

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

6.	<p><b>Committee Minutes</b> (Pages 3 - 68)</p> <p>Consider Minutes of the following Committees:-</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">(a)</td><td style="width: 70%;">Berwickshire Area Partnership</td><td style="width: 25%;">27 January 2022</td></tr> <tr><td>(b)</td><td>Teviot &amp; Liddesdale Area Partnership</td><td>1 February 2022</td></tr> <tr><td>(c)</td><td>Eildon Area Partnership</td><td>10 February 2022</td></tr> <tr><td>(d)</td><td>Audit &amp; Scrutiny</td><td>14 February 2022</td></tr> <tr><td>(e)</td><td>Chambers Institution Trust</td><td>16 February 2022</td></tr> <tr><td>(f)</td><td>Local Review Body</td><td>21 February 2022</td></tr> <tr><td>(g)</td><td>Peebles Common Good Fund</td><td>23 February 2022</td></tr> <tr><td>(h)</td><td>Civic Government Licensing</td><td>25 February 2022</td></tr> <tr><td>(i)</td><td>Jedburgh Common Good Fund</td><td>28 February 2022</td></tr> <tr><td>(j)</td><td>Executive</td><td>1 March 2022</td></tr> <tr><td>(k)</td><td>Community Planning Strategic Board</td><td>3 March 2022</td></tr> <tr><td>(l)</td><td>Planning &amp; Building Standards</td><td>7 March 2022</td></tr> <tr><td>(m)</td><td>Local Review Body</td><td>7 March 2022</td></tr> <tr><td>(n)</td><td>Executive</td><td>21 March 2022</td></tr> </table> <p>(Copies attached.)</p>	(a)	Berwickshire Area Partnership	27 January 2022	(b)	Teviot & Liddesdale Area Partnership	1 February 2022	(c)	Eildon Area Partnership	10 February 2022	(d)	Audit & Scrutiny	14 February 2022	(e)	Chambers Institution Trust	16 February 2022	(f)	Local Review Body	21 February 2022	(g)	Peebles Common Good Fund	23 February 2022	(h)	Civic Government Licensing	25 February 2022	(i)	Jedburgh Common Good Fund	28 February 2022	(j)	Executive	1 March 2022	(k)	Community Planning Strategic Board	3 March 2022	(l)	Planning & Building Standards	7 March 2022	(m)	Local Review Body	7 March 2022	(n)	Executive	21 March 2022	5 mins
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# SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA PARTNERSHIP

MINUTE of the Meeting of BERWICKSHIRE  
AREA PARTNERSHIP held via Microsoft  
Teams on Thursday, 27 January 2022 at  
6:35pm.

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- Present:- SBC Councillors: J. A. Fullarton (Chairman), C. Hamilton, D. Moffat, and M. Rowley.  
Other organisations attendees: Ms J. Amaral (BAVS), Ms. J. Clifford, Mr K. Dickinson (Gavinton, Fogo & Polwarth CC), Mr D. Fisher, Mr A. Haddow, Mr R. Hamilton, Ms S. Hopewell (The Splash Project), Mrs A. McNeill (Heart of Duns), Mr A. Mitchell (Duns CC), Ms R. Parker, Mr D. Paterson (BHA), Mr D. Ramsay (Berwickshire Youth Project), Ms P. Rigby, Ms J. Sutton (Cockburnspath Community), Ms A. Turnbull; Mrs L. Burnip, Mr C. Lackenby, Mr G. Provest and Mrs F. Renton (Jim Clark Rally).
- Apologies:- Councillors J. Greenwell and H. Laing.
- In Attendance:- Locality Development Co-ordinator (G. Jardine), Community Engagement Officer (J. Purves), Portfolio Manager, Community Place Planning & Regeneration Officer (S. Renwick), Clerk to the Council.
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## 1. **WELCOME AND MEETING PROTOCOLS**

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

## 2. **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.

## 3. **FEEDBACK FROM MEETINGS ON 2 SEPTEMBER AND 16 DECEMBER 2021**

Copies of the Minutes of the meetings held on 2 September and 16 December 2021 had been circulated. With reference to paragraph 3 of the Minute of 16 December, the Locality Development Co-ordinator, Ms G. Jardine, gave an update on the current status of the Community Fund. Ms Jardine thanked the Assessment Panel for promoting the Fund and there were now 16 applications awaiting assessment. Due to the number of applications received, and the time needed for officers to assess them, it was proposed that the meeting of the Assessment Panel would be moved forward by a week and the report from the Assessment Panel would be issued as a later paper for the meeting of the Berwickshire Area Partnership on 3 March 2022. In effect, the Community Fund was over-subscribed with new applications totalling £28k before the assessment process was undertaken.

## **DECISION**

### **AGREED:**

- (a) to approve the Minutes of 2 September and 16 December 2022; and**
- (b) that the report from the Assessment Panel on the applications to the Community Fund due to be presented to the next meeting of the Berwickshire**

**Area Partnership would be issued as a late paper, due to the time required to assess the 16 new applications.**

**4. BUILD BACK A BETTER BORDERS RECOVERY FUND APPLICATIONS**

Ms G. Jardine, Locality Development Co-ordinator, advised that should the application before the Committee be approved, this would leave £29k in the Fund. There were still 2 further applications pending. Copies of the assessment form for the application from Berwickshire Marine Reserve (BMR) to the Build Back a Better Borders Recovery Fund had been circulated. The BMR sought £15,000 from the Fund to cover salary costs for 6 months for a Community Outreach Officer and to contribute to the salary costs of their Volunteer & Governance Manager. By employing a Community Outreach Officer 3 days per week, the BMR would increase capacity within the team to rebuild BMR's training programme and planned events for 2022 which were intended to encourage locals and visitors to participate in marine conservation and data collection. This would be in addition to the regular summer programme of Marine Ranger-led events. The BMR was also apply to other funders to continue these 2 posts and projects beyond 6 months.

**DECISION**

**AGREED to grant the sum of £15,000 to the Berwickshire Marine Reserve for the project, conditional on the applicant following Scottish Government Covid-19 guidance.**

**5. PLACE MAKING UPDATE**

5.1 With reference to paragraph 3 of the Minute of 2 September 2021, copies of a briefing paper had been circulated. Mr Keith Dickinson gave a presentation on the content of the paper, which had two aims: to strengthen the role of the Berwickshire Area Partnership by setting up the mechanisms whereby community views could be fed into Place Making discussions in an effective, participatory and constructive way; and it would help address concerns raised about the absence of early and effective consultation, perceived flaws in the currently proposed methodology, and difficulties in the understanding/interpretation of proposals. This in turn would encourage greater community involvement and broader representation. The background and context for Place Making were detailed along with a proposal to set up a Berwickshire Area Partnership Place Making Working Group. Previous Working Groups had worked well in Berwickshire and had made recommendations which had been accepted by the Area Partnership. It was proposed that a Working Group be created, comprising 6-8 community members, with an additional 2-3 SBC Councillors, and this Group would be charged with making recommendations to the Area Partnership relating to the development and implementation of Place Making/ Planning in Berwickshire. This Working Group would report to a future meeting of the Area Partnership and would consider and work towards clarifying the terminology around Place Making and Place Planning; proposed joint principles; the proposed target Place Making Framework; the methodology for determining which communities to prioritise; how to best allocate resources available for Place Planning in Berwickshire; and the Area Partnership-Draft Place Making Role Agreement. As well as being considered by the Working Group, some of this could be the subject of a facilitated workshop.

5.2 Mr James Lamb, SBC Portfolio Manager, advised that he had spoken with Mr Dickinson after the previous meeting of the Area Partnership, and was supportive of the ambition and direction of travel. There had been a similar experience at other Area Partnership meetings and the idea of having time to build an understanding of what Place Making was about was also important to them. It had been agreed with other Area Partnerships that a series of facilitated workshops would be held which would be open for members of the community to attend to learn and understand more about Place Making. A tender had been issued and it was hoped to appoint a suitably qualified organisation to facilitate these workshops and then set up the workshops from the end of February. Details on the workshops would be issued in due course.

**DECISION**

**AGREED:**

- (a) **To set up a Place Making Working Group;**
- (b) **To the initial topics for consideration by the Working Group as detailed in the above narrative;**
- (c) **To plan a facilitated Place Making workshop which would explore and agree a way forward;**
- (d) **To propose a facilitated Borders-wide Place Making good practice workshop to learn from other areas;**
- (e) **To receive a further report on a method of recruitment to the Working Group; and**
- (f) **Where possible, SBC Officer support would be made available to the Working Group.**

**6. GROUP EVALUATION – COLDSTREAM GATEWAY ASSOCIATION**

Ms G. Jardine, Locality Development Co-ordinator, explained that unfortunately representatives of the Association had had to send apologies for the meeting so a written update would be requested.

**DECISION**

**AGREED to ask the Coldstream Gateway Association to attend a future meeting of the Area Partnership to provide an update.**

**7. SBC COMMON GOOD CONSULTATION**

Ms Hannah Macleod, Senior Solicitor, explained to the Area Partnership 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”). The Council was currently undertaking a consultation on what should be included on the Register which included the Common Goods for Coldstream, Duns and Eyemouth. Community Good was property owned by the former burghs in Scotland and when the burgh system was abolished in 19975, everything transferred to a Common Good account which was managed by the Trustees of the Common Good (SBC Councillors) who were responsible for managing these assets and making grants as appropriate. In their efforts to establish what should be included in the Common Good account, officers were finding it trickier to identify arts and artefacts than it was to identify buildings and land. In recognising the community interest in this, the Community Empowerment Act required the Council to consult with communities on draft lists and that consultation which would run until 31 March 2022 was being undertaken online through Citizen Space ([Common Good Consultation 2022 - Scottish Borders Council - Citizen Space](#)), with paper copies of the consultation also available. Everyone was encouraged to check the lists and provide information either on something that was there and should not be, or which was missing. Councillor Moffat advised of a collection of books (about 13 or 14 volumes) in Coldstream Town Hall on the First World War which he felt should be kept in the community. Mrs Macleod further advised that once the consultation closed, all representations would be brought to individual Common Good Sub-Committees as well as being published along with officer’ comments. There were a number of legal tests which had to be carried out before assets could be added to a Common Good. The final register would then be published but if any information came to light after that, then assets could still be added. It was anticipated that people from the communities would have greater knowledge on local assets than the officers based at Council HQ. Councillor Fullarton referred to “Thomson’s History of Berwickshire”, a copy of which was in Eyemouth Library which could also contain further information for reference.

**DECISION**

**NOTED the consultation on the Common Good Register and encouraged everyone to participate to ensure that all assets had been included for Coldstream, Duns and Eyemouth.**

## 8. JIM CLARK RALLY

8.1 Copies of a report by the Director Infrastructure & Environment on the Jim Clark Rally Consultation process had been circulated. The report provided the Area Partnership and the local community with an opportunity to consider and comment on the proposals submitted by the event organisers to hold a rally on closed roads in the Scottish Borders from 27 to 29 May 2022. Mr Brian Young, SBC Network Manager, presented the report, advising of the revised legislation which was introduced in 2019 to allow motor sports events to take place on closed public roads. The new regulations built upon previous experience through the Jim Clark Rally and other events and were intended to introduce increased rigor to the procedure for organising and running such events. These regulations introduced a two stage procedure where organisers must first successfully apply to an “authorised body” for a permit before applying to the local authority for a Motor Sports Order. In determining whether to make such an Order, the Council, as local roads authority – had to consider a number of factors that were laid out in the regulations. The report outlined those factors and provided an opportunity to, in particular, examine the proposals submitted by the rally organisers in respect of the routes and timings for the rally in May. It was noted that the event organisers had also been in regular consultation with representatives of the Council and Police Scotland via the Safety Advisory Group system at the Council which also included representatives of Fire & Rescue Services and the Scottish Ambulance Service. The proposal was for the rally to be based in Duns and to have a pre-rally “shakedown” stage on the Friday morning followed by two rally stages early evening; then seven rally stages over 3 different routes on the Saturday; and a further six rally stages over 3 further different routes on the Sunday. Overall route plans, provisional stage timings and plans for all stages including a reserve route were all contained in the appendices to the report. The Council had also launched a public consultation via [Jim Clark Rally 2022 - Scottish Borders Council - Citizen Space](#) which was due to close on 9 March 2022.

8.2 Ms Lindsay Burnip, Mr Clayton Lackenby, Mr Graham Provest and Mrs Frances Renton from the Jim Clark Rally were all present at the meeting. Mrs Renton gave assurances that as an organisation they were watched very closely by the local authority and Scottish Government to ensure that everything was correct in terms of health and safety. Safety was the first priority and the organisers worked with Police, Fire and Ambulance services throughout the preparation and the running of the event. The first PR letter to local communities had been issued and there would be at least another two letters coming out before the rally started. Mrs Renton encouraged everyone to take part in the consultation as the organisers were interested in everyone’s views. Mrs Renton could be contacted directly. Ms Burnip added that the consultation was on the Council website and the Jim Clark Rally website was also just about to go live and this would have maps and also a contact email address. Ms Burnip also dealt with accommodation enquiries and would be happy to work with local providers to support the event and put money back into the local area. Mr Provest confirmed that, as a team, they worked closely on safety, reiterating that this was the number one priority. The main part of safety was marshalling and although it was a voluntary sport, a training day would be run for marshals in Duns in April. The team of safety officials had lots of experience of running events. Mr Lackenby also added that from the marshalling point of view, there was a robust training regime in place which marshals had to complete and the Jim Clark Rally also provided their own specific training. Should there be insufficient marshals available on a particular stage, then that stage would simply not run. Mr Dickinson, Chair of Gavinton, Fogo and Polwarth Community Council, advised that the consultation process had been widely advertised on line and recent conversations with Frances Renton and Tom Wilkinson had been very helpful, and praised the good consultation/communication process which allowed objections to be overcome in a straightforward way. Mrs Renton was happy to attend any Community Council meeting to explain the plans for any of the routes and answer any questions. Ms Burnip also referred to the plans to reduce paperwork with the use of an online App with separate channels for competitors, officials and spectators, with media staff for the weekend ensuring all these channels were kept updated. The App also gave everyone access to the safety information so they remained safe at each stage. The



Chairman thanked the representatives from the Jim Clark Rally for attending and added that it was vital that spectators had to respond to marshals and treat the rally with respect so that all would remain safe. It was good to see the rally back in Berwickshire and he wished everyone well for the preparations and the event.

#### **DECISION**

**NOTED the application by the organisers of the Jim Clark Rally to run an event over the weekend of 27 to 29 May 2022 and encouraged everyone to make their comments about the proposed routes and timings either through the Council consultation which was due to finish on 9 March 2022 or directly to the organisers.**

#### **9. COMMUNITY ASSISTANCE HUB UPDATE**

Ms G. Jardine, Locality Development Co-ordinator, gave a brief overview of the areas of discussion at fortnightly community hub meetings. People from communities were encouraged to attend if they were interested. Recent issues raised included social welfare concerns; the new legislation coming into force about fire alarm systems and how people could afford to install such systems (Citizens Advice had details on their website and there could potentially be help available for householders); concern about the need for care staff across Berwickshire and how that need could be met; householders in arrears with utility costs and how to best support them; the NHS Money Worries App; looking at a whole systems approach in Eyemouth with a park run scheduled for summer along with other outdoor activities; and Eyemouth & District Community Trust producing and delivering their What's On Guide. In response to a question about the rising costs of utilities, Ms Amaral of BAVS, advised that BAVS had been allocated funding from the Financial Inclusion Fund towards support for families in crisis and also to move beyond crisis to a preventative approach. Heating costs were an issue and impacting on incomes, so reliance on this type of support was needed more than ever. However, it had to be done with dignity and an example was given of foodbanks coming up with innovative solutions. Mr Paterson of Berwickshire Housing Association advised of their befriending scheme which was looking for more volunteers, as well as doing a lot around food poverty. It was expected that the 50% rise in wholesale fuel costs would be passed on to customers. The Housing Association was working with a number of other organisations and partners to see how best they could work together to deliver services and support, particularly around heating and food. Cllr Fullarton then advised anyone impacted by the recent Storm Arwen to make a claim to Scottish Power for a hot food allowance and also the loss of power for more than a few days.

#### **DECISION**

**NOTED.**

#### **10. NEXT MEETING OF THE AREA PARTNERSHIP**

It was confirmed that the next meeting of the Area Partnership would be held online on 3 March 2022 starting at 6:30pm.

#### **11. ANY OTHER BUSINESS**

##### **11.1 Participatory Budgeting**

Details of the feedback from the workshops held by the Scottish Community Development Centre (SCDC) at the end of 2021 on Participatory Budgeting, Systems & Structure, Engagement & Involvement, and questions answered on the Community Empowerment (Scotland) Act 2015 and clarification on Participatory Budgeting, had been circulated. Ms Jardine, Locality Development Co-ordinator, thanked those who had attended the workshops and advised that there had been some very positive conversations. Anyone wishing to be involved in further conversations should get in touch with the Partnership team. The Chairman also referred everyone to the current consultation on the Council budget and encouraged everyone to take part in this.

11.2 **Additional Information**

Information on current consultations (2022/23 Budget survey and the Common Goods) had been circulated, along with links to other community information.

12. **MEETING EVALUATION BY MENTI**

James Purves, Community Engagement Officer, used the Menti system to allow those at the meeting to give feedback and advised that this would be open for a while after the meeting. Responses would be fed back to the next meeting of the Area Partnership.

*The meeting concluded at 8.00pm*

# SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA PARTNERSHIP

MINUTES of Meeting of the TEVIOT AND LIDDESDALE AREA PARTNERSHIP held via Microsoft Teams on Tuesday 1 February 2022 at 6.00 pm

- Present:- SBC Councillors: N. Richards (Chair), W. McAteer, C. Ramage, G. Turnbull.  
Other organisations attendees: Ms H. Batsch (The Bridge), Ms B. Elborn (Newcastleton CC), Mr P. Kerr (Southdean CC), Ms C. Knight, Mr C. Knox (Hawick CC), Ms J. Somers (Cheviot Togs), Mr A. Warburton (Upper Liddesdale & Hermitage CC), Mr F. Wight (Hawick CC), Ms R. Woods (Southdean CC).
- Apologies:- Councillors S. Marshall, D. Paterson.
- In Attendance:- Locality Development Coordinator (G. Jardine), Principal Solicitor (H. Macleod), Community Engagement Officer (S. McKail), Community Place Planning and Regeneration Officer (S. Renwick), Youth Engagement Worker (P. Rigby), Clerk to the Council, Democratic Services Officer (W. Mohieddeen).

## 1. **WELCOME AND MEETING PROTOCOLS**

The Chairman welcomed everyone to the meeting of the Teviot & Liddesdale Area Partnership. The meeting was held via Microsoft Teams and the Chairman outlined how the meeting would be conducted and how those both in the meeting and watching via the live stream could take part.

## 2. **FEEDBACK FROM MEETING OF 16 NOVEMBER AND 7 DECEMBER**

Copies of the Minutes of the Meetings held on 16 November and 7 December 2021 had been circulated. With reference to paragraph 12 of the Minute of the Meeting held on 16 November 2021, the Chairman advised that information including details of the Queen's Platinum Jubilee Fund for community groups to organise celebratory events had been circulated and the fund was open for application. With reference to paragraph 14 of the Minute of the Meeting held on 16 November 2021, the Chairman further advised that Officers had noted suggestions made during the Menti evaluation and would factor those suggestion for the agenda of the Meeting of the Area Partnership on 22 March 2022.

## **DECISION**

**AGREED to approve the Minutes of 16 November and 7 December 2021 for signature by the Chairman.**

## 3. **IMPACT OF STORM ARWEN ON COMMUNITIES**

- 3.1 There had been a request for a discussion at the Area Partnership on the impact of Storm Arwen on communities. Mr Philip Kerr of Southdean Community Council introduced the discussion with a verbal update noting there was a need to assess progress with the electricity and telecommunications networks. There had been further issues with the electricity network following Storm Malik which communities were using opportunities to share updates across social media networks. Mr Kerr suggested that communities should have access to mapping of electricity and telecommunications network lines to readily identify sources. Mr Kerr advised that forestry had been having a difficult time with recent storm events. After speaking with Forestry and Land Scotland, Mr Kerr advised they were

still aware of the wheel causeway path issue of needing its path however the recent storms had meant that there were other priorities for the agency to address as matter of priority. The damage assessment from the storms may affect Forestry and Land Scotland's five and ten year plans. Mr Kerr advised he wished to understand how electricity and telecommunications companies were making their lines more resilient and whether lines would be buried underground. With regards to blocked roads, Mr Kerr suggested that Scottish Borders Council could publish a list of affected locations. Mr Kerr further suggested that a Teviot and Liddesdale resilience webpage may help to capture infrastructure incidents in the area. Mr Kerr advised that telecommunications had been in a better status and that he raised the possibility of 'not spots' being covered with more than one source of power. Tree clearing had been taking place at Windhope where it had been suggested that clearing of trees may help strengthen other trees. In response to a question from the Chairman on fibre optic cables shattering when strung along poles, Mr Kerr advised that a 22-day broadband outage had been caused by a similar incident. Mr Kerr further advised that BT had rolled out fibre optic technology by stringing cables between poles and that fibre optic cables were strung tighter than copper lines making them more resilient however they were still vulnerable to trees falling.

- 3.2 Ms Barbara Elborn of Newcastleton Community Council gave a verbal update on the impact of storm incidents in Newcastleton. Electricity had been off in Newcastleton for between 24 – 36 hours, while some properties were without electricity for five or six days. There had been concerns regarding levels of response with questions raised around resilience measures for vulnerable and elderly people requiring generators. Future communications resilience was also raised where there had been experience of digital services failing while analogue services were still live during the incident. Ms Elborn reported that an Executive Officer for Openreach had advised that a deal had been done to supply a 24-hour generator pack which was to be used sparingly. Path clearing had been requested to take place. Ms Elborn advised that there needed to be better understanding of road closures outside of the local authority area so that there was awareness of incidents to the north and south of Newcastleton. Mr Kerr added that he had a digitised telephone service which had lost service while others in Southdean had a copper line and had lost service for 10 to 15 hours. BT provided Mr Kerr with a mini-hub with a 25 megabyte broadband internet connection.
- 3.3 Councillor McAteer advised that conversations had taken place with the Chief Executive of Scottish Borders Council for information and advice on incident response. Scottish Borders Council could provide quick assurances where there were problems in places. The experience of providing information following the Storm Arwen incident was being investigated. Councillor McAteer advised Councillors would get read only access to an incident log. Mr Kerr added that the response from BT Openreach was received poorly which may have been caused by overwhelming numbers of calls. SP Energy Networks also provided an essential service however, Mr Kerr advised, they had large numbers of staff dealing with incidents.
- 3.4 Councillor Ramage advised she had been dealing with the situation at Lyndon Park where there were elderly people. Councillor Ramage reported that when the power cut affecting Lyndon Park had taken place, she called SBC to have a generator supplied. This was initially granted but nothing had arrived due to a breakdown. Councillor Ramage tried to call out Scottish Power however they didn't show for a 4.00 pm appointment and also failed to show the next day for a 3.00 pm appointment. Scottish Power then arrived the following day when a live electrical cable had been identified. Councillor Ramage added that when there was more recent stormy weather, she had been checking social media for community updates which may not have been available if communication networks failed. Mr Kerr added that BT Openreach had different engineers for copper and fibre cabling and different jobs associated with linking cabling.

**DECISION  
NOTED.**

#### 4. **PLACE MAKING UPDATE**

4.1 Councillor Richards introduced Sharon Renwick, Community Place Planning and Regeneration Officer, to give an update on Place Making. Ms Renwick began her role before Christmas 2021, had been involved in place plans and place making and the role had come about from the Planning (Scotland) Act 2019. The Community Place Planning and Regeneration Officer advised that place plans were to be prepared in a bottom-up approach and be representative of the community. Place making workshops were to be held across Area Partnerships in February and March with dates to be confirmed. A facilitator was to be appointed to lead workshops so they were not led by Scottish Borders Council. A procurement brief was published on 21 January 2022 with responses invited and due by 4 February. Responses were to be evaluated by 11 February when a facilitator would be appointed.

4.2 In response to a question from Ms Elborn, the Community Place Planning and Regeneration Officer advised that climate change and net zero may be part of place plans and had been included as part of place plans guidance circulated by the Scottish Government. Mr Kerr added that he had attended a South of Scotland Enterprise talk on net zero and that the organisation was educating their own staff in the issue. It was hoped that the training for staff would be rolled out to companies and hopefully communities and this would contain useful information. The Locality Development Coordinator advised that the place making workshops were platforms at which net zero may be raised.

#### **DECISION**

**NOTED the update.**

#### 5. **SBC COMMON GOOD CONSULTATION**

Ms Hannah Macleod, Senior Solicitor, explained to the Area Partnership 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”) - which included the Hawick Common Good. The Council was currently undertaking a consultation on what should be included on the Register. Common Good property was owned by the former burghs in Scotland and when the burgh system was abolished in 1975, everything transferred to a Common Good account which was managed by the Trustees of the Common Good (SBC Councillors) who were responsible for managing these assets and making grants as appropriate. In their efforts to establish what should be included in the Common Good account, officers were finding it trickier to identify arts and artefacts than it was to identify buildings and land. In recognising the community interest in this, the Community Empowerment Act required the Council to consult with communities on draft lists and that consultation which would run until 31 March 2022 was being undertaken online through Citizen Space ([Common Good Consultation 2022 - Scottish Borders Council - Citizen Space](#)), with paper copies of the consultation also available. Everyone was encouraged to check the lists and provide information either on something that was there and should not be, or which was missing. Mrs Macleod further advised that once the consultation closed, all representations would be brought to individual Common Good Sub-Committees as well as being published along with officer’ comments. There were a number of legal tests which had to be carried out before assets could be added to a Common Good. The final register would then be published but if any information came to light after that, then assets could still be added.

#### **DECISION**

**NOTED the update.**

#### 6. **COMMUNITY ASSISTANCE HUB UPDATE**

6.1 Scott McKail, Community Engagement Officer, gave a brief overview of the areas of discussion at community hub meetings which were taking place weekly. A range of topics

were discussed which included the impact of Storm Arwen, new fire alarm legislation, rising utility costs and specific input from the place making team. Naomi Sweeney, Project Manager, and Sharon Renwick, Community Place Planning and Regeneration Officer, introduced themselves and Place Making at the community assistance hub. There was also attendance from Colin Henderson of Skills Development Scotland (SDS) who gave an insight into statistical information used by SDS and how partners could access the same data. Jill McCoy of Citizens Advice Bureau (CAB) gave an update on calls that CAB had been receiving which allowed partners to have an insight into the types of issues for which people were seeking support as well as the numbers of people getting in touch with CAB. Ruth Dickinson of Changeworks and Caroline Hamilton of the NHS introduced the Low and Slow project which aimed to reduce the impact of rising utility costs by giving out slow-cooker recipes and ingredients, and information on energy usage and winter warmer packs and draft excluders to 15 families in the TD9 postcode area.

- 6.2 In response to a question from Members, on the effectiveness of awareness raising on integrated fire alarms, Mr Mckail advised that the discussion held on the matter at the community hub worked well and that there would be potential to work with partners in Changeworks and the NHS that may help in reaching vulnerable people. The Locality Development Coordinator suggested that communications may need to improve as some householders had reported that insurers had said they did not need to do anything to be compliant. With regards to remote outreach in Newcastleton, the Locality Development Coordinator advised that there was help provided through Link with a laptop installed at the Tower Cafe where information was shared.

#### **DECISION**

**NOTED the update.**

#### **7. BUILD BACK A BETTER BORDERS RECOVERY FUND APPLICATIONS FOR ASSESSMENT**

- 7.1 The Locality Development Coordinator, Ms Jardine, presented the funding table for the Community Fund. If the tabled application was successful, there would be £378 remaining in the Build Back a Better Borders Recovery Fund. An application for the Community Pot A had been received for £2,300 and if it was successful there would be £16,670 remaining. Two further applications had been received which were due to be assessed and if these were included this would leave £13,775 to be awarded.
- 7.2 The Community Engagement Officer, Mr McKail, presented the summary of an application to the Build Back a Better Borders Recovery Fund:

##### **Cheviot Togs**

An application had been received for £2,722.50 from Cheviot Togs to create a clothing bank for children and young people in the style of a boutique shop, in Teviot Crescent in Hawick. The project would operate across both Cheviot and Teviot & Liddesdale; the application for funding had been split pro rata across the two community funds. The application was assessed as high as it would support families in need via the provision of clothing for children and young people.

#### **DECISION**

**AGREED to award a grant of £2,722.50 to Cheviot Togs, subject to the following conditions:**

- (i) The applicant must follow Scottish Government Covid-19 guidance when delivering the service.**
- (ii) Moveable equipment to be passed to another community group/organisation should this project cease to operate.**

#### **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 Teams meeting during the discussion, returning once the item had been finalised.

8. **COMMUNITY FUND POT A APPLICATIONS FOR ASSESSMENT**

Mr Cameron Knox of Hawick Community Council presented the summary of recommendations by the Hawick Community Council Fund Pot A Assessment Panel. The panel met to consider an application of £2,300 from Hornshole Greenway Development Group for a ground engineering survey for the Border Queen River Sculpture. The Assessment Panel recommended the Teviot and Liddesdale Area Partnership award a grant of £2,300 to the applicant.

**DECISION**

**AGREED to award Hornshole Greenway Development Group a grant of £2,300.**

**MEMBER**

Councillor Ramage re-joined the Meeting.

9. **PARTICIPATORY BUDGETING UPDATE**

Copies of the slides from the Participatory Budget workshop sessions held at the end of 2021 had been circulated. Ms Jardine thanked all who contributed to the sessions which covered the potential of participatory budgeting. Discussions on participatory budgeting were to continue and attendees were encouraged to contact Ms Jardine or Mr McKail if they wished to participate.

10. **ADDITIONAL INFORMATION PACK**

The Chair advised that additional information was included in the agenda pack on current consultations, community empowerment requests and the 20mph trial evaluation.

11. **NEXT MEETING OF THE TEVIOT AND LIDDESDALE AREA PARTNERSHIP**

It was noted the next Meeting of the Area Partnership was 22 March 2022 and the agenda would be issued on 8 March 2022. It was noted that equality and diversity may be an item on the next meeting informed by feedback collected on Menti. Mr Kerr added that he could engage with South of Scotland Enterprise on environment social governance and net zero and approach Colin Banks to give a presentation.

12. **ANY OTHER BUSINESS**

12.1 Ms Heather Batsch asked whether funds from Teviot and Liddesdale Area Partnership Community Fund Pot A and Pot B would rollover to the next financial year after 31 March as discussed at the Cheviot Area Partnership. Ms Jardine advised that this was a Scottish Borders-wide agreement and she would check whether funds would be rolled over after 31 March. Mr Kerr asked whether confirmation would be sought for the closing of round 3 for Pot A of the Community Fund for 21 February for recommendations to be completed for the 22 March meeting of the Area Partnership.

12.2 Mr Kerr advised that Muir Hall wind farm application was due for the end of February to early March and there may be a four-month consultation period.

13. **MEETING EVALUATION VIA MENTI**

Attendees concluded the meeting with submission of meeting evaluations using the software Menti.

*The meeting concluded at 7.10 pm.*

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# SCOTTISH BORDERS COUNCIL EILDON AREA PARTNERSHIP

MINUTES of Meeting of the EILDON AREA  
PARTNERSHIP held via MS Teams on  
Thursday, 10 February 2022 at 6.00 pm

Present:- Councillors G. Edgar (Chairman), S. Aitchison, E Jardine, J. Linehan, E. Thornton-Nicol, D. Parker together with 21 representatives from Partner Organisations, Community Councils and members of the public.

Apologies:- Councillors A. Anderson, C. Cochrane, and H. Scott.

Absent:- Councillor T. Miers

In Attendance:- Principal Solicitor, Locality Development Co-ordinator (K. Harrow), Community Engagement Officer (E. Coltman), Community Place Planning and Regeneration Officer (S. Renwick), Network Manager (B. Young), Democratic Services Officer (D. Hall)

## 1. **WELCOME AND MEETING PROTOCOLS**

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

## 2. **FEEDBACK FROM MEETING OF 11 NOVEMBER 2021**

The Minutes of the meetings of the Eildon Area Partnership held on 11 November 2021 were noted.

## 3. **ADDITIONAL INFORMATION**

Mr Harrow explained that the additional information document included reference to a wide range of useful information and links. In the absence of the Principal Solicitor, Mr Harrow provided a brief outline of the ongoing Common Good Consultation.

## 4. **PLACE MAKING UPDATE**

Mr Harrow introduced Sharon Renwick, Community Place Planning and Regeneration Officer, to give an update on Place Making. Ms Renwick began her role before Christmas 2021, had been involved in place plans and place making and the role had come about from the Planning (Scotland) Act 2019. The Community Place Planning and Regeneration Officer advised that place plans were to be prepared in a bottom-up approach and be representative of the community. Place Making workshops were to be held across Area Partnerships in March, with dates to be confirmed. A facilitator was to be appointed to lead workshops so they were not led by Scottish Borders Council. A procurement brief was published in January 2022 with responses invited and due by 4 February. Responses were to be evaluated and a facilitator would be appointed.

## 5. **JIM CLARK RALLY 2022 PUBLIC CONSULTATION PROCESS**

There had been circulated copies of a report by the Director, Infrastructure and Environment providing the Area Partnership and the local community an opportunity to consider and comment on the proposals submitted by event organisers of the Jim Clark Rally to hold a rally on closed road in the Scottish Borders on the weekend of the 27 to 29 May 2022. Revised legislation was introduced in 2019 to allow motor sports events to take place on closed public roads. The new regulations built upon previous experience through the Jim Clark Rally and other events and were intended to introduce increased rigor to the procedure for organising and running such events. The 2019 regulations introduced a two stage procedure where organisers must first successfully apply to an "authorised body" for a permit before applying to the local roads authority for a Motor Sports Order. In determining whether to make a Motor Sports Order Scottish Borders Council, as local

roads authority, must consider a number of factors that were laid out in the regulations. The report outlined those factors and provided an opportunity to examine the proposals submitted by the rally organisers in respect of the routes and timings for the rally on 27 and 29 May 2022. Brian Young, Network Manager, joined the meeting and gave an outline of the report. The event organisers, Dan Wright and Frances Renton, were present in the meeting and answered questions from those in attendance. The organisers also indicated their intention to travel to the Community Councils in the relevant areas to gauge opinion and listen to suggestions from the local community. Members expressed their hope that the event would go ahead and their excitement at closed public road rally driving returning to the Scottish Borders.

## **DECISION**

**NOTED the application by the organisers of the Jim Clark Rally to run an event on the weekend of the 27 to 29 May 2022.**

### **6. LOW AND SLOW PILOT PROJECT - UPDATE**

Mr Harrow provided an update on the low and slow pilot project, an initiative that aimed to help provide families with cheap, nutritional meals. Changeworks, NHS Borders Joint Health Improvement Team and the Burnfoot Community Hub had worked together on a 6 week pilot project to provide 12 participants with a slow cooker. The participants used ingredients from Fareshare and Morrisons and followed menus and recipes provided by the Joint Health Improvement Team to cook healthy food at home. The use of a slow cooker was chosen as it compared extremely favourably in cost versus a conventional oven. Additionally, all 12 participants had received a visit from Changeworks or Home Energy Scotland to assess methods they could use to help reduce their home energy bills. The pilot project had reached its conclusion, with an evaluation to be undertaken. Those in attendance praised the project for its relevance and goals.

### **7. PARTICIPATORY BUDGET UPDATE FROM SCDC TRAINING**

Mr Harrow advised the meeting that there had been a useful series of workshops with SCDC and that there would be ongoing sessions. Mr Harrow invited any interested party to contact the Communities and Partnership team for further information.

### **8. FUNDING TABLE OVERVIEW**

Mr Coltman provided an outline of the Queen's Platinum Jubilee Fund. The fund was not limited to the Eildon area, with £2.5k the maximum amount a group could apply for. Applications would be assessed by the Communities and Partnership Team, with a final decision made by the Director, Resilient Communities, Mrs Jenny Craig. Applications would be decided within three weeks. 23 Applications had been awarded, with £47k remaining in the fund. 10 applications totalling £17k were under consideration. Mr Coltman encouraged any interested party to submit their application. Regarding the Build Back a Better Borders (BBBB) Recovery Fund, the opening balance had been £153,633, with a total of £109,000 awarded to date, resulting in a remaining balance of £44.5k. 7 applications were under consideration, totalling £40,478. Mr Coltman drew attention to the fact that changes had been made to applications since the funding table had been issued with the agenda resulting in differing figures.

### **9. COMMUNITY FUND APPLICATIONS**

9.1 Jenny Mushlin, the Chair of the Eildon Assessment Panel presented the Community Fund recommendations. Ms Mushlin advised that should Members accept the recommendations then the fund would be fully subscribed and consequently closed to new applications until the new financial year.

#### **9.2 Scott's Selkirk**

The application from Scott's Selkirk was for £5k to help purchase 10 gazebos to be used at Selkirk market and for use in the wider community. The panel praised the community benefit of the application, but felt that as the group had alternate gazebos that could still

be used it was reasonable to agree to half the requested amount. The panel recommended to fund 5 gazebos at a cost of £2.5k.

**9.3 PND Borders**

PND Borders were applying for £15k of funding to cover staffing costs to help provide support and therapy for mothers with postnatal depression and anxiety across the Borders. The panel recommended not to fund the project, as the funding was to cover future costs. The group had sufficient funding in place for the year. The Communities and Partnership team would work with the group to explore future funding options and opportunities.

**9.4 Lauder Primary School Parent Council**

Lauder Primary School Parent Council had requested £4,940.40 to help raise levels of literacy attainment by improving and increasing the quality and diversity of books available in the school library, as well as organising visits to local literary events. The panel recommended not to fund the project as concerns existed regarding wider community access to the resources outside of the school setting. The local book festival trips would also take place in the June, consequently the group was encouraged to submit a new application in the new financial year.

**9.5 The Lavender Touch**

The application from the Lavender Touch was for £6.8k to assist in the upgrade of its shop and hub in Galashiels. The panel recommended to fund £1,579.79 to help make the shop more environmentally friendly by covering the costs of various in-shop energy improvements.

**9.6 Brighter Blainslie**

Brighter Blainslie had applied for £4,598.12 to help improve the village by planting flower displays, creating environmentally green spaces, providing outdoor seating and improving access to the village pathway. The panel recognised the importance of communal spaces open to all, and recommended to provide the requested sum.

**9.7 St Peter's Primary School Parents Association**

The Parents Association of St Peter's Primary School had applied for £2,718 to support the continuation of a breakfast club within their school. The funding would pay for staff to continue the club. The group had initially applied for a higher sum, but had subsequently received additional funding from the SBC Community Welfare Trust. The Panel recommended to grant funding of £2,718.

**9.8 Borders Talking Newspaper**

The group were seeking £4k to cover running costs to continue a talking newspaper service to residents across Eildon. The funding request was a proportion of running costs. There were currently 230 registered listeners, with 73 in Eildon. The panel recommended to fund £4k.

**9.9 Tweedbank Guides**

Tweedbank Guides had applied for £15k to offer a residential opportunity to the guide groups, one at one home and one in London. The panel recognised the importance of residential opportunities and recommended to fund £600 to help meet the costs of the group attending a local day event.

**9.10 Friends of Yarrow**

The application from the Friends of Yarrow was for £2,078.38 to fund the creation of a safe walking area to and from the school. The funds would allow the children to walk from the school to a local hall. The landowner had agreed to provide an area of land for the creation of the pathway, and the funds would be used to erect a fence to create a safe route. The panel recommended to provide funding of £2,078.38.

9.11 Members discussed the recommendations, thanked the Members of the Eildon Assessment Panel for their careful considerations and unanimously accepted the recommendations.

## 10. **BUILD BACK A BETTER BORDERS RECOVERY FUND APPLICATIONS**

10.1 The Chairman asked Mr Harrow and Mr Coltman to give an outline of each of the applications to the BBBB fund.

### 10.2 **Go Wild Scotland**

The application from Go Wild Scotland was for £4,883 to assist in the creation of a digital and physical nature trail for use by local youth groups. The group also planned to use it as a demonstration project for other community groups in the Borders. They had already acquired the physical nature trail elements and educational materials. The funding applied for would cover the labour costs of creating the trail, the illustration and map of the newly created trail and QR code metal plates.

### 10.3 **Riddell Fiddles**

The application for funding from Riddell Fiddles was for £2,160 to engage with young people to create a soundscape of a local woodland. The funding applied for would cover the cost of recording/mixing by a specialist producer; two music tutors for fiddle/guitar; woodland guide walk staff; a transform art workshop; and venue costs for the workshop.

## **DECLARATION OF INTEREST**

**Councillor Jardine declared an interest in the item below and did not take part in the discussion.**

### 10.4 **Borders Disability Sport**

Borders Disability Sport had applied for £6,544.97 that would allow the group to provide individuals with the opportunity to take part in and experience the positive impact of various sporting activities. The group planned to deliver a new sporting opportunities programme throughout the year with sessions expected in Tweedbank and Galashiels. The funding would allow a variety of archery equipment; cycling helmets; a racing wheelchair and two disability trikes to be purchased. Funding would also cover the expenses associated with venue and pool hire, and coaching costs.

### 10.5 **Roxburgh Reivers Orienteering Club**

The application from the Roxburgh Reivers Orienteering Club was for £5,265.22 to allow the group to provide a package of 21 specialist maps and equipment to enable the introduction and development of orienteering among targeted groups in the Eildon locality.

### 10.6 **Abbotsford Bowling Club**

Abbotsford Bowling Club had initially applied for £15k but following discussions with the Communities and Partnerships team had revised their application to £9,793. The application was to help cover the costs of refurbishment of the clubhouse and delivering a two-phase project to benefit the local community. The two phases of the project would engage with older and younger people in a variety of exercise and bowls-based events.

### 10.7 **Café ReCharge**

The application from Café Recharge was for £8070 to meet the salary costs of a volunteer co-ordinator, the provision of a laptop for that co-ordinator and food hygiene training for volunteers. Employing a paid volunteer co-ordinator/café supervisor would allow the café to open at least one day on weekends and to harness the enthusiasm for volunteering present in the area.

### 10.8 **Transform Arts CIC**

Transform Arts CIC had applied for £3,762 to host two participatory arts event during the summer, one in the Philliphugh area of Selkirk and one in the Ettrick/Yarrow valley. Each event would be a day of varied arts and crafts activities for people of all ages. The

funding applied for would help meet the costs of staffing and volunteers; marketing materials and signage; snacks and refreshments; arts materials and play equipment hire; and venue costs and insurance.

- 10.9 Members considered each of the applications. In response to a question regarding the financial adjustment to the Abbotsford Bowling Club's application, it was clarified that each of the applications could be funded without the fund being oversubscribed. In response to a query regarding the laptop cost of £400 for café Recharge, Mr Harrow undertook to explore whether Connecting Borders, or an alternate retailer, could provide a suitable laptop at a better cost. In response to a question regarding the use of the phrase "elderly people" it was agreed that an agenda item should be considered at a future meeting of the Area Partnership on the use of inclusive language to refer to all members of society. Members voiced their support for all of the applications, and the grants for funding were unanimously approved. The application from Café Recharge was granted subject to the condition that options were explored to locate a more cost effective laptop computer.

11. **EILDON FUNDING EVALUATIONS**

Mr Coltman provided an outline of work that had gone into evaluations across the Community and BBBB funds. He explained that as part of the agreement when groups are granted funding they are required to complete an evaluation of their project. A group could not apply for any additional funding until they have completed their evaluation. Mr Coltman advised that all of the projects from the Localities Bid Fund 1 had been evaluated, 80% of the evaluations had been received from projects from the Localities Bid Fund 2, and 73% of the evaluations had been received from the 2019/20 Community Fund. Reminders had been sent to all of those with outstanding evaluations.

12. **DATE OF NEXT AREA PARTNERSHIP MEETING**

The next full meeting of the Area Partnership was scheduled for 30 March 2022 and the Chairman asked for further agenda item suggestions to be submitted.

13. **COMMON GOOD CONSULTATION**

At the discretion of the Chairman it was agreed that the Principal Solicitor, who had joined the meeting, would discuss the Common Good Consultation in more detail than discussed at paragraph 3. The Principal Solicitor, Mrs Hannah Macleod explained what was happening within Scottish Borders Council with regard to Common Good Fund owned property and assets. Common Good Funds were created from the former Burghs of Scotland, managed by local Councillors who act as trustees. Councillors also meet to provide grants. Under the Community Empowerment Act, the Council is obligated to publish and maintain a list of assets, land and art/artefacts, owned by the Common Goods. The consultation on the aforementioned list of assets had opened and would run until at least 31 March 2021. Mrs Macleod invited members of the public to suggest any item or area of land that they thought may be owned by the Common Goods in the area – Galashiels, Lauder, Melrose and Selkirk. Mrs Macleod advised the meeting that should there be a flurry of activity then the consultation would be extended to allow the full consideration of any item suggested to be Common Good owned. Following the consultation, the representations received would be brought back to each specific Sub-Committee to discuss the comments and evidence received. It was stressed that legal tests would be used to verify ownership. Mrs Macleod advised everyone in attendance that the list would be published once the process was completed, but that it would be open to review – new items could be considered and added. Mrs Macleod circulated her email address and advised attendees that she was happy to send out paper copies to any interested party wishing to make a representation. In response to a question regarding the use of the phrase "former burghs" it was clarified that whilst, as result of the Local Government (Scotland) Act 1973, Burghs were legally abolished, it remained common and acceptable in everyday speech to continue to refer to the former burghs as royal burghs.

14. **MEETING EVALUATION**

Mr Coltman shared a link to the meeting evaluation using Menti, and the Chairman and Mr Harrow asked for feedback on the meeting.

***The meeting concluded at 7.30 pm***

# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTES of Meeting of the AUDIT AND  
SCRUTINY COMMITTEE held via Microsoft  
Teams on Monday 14 February 2022 at  
10.15 am

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

Apologies: Councillor J. Greenwell.

In Attendance: Director Finance and Corporate Governance, Pensions & Investment Manager, Chief Officer Audit and Risk, Principal Internal Auditor, Project Manager (M. Hermiston), Ms G. Woolman and Ms J. Law (Audit Scotland), Senior Manager Business Strategy & Resources, Clerk to the Council, Democratic Services Officer (W. Mohieddeen).

## 1. CHAIRMAN'S REMARKS

The Chairman invited Ms Woolman to introduce a new attendee to the Meeting. Jennifer Law was introduced as Lead Senior Auditor from Audit Scotland overseeing the audit team.

## 2. MINUTE

There had been circulated copies of the Minute of the Meeting held on 13 January 2022. With reference to paragraph 2.3 of the Minute, the Clerk to the Council advised that an update on the action regarding Jedburgh Contact Centre and Library was addressed in the Scrutiny Action Tracker.

## DECISION

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

## 3. AUDIT BUSINESS ACTION TRACKER

- 3.1 With reference to paragraph 2 of the Minute of the Meeting held on 22 November 2021, there had been circulated copies of the Audit Business Action Tracker that included audit actions up to November 2021. The Chief Officer Audit & Risk advised that a number of actions were complete or are being considered as part of the agenda for the day's business.
- 3.2 With reference to the decision of 29 June 2021, regarding the reorganising of three SBC Trusts, Councillor Bell advised that his understanding was that action had taken place and the Trusts were more active. Councillor Anderson asked whether the realistic target date of 31 December 2021 indicated that the action had been completed. The Director Finance and Corporate Governance advised that the SBC Welfare Trust and the SBC Community Enhancement Trust were both live and work was progressing on the SBC Education Trust restructure. Members agreed to mark the action as complete.
- 3.3 With reference to the decision of 20 September 2021, Councillor Robson enquired about the status of the action on the progress update on Learning Disability Services Financial Management Recommendations. The Director Finance and Corporate Governance advised

that an update had been considered by the Strategic Leadership Team the previous week and an item would be brought to the Audit and Scrutiny Committee meeting to be held on 14 March 2022.

- 3.4 With reference to the decision of 21 October 2021 regarding the Audited Report and Accounts for Scottish Borders Council Pension Fund, the Director Finance and Corporate Governance advised that the action could now be considered complete.

#### **DECISION**

**(a) AGREED that the following actions now be marked as complete:**

- (i) the action with regard to the reorganisation of three SBC Trusts from the Meeting held on 29 June 2021; and,**
- (ii) the action with regard to the Audited Report and Accounts for the Scottish Borders Council Pension Fund from the Meeting held on 21 October 2021.**

**(b) NOTED the update.**

#### **4. TREASURY MANAGEMENT AND INVESTMENT STRATEGY 2022-23**

4.1 There had been circulated copies of a report by Director Finance and Corporate Governance on the proposed Treasury Management Strategy for 2022-23 for consideration by the Audit & Scrutiny Committee prior to the Strategy being presented to Council for approval. The report explained that the Treasury Management Strategy was the framework which ensured that the Council operated within prudent, affordable limits in compliance with the CIPFA Code. The Strategy for 2022-23 which required to be submitted to Council on 22 February 2022 was detailed in Appendix 1 to the report and reflected the impact of the Administration's draft Financial Plans for 2022-23 onwards on the prudential and treasury indicators for the Council. The Director Finance and Corporate Governance, Mr Robertson, presented key highlights of the report including a summary of proposed indicators and significant changes from 2021-22 strategy. There was a decrease in the Capital Financing Requirement (CFR) in the first two years with increases in later years due to the re-phasing of one primary school and two residential care homes. Also impacting on the CFR was the anticipated capital borrowing requirements associated with the re-phasing of projects from 2021-22 into future years also impacted the CFR movement as well as movements in the scheduled debt amortisation projections for the year. There was a reduction in Prudential Indicator PI-6, under-borrowing against the CFR, in the last two years as a result of the increased level of external borrowing required to fund the Capital Plan. The gap between the 'operational boundary' external borrowing limits and projected borrowing maintained an 'under-borrowed' position for the next five years. However, the gap was reducing due to significant programme of works including three new high schools, the Hawick flood prevention works and new care facilities in Tweedbank. Additional information on revisions to the Treasury Strategy was included in Appendix 1 of the Report but did not need to be formally adopted until 2023-24.

4.2 There were ongoing discussions on the implementation date of International Financial Reporting Standard (IFRS) 16 which may be extended and work was ongoing to introduce new systems to be able to comply. Mr Robertson gave assurances that the Council had been working on the IFRS 16 for a number of years and would be ready when it was finally implemented. The delay to the implementation reflected the capacity of auditors. With regard to a question about the gilt markets, it was confirmed that daily updates were received from the Treasury advisers, but it was unlikely that any changes would impact on the Treasury Strategy. Level of borrowing was explained by Mr Robertson as being dependent on progress of the Capital Plan and the requirement to undertake more borrowing to fund it. Frequency of reviews of the external market took place through the Treasury



Management Strategy report and mid-year and year-end reports which assessed the impact of decisions made. Members discussed movement of the 'operational boundary' of external borrowing and that it may not be prudent to adjust these limits. There would be a peak in spend on the Capital Plan but this would then start to fall. By that time, eight of the nine secondary schools would be replaced. Mr Robertson and Pensions and Investments Manager, Ms Robb, provided further explanations on IFRS 16 and Prudential Indicators to 2026-27.

- 4.3 Mr Robertson then presented highlights of the Treasury Management Strategy contained in Appendix 1 of the Report. Gross borrowing for the year 2021-22 was £290.3 million which was £136 million under borrowed per the Prudential Indicator PI-6. In response to a question, Mr Robertson advised that the Council had access to a range of Money Market Funds (AAA) which had been set at £25 million and these were appropriate to current operational needs. In response to a question from Ms Barnett regarding ethical considerations, Ms Robb advised that treasury investments were made in cash markets rather than equities. There was further discussion on loan repayments and debt management.

#### **DECISION**

- \* (a) **AGREED to RECOMMEND to COUNCIL that treasury management activity in the year to 31 March 2021 had been carried out in compliance with the approved Treasury Management Strategy and Policy as detailed in the report and in Appendix 1 to the report, but noted the narrowing of the gap between capital financial requirements and authorised limit for external debt and recommended Council gave full consideration to this.**
- (b) **AGREED to congratulate the Treasury Team on their active management of the implementation of the Council's Treasury Strategy in difficult circumstances.**

#### **5. BEST VALUE ACTION PLAN UPDATE**

- 5.1 With reference to paragraph 4 of the Minute of 15 February 2021, Jason McDonald, Senior Manager Business Strategy & Resources, was in attendance to give a presentation and progress update relating to the Best Value Audit Implementation Plan. A copy of the presentation slides had been included with the papers circulated with the agenda. The update considered the full suite of 40 actions associated with the Best Value Implementation Plan. End dates for actions had been reviewed and amended where applicable as recommended by the Committee. Two key projects were underway that addressed key recommendations of the Best Value Audit report. The projects were the refresh of the Council Plan and a review of the organisation's performance management approach. Three actions were amended and had been presented to the committee. These were actions numbers 23, 24 and 36. The change to action 23 reflected the use of Yammer as a platform for Council-wide staff engagement sessions with members of the Strategic Leadership Team (SLT). The change to action 24 was developed to ensure Scottish Borders Council continued to learn from and exploit opportunities brought about by the Covid-19 pandemic. The change to action 36 was developed to clarify focus on service improvement than to address broad services.
- 5.2 Members discussed the progress on action points and expressed disappointment that only 50% of proposed actions had been completed two years later while welcoming the review of the Corporate Plan. Mr McDonald explained that the Community Plan was due for review which provided an opportunity for matching priorities with those in the new business plan. The way the Council Plan had been drawn together showed a team effort and the same approach was needed in terms of production and development of the Community Plan to reflect key partners' priorities. With regard to the adoption of PSIF for self-evaluation, Mr McDonald did not want to overburden Services with demands for information and that self-

evaluation would form part of Service plans. In response to a question from Councillor Thornton-Nicol querying the 100% completion of locality models, Mr McDonald explained that the locality model had been accelerated during Covid and was a successful way of responding to community need. There were some concerns about the engagement of some partners but the model was operational, which was why it had been marked as complete. Councillor Thornton-Nicol suggested this action be re-addressed as NHS was not fully interacting with the locality model. Councillor Bell suggested that it may be better for a recommendation to go to the Integration Joint Board (IJB) rather than add something into the Improvement Plan and this was unanimously agreed.

- 5.3 Councillor Anderson, seconded by Councillor H. Scott, proposed as a Motion that the committee “Notes with disappointment that 2 years on only 50% of the proposed actions have been completed, therefore we welcome the commitment to produce a new Council Plan which will enable a more robust culture of performance management to be undertaken and ask that these recommendations be addressed in this Plan.” Councillor S. Scott, seconded by Councillor Richards, proposed an amendment that “due to Covid, the Committee noted the report”.

### VOTE

*Motion – moved by Councillor Anderson, seconded by Councillor H. Scott*

*Amendment – moved by Councillor S. Scott, seconded by Councillor Richards*

*Motion - 5 votes*

*Amendment – 3 votes*

*The Motion was accordingly carried.*

### **DECISION**

- (a) **AGREED to the amended actions contained within the Best Value Audit Implementation Plan**
- # (b) **AGREED to RECOMMEND to the H&SC INTEGRATION JOINT BOARD that it directed attention to the operation of the Localities Model and the participation of partners therein.**
- (c) **DECIDED to note with disappointment that, two years on, only 50% of the proposed actions have been completed and that the commitment to produce a new Council Plan which would enable a more robust culture of performance management to be undertaken was welcomed and asked that these recommendations be addressed in this Plan.**

### **6. COUNTER FRAUD CONTROLS ASSESSMENT 2021-22**

Copies of a report by the Chief Officer Audit and Risk on Counter Fraud Controls Assessment 2021/22 had been circulated. This report made the Committee aware of the findings and necessary actions arising from the Integrity Group’s assessment of counter fraud controls. The report explained that the Council was committed to minimising the risk of loss due to fraud, theft or corruption and to taking appropriate action against those who attempted to defraud the Council, whether from within the authority or from outside. Tackling fraud was not a one-off exercise; it was a continuous process across all parts of the Council because the service delivery processes it underpinned were continuous. Tackling fraud was an integral part of good governance within the Council and demonstrated effective financial stewardship and strong public financial management. The primary responsibility for the prevention, detection and investigation of fraud rested with Management, supported by the Integrity Group, whose purpose was to improve the Council’s resilience to fraud,

theft, corruption, and crime. One way it could achieve that was by self-assessing the Council's arrangements against best practice and agreeing any appropriate actions to continuously improve the arrangements in place. Part of the Audit and Scrutiny Committee's role was to oversee the framework of internal financial control including the assessment of fraud risks and to monitor counter fraud strategy, actions and resources. Assurances about the effectiveness of the Council's existing systems and arrangements for the prevention, detection and investigation of fraud could be taken from the outcomes contained within the report. The Integrity Group, at its meeting on 6 December 2021, had received a progress update on the Action Plan from each of the Integrity Group Action Owners along with further information on additional practices that had been introduced since the counter fraud controls assessment was carried out during 2020-21. The output from that was included within Appendix 1 of the Report. Ms Stacey advised that as Services moved to digital delivery, cyber risks were emerging and that there was continuing activity in tackling fraud. In response to a question from Members, Ms Stacey confirmed that the Committee - following the local government elections in May 2022 - would continue to monitor effectiveness of the Council's existing systems for the prevention, detection and investigation of fraud, as outlined in the Counter Fraud Strategy 2021 – 2024, and that a report would be brought to the meeting of the Committee in June 2022.

## **DECISION**

### **AGREED to:**

- (a) Acknowledge the findings from the Integrity Group's assessment of counter fraud controls 2021-22 in response to fraud risks; and,**
- (b) Endorse the ongoing actions to enhance the Council's resilience to fraud, as summarised in the Action Plan in Appendix 1 of the Report.**

## **7. INTERNAL AUDIT WORK TO JANUARY 2022**

7.1 There had been circulated copies of a report by the Chief Officer Audit and Risk that provided members of the Committee with details of the recent work carried out by Internal Audit and the recommended audit actions agreed by Management to improve internal controls and governance arrangements. The work Internal Audit had carried out in the period from 6 November 2021 to 31 January 2022 associated with the delivery of the approved Internal Audit Annual Plan 2021/22 was detailed in the report. A total of five final Internal Audit reports had been issued relating to assurance audits. There were two recommendations (one Medium-rated; one Low-rated) made associated with two of the reports. An Executive Summary of the final Internal Audit reports issued, including audit objective, findings, good practice, recommendations (where appropriate) and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was shown in Appendix 1 to this report. The SBC Internal Audit function conformed to the professional standards as set out in Public Sector Internal Audit Standards (PSIAS) (2017) including the production of the report to communicate the results of the reviews. In response to questions on climate change, fuel poverty and sustainability, Ms Stacey explained that with regard to the audit approach, the Principal Internal Auditor observed the Sustainable Development Committee and also the Officers' Working Group which were developing an action plan. This would be included in the Audit Plan for 2022/23, to ensure the risk of the Council not fulfilling its obligations on sustainability was monitored.

7.2 Councillor Robson referred to the digital strategy and the need for Members to have better access to more information. Mrs Stacey referred to the Accounts Commission report 'Digital Progress in Local Government' around designing services, especially when using technology, which recognised that appropriate skills were needed to use it. Discussions were underway with the Director Strategic Commissioning & Partnerships who had recently

taken over responsibility for the CGI contract, and the governance going forward needed to incorporate wider stakeholder groups in the different phases. Mr Robertson further advised that in terms of support for Members, there was a proposal to develop a Members' portal which would be a repository for information which would also help with Ward work. Proposals for this would be brought forward as part of the digital strategy. It would be helpful for the Council's Strategic Leadership Team to have conversations with Elected Members on the provision of information to Members as part of the development of the digital strategy. Mrs Stacey confirmed that the audit had looked at the ICT provider as part of the digital strategy and part of the contract with CGI, with the risk level around governance and having implementation plans in place along with how stakeholder engagement would work. Governance of this needed to be fit for purpose for the next phase. Mr Robertson added that the IT client function had transferred to the Director Strategic Commissioning & Partnerships, but the whole focus of the digital strategy remained a corporate priority. The digital strategy had been approved the previous February and officers had been working since then to deliver what was a very high level document, with detailed business change and projects to come forward. The first such one had been the Total Mobile roll out, originally to the eastern Borders care services and now in the south and west, so all the Council's care services were on Total Mobile. This provided technology to all front line operatives, allowing business processes to link up front line to back office to reduce paper. The digital strategy aimed to link 77 systems into one information hub so everyone could get much better information, and that would include the Members' portal. The digital strategy would be monitored through the Fit for 2024 Board, which was attended by Mrs Stacey and the audit team could also look at specific projects associated with the strategy as part of the 2022/23 audit plan.

#### **DECISION**

##### **AGREED to:**

- (a) note the final assurance reports issued in the period from 6 November 2021 to 31 January 2022 associated with the delivery of the approved Internal Audit Annual Plan 2021-22;**
- (b) note the Internal Audit Assurance Work in Progress and Internal Audit Consultancy and Other Work carried out in accordance with the approved Internal Audit Charter; and,**
- (c) acknowledge the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work.**

#### **8. ACCOUNTS COMMISSION REPORT 'COMMUNITY EMPOWERMENT: COVID-19 UPDATE'**

There had been circulated copies of the published Report by the Accounts Commission. The Accounts Commission report, 'Community Empowerment – Covid-19 Update' was published on 28 October 2021 which was available at [Community empowerment: Covid-19 update | Audit Scotland \(audit-scotland.gov.uk\)](https://www.audit-scotland.gov.uk/community-empowerment-covid-19-update). The Accounts Commission highlighted in its report that Communities played a crucial role in the response to Covid-19. Public bodies could learn from good practice and new ways of working which emerged in response to Covid-19 and use this to shape the way they would work in the future to promote the best outcomes for local communities and help address inequalities.

#### **DECISION**

##### **NOTED:**

- (a) **the Accounts Commission report Community Empowerment: Covid-19 Update; and,**
- (b) **that the Strategic Leadership Team was consulted on the report content in full to learn from good practice and new ways of working which emerged in response to Covid-19 and to use this to shape their medium-term strategic plans and their approaches to supporting and empowering communities.**

9. **ACCOUNTS COMMISSION AND AUDITOR GENERAL ‘SOCIAL CARE BRIEFING’**  
Copies of the Social Care Briefing from the Accounts Commission and the Auditor General had been circulated. Ms Stacey advised that this provided the national picture and the report was also due to be considered by the Chair and the Chief Officer of the H&SC Integrated Joint Board.

**DECISION**  
**NOTED the Briefing.**

10. **SCRUTINY BUSINESS ACTION SHEET**  
With reference to paragraph 2 of the Minute of 13 January 2022, copies of the updated Scrutiny Action Tracker had been circulated. The Clerk to the Council, Ms Wilkinson, advised that an update of maintenance of public halls would be made as part of a report from Director Resilient Communities for the Meeting to be held on 14 March 2022. With reference to action 3 from the Meeting held on 9 December 2021, Councillor Bell expressed concern about the lack of progress on Waste and Recycling Communications. Ms Wilkinson confirmed that the Communications Team was currently short of staff but did intend to take forward communications on waste and recycling as part of the Communications Strategy that was being developed to ensure that the right messages were being sent out. Ms Wilkinson further advised that all outstanding actions from before the 2022 Council election would be taken forward for a future committee to consider.

**DECISION**  
**NOTED the update.**

*Meeting concluded at 1.00pm*

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# SCOTTISH BORDERS COUNCIL CHAMBERS INSTITUTION TRUST

MINUTE of Meeting of the CHAMBERS  
INSTITUTION TRUST held in Via Microsoft  
Teams on Wednesday, 16 February 2022 at  
4.00 pm

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Present:- Councillors S. Bell (Chairman) H. Anderson, E. Small, R. Tatler  
Apologies:- Councillor S. Haslam  
Absent:- Councillor K. Chapman  
In Attendance:- Pensions and Investments Manager, Solicitor (G. Sellar), Estates Surveyor  
(T. Hill), Localities Development Co-ordinator (K. Harrow), Democratic  
Services Team Leader, J. Hogg (Live Borders)

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1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 19 January 2022

**DECISION**

**AGREED to approve the Minute.**

2. **FINANCIAL UPDATE**

The Pensions and Investment Manager gave an update on the current financial position of the Trust. She advised that income had increased and with the return from Aegon now at 4.5% an additional £4k might be achieved. £3,750 had been paid out for the work on the fly through and the kitchen cost was £13,600. This left a surplus of £14.5k and £81k in cash. Ms Robb answered Members questions and advised that any decision to invest more would depend on the Trusts future plans.

**DECISION**

**NOTED.**

3. **PROPERTY UPDATE**

With reference to paragraph 5.1 of the Minute of 17 November 2021, the Estates Surveyor advised that the refurbishment of the kitchen was now complete.

**DECISION**

**NOTED.**

4. **CONSULTATION PROCESS**

With reference to paragraph 2 of the Minute of 19 January 2022, the Localities Development Co-ordinator advised that he had followed up with Karen Nugent from Page & Park and advised that there would be updated plans, fly through and information boards prepared. Ms Nugent, who was present at the meeting, advised that the feasibility study might be completed by mid-March which would allow the consultation to be conducted in April. Members noted that officers would carry out the consultation process due to the Council elections being held in May. It was agreed that the final consultation proposals be brought to the March meeting for approval to allow commencement in April.

**DECISION**

**AGREED to receive the final consultation material at the March meeting to allow approval by Members prior to consultation being carried out in April.**

5. **FORMATION OF STAKEHOLDER GROUP**

With reference to paragraph 3 of the Minute of 19 January 2022, there had been circulated copies of a paper outlining the proposed composition and remit for the stakeholder group. Councillor Tatler advised that a request from the Tweeddale Society to join had been received. Member agreed that there be no limit on the number of groups who could be represented. It was agreed that the Stakeholder Group would meet in advance of Trust meetings so that reports could be received and considered. It was agreed that the Group should be established as soon as possible and Mr Harrow agreed to provide initial support until the Group was properly established.

**DECISION**

**AGREED to approve the proposals for the formation of a stakeholder group and this be done as soon as possible.**

**6. PLACE MAKING AND LEVELLING-UP FUNDING**

At the request of Mr Renwick, Project Manager the Chairman agreed that this item be moved to private business as the project details were not yet in the public domain.

**7. PRIVATE BUSINESS**

**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

**8. PLACE MAKING AND LEVELLING-UP FUNDING**

Members received an update on the progress of projects being funded from both Place Making and Levelling-up funding.

*The meeting concluded at 5.20 p.m.*



# SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY held via Microsoft Teams on Monday,  
21 February 2022 at 10.00 am

Present:- Councillors S Hamilton (Chair), A. Anderson, J. Fullarton (from para 2), D. Moffat, C. Ramage, N. Richards and E. Small.

Apologies:- Councillor S. Mountford, H. Laing.

In Attendance:- Principal Planning Officer (C. Miller), Solicitor (S. Thompson), Democratic Services Team Leader (L McGeoch), Democratic Services Officer (F. Henderson).

## MEMBERS

Having not been present when the following review was first considered, Councillor Fullarton left the meeting.

## ORDER OF BUSINESS

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

### 1. CONTINUATION OF REVIEW - 21/00027/RCOND

With reference to paragraph 4 of the Minute of 13 December 2021, there had been re-circulated copies of the request from Mr Richard Amos Ltd, 2 Golden Square, Duns to review the decision to impose a temporary three month consent by attaching Condition 2 on the planning permission for the erection of a glazed covered Pergola to Existing Outside Seating Area (part retrospective) at the Waterloo Arms, Chirnside, Duns. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Objection comments; Consultation replies; further objection comments and Applicant Response and List of policies. Also circulated were copies of further information requested by the Local Review Body, in the form of responses from the Council's Environmental Health Officer to pictures illustrating an increase in height of the fencing panels to the rear of the existing seating area to mitigate noise. Following consideration of all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, HD3 and EP7 of the Local Development Plan. The development was considered to be an appropriate structure within the grounds of a public house, without adverse impact on listed building character. Members did not consider the potential consequent noise impacts on residential amenity as a result of the pergola to justify either removal of the structure or further temporary permission, especially as the seating area already existed and an increase in the existing fence height could be required by condition. Consequently, the application was approved.

## DECISION

### AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;
- (b) the review could be considered without the need for further procedure on the basis of the papers submitted;

- (c) **the proposal would be consistent with Policies PMD2, HD3 and EP7 of the Local Development Plan; and**
- (d) **the officer's decision to approve the application subject to Condition 2 be overturned for reasons detailed in Appendix I to this Minute.**

#### **MEMBER**

Councillor Fullarton joined the meeting prior to consideration of the following review.

#### **2. REVIEW OF 21/00031/RREF**

There had been circulated copies of the request from Mr Conrad Campbell, 2 Winston Road, Galashiels to review the decision to refuse the planning application for the erection of summer house and formation of off street parking (retrospective) at 2 Winston Road, Galashiels. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations and a list of policies. The Planning Advisor drew attention to new evidence on the site, in the form of letters of support. This information had been submitted with the Notice of Review but had not been before the Appointed Planning Officer at the time of determination. The Review Body considered that the new evidence met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review and could be considered. After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, HD3 and IS7 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate garden building, well designed and in keeping with the character of the surrounding area. The provision of off-street parking was also of benefit both to road safety and visual amenity in terms of the street scene. Consequently, the application was approved subject to conditions.

#### *VOTE*

*Councillor Moffat, seconded by Councillor Richards moved that the outer colour of the summer house remain as it was.*

*Councillor Ramage, seconded by Councillor Small moved as an amendment that the outer colour be changed to Mahogany.*

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

*Motion – 5 votes*

*Amendment – 2 votes*

*The motion was accordingly carried.*

#### **DECISION**

##### **AGREED that:-**

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the new information submitted with the Notice of Review documentation in the form of letters of support met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (d) **the proposal would be consistent with Policies PMD2, HD3 and IS7 of the Local Development Plan and relevant Supplementary Planning Guidance; and**
- (e) **the officer's decision to refuse the application be overturned for reasons detailed in Appendix II to this Minute.**

3. **REVIEW OF 21/00033/RREF**

There had been circulated copies of the request from Mr and Mrs H Lovatt, c/o Suzanne McIntosh Planning Limited, 45C Bath Street, Portobello, Edinburgh to review the decision to refuse the planning application for the modification of condition 2 of planning permission 12/01191/PPP in respect of extension to period of permission. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; Consultations and a list of policies. The Review Body were advised that this review had been withdrawn at the request of the Agent.

**DECISION  
WITHDRAWN.**

4. **REVIEW OF 21/00034/RREF**

There had been circulated copies of the request from Mr Lee Tickhill, 15 Howdenburn Court, Jedburgh to review the decision to refuse the planning application for change of use of Amenity land to garden ground and erection of bike/log store. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations, Objection comments, support comments and a list of policies. The Review Body queried whether the structure had been built on land which was not in the Applicants ownership and sought further information in terms of what utilities, if any were contained below the structure within the grass verge.

*VOTE*

*Councillor Anderson, seconded by Councillor Ramage moved that the Officers' decision be upheld.*

*Councillor Small, seconded by Councillor Fullarton moved as an amendment that the application be continued for further information regarding location of utilities.*

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

*Motion – 3 votes*

*Amendment – 4 votes*

*The amendment was accordingly carried.*

**DECISION  
AGREED that:-**

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could not be considered without the need for further procedure in the form of written submissions;**
- (c) **the Roads Officer be given the opportunity to submit information on what utilities, if any, were contained below the structure.**

- (d) consideration of the review be continued to a future meeting on a date to be confirmed.**

**5. REVIEW OF 21/00035/RREF**

There had been circulated copies of the request from Buccleuch Estates Ltd c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the conversion of existing barn to Residential dwelling with associated amenity, parking, infrastructure and access. The supporting papers included the Notice of Review; Decision Notice; Officer's Report; papers referred to in the Officer's Report; Consultations, additional information, objection comments, general comments and a list of policies. After considering all relevant information, the Local Review Body concluded that the proposal was contrary to Part C of policy HD2 of the Local Development Plan 2016 in that the building had little architectural or historic merit and was not physically suited for residential use. The structural survey had not demonstrated that the building was capable of conversion without significant demolition and changes to the structure. The proposal was also contrary to policy PMD2 of the Local Development Plan 2016 as the development would not be compatible with or respectful to the neighbouring built form. The scale, massing and height would result in a building out of character, unattractive and overbearing in relation to existing houses in the village. The Local Review Body also concluded that as the proposal intended works and demolition to an extent that represented new-build replacement, the development was contrary to policy PMD4 of the Local Development Plan 2016 as the site was outwith the development boundary for Eckford and the proposal did not satisfy the criteria within the policy for exceptional circumstances. Members also considered that the proposal would result in the loss of prime agricultural land, contrary to policy ED10 of the Local Development Plan and did not meet any of the exceptions in that policy.

**DECISION**

**AGREED that:-**

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for further procedure on the basis of the papers submitted;**
- (c) The proposal was contrary to policies PMD4, Part C of policy HD2, policy PMD2 and to policy ED10 of the Local Development Plan 2016.**
- (d) the officer's decision to refuse the application be upheld, for the reasons detailed in Appendix III to this Minute.**

*The meeting concluded at 12.50 p.m.*

# SCOTTISH BORDERS COUNCIL

## PEEBLES COMMON GOOD FUND SUB-COMMITTEE

MINUTE of Meeting of the PEEBLES  
COMMON GOOD FUND SUB-COMMITTEE  
held via Microsoft Teams on Wednesday, 23  
February 2022 at 5.00 p.m.

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

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### 1. MINUTES

- 1.1 The Minutes of the Meeting of Peebles Common Good Fund Sub-Committee held on 17 November and 15 December 2021 were circulated.
- 1.2 With reference to paragraph 1 of the Minute of 15 December 2021 and in response to a question from Councillor Anderson, Ms Sellar advised that there had been a good response to the consultation so far but it would be helpful to receive more. The Chairman suggested that Members publicise at Community Council meetings.

### DECISION

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

### 2. BUDGET MONITORING FOR THE 9 MONTHS TO 31 DECEMBER 2021 AND PROPOSED BUDGET FOR FINANCIAL YEAR 2022/23

There had been circulated copies of a report by the Director, Finance & Corporate Governance providing details of the income and expenditure for the Peebles Common Good Fund for the nine months to 31 December 2021, a full year projected outturn for 2021/22, projected balance sheet values as at 31 March 2022 and proposed budget for 2022/23. Appendix 1 provided the projected income and expenditure position for 2021/22 and showed a projected surplus of £3,914, for the year which was less than previously reported as a result of additional works at Venlaw Quarry. Appendix 2 provided a projected balance sheet value as at 31 March 2022 and showed a projected decrease in the reserves of £51,797. Appendix 3a provided a breakdown of the property portfolio showing projected rental income and net return for 2021/22. Appendix 3b provided a breakdown of the property portfolio showing projected property expenditure for 2021/22. Appendix 4 provided a breakdown of projected property valuations at 31 March 2022. Appendix 5 showed the value of the Aegon Asset Management Investment Fund to 31 December 2021. The Treasury Business Partner highlighted the main points in the report and advised that although a loss was projected no disinvestment would be required. Councillor Bell queried the large increase in costs for the cleaning of Haylodge toilets in 2022/23 and Ms Halliday undertook to look at that again. Councillor Bell proposed that the allocation of £14,000 for grants in 2022/23 be increased to £20,000 and this was unanimously approved.

### DECISION

**AGREED:-**

- (a) the projected income and expenditure for 2021/22 in Appendix 1 to the report and the revised budget for 2021/22;
- (b) the proposed budget for 2022/23 as shown in Appendix 1 to the report subject to the allocation for grants being increased to £20,000.
- (c) to note the projected balance sheet value as at 31 March 2022 in Appendix 2 to the report;
- (d) to note the summary of the property portfolio in Appendices 3 and 4 to the report; and
- (e) to note the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.

### 3. PROPERTY UPDATE

#### 3.1 Bookings for Common Good Fund Parks

The Estates Surveyor reported that the following bookings had been received:-

- Orienteering event - Haylodge Park in February
- Kenny Stuart Funfair – Victoria Park in April
- Family Event – Victoria Park in June
- Bike festival – Haylodge Park in September
- Trail run – Haylodge Park in September/October

#### 3.2 Provision of Lighting in Victoria Park and Tweedgreen

The Estates Surveyor advised that she had met with officers from Street Lighting and Parks and asked for preliminary estimate for the works. These officers would not recommend extra lighting in either park but preferred the usual lantern style rather than bollards which they felt were more susceptible vandalism and required more energy to operate. Initial rough estimates for costs were provided but detailed design requirements needed to be understood before final costs could be confirmed. Members agreed that they needed more information before they could take a final decision and asked if a detailed report could be provided to the next meeting in June to include final costs and any other low impact solution that could be considered. It was noted that residents adjoining the park would also need to be consulted. With regard to the works on the steps it was agreed that these proceed now and not wait until a decision on lighting had been taken

#### DECISION

##### AGREED:-

- (a) to note the park bookings;
- (b) that, subject to available officer time to prepare a report, a detailed report on the provision of lighting be provided at the Sub-Committee meeting in June 2022; and
- (c) that the Estates Surveyor instruct the required works to the Victoria Park steps.

#### 4. HAYLODGE PARK TOILETS

The Chairman advised that a request had been received from Peebles Community Council to open the Haylodge toilets all year round. The Estates Surveyor advised that the cost for cleaning had been £300 per week in 2021. Weekend opening over the winter period was suggested and it was agreed that a paper be presented to the next meeting in June detailing the options and associated costs.

**DECISION**

**AGREED** that a report be provided detailing the options and associated costs of opening Haylodge toilet outwith the current schedule.

5. **REQUEST FOR FINANCIAL ASSISTANCE**

There had been circulated copies of a request for funding of £1884.91 from the Peebles Christmas Light Association to purchase new “ribbon” bulbs and radio harnesses/shoulder microphones and speakers. Councillor Haslam advised that she did not feel the community benefit section was sufficient and suggested that the Association be put in touch with Hannah Lacon, Community Engagement Officer to improve this section of the application. Unfortunately due to an oversight Mr. Bruce had not been invited to attend the meeting to answer Members questions. The Chairman considered that the application should be approved but received no support for this. It was therefore agreed to continue consideration of the application to allow an improved application form to be submitted

**DECISION**

**AGREED** to continue consideration of the application to allow the Association to work with the Community Engagement Officer to improve the community benefit section of the application.

6. **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**

7. **MINUTE**

The Private Minute of the meeting held on 17 November 2021 was approved.

*The meeting concluded at 5.50 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 Monday, 28  
February 2022 at 11.00 a.m.

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- Present:- Councillors J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler,  
E. Thornton-Nicol, G. Turnbull and T. Weatherston.
- Apologies:- Councillor J. Greenwell.
- In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and  
Enforcement Officers (M. Wynne, J. Scott and H. Wood), Inspector J.  
McGuigan, Democratic Services Officers (F. Henderson)
- 

## **APPOINTMENT OF CONVENER**

The Managing Solicitor welcomed everyone to the meeting of the Scottish Borders Licensing Board. In the absence of Councillor Greenwell, Councillor Richards proposed that Councillor Weatherston be appointed as Convener for the meeting. This was seconded by Councillor Turnbull and unanimously agreed.

## **DECISION**

**AGREED that Councillor Weatherston be appointed Convener for this meeting.**

### **1. MINUTE**

The minute of the meeting held on Friday, 17 December 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 7 December 2021 – 15 February 2022.

## **DECISION**

**NOTED.**

### **3. LICENSING OF SHORT TERM LETS**

- 3.1 There had been circulated copies of a report by the Clerk, Scottish Borders Civic Government Licensing Committee which advised the Members of the impending introduction of the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 which would make the use of accommodation for a short term let an activity for which a licence was required, to summarise the licensing requirements and to advise on the work to be undertaken to ensure that arrangements were in place to meet the legal requirements of the order.

- 3.2 The report explained that Section 44 of the Civic Government (Scotland) Act 1982 ("the 1982 Act") permits the Scottish Ministers to designate an activity as an activity for which a licence shall be required. The Scottish Ministers had laid before the Scottish Parliament the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 ("the Order"). The Order was approved by the Scottish Parliament on 19 January 2022.

The effect of the order was that with effect from 1 October 2022 the use of accommodation for short term let was an activity for which a licence was required under the 1982 Act.

- 3.3 Any short term let licence granted by the Council would be subject to mandatory conditions as set out in Schedule 3 of the Order. In addition, the Council can apply its own standard conditions to all licences granted or specific conditions on any particular licence. In terms of timescales, all new short term lets must apply for a licence on or after 1 October 2022. Existing short term lets have until 1 April 2023 to apply for a licence. The Council must consider an application for a short term let licence within a period of six months from receiving the application and determine the application within twelve months. This means that all short term lets should be licensed by 1 April 2024.

**DECISION  
NOTED:-**

- (a) the requirements contained in the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 which would make the use of accommodation for a short term let an activity for which a licence was required;
- (b) the particular licensing requirements;
- (c) that officers would ensure that arrangements were in place to meet the legal requirements of the order; and
- (d) that further reports would be submitted to the Committee regarding detailed requirements for approval.

4. **PRIVATE BUSINESS  
DECISION**

**AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that 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**

5. **TAXI DRIVER CONDITION 17**

There had been circulated copies of a letter from the Mr Wynne, Licensing Standards Enforcement Officer requesting an amendment to condition 17 of the taxi driver/private hire conditions.

6. **MINUTE**

The private section of the minute of the meeting held on Friday, 17 December 2021.

**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 Monday, 28 February 2022  
at 5.15 p.m.

Present: - J. Brown (Chairman), S. Hamilton, S. Scott and Community  
Councillor J. Taylor.

In Attendance: - Pensions and Investments Manager, Chief Legal Officer,  
Neighbourhood Area Manager (Eildon) (para 3), Democratic  
Services Officer (F. Henderson).

Members of the Public: - 0

**1.0 MINUTE**

There had been circulated copies of Minute of the Jedburgh Common Good Fund Sub-Committee held on 17 November 2021.

**DECISION**

**AGREED Minute of Meeting held on 17 November 2021.**

**2.0 MONITORING REPORT FOR 9 MONTHS 31 DECEMBER 2021 AND PROPOSED BUDGET FOR FINANCIAL YEAR 2022/23**

2.1 There had been circulated copies of a report by the Director - Finance and Corporate Governance which provided the income and expenditure for the Jedburgh Common Good Fund for nine months to 31 December 2021, a full year projected out-turn 2021/22 and projected balance sheet values as at 31 March 2022 and proposed budget for 2022/23. Appendix 1 provided the projected income and expenditure for 2021/22 which showed a projected surplus of £5,184 for the year. Appendix 2 provided projected Balance Sheet value at 31 March 2022 and showed a projected increase in the reserves of £23,164. Appendix 3(a) provided a breakdown of the property portfolio showing projected rental income and projected net return for 2021/22 and actual property income to 31 December 2021. Appendix 3(b) provided a breakdown of the property portfolio showing projected property expenditure for 2021/22 and actual property expenditure to 31 December 2021. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2022. Appendix 5 showed the value of the Aegon Asset Management Investment Fund to 31 December 2021. Mrs Robb highlighted the main points in the report and answered Members questions.

**DECISION**

**(a) AGREED the proposed budget for 2022/23 as shown in Appendix 1;**

**(b) NOTED**

**(i) the projected income and expenditure for 2021/22 in Appendix 1;**

- (ii) the projected balance sheet value as at 31 March 2022 in Appendix 2;
- (iii) the summary of the property portfolio in Appendices 3 and 4; and
- (iv) the current position of the Aegon Asset Management Investment Fund in Appendix 5.

### 3.0 ALLERLEY WELL PLAY PARK FUNDING PROPOSAL

- 3.1 There had been circulated copies of a report by the Director of Infrastructure and Environment which set out proposals for additional funding of £50,000 towards the Allerley Well Play Park in Jedburgh from the Jedburgh Common Good Fund. The report explained that Since May 2018 Scottish Borders Council had, through a programme of investment, invested £2.1m, with a further £0.647m forecast in 2021/22 in enhancing the network of play areas and community spaces throughout the Scottish Borders, aimed at providing high quality facilities in strategic locations to encourage play, greater physical activity and outdoor access for children and young people. As part of this, destination play areas had been delivered in Harestanes, Galashiels, Kelso, Peebles, Hawick, Coldstream and Newtown St Boswells, with further projects to be delivered in Jedburgh, Duns, Eyemouth and Earlston.
- 3.2 Delivery of the new Destination play park at Allerley Well Park was part of a suite of four play park projects included in a tender that was awarded to Wicksteed Leisure Ltd in 2020. Scottish Borders Council had funding available of £200,000 for the new play facilities planned for Allerley Well Park in Jedburgh. Following discussions with Elected Members, it was agreed that Wicksteed Leisure Ltd would design the new destination play park on the site of the existing small play park in Allerley Well Park. As part of these discussions it was agreed that the value of the project would be increased to £250,000 to deliver the agreed layout plan, and that the additional £50,000 required would be requested from the Jedburgh Common Good Fund. The proposed layout plan had been circulated to the Jedburgh & District Elected Members for consideration. The proposed new, accessible for all, play park would include 25 separate items, including the central feature of a bespoke multi-play item, which included a 6.5m long double width slide & locally inspired climbing rockscape feature. The new play park would cover an area of 920 square metres, surrounded by fencing and with a complete wet-pour safety surfacing. The additional funding being requested would enhance the play park to provide more equipment and provide a greater experience for the children using the play park. It was anticipated that the play park would be constructed in summer 2022, so draw down of funds would be in 2022/23. Mr Blackie highlighted the main points in the report and answered Members questions.

### DECISION

- \* **AGREED to recommend to Council that the proposed additional funding of £50,000 be approved as a contribution for the new Allerley Well Play Park in Jedburgh from the Jedburgh Common Good.**

### 4.0 APPLICATION FOR FINANCIAL ASSISTANCE

#### 4.1 JEDBURGH THISTLE RFC

With reference to paragraph 3 of the Minute of 17 November 2021, there had been circulated copies of an application, together with copies of the Financial Statement, OSCR Financial Statement, cost plan report for the project, proposed layout of the storeroom extension and further information relating to the Sub-Committees request for further information. As previously advised the project 'Helping Young People Get Fit for the Future' aimed to improve the quality of life by helping to fund an extension to the current Club premises. Mr Norman Ker, Treasurer was present via Microsoft Teams and explained that since the last meeting with the Council, there had been several meetings of the Jed Thistle

committee to discuss how to move the project forward. The consensus from the Committee was that the Club Members and Committee had the necessary skillsets to do most of the work themselves and were in the process of gathering builders' merchant's quotes for the materials to allow us to do this. Although joiners would be required to undertake the work on the roof. Mr Kerr went onto explain that by providing some of the labour themselves, the cost of the project would be reduced and would remove some of the profit margins for the various contractors, as well as the VAT amount on any labour. The Committee felt that the Council's thoughts of an upper limit of £30K on the grant would be generous, and would be able to reduce the amount of the loan required to the original £15K contained in the original proposal. The Club had received three of the four quotes from the builders' merchant and an initial application had been made to Viridor. There was no update on the plans.

- 4.2 The Chief Legal Officer expressed concern about the lack of clarity in terms of the cost of the overall project and the exact amount being requested from the Common Good. Mr Kerr confirmed that he saw the Common Good as the lender of last resort and was awaiting a response from the Viridor application, which had a maximum of £25,000 pay out. The Pensions and Investments Manager also expressed concern in terms of the amount being requested and queried the amount based on the figures being given and asked for a budget for the entire project before the Common Good could make a decision. The Members, while supportive agreed that more specific information was required and that exact figures and grant which was being requested.

**DECISION  
AGREED:-**

- (a) that while supportive of the project, more detailed costings were required prior to further consideration of the application.**
  
- (b) that a further meeting would be arranged on receipt of a budget for the overall project and once the Chief Legal Officer and Pensions and Investments Manager were content that it was robust.**

*The meeting closed at 6.00 p.m.*

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# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE  
COMMITTEE held via MS Teams on  
Tuesday, 1st March, 2022 at 10.00 am

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

Apologies:- Councillor S. Haslam

In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director Finance &  
Corporate Governance, Director Infrastructure & Environment, Director  
People Performance and Change, Director Resilient Communities, Director  
Social Work and Practice, Director Strategic Commissioning and  
Partnerships, Clerk to the Council, Democratic Services Officer (D. Hall)

## 1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 8 February 2022.

## **DECISION**

**APPROVED for signature by the Chairman.**

## 2. **OUR PLAN AND YOUR PART IN IT: SBC'S CORPORATE PERFORMANCE AND IMPROVEMENT REPORT QUARTER 3 2021/22**

2.1 With reference to paragraph 9 of the Minute of the meeting held on 16 November 2021, there had been circulated copies of a report by the Director – People, Performance and Change which presented a high level summary of Scottish Borders Council's Quarter 3 2021/22 performance information with additional detail contained within Appendix 1-4 of the report. A summary of the Community Action Teams' activity was provided in Appendix 5 to the report. The report also included highlights on the progress of change and improvement projects across Scottish Borders Council (SBC), under the Fit for 2024 programme, and monitored progress of the Recovery Plan. SBC approved a revised Corporate Plan in February 2018, with four corporate themes. In order to monitor progress against the four themes, performance and context information would be presented quarterly to the Executive Committee, with an annual summary in June each year. During Quarter 3 2021/22, SBC had continued to press ahead with a range of important initiatives and innovations, including the utilisation of technology to automate and streamline processes; the launch of a Digital Skills programme aimed at improving the overall digital skills of the workforce; the engagement with Area Partnerships to extend place making opportunities to all Border communities and localities; and engagement with SBC Employees. The information contained within the report was to be made available on the SBC website.

2.2 The Director - People, Performance and Change, Mrs Clair Hepburn, presented the report, drawing attention to the highlights and ongoing challenges contained therein and responding to questions. In response to a question from the Chairman regarding the monitoring of SBC's newly agreed Council Plan, the Director confirmed that the reporting and monitoring of the transformation programme and performance targets would be realigned to reflect the new Plan. There remained other areas that the Council was required by statute to continue reporting on, and that would be unaffected by the planned realignment. In response to a question regarding a potential increase in the number of foster carers, the Director Social Work and Practice clarified that SBC had a higher proportion of kinship carers than many other Council Areas, and that the recruitment for paid foster carers remained a challenge. The high percentage of children looked after in

the community rather than residential placements continued to be a positive. Regarding high levels of staff absences in the Education department, the Director – People, Performance and Change, acknowledged that burnout, stress and high levels of pressure were having an impact. Covid and self-isolation requirements had also impacted on front line staff absences. In response to a question regarding the digital asset management system, the Director explained that the system was used to log and record all of the assets in a single department, to allow for more effective management and deployment of equipment. Regarding the potential extension of the opening hours at the newly reopened customer Contact Centres, the Director explained that the operating parameters of the Centres were under review, and that due to higher rates of telephone and online contacts in-person usage of the facilities had not returned to pre-Covid levels. In the context of communication with home working based staff on the topics of workload management and stress, the Director outlined that the usual mechanisms for reporting issues remained active and that there was an additional planned assessment to ascertain employee morale and sentiment. In response to a question, the Director explained that the 24 digital champions referred to in the report was based on the “champion” model previously used, whereby employees could contact one of the designated champions – a non IT based employee and someone they were potentially familiar with - for advice on a problem, rather than contacting a more formal help desk. It was expected that this model would help reduce barriers to staff seeking help with the use of technology. Regarding the impact of Covid on areas designated as red in the RAG matrix, the Director acknowledged Covid pressures had impacted on those areas. In response to a question regarding low levels of capital receipts, the Director, Infrastructure and Environment undertook to investigate the marketing of properties and provide a response to Members.

#### **DECISION**

##### **NOTED:-**

- (a) **the progress update relating to Change and Improvement Projects referenced at section 4 and detailed further in Appendix 1 of the report;**
  - (b) **the changes to performance indicators outlined in Section 5 of the report; and**
  - (c) **the performance summarised in Sections 6 and 7, and Approves the Quarterly Reports set out at Appendices 1-4 of the report and the action that is being taken within services to improve or maintain performance.**
3. **PROPOSED USE OF SECOND HOMES COUNCIL TAX GRANT TO ASSIST DELIVERY OF AFFORDABLE HOUSING AT THE FORMER HIGH SCHOOL SITE, EARLSTON**

There had been circulated copies of a report by the Director, Infrastructure and Environment that sought approval of the Executive Committee to use Second Homes Council Tax funding to grant assist Eildon Housing Association to deliver 64 affordable homes at the former High School site, Earlston. The Council’s current Strategic Housing Investment Plan 2022-27 identified the former High School site, Earlston as a priority project. The site was owned by Eildon Housing Association and the project had secured Planning Consent, with estimated completion in 2024/25. The report advised that as a result of rising tender prices a funding gap of £200,000 had been identified. Members discussed the proposal, recognised the project as important for the region, and agreed that the scheme represented good value for money.

#### **DECISION**

**AGREED to grant assist Eildon Housing Association to provide gap funding of up to £200,000 towards the costs of delivering 64 new build affordable homes for social rent at the former High School site, Earlston.**

4. **NETHERDALE 3G SURFACE REPLACEMENT**

- 4.1 There had been circulated copies of a joint report by the Director, Strategic Commissioning & Partnerships and Director, Infrastructure & Environment seeking



approval to replace the 3G Sports Surfaces at Netherdale, Galashiels. The two artificial 3G sports pitches at Netherdale were installed in 2011/12. The main pitch was suitable for football & rugby use and there was a further five-a-side pitch. In general terms, the life-span of 3G pitches was 10 years, dependent on usage and the care and maintenance regime. Both of the Netherdale surfaces had been well used by club and community and well maintained by Live Borders, but both surfaces were near end of life and required replacement. At the time of the original construction, a £200k sinking fund (for surface replacement) was established for Netherdale (£100k contribution from the Hayward Trust plus a £100k contribution from Live Borders). The Netherdale management agreement stated that 'if the cost of renewal were to be greater than £200,000 then SBC shall be responsible for these additional costs'. The estimated replacement cost for both pitches at Netherdale was £350- £425k, therefore on top of the £200k sinking fund additional capital of £150- £225k was required – either from SBC or via external funding. A £200k funding application had been submitted to the Scottish Football Association (SFA) to access funding for the 'replacement and enhancement of existing 3G football surfaces'. A decision on SFA funding was expected by the end March 2022. Netherdale appeared to be ideally placed to meet the SFA funding criteria which included facilities that could demonstrate grassroots football servicing the local community and focused primarily on football development; increased participation; criteria focusing on investment into Deciles 1-6 of the Scottish Index of Multiple Deprivation (SIMD); multi-sport development; and improved access to sport facilities for women and girls.

- 4.2 In response to a question regarding any risk to the success of the application to the SFA that could arise from SBC agreeing to fund the project at this stage, the Director, Strategic Commissioning and Partnerships explained that there was no obligation to advise the SFA that SBC had agreed to fund the project in the event an application was unsuccessful. The Director, Infrastructure and Environment explained that SBC, as part of the application, had previously advised the SFA of the budgetary pressures faced by SBC in the context of funding the replacement and maintenance of sports pitches. Members expressed their support for the plans and the highlighted the positive impact that 3G sports pitches had made on communities. The Director, Finance and Corporate Governance provided reassurance to Members that a funding strategy was in place for the maintenance and replacement of the more modern pitches in the region, and clarified that the need to fund the replacement of the Netherdale pitches was because the pitches had predated the current, proactive sinking fund strategy.

## **DECISION**

### **AGREED:-**

- (a) that the 3G synthetic sports surfaces at Netherdale be replaced with new 3G surfaces;**
  - (b) to the funding arrangements as detailed in the report;**
  - (c) that if the £200k SFA funding application fail and/or SFA funding was less than required, that SBC would fund the balance – as per the terms of the Netherdale management agreement; and**
  - (d) that work would be prioritised to deliver the pitch replacement project to completion in calendar year 2022 and as far as possible that the pitch replacement project coordinated its work with the project delivering the £1.4m SBC investment into the Netherdale stand overhaul/upgrade.**
5. **PRIMARY SCHOOL WIDE AREA NETWORK BANDWIDTH UPGRADE**

There had been circulated copies of a report by the Director, Strategic Commissioning and Partnerships that proposed digital enhancements to the Wide Area Network (WAN) bandwidth capability within the Primary Schools estate. A review of the Council's Primary Schools network capability had identified that a number were now experiencing peaks heading towards the limits of the technology that was currently provisioned. BT would

switch off the analogue network in 2025, and the proposed solution addressed the sites that were not currently on a fibre service. It was anticipated that the proposed enhancements would, for every primary school, provide a minimum of a 100mbps connection over a 1000mbps circuit, provide equity of access to digital learning, irrespective of location within the authority, and enable the primary schools to be 'Fit for 2024' and beyond. By providing 1000mbps connections, this would accommodate anticipated bandwidth increases, at a fixed cost, as and when demand increased. In response to a question regarding the prioritisation of the works, the Director, Strategic Commissioning and Partnerships undertook to discuss the matter with the provider and report back to the Committee. Members praised the project and highlighted its comprehensive and forward thinking nature.

#### **DECISION**

**AGREED to implement the proposed Wide Area Network bandwidth increases within the primary school estate.**

#### **6. PROPOSED USE OF SECOND HOMES COUNCIL TAX GRANT TO ASSIST DELIVERY OF AFFORDABLE HOUSING AT KIRKHOPE STEADING, ETRICK BRIDGE**

There had been circulated copies of a report by the Director, Infrastructure and Environment that sought approval of the Executive Committee to use available Second Homes Council Tax funding to grant assist Etrick and Yarrow Community Development Company to deliver 5 affordable homes at Kirkhope Steading, Etrick Bridge. The Council's current Strategic Housing Investment Plan 2022-27 identified Kirkhope Steading as a priority project. It was now under construction, with anticipated completion in late July 2022. The report advised that as a result of the need to re-roof the steading, and the national context of increasing building material costs, revised tender costs had risen to £1.231m. There were also concerns regarding the potential adverse impacts of continued increases in interest rates on the longer term financial viability of the project. Members praised the project and highlighted that it had the potential to serve as a template for future rural regeneration projects.

#### **DECISION**

**AGREED to grant assist the Etrick and Yarrow Community Development Company up to £120,000 match funding for an additional £120,000 grant contribution from Scottish Government Rural Housing Fund in line with recently increased grant rates, towards costs of delivering the 5 home affordable housing project at Kirkhope Steading, Etrick Bridge.**

#### **DECLARATION OF INTEREST**

Councillors Mountford and Tatler 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.

#### **7. PLACE BASED INVESTMENT PROGRAMME**

There had been circulated copies of a report by the Director, Resilient Communities providing an update on the delivery of the Scottish Government Place Based Investment Programme which had allocated £38m of capital funding to Scottish Local Authorities, payable in the financial year 2021/22 to support town centre regeneration projects and community wealth building. Scottish Government and Council Leaders had agreed that Local Authorities would receive a share of funding to help support place based investment over the next five years. The Scottish Borders had been allocated £912k based on a combination of total population and existing deprivation levels. The allocation needed to be financially committed by the end of the current financial year. A previous paper to the Executive Committee in October 2021 allocated £560k to three key projects in the priority towns of Eyemouth, Galashiels and Jedburgh. The report sought to allocate the residual funding available during the current financial year to suitable projects in the Scottish Borders. Council officers had identified a number of potential projects throughout the

Scottish Borders that funding could be allocated to within the current financial year, including a focus on Hawick and the surrounding area which was the fourth key priority town identified in the Council's Town Centre Matrix. Members praised the projects, and expressed their hope that further projects would be ready in future years. In response to a question regarding whether the money could be carried forward into the next financial year, Graeme Johnstone, Lead Officer, advised that the allocation had to be used fully in the current financial year. Councillor Rowley proposed that should additional projects come forward within the financial year, that authority was delegated to the Chief Executive, in consultation with appropriate Members, to approve these from the remaining financial year allocation and this was unanimously approved.

#### **DECISION**

##### **(a) AGREED to:**

- (i) commit £335k from the current financial year allocation to six key projects throughout the Scottish Borders including the priority town of Hawick; and**
- (ii) delegate authority to the Chief Executive, in consultation with appropriate Members, to fund additional projects with the remaining financial year allocation.**

##### **(b) NOTED the progress made to deliver the Scottish Government's Place Based Investment Programme.**

#### **MEMBER**

Councillors Mountford and Tatler re-joined the meeting following the discussion of the above item.

#### **URGENT BUSINESS**

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

#### **8. UKRAINE**

The Chairman advised that the Russian invasion of Ukraine was a matter of great concern but no information had yet been received from either the UK or Scottish governments on how the Council could help. The Convener, as Civic Head, would likely address this in due course and in the meantime the gravity of the situation was acknowledged. The Chairman confirmed that arrangements were being made for the flag of Ukraine to be flown at Council Headquarters.

#### **9. PRIVATE BUSINESS**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix 1 to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 4 of Part I of Schedule 7A to the Act.**

#### **SUMMARY OF PRIVATE BUSINESS**

#### **10. PRIVATE MINUTE**

The private section of the Minute of the meeting held on 8 February 2022 was approved.

***The meeting concluded at 11.15 am***

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**Date:** 3 March 2022 from 2.00 to 3:40 p.m.

**Location:** Via Microsoft Teams

**Attendees:** Councillor Rowley (Chair), Councillor S. Bell, Ms A. Cox (Borders College), Chief Insp. V. Fisher (Police Scotland), Councillor C. Hamilton, Mrs K. Hamilton (NHS Borders), Mrs M. Hume (Third Sector), Mr K. Langley (Fire & Rescue Service), Ms M. Meldrum (RSL representative), Mr R. Roberts (NHS Borders), Councillor G. Turnbull.

**Also in attendance:** Chief Executive, Director Resilient Communities, Communities and Partnership Manager, Clerk to the Council (all SBC); Dr T. Paterson (Public Health), Mr J. McDougall (Scottish Government).

## **MINUTE AND ACTION POINTS**

### **1. WELCOME AND APOLOGIES**

Councillor Rowley welcomed everyone to the meeting. Apologies had been received from Councillor Tatler (SBC) and Prof. Griggs (SOSE).

### **2. MINUTE**

2.1 Copies of the Minute of 18 November 2021 had been circulated.

#### **DECISION**

**AGREED to approve the Minute.**

2.2 Copies of the Action Tracker for the Strategic Board had been circulated.

#### **DECISION**

**NOTED.**

### **3. COMMUNITY PLANNING PARTNERSHIP REVIEW PROGRAMME & DRAFT IMPROVEMENT PLAN**

3.1 With reference to paragraph 3 of the Minute of 18 November 2021, copies of an update paper on the Community Planning Partnership Review and a Draft Improvement Plan had been circulated. SBC Director Resilient Communities, Mrs J. Craig, gave a presentation on progress with the Review:

- Review update – a questionnaire had been issued to all partners at the end of November to inform the CP workshop agenda. The workshop, hosted by the Improvement Service, took place on 17 January 2022 and aimed to start developing a draft CPP Improvement Plan. Three main areas of focus came out of this for the Improvement Plan: prioritisation, governance and performance.
- Action 1 (Prioritise) – officers aimed to refresh the Community Plan to account for significant changes in the operation landscape as a result of the pandemic. Proposals to achieve this included establishing a Working Group to support the Programme Board in its work, with a shorter time target to reduce the Plan to a

number of key priorities and report to the Strategic Board in June 2022. A key focus would be to gain insight from partners on lived experience. In tandem, all partners would be involved in place making and the outcomes from those discussions would feed into the refresh of Locality Plans and the Community Plan. Engagement would take place with communities and a further report provided to the Strategic Board in September 2022.

- Action 2 (Governance) – a review was currently underway on the current Community Planning Partnership structures and processes in relation to effective decision making to ensure they were fit for purpose. A Working Group was being established to consider options; with partners surveyed during February and March to establish what had worked well during the pandemic; identify best practice, including the views of partners who were involved in multiple Community Planning Partnerships; a peer review to be carried out via the national network, assisted by the Improvement Service. A workshop would be held to develop the future structure which would be aligned to the Plan and priorities and reports would be provided to the Strategic Board in June and September 2022.
- Action 3 (Performance) – work would be carried out to ensure the Community Planning Partnership’s long term outcomes were supported by a performance framework in which progress could be measured in the short and medium terms. Once priorities had been agreed, the accountability of partners for reporting would be clarified. A Task Group would be established to develop a core number of key performance indicators along with a consistent way of measurement. An evaluation process would be established which would include lived experience and a clear approach to public performance reporting. A report would be brought to the Strategic Board in September 2022.

3.2 The Programme Board at its meeting on 9 February had agreed the Draft Improvement Plan. It was recognised that delivery of this would require both leadership and resource investment, with all partners having a key role. A Task Group was being established to progress the work required. Netta Meadows emphasised one really important point which came out strongly in the workshop held in January that as the overall Plan was being refreshed, the focus would be on the outcomes we were trying to achieve and that is what we would measure. This would not be easy to do and it would be a challenge to get those outcomes right, ensure they remained at a strategic level, but a collective approach would help. It would be better to do a few things well rather than attempt to do many things badly. By having a clear framework and approach to deciding what the main priorities were, the links could be mapped out along with the dependencies. The Regional Economic Strategy outcomes could also be considered as part of this work. Marjorie Hume commented on the need for the Community Planning Partnership to consider how it looked to others externally. Too much information did not work well for communities. It was hoped that the Partnership would have the same priorities as communities as that would achieve greater input and realisation from communities. Jenni Craig confirmed she would send out details of the Working Group to ensure all partners were represented.

**DECISION  
AGREED to:**

- (a) note the progress made in relation to the Review;**
- (b) approve the Draft Improvement Plan; and**
- (c) the proposed partnership approach to deliver the Improvement Plan and the relevant timescales.**

**4. PLACE MAKING UPDATE**

4.1 With reference to paragraph 8 of the Minute of 4 March 2021, copies of a presentation with an update on Place Making had been circulated. Naomi Sweeney, SBC Project Manager, advised that there had been presentations and discussions at all the Area

Partnerships since Spring 2021. Facilitated Area Partnership workshops were planned for 14 and 26 March 2022 which would allow an understanding of place making, agreement to a memorandum of understanding and prioritisation of communities. During 2022/23, a Forward Plan would be developed which would include prioritised communities and Borderland target towns. The role of the Area Partnerships was to agree and monitor actions and themes, Locality Plans and their delivery, while also considering future priorities. In terms of implications for the CPP review, the place narrative looked at what was good/a strength; what and needed to change, where and why; what changes would make a difference; and what opportunities existed. A vision and objectives would be developed along with priorities, projects and action plans. Learning from place plans would allow common themes to be recognised between communities, localities and the wider Borders. This would contribute to the refresh of the Community Plan and the Borderlands Towns Investment Programme. Project development and delivery would need to be considered alongside service planning and delivery, and by securing funding a project pipeline would then be ready to roll out.

- 4.2 Cllr Bell referred to outcomes and asked for clarification on the output from the place making process. There was some confusion around the definition of place making which for some communities was a process to feed into the Local Development Plan, while another could view it as a developing a better understanding of how everyone worked together. A Locality Plan in Community Planning terms was based on reducing inequalities. Ms Sweeney advised that place making was an ongoing consultative process. Workshops were being held to establish 15 place plans for this year, with the aim of having plans for the 69 Community Council areas thereafter. Four of the plans related to Borderlands funding and were being produced quickly. It was very much around working with the capabilities and capacity of communities to produce the rest. Some communities were keen to proceed while others would require support. The terms 'place making' was confusing but a local place plan looked at the objectives of a community and the actions needed to join these up. There was no prescriptive way to put together a place plan so they would vary. Cllr Bell sought further clarification on the outputs for locality plans and those in place plans. Cllr Rowley advised that different communities had different views on this, with some communities doing place planning themselves to determine how their communities would evolve and develop and what they needed in terms of services, etc. The SBC Director Resilient Communities further advised that there was no definitive answer at the moment as there would be different outputs from different communities so this would need to come back to the Community Planning Partnership for further discussion. The aim was to progress a different way of working and for our communities to decide their own priorities, with partners then working alongside them to achieve these. There were currently multiple funding opportunities. There did seem to be some confusion between place plans and the links to Local Development Plan/the planning system so a piece of work would be carried out to try to provide clarity. The SBC Chief Executive confirmed that there was no consistent approach but this could be seen as a measure of success as communities would be different and outputs/outcomes would be different in each case. Place shaping did need to be community led and outcomes did need to match. Ms Sweeney confirmed that more joined up work was needed by partners in our communities so that communities were leading with a bottom up approach rather than being dictated to by others, pulling a community together with a joined up approach. Mrs Hume added that it would be vital to do it with the people and not for the people.

**DECISION  
NOTED.**

5. **CLIMATE CHANGE ROUTE MAP**  
Michael Cook

6. **ALCOHOL AND DRUGS PARTNERSHIP ANNUAL REPORT 2020/21**

7. **ANY OTHER BUSINESS**

Marjorie Hume advised that the Third Sector Interface was going through a transformation in the next 4 months and it was hoped to bring an update to the Board at the June meeting.

**DECISION  
NOTED.**

8. **NEXT MEETING**

The Strategic Board noted that its next meeting was scheduled to take place on 16 June 2022 at 2pm. This meeting would be held via Microsoft Teams and would be livestreamed.



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

MINUTE of Meeting of the PLANNING AND  
BUILDING STANDARDS COMMITTEE held  
via Microsoft Teams on Monday, 7 March  
2022 at 10.00 am

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

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1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 10 January 2022.

**DECISION**

**APPROVED for signature by the Chairman.**

2. **APPLICATIONS**

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

**DECISION**

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

3. **APPEALS AND REVIEWS.**

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

**DECISION**

**NOTED that:-**

- (a) **an Appeal decision had been received in respect of the certifying of the proposed use for short stay commercial letting at Greenloaning, The Loan, West Linton – Dismissed**
- (b) **Review requests had been received in respect of:-**
  - (i) **Erection of dwellinghouse, Land West of Causewayfoot Cottage Wolflee, Hawick;**
  - (ii) **Erection of dwellinghouse, Plot 1 Land South East of Steading Buildings, Greystonelees Farm, Burnmouth;**
  - (iii) **Erection of new dwelling with garage (Approval of all matters specified in condition of planning permission 18/01632/PPP), Land North Of Old Manor Inn, Lanton;**

- (iv) Erection of dwellinghouse with access and associated works, Land East of Deuchar Mill House, Yarrow;
  - (v) Partial change of use of shop and alterations to form manager's flat, shop 43 High Street, Hawick;
  - (vi) Erection of pergola and boundary fencing (retrospective), 58 George Street, Peebles;
  - (vii) Removal of Condition 2 of planning permission 18/01000/FUL pertaining to use as holiday let accommodation, Warlawbank Steading, Reston, Eyemouth;
  - (viii) Change of use from Industrial (Class 4,5,6) to a Functional Fitness Gym (Class 11), Unit B, Whinstone Mill, Netherdale Industrial Estate, Galashiels; and
  - (ix) Demolition of steading and farmhouse and erection of two dwellinghouses, Land at Haughhead Farm and Steading Building, Innerleithen.
- (c) the following reviews had been determined as shown:-
- (i) Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works, Slaters Yard off Charlesfield Road, St Boswells - Decision of Appointed Officer Overturned (Subject to Conditions);
  - (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 – Withdrawn;
  - (iii) Change of use of agricultural building and alterations to form dwellinghouse and garage, Land North East Of Gamekeepers Cottage, Eckford, Kelso - Decision of Appointed Officer Upheld;
  - (iv) Siting of mobile catering truck and alterations to existing access, Land at Station Yard, Traquair Road, Innerleithen - Decision of Appointed Officer Overturned (Subject to Conditions);
  - (v) Erection of glazed covered pergola to existing outside seating area (part retrospective), Waterloo Arms, Chirnside, Duns - Decision of Appointed Officer Overturned (Subject to Conditions);
  - (vi) Erection of dwellinghouse and formation of new access, Plot 1 Land North of Cakemuir House, Nenthorn – Decision of Appointed Officer upheld; and
  - (vii) Erection of summer house and formation of off street parking (retrospective), 2 Winston Road, Galashiels - Decision of Appointed Officer Overturned (Subject to Conditions)
- (d) there remained four reviews previously reported on which decisions were still awaited when the report was prepared on 24 February 2022.

• Garden Ground of Kilknowe House, East End, Earlston	• Land East of 15 Howdenburn Court, Jedburgh
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• <b>Land East of The Old Stables Lennel House, Lennel</b>	• <b>Land South and West of Greywalls, Gattonside</b>
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*The meeting concluded at 1.40 p.m.*

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

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
21/01925/FUL	Erection of dwellinghouse	Garden Ground of 11 Fergusson View, West Linton

DECISION: approved subject to a legal agreement addressing contribution towards education provisions and the following conditions:

1. Details of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the planning authority before development commences. Once approved, the development shall be carried out only in accordance with the approved details.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development shall be commenced until the precise specification for the parking areas has first been submitted to and approved in writing by the planning authority. Thereafter the approved plans shall be implemented fully prior to occupation of the new dwelling.  
Reason: To ensure appropriate parking provision is provided for both dwellings.
3. No development shall commence until the alternative parking arrangement for No. 11 Fergusson View has been provided and is available for use.  
Reason: To ensure there is no displacement of parking onto the public road during the construction period.
4. No development is to commence until written confirmation has been provided to (and approved by the planning authority) that the development will be connected to the public mains water supply. Thereafter, the dwellinghouse shall not be occupied until the connection to the public water mains is made.  
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water.
5. The development hereby approved shall not be occupied until the drainage system has been fully implemented and written confirmation has been provided to (and approved by the planning authority) that the development has been connected to the public foul drainage system. All surface water drainage shall comply with the SUDS manual and maintain existing pre-development run off levels.  
Reason: To ensure that the development does not have a detrimental effect on amenity and public health and manages surface water in a sustainable manner that does not increase off-site run-off.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, as amended and notwithstanding changes in circumstances which may affect permitted development rights, no additional window or other opening shall be made on the eastern or western elevations unless an application for planning permission in that regard is first submitted to and approved by the planning authority.  
Reason: The planning authority considers that the development hereby permitted is the maximum that can be reasonably allowed without causing detriment to the amenities of adjoining properties and for this reason wishes to control any future proposals for alterations.

7. No development shall commence until a detailed 'method statement' in relation to all works within the root protection area (RPA) of trees and hedging within and adjacent to the site has first been submitted to and approved in writing by the planning authority. Specific issues to be dealt with in the method statement:
- (a) a scaled plan showing the position, size, RPA, species and unique identification reference of each retained tree and hedge affected by the works and including details of the extent and nature of all works within the RPA of retained trees/hedges;
  - (b) a written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant;
  - (c) a specification for protective fencing to safeguard trees and hedges during construction phases and a plan indicating the alignment of the protective fencing;
  - (d) a specification for ground protection within tree and hedge protection zones.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during construction operations.

### Informatives

1. The existing footway crossing should be lowered between the accesses to No.11 & No.12 Fergusson View. That should follow construction specification standard detail DC-10, available from the council's Roads Planning Service.
2. All work within the public road boundary must be undertaken by a contractor first approved by the council.

### DRAWING NUMBERS

1. 1 of 4 Location Plan
2. 0611PL002 Existing plans sections and elevations
3. 0611PL003 rev A Proposed plans sections and elevations
4. 14374-BKP-V1-XX-DR-S-0500\_P1 Other

### NOTE

Dr Fiona Philippi spoke against the application and Mr Gavin Jefcoate, on behalf of the applicant spoke in support.

### VOTE

*Councillor Laing, seconded by Councillor Anderson, moved approval of the application as recommended by officers*

*Councillor Moffat, seconded by Councillor Small, moved refusal of the application on the grounds that it was contrary to Policies PMD2 and PMD5(c) in terms of character and density of the street and overdevelopment and parking.*

*Members voted as follows:-*

*Approval - 6 votes*

*Refusal - 2 votes*

*The application was accordingly approved.*

**Reference**  
21/01851/FUL

**Nature of Development**  
Erection of Class 1 retail store and 5 no. units (Class 5 and Class 6) with associated car parking, servicing and access

**Location**  
Land At Tweedbank  
Industrial Estate, Tweedbank

DECISION: Approved in principle with delegated authority to officers, in consultation with the Chairman, to agree improved landscape and environmental design and to agree appropriate conditions.

Members agreed to approve the application, contrary to officer recommendation, for the following reasons:

The proposed development would be consistent with Policy PMD3(c) in that it would offer significant community benefits that are considered to outweigh the need to maintain the original proposed use; and the development would be consistent with Policy PMD4(d) in that it would offer significant community benefits that outweigh the need to protect the development boundary. Subject to agreed improved landscape and environmental design and an agreed schedule of conditions, the development will not cause a significant adverse impact on the landscape setting of the settlement or surrounding area.

Members agreed that the application could be signed off and approved by officers if agreement on these delegated matters could be reached. If agreement could not be reached, then the application would be referred back to committee.

**NOTE**

Councillor Miers spoke against the application.

Councillor Parker on behalf of himself and Councillor Linehan, spoke in support of the application and asked that if the Committee agreed to approve the application they attach a condition to address the landscape and environmental matters.

Mr Phil Pritchett, agent, Ms Kimberley Steel, Lidl and Mr Ogilvie Dickson, member of the public, all spoke in support of the application.

# SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW  
BODY held via Microsoft Teams on Monday,  
7 March 2022 at 2 p.m.

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- Present:- Councillors S Mountford (Chair), A. Anderson, J. Fullarton, H. Laing, S. Hamilton, C. Ramage and E. Small.
- Apologies:- Councillors N. Richards, D. Moffat.
- In Attendance:- Principal Planning Officer, Solicitor (S. Thompson), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).
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## 1. CONTINUATION OF REVIEW 21/01257/FUL

With reference to paragraph 4 of the Minute of 17 January 2022, the Local Review Body continued their consideration of the request from Mr S Aitchison, 3 Glenfield Crescent, Galashiels on behalf of Mr A Elliot to review the decision to refuse the planning application for the erection of a dwellinghouse on garden ground, Kilknowe House, East Green, Earlston. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information; Objection comments; Consultation replