednesday, 27 January 2021 at
3.00 pm

Present:- Councillors K. Chapman (Chairman), H. Anderson, S. Bell, S. Haslam,
E. Small and R. Tatler
In Attendance:- Capital & Investments Manager, Estates Manager, Solicitor (G. Sellar),
Democratic Services Team Leader

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 18 November 2020

DECISION

AGREED to approve the Minute.

2. **ROLE OF TRUSTEES**

There had been circulated copies of a briefing note by Gillian Sellar, Solicitor which detailed the history of the Trust, its evolution, the appointment of Trustees and their duties. With regard to the appointment of lay members the Trustees were advised that although it might not be impossible this had not worked well in the past. The structure of the Trust had specified 2 different classifications of Trustees i.e. Trustees appointed as owners and those to manage the library, museum etc. Subsequent legislative changes had replaced the management Trustee role by transferring the obligation to the Local Authority. Legislation in 1994 provided that the Council was to appoint Trustees in respect of properties it held in Trust. Councillor Tatler commented on the fact that Common Good Funds had Community Council observers. It was noted that such a decision would require to be made by full Council rather than the Trustees. The Chairman therefore proposed that the current membership of the 6 Tweeddale Area Councillors be maintained and this was unanimously supported. The Chairman advised that Trustees always welcomed comments and ideas from the community which they would feed into meetings.

DECISION

AGREED that the membership of the Chambers Institution Trust remain as the 6 Councillors representing the Tweeddale Area.

3. **PROPERTY UPDATE**

3.1 There had been circulated copies of a briefing note by Neil Hastie, Estates Manager which provided details of current occupiers, usage figures provided by Live Borders and stakeholders who could be included in community engagement. There was also information on the condition and maintenance of the building, energy performance and building signage together with suggested actions and next steps for the Trustees to consider. Neil Hastie advised that the Burgh Hall was normally well used and Live Borders had been working on a development concept for the building which they might be able to provide more details on at a future meeting. Shona Smith, Communities and Partnership Manager had agreed to provide help to formulate a questionnaire for the stakeholder engagement. With regard to maintenance of the building it would be necessary to revisit the Condition Survey which could be carried out by the District Valuer. This would allow the preparation of a 10 year plan for future maintenance and

refurbishment. Gareth Smith, Property Officer for the area had prepared a list of works for the next 3 years to bring the building up to tolerable standard and had already begun to prepare costings. These maintenance works with suggested timescale were listed in an appendix to the paper. With regard to energy performance it was proposed to instruct the Councils usual contactor and include the whole property. The signage around the property had a mix of designs and was not very clear so a corporate signage plan was proposed.

- 3.2 Members discussed the paper and agreed that works needed to be divided into short, medium and long term with the works on the Burgh Hall being dealt with first. It was noted that the Burgh Hall was to be used as a vaccination centre so works could not start immediately and that this time be used to pull together the maintenance costs and carry out a consultation with users of the Burgh Hall regarding what type of kitchen facilities would suit them best. A further consultation on the Page & Park Proposals could be carried out at a later date. Signage could also be treated as a longer term project. Councillor Tatler asked that the Tweeddale Access Panel be included in the consultation regarding the Burgh Hall. In terms of the longer term consultation it was important that this was made available as widely as possible. It was proposed that the Chairman work with officers on the first consultation and that a further meeting be held in a months' time to look at the proposed consultation questions and Trustees also asked that a member of the Community Engagement Team and a member of the Communications Team be invited to the meeting.

DECISION

AGREED that:-

- (a) **the works to the Chambers Institution be divided into short, medium and long term with work to the Burgh Hall being carried out first following a consultation with users, then dealing with the maintenance issues followed by consultation and agreement around the implementation of the Page and Park proposals;**
- (b) **the next meeting be held on 24 February 2021 at 6 p.m. to allow consideration of the public consultation on the use of the Burgh Hall and what type of kitchen facilities were required and that a member of the Community Engagement Team and a member of the Communications Team be invited to the meeting.**

4. OTHER PROPERTY MATTERS

- 4.1 Neil Hastie advised that he had received a request from Live Borders to use the street facing windows for a display to promote the "Back on Track" Project which was being carried out by the Museum and Library Service together with the Peebles Railway Group.

DECISION

AGREED subject to approval of the graphics to be used.

- 4.2 Neil Hastie advised that he had received a request from the Citizens Advice Bureau to install a post box in the Quadrangle as they did not have a letter box. The Chairman advised that there was no access to the quadrangle at present as the Live Borders Caretaker was on furlough. It was assumed that the CAB must have a set of keys to allow access but Gareth Smith could open the gates during the week during working hours. The issue of attaching a post box to a listed building was raised and that planning consent might be needed.

DECISION

AGREED:-

- (a) to give approval for the installation of a mail box subject to any necessary permissions; and
- (b) that the quadrangle gates be open from 9am to 5 pm on weekdays and that a list of keyholders be provided to the Trustees.

4.3 With reference to paragraph 2.1 of the minute of 18 November 2020, it was reported that the trees for the Quadrangle were now on order.

**DECISION
NOTED.**

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 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

6. **MINUTE**

The private section of the Minute of 18 November 2020 was approved.

The meeting concluded at 4.05 p.m.

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MINUTE of Meeting of the EILDON AREA
PARTNERSHIP held remotely by Microsoft
Teams on Thursday, 28 January 2021 at
6.00 pm

- Present:- Councillors G. Edgar (Chairman), S. Aitchison, A. Anderson, E. Jardine, and H. Scott. E. Thornton-Nicol
With 24 representatives of partner organisations, Community Councils, and members of the public.
- Apologies:- Councillor D. Parker
- In Attendance:- Service Director Customer & Communities, Communities and Partnerships Manager, Locality Development Co-ordinator (K. Harrow), Democratic Services Officer (F. Walling).

1. **WELCOME**

The Chairman welcomed everyone to the second 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 12 NOVEMBER 2020**

The Minute of the meeting of the Eildon Area Partnership held on 12 November 2020 had been circulated and was noted.

3. **COVID-19 UPDATE**

- 3.1 Jenni Craig, Service Director Customer & Communities gave a slide presentation to provide an update on the Covid-19 current position. Mrs Craig referred to the current trend which was showing the number of cases accelerating significantly due in part to the circulation of the new, even more transmissible variant of the virus. The continued rate of increase and the impact on health services was deeply worrying. It was essential therefore that everyone followed the current guidance and followed the 'Stay at Home' message. Due to high case numbers in the Hawick area, a Mobile Testing Unit had been deployed in the town. In addition a walk-in testing facility had been opened at the Langlee Complex in Galashiels. The Council was involved in discussions with Scottish Government and other partners about the potential for asymptomatic community testing facilities in the Scottish Borders. Mrs Craig went on to talk about Service implications of the latest lockdown. In general there were no direct impacts on Council services over and above what was already in place during the short Level 4 period which came into effect on Boxing Day. However, the Council needed to ensure that it continue to deliver essential frontline services and to support communities. This would likely result in the need to deploy staff to support certain services, which would result in others having to scale back on their operations. In terms of the Education Service, from 11 January online and remote learning was being provided for all pupils, with in-school arrangements for invited young people and the children of key workers.

- 3.2 Mrs Craig explained about the Community Assistance Hubs, which remained operational to co-ordinate support within localities. The number of referrals was rising and, due to the continued increase in Covid cases, staff were making more calls to those isolating to

ensure they were aware of the support available. Anyone in need should call 0300 100 1800 to access support. Financial assistance may also be available to those in need. The Council's Financial Inclusion Team was able to help with a wide range of advice and support. This support could also be accessed via 0300 100 1800 and via www.scotborders.gov.uk/coronavirus. Information relating to fuel poverty assistance could be found via www.scotborders.gov.uk/affordablewarmth Mrs Craig went on to explain that a range of business support was available for firms experiencing difficulty. Information was available online at www.scotborders.gov.uk/covid19business. Businesses were also encouraged to use the national Find Business Support website to check all available funding support, including that being administered by other parties. www.findbusinesssupport.gov.scot The Council continued to work with South of Scotland Enterprise to ensure the most appropriate business support was made available to businesses most in need. In response to a question about funding for businesses, Mrs Craig confirmed that funding for businesses was continuing to flow from Scottish Government and being turned around quickly by the Council. There were ongoing high level discussions about further future funds and where these should be targeted. Once decisions were made it was expected this funding would flow through quickly to the Council and be made available to eligible local businesses.

4. **UPDATE FROM PARTNERS**

4.1 **Eildon Community Assistance Hub**

In attendance to give a presentation on the Eildon Community Assistance Hub was Oonagh McGarry – Team Leader from the Council's Community Learning & Development Service. Ms McGarry explained that the aim of the Hub was to ensure that individuals had the support they needed during the pandemic. The Hub co-ordinated requests for support, direct from the public and by referral; triaged through Health & Social Care teams to ensure vulnerable individuals were identified and supported; and worked with voluntary groups and public sector services to signpost to or supply services. Amongst 450 enquiries, 226 of which were from people classed as "shielding", the Hub helped to provide food; medicines; help with social isolation; and other information and advice including on financial issues. The Hub worked with 17 Resilient Community volunteer groups and 8 Foodbank/Fareshare outlets. There had been over 200 calls to people who requested community help when shielding and the Hub had contributed to over 1,500 calls to people across the Borders who were self-isolating. There were also follow-up calls to vulnerable people. Ms McGarry went on to highlight what had worked well in the Community Assistance Hubs. She drew particular attention to the volunteer groups which had provided amazing support in local communities; whilst Health & Social Care services continued to provide ongoing support and appreciated closer links with a wide range of community supports. Up to 16 partners and volunteer groups were involved in weekly Hub meetings and this had resulted in a real "can do" collaborative and problem solving approach. The Community Assistance Hubs would continue to operate as long as they were needed and could be contacted on 0300 100 1800 Covid-19community@scotborders.gov.uk. In conclusion, Ms McGarry confirmed that the Council and partners were looking to further develop the locality model of working in the future. In the discussion that followed the presentation, the value of the Community Assistance Hubs was recognised, noting that there was a huge amount of work going on in the background, of which the public were not always aware. In response to a question about the work of the Hub during the current lockdown, compared with the first, Ms McGarry advised that there were the same number of resilience teams involved and the Hub had benefited in the way it operated from the experience gained during the first lockdown.

4.2 **Café Recharge**

With reference to paragraph 3.2 of the Eildon Area Partnership minute of 12 November 2021, Amy Wight was in attendance to give an update on the Community Interest Company Café Recharge. Ms Wight explained that the café had been due to open again 3 days before the recent lockdown so plans had to be changed once more. The café had

opened for doorstep collections of frozen soups, made from a surplus of food from supermarkets, bread, fruit and vegetables when available and sanitary products. This had been very successful with around 30 portions of soup being collected every day on an anonymous basis with people paying what they wanted. The café also had food bank tokens to give out where appropriate. Ms Wight added that they were hoping to expand what was being offered to include ready meals and free packed lunches for children, to help ease the financial burden for families facing difficulties. The Café was aiming to open fully again in March. Members welcomed the work of Café Recharge and thanked Ms Wight for the update.

4.3 **Changeworks Affordable Warmth and Home Energy Scotland**

Morag Cockburn, from Home Energy Scotland and Kat Custard, advisor with Changeworks, were in attendance to give an overview of support available through Home Energy Scotland and the Warm and Well Borders Project. It was explained that Home Energy Scotland was a free and impartial service funded by the Scottish Government to help people stay warm in their homes for less. Advisors could check eligibility and make referrals to various grants and schemes, including Warmer Homes Scotland, a scheme that helped households keep warm by fitting new energy efficiency improvements like home insulation, central heating, draught-proofing and home renewables systems. The Changeworks Affordable Warmth Services Team had a number of projects designed to support households across the Scottish Borders area, to provide support with: fuel debt support; advocacy work with energy suppliers; expert energy advice; fuel billing support; condensation and damp issues; metering issues and errors; switching support and tariff checking; Warm Home Discount applications; Ombudsman complaint cases; grants for emergency top ups and Covid-19 local fund applications; and food bank applications. Also, in partnership with Citizens Advice Bureaus, Changeworks would work to provide help to identify benefits to which entitled; help to apply for benefits; and support if refused a benefit. When asked if there was a national definition for fuel poverty, Ms Custard explained that this was if household fuel costs were more than 10% of net income, taking into account child care costs and housing. Extreme fuel poverty was recognised if fuel costs were over 20% of net income. It was confirmed that Home Energy Scotland Advisors were all set up working from home and ready to help householders to make the best use of energy and save money on their bills, at a time when many had seen their energy costs rise due to the coronavirus pandemic. People in need of support could be referred via warmth@changeworks.org.uk www.changeworks.org.uk/referral or by calling on Freephone 0800 870 8800

4.4 **Galashiels Foodbank**

John Tucker gave an update on the activities of the Galashiels Foodbank. The foodbank had been very busy, with over 450 approaches for help since mid-March last year. Approximately 80 bags per week were given out of dry and fresh food, each to the value of about £30 and as an example of a typical day Mr Tucker said that on the previous Wednesday food had been given to 60 adults and 40 children. Some were referred from agencies and some were self-referring. Mr Tucker expected that the foodbank, which was run by about 40 volunteers, would become even busier over the coming months. It was currently situated at St Peters church as a temporary measure. Any assistance in finding new premises would be welcome. The Chairman thanked Mr Tucker for his update and for his work at the foodbank.

4.5 **SBHA**

Debby Gillett, from SBHA, gave an update of arrangements during the current Covid-19 restrictions. She explained that, although all SBHA offices remained closed, contact could still be made during normal office hours. The team was also calling tenants to check if all was well. In line with Government guidelines only emergency repairs were being carried out. If visits were required for essential work, a full range of PPE and hygiene measures would be used. New build and external work programmes continued but were subject to change and the grounds maintenance service was operating as normal but in accordance with Covid-19 guidance. If any tenants were experiencing a drop in income and needed

help with accessing benefits or rent or budgeting advice, the Financial Inclusion Team was available to help. SBHA would continue to advertise and allocate homes as long as restrictions allowed. Ms Gillett provided the following contact information for support and enquiries: 01750 724444 enquiries@sbha.org.uk www.sbha.org.uk

4.6 **The Bridge**

The Chairman referred those present to the update from the Bridge which was included with the agenda papers.

5. **FIT FOR 2024: REVIEW OF AREA PARTNERSHIPS & COMMUNITY FUND :**

With reference to paragraph 5 of the Eildon Area Partnership meeting of 12 November 2020, discussion continued on the Review of Area Partnerships & Community Fund. Locality Development Co-ordinator, Kenny Harrow, explained that the Eildon Area Partnership now needed to build on the findings of the SCDC report that was circulated at the last meeting and consider how it could strengthen community engagement and participation going forward. He gave a reminder that Area Partnerships and communities could make recommendations to the Council by the end of January 2021 about how they would like their Area Partnership and Community Fund to operate in the future. The summary of comments received so far, for Eildon, was included from page 23 of the Agenda pack. These comments had been compiled from those submitted by email since the last Eildon Area Partnership meeting and those put forward at the Chairman's consultation meetings held in December, to which all Community Councils and contact organisations were invited. The Chairman referred to the original list of questions which had been raised to prompt responses and comments and asked for further views. In terms of whether the Area Partnership should continue as a Council Committee in the future or be a community meeting there was a feeling that this should have the concept of a community meeting but would need administrative support, at least in the short term. The idea of a rotating chair received support. It was also suggested that the Community Council network should be involved although it was appreciated that the Network currently covered the whole Scottish Borders Area. With regard to the remit and purpose of future Eildon Area Partnership meetings there was support for the idea of themed meetings. Mr Steve Oliver, Station Commander, Scottish Fire & Rescue Service, was happy to attend meetings to provide updates or alternate this with Police or other services. With regard to the future of the Community Fund, there was strong support for the formation of a funding panel to assess applications, although under current legislation the decision making would remain with elected Members. It was felt that the way applications for funding were currently presented at meetings did not facilitate proper consideration and an informed decision. Any community participation in the process appeared to be tokenistic. In terms of the funding allocation to Community Councils, Village Halls and local Festivals the view was that this should not be changed. The Chairman thanked those present for their additional contributions. Mr Harrow advised he would re-circulate the questions to Eildon Area Partnership contacts and include examples of how the other localities were looking at this. This would provide a final opportunity to feed in views before the end of January.

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

Assessments of two 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. There had been one Fast Track application which had been approved, from Oxton & Channelkirk Community Council for £1,200 to pay for a Noticeboard. Also included were regular funding commitments to Community Councils, Village Halls and Local Festivals. Before consideration of the two following applications, Mr Kenny Harrow gave a summary of each and confirmed that each met the Community Fund criteria.

MEMBER

Councillor Anderson declared an interest in the following application, in terms of Section 5 of the Councillors Code of Conduct and did not take part in the consideration.

6.1 Stow Community Development

The application from Stow Community Trust was for a sum of £11,000 to help fund a Community Development Worker for a 12 month period. The creation of the post would facilitate engagement with residents of Stow and Fountainhall to support their involvement in the creation of a Community Action Plan. The Community Action Plan would describe what the community wanted to achieve, what activities were required and what resources were needed. The post holder would support, write and begin to implement delivery of the Action Plan in collaboration with community members. It was also hoped that during the 12 month period the post holder would be able to make a start on some key priorities and 'quick wins' within the plan. The request for £11,000 was unanimously approved.

6.2 Lauderdale Cycling Club

The application from Lauderdale Cycling Club was for a sum of £2,636.02 for a storage shed, limbo pole, pop-up shelter, fence posts and bike maintenance coaching for its club Community and High School Cycling Development project. This aimed to progress the club's Development Plan of enabling more people, including children and families, to enjoy cycling in the local area and to keep the club's equipment together in one place. The club was also looking for funding to increase the number of members who had their Level 1 & Level 2 coaching qualifications across Mountain Bike Leader, Rider Leader and general coaching. Before consideration of this application it was noted that there was a typing error in respect of the Annual Accounts Balance shown in the published application – this should have read £3,114.86. There was unanimous support for the application and the request for £2,636.02 was approved.

7. CURRENT CONSULTATIONS

The Chairman referred to the consultations, as listed on the agenda, which were included on the Council's website and for which responses were requested.

8. OTHER INFORMATION AND NEWS FOR NOTING:

A list of information and links was included on the agenda. Mr Harrow emphasised in particular that there was still money available in the Eildon Community Fund and that applications should be submitted by mid February in order to be included for consideration at the next Eildon Area Partnership meeting. Also included in the list of information were links to Covid-19 support sites.

9. DATE OF NEXT EILDON AREA PARTNERSHIP - 25 MARCH 2021

The next meeting was scheduled for Thursday 25 March 2021. Suggestions for agenda items could be sent to the Locality Development Co-ordinator at kenny.harrow@scotborders.gov.uk by 11 March 2021

10. ANY OTHER FORMAL BUSINESS

No items were raised.

11. OPEN FORUM

11.1 Heriot Community Council representative, Mr John Williams, wished to raise three matters as follows:

X95 bus – with reference to the discussion at the last Area Partnership meeting, about the significant reduction in this service, there had been some progress in taking this forward with bus service operators and politicians, following a combined effort with Stow & Fountainhall Community Council and support from elected Members. Contact with other communities in Midlothian such as Newtongrange, Gorebridge and Eskbank and also Pathhead, had revealed a groundswell of opinion and concern about the need to sustain a regular bus service into Edinburgh on the A7 and A68.

Winter maintenance for Heriot underpass – this was a longstanding issue previously raised with the Council by way of a petition. Mr Williams explained that when this was constructed as part of the Borders Railway works there was no appetite for anyone to look after its maintenance, it not having been finished to Transport Scotland standards and the Council consequently not prepared to take responsibility for maintenance. It had been suggested winter maintenance be provided by a resilience group which was impractical. When there was heavy snow, 10 days ago, it was practically unusable and was eventually partially cleared by the Council. There had been some recent progress with the Council's senior management but Mr Williams asked for help to persuade the Council to provide maintenance for the underpass on a proper basis. Councillor Aitchison expressed his sympathy with the position Heriot found itself in. He stressed that the disruption caused by the underpass was entirely due to the construction of a railway which had not been of any benefit to the village.

Section 36 Windfarm applications (large schemes with applications direct to Scottish Government) – Mr Williams drew attention to 3 of these schemes which were at an early stage of application in this area, with turbines of heights of 180m and above. There were concerns about the difficulty in ensuring communities were properly informed as only online consultations were permitted at the present time.

- 11.2 Steve Oliver introduced himself as the new Station Commander for the Scottish Fire and Rescue Service at Galashiels. He could be contacted by email at steve.oliver2@firescotland.gov.uk

CHAIRMAN

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

The meeting concluded at 7.55 pm

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

MINUTE of Meeting of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
via Microsoft Teams on Monday, 1 February
2021 at 10.00 a.m.

Present:- Councillors S Mountford (Chairman), A. Anderson, S. Hamilton, H. Laing,
D. Moffat, C. Ramage, N. Richards, E. Small.

Apologies:- Councillor J. Fullarton.

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 11 January 2021.

DECISION

APPROVED for signature by the Chairman.

MEMBER

Councillor Richards left the meeting following consideration of Application 20/00789/S36 -
Whitelaw Brae Wind Farm, Fruid, Tweedsmuir.

DECLARATION OF INTEREST

Councillor Laing declared an interest in Application 20/01133/FUL – Land South East of 12
The Orchard, Reston in terms of Section 5 of the Councillors Code of Conduct and left the
meeting prior to the discussion.

2. **APPLICATIONS**

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

DECISION

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

3. **UPDATED SUPPLEMENTARY PLANNING GUIDANCE: PLANNING BRIEF – FORMER
BORDERS COLLEGE, GALASHIELS**

There had been circulated copies of a report by the Chief Planning and Housing Officer
which sought approval of updated Supplementary Planning Guidance (SPG) in the form of a
Planning Brief for the Former Borders College site on Melrose Road, Galashiels. If
approved, the Guidance would become a material consideration in the determination of
planning applications. The Planning Brief would replace a Planning Brief previously adopted
in 2009 for the site which was out of date on a number of component parts. The updated
SPG would ensure reference to up to date policies and site requirements to be addressed
which would help provide relevant guidance to enable the satisfactory development of the
site. Colliers requested that the original Planning Brief be updated as they were marketing
the site and eager to encourage the redevelopment of the derelict site and provided an initial
draft. It was proposed that the updated Supplementary Planning Guidance be subject to
public consultation for a period of 6 weeks. Following consultation, it was intended that if
substantive comments were received a report would be brought back to the Planning and
Building Standards Committee to seek final agreement. Mr Johnston was present via
Microsoft Teams and detailed the background to the site and highlighted the main changes

to the brief. He thereafter answered Members questions and undertook to check the ownership of an area of trees to the south of the site. He also commented on the difficulties of bringing old buildings back into use and the difficulty of preserving them when they were not listed.

**DECISION
AGREED:-**

- (a) **The document as updated Supplementary Planning Guidance in the form of a Planning Brief (Appendix A) to the report to be used as a basis for six week public consultation; and**
- (b) **that authority be delegated to the Chief Planning and Housing Officer to approve the final document as Supplementary Planning Guidance if there were no substantive comments arising from the public consultation.**

4. APPEALS AND REVIEWS

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

**DECISION
NOTED that:-**

- (a) **the Reporter had sustained appeals against refusal in respect of :-**
 - (i) **the erection of poultry building, upgrade of access junction, formation of access road, and associated works (Shed 5) at Hutton Hall Barns, Hutton– 20/00347/FUL; and**
 - (ii) **the erection of poultry building and associated works (Shed 6) at Hutton Hall Barns, Hutton – 20/00347/FUL**
- (b) **there remained outstanding two appeals previously reported on which decisions were still awaited when the report was prepared on 21 January 2021.**

• Land North West of Willowdean House, Foulden	• Land North East of Burnside, Lower Green, West Linton
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- (c) **a review had been received in respect of the erection of a dwellinghouse with integral garage on Land North East of Balcladach, Easter Ulston, Jedburgh – 20/00956/PPP;**
- (d) **there remained one review previously reported on which a decision was still awaited when the report was prepared on 21 January 2021 2021 and related to the site at:**

• Garden Ground of Clifton Cottage, High Street, Kirk Yetholm
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- (e) **there remained 3 S36 PLI's previously reported on which decisions were still awaited when the report was prepared on 21 January 2021 and related to sites at:**

• Crystal Rigg Wind Farm, Cranshaws, Duns	•
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The meeting concluded at 11.25 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/00789/S36	Variation to operating life from 25-30 years and clarification on drawing listed as Annex E on consent	Whitelaw Brae Wind Farm Fruid Tweedsmuir

Decision: That the Council indicate to the Scottish Government that it does not object to the application to extend their operating life of the wind farm to 30 years and refer to the original FEI Site Layout as Annex E of the S36 consent, subject to the imposition of the relevant conditions and informative notes of the original consent which remain necessary to adequately control this development, including an adjustment to Condition 15 to include Schedule 1A species.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/01133/FUL	Erection of rail station platforms, waiting shelters, footbridge and lifts with associated access, car parking, servicing and landscaping	Land South East of 12 The Orchard Reston

Decision: Approved subject to the following conditions and informatives:

Conditions

1. The development hereby approved shall not be carried out other than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise agreed in writing 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 a Construction Method Statement has first been submitted to and approved in writing by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed, unless otherwise agreed in writing by the Planning Authority. The plan must address the following:
 - Hours of operation
 - Noise mitigation/ equipment maintenance
 - Dust – mitigation and management
 - Lighting – prevention of nuisance
 - Complaints procedure/ communication of noisy works to receptors
 Reason: To protect the amenity of nearby residential properties.
3. Prior to the commencement of development, a Species Protection Plan (SPP) for badger and breeding birds shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved SPP.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
4. Prior to the commencement of development, a hedge protection plan shall be submitted to and approved in writing by the Planning Authority. Thereafter, hedge protection barriers

shall be erected in accordance with the agreed hedge protection plan before development commences and no works or storage shall be carried out within the protected areas unless otherwise agreed in writing with the Planning Authority.

Reason: To protect the existing hedge on The Orchard which contributes to the amenity of the surrounding area.

5. Within six weeks of the date of this consent, A Data Structure Report (DSR) shall be submitted to the Planning Authority in strict accordance with the details set out within Sections 5.1 to 5.5 of the Written Scheme of Investigation (WSI) produced by CFA Archaeology (dated 27 November 2020). All further measures detailed within Sections 5.1 to 5.5 of the WSI shall be carried out as required by the Planning Authority to a timescale first agreed in writing with the Planning Authority.

Reason: The site is within an area where archaeological evaluation was required to satisfy LDP policy EP8 (Archaeology). The reporting sought under this condition is required to formally confirm the results of the evaluation work carried out.

6. Within four months of the date of this consent, a proportionate Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Planning Authority. The BEP shall include a timetable for delivery of enhancement measures. Thereafter, no development shall be undertaken except in accordance with the approved in writing BEP, the provisions of which shall be delivered in strict accordance with the agreed timetable for delivery.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

7. Within four months of the date of this consent, details of the design of the proposed SUDS pond, any landscaping of the SUDS pond and any means of enclosure thereto shall be submitted to and approved in writing by the Planning Authority. The SUDS pond shall be designed to ensure pre-development run-off levels are maintained or reduced. Thereafter, the agreed scheme shall be delivered in full in accordance with a timetable first agreed in writing with the Planning Authority.

Reason: to control the design, functionality and appearance of the SUDS scheme in the interests of visual impact and flood risk.

8. Within four months of the date of this consent, a site plan and scheme of details showing final proposed site levels shall be submitted to and approved in writing by the Planning Authority. This shall include levels and design information for the stairs/ footpaths to demonstrate they will be not be at risk of flooding. Thereafter the development shall be completed in strict accordance with the agreed details.

Reason: to provide satisfactory control over the development hereby approved, and in the interests of reducing flood risk for the development.

9. Within four months of the date of this consent, details and, where requested, samples, of the external materials to be used in the footbridge and lift-shaft structures hereby approved shall be submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with the agreed details, unless otherwise agreed in writing by the Planning Authority.

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

10. Within six months of the date of this consent, a revised scheme of details for hard and soft landscaping, boundary treatments and means of enclosure shall be submitted to and approved in writing by the Planning Authority. The scheme of details shall include:

- a) A site plan showing details of proposed soft and hard landscaping and boundary planting/ fencing/ walling;
- b) A detailed design drawing for the layout at the north end of The Orchard, including details of the measures to close off the end of The Orchard to vehicular traffic;

- c) A detailed design drawing for the layout for the area from the south end of The Orchard to the underpass;
- d) Details of materials for hard surfaces;
- e) Details of boundary planting/ fencing/ walling design.
- f) Details of species numbers and plant sizes for planting;
- g) Commitment to replacement of the existing hedge where damaged or removed;
- h) A timetable for planting and replacement of planting over the first 3 years from the completion of the development;
- i) Details of on-going maintenance.

Thereafter, the development shall be carried out wholly in accordance with the agreed scheme of details and any boundary planting shall be carried out by the end of the first planting season following the commencement of operations, unless otherwise agreed in writing by the Planning Authority.

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

11. No works shall commence on the roundabout hereby approved until such time as Stages 1 and 2 of a Road Safety Audit have been submitted to, and approved in writing by the Planning Authority in relation to the proposed roundabout on the B6438. All design amendments and remedial works identified through these stages of the audit shall thereafter be carried out within a timescale first agreed in writing with the Planning Authority.

Reason: To ensure the new access is formed to a satisfactory standard in regards to road safety.

12. Stage 3 of the Road Safety Audit required by Condition 11 shall be submitted to the Planning Authority for consideration within 1 month of completion of the construction works associated with the proposed roundabout on the B6438. All remedial works identified through this stage of the audit to be carried out within a timescale agreed with the Planning Authority.

Reason: To ensure the new access is formed to a satisfactory standard in relation to road safety.

13. Stage 4 of the Road Safety Audit required by Condition 11 to be submitted one year after completion of the roundabout on the B6438. All design amendments and remedial works identified through this stages of the audit to be carried out within a timescale agreed with the Planning Authority.

Reason: To ensure the new access is formed to a satisfactory standard in relation to road safety.

14. Prior to the closure of the existing vehicular access to The Orchard, the new access road and access to the B6438 shall be completed to a specification first agreed by the Planning Authority, including the new vehicular link to The Orchard. Thereafter, the existing access to The Orchard shall be closed to vehicular traffic within 5 days of the new access becoming operational.

Reason: To ensure vehicular access to The Orchard is maintained at all times and to prevent a proliferation of accesses onto the B6438 in the interests of road safety.

15. Prior to the development hereby approved becoming operational, a revised lighting assessment and lighting plan (including the locations of all proposed lighting columns) shall be submitted to and agreed in writing by the Planning Authority. The lighting plan shall meet the Environmental Zone 02 standard, shall incorporate warm lighting and shall incorporate the latest good practice guidelines (as outlined: Guidance Note 8/18 (2018): Bats and artificial lighting in the UK) to protect bats. Thereafter, the development shall operate in strict accordance with the agreed lighting plan and the development shall use no additional external lighting without the prior written approval of the Planning Authority.

Reason: To protect residential amenity, landscape quality, and the ecological interest in accordance with Local Development Plan policies PMD2, HD3, EP1, EP2 and EP3.

16. Prior to the development hereby approved becoming operational, a revised noise impact assessment and noise plan (incorporating details of the siting and specification of public address system proposals and their hours of operation) shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the development shall operate in strict accordance with an agreed noise plan and the development shall use no additional external public address systems without the prior written approval of the Planning Authority.
Reason: To protect residential amenity in accordance with Local Development Plan policies HD3.
17. Prior to the development hereby approved becoming operational, the car parking and access road shall be completed as per drawing 161778-BNU-DRG-ECV-000100 Rev B01.01, unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure the development is served by adequate parking provision.
18. Prior to the development hereby approved becoming operational, a scheme of details for cycle parking facilities shall be submitted to, and approved by the Planning Authority. Thereafter the agreed cycle parking facilities shall be installed in accordance with the approved details before the development becomes operational.
Reason: To ensure adequate cycle parking facilities are provided in the interests of sustainable transport.
19. Prior to the development hereby approved becoming operational, a scheme for the monitoring and expansion of car parking within the approved development shall be submitted to and approved by the Council. The scheme shall include proposals to extend the car park once the usage reaches an agreed level. Thereafter, monitoring of car parking within the development shall be carried out and reported to the Planning Authority in accordance with the agreed scheme and the car park shall be extended when usage reaches an agreed level.
Reason: To ensure the development is served by adequate parking at all times.
20. Throughout the construction period of the approved development, Core Path 97 shall remain open and unobstructed, unless where prior notification has been provided to the Planning Authority or Countryside and Access Team at least five days in advance and subject to any temporary rerouting that has received the prior written approval of the Planning Authority.
Reason: to maintain access across Core Path 97 during construction as far as is practicable.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no development shall be carried out within either (a) the triangular portion of land to the far west of the site as shown on Location Plan 161778-BNU-DRG-ECV-000005 REV P1 or (b) the area within the site to the north of the internal car park road labelled OPEN GROUND TO PLANTED WITH WILDFLOWER MIX on site plan drawing 161778-BNU-DRG-EAR-000101 REV B01.01, unless an application for planning permission in that regards is first submitted to and approved in writing by the Planning Authority.
Reason: to safeguard (a) vehicular and pedestrian connectivity to the neighbouring allocated Local Development Plan housing site AREST004 and (b) further opportunities for future car parking expansion within the site.
22. Prior to the development hereby approved becoming operational, a scheme of details for the provision of road signage shall be submitted to and approved in writing by the planning authority. The road signage shall be implemented in full compliance with the approved scheme of details before the development is operational, and shall be retained in perpetuity thereafter.
Reason: To ensure appropriate road signage is in place and in the interests of road safety.

23. Within 4 months of the date of this consent, a revised site layout plan showing dedicated taxi parking arrangements shall be submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the revised, and approved site plan, unless otherwise agreed in writing by the planning authority. The approved taxi parking arrangements shall be retained in perpetuity thereafter unless otherwise agreed in writing with the planning authority.
Reason: To ensure adequate provision is made for parking taxis and to encourage sustainable modes of transport.

Informatives

1. To note with reference to any further adjacent planning application, the brick railway building was identified as being of moderate bat roost potential but only a single dusk emergence survey was carried out. It is unclear why two surveys (one dusk and one dawn) were not carried in accordance with good practice guidance and the Council's bat survey guidance at: https://www.scotborders.gov.uk/downloads/file/2960/bats_technical_advice_note
A small, non-breeding soprano pipistrelle roost (2-3 bats) was found in the brick railway building. The survey report recommended three activity surveys should be carried out to fully assess the status of the roost and inform a licence from SNH (NatureScot).
2. The Roads Planning Service advise that Roads Construction Consent will be required for the potentially adoptable roads within the site; only contractors first approved by the Council may working within the public road boundary; Road Safety Audits to be carried out per GG 119 (formerly HD 19/15) of the Design Manual for Roads and Bridges.
3. Members unanimously agreed that the proposed station development would benefit from on site public toilet and café/kiosk facilities. The applicant may wish to consider whether these facilities can be provided.

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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, 2 February 2021 at 10.00 a.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 15 December 2020.

DECISION

NOTED the Minute for signature by the Chairman.

2. **PROPOSED SCHEME OF WOODLAND PLANTING ON LAUDER COMMON**

With reference to paragraph 4(a) of the Minute of 15 December 2021, there had been circulated copies of a briefing paper by the Principal Solicitor and the Estates Surveyor advising on the results of the public consultation carried out in terms of the Community Empowerment (Scotland) Act 2015 in respect of the proposal to change the use made of part of the Lauder Common, by the undertaking of a scheme of woodland planting on areas of land currently used for grazing. 28 responses to the consultation had been received comprising 23 respondents who were in support of the proposal, 1 respondent who was not in support of the proposal and 4 respondents who were unsure. On the basis of the responses received the Sub-Committee Members agreed that they were happy to proceed with the planting scheme. The Chairman advised that he had spoken to Hugh Chalmers suggesting that he led a walk around the area to answer any questions and he was happy to do this. The Estates Surveyor advised that in terms of funding a positive response had been received from the Carbon Fund. The required legal paperwork for the Lauderhill Sheep Company had been prepared. Hugh Chalmers was obtaining 3 tenders for the woodland works and the plan was to carry out bracken spraying in July. The Chairman commented that Lauder in Bloom wished to get involved and suggested that a community planting event be arranged. In terms of the next steps it was noted that there was a gap between scheduled meetings which would require the organisation of an additional meeting in early April to allow the necessary final decisions to be made.

DECISION

AGREED that:-

- (a) **in light of the outcome of the public consultation to proceed with the change of use of the land on Lauder Common to allow the proposed tree planting scheme;**
- (b) **the Estates Surveyor liaise with Hugh Chalmers regarding a guided walk around the area to explain the proposals; and**
- (c) **a further meeting be arranged for early April to make the final decision relating to the Scheme.**

3. **TREE WORKS AT LAUDER BURN**

With reference to paragraph 4(d) of the Minute of 15 December 2020, the Estates Surveyor advised that 2 quotes for the work had been received, the lowest being £5,600. The works were to 11 trees and included reducing the crowns and removing dead wood. An aerial bat specialist would be required to deal with any bats that might be found but it was hoped that this would cost no more than £1k. With regard to having the trees regularly inspected in future it was not possible to add these to the existing Council contract so further work would be done to get a best value solution to carry out this work.

DECISION

AGREED that:-

- (a) **the tender for the works on the trees at Lauder Burn be accepted;**
- (b) **the services of an aerial bat special be obtained with the cost to be reported back to the Sub-Committee; and**
- (c) **that the Estates Surveyor report back on the best option for future inspection of the trees.**

4. **PROPERTY**

With reference to paragraph 4(c) of the Minute of 15 December 2020, the Estates Surveyor reported that she had spoken to Lauder Golf Club and was amended the lease to reflect the actual position on the ground.

DECISION

NOTED.

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

Members approved negotiation of lease to be followed by public consultation.

8. **PROPERTY**

Members delegated powers to the Estates Surveyor in consultation with the Sub-Committee to conclude a lease for grazing land know as Refuse Tips 1 and 2.

The meeting concluded at 10.30 a.m.

SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE
COMMITTEE held remotely by Microsoft
Teams on Tuesday, 9 February 2021 at
10.00 am

Present:- Councillors S. Haslam (Chairman), S. Aitchison (Vice-Chairman), G. Edgar, C. Hamilton, S. Hamilton, E. Jardine, S. Mountford, M. Rowley, R. Tatler, G. Turnbull and T. Weatherston

Also present:- Councillors S. Marshall, W. McAteer and D. Parker

In Attendance:- Executive Director Corporate Improvement & Economy, Executive Director Finance & Regulatory, Service Director Customer & Communities, Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting of 19 January 2021.

DECISION

APPROVED for signature by the Chairman.

2. **MONITORING OF THE GENERAL FUND REVENUE BUDGET 2020/21**

- 2.1 There had been circulated copies of a report by the Executive Director Finance & Regulatory providing the budgetary control statements for the Council's General Fund based on actual expenditure and income to 31 December 2020 along with explanations of the major variances identified between projected outturn expenditure and income and the current approved budget. As reported to the Executive Committee of 17 November 2020 after the first quarter of 2020/21 a residual COVID-19 budget pressure of £0.628m remained, based on forecasts at that point. Forecasts had now been updated to the third quarter of 2021/21 and based on the 31 December a balanced outturn position was forecast at the 31 March 2021. The latest forecast included all known pressures including loss of income, confirmed Scottish Government funding, the effects of the continued freeze on discretionary spend and assumptions around delivery of Financial Plan savings. This position reflected an improvement of £0.628m from the second quarter. During the year financial returns had been made on a quarterly basis to ensure that expenditure associated with social care was included within a return collated with NHS Borders and submitted to Scottish Government as a COVID mobilisation plan. Funding had then been distributed via Health to the Council and this balanced position assumed within H&SC that all H&SC additional expenditure related to COVID-19 would be funded by Scottish Government through the mobilisation return process. As previously reported, there had been a significant impact on the delivery of planned Financial Plan savings during 2020/21 as a result of the emergency situation. Financial plan savings of £12.091m required to be delivered in 2020/21. An analysis of deliverability has been updated as shown in Appendix 4 to the report. Following the December month end £5.670m (47%) savings had been delivered permanently, £0.645m (5%) were profiled to be delivered by 31 March 2021 and £5.776m (48%) had been delivered on a temporary basis through alternative savings. It should be noted that the highly uncertain environment in which the Council was operating may impact on delivery of the remaining £0.645m savings which still required to be delivered before 31 March 2021. Full details of pressures, risks and

challenges and the significant majority of areas of the Council's operation where budget plans remained on track were detailed in Appendix 1 to the report.

- 2.2 Members discussed the report and received answers to their questions from the Executive Director, David Robertson. The Executive Member for Economic Regeneration and Finance thanked Mr Robertson and his team for their work and drew attention to the huge achievement, under current circumstances, of managers across the Council in identifying savings to project a balanced position at the end of the financial year. In response to a question about Specific Grant flexibility around the use of funds freed up from Early Years expansion Mr Robertson confirmed that the approach had not changed in that the funding was ring-fenced within Education and that the Council had made a commitment in full in terms of Early Years expansion and delivery of 1140 funded hours. In terms of the projected annual additional COVID-19 pressures detailed in a table within the report, Mr Robertson explained that the estimate of £0.604 impact on income from Council Tax was related to the estimated collection levels for 2020/21 including the impact of delays in house building. Clearly the pandemic would have a significant temporary effect on the local economy and affect income from fees, charges and Council Tax. The assumption was that there would be a bounce back but this would be closely monitored. Mr Robertson added that, where families faced financial difficulty in repaying Council Tax debt the Council had a range of flexible payment arrangements to offer.

DECISION

AGREED to:-

- (a) **note the projected corporate monitoring position reported at 31 December 2020, the pressures identified, the underlying cost drivers of this position and the identified areas of financial risk as reflected in Appendix 1 to the report;**
- (b) **approve the virements attached as Appendix 2;**
- (c) **approve the earmarked balances attached at Appendix 3, noting the support these balances were providing to the 2021/22 Financial Plan totalling £1.562m;**
- (d) **note the progress made in achieving Financial Plan savings in Appendix 4;**
- (e) **delegate authority for the remainder of the financial year to allow the Executive Director, Finance & Regulatory to approve any year-end adjustments required for COVID-19 related funding expected late in the financial year; and**
- (f) **request the Corporate Management Team to continue to take all possible management action to balance the budget in the current year.**

3. MONITORING OF THE CAPITAL FINANCIAL PLAN 2020/21

There had been circulated copies of a report by the Executive Director Finance & Regulatory providing an update on the progress of the 2020/21 Capital Financial Plan and seeking approval for virements and the reallocation of funds. The monitoring tables in Appendix 1 to the report detailed actual expenditure to 31 December 2020. Key issues identified in the tables were summarised within the main report. The review of the capital budget, in light of financial implications of COVID-19 approved by Council on 5 November 2020, focussed on assessing the impact of the national "lockdown" on the construction industry and the associated inevitable delays in current and planned programmes of work. The assessment of COVID-19 impacts had continued during the third quarter of the year with a net budget variance of £4.033m now being identified. This included net timing movements from 2020/21 of £4.143m, the most significant of which were Coldstream Cemetery development £0.528m, Borders Town Centre regeneration block £0.653m,

Residential Care Home upgrades £0.685m and Residential Care Home Tweedbank £0.500m. Appendix 2 of the report contained a list of the block allocations approved for this year and the various approved and proposed projects to be allocated from them within the 2020/21 Capital Plan. A list of estimated whole project capital costs for single projects which would not be completed in the current financial year was contained in Appendix 3 to the report. In a discussion of the report, Members expressed disappointment in the delays in the planned programmes of work, but also recognised the reasons for this in terms of the impact of COVID-19. In terms of the pause in work to develop plans for two Residential Care Home projects in Hawick and Tweedbank, Mr Robertson explained that further work was being carried out on demographic modelling and on the strategy and vision around Residential Care in the Borders and he agreed to the request to bring a report back to a future Executive to provide an update on this.

DECISION

- (a) AGREED the projected outturns in Appendix 1 to the report as the revised capital budget and approved the virements required.**
- (b) NOTED:-**
 - (i) the budget virements previously approved by the Executive Director Finance & Regulatory and the Service Director Assets and Infrastructure detailed in Appendix 2 under delegated authority;**
 - (ii) the list of block allocations detailed in Appendix 2; and**
 - (iii) the list of whole project costs detailed in Appendix 3.**
- (c) AGREED to request a report to Executive Committee to provide an update on the Council's strategy and vision in terms of the Residential Care projects in Hawick and Tweedbank.**

4. BALANCES AT 31 MARCH 2021

There had been circulated copies of a report by the Executive Director Finance & Regulatory providing an analysis of the Council's balances as at 31 March 2020 and details of the projected balances at 31 March 2021. The report explained that the unaudited Council's General Fund useable reserve (non-earmarked) balance was £6.315m at 31 March 2020. The projected General Fund useable reserve was projected, to remain at £6.315m at 31 March 2021 in line with the Council's Financial Strategy. Any year end overspend as a result of the COVID-19 pandemic would, however, require to be funded from reserves. The total of all useable balances, excluding developer contributions, at 31 March 2021 was projected to be £26.625m, compared to £29.866m at 31 March 2020. The projected balance on the Capital Fund of £7.720m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year. In response to a question about the level of reserves Mr Robertson advised that, although he would prefer it to be higher, the level of reserves at just over 2% of revenue expenditure was within the required level based on the Council's risk profile.

DECISION

NOTED:-

- (a) the projected revenue balances as at 31 March 2021 as contained in Appendices 1 & 2 to the report; and**
- (b) the projected balance in the Capital Fund as contained in Appendix 3 to the report.**

5. **COVID-19 RESPONSE - PROPOSALS TO FURTHER SUPPORT INDIVIDUALS FACING FINANCIAL HARDSHIP**

- 5.1 There had been circulated copies of a report by the Service Director Customer & Communities presenting a number of proposals for the allocation of the Scottish Government "Addressing future need to support individuals at financial risk 2020/21" Fund. The report also outlined further measures to provide wider financial support to those individuals who required additional help. It was explained that Scottish Government announced on 20 October 2020, that a fund of £30m would be made available to Local Authorities to support those who were facing financial hardship as a result of coronavirus (COVID-19) over the winter period and to continue the provision of Free School Meals during the forth-coming school holidays. The Fund had been split into 2 areas – Supporting Individuals at Financial Risk (£20m) and Free School Meals (£6.95m to cover the October, Christmas and February school holidays), with the balance of £3.05m expected to be provided to support school meals during the Easter holidays in 2021/22. Scottish Borders Council had been allocated approximately £330k of the £20m element for Supporting Individuals at Financial Risk, providing that any claims made were in accordance with the Fund's criteria and guidance. The £6.95M element of the funding for Free School Meals (of which Scottish Borders Council received £111k) had also been allocated to provide Free School Meal vouchers for the October, Christmas and February school holidays.
- 5.2 A Financial Insecurity Group, made up of relevant officers and led by the Service Director Customer & Communities had met to discuss the Fund and potential spend. Proposals for allocation were presented in the report which were based on Scottish Government guidance, main objectives and expected outcomes of the fund. All claims for this phase of the Fund had to be made by 31 March 2021. Approval was being sought in order to ensure that Scottish Borders Council expedited and maximised the opportunity to make claims in an efficient and timely manner using existing third sector and other organisations with established networks. The Service Director Customer & Communities, Jenni Craig, gave a summary of the proposals detailed within the report and provided further information to Members where requested. In the ensuing discussion Members recognised the fact that COVID-19 was pushing more people into poverty. They welcomed the funding but expressed concern that this would not be enough. It was noted that more information and identification of areas of need would be produced through the Anti Poverty Strategy Working Group. In response to a question, Mrs Craig agreed that an effective communications plan would be key and gave assurance that there would be a wide range of communications including through schools, to identify gaps and ensure the funding reached those most in need of support. In terms of timing, payments would be made as soon as possible but definitely by the end of this month.

**DECISION
AGREED:**

- (a) **to delegate authority, to the Service Director of Customer & Communities, to allocate funding as per the areas detailed below:**
- (i) **Fund the expansion of the Connecting Scotland Project to address the shortfall at a local level;**
 - (ii) **Provide a one off emergency payment to vulnerable families across the Scottish Borders as detailed in Section 4 of the report;**
 - (iii) **Allocate funding to a range of existing third sector networks, Community Planning Partners (including Registered Social Landlords) and any other partnerships, networks, resilience groups or other organisations who were already working with vulnerable individuals, to assist with essentials in accordance with the guidance, based on the**

principles of digital, fuel and food poverty and other items deemed as emergency essentials;

- (iv) Provide payments for families with disabled children under 18 years old who were not eligible for the Child Winter Heating Assistance payment.**
- (b) in relation to the Discretionary Housing Payments Policy:**
 - (i) to approve an increase in the removal costs to £500 for moves within the Scottish Borders and £800 for moves from another Local Authority area, to take effect from 1 February 2021;**
 - (ii) to approve an addition to disregard income of up to £20 per adult and £5 per child as detailed in paragraph 5.3.2.**
 - (iii) to approve to disregard all Scottish Child Payment awards.**
 - (iv) to delegate authority to the Service Director of Customer & Communities to review and update the maximum removal costs which could be paid through Discretionary Housing Payments Policy on an annual basis.**
- (c) to a marketing and promotion campaign to raise awareness of the Scottish Welfare Fund; and**
- (d) that all claims, financial monitoring and evaluation would be undertaken in accordance with the guidance and requirements of the Fund.**

6. LOCAL HOUSING STRATEGY (LHS) 2017-22 YEAR 3 PROGRESS

6.1 With reference to paragraph 11 of the Minute of 20 August 2019, there had been circulated copies of a report by the Executive Director Corporate Improvement and Economy seeking agreement of the Annual Progress Report, setting out what had been achieved in the delivery of year three of the Local Housing Strategy (LHS) 2017-22, and approval to submit this to the Scottish Government More Homes Division. The Council and its partners had made good progress since the LHS was formally approved. Work in 2019/20 included the delivery of 141 affordable homes; the submission of a very ambitious Strategic Housing Investment Plan (2020-2025) underpinned by up to £158m of investment; implementation of the first year of the Affordable Warmth and Energy Efficiency Strategy; development of the Warm and Well Borders project; initiation of the pilot of the Missing Shares Scheme in Hawick; undertaking of a study on wheelchair accessible housing in the Borders; and the completion of 82 major adaptations. These were just some of the achievements over the year. In addition to the Annual Progress Report appended as Appendix 1 to the report a detailed monitoring and evaluation matrix was appended as Appendix 2. The Scottish Government had increased its Affordable Housing Investment Programme funding allocation to Scottish Borders to £16m. An additional £3.377m was then made available via slippage from other Council areas, therefore the total annual grant spend increased to a record £19.375m. This had supported the delivery of 141 affordable homes in 2019/20, exceeding our annual 128 unit target. There were also 14 assisted purchases through Scottish Government's Open Market Shared Equity Scheme. Unfortunately due to the adverse impact of the COVID-19 pandemic it was anticipated that annual affordable housing completions in 2020-2021 would be reduced to around 122 new homes. This would fall slightly short of the LHS annual target of 128 homes. The current SHIP identified 1,125 affordable homes for anticipated completion from 2021-2026. The report went on to detail work carried out on energy efficiency measures, the advice provided by the Council's Homelessness Team, support given to Private Landlords and funding support given for adaptations and repairs.

6.2 Members welcomed the report and the positive news it conveyed. In response to a question about whether a proportion of housing was prioritised towards young people and families officers explained that each Registered Social Landlord (RSL) had its own

housing allocation policy but offered to make an enquiry with the RSLs and provide Members with this information. The Chief Planning & Housing Officer agreed with a Member's point about the changes to town centres and opportunities for conversion to housing, particularly of upper floors of buildings. He explained that there was a significant piece of work ongoing involving RSLs and engagement with property owners to look at ways of re-purposing town centres.

DECISION

AGREED to:-

- (a) note the progress made in delivering on the strategic actions as set out in the Annual Progress Report and Monitoring and Evaluation Matrix, as appended to the report; and**
- (b) approve submission of the Annual Progress Report and Matrix to the Scottish Government More Homes division.**

7. SCOTTISH BORDERS COUNCIL'S RESPONSE TO THE EMPLOYABILITY CHALLENGE IN THE SCOTTISH BORDERS

- 7.1 There had been circulated copies of a report by the Executive Director, Corporate Improvement & Economy to highlight the challenges of increased unemployment and numbers of redundancies in the Scottish Borders. The report set out Scottish Borders Council's approach to employability and training in response to existing and new employability measures introduced by the Scottish and UK Governments. It sought the Council's endorsement for this work and also updated the Executive on actions being taken at a South of Scotland level. The report highlighted that unemployment had increased significantly in the past year as a result of the COVID-19 pandemic and was likely to increase further due to the end of the UK national furloughing scheme for employees. Young people aged 16-24 had been particularly affected. The report highlighted Scottish Borders Council's significant role in providing leadership in tackling employability and in supporting UK and Scottish Government employment and employability programmes. The COVID-19 pandemic has had an adverse effect in progressing the local delivery of these programmes. The report also set out the Council's involvement in the recently announced UK and Scottish Government employability programmes especially Kickstart, Youth Guarantee and the Partnership Action for Continuing Employment Programme (PACE). The importance of co-ordinating the work of the Borders Learning and Skills Partnership was highlighted together with the strategic approach being developed at a South of Scotland level. Appendix 1 to the report detailed unemployment figures and percentage increase in unemployment since 2019, for the Scottish Borders. The information included a breakdown by Ward and comparator figures for Scotland. Appendix 2 to the report set out the Council's involvement in externally funded employability projects.
- 7.2 In response to the challenges arising from increasing unemployment in the Scottish Borders, the Council's Corporate Management Team had established a Leadership Group on Employability. This was led by Rob Dickson, Executive Director, Corporate Improvement and Economy. Also there was an inter-service Employability officer group which reported into this Leadership Group. In terms of the regional approach, a South of Scotland Education and Skills Strategic Coordination Group had established a sub-group of the South of Scotland Regional Economic Partnership (REP). The Group was chaired by Professor Russel Griggs and the Council would be represented by the Service Director Young People Engagement and Inclusion. Members discussed the report, noting the sobering statistics but welcoming the programmes of work being carried out across the Scottish Borders and South of Scotland. The importance was stressed of liaising with employers to find out what was required as was the need to keep up pressure for payment of the Living Wage. Members endorsed the action being taken by the Corporate Management Team in setting up the Leadership Group and in response to the request for

regular feedback Mr Dickson confirmed that quarterly updates would be provided either as part of or in parallel to reporting on corporate performance.

**DECISION
AGREED to:-**

- (a) **note the scale of the unemployment challenge particularly facing young people in the Scottish Borders as set out in Section 3 of the report;**
 - (b) **note the additional Scottish Government and UK Government employability support measures as set out in Section 4;**
 - (c) **note the Council's involvement in existing employability measures as set out in paragraphs 5.3, 5.4 and 5.5;**
 - (d) **endorse the Council's approach to Employability as set out in section 5 and its involvement in the UK Government's Kickstart initiative, and the Scottish Government's Youth Guarantee and the Partnership Action for Continuing Employment (PACE) programmes as set out in paragraphs 5.7 to 5.11; and**
 - (e) **note the establishment of the South of Scotland Education and Skills Strategic Coordination Group that would link into the South of Scotland Regional Economic Partnership (REP) as mentioned in Section 6.**
8. **PRIVATE BUSINESS**
AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix 1 to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

9. **EARLSTON INDUSTRIAL ESTATE - RELOCATION OF BORDER COATINGS TO LAUDER INDUSTRIAL ESTATE**

A report by the Service Director Assets & Infrastructure was approved.

MEMBER

Councillor Aitchison left the meeting.

10. **TEVIOTDALE INDOOR BOWLING CENTRE, HAWICK**

A report by the Service Director Assets & Infrastructure was approved.

The meeting concluded at 12.20 pm

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

MINUTE of Meeting of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held remotely via Microsoft Teams on
Wednesday, 10 February 2021 at 11.00 a.m.

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

1. **PRIVATE BUSINESS
DECISION**

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

SUMMARY OF PRIVATE BUSINESS

2 **Jedderfield Farm**

Members discussed the Community Asset Transfer request and agreed that a meeting with the applicants, Tweedgreen be held at 11.00 a.m. on Wednesday, 24 February 2021 to allow them to answer questions from the Sub-Committee.

The meeting concluded at 11.55 a.m.

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