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

6.	<p><b>Committee Minutes</b> (Pages 3 - 38)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"><li>a) Audit &amp; Scrutiny 10 May 2021</li><li>(b) Police, Fire &amp; Rescue &amp; Safer Communities 14 May 2021</li><li>(c) Local Review Body 17 May 2021</li><li>(d) Executive 18 May 2021</li><li>(e) William Hill Trust 18 May 2021</li><li>(f) Peebles Common Good Fund 19 May 2021</li><li>(g) Peebles Common Good Fund 26 May 2021</li><li>(h) Planning &amp; Building Standards 31 May 2021</li></ul> <p>(Copies attached..)</p>	5 mins
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- |     |   |             |
|-----|---|-------------|
| (a) | Audit & Scrutiny                          | 10 May 2021 |
| (b) | Police, Fire & Rescue & Safer Communities | 14 May 2021 |
| (c) | Local Review Body                         | 17 May 2021 |
| (d) | Executive                                 | 18 May 2021 |
| (e) | William Hill Trust                        | 18 May 2021 |
| (f) | Peebles Common Good Fund                  | 19 May 2021 |
| (g) | Peebles Common Good Fund                  | 26 May 2021 |
| (h) | Planning & Building Standards             | 31 May 2021 |

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# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTE of Meeting of the AUDIT AND  
SCRUTINY COMMITTEE conducted  
remotely by Microsoft Teams Live Event on  
Monday, 10 May 2021 at 10.40 am

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- Present:- Councillors S. Bell (Chairman), H. Anderson J. Fullarton, J Greenwell,  
N. Richards, E. Robson, S Scott, E. Thornton-Nicol. Audit Business:  
Mr M Middlemiss
- Also in Attendance:- Councillors G Edgar, R Tatler.
- Apologies: Councillor H. Scott and Ms H. Barnett.
- In Attendance:- Executive Director Finance & Regulatory, Chief Officer Audit & Risk,  
Executive Director Customer and Communities, Service Director Assets and  
Infrastructure, Clerk to the Council, Democratic Services Officer (J Turnbull)  
and from Audit Scotland: Mr J Steen and Ms Wilson-Jones.
- 

## WELCOME AND INTRODUCTIONS

The Chairman welcomed Members of the Audit and Scrutiny Committee and members of the public to the open online meeting. He apologised for the delay in starting the meeting, which was due to a technical issue with the live stream. He introduced Mr Steen and Ms Wilson-Jones from Audit Scotland. Ms Wilson-Jones was replacing Mr Steen as Audit Manager for Scottish Borders Council and therefore would attend the meetings of this Committee.

## ORDER OF BUSINESS

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

### 1. MINUTE.

There had been circulated copies of the Minute of the Meeting held on 8 March 2021.

### DECISION

**APPROVED for signature by the Chairman.**

With reference to paragraph 3 of the Minute, the Chief Officer Audit & Risk advised that the Treasury Management Advisor would attend the informal meeting on 22 November 2021 to deliver Members' refresh training. This would be followed by consideration of the mid-year Treasury Management report at the Audit & Scrutiny Committee formal meeting.

### DECISION

**AGREED to add Treasury Management refresh training on 22 November 2021 to the Action Tracker.**

## **2. ACTION TRACKER**

There had been circulated copies of the Action Tracker for the Audit and Scrutiny Committee. The Chairman advised that the 22 October 2020 item was being discussed on the agenda and the 23 November 2020 item was ongoing.

### **DECISION**

**NOTED the Action Tracker**

## **AUDIT BUSINESS**

## **3. AUDIT AND SCRUTINY COMMITTEE ANNUAL REPORT 2020/21**

There had been circulated copies of a report by the Chairman of the Audit and Scrutiny Committee providing the Audit and Scrutiny Annual Report 2020/21 which presented the Committee's performance in relation to its Terms of Reference and the effectiveness of the Committee in meeting its purpose in relation to its Audit function. The report explained that it was important that the Council's Audit and Scrutiny Committee fully complied with best practice guidance on Audit Committees to ensure it could demonstrate its effectiveness as a scrutiny body (Audit functions) as a foundation for sound corporate governance for the Council. The CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (hereinafter referred to as CIPFA Audit Committees Guidance) included the production of an annual report on the performance of the Audit and Scrutiny Committee against its remit (Audit functions) for submission to Council. The Audit and Scrutiny Committee Annual Report 2020/21 (attached as Appendix 1 to the report) was presented for consideration. Scottish Borders Council continued to be a lead authority in adopting this best practice. The Audit and Scrutiny Committee carried out self-assessments of Compliance with Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committee Guidance during the Informal Session on 8 March 2021 facilitated by the Chief Officer Audit and Risk. The self-assessments were appended as Appendix 2 to the report (Good Practice Principles) and Appendix 3 (Effectiveness) for consideration. The outcome of the self-assessments was a high degree of performance against the good practice principles and a high/medium degree of effectiveness, with areas of further improvement identified.

### **DECISION**

**(a) APPROVED the Audit and Scrutiny Committee Annual Report 2020/21 (Appendix 1 to the report) which incorporated its self-assessments (Appendices 2 and 3 to the report) using the CIPFA Audit Committees Guidance; and**

**\*(b) AGREED that the Audit and Scrutiny Committee Annual Report 2020/21 be presented to the Council.**

## **4. INTERNAL AUDIT WORK TO MARCH 2021**

4.1 With reference to paragraph 6 of the Minute of 8 March 2021, there had been circulated copies of a report by the Chief Officer Audit and Risk which provided Members of the Audit and Scrutiny Committee with details of the recent work carried out by Internal Audit and the recommended audit actions agreed by Management to improve internal controls and governance arrangements. The work Internal Audit had carried out during the period from 20 February to 31 March 2021 was detailed in the report. During the period, a total of three final Internal Audit reports had been issued. There was one recommendation made associated with one of the reports (1 Medium-rated). An Executive Summary of the final Internal Audit reports issued, including audit objective, findings, good practice, recommendations (where appropriate) and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was detailed in Appendix 1 to the report. The Chief

Officer Audit and Risk highlighted the main points of the three elements of the report which related to: Business World ERP System Key Controls; Learning Disabilities Services Financial Management; and Information Governance. In response to questions, the Chief Officer Audit & Risk clarified that the medium rated recommendation related to the Learning Disability Service and advised that improvement actions were ongoing to address the risk and would continue to be monitored. The Learning Disability Service included residential services, day services, contracted services and voluntary services. With regard to commissioning arrangements the Chief Officer Audit & Risk advised that work was underway to ascertain costs for benchmarking purposes. However, during the pandemic a different provision had been required under restrictions which had involved additional costs. The Executive Director Finance and Regulatory added that Corporate Management Team was reviewing the Learning Disability Service delivery of savings in line with the budget. Members requested that an update on the progress of the Learning Disabilities Service Financial Management recommendation be presented to the Audit and Scrutiny Committee in four months' time.

- 4.2 With regard to the management of Freedom of Information (FOI) requests, the Chief Officer Audit and Risk explained that the Information Governance Group met every quarter and these were routinely monitored to ensure the Council was fulfilling its obligations. If it was considered further resources were required the Chief Legal Officer would escalate the request to CMT. Members noted that FOI requests placed a significant burden on officers' time, many of which were generated by commercial businesses. The Chairman suggested that if Members required a scrutiny review be brought forward for consideration they discuss with the Clerk to the Council following the meeting.

#### **DECISION**

**(a) NOTED:**

- (i) the final assurance reports issued in the period from 20 February to 31 March 2021 associated with the delivery of the approved Internal Audit Annual Plan 2020/21; and**
- (ii) the Internal Audit Consultancy and other work carried out in accordance with the approved Internal Audit Charter.**

**(b) AGREED:**

- (i) to acknowledge the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work; and**
- (ii) in respect of the Learning Disabilities Service Financial Management recommendation, that an update with detail of progress be presented to the Audit and Scrutiny Committee in four months' time.**

**5. INTERNAL AUDIT ANNUAL ASSURANCE REPORT 2020/21**

With reference to paragraph 5 of the Minute of 23 June 2020, there had been circulated copies of a report by the Chief Officer Audit and Risk presenting the Internal Audit Assurance Report for the year to 31 March 2021 which included the Chief Officer Audit and Risk's independent assurance opinion on the adequacy of the Council's overall control environment. The report explained that the Public Sector Internal Audit Standards (PSIAS) required that the Chief Audit Executive (CAE), the Council's Chief Officer Audit and Risk, provided an annual internal audit opinion and report on the adequacy and effectiveness of the Council's governance, risk management and internal controls to support the preparation of the Annual Governance Statement. This was in support of the overall governance arrangements of the Council, as set out in the Local Code of Corporate Governance. The remit of the Audit and Scrutiny Committee, relevant to the content of the report, indicated that it should: ensure an adequate framework of internal control, risk management and governance throughout the Council; and monitor and review the performance of Internal

Audit, conformance to the Public Sector Internal Audit Standards and Code of Ethics. To meet the requirements of the PSIAS the Internal Audit Annual Assurance Report 2020/21, at Appendix 1 to the report, included the annual Internal Audit activity and performance during the year to fulfil its role and summarised the outcomes of assessments of the Internal Audit service against the PSIAS. The Chief Officer Audit and Risk highlighted the main points of the report and gave further clarification where requested by Members. In response to a question about the ongoing shared Internal Audit Service with Midlothian Council, the Chief Officer Audit and Risk indicated that with support from the respective Internal Audit teams, the Internal Audit requirements of both organisations were being met. With regard to cyber security, the Chief Officer Audit and Risk suggested that the Digital Strategy overview session could incorporate a section on cyber security. The Executive Director Finance and Regulatory added that following a recent data breach at SEPA, CGI was undertaking a review of cyber security. An update report on this would be brought back to the Audit & Scrutiny Committee.

## **DECISION**

- (a) NOTED the Internal Audit Annual Assurance Report 2020/21 attached as Appendix 1 to the report and assurance contained therein.**
- (b) AGREED that the Executive Director Finance & Regulatory would bring a short ICT Cyber security update report to the Audit and Scrutiny Committee in due course.**

### **6. COUNTER FRAUD ANNUAL REPORT 2021/21**

With reference to paragraph 4 of the Minute of 23 May 2020, there had been circulated copies of a report by the Chief Officer Audit and Risk providing details of the Council's counter fraud responsibilities and an update on the fraud prevention, detection and investigation activity during the year to 31 March 2021. The report explained that the Council was committed to minimising the risk of loss due to fraud, theft or corruption and to taking appropriate action against those who attempted to defraud the Council, whether from within the authority or from outside. The primary responsibility for the prevention, detection and investigation of fraud rested with Management, supported by the Integrity Group. Internal Audit provided advice and independent assurance on the effectiveness of processes put in place by Management. Part of the Audit and Scrutiny Committee's role was to oversee the framework of internal financial control including the assessment of fraud risks and to monitor counter fraud strategy, actions and resources. In 2018, a revised Counter Fraud Policy statement and a 3-year Counter Fraud Strategy were endorsed by this Committee and approved by Council to continue to refine its approach to tackling fraud, with a focus on prevention and detection and promotion of anti-fraud culture across the Council, taking account of reduced resources. Counter fraud activity in line with the Policy was outlined in this annual report. Assurances about the effectiveness of the Council's existing systems and arrangements for the prevention, detection and investigation of fraud can be taken from the outcomes contained with this report. The Chief Officer Audit and Risk highlighted the main points from the report and answered Members' questions. With regard to counter fraud control, she advised that service managers were responsible for ensuring their staff were made aware of procedures and practice to follow. Regular communications were also issued to make staff aware of phishing attempts etc. The Committee raised concern that the Counter Fraud Officer's post had been vacant since December 2020. The Executive Director Finance and Regulatory explained that recruitment would be progressed when restrictions allowed. However, Members highlighted the importance of having an officer in post and recommended that action be taken to fill this vacancy. Councillor Robson, seconded by Councillor H Anderson, suggested that as the Council had not had a Counter Fraud Officer in place since December 2020, that the Chief Executive should take the most appropriate urgent action to fill this role. This was accepted by all Members.

## **DECISION**

- (a) **NOTED:**
  - (i) **the counter fraud work undertaken in support of the Council’s counter fraud policy and strategy; and**
  - (ii) **the outcomes of the counter fraud activity 2020/21.**
- \* (b) **AGREED TO RECOMMEND to Council that as the Counter Fraud Officer post had been vacant since December 2020 that the Chief Executive takes the most appropriate urgent action.**

7. **RISK MANAGEMENT ANNUAL REPORT 2020/21.**

With reference to paragraph 3 of the Minute of 23 June 2020, there has been circulated copies of a report by the Chief Officer Audit and Risk providing an overview of Scottish Borders Council’s responsibilities in respect of risk management and an update on the risk management activity during 2020/21. The report explained that effective Risk Management was one of the foundations of effective Corporate Governance and was recognised as such in the Council’s Local Code of Corporate Governance. Compliance with the principles of sound Corporate Governance required the Council to adopt a coherent approach to the management of risks that it faced every day. Better and more assured risk management would bring many benefits to the Council and the people it served. Management had the primary responsibility to systematically identify, analyse, evaluate, control and monitor risks to the achievement of the Council’s objectives. Internal Audit was required to give independent assurance on the effectiveness of all internal controls and other arrangements put in place by Management to manage risk. Part of the Audit and Scrutiny Committee’s role (Audit function) was to scrutinise the framework of internal financial control, risk management and governance throughout the Council to ensure its adequacy. In 2018, a revised Risk Management Policy statement and a 3-year Risk Management Strategy were endorsed by this Committee and approved by Council to continue to refine its approach to managing risks with a focus on quality of reporting to enable sufficient Senior Management monitoring and oversight. This annual report showed that the Council continued to refine its approach to Risk Management and embed these key aspects into the management practices of the Council and outlined progress made during 2020/21 in delivering the Risk Management Strategy to achieve Policy objectives. The Chief Officer Audit and Risk highlighted the main points from the report and answered Members’ questions.

**DECISION**

**AGREED to acknowledge the arrangements for managing risks at the Council to ensure their on-going effectiveness in support of the Council’s risk management policy and strategy.**

8. **ANNUAL GOVERNANCE STATEMENT 2020/21 AND ANNUAL ASSURANCE STATEMENT 2020/21 TO THE SCOTTISH HOUSING REGULATOR**

- 8.1 With reference to paragraph 5 and 6 of the Minute of 23 June 2020, there had been circulated copies of a report by the Chief Executive presenting for approval the Annual Governance Statement 2020/21 and the Annual Assurance Statement 2020/21 in respect of landlord services provided by the Council. The report explained the CIPFA/SOLACE Framework ‘Delivering Good Governance in Local Government’ (2016), urged local authorities to review the effectiveness of their existing governance arrangements against their Local Code of Corporate Governance, and prepare a governance statement in order to report publicly on the extent to which they comply with their own code on an annual basis, including how they have monitored the effectiveness of their governance arrangements in the year, and on any planned changes for the coming period. The Annual Governance Statement 2020/21 at Appendix A to the report, in compliance with the CIPFA/SOLACE Framework, provided details of the Council’s Governance Framework, the annual Review of Framework undertaken, Improvement Areas of Governance and overall opinion. In 2019, the Scottish Housing Regulator (“the Regulator”) revised its Regulatory Framework. This

placed a new requirement on all social landlords to submit an Annual Assurance Statement to the Regulator by the end of October each year. Section 8 of the Annual Assurance Statement 2020/21 of the Service Director Customer and Communities, at Appendix B, was designed to meet this requirement of the Scottish Housing Regulator.

- 8.2 The Service Director Customer and Communities presented the Annual Assurance Statement 2020/21 in respect of landlord services provided by the Council in Appendix B and summarised the Council's governance arrangements. She also highlighted the two main areas where improvements could be made. With regard to the Gypsy/Travellers site at Tweedside Caravan Park, Innerleithen she acknowledged that the site did not yet meet the Scottish Government's minimum standards. However, engagement continued and the Housing Regulator was satisfied with progress. In response to a question, the Service Director Customer and Communities explained that because of increased demand due to the pandemic, the Council had also utilised a site at Selkirk to accommodate travellers. A review of anticipated demand would be undertaken to ensure the most appropriate arrangements for travellers going forward. In respect of the Homelessness Service the Service Director Customer and Communities advised that there was still some scope for improvement and Appendix 1 to the report detailed the works in both those areas still to be carried out. In response to questions regarding the Assurance Statement to the Scottish Housing Regulator, the Homelessness Service Manager advised that the areas requiring completion were improving service user involvement and consistency in performance reporting. In conjunction with Internal Audit, an action plan had been developed in order to achieve a more consistent, robust service with the substantial works completed within the next six months. Further actions would be added to the plan so it would become a rolling programme of work. The Chief Officer Audit and Risk explained that the planned piece of work had been deferred in 2020/21 because of capacity in the Service but this was scheduled to commence over this quarter. Audit work would also cover other elements in terms of temporary accommodation and any findings and conclusions would be reported back to the Audit and Scrutiny Committee. With regard to homelessness, the Manager advised that they had been able to provide emergency accommodation over the past 12 months to keep people safe and were now revisiting the developmental agenda. The Service Director Customer and Communities suggested a further recommendation be added 'that an update report be presented to the Audit and Scrutiny Committee outlining progress in the areas set out in Appendix B to the report' and this was agreed.
- 8.3 The Chief Officer Audit and Risk summarised the Council's annual assurance process by way of background information for Members of the Committee and highlighted the main points from the Annual Governance Statement 2020/21 at Appendix A to the report, which was the output from that process.

## **DECISION**

### **AGREED to:-**

- (a) Note the details of the Annual Governance Statement 2020/21 as detailed in Appendix A to the report and that it reflected the risk environment and governance in place to achieve objectives, and acknowledged the actions identified by Management to improve internal controls and governance arrangements;**
- (b) Approve that the Annual Governance Statement 2020/2 (Appendix A) be published in the Council's Statement of Accounts 2020/21;**
- (c) Note the details of the Annual Assurance Statement 2020/21 in respect of landlord services provided by the Council (Appendix B), the further self-assessment information (Appendix 1), and Scottish Borders Council Annual Assurance Statement 2020/21 to the Scottish Housing Regulator (Appendix 2) and acknowledged the actions indented by Management to improve**

**arrangements; and the actions identified by Management to improve internal controls and governance arrangements;**

- (d) Approve the Annual Assurance Statement 2020/21 in respect of landlord services provided by the Council (Appendix B) be submitted to the Scottish Housing Regulator along with the Summary Statement of Self-Assessment of Compliance against Regulatory Framework (Appendix 1) and Scottish Borders Council Annual Assurance Statement 2020/2021 to the Scottish Housing Regulator (Appendix 2); and**
- (e) Request that an update report be presented to Audit and Scrutiny Committee in 6 month's time, outlining progress in the areas set out in Appendix B (Assurance Statement to the Housing Regulator) to the report.**

#### **MEMBER**

Mr Middlemiss left the meeting.

#### **ADJOURNEMENT**

The meeting was adjourned at 12.35 am and re-convened at 12.40 am.

### **SCRUTINY BUSINESS**

#### **9. GRASSCUTTING AND BIODIVERSITY – EFFECTIVENESS OF BIODIVERSITY PLANS**

- 9.1 There had been circulated copies of a report by the Service Director, Assets and Infrastructure, providing information, as requested, on the existing greenspace management and maintenance operations, including grass cutting regimes carried out by the Parks and Environment Section. The report summarised the ongoing work to deliver biodiversity plans by Scottish Borders Council and the opportunities and challenges presented therein. The report explained that Scottish Borders Council's Parks and Environment Section provided operational grounds maintenance services across the public realm, including civic spaces, parks, cemeteries and churchyards, footpaths, sports facilities, play facilities, general amenity areas, schools, industrial estates and woodlands. The Service was also responsible for management and maintenance of public toilets, street cleansing and litter bins and managed. Teams were working closely with the Climate Change Group which fed into various strands across Assets and Infrastructure, not just the Parks service. The Chief Officer Roads highlighted the main points from the report and answered Members' questions. More innovative ways were being sought to link people who wanted to grow with those with gardens who were finding them too much and that included trying to link with Community Planning partners. The demand for allotments was quite high and by their very nature they were labour intensive. New regulations had recently been introduced and a further report was due to come back to Council on allotments in a year's time. With regard to the use of glyphosate, Mr Hedley advised that appropriate licenses were in place and the chemical was only used by appropriately trained staff for street and grass maintenance as it reduced the need to trim. Currently, there was no financially viable alternative for street use. Members discussed the grass cutting cycle and Mr Hedley explained that the Council was required to do more to reduce its carbon impact and increase biodiversity. Most complaints were generated from cemetery maintenance and he acknowledged that active cemeteries could benefit from increased maintenance. However, financial constraints determined the maintenance possible. With regard to riparian cultivation he suggested further discussion with officers to identify any concerns in respective areas. Regarding the planting of different species such as camomile grass, Mr Hedley advised that alternatives would require additional funding however, the service would work with any communities to advise and create opportunities for alternative planting.

- 9.2 The Audit and Scrutiny Committee thanked officers for their attendance and suggested that they reflect on the need for communications to promote what the Council was trying to achieve within communities and why. For example, the 10 wildflower locations should be publicised, the maintenance regime for cemeteries explained and signage and information on biodiversity made available. Members wishing to discuss specific details further should set up an appropriate meeting with the Parks and Environment Manager. Members requiring further discussion at Area Partnership meetings should discuss with the Chairs of their respective Area Partnerships.

**DECISION**

**NOTED that officers would reflect on the issue and advantages of communicating the various initiatives discussed.**

10. **A & I SUPPORT TO COMMON RIDINGS & LOCAL FESTIVALS.**

There had been circulated copies of a report by the Service Director Assets and Infrastructure summarising the in-kind support that was provided to Common Ridings and local festivals by the Assets and Infrastructure Service. The Infrastructure Manager introduced the report and highlighted that the report related purely to assets and infrastructure. He explained that the scale of events and Council involvement varied widely and the report differentiated between advanced planning liaison and on the ground support prior to and following events. A breakdown of spend was provided at Appendix B to the report. The Manager clarified that the £46k was for barriers and cones, in addition £10k was for grass cutting and with officers' time events could cost in advance of £180k. In response to a question, Mr Young explained that costs varied dramatically depending on what was required, for example there could be a change to a ride out route which involved changes to the costs of barrier controls. The Chairman thanked officers for the report and clarification which had given an understanding of the scale and costs of Common Riding and Local Festival events.

**DECISION**

**NOTED the clarification which gave a better understanding of the scale of costs for Common Ridings and Local Festivals, which could be reviewed as part of the budget planning process if Members were so minded.**

*The meeting concluded at 2.00 pm.*

# Public Document Pack

## SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY conducted remotely by Microsoft  
Teams Live Event on Monday, 17 May 2021  
at 10.00 am

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

Apologies:- Councillor A. Anderson

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

### 1. **REVIEW OF 20/01234/FUL**

There had been circulated copies of the request from Mr Josh Welsh, 1 Raeburn Lane, Selkirk, to review the decision to refuse the planning application for the erection of a boundary fence (retrospective) at 1 Raeburn Lane, Selkirk. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; support comment; and a list of policies. The Review Body noted that the proposal was for planning permission to form a boundary fence and that, as the fence was erected, the application sought retrospective permission. In the ensuing discussion Members were content with the principle of a timber fence replacing the previous metal fence and had sympathy with the applicant in terms of requirements for privacy and dog security. However their opinion was divided about the visual impact of the fence at that location, in terms of its prominence and, in particular, its height.

#### VOTE

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

*Councillor Moffat, 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 - 4 votes*

*Amendment - 4 votes*

*The Chairman used his casting vote in favour of the motion which was accordingly carried and the application refused,*

#### **DECISION**

**DECIDED that:-**

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**

- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision to refuse the application be upheld and the application be refused, for the reasons detailed in the Appendix to this Minute.**

*The meeting concluded at 10.30 am*



**APPENDIX**

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

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

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

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**Local Review Reference:** 21/00006/RREF

**Planning Application Reference:** 20/01234/FUL

**Development Proposal:** Erection of boundary fence (retrospective)

**Location:** 1 Raeburn Lane, Selkirk

**Applicant:** Mr Josh Welsh

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**DECISION**

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

1. The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. This conflict is not overcome by other material considerations.

**DEVELOPMENT PROPOSAL**

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

<b>Plan Type</b>	<b>Plan Reference No.</b>
OS Sitemap	Block Plan
Photograph	1
Photograph	2
Photograph	3

## PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17<sup>th</sup> May 2021.

After examining the review documentation at that meeting, which included a) Notice of Review: b) Decision Notice: c) Officer's Report: d) Papers referred to in Officer's Report; e) Support comment; and f) List of Policies, the Review Body considered the applicant's request for further procedure in the form of a site visit but did not consider it necessary in this instance and proceeded to determine the case.

## REASONING

The determining issues in this Review were:

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

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

- Local Development Plan policies: PMD2 and HD3
- 

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010

The Review Body noted that the proposal was for planning permission to form a boundary fence and that, as the fence was erected, the application sought retrospective permission. Members appreciated that the applicant had followed the appropriate procedure once the planning breach had been identified

The Review Body firstly considered the visual impact of the fence as a garden and roadside boundary treatment. They assessed the fence on the photographs submitted by the applicant and a series of photographs showing surrounding properties taken from Google Streetview, whilst understanding that the latter were several years old. Members had no issue with a timber fence replacing the previous metal fence, but they agreed with the Appointed Officer that the fence was too high, out of keeping with the surrounding hedges and low boundary treatments and did not provide a positive contribution to the existing streetscape. They considered that there were established planning regulations governing fencing height and the proposal contravened these. The Review Body did discuss whether the fence would have been more acceptable if lower in height. They also noted the adjoining high hedge, albeit they felt that hedging still provided a softer impact on the street scene. Members concluded that the fencing was contrary to Policy PMD2 of the Local Development Plan.

In terms of the applicant's residential amenity under Policy HD3, Members noted the applicant's requirements for privacy, dog security and the location of the property downhill at a road junction and near to a bus stop. Whilst they had sympathy with the applicant in terms of the perceived benefits of the fencing and noted that there was a letter of support and no objections from neighbours, the Review Body did not consider these outweighed their concerns over visual impact and height of the fencing. They concluded that the fence, at the

height and in the location proposed, was prominent, incongruous and an inappropriate boundary treatment for the site, contrary to Policy PMD2 of the Local Development Plan.

## **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.

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### **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.

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**Signed**.....  
Councillor S Mountford  
Chairman of the Local Review Body

**Date**.....21 May 2021

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# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE  
COMMITTEE held remotely by Microsoft  
Teams on Tuesday, 18 May 2021 at 10.00  
am

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

Also Present:- Councillor S Bell.

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

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## EDUCATION BUSINESS

Present:- Mr I. Topping, Eleanor Lockey (Pupil Representative), Lindsay Craig.

Apologies:- Katie Brookes, Harry Scott.

### CHAIRMAN

Councillor C Hamilton chaired the meeting for consideration of Education Business.

### REVISED OUTDOOR EDUCATION POLICY

There had been circulated copies of a report by the Service Director Young People Engagement and Inclusion which proposed that the Revised Outdoor Education Policy, attached to the report, reflected and aligned with the national guidelines outlined in the Scottish Government document 'Going Out There' in order to provide clear guidance on delivering outdoor education in Scottish Borders schools and Early Years settings. The report explained that outdoor education provided invaluable life experience for children and young people through play and off site activities. These activities need to be planned ensuring safety at all times. The National Framework 'Going Out There' was developed to enable its widest possible adoption by integrating support at Local Authority level, along with management, delivery and practice at schools/Early Years level. Adoption of the good practice in the framework, and consequently in the revised Policy, allowed Scottish Borders Council to fulfil their responsibilities within the Health and Safety at Work Act 1974 for outdoor experiences and off site activities for all participants. James Marshall, Quality Improvement Officer, gave members a brief summary of the main points from the Policy. In response to question regarding Education Trusts, Mr Marshall advised that all schools were regularly updated on the funding available to them. The Service Director added that the Council were reviewing Trusts to ensure they were accessible to all children. Mr Marshall further advised that he would add the wording 'some with support' at bullet point 1, page 14 of the Policy and would also promote the inclusivity of the Policy. With regard to a further question on outdoor centres, he explained that the Outdoor Education Officer was supporting Broomlea and Newcastleton Outdoor Centres to apply for a government grant to enhance outdoor provision next session. He also clarified that with regard to self-drive minibuses, the Outdoor Education Officer would assist with advice

on licenses and required experience. With regard to schools having joint trips, the Service Director advised that she would raise with the Headteachers' Group.

#### **DECISION**

**AGREED to approve, as amended, the final draft of the Revised Outdoor Education Policy as contained in Appendix 1 to the report) and that it could be circulated to schools and Early Years settings in the Scottish Borders.**

#### **YARROW PRIMARY SCHOOL CATCHMENT REVIEW**

With reference to paragraph 4 of the Minute of 30 April 2019, there had been circulated copies of a report detailing the Statutory Consultation that had been undertaken to review the catchment area boundary between Yarrow Primary School and Philiphaugh Community School. The report recommended that the catchment boundary be changed in accordance with the plan attached in Appendix 1 to the report. The report explained that approval was given in April 2019 to undertake a statutory consultation regarding a proposal to amend the catchment boundaries of Yarrow Primary School and Philiphaugh Community School. This proposal followed a sustained decline in pupil numbers at Yarrow Primary School. The consultation period ran from 10 May 2019 to 26 June 2019, with 32 members of the community submitting responses. Education Scotland had visited both schools after the summer holidays and published a report supporting the proposed catchment change. In accordance with the Schools (Consultation) (Scotland) Act 2010, a Consultation Report was prepared by Council officers, summarising the consultation process and responding to all the comments made during the consultation. The Consultation Report was published on 24 October until 21 November 2019 and provided an opportunity for comment and alternative suggestions from the communities. The Consultation Report was attached as Appendix 2 to the report. There was one response received during this period, which was in support of the proposed amendments to the catchment areas. The report proposed that the catchment areas were amended before the start of the school year 2021/22. Gillian Sellar, Solicitor, presented the report advising that Yarrow Primary School currently had 13 pupils. The amended catchment area would move nine pupils from Philiphaugh Community School to Yarrow Primary School. The Committee commended officers on the consultation with the community and unanimously supported the change to the catchment area.

#### **DECISION**

**AGREED the proposal to amend the catchment areas of Yarrow Primary School and Philiphaugh Community School in accordance with the plan contained in Appendix 1 to the report.**

#### **UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC) UPDATE**

There had been circulated copies of a report by the Service Director Young People, Engagement and Inclusion advising on the potential impact of the Scottish Government's proposed Bill on Children's Rights for Scottish Borders Council and Partners. The report explained that Scotland was set to become the first part of the United Kingdom (UK) to directly incorporate the United Nations Convention on the Rights of the Child (UNCRC) into domestic law. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament on 1 September 2020 and placed a duty on public bodies to respect and protect children's rights in all the work that they do. The Bill also stated that public authorities must not act in a way that was incompatible with the UNCRC requirements. The Bill was passed unanimously by the Scottish Parliament on 16<sup>th</sup> March 2021. However, the UK Government referred the Bill to the Supreme Court under section 33 of the Scotland Act 1998 due to concerns that certain sections of the Bill would affect the UK Parliament's power to make laws for Scotland. The referral to the Supreme Court related to legislative competence, and not the policy intentions of the Bill. The Supreme Court would decide whether the Scottish Parliament had gone beyond its powers. The Strategic Planning & Policy Manager, Janice Robertson, highlighted the main points from the report, the key policy aims and explained that Children's Rights were upheld in any decision making. Members welcomed the report and looked forward to receiving details on how the Council would incorporate the legislation into all policies and procedures. In response to a question regarding Children's Hearings the Director advised that children's best interests were at the centre of the Bill.

## **DECISION**

### **AGREED**

**(a) that the Council review the potential impact of Incorporation of Children's Rights into Scots Law in relation to the current Parliamentary Bill; and**

**(b) that the Council review the implications of Incorporation and amend any Council policies appropriately.**

## **MEMBER**

Lindsay Craig joined the meeting during consideration of above report.

## **CHILDREN'S RIGHTS**

There had been circulated copies of a report by Service Director Young People, Engagement and Inclusion advising on initiatives Scottish Borders Council had implemented in the past three years (2017-20), and the measures planned over the next three years (2020-23) to further the rights of children and young people living in the Scottish Borders. Part 1 of The Children and Young People (Scotland) Act 2014 required Public Authorities to report 'as soon as practicable' after the end of each three year period on the steps they had taken to secure better or further effect the requirements of the United Nations Convention on the Rights of the Child (UNCRC). Scottish Borders Council had prepared a joint report with NHS Borders to comply with the requirement of the Act, shown in Appendix 1 to the report. The Act required that the Children's Rights Report was published on the local authority website. The report was split into two parts. Part one sets out actions implemented within the past three years, namely, from 2017 (when the duties first commenced) to 2020. Part two comprised an Action Plan of measures being taken forward covering the period 2020 until 2023. The Strategic Planning & Policy Manager, Janice Robertson highlighted the main points of the report, advising that achievements over the past three years and an Action Plan for 2021-23 was set out in the Appendix. Members welcomed the report, however, requested that an evaluation, in terms of outcomes, be included in future reports. In response to a question regarding the impact of the pandemic the Director advised that young people had become more independent and self-sufficient during the last year and that the Council would build on these skills. She also clarified that there would be an education programme with young people and teachers to understand the requirements of the Act.

## **DECISION**

### **APPROVED:-**

**(a) the Children's Rights Report for 2017-20; and**

**(b) the Action Plan of measures for 2020-2023.**

## **MEMBER**

Councillor Edgar joined the meeting during consideration of the above report.

## **OTHER BUSINESS**

## **CHAIRMAN**

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

## **MINUTE**

There had been circulated copies of the Minute of the meeting of 20 April 2021.

## **DECISION**

**APPROVED for signature by the Chairman.**

## **UPDATE ON SOUTH OF SCOTLAND ECONOMIC PARTNERSHIP FUNDING PROPOSALS**

There had been circulated copies of a report by Executive Director, Corporate Improvement and Economy highlighting the progress made in relation to the variety of projects initiated by the South of Scotland Economic Partnership (SOSEP) before the voluntary partnership concluded its activity on 1 April 2020 and the South of Scotland Enterprise Agency (SOSE) became operational. The report explained that one of the key contributions that the Council made to the South of Scotland Economic Partnership was to act as project sponsor for a range of SoSEP projects that had received approval. It was important that the Council continued to undertake local management of these projects and helped ensure that Scottish Government funding had been allocated effectively. A list of key projects supported by SoSEP along with a current update on the progress of these projects was provided in the report together with a list of key projects allocated funding throughout the South of Scotland being provided in Appendix A to the report. The Executive Director highlighted five projects: The Community Enterprise Support pilot; Energise Galashiels, Trimontium, Sir Walter Scott 250<sup>th</sup> Anniversary programme, and the Crook Inn Café Development and gave an update on progress. In response to a question regarding assessing the economic impacts of these projects the Executive Director advised that Scottish Government required an assessment of outcomes and a report would be presented to a future Executive Committee indicating achievements. He further advised that he would discuss with Communications promotion of the projects.

## **DECISION**

- (a) NOTED the progress of the approved projects that have been supported through the South of Scotland Economic Partnership.**
- (b) AGREED that the continuing support for the delivery of the projects listed in Table 4.1 and Appendix A of the report, will deliver economic and community led benefits throughout the Scottish Borders.**

## **PAY & DISPLAY PARKING**

There had been circulated copies of a report by the Service Director Assets and Infrastructure examining the current scope of Pay & Display operations in the Scottish Borders and proposing a number of changes to standardise these. The report also provided feedback on the recent suspension of Pay & Display in the run up to Christmas 2020. The Service Director presented the report and responded to Members' questions. In response to a question regarding pay and display parking income, the Executive Director Finance & Regulatory advised that the surplus generated paid for maintenance, signage and attendants. He further advised that the some unique towns required flexibility of charges to ensure they generated sufficient parking in popular locations. With regard to the implementation, of the new parking regime the Network Manager advised that it could take up to six months to allow for procurement, updating parking machines and printing of tickets. Following discussion Members agreed that further information was required before a decision could be made and requested that officers bring back a further report to the next meeting to include: clarity on indicative charges, terms and times; exploring the possibility of introducing a pay and display parking scheme in other towns; calibration of changing machines to accept contactless payment; and, detail on the implementation timeline.

## **DECISION**

**AGREED to defer decision until the next Executive Committee to allow a further more detailed report on Pay & Display parking to be presented.**

## **STRATEGIC HOUSING INVESTMENT PLAN PROGRESS FOR 2020-2021**

There had been circulated copies of a report by Executive Director Corporate Improvement and Economy advising Members of the annual completions of affordable homes and progress made in the delivery of the Strategic Housing Investment Plan (SHIP) project for the period 2020-21. The Strategic Housing Investment Plan (SHIP) was

the sole document for targeting investment in affordable homes in Scottish Borders. This provided a rolling 5 year planning horizon of identified and prioritised development intentions for affordable homes. Current Scottish Government Guidance required that each Council submit a SHIP on an annual basis. In common with previous submissions, Scottish Borders Council's SHIP 2021-26 had also received very positive feedback from Scottish Government Officials. This report advised that for the financial period 2020-2021, 106 affordable homes were delivered against envisaged projects set out in the current SHIP 2021-2026. This fell short of the Council's Local Housing Strategy 2017-2022 (LHS) annual target of 128 new affordable homes. Of the 107 homes delivered, 94 were through new building and conversion by Registered Social Landlords [RSLs], plus 4 individual home purchases. The balance of 9 homes were individual home purchases assisted by Scottish Government's Open Market Shared Ownership scheme. This represented a 5 year average annual delivery 142 homes. On a positive note, as at 31 March 2021, 449 affordable homes were under construction, 176 were at Planning Pre-Application and Application stages and 33 were at pre-site start stage. The Chief Planning Officer presented the report and responded to questions. Members welcomed the paper and commended officers and RSLs for their work during this difficult time.

## **DECISION**

**AGREED to endorse the progress made in the delivery of affordable homes in 2020-2021.**

### **WHEELCHAIR ACCESSIBLE HOMES DELIVERY 2020-2021**

There had been circulated copies of a report by the Executive Director Corporate Improvement and Economy providing an annual update of the delivery of wheelchair accessible homes delivered against the Council target for the period 2020-2021. The report explained that revised Scottish Government Guidance required Councils to set all tenure wheelchair accessible homes targets. On 17 November 2020, the Executive Committee agreed an annual target of 20 homes. During 2020-2021, Registered Social Landlords delivered 2 wheelchair accessible homes, and the private sector delivered none. The Chief Planning Officer summarised the report explaining that work was still required to engage with RSLs and private sector to encourage the delivery of wheelchair accessible homes. It was suggested that planning guidance should be considered with a possible indicative percentage for new developments in a similar way to the requirement to provide affordable homes. Councillor Tatler advised that Access Panels would be willing to be involved to give advice going forward.

## **DECISION**

**(a) NOTED the contents of this report.**

**(b) AGREED that:**

- (i) the Chief Planning & Housing Officer convene a meeting with RSLs and private builders to explore what the barriers were to building more wheelchair accessible homes and what measures could be employed to encourage their provision, and**
- (ii) the Chief Planning & Housing Officer consider what additional technical guidance would be helpful to the encouragement and delivery of more wheelchair accessible homes.**

### **UPDATE ON THE COVID-19 FINANCIAL SUPPORT FOR BUSINESSES**

There had been circulated copies of a report by Executive Director Corporate Improvement and Economy providing information on the various financial support funds distributed to businesses by Scottish Borders Council as part of Scottish Government's Coronavirus Support Schemes since April 2020. The current value of funding distributed to local businesses by Scottish Borders Council was in excess of £70 million, with over 5770 businesses currently supported through the grant process. The Scottish Borders

Discretionary Fund had currently allocated over £2.8 million to approximately 420 businesses throughout the Scottish Borders from a total allocation of £3.1 million from Scottish Government. It was recommended that the residual funds be allocated to self-employed businesses as a top up payment. The Committee welcomed the report, recognising the contribution by Council staff in distributing the Grant Support Funding expediently.

**DECISION**

**AGREED to:-**

- (a) recognise the Council's achievement in successfully distributing the Scottish Government's COVID-19 Grant Support Funding to businesses throughout the Scottish Borders; and**
- (b) to allocate the residual funds from the Scottish Borders Discretionary Fund to the eligible self-employed businesses that made an application to the fund as a top-up payment.**

*The meeting concluded at 11.50 am.*

**SCOTTISH BORDERS COUNCIL  
WILLIAM HILL TRUST SUB-COMMITTEE**

MINUTE of Special Meeting of the WILLIAM  
HILL TRUST SUB-COMMITTEE held via  
Microsoft Teams on Tuesday, 18 May 2021  
at 2.00 p.m.

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Present:- Councillors D. Parker (Chairman), J.Linehan and T. Miers

In Attendance:- Pensions & Investment Manager, Principal Solicitor, Democratic Services  
Officer (F. Walling).

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1. **APPLICATION FOR FINANCIAL ASSISTANCE**

There had been circulated copies of an application for financial assistance, from Melrose Football Club. The application explained that the club was a volunteer based community football club with over 240 players under the age of 14, with one third of the number being girls. The club was seeking a sum of £3,500, towards the cost of a complete upgrade of football kits across the whole club. This would also mean that, for the first time, the club would have the same identity rather than a collection of designs and brands. This would drive take-up in terms of participation and encourage return of those that had stopped due to Covid. For the first time the club would have one identity. The estimated total cost of the project was £6,697.60, the remaining funds being sourced from sponsors and an application to the Community Fund. Members discussed the application and unanimously gave it their support, welcoming the fact that the initiative would give the club a single identity. The application for a grant of £3,500 was approved in full.

**DECISION**

**AGREED to award a grant of £3,500 to Melrose Football Club**

*The meeting concluded at 2.10 pm*

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

MINUTE of Special Meeting of the PEEBLES  
COMMON GOOD FUND SUB-COMMITTEE  
held via Microsoft Teams on Wednesday 19<sup>th</sup>  
May at 4pm

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

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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 agreed the next steps in respect of the marketing of Jedderfield Farm.

*The meeting concluded at 3.30 p.m.*

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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 via Microsoft Teams on Wednesday, 26  
May 2021 at 5.00 p.m.

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Present:- Councillors R. Tatler (Chairman), H. Anderson (from paragraph 7),  
S. Bell, S. Haslam, E. Small and Community Councillor L. Hayworth  
Apology:- Councillor K. Chapman  
In Attendance:- Treasury Business Partner (S. Halliday), Solicitor (G. Sellar), Estates  
Surveyor (T. Hill), Lead Officer Access & Transport, Democratic  
Services Team Leader

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### 1. **MINUTE**

The Minute of the Meeting of Peebles Common Good Fund Sub-Committee held on 24 February 2021 had been circulated.

### **DECISION**

**AGREED to approve the Minute for signature by the Chairman.**

### 2. **MATTERS ARISING SINCE THE LAST MEETING**

The Chairman reported on the following:-

- (a) Permission had been given for the planting of 6 further fruit trees in the Peebles Community Orchard in Haylodge Park; and
- (b) that in response to an invitation from the BBC to participate in an item on Common Good Funds the Chairman had taken part in the filming.

### **DECISION**

**NOTED.**

### 3. **BUDGET MONITORING FOR THE 12 MONTHS TO 31 MARCH 2021**

There had been circulated copies of a report by the Executive Director, Finance & Regulatory providing details of the income and expenditure for the Peebles Common Good Fund for the year 2020/2021 including balance sheet values as at 31 March 2021, a full year projected outturn for 2021/2022 and projected balance sheet values as at 31 March 2022. Appendix 1 provided the actual income and expenditure position for 2020/21 and showed a surplus of £51,329 for the year. Appendix 2 provided an actual balance sheet value as at 31 March 2021 and showed an increase in the reserves of £53,935. Appendix 3a provided a breakdown of the property portfolio showing actual rental income and net return for 2020/21. Appendix 3b provided a breakdown of the property portfolio showing actual property expenditure for 2020/21. Appendix 4 provided a breakdown of the actual property valuations at 31 March 2021. Appendix 5 showed the value of the Aegon Asset Management Investment Fund to 31 March 2021. The Treasury Business Partner highlighted the main points in the report and confirmed that the Aegon Asset Management Investment Fund was now back in a positive position. In response to a query on the map of assets to match the list shown in Appendix 3a the Estates Surveyor advised that a review of property was being undertaken by the Legal and Finance Sections so the map could not be finalised until this was complete.

## **DECISION**

### **AGREED:-**

- (a) to note the actual income and expenditure for 2020/21 in Appendix 1 to the report;
- (b) the projected income and expenditure for 2021/22 in Appendix 1 to the report as the revised budget for 2021/22;
- (c) to note the final balance sheet value as at 31 March 2021, and projected balance sheet value as at 31 March 2022 in Appendix 2 to the report;
- (d) to notes the summary of the property portfolio in Appendices 3 and 4 to the report; and
- (e) to notes the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.

#### **4. APPLICATION FOR FUNDING**

There had been circulated copies of an application from Peebles County Cricket Club requesting £2,600 to support the Club to allow juniors and seniors to play cricket during the summer. Mr Steven Slater, Club Chairman and Niall Burns who worked with the junior members were present at the meeting and explained the impact that Covid 19 had on the Club and the need for funding to allow them to continue. They were trying to make the Club more sustainable and were trying to increase the number of young members and also start a ladies group. Members discussed the request. Councillor Haslam, seconded by Councillor Bell proposed that the request be approved and this was unanimously accepted.

## **DECISION**

**AGREED to award a grant of £2600 to Peebles County Cricket Club.**

#### **5. HIGHLAND GAMES CONTAINER**

With reference to paragraph 5.4 of the Minute of 24 February 2021, it was noted that the Highland Games representative was unable to attend the meeting. Members asked that visuals of the proposed container be provided for their next meeting to allow a final decision to be made.

## **DECISION**

**AGREED to defer this matter until the next meeting to allow further information to be provided.**

#### **6. PROPERTY UPDATE**

##### **6.1 Venlaw Quarry**

With reference to paragraph 5.2 of the Minute of 24 February 2021, the Estates Surveyor advised that the following the landslip heras fencing had been erected. Engineers had now examined the quarry and prepared a report recommending improved fencing and signage and investigations of dangerous trees around the top of the quarry in the short-term and in the longer term scaling around the sides. Works to ensure the quarry was safe such as continued use of heras fencing, new signage and tree surveys were ongoing. Community Councillor Hayworth asked that if the Common Good Fund only had permission to remove stone from the quarry could this right not be given up so that any costs would then fall to the owner of the quarry. The Estates Surveyor advised that she would investigate this option and report back to a future meeting.

## **DECISION**

**AGREED that the Estates Survey investigate the possibility of the Common Good Fund giving up its rights to the quarry.**

**6.2 Haylodge Park**

The Estates Survey showed pictures of the current poor condition of a path within Haylodge Park. The cost of the repair would be £2465. Member also noted that fencing at Fotheringham Bridge had been repaired.

**AGREED to repair the path at Haylodge Park at a cost of £2465.**

**6.3 Haylodge Park Toilets**

The Estates Surveyor had sought approval in principle for the re-opening and cleaning of the toilets in Haylodge Park from 1 April 2021. The cost of cleaning Haylodge Park toilets this year was £300/week. This was more than previous years due to additional cleaning, PPE, signage and hand sanitiser required as a result of Covid. The total cost for the usual opening period of 1<sup>st</sup> April to 30<sup>th</sup> September would be £7800 compared with the cost of £6500 in 2019.

**DECISION**

**AGREED to ratify the decision regarding the re-opening and cleaning of the Haylodge Park toilets at a cost of £7,800 for the season.**

**MEMBER**

Councillor Anderson joined the meeting.

**7. REQUESTS TO USE COMMON GOOD LAND**

There had been a number of requests to use various areas of Common Good land and these were listed on the agenda as follows:-

- Underdog –Request to use Haylodge Park, Tweed Green, Kingsmeadows Car Park and Victoria Park for food trading from converted horse trailer. Hours of operation are currently Wednesday, Thursday & Saturday from 11am - 3pm but hoping to expand to Friday's and possibly Sunday's and bank holidays. Set up around 10am to prepare for service and are usually off site by 3.15pm. Plan of proposed location within Victoria Park attached.
- Flower of Milk –. Request to use Kingsmeadows Car Park or Tweed Green for selling ice cream from a trailer. Time scale would potentially be May 1st to October 1st. Days of the week would consist of Thursdays/Fridays/Saturdays and Sundays. Hours of the day would be 10am till 4pm on these days.
- Tweed Valley Tourism - Managed provision for motorhomes at Kingsmeadows car park.
- Request to open café in Tweed Green pavilion – suggested hours of operation, May to Sept, 7am-3pm, Possibly Wed to Sunday
- Use of Tweed Green pavilion and Haylodge Park Shelter for creating safe managed outdoors spaces for young people.

Councillor Bell stated that he did not feel that some of the requests were sufficiently detailed and asked for consideration to be deferred to allow a short paper to be provided with an officer recommendation and this was supported by Councillor Anderson. The Lead Officer Access and Transport was also in attendance to discuss the possibility of introducing a Temporary Traffic Order to allow motorhomes to stay in car parks overnight and noted that other car parks within Peebles should be considered. The Estates Surveyor advised that she was looking for guidance on whether or not the Sub-Committee were likely to support such requests. However, the Chairman supported the request and asked that a further meeting be arranged to consider these at an early opportunity.

**DECISION**

**AGREED** that a further meeting be arranged to consider these and that paper be provided.

8. **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**

9. **Minute**

Approved the private section of the Minute of the meeting held on 24 February 2021.

10. **Review of Rents**

Members received information from the Estates Surveyor

11. **Urgent Business**

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

12. **Jedderfield Farm**

Members agreed that this property be advertised for lease in the press.

*The meeting concluded at 5.55 p.m.*

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

MINUTE of Meeting of the PLANNING AND  
BUILDING STANDARDS COMMITTEE held  
via Microsoft Teams on Monday, 31 May  
2021 at 10.00 a.m.

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

In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Senior Roads Planning Officer, Solicitor (Fraser Rankine), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

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**1. MINUTE**

There had been circulated copies of the Minute of the Meeting held on 26 April 2021.

**DECISION**

**APPROVED for signature by the Chairman.**

**2. APPLICATION**

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

**DECISION**

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

**MEMBER**

Councillor Anderson left the meeting.

**3. APPEALS AND REVIEWS**

There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews. Mr Fotheringham advised that, following feedback from a member of the public that the summary in respect of 20/00067/FUL Land North West of Willowdean House, Foulden was incomplete, an amended summary had been included.

**DECISION**

**NOTED that:-**

**(a) Appeals had been dismissed in respect of:-**

**(i) the Erection of 22 dwelling houses with new access road and associated work on Land East of Knapdale, 54 Edinburgh Road, Peebles – 20/00753/FUL; and**

**(ii) the Erection of 52 holiday lodges with office reception, shop and formation of associated roads and parking on Land North West of Willowdean House, Foulden – 20/00067/FUL**

**(b) There remained one appeal previously reported on which a decision was still awaited when the report was prepared on 20 May 2021 and related to the site at:**

- Land West of 8 Ballantyne Place, Peebles

(c) review requests had been received in respect of:-

- (i) replacement windows and door at Linden, Causewayend, Ancrum – 20/00962/FUL;
- (ii) the Erection of dwelling houses with associated access on site East of Dogcraig Cottage, Scotsmill, Peebles – 20/01350/PPP;
- (iii) erection of dwelling house on Land East of the Bungalow, Edington, Chirnside – 21/00045/FUL;
- (iv) erection of dwelling house on Land West of the Old Barn Westware, West Linton – 21/00295/PPP;

(d) The decision of the appointed Officer had been upheld in respect of the erection of boundary fence (retrospective) at 1 Raeburn Lane, Selkirk – 20/01234/FUL

(e) There remained one review previously reported on which a decision was still awaited when the report was prepared on 20 May 2021 and related to the site at:

- Angling Club, 5 Sandbed, Hawick

(f) There remained one S36 PLI previously reported on which a decision was still awaited when the report was prepared on 20 May 2021 and related to:-

- Crystal Rigg Wind Farm, Cranshaws, Duns

#### 4. SUPPLEMENTARY PLANNING GUIDANCE: TWEEDBANK – VISION FOR GROWTH AND SUSTAINABILITY – A COMMUNITY FOR THE FUTURE & DELIVERING DEVELOPMENT QUALITY- DESIGN GUIDE

- 4.1 The Chief Planning Officer, Mr Aikman accompanied by Mrs Ruthven, Planning officer presented the report by the Executive Director Corporate Improvement & Economy, which had previously been circulated and explained that a 34ha site was allocated within the Council's adopted Local Development Plan (LDP) 2016 to the north of Tweedbank for mixed use development which included housing and business uses. The site was incorporated into the LDP as part of Supplementary Guidance (SG) on Housing, as required by the Planning and Environmental Appeals Division of the Scottish Government following Examination of the LDP. The Housing SG was approved by the Council and was cleared by Scottish Ministers in November 2017. The LDP stipulated the requirement for Supplementary Planning Guidance (SPG) to be provided for the site. The purpose of the SPG was to set out the Council's vision for the site and gives greater clarity on measures to achieve a high quality development. This included identifying site constraints to be addressed, the identification of zones for specific uses, indicative housing densities for the residential zones, a possible area for a care home facility, placemaking and design guidance and a pre-application checklist.
- 4.2 A draft version of the SPG was approved by the Council in January 2020 as the basis for consultation. A 12 week public consultation followed thereafter which included a public exhibition in the Tweedbank Community Centre. All representations received during the consultation period were summarised in a table within Appendix B along with Officer responses to the representations submitted. The table also confirmed changes to the SPG proposed by Officers in response to the representations received and the consequent amended version of the SPG was included in Appendix A to the report.

- 4.3 Although the Draft SPG incorporated a section on placemaking and design it was considered this should be expanded upon and consequently a Design Guide had been prepared which gave more detailed advice along with good practice examples and references other related material considerations. The Guide would help ensure a high quality sustainable development which was sensitively designed within the attractive landscape setting of the site and met the Council's aspirations for a high quality community for the future. The Design Guide was attached as Appendix C to the report.
- 4.4 In considering the purchase of Lowood Estate it had been agreed that all future strategic decisions relating to the Estate would be considered by Council. Consequently the final approval of the SPG / Design Guide required to be made by Council. At the meeting of the Council in January 2020 it was agreed that at the conclusion of the consultation period all consultation responses and any proposed consequential amendments to the Draft SPG would be reported initially to the Planning and Building Standards Committee for their review and comment. Thereafter the SPG and any comments from the Planning & Building Standards Committee would be reported to the Council. It was therefore proposed to submit the SPG and associated Design Guide to Council at its meeting on 17<sup>th</sup> June 2021. Once approved by the Council the SPG and the Design Guide would be significant material considerations in guiding planning applications for the development of the site.
- 4.5 A number of decisions had been taken by the Council in respect of the purchase of the Lowood Estate and the terms of the Full Business Case for the Edinburgh & South East Scotland City Region City Deal, which allowed draw down of £15m of funding for the Central Borders Innovation Park that had an interrelationship with the proposed SPG. However, this report solely focussed on the Planning Guidance that would help shape development on the site and ensure that it became an integral part of Tweedbank. Further reports on the Development and Marketing Strategy would be forthcoming later in the year. The Committee were very positive about the report and commended Officers for their hard work in putting it together. Mr Aikman and Mrs Ruthven answered Members' questions on Education, the proposed care village and the importance of a community area. Members requested a site visit when Covid restrictions allowed.

## **DECISION**

- (a) **NOTED** the officer responses to the representations received and the consequent proposed amendments to the SPG as set out in Appendix B to the report.
- (b) **APPROVED** for submission to Council:-
- (i) the Supplementary Planning Guidance set out in Appendix A to the report; and
- (ii) the Design Guide set out in Appendix C of the report.
- (c) **AGREED** that a site visit be arranged, once Covid restrictions allowed.
5. **TECHNICAL PAPER: PLANNING (SCOTLAND) Act 2019 – NATIONAL PLANNING FRAMEWORK 4 (NPF4): HOUSING LAND REQUIREMENT CONSULTATION**
- 5.1 There had been circulated copies of a report which sought approval for the response to the Scottish Government's consultation on the proposed housing numbers/targets and methodology for their calculation to be incorporated in the draft National Planning Framework 4 (NPF4), which was scheduled for publication in Autumn 2021.
- 5.2 The response was an interim measure and there would be further opportunities to review and confirm the final figure in due course as a result of the publication of the draft NPF4 and the production of guiding documents yet to be finalised such as the Housing Need and Demand Assessment 3 (HNDA). The deadline for the response to be submitted to Scottish

Government was 4 June 2021. The Principal Officer, Plans and Research answered Members questions.

**DECISION**

**AGREED** the proposed response to amend the initial default estimates contained within the Scottish Government's consultation to increase the housing land requirement to be 440 units per annum with a 10 year requirement of land for 4,400 homes.

*The meeting concluded at 11.30 a.m.*

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

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
20/01024/FUL	Erection of 2 glamping pods	Land North West of Drummonds Hall, Lauder

Decision: Approved subject to the approval of Scottish Ministers and the following conditions and informatives:

1. The development hereby approved shall be occupied for holiday use only and shall not be used as a person's sole or main residence or as temporary or permanent residential accommodation. The occupation of the holiday units shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. The operator shall maintain an up-to-date register of the names of all holiday makers staying in the holiday units and their main home addresses. This information shall be made available for inspection at all reasonable times by an authorised officer of the Planning Authority.  
Reason: The accommodation on the site is not designed for permanent occupation and permanent residential use would be contrary to the council's housing in the countryside policies.
2. Prior to the development becoming operational the junction of the private access with the A697 to be improved to the following specification: the bellmouth at the junction to be widened to 5.5m with 8m radii and surfaced for the first 5m.  
Reason: To allow two vehicles to pass within the bellmouth and prevent vehicles looking to turn into the junction having to wait on the A class road should another vehicles be emerging from the access, thereby ensuring the free flow of traffic on the A class public road, in the interests of road safety.
3. Prior to the development becoming operational the private access to the site to be upgraded to provide a smooth running surface capable of withstanding 14 tonne axle loading and the passing place on the private access to be extended so as to be 6m long with 6m tapers on either side to provide an overall road width of 5.5m.  
Reason: To the private access is of a standard suitable for serving the development proposed.
4. A maintenance programme for clearing the flood arch at the bridge and for clearance of fallen or leaning trees upstream and downstream of the bridge, including a timetable for the works, to be submitted to and approved in writing by the Planning Authority before the development commences. The requirements within the maintenance programme then to be carried out in accordance with the approved timetable.  
Reason: To mitigate potential flood risk at the site.
5. A maintenance programme for the road, including the clearance of the existing drainage grille at the bottom of the road and a timetable for these works, to be submitted to and approved in writing by the Planning Authority before the development commences. The requirements within the maintenance programme then to be carried out in accordance with the approved timetable.  
Reason: To mitigate potential flood risk at the site.
6. Details of any proposed signage within or around the site to be submitted to and approved in writing by the Planning Authority before the signage is erected (location,

dimensions, material, design, colours and method of illumination). The signage then to be erected in accordance with the approved details.

Reason: To protect the visual amenities of the area.

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

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

8. None of the buildings hereby approved shall be occupied until the foul water drainage arrangements, shown on the approved plans, have been completed and are operational.

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

9. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

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

10. No development shall commence until an accurate and detailed site plan is first submitted to and approved in writing by the planning authority. The development shall be located a minimum of 10 metres from the riverbank of the Earnsclough Water in accordance with SNH guidance River Tweed SAC and SSSI Guidance for Planners and Developers (2017). Thereafter, no development shall take place except in strict accordance with the approved plan.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

### Informatives

1. In respect of condition 2, it should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
2. In respect of condition 6, the signs may require Advertisement Consent depending upon the size, location and illumination.
3. In respect of Condition 11, the works hereby approved should be carried out in a way that prevents pollution of the watercourse (Earnsclough Water/Lauder Water Special Area of Conservation and SSSI). Impacts on the water environment can be avoided by following SEPA regulatory advice, e.g. GPP 5 and SNH guidance note River Tweed SAC and SSSI Guidance for Planners and Developers (2017)
4. The applicant/developer is reminded that where works are proposed to existing trees within or adjacent to the application site (including felling, lopping, topping, thinning etc.), no development should be carried out during the breeding bird season (March to August). Further advice on is available directly from NatureScot at <https://www.nature.scot/professional-advice>