

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

6.	<p>Committee Minutes (Pages 3 - 56)</p> <p>Consider Minutes of the following Committees:-</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>(a) Planning & Building Standards</td><td style="text-align: right;">6 December 2021</td></tr> <tr><td>(b) Executive</td><td style="text-align: right;">7 December 2021</td></tr> <tr><td>(c) Teviot & Liddesdale Area Partnership</td><td style="text-align: right;">7 December 2021</td></tr> <tr><td>(d) Coldstream Common Good Fund</td><td style="text-align: right;">8 December 2021</td></tr> <tr><td>(e) Jedburgh Common Good Fund</td><td style="text-align: right;">8 December 2021</td></tr> <tr><td>(f) Kelso Common Good Fund</td><td style="text-align: right;">8 December 2021</td></tr> <tr><td>(g) Audit & Scrutiny</td><td style="text-align: right;">9 December 2021</td></tr> <tr><td>(h) Pension Fund</td><td style="text-align: right;">14 December 2021</td></tr> <tr><td>(i) Pension Board</td><td style="text-align: right;">14 December 2021</td></tr> <tr><td>(j) Innerleithen Common Good Fund</td><td style="text-align: right;">15 December 2021</td></tr> <tr><td>(k) Peebles Common Good Fund</td><td style="text-align: right;">15 December 2021</td></tr> <tr><td>(l) Chambers Institution Trust</td><td style="text-align: right;">15 December 2021</td></tr> <tr><td>(m) Civic Government Licensing</td><td style="text-align: right;">17 December 2021</td></tr> </table> <p>(Copies attached.)</p>	(a) Planning & Building Standards	6 December 2021	(b) Executive	7 December 2021	(c) Teviot & Liddesdale Area Partnership	7 December 2021	(d) Coldstream Common Good Fund	8 December 2021	(e) Jedburgh Common Good Fund	8 December 2021	(f) Kelso Common Good Fund	8 December 2021	(g) Audit & Scrutiny	9 December 2021	(h) Pension Fund	14 December 2021	(i) Pension Board	14 December 2021	(j) Innerleithen Common Good Fund	15 December 2021	(k) Peebles Common Good Fund	15 December 2021	(l) Chambers Institution Trust	15 December 2021	(m) Civic Government Licensing	17 December 2021	5 mins
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**SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of Meeting of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
via Microsoft Teams on Monday, 6
December 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: - Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D.
Inglis), Solicitor (F. Rankine), Democratic Services Team Leader,
Democratic Services Officer (D. Hall)

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 4 October 2021.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

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

DECISION

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

3. **APPEALS AND REVIEWS**

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

DECISION

NOTED that:-

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

(i) **replacement windows at Rowanside, The Row, Longfarmacus, Duns – 21/00338/LBC; and**

(ii) **the enlargement of garden and erection of sheds and drinking hut at 1 Broad Street, Eyemouth – 20/00198/UNDEV.**

(b) **There remained an appeal previously reported on which a decision was still awaited when the report was prepared on 24 November 2021 and related to the site at Greenloaning, The Loan, West Linton**

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

(i) **change of use of amenity land to garden ground and erection of bike/log store (retrospective) at Land East of 15 Howdenburn Court, Jedburgh –**

- 21/00448/FUL;
- (ii) modification of Condition 2 of planning permission 12/01191/PPP in respect of extension to period of permission, Land North East of Buxton House, Buxton Road, Selkirk – 21/00502/FUL;
 - (iii) erection of dwellinghouse, Plot 5 Land South West of Hume Bank, Hume Hall Holdings, Greenlaw – 21/00726/PPP;
 - (iv) erection of dwellinghouse at Plot 4 Hume Bank Hume Hall Holdings, Greenlaw – 21/00727/PPP;
 - (v) siting of mobile catering truck and alterations to existing access, land at Station Yard, Traquair Road, Innerleithen – 21/00836/FUL;
 - (vi) erection of glazed covered pergola to existing outside seating area (part retrospective), Waterloo Arms, Chirnside Duns - 21/00965/FUL;
 - (vii) erection of dwellinghouse and formation of new access at Plot 1 Land North of Cakemuir House, Nenthorn – 21/00999/PPP;
 - (viii) erection of dwellinghouse and formation of new access at Plot 2 Land North of Cakemuir House, Nenthorn – 21/01000/PPP;
 - (ix) erection of summer house and formation of off street parking (retrospective), at 2 Winston Road, Galashiels – 21/01012/FUL;
 - (x) erection of the Dwellinghouse at Garden Ground of Kilknowe House, East End, Earlston – 21/01257/FUL;
- (d) The decision of the Appointed Officer had been upheld in respect of erection of 4 no dwellinghouse, Land South of Crunzion Cottage, Ealrston Road, Stow, Galashiels – 20/01620/PPP;
- (e) The decision of the Appointed Officer was overturned in respect of:-
- (i) alteration and extension to dwellinghouse at Whinfield, Chesters Brae, Chesters, Hawick (subject to conditions) – 21/00074/FUL;
 - (ii) the erection of ancillary accommodation to dwellinghouse and installation of 12 KW ground mounted solar array, Penvalla, Broughton (varied condition) – 21/00137/FUL;
 - (iii) part Change of Use of ground floor to Class 10 and alterations to form additional office space from attic floor, 3 Rowan Court Suite 3, Cavalry Park, Peebles(subject to conditions) – 21/00486/FUL;
 - (iv) the erection of dwellinghouse, formation of new access and associated work at Plot 1 Site Adjacent Stroma, Charliesfield Industrial Estate, St Boswells (Subject to Conditions and a Legal Agreement) – 21/00839/PPP;
 - (v) the erection of dwellinghouse, formation of new access and associated work at Plot 2 Site adjacent Stroma, Charlesfield Industrial Estate, St

Boswells (subject to conditions and a legal agreement) – 21/00840/PPP

- (f) There remained five reviews previously reported on which decisions were still awaited when reports were prepared on 24 November 2021 and related to sites at:-

<ul style="list-style-type: none">• Slaters Yard off Charles field Road, St Boswells	<ul style="list-style-type: none">• Land Adjacent Carnlea, Main Street, Heiton
<ul style="list-style-type: none">• Whinfield, Chesters Braw, Chesters, Hawick	<ul style="list-style-type: none">•

- (g) There remained no S36 PLIs previously reported on which decisions were still awaited when this report was prepared on 24th November 2021.

The Meeting concluded at 11.00 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/00981/FUL	Demolition of stable block and erection of dwellinghouse with associated works	Land South West of Weathercote Rig, The Loan, Gattonside

Decision: Continued to next available meeting to allow Members to visit the site.

Note:

Mr Charles Humphries spoke against the application

Mr Gavin Yuill spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
21/01203/PPP	Erection of dwellinghouse	Land Adjacent to Laidlaws, Spottiswoode, Gordon

Decision: Approved subject to a legal agreement and the following conditions and informatives:

1. Details of the specified matters listed below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site until all of the details listed in this condition have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- a) Full details of the layout and siting of the proposed development;
- b) Full details of the external appearance and finishing materials of the proposed development;
- c) A landscaping scheme (full details specified in condition 2);
- d) Full details of the proposed vehicular and pedestrian access to the development from the road;
- e) Full details of the proposed car parking/vehicle turning area(s) for the proposed development;
- f) Full details of the proposed means of disposal of foul and surface water from the development;
- g) Full details of a bin storage area(s).

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

2. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;

- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges and grassed areas;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences and gates etc.;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of a similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

3. No development shall commence until a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief has been undertaken. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority prior to any works commencing on site. Access should be afforded to allow investigation by a contracted archaeologist(s) which will first be agreed to by the Planning Authority. The archaeologist(s) shall observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. Any significant data and finds must undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

4. No development shall commence until visibility splays of 2.4 metres by 43 metres in either direction at the junction with the private road have been provided. Thereafter, they must permanently retained and maintained as such, unless otherwise agreed in writing by the Planning Authority.

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

5. No works in connection with the development hereby approved shall commence until precise details for the provision of a passing place (at an agreed location) along the minor public road between the site and Pyatshaw have first been submitted to and be approved in writing by the Planning Authority. The passing place shall be formed to an agreed standard prior to commencement of development.

Reason: To ensure the increased traffic associated with the development can be safely accommodated.

6. No works in connection with the development hereby approved shall commence until precise details for the provision of a passing place (at an agreed location) along the private road between the site and junction with the public road have first been submitted to and be approved in writing by the Planning Authority. The passing place shall be formed to an agreed standard prior to commencement of development.

Reason: To ensure the increased traffic associated with the development can be safely accommodated.

7. The dwellinghouse hereby approved shall not be occupied until the junction between the private road and public road (D51/5) has first been upgraded to the following specification for the first 6 metres from the carriageway edge:
- 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Reason: To ensure the property is served by safe access from the public road and to protect the integrity of the public road.

8. The development hereby approved shall not be occupied until parking for two vehicles, excluding garages, has been provided within the curtilage of the dwellinghouse. Once provided, the car parking area shall thereafter be permanently retained and maintained as such.

Reason: To ensure the property is served by adequate parking at all times.

9. No development shall commence until a report, prepared 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 development shall not be brought into use until the private water treatment system has been installed in accordance with the approved details. Once provided, it shall be permanently retained and maintained as such.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

10. No works in connection with the development hereby approved shall be undertaken during the breeding bird season (March to August) unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved Species Protection Plan.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order no buildings, other than those approved under condition 1 shall be erected on the site under the terms of Class 3A of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order no means of enclosure, other than that approved under condition 2 shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area.

Informatives

1. In respect of conditions 5 and 7, all work within the public road boundary must be undertaken by a contractor first approved by the Council.
2. In respect of conditions 5 and 6, passing places to be constructed to standard specification DC-1.
3. In respect of condition 1, the access to the site from the private road should be constructed as a vehicular crossing to standard specification DC-2.
4. In respect of conditions 6 and 8, as the site is served via a private road, the applicant should satisfy themselves that there is a suitable legal agreement between themselves and other parties whose property take access from the private road. This agreement should cover the responsibility for maintaining and upgrading the private road if necessary.
5. In respect of condition 9, the following information should be provided:
 - (i) A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
 - (ii) The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
 - (iii) The estimated maximum average volume of water provided by the supply in cubic metres per day (m³/day), including the details of any pump tests / flow rate tests undertaken to determine this estimate. For boreholes / wells, refer to BS ISO 14686:2003 “Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use”.
 - (iv) The intended use of the proposed building(s) – e.g. owner-occupied domestic dwelling(s), rented domestic dwelling(s), holiday accommodation, etc.
 - (v) Where there are existing users of the supply:
 - (a) the addresses of all properties served;
 - (b) the existing occupancy levels of all such properties, as far as is reasonably practicable. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of potential occupancy levels;
 - (c) the current use of all properties served – i.e. as above;
 - (d) information identifying if and how the development will impact on the existing users; and
 - (e) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to the existing users will be secured.
 - (vi) Where there are other properties’ private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.):
 - (a) information identifying if and how the development will impact on these other supplies; and
 - (b) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to these other properties will be secured.

- (vii) Details of all laboratory analysis / tests carried out to demonstrate that the water supplied to the development will be wholesome. For clarification, the quality of the water throughout the building(s) must conform to the requirements of the legislative provisions appropriate to the use of the supply, as described below.
- (viii) Details of all water treatment systems to be installed to ensure that the water supplied to the development will be wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. When designing storage facilities, the minimum recommended capacity is three days' reserve, in order to allow for supply interruption / failure.

If the supply only serves owner-occupied domestic dwellings, it will be classed as an "Exempt" (formerly "Type B") private water supply and the quality of the water must comply with the requirements of The Private Water Supplies (Scotland) Regulations 2006 ("the 2006 Regulations"). If there is any commercial use of the supply, it will be classed as a "Regulated" supply and the water quality must comply with the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 ("the 2017 Regulations"). Additionally, the supply will require to be sampled (monitored) on at least an annual basis and Scottish Borders Council will be required to undertake a risk assessment of the supply and reviews of said risk assessment periodically.

Finally, if for any reason the supply to be used is or will be a Regulated supply, it is an offence for the development to use it unless a risk assessment (or a review of an existing risk assessment) has been carried out by Scottish Borders Council at least 8 weeks before said intended first use by the development. It is also an offence for the development to use the supply prior to Scottish Borders Council confirming (by notice to the applicant) that it may be used by the development, on the basis that the intended use does not constitute a potential danger to human health. As such, the applicant must contact the Environmental Health Department of Scottish Borders Council sufficiently in advance of the intended occupation of the building(s) to ensure that compliance with these legislative provisions is able to be secured.

Note:

Councillor D Moffat moved that the application be continued to allow Members to visit the site, but did not receive a seconder.

As a site visit was not approved Councillor D Moffat then moved that the application be rejected, but did not receive a seconder.

Reference

21/01205/PPP

Nature of Development

Erection of dwellinghouse

Location

Land North of Lawn Park House, Spottiswoode, Gordon

Decision: Approved subject to a legal agreement and the following conditions and informatives:

1. Details of the specified matters listed below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site until all of the details listed in this condition have been submitted to

and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- a) Full details of the layout and siting of the proposed development;
- b) Full details of the external appearance and finishing materials of the proposed development;
- c) A landscaping scheme (full details specified in condition 2);
- d) Full details of the proposed vehicular and pedestrian access to the development from the road;
- e) Full details of the proposed car parking/vehicle turning area(s) for the proposed development;
- f) Full details of the proposed means of disposal of foul and surface water from the development;
- g) Full details of a bin storage area(s).

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

2. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained as per BS 5837:2012 and marked accurately on a topographic survey;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges and grassed areas;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences and gates etc.;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of a similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

3. No development shall commence until a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief has been undertaken. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority prior to any works commencing on site. Access should be afforded to allow investigation by a contracted archaeologist(s) which will first be agreed to by the

Planning Authority. The archaeologist(s) shall observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. Any significant data and finds must undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

4. No development shall commence until visibility splays of 2.4 metres by 43 metres in either direction at the junction with the private road have been provided. Thereafter, they must permanently retained and maintained as such, unless otherwise agreed in writing by the Planning Authority.

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

5. No works in connection with the development hereby approved shall commence until precise details for the provision of a passing place (at an agreed location) along the minor public road between the site and Pyatshaw have first been submitted to and be approved in writing by the Planning Authority. The passing place shall be formed to an agreed standard prior to commencement of development.

Reason: To ensure the increased traffic associated with the development can be safely accommodated.

6. No works in connection with the development hereby approved shall commence until precise details for the provision of a passing place (at an agreed location) along the private road between the site and junction with the public road have first been submitted to and be approved in writing by the Planning Authority. The passing place shall be formed to an agreed standard prior to commencement of development.

Reason: To ensure the increased traffic associated with the development can be safely accommodated.

7. The dwellinghouse hereby approved shall not be occupied until the junction between the private road and public road (D51/5) has first been upgraded to the following specification for the first 6 metres from the carriageway edge:

- 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Reason: To ensure the property is served by safe access from the public road and to protect the integrity of the public road.

8. The development hereby approved shall not be occupied until parking for two vehicles, excluding garages, has been provided within the curtilage of the dwellinghouse. Once provided, the car parking area shall thereafter be permanently retained and maintained as such.

Reason: To ensure the property is served by adequate parking at all times.

9. No development shall commence until a report, prepared 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 development shall not be brought into use until the private water treatment system has been installed in accordance with the approved details. Once provided, it shall be permanently retained and maintained as such.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

10. No works in connection with the development hereby approved shall be undertaken during the breeding bird season (March to August) unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved Species Protection Plan.

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

11. The large common lime tree (*Tilia x europaea*) contained within the application site shall not be felled, lopped, lifted or disturbed in any way without the prior written consent of the Planning Authority.

Reason: The existing tree represents an important visual feature which the Planning Authority considered should be substantially maintained.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order no buildings, other than those approved under condition 1 shall be erected on the site under the terms of Class 3A of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order no means of enclosure, other than that approved under condition 2 shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area.

Informatives

1. In respect of conditions 5 and 7, all work within the public road boundary must be undertaken by a contractor first approved by the Council.
2. In respect of conditions 5 and 6, passing places to be constructed to standard specification DC-1.
3. In respect of condition 1, the access to the site from the private road should be constructed as a vehicular crossing to standard specification DC-2.
4. In respect of conditions 6 and 8, as the site is served via a private road, the applicant should satisfy themselves that there is a suitable legal agreement between themselves and other parties whose property take access from the private road. This agreement should cover the responsibility for maintaining and upgrading the private road if necessary.
5. In respect of condition 9, the following information should be provided:
 - (i) A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.

- (ii) The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
- (iii) The estimated maximum average volume of water provided by the supply in cubic metres per day (m³/day), including the details of any pump tests / flow rate tests undertaken to determine this estimate. For boreholes / wells, refer to BS ISO 14686:2003 “Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use”.
- (iv) The intended use of the proposed building(s) – e.g. owner-occupied domestic dwelling(s), rented domestic dwelling(s), holiday accommodation, etc.
- (v) Where there are existing users of the supply:
 - (a) the addresses of all properties served;
 - (b) the existing occupancy levels of all such properties, as far as is reasonably practicable. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of potential occupancy levels;
 - (c) the current use of all properties served – i.e. as above;
 - (d) information identifying if and how the development will impact on the existing users; and
 - (e) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to the existing users will be secured.
- (vi) Where there are other properties’ private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.):
 - (a) information identifying if and how the development will impact on these other supplies; and
 - (b) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to these other properties will be secured.
- (vii) Details of all laboratory analysis / tests carried out to demonstrate that the water supplied to the development will be wholesome. For clarification, the quality of the water throughout the building(s) must conform to the requirements of the legislative provisions appropriate to the use of the supply, as described below.
- (viii) Details of all water treatment systems to be installed to ensure that the water supplied to the development will be wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. When designing storage facilities, the minimum recommended capacity is three days’ reserve, in order to allow for supply interruption / failure.

If the supply only serves owner-occupied domestic dwellings, it will be classed as an “Exempt” (formerly “Type B”) private water supply and the quality of the water must comply with the requirements of The Private Water Supplies (Scotland) Regulations 2006 (“the 2006 Regulations”). If there is any commercial use of the supply, it will be classed as a

“Regulated” supply and the water quality must comply with the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (“the 2017 Regulations”). Additionally, the supply will require to be sampled (monitored) on at least an annual basis and Scottish Borders Council will be required to undertake a risk assessment of the supply and reviews of said risk assessment periodically.

Finally, if for any reason the supply to be used is or will be a Regulated supply, it is an offence for the development to use it unless a risk assessment (or a review of an existing risk assessment) has been carried out by Scottish Borders Council at least 8 weeks before said intended first use by the development. It is also an offence for the development to use the supply prior to Scottish Borders Council confirming (by notice to the applicant) that it may be used by the development, on the basis that the intended use does not constitute a potential danger to human health. As such, the applicant must contact the Environmental Health Department of Scottish Borders Council sufficiently in advance of the intended occupation of the building(s) to ensure that compliance with these legislative provisions is able to be secured.

Note:

Councillor D Moffat proposed that the application be continued to allow Members to visit the site, but did not receive a seconder

Councillor D Moffat proposed that the application be rejected, but did not receive a seconder.

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SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE
COMMITTEE held via Microsoft Teams on
Tuesday, 7 December 2021 at 10.00 am

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

Also Present:- Councillor McAteer

In Attendance:- Chief Executive, Director Finance and Corporate Governance, Director
Infrastructure and Environment, Director Resilient Communities, Principal
Officer (Housing Strategy, Policy and Development), Lead Officer (G.
Johnstone), Democratic Services Officer (W. Mohieddeen).

CHAIRMAN

Councillor Rowley welcomed members to the Meeting and noted thanks to outgoing
Leader and Chairman of the Executive Committee Councillor Haslam.

1. MINUTE

There had been circulated copies of the Minute of the Meeting held on 16 November
2021.

DECISION

AGREED to approve the Minute for signature by the Chairman.

2. SCOTLAND LOVES LOCAL GIFT CARD

2.1 There had been circulated copies of a report by Director of Resilient Communities seeking
approval to join the Scotland Loves Local Gift Card scheme which was a national initiative
designed to encourage all Scottish Local Authorities develop their local supply chains and
to help support local retailers and high streets. The Gift Card was launched in July 2021
by Scotland's Towns Partnership with a view to providing opportunities for people to help
support local businesses by purchasing local produce and keeping more spend within the
Local Authority area. Holders of the gift card would only be able to spend credit on
participating businesses inside the Scottish Borders. After initial support from Scotland
Loves Local, Scottish Borders Council would be responsible for the marketing and
promotion of the initiative and it was estimated that there would be an annual cost of
approximately £10,000 to undertake this work along with the appropriate officer time. It
was the understanding of Officers that Dumfries & Galloway and Midlothian councils were
already signed-up and that East Lothian Council also had a gift card scheme in place
which they believed to be worthwhile.

2.2 In response to a question from Councillor Mountford, the Director of Resilient
Communities advised that the scheme would likely be launched in early 2022 and that the
Christmas period should be included as part of a full evaluation with a report likely to be
presented in early 2023. Councillor Rowley requested that a six-month progress report
was presented to understand uptake of the cards and effectiveness of communication.

DECISION

AGREED to:

- (a) **Approve the development of the gift card proposal within the Scottish
Borders and allow officers the opportunity to engage with Scotland's Towns**

Partnership with a view to launching the scheme; and

- (b) Receive an interim progress report 6 months after the launch of the scheme with a further report in twelve months on the operation of the scheme.**

3. REQUEST FOR APPROVAL OF THE ROAD CONSTRUCTION CONSENT FOR MAIN STREET, CHIRNSIDE

- 3.1 There had been circulated copies of a report by Director Infrastructure and Environment seeking approval of the road construction consent, reference 21/00860/RCC, associated with the housing development at Main Street, Chirnside. Planning permission for 57 affordable dwellings at Main Street, Chirnside (application 18/00147/FUL) was granted by the Planning & Building Standards Committee on 15 October 2019 to Springfield Properties Plc. The subsequent application for road construction consent, dated 21 May 2021, generated 28 objections during the consultation period. A further 3 objections had been received since the end of that statutory 28 day period.
- 3.2 In response to Councillor Jardine, the Senior Roads Planning Officer advised that on completion, the site would have a footpath with dropped kerbs on opposite sides of Main Street resulting in less road to cross. The road had been designed for a 30 miles per hour (mph) speed limit and if this would be reduced to 20mph then this would not reduce visibility of the proposed junction which would remain as designed. The construction plan did not highlight major concerns for car parking and there were no parking restrictions proposed. Parking bays were proposed for the entrance of the development which would accommodate parking for Main Street and there was a considerable distance to drive from the junction to reach housing. The impact of construction vehicles on Main Street had been considered including mud on the road and movement of large vehicles. A roads planning inspector would raise issues associated with construction traffic. Councillor Rowley suggested that discussions take place with the developer to produce an agreed plan for access, egress, road management and mud management. Mr Scott agreed to add the suggestion to the recommendations.

DECISION

AGREED to approve the road construction consent, reference 21/00860/RCC, for the development off Main Street, Chirnside, subject to a construction management plan being agreed with constructors ahead of construction taking place incorporating a plan for site access, egress, road management and mud management.

4. PROPOSAL TO INTRODUCE EMPTY HOMES GRANTS

- 4.1 There had been circulated copies of a report by the Director Infrastructure and Environment seeking approval to allocate £500,000 from the second homes Council Tax affordable housing investment budget to provide grant assistance to owners of empty properties to help bring them back into use as housing. The Housing (Scotland) Act 2001 placed a statutory requirement on Local Authorities to develop a Local Housing Strategy (LHS). The strategy set the strategic direction for housing investment and service delivery and identified the need to bring empty properties back into effective use. The most common hurdle for empty home owners was the financial cost of bringing property back into use. The report proposed to contribute to strategic objectives for empty homes highlighted in the Local Housing Strategy, as well as objectives of the Strategic Housing Investment Plan and the Rapid Re-housing Transition Plan. With reference to paragraph 4 of the Minute of the Meeting held on 20 April 2021, 1,543 homes were registered as long-term empty, accounting for 2.6% of total housing stock in the Scottish Borders, compared to the national average of 1.8%. Grant Assistance was suggested to incentivise the creation of new affordable homes. On average, there were over 1,200 lets every year among the four Scottish Borders Registered Social Landlords and collectively there were 21,602 bids made for available properties, an average of 16 bids per property, in 2019-20. Costs required by second home owners to bring properties back into use typically ranged from £6,000 to £25,000. Amongst the conditions of grant, property must

have had significant equity as the grant sum would have been secured against the property with conditions.

- 4.2 In response to questions from Members, Ms Bogdanovic advised that the grant would be for residential buildings. Ms Bogdanovic advised that they would assess that the grant would follow the procurement strategy adding that it is the responsibility of owners to secure three quotes. Mr Robertson added that they would encourage owners to follow procurement guidance but that it would not be mandated. The grant would be a Borders-wide grant and funded by Second Home Council Tax. The grant was not proposed to be means tested as assumption would be made that appropriate equity would be associated with properties.
- 4.3 In response to a question from Councillor Mountford, Mr Robertson advised that properties being occupied would offset funding from Second Homes Council Tax to fund the grant and that a six-month progress report would be made available from when the grant was established and asked that a further recommendation be added to delegate powers to himself and the Director of Environment and Infrastructure to allow the allocation of more than £25K should exceptional circumstances arise. Members agreed to approve this request. Establishment of the grant was anticipated to be from March 2022.

DECISION

AGREED:

- (a) To allocate an initial £500k from the second homes council tax affordable housing investment budget to provide grant assistance to owners of empty properties to help bring them back into use as housing, subject to conditions,**
- (b) To Note that should grant assistance prove successful, Officers would bring back proposals recommending an ongoing annual allocation from the revenues raised from second homes council tax,**
- (c) That Officers provide a progress report after six months from the grant having been established; and,**
- (d) That powers be delegated to the Director of Environment and Infrastructure in consultation with the Director of Finance and Corporate Governance to approve grants in excess of £25k where there were exceptional circumstances.**

5. ECONOMIC DEVELOPMENT UPDATE

- 5.1 There had been circulated copies of a report by Director Resilient Communities providing Members with an update on a number of projects that had an economic development related theme. A Borders Railway Prospectus had recently been produced by the Borderlands Partnership. The prospectus identified and highlighted the development of the Tweedbank to Carlisle railway as the best solution to improve transport connectivity in the Scottish Borders. In addition, a Borders Railway Reference Group had recently been initiated to help progress the project and a meeting with the Cabinet Secretary for Finance and the Economy was held in October to specifically discuss the Borders Railway project. Within the Borderlands Inclusive Growth Deal, work was ongoing in relation to the various business cases impacting on the Scottish Borders. The programme was overseen by the Borderlands Partnership and meetings were usually held on a quarterly basis. Scottish Borders Council and South of Scotland Enterprise (SOSE) agreed to form a strategic partnership in relation to the delivery of the Business Gateway Service in November 2020, with the service transferring to SOSE in April 2022. A Scottish Borders Local Employability Partnership had been established to meet the requirements of the Scottish Government's No One Left Behind (NOLB) policy agenda. This involved local authorities

being given a lead role in coordinating employability services in partnership with other local bodies, together with a new funding regime which was to start in the next financial year 2022-23. The Partnership had to produce a Delivery Plan setting out the plans for employability services in the Scottish Borders over the three financial years 2022-23 – 2023-24. The Partnership was planning to use 2022-23 as a transitional year. The Community Renewal Fund (CRF) was a one off revenue fund designed to support public bodies, voluntary groups and communities to pilot new ideas and approaches to better support economic development-related activities. The UK Government intended that the CRF will lead to the introduction of a UK Shared Prosperity Fund which would replace Structural Funds that were issued through the European Union. Scottish Borders Council administered the application process with a total of 29 applications received and reviewed by an independent panel, with 14 applications having been approved for submission to the UK Government by Scottish Borders Council at the end of June 2021.

- 5.2 In discussion of the paper, Members welcomed the work by officers and the Chairman in progressing the scheme to extend the Borders Railway.

AGREED to:

- (a) Welcome and endorse the Economic Development updates; and,**
- (b) Recommend nominating a Substitute Member for the Borderlands Partnership which would be considered at the next meeting of Scottish Borders Council.**

6. **ANNUAL COMPLAINTS PERFORMANCE REPORTS 2019-20 AND 2020-21**

- 6.1 There had been circulated copies of a report by Director Resilient Communities presenting a summary of Scottish Borders Council's "Complaints Annual Performance Report for 2019/20 and 2020/21". This set out how many complaints had been received, how effectively complaints had been dealt with, trends over time and how Scottish Borders Council (SBC) compared to other similar rural Local Authorities and the national average. The Director Resilient Communities advised that the reports had been delayed due to the impact of the pandemic. The Annual Report was a requirement of all Local Authorities and allowed the Scottish Public Services Ombudsman (SPSO) to assess the effectiveness of Councils' Complaint Handling Procedures (CHP). It also ensured an ongoing focus on learning from complaints received to inform continuous improvement. During 2019/20, SBC received 1034 complaints, of which 725 were defined as valid and during 2020/21, SBC received 1076 complaints, of which 780 were defined as valid. Live Borders complaints performance for 2019-20 were included in the report. There was no 2020-21 performance information to report due to the service interruptions Live Borders experienced as a result of the Covid-19 pandemic. The Complaints Annual Performance Report 2019-20 contained benchmarking information, comparing Scottish Borders Council to the performance for Scotland and its Family Group of similar Scottish Local Authorities which included Aberdeenshire, Argyll & Bute, Dumfries & Galloway, Na h-Eileanan an Iar, Highland, Orkney Islands, Scottish Borders, and Shetland Islands. In 2019-20, Scottish Borders Council received slightly more complaints per 1,000 citizens, at 6.3, than the Family Group average of 6.0, which was also fewer than the Scottish average of 10.34. Scottish Borders Council's average response time for Stages 1 and 2 was quicker compared to both the Family Group and Scotland overall, but slower than both at Escalated from Stage 1. Notably at Stage 1, the average time for Scottish Borders Council to respond was significantly quicker at 5.3 days (Family Group – 8.1 days, Scotland – 10.2 days). Scottish Borders Council's proportion of Stage 1 complaints closed within timescales was 77% which was quicker than the average for the Family Group and Scotland however for Stage 2, this was lower than both Scotland and the Family Group. The Director Resilient Communities advised that complaints in this stage tended to cover complex areas which affected performance. Compliments were recorded as part of the reporting process. 50 complaints had been escalated to the SPSO with one being fully

investigated and resulted in the complaint not being upheld.

- 6.2 Members discussed the report. In response to a question from Councillor Jardine, Director Resilient Communities advised that work was being undertaken to support Members receiving complaints. In response to Councillor Hamilton, the Director Resilient Communities further advised that work was being undertaken to make the complaints process as efficient as possible.

DECISION

AGREED to note the performance of handling complaints for the periods 1 April 2019 to 31 March 2020 and 1 April 2020 to 31 March 2021.

7. EVENTS STRATEGY REPORT

- 7.1 There had been circulated copies of a report by Director of Resilient Communities providing Members with an update on a proposed new Scottish Borders Strategic Events Plan following a recent review by industry experts and made interim recommendations on a suggested direction of travel. Strategic events were recognised as an important part of the social and economic fabric of communities in the Scottish Borders and had the potential to enrich the lives of local residents, attract visitors and improve the economic viability of an area. It had previously been estimated that events could generate and contribute over £7 million per year to the local economy in the Scottish Borders. Scottish Borders Council had traditionally helped support a number of strategic events throughout the region such as the Melrose 7s, the Tour of Britain cycling event, the Borders Book Festival and the Jim Clark Rally. These events were considered to be very important for the local economy and could provide worldwide exposure on a regular basis. The Scottish Borders Strategic Events Plan was produced in 2014 and covered the period from 2014 to 2020. A refresh of the current document was recommended, primarily to take account of changes since 2014 which had an impact on the events industry, including the effects of the Covid-19 pandemic and placing more emphasis on environmental sustainability and collaborative working across the South of Scotland. Mr Johnstone highlighted key recommendations of considering additional resources to support the part-time events Officer and to nominate an events champion from the Members.

- 7.2 In response to questions from Members, the Director Resilient Communities advised that the Events Strategy was for major events and that community events were treated differently. Councillor Edgar raised that the report did not reference Border town festivals of historical and economic importance that would require significant organisation to arrange road closures and work of partner agencies to deliver. The Director Resilient Communities advised that reference to Border town festivals may be made in the strategy and that a separate policy existed covering their funding. Councillor Rowley advised that a calendar may be useful for coordinating events with festivals in the Borders.

DECISION

AGREED:

- (a) Noted the proposals contained within the report; and**
- (b) That additional work to further develop the new Strategic Events Plan in collaboration with Elected Members and key stakeholders should be undertaken, with the results of this work brought back to Committee at an appropriate date.**

The meeting concluded at 12.00 noon.

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SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA PARTNERSHIP

MINUTES of the Special Meeting of the
TEVIOT AND LIDDESDALE AREA
PARTNERSHIP held via Microsoft Teams
on Tuesday, 7 December 2021 at 5.00 pm

Present:- SBC Councillors: N. Richards (Chair), W. McAteer, D. Paterson, C. Ramage,
G. Turnbull.

Other organisations' attendees: Mr K. Brough, Mr J. Craig (Community Fund applicant), Ms R. Dickson (SBHA), Mr W. Douglas (Upper Teviot and Borthwick Water CC), Ms B. Elborn (Newcastleton CC), Mr W. Fletcher (Burnfoot CC), Mr W. George, Mr R. Goldie, Mr G. Hogg (Hawick RFC), Mr P. Kerr (Southdean CC), Mr G. Kolbe (Upper Liddesdale & Hermitage CC), Mr C. McAdam (Southdean CC), Ms J. Moore (Community Fund applicant), Ms C. Smith (Community Fund applicant), Mr D. Tait (Future Hawick), Mr D. Taylor (Community Fund Pot B panel), Mr A. Warburton (Upper Liddesdale & Hermitage CC), Ms R. Woods (Southdean CC).

SBC Councillor S. Marshall; Comm. Cllr C. Knox (Hawick CC).

Apologies:- Locality Development Coordinator (G. Jardine), Community Engagement Officer (S. McKail), Clerk to the Council, Democratic Services Officer (W.

In Attendance:- Mohieddeen).

1. **WELCOME AND INTRODUCTIONS**

Councillor Richards welcomed attendees to the Meeting and explained that the Meeting had been convened to consider applications to the Teviot and Liddesdale Community Fund for pots A and B.

2. **COMMUNITY FUND POT A RECOMMENDATIONS**

The Locality Development Coordinator, Ms Jardine, introduced application recommendations received into Community Council Pot A funds.

(a) **Hawick Community Council**

(i) **Hawick Saxhorn Band**

Hawick Community Council recommended that Hawick Saxhorn Band be awarded £420 for the purchase of practice trombones and mutes.

DECISION

AGREED to award Hawick Saxhorn Band a grant of £420.

(ii) **Hawick Youth Rugby**

Hawick Community Council recommended that Hawick Youth Rugby be awarded £936 for the purchase of medical equipment and a new medical room.

DECISION

AGREED to award Hawick Youth Rugby a grant of £936.

Note: Councillor McAteer had left the meeting during the above discussion having experienced IT issues, but would have declared an interest should he have been present.

(b) Newcastleton Community Council

(i) Copshaw Gardeners

Newcastleton Community Council recommended that Copshaw Gardeners be awarded £1,413.60 for the purchase of planters and flower tubs within Newcastleton. It was noted that 4 of the current planters were being replaced with planters made from recycled materials. Normally funds for these replacements were raised via an annual plant sale but that event had not been possible due to Covid restrictions.

DECISION

AGREED to award Copshaw Gardeners a grant of £1,413.60.

(c) Southdean Community Council

(i) Southdean Village Hall

Southdean Community Council recommended that Southdean Village Hall be awarded £2,159.52 for the purchase of audio/visual equipment and to extend broadband internet usage. It was noted that this would improve facilities at the Hall and make it more attractive for groups and local people to use, while at the same time reducing isolation in the community.

DECISION

AGREED to award Southdean Village Hall a grant of £2,159.29.

3. COMMUNITY FUND POT B RECOMMENDATIONS

3.1 Duncan Taylor, Community Fund Pot B panellist, presented recommendations for applications to the Community Fund Pot B.

(a) Survivors Unite

Survivors Unite was a Borders-wide organisation for survivors of childhood sexual abuse. An application was received for £5,000 to fund administration salary costs. The panel recommended that the applicants approach Community Funds of other Area Partnerships due to their being a Borders-wide organisation.

DECISION

AGREED to:

- (i) award Survivors Unite a grant of £5,000 for administration salary costs; and,**
- (ii) recommend the applicant explored other funding sources including the Community Funds of other Area Partnerships in the Borders.**

(b) Wilton Park and Hawick Tennis Club

The Community Fund Pot B panel recommended to award £4,000 to Wilton Park and Hawick Tennis Club to fund Summer of Tennis taster session for community groups of varying ages and disabilities. The Locality Development Coordinator clarified that the applicant was applying for funding from other sources for 2 separate projects, including making up the difference for the total cost of this project, and that did not conflict with the project submitted to the Community Fund.

DECISION

AGREED to award Wilton Park and Hawick Tennis Club a grant of £4,000.

DECLARATION OF INTEREST

Councillor Ramage 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.

(c) Escape Youth Project

An application from Escape Youth Project was received for a games hall upgrade. The Panel requested that further quotes for the games hall works be sought. It was noted that 2 elements of work were due to be carried out with the first element able to be carried out by local contractors, but the second element requiring quite specialised input.

DECISION

AGREED to award Escape Youth Project a grant of £4,990.36, subject to the following condition:

- (i) The applicant obtained further quotes for the games hall work in respect of the first element of the work involved.**

MEMBER

Councillor Ramage re-joined the Meeting.

(d) Hawick Reivers Festival

The Community Fund Pot B panel recommended to award a grant of £5,000 to Hawick Reivers Festival for the delivery of the Hawick Reivers Festival. In response to a question about the possibility of funding for the Reivers Festival from the Council's wider Festivals Grant budget, the Clerk to the Council advised that this was currently fully committed and it would be a matter for SBC Elected Members to increase that budget at the Council meeting in February 2022 when the budget for 2022/23 was agreed.

DECISION

AGREED to award Hawick Reivers Festival a grant of £5,000.

DECLARATION OF INTEREST

Councillor McAteer 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 consideration of the following application.

(e) Hawick Rugby Football Club

The applicant submitted a request for a grant to fund coaching equipment, an e-sign and a mascot outfit. In response to questions from attendants, Graham Hogg of Hawick Rugby Football Club explained that the Club had tried to secure a mascot outfit for some time and that this could be costly. Sponsorship had been sought from a number of companies but had been unsuccessful. Mr Taylor advised that Hawick Rugby Football Club was still to submit their equalities statement and that as a member of the Scottish Rugby Union (SRU), they would have signed-up to the SRU equalities statement.

DECISION

AGREED to award Hawick Rugby Football Club a grant of £4,200, subject to the following conditions:

- (i) If the cost of the mascot rose above the price detailed in the application, this difference must be met by the applicant; and,**
(ii) Hawick Rugby Football Club submitted its equalities statement.

4. COMMUNITY FUND POT A AND POT B BALANCES

Copies of the balance of funding available in Pot A (£18,970.48) and Pot B (£709.60) had been circulated. The Locality Development Co-ordinator advised that a review was needed at this time in the financial year and consideration given to whether the funding in Pot A would be spent by the end of the financial year. Mrs Elborn advised attendees that there were a number of local challenges currently being experienced due to recent weather events, and suggested that a fast track process be established for the

Community Fund Pot A to meet urgent, local resilience matters. The Locality Development Coordinator advised that a fast track process would require panel members to be available at short notice and for the Communities and Partnerships Team to score applications.

DECISION

AGREED to establish a fast track procedure to Community Fund Pot A for the purposes of funding urgent, local resilience matters.

MEMBERS

Councillor Ramage left the meeting during consideration of the above item of business, and Councillor McAteer re-joined the meeting.

5. **ANY OTHER BUSINESS**

Philip Kerr advised the Meeting of the local impact of Storm Arwen in Southdean and the actions they had undertaken to resolve infrastructure disruptions. Mr Kerr had been in contact with Openreach and Scottish Power Energy Network to address local disruptions to power and broadband. Barbara Elborn of Newcastleton Community Council updated the Meeting of disruptions caused by fallen trees. There was further discussion on the potential issues of moving IT connections to digital, “not spots” for mobile signals, and the impact of moving to heat pumps and electric cars which required power sources which could be knocked out in extreme weather events.

DECISION

NOTED the update.

The meeting concluded at 5.50pm

SCOTTISH BORDERS COUNCIL COLDSTREAM COMMON GOOD FUND SUB-COMMITTEE

MINUTE of Meeting of the COLDSTREAM
COMMON GOOD FUND SUB-COMMITTEE
held by Microsoft Team on Wednesday, 8
December 2021 at 9.30 a.m.

Present:- Councillors J. Greenwell (Chairman), D. Moffat, M. Rowley
In Attendance:- Principal Solicitor, Capital & Investments Manager, Estates Surveyor (T. Hill),
Democratic Services Team Leader,

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 30 June 2020.

DECISION

AGREED to approve the Minute for signature by the Chairman.

2. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2021 AND PROPOSED BUDGET FOR FINANCIAL YEAR 2021/22**

There had been circulated copies of a report by the Director, Finance and Corporate Governance providing the details of the assets held by the Coldstream Common Good Fund as at 31 March 2021, a full year revenue out-turn for 2020/21 and projected balance sheet values as at 31 March 2022. Appendix 1 to the report provided an Income and Expenditure account for the year to 31 March 2021 and Appendix 2 provided an actual balance sheet as at 31 March 2021. It showed a decrease in the reserves of £10,177 due to the revaluation of the properties but was offset by a contribution from the Revaluation Reserve so had no actual impact.

DECISION

AGREED:-

- (a) **to note the actual income and expenditure for 2020/21 in Appendix 1 to the report;**
- (b) **the proposed budget for 2021/22 as shown in Appendix 1 to the report;**
- (c) **to note the final balance sheet value as at 31 March 2020 and projected balance sheet value as at 31 March 2022 as shown in Appendix 2 to the report; and**
- (d) **to note the summary of the property portfolio as shown in Appendix 3 to the report.**

3. **CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR THE FORMER BURGH OF COLDSTREAM**

There had been circulated copies of a report by the Principal Solicitor seeking approval of the draft Common Good Registers for the former Burgh of Coldstream and to advise on the next steps in the process for consultation and publication under the Community Empowerment (Scotland) Act 2015. The report explained that under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good ("a Common Good Register"). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register

and consult the public on this list. Council approved the process for compliance with the Community Empowerment (Scotland) Act 2015 on 31 January 2019, and since that date work had been ongoing in consolidating all information held in respect of heritable and moveable Common Good assets. From the work carried out, a draft list of assets considered to be a complete list of heritable and moveable assets held by the Coldstream Common Good had been prepared, and was appended to the report. The Chairman mention a portrait of General Monk which was currently displayed in a room outside the Registrars Marriage Room. There was a dispute as to whether or not it was owned by the Coldstream Guards or the Community. Mrs MacLeod advised that more investigation would be required before it could be claimed by the Common Good Fund and suggested that the consultation process might elicit more information regarding its ownership. Councillor Rowley highlighted the need for good communications to raise awareness of the consultation process and was assured that notification would be advertised in the local press. Mrs MacLeod also advised that the outcome of the consultation was not the end of the process and items could continue to be added to the Register in the future if they were identified as belonging to the Common Good Fund.

DECISION

AGREED to:-

- (a) approve the contents of the draft list of heritable and moveable property assets held by the Council within the former Burgh of Coldstream;**
- (b) approve the publishing of the draft list to be made available for public consultation for a period of at least twelve weeks;**
- (c) note that following the period of consultation all comments would be brought to the Common Good Fund Sub-Committee for their consideration.**

The meeting concluded at 9.45 a.m.

SCOTTISH BORDERS COUNCIL
JEDBURGH COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the JEDBURGH
COMMON GOOD FUND SUB-COMMITTEE held
via Microsoft Teams on Wednesday, 8 December
2021 at 1.00 p.m.

- Present: - J. Brown (Chairman), S. Hamilton, S. Scott.
- Apologies:- Community Councillor J. Taylor.
- In Attendance: - Pensions and Investments Manager, Principal Solicitor (Hannah MacLeod),
Democratic Services Officer (F. Henderson).
- Members of the Public: - 0

1.0 HERITABLE AND MOVEABLE ASSETS

- 1.1 With reference to paragraph 4 of the Minute of 17 November 2021, there had been circulated copies of a report by the Principal Solicitor which sought approval of the draft Common Good Registers for the former Burgh of Jedburgh and to advise of the next steps in the process for consultation and publication under the Community Empowerment (Scotland) Act 2015. The report explained that Under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good ("a Common Good Register"). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on this list. The Council approved the process for compliance with the Community Empowerment (Scotland) Act 2015 on 31 January 2019, and work had been ongoing in consolidating all information held in respect of heritable and moveable Common Good assets. From the work carried out, a draft list of assets considered to be a complete list of heritable and moveable assets held by the Jedburgh Common Good had been prepared, and was contained in appended to the report. Following approval, the list would be published on Citizen Space, together with a consultation survey. The survey would seek representations on (i) whether a proposed asset should be included as part of the Common Good; or (ii) whether there should be other assets included in the Common Good asset list. It was proposed to publish the consultation survey before the end of December 2021. In addition to the electronic survey, the proposed lists of Common Good assets would be published on the Council's website and paper copies would be made available, free of charge, on request. All Community Councils and other community bodies would be made aware of the publication of the proposed Common Good Asset lists and invited to make representations in respect of these lists.
- 1.2 The Chairman raised the matter of an area of ground on Oxnam Road, which he understood to be in the ownership of the Common Good but was not listed on the asset register and the Principal Solicitor agreed to investigate the matter

DECISION

(a) APPROVED the:-

- (i) contents of the draft list of heritable and moveable property assets held by the Council within the former Burgh of Jedburgh;**
- (ii) publishing of the draft list to be made available for public consultation for a period of at least twelve weeks;**

- (b) NOTED that following the period of consultation all comments would be brought to the Common Good Fund Sub-Committee for their consideration.**

The meeting closed at 1.20 p.m.

SCOTTISH BORDERS COUNCIL
KELSO COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the KELSO COMMON
GOOD FUND SUB-COMMITTEE held via Microsoft
Teams on Wednesday, 8 December 2021 at 2.00
p.m.

Present: - T. Weatherston (Chairman), S. Mountford, E. Robson.

Apologies:- Community Councillor G. Horsburgh.

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

Members of the Public: - 0

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.

1.0 APPLICATIONS FOR FINANCIAL ASSISTANCE

Kelso Over 60s Club

- 1.1 There had been circulated copies of an application for Financial Assistance from Kelso Over 60s Club requesting £400 towards the Over 60's Annual Christmas Lunch. The application explained that the main aim of the Club was to keep Members active by organising events and trips to allow them to feel involved in the community and not isolated. Everyone over the age of 60 in the Kelso area was welcome to join and prior to COVID, the Club held regular events with the highlight of the year being the annual Christmas lunch held in Ednam House Hotel. Members paid an annual subscription and a small amount towards the Christmas Lunch. It was acknowledged that there was a hard working Committee running the club and the Annual Christmas lunch was of significant value to those who may be socially isolated and look forward to this event every year.

DECISION

AGREED to support the application for financial assistance for Kelso Over 60s Club in the sum of £400 towards the costs of the Annual Christmas Dinner in 2021.

2.0 HERITABLE AND MOVEABLE ASSETS

- 2.1 With reference to paragraph 3 of the Minute of 16 November 2021, there had been circulated copies of a report by the Principal Solicitor which sought approval of the draft Common Good Registers for the former Burgh of Kelso and to advise of the next steps in the process for consultation and publication under the Community Empowerment (Scotland) Act 2015. The report explained that Under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good ("a Common Good Register"). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on this list. The Council approved the process for compliance with the Community Empowerment (Scotland) Act 2015 on 31 January 2019, and work had been ongoing in consolidating all information held in respect of heritable and moveable Common Good assets. From the work carried out, a draft list of assets considered to be a complete list of heritable and moveable assets held by the Kelso Common Good had been prepared, and was contained in appended to the report. Following approval, the list would be published on Citizen Space, together with a consultation survey. The survey would seek representations on (i) whether a proposed asset should be included as part of the Common Good; or (ii) whether there should be

other assets included in the Common Good asset list. It was proposed to publish the consultation survey before the end of December 2021. In addition to the electronic survey, the proposed lists of Common Good assets would be published on the Council's website and paper copies would be made available, free of charge, on request. All Community Councils and other community bodies would be made aware of the publication of the proposed Common Good Asset lists and invited to make representations in respect of these lists.

DECISION

(a) APPROVED the:-

- (i) contents of the draft list of heritable and moveable property assets held by the Council within the former Burgh of Kelso;**
- (ii) publishing of the draft list to be made available for public consultation for a period of at least twelve weeks;**

(b) NOTED that following the period of consultation all comments would be brought to the Common Good Fund Sub-Committee for their consideration.

The meeting closed at 2.15 p.m.

SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of Meeting of the AUDIT AND
SCRUTINY COMMITTEE held via Microsoft
Teams on Thursday, 9 December 2021 at
10.00 am

Present:- Councillors S. Bell (Chairman), H. Anderson, J. Greenwell, N. Richards, E. Robson, H. Scott, S. Scott, and E. Thornton-Nicol
Apologies: Councillor J. A. Fullarton
In Attendance:- Director Resilient Communities, Director Infrastructure & Environment, Director Strategic Commissioning & Change, Clerk to the Council, Democratic Services Officer (D. Hall).

SCRUTINY BUSINESS

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 Minutes of 22 November 2021 and 30 November 2021.

DECISION

APPROVED for signature by the Chairman.

2. SCRUTINY ACTION TRACKER

There had been circulated copies of the Scrutiny Action tracker. The Clerk to the Council advised that the updated tracker reflected the latest situation and that discussions with various Directors were ongoing, with further updates on the Income Management Policy expected soon.

DECISION

NOTED the Scrutiny Action Tracker.

3. COMMUNITY FUNDING - EVALUATION PROCESS

- 3.1 There had been circulated copies of a report by the Director, Resilient Communities providing an overview and summary of the evaluation process of the Community Fund from April 2021 to the present date. On March 2021 Council agreed that from April 2021 the current evaluation scheme for applications would be extended to anybody/organisation which received a grant award from a part of the Community Fund. It was also recognised that the need for uniform scrutiny and evaluations across all Area Partnerships was important and support would be offered where required. Members commented on the operation of the Fund in their areas and the need to involve groups in this process in addition to Community Councils. The Community Fund budget for 2021/22 was £470,718 and was allocated to each Area Partnership based on population estimates. The report also contained details of a number of ring-fenced grants totalling £194,593 made to Community Councils, Village Halls and Festivals.

- 3.2 Ms Shona Smith, Communities & Partnerships Manager, presented the report and answered Members' questions. In response to a question regarding the process when groups had failed to return completed evaluation forms, Ms Smith explained that a traffic light system was in use whereby a gentle reminder was sent out, followed by further

communications and requests, and finally a notification was sent out that explained that future applications for funding from the group would not be considered until the evaluation form had been completed. Ms Smith further advised that the majority of groups were made up of volunteers, and that communications focused on helping groups complete the evaluation form. Regarding the higher Village Hall administration fee rate paid by the Federation of Village Halls in Berwickshire, Ms Smith advised that the Federation had agreed to that fee and that the figures had been published publicly. In response to a question, Ms Smith advised that discussions were ongoing to understand why different areas held differing levels of financial reserves. In response to a question on a lack of triennial reviews of Local Festivals funding, the Clerk to the Council undertook to investigate with the various Directors involved and report back to the Committee.

DECISION

(a) NOTED the evaluation process including the evaluation form, and progress to date

(b) AGREED to add the review of Festival Funding to the Action Tracker.

4. RURAL PROOFING POLICY

There had been circulated copies of a report by the Director, Resilient Communities providing information on the existing Rural Proofing policy and the effectiveness of the policy in helping to ensure that rural issues were properly considered in Council Policy making. The Policy was developed and approved by the Executive Committee in November 2007 and was reviewed over the first few years of implementation. The most recent report was taken to the Executive Committee in 2011. The key aims of the policy were to help ensure that the needs of people living and working in the rural areas were fully taken into account in the development of all new Council policies and strategies. SBC had embraced and incorporated the UN Sustainable Development Goals and Integrated Impact Assessment into the Council reporting structure, which raised the question regarding the validity of the Rural Proofing policy and whether the Council still required this particular aspect within the Committee Report Template. Members had an extensive discussion on the relevance of the rural proofing policy in light of the UN Sustainable Development Goals, acknowledged the desire to reduce the levels of paper work required to be carried out by Council Officers, and highlighted the need to ensure that rural issues were fully considered when Officers were preparing reports and recommendations. Councillor Anderson proposed an extra recommendation which was unanimously agreed.

DECISION

AGREED:-

(a) to note that the members of the Audit and Scrutiny Committee had discussed the relevance of the rural proofing policy in light of the inclusion of UN Sustainable Development Goals and the Integrated Impact Assessment checklists within the Council Committee reporting template and decided that they wish to take any further action; and

(b) that the UN Sustainable Development Goals and Integrated Impact Assessment Goals checklists would be strengthened to ensure that elements of rurality were fully incorporated, and that the draft checklists be considered by the Committee prior to submission to Council.

5. WASTE & RECYCLING COMMUNICATIONS UPDATE

5.1 With reference to paragraph 2 of the Minute of 3 June 2021, there had been circulated copies of a report by Director, Infrastructure & Environment that provided a progress update on communications with the public to encourage the reduction in contamination of waste and recycling. A number of key activities had been undertaken since the Scrutiny update in June, including the promotion of "Recycling Week" and the digital "Recycling

Sorter tool”; Schools resources packs had been introduced at 8 primary schools as part of a pilot project; Kerbside Recycling contract awarded, including a requirement for the supplier to provide support with public engagement and education; compositional analysis of kerbside recycling and general waste bins; and the development of the stakeholder engagement questionnaire.

- 5.2 Mr Ross Sharp-Dent joined the meeting to present the report and answered Members’ questions. Regarding waste contamination, Mr Sharp-Dent undertook to send out the breakdown of the analysis, and suggested that the highest levels of contamination would likely be seen in general waste that had gone to community recycling. In response to a question on the disposal of potentially harmful chemicals such as pesticides, Mr Sharp-Dent explained that change was now beginning to happen within the industry to amend the relevant policies and guidelines, and that whilst the Council currently had sole responsibility to manage such waste, he hoped that a shift in responsibility for managing potentially dangerous waste would occur. Regarding the expansion of food waste collection across the Borders, Mr Sharp-Dent advised that the food waste recycling scheme had only covered 6 towns due to the level of funding that was available, and was in line with the statutory requirements to provide the service. He went on to add that the Scottish Government’s position on food waste suggested that funding applications to widen food waste management programmes would likely be considered favourably, but that any funding provided would be limited to capital costs only. The Chairman suggested that one of the main factors negatively affecting waste management in the region was a lack of regular and clear communication and education measures to ensure that the public were certain about how different categories of waste needed to be treated and disposed of in the correct bin. Councillor Anderson proposed an additional recommendation which was unanimously agreed.

DECISION

AGREED:-

- (a) to support the delivery of a stakeholder engagement questionnaire to help inform future communication and education programmes; and**
- (b) to ask Communication Officers to attend the March meeting of the Committee to allow Members to have a discussion about a programme of communication in regard to climate change, including waste and recycling.**

6. PETITION

- 6.1 The Chairman advised those in attendance that the Principal Petitioner, Mrs Marion Henthorn, had chosen not to speak in support of the petition and was not in attendance at the meeting. This was permitted within the procedure. The Chairman read out the statement included with the petition and then read out a letter from the Chairman of the Food Foundation that explained that the issues outlined in the petition had been resolved. Officers were invited to explain their response to the petition.

6.2 Flowerpot Café, Victoria Park

There had been circulated copies of report by the Director, Infrastructure & Environment that summarised the content and context of a petition received by the Committee. The petition, titled “Flowerpot Café, Victoria Park”, received in the region of 30 signatures. The petition requested that the Flowerpot Café, run by the Food Foundation, operated in the community garden at the Victoria Park Day Centre was reopened. The Director summarised the report and the response from the Council. Members agreed that no further action was required.

- 6.3 In response to a question from the Chairman on the anticipated long term use of the building by SBCares, the Director Infrastructure & Environment explained that whilst opportunities were currently limited due to the ongoing Covid-19 pandemic, the expectation was that the building would continue to be utilised in the short to medium

term. There were continued issues with the pandemic and the vulnerability of users so the building could not be used for more activities at the moment as the safety and wellbeing of clients was paramount. The Director Strategic Commissioning & Change, added that a long-term review of LD Day services was ongoing, with a consultation due to conclude in October 2022. Following the conclusion of the consultation more clarity would be provided. The Chairman asked that one of the Estates team contact the Chairman of the Food Foundation to explain what had been discussed at the meeting and that the relocation of the café would require planning permission which the Food Foundation would need to submit to the Council.

DECISION

AGREED that the issue raised did not require further action as to all intents and purposes it had been resolved.

The meeting concluded at 12.00 pm

SCOTTISH BORDERS COUNCIL PENSION FUND COMMITTEE AND PENSION BOARD

MINUTES of Meeting of the PENSION FUND
COMMITTEE AND PENSION BOARD held
Via Microsoft Teams on Tuesday, 14
December 2021 at 10.00 am

Present:- Councillors D. Parker (from paragraph 8), S. Aitchison, Councillors J Brown
G. Edgar, , C. Hamilton D. Moffat, S. Mountford S. Scott; Mr D. Bell, Mr A.
Daye, Mr M. Drysdale, Mr M. Everett, Ms K. Hughes, Ms L. Ross.

Apologies:- Ms H. Robertson.

In Attendance: Director Finance & Corporate Governance, Pensions and Investment
Manager, HR Shared Services Manager, Democratic Services Team Leader,
Democratic Services Officer (D.Hall).

Also in Attendance: Ms A Buchanan, Mr A Singh, Isio, and Ms A. Fitzpatrick, Audit Scotland

CHAIRMAN

In the absence of Councillor Parker, Councillor Mountford chaired the meeting.

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 20 October 2021.

DECISION

NOTED for signature by the Chairman.

2. **COMMITTEE MINUTE RECOMMENDATION**

There had been circulated copies of an extract from the Minute of the Audit & Scrutiny Committee meeting held on 21 October 2021 that recommended the Committee sought reassurance that by 31 March 2022 the recommendations detailed in the management action plan would be achieved. Mr Ian Angus, HR Shared Services Manager provided an update on actions and advised that some elements of the plan would be covered in more detail within the Information Update as detailed in paragraph 8 below.

DECISION

NOTED.

3. **RISK REGISTER UPDATE**

With reference to paragraph 4 of the Minute of the meeting held on 16 September 2021, there had been circulated copies of a report by the Director Finance & Corporate Governance that formed part of the risk review requirements of the pension fund. The report provided an update of the progress of the actions taken by Management to mitigate the risks previously identified, a review of any new risks and highlighted changes to any of the risks contained in the Risk Register. Identifying and managing risk was a cornerstone of effective management and was required under the Council's Risk Management Policy and process guide and CIPFA's guidance "Delivering Governance in Local Government Framework 2007". It was further reflected and enhanced in the "Local Government Pension Scheme" published by CIPFA. The revised Risk Register was approved by the Joint Pension Fund Committee and Pension Fund Board on 10 June 2021 and an update on the actions was presented on 16 September 2021. Appendix 1 to the report detailed the risks within the approved risk register which had been identified management actions and the progress of those actions to date. There were no new risks identified during the review.

DECISION

AGREED:-

- (a) to note the management actions progress as contained in Appendix 1 to the report;**
- (b) to note no new quantifiable risks had been identified since the last review; and**
- (c) an update on progress of management actions was to be presented in March 2022.**

4. PENSION ADMINISTRATION STRATEGY

With reference to paragraph 6 of the Minute of the meeting held on 24 September 2020, there had been circulated copies of a report by the Director People Performance & Change that proposed the revised Pension Administration Strategy for the Scottish Borders Council Pension Fund. The Pension Fund was required by the Local Government Pension Scheme (Scotland) Regulations 2018 to have an up-to-date Pension Administration Strategy. Appendix 1 to the report contained the revised Pension Administration Strategy which had a number of amendments made to the previously approved version, mainly in relation to the introduction of the Member Self Service Portal and set targets. Other changes were in the departmental names and post titles for officers and an update to the list of Employers within the Fund.

DECISION

AGREED the Pension Administration Strategy as set out in Appendix 1 to the report.

5. BUSINESS PLAN PERFORMANCE UPDATE

With reference to paragraph 7 of the Minute of the Meeting held on 10 June 2021, there had been circulated copies of a report by the Director Finance & Corporate Governance providing members of the Committee and the Board with an update on delivery of the actions within the approved business plan. The 2021/22 – 2023/24 Business Plan for the Pension Fund was approved by the Committee/Board on 10 June 2021. Included within the plan were key objectives and actions with target dates. A summary of the progress on the actions was included in Appendix 1 to the report. As part of the risk register update approved at Committee/Board on 16 September 2021 it was agreed that a mid-year progress report on the business plan actions would be presented to Members at the December 2021 meeting and a further progress report and update at the June 2022 meeting. There were 30 key tasks due for completion during 2021/22. Of these 16 were fully complete, 12 were on track to be completed by the approved target date and 2 required revised target dates.

DECISION

AGREED:-

- (a) to note the progress of the 2021/22 actions within the business plan;**
- (b) the revised target date of 31 March 2022 for completion of the full reconciliation of Guaranteed Minimum Pension between the Fund and HMRC; and**
- (c) the revised target date of 31 June 2022 for the implementation of i-connect.**

6. PENSION FUND BUDGET MONITORING TO 30 SEPT 2021

With reference to paragraph 7 of the Minute of the Meeting held on 16 September 2021, there had been circulated copies of a report by the Director Finance & Corporate Governance providing the Pension Fund Committee and Pension Fund Board with an update position of the Pension Fund Budget to 30 September 2021 including projects to 31 March 2022. The Local Government Pension Scheme (Scotland) Regulation 2014 required Administering Authorities to ensure strong governance arrangements and set out

the standards they were to be measured against. To ensure the Fund met the standards a budget was approved on 4 March 2021 following the recommendations within the CIPFA accounting guidelines headings. The report was the third quarterly monitoring report of the approved budgets. The total expenditure to 30 September 2021 was £0.375m with a projected total expenditure of £7.147m against a budget of £7.129m. This projected a budget variance of £18k which represented procurement costs for a Residential Property investment manager. A key objective of the Fund was to pay pension benefits as they became due. Due to the maturing nature of the fund and this requirement the Fund had included within its investment strategy the requirement for income generating assets. The graph within the report showed the Fund had been able to fully meet its cashflow requirements. In response to a question regarding management expenses, the Pensions & Investments Manager advised that the Pensions team was initially paid by Scottish Borders Council before being charged to the Pension Fund.

DECISION

AGREED:-

(a) to note the actual expenditure to 30 September 2021;

(b) the projected out-turn as the revised budget; and

(c) to note the cashflow position.

7. RESPONSIBLE INVESTMENT MONITORING

With reference to paragraph 9 of the Minute of the Meeting held on 24 September 2020, there had been circulated copies of a report by the Director Finance & Corporate Governance providing the Committee with the third annual monitoring report of the extent to which the Fund's Investment managers had complied with the requirements of the agreed Statement of Responsible Investment Policy. The Fund as part of its fiduciary duties was required to ensure appropriate consideration was given to Environmental, Social and Governance (ESG) issues as part of its investment decisions, whilst acting in the best interest of the schemes beneficiaries. The Fund approved a Responsible Investment Policy on 30 November 2018 and on 16 September 2021 approved a revision to the policy. Annual monitoring was required under the terms of the policy. As the monitoring was retrospective the monitoring requirements per the 30 November 2018 had been used. 98.8% of the assets held by the Fund were managed by Fund Managers who were signatories to the United Nations Principles of Responsible Investment Code (UNPRI). Information had been provided by Fund Managers and scored against questions listed in the report. The scores for each manager was also shown in the report. Officers would work with Fund Managers who scored 15 or less to improve their performance and fully meet the objectives of the ESG policy. The Fund was a "Supporter" of Climate Action 100+ as agreed on 12 September 2019. Climate Action 100+ had been active and successful in achieving a number of key commitments in a number of sectors to reduce carbon emissions. Regarding the low scores of Brookfield and Gaia the Pensions and Investments Manager advised the scores were low largely because they were not signed up to UNPRI, given that their investment focus was primarily in infrastructure, and that Ms Robb had no real concerns about the scores.

DECISION

AGREED:-

(a) to note the actual expenditure to 30 June 2021; and

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

8. INFORMATION UPDATE

8.1 There had been circulated copies of a briefing paper by the Director Finance & Corporate Governance providing Members of the Committee and the Board with an update on a number of areas which were being monitored and areas where work was progressing. Full

reports on individual areas would be tabled as decisions and actions were required. In summary:

8.2 Cyber Security Update

All details required from CGI, the Council's third party IT provider, on Cyber Security had now been provided.

8.3 National Insurance Database

The Fund had now completed sign up to the LGPS National Insurance database, and that was now operational, with all members of the Pensions Administration team given appropriate access. The Fund had also signed up to the Tell Us Once scheme whereby information uploaded to the National Insurance Database was checked against all registered deaths in the UK. As a result, a comparable service was no longer in use, which resulted in a small saving for the fund.

8.4 AVC Update

There had been a further increase of 10 Scottish Borders Council employees participating in the Shared cost AVC scheme, and a reduction of 3 employees in the traditional AVC scheme. SBC and Live Borders had continued to work alongside AVC Wise, who had appointed new engagement managers to help promote the scheme benefits to employees.

8.5 Data Quality

The annual data quality report had been produced for 2021, and whilst there showed a slight decrease in the Common Data measure all categories met the highest benchmark of greater than 98%. Address was the lowest scoring category, attributed to the Pensions Administration team having updated the system to show those deferred members who had an Annual Benefit Statement returned and marked as gone away in the address pending receipt of an updated address.

8.6 Early Strain Factors

The updated Early Strain Factors had been implemented by the Pensions Administration Team and came into effect from 1 December 2021.

8.7 Overseas Life Checks

The annual process of issuing Life Certificates for overseas Pensioners had been undertaken. Mr Ian Angus, the HR Shared Services Manager, advised that 38 had been issued and that 3 remained outstanding, 1 of those remaining outstanding Pensioners had contacted the team.

8.8 Pensions Dashboard

The Pensions Dashboard, the system proposed to enable employees to see and make pension choices based on the information for all schemes they were members had been developed and tested in 2021. 2022 would see voluntary on-boarding and testing. From 2023 there would be staged on-boarding and dashboards would become available.

8.9 Scheme Advisory Board

The last reported meeting of the Advisory Board was 19 May and was reported to the Committee and Board on 10 June, the bulletin from that meeting was attached in Appendix 1 to the briefing paper. The Board held an extraordinary meeting on 18 August, for which no bulletin would be issued. The Board had also met on 22 September and 24 November, the bulletins were included in Appendix 2 and 3 to the briefing note respectively.

8.10 Training Opportunities

There had been 4 training opportunities during the year. There was a requirement for all Members to attend at least 2 events a year. To date 7 members of the Committee and all members of the Board had met this requirement. The PLSA would be holding a virtual

ESG conference on 9 and 10 March 2022, with various topics of discussion indicated. The annual PLSA Investment conference which normally took place in March had been moved to 25-26 May, with plans in place to hold the event in person. The Pensions and Investments Manager undertook to advise Members once the agenda had been confirmed.

8.11 **Future Meetings**

The dates of the proposed future meetings had been circulated for information.

DECISION

NOTED the briefing paper.

MEMBER

Councillor D Parker joined the meeting during the discussion of the above item.

9. **STRATEGIC ASSET ALLOCATION IMPLEMENTATION**

With reference to paragraph 12 of the Minute of the Meeting held 10 June 2021, there had been circulated copies of a report by the Director Finance & Corporate Governance providing an update on the implementation of the revised strategic asset allocation. Following the 2020 triennial valuation of a review of the strategic asset allocation was undertaken by Isio. The recommendations from the review were approved by the Committee on 10 June 2021. Delegated authority was given to the Director of Finance & Corporate Governance to implement the revised allocation. The 30% allocation to the Active equities included a detailed split between managers and funds. Further discussion with Baillie Gifford highlighted ESG changes to the UK Fund which would allow the Fund to maintain its UK positions and still meet the ESG aspirations of the Fund, whilst avoiding transition costs. Good progress had been made in private credit, passive equities and long lease property since the strategy had been approved. Further work was underway with the completion of the Infrastructure procurement and agreement on the type of residential property.

DECISION

AGREED:-

- (a) **to note the progress made to date on the implementation of the revised strategic asset allocation;**
- (b) **the revised strategic asset allocation for active equities; and**
- (c) **to delegate authority to Director Finance & Corporate Governance, in consultation with the Chair of the Pension Fund Committee, and based on advise of the Investment Advisor to undertake a procurement exercise for a Residential Property Manager.**

CHAIRMAN

Councillor Parker assumed Chairmanship of the meeting.

10. **PRIVATE BUSINESS**

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

SUMMARY OF PRIVATE BUSINESS

11. **INVESTMENT PERFORMANCE QUARTER TO 30 SEPTEMBER 2021**

The Committee and Board considered a report by Isio.

MEMBER

Councillor Aitchison left the meeting during consideration of the item above.

12. **INFRASTRUCTURE MANDATE PROCUREMENT**

The Committee and Board considered a report by the Director Finance & Corporate Governance and approved the recommendations.

The meeting concluded at 11.10 am

SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTE of Meeting of the PENSION BOARD
held Via Microsoft Teams on Tuesday, 14
December 2021 at 11.10am

Present:- Mr. D. Bell (Chairman), Mr A. Daye, Mr. M. Everett, Ms K M Hughes, Ms L
Ross, Mr M Drysdale,
Apologies:- Councillor S Aitchison
In Attendance:- Pension & Investments Manager, HR Shared Services Manager, Democratic
Services Team Leader, Democratic Services Officer (D. Hall).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 20 October 2021.

DECISION

NOTED for signature by the Chairman

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

The Chairman invited those present to raise any matters which had been discussed at the joint meeting. In response to a question regarding delays in guaranteed minimum pension calculations, Mr Angus explained that there had been a delay in receiving information from HMRC at the start of the process and that all of the information required had been received. The work undertaken on the Members Self Service and COSLA pay award had meant that pensioner payments needed to be recalculated and backdated to January 2021, which was ongoing and had been prioritised. Ms Robb undertook to provide more information on awards that the Fund had been shortlisted for.

DECISION

AGREED that there were no issues to raise.

3. **DATE OF NEXT MEETING**

The date of the next Meeting of the Pension Board is 17 March 2022.

The meeting concluded at 11.15am.

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SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the INNERLEITHEN
COMMON GOOD FUND SUB-COMMITTEE
held via Microsoft Teams on Wednesday,
15th December, 2021 at 9.30 am

Present:- Councillors R. Tatler (Chairman), S. Bell, S Haslam and Community
Councillor M. Douglas (from paragraph 2)

In Attendance:- Principal Solicitor, Treasury Business Partner (S. Halliday), Solicitor (G.
Sellar), Estates Surveyor (T. Hill), Democratic Services Team Leader,
Democratic Services Officer (D. Hall).

1. **MINUTE**

The Minute of meeting of the Innerleithen Common Good Fund Sub-Committee held on 3 June 2021 had been circulated.

DECISION

APPROVED the Minute for signature by the Chairman.

2. **CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR
FORMER BURGH OF INNERLEITHEN**

There had been circulated copies of a report by the Principal Solicitor seeking approval of the draft Common Good Registers for the former Burgh of Innerleithen and to advise on the next steps in the process for consultation and publication under the Community Empowerment (Scotland) Act 2015. The report explained that under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good ("a Common Good Register"). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on this list. Council approved the process for compliance with the Community Empowerment (Scotland) Act 2015 on 31 January 2019, and since that date work had been ongoing in consolidating all information held in respect of heritable and moveable Common Good assets. From the work carried out, a draft list of assets considered to be a complete list of heritable and moveable assets held by the Innerleithen Common Good had been prepared, and was appended to the report. One area of land had been identified at Damside Park at the Strand that should be included on the list as it was donated to the Burgh Council in 1947. Mrs MacLeod advised that although the consultation would commence before Christmas the 12 week period would be counted from January and the consultation would be widely publicised. Mrs Macleod stressed that once the list had closed it was still open to future revision.

DECISION

AGREED to:-

- (a) **approve the contents of the draft list of heritable and moveable property assets held by the Council within the former Burgh of Innerleithen;**
- (b) **approve the publishing of the draft list to be made available for public consultation for a period of at least twelve weeks;**
- (c) **note that following the period of consultation all comments would be brought to the Common Good Fund Sub-Committee for their consideration;**
and
- (d) **note that the Section 95 Officer would amend the Common Good accounts to include the additional asset identified as Common Good.**

MEMBER

Community Councillor Douglas joined the meeting during consideration of the above item.

The meeting concluded at 9.35 am

SCOTTISH BORDERS COUNCIL PEEBLES COMMON GOOD FUND SUB-COMMITTEE

MINUTE of Meeting of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held by Microsoft Team on Wednesday, 15
December 2021 at 10.30 a.m.

Present:- Councillors R. Tatler (Chairman), H. Anderson, S. Bell, E. Small
Apologies:- Councillor K. Chapman, S. Haslam
In Attendance:- Principal Solicitor, Treasury Business Partner, Estates Surveyor (T. Hill),
Democratic Services Team Leader.

1. **CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR THE FORMER BURGH OF PEEBLES**

There had been circulated copies of a report by the Principal Solicitor seeking approval of the draft Common Good Registers for the former Burgh of Peebles and to advise on the next steps in the process for consultation and publication under the Community Empowerment (Scotland) Act 2015. The report explained that under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good ("a Common Good Register"). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on this list. Council approved the process for compliance with the Community Empowerment (Scotland) Act 2015 on 31 January 2019, and since that date work had been ongoing in consolidating all information held in respect of heritable and moveable Common Good assets. From the work carried out, a draft list of assets considered to be a complete list of heritable and moveable assets held by the Peebles Common Good had been prepared, and was appended to the report. In response to a question from Councillor Anderson, Mrs MacLeod advised that although the consultation would commence before Christmas the 12 week period would be counted from January and the consultation would be widely publicised. The Chairman thanked officers for their work in preparing this comprehensive list of assets.

DECISION

AGREED to:-

- (a) approve the contents of the draft list of heritable and moveable property assets held by the Council within the former Burgh of Melrose;**
- (b) approve the publishing of the draft list to be made available for public consultation for a period of at least twelve weeks;**
- (c) note that following the period of consultation all comments would be brought to the Common Good Fund Sub-Committee for their consideration; and**
- (d) note that the Section 95 Officer would amend the Common Good accounts to include the additional assets identified as Common Good, namely Tweed Green Car Park, Haylodge Cottage, Kingsknowes toilets and Kingsland Primary School.**

The meeting concluded at 10.40 a.m.

SCOTTISH BORDERS COUNCIL CHAMBERS INSTITUTION TRUST

MINUTE of Meeting of the CHAMBERS
INSTITUTION TRUST held in Via Microsoft
Teams on Wednesday, 15 December 2021
at 4.00 pm

Present:- Councillors S. Bell (Chairman) H. Anderson, S. Haslam, E. Small , R. Tatler
Apologies:- Councillor K. Chapman

In Attendance:- Chief Legal Officer, Solicitor (G. Sellar), Pensions and Investments Manager,
Projects Manager (S Renwick), Estates Surveyor (T. Hill), Localities
Development Co-ordinator (K. Harrow), Democratic Services Team Leader, J.
Hogg (Live Borders)

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 17 November 2021.

DECISION

AGREED to approve the Minutes.

2. **COUNCIL DECISION ON TRUST MEMBERSHIP**

There had been circulated copies of an extract from the Minute of Scottish Borders Council held on 25 November 2021 regarding the decision to leave the membership of the Trust unchanged and asking the Trustees to consider how best to engage with stakeholders in Peeblesshire. Members discussed the setting up of a stakeholder group similar to that which was in place for the Memorial Hall in Innerleithen and agreed that Keith Bellville, Chairman of the Group be invited to the next meeting of the Trust to advise how the Group operated. Councillor Tatler undertook to invite Mr Bellville to the next meeting and to work with Mr Harrow to draft a suggested role and responsibilities for the Group.

DECISION

AGREED that Councillor Tatler invite Mr Bellville to the next meeting and to work with Mr Harrow to draft a suggested role and responsibilities for the Group.

3. **FORMAT OF FUTURE MEETINGS**

Members discussed the frequency and format of future meetings. It was proposed that the Trust meet monthly until March. Finance and property matters would be reported on quarterly with the next report in February although matters arising could be brought to any meeting. The Chairman welcomed Jane Hogg from Live Borders to the meeting and hoped that she would be able to attend on a regular basis. There was also a suggestion that future meetings could include an open forum for members of the public to raise matters. It was agreed that this be considered further at the next meeting.

DECISION

AGREED that:-

- (a) monthly meetings be held until March 2021;**
- (b) finance and property matters be reported quarterly commencing in February;
and**

(c) consideration of introducing an open forum be discussed at the next meeting of the Trust.

4. CONSULTATION PROCESS

With reference to paragraph 4 of the Minute of 17 November 2021, there had been circulated copies of the outcome of the previous consultation carried out in 2015/16. There had been a high level of engagement and Mr Harrow provided a summary of the points made. It was noted that things had changed since then and the new consultation would need to cover both the strategic and operational use of the building.

**DECISION
NOTED.**

5. DATES OF FUTURE MEETINGS

Dates for early 2022 were proposed.

**DECISION
AGREED that meetings be held on:-**

- **19 January 2022**
- **16 February 2022**
- **16 March 2022**

6 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 to make an early decision.

7. FUNDING OPPORTUNITIES

7.1 Steven Renwick advised that bids were being considered for submission in respect of the UK levelling up fund and there was an opportunity for Scottish Borders Council to submit a bid for a phase of the works to the Chambers Institute. He suggested that Page & Park be requested to make refinements to the original proposals. Karen Nugent from Page & Park was present at the meeting and agreed that they would be happy to undertake this work. She commented on the changes since the first project had been drawn up and advised that they would build on previous work to develop a stronger project which would bring a wider community benefit. In response to a suggestion by the Chairman, Councillor Haslam confirmed that she had already been in touch with David Mundell, MP regarding this funding. Mr Renwick confirmed he would report back to the Trust in February to provide an update on what works might be included. It was noted that there was no timescale yet for the submission of bids.

7.2 Tricia Hill advised that she had had a discussion with Graeme Johnstone regarding the possible use of Place Making funding to open up the suspended ceiling and carry out some painting works in the Burgh Hall. The Chairman clarified that the works would form 2 parts, namely the removal of the suspended ceiling and decoration to match the ceiling to the remainder of the hall. Karen Nugent suggested that the removal of the suspended ceiling would allow an opportunity to improve the performance of the building and insulation could be added before redecoration. Jane Hogg commented on Live Borders ambition to include new technology to future proof the use of the hall. Ms Hill advised that she would assist Graeme Johnstone in taking the project forward and would report back at the next meeting.

DECISION

AGREED that:

- (a) Mr Renwick work with Page and Park to refresh the plans and report back to the Trust at their meeting in February regarding what might be included in a bid for Levelling-Up funding; and
- (b) Ms Hill provide an update on the bid for Place Making funding at the next meeting.

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. **PRIVATE MINUTE**

Members approved the Minute of the meeting held on 6 October 2021.

10. **CONSULTATION PROCESS**

Members discussed possible proposals for carrying out a new consultation on the proposals for the Chambers Institution.

The meeting concluded at 5.30 p.m.

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SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTES of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held via Microsoft Teams on Friday, 17
December 2021 at 11.00 a.m.

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

Apologies:- Councillor J. Brown.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne, J. Scott and H. Wood), Chief Inspector V. Fisher, PC Sharon Lackenby, Democratic Services Officers (F. Henderson)

1. **MINUTE**

The minute of the meeting held on Friday, 20 August 2021 had been circulated.

DECISION

APPROVED and signed by the Chairman.

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the periods 17 September 2021 – 14 October 2021 and 15 October 2021 – 6 December 2021.

DECISION

NOTED.

3. **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

4. **RENEWAL OF TAXI DRIVER LICENCE**

The Committee agreed to grant the application for a renewal Taxi drivers Licence submitted by Lisa Dawkins.

DECISION

APPROVED.

5. **REVOCAION OF TAXI DRIVERS LICENCE**

The Committee agreed to revoke the Taxi Drivers Licence in respect of the Licence holder with immediate effect following its consideration of the report received from the Licensing Standards and Enforcement Officer and the submissions made by the Licence holder in

verbal, written and video footage format and also the submissions received in writing from the Licence holder's solicitor.

**DECISION
AGREED.**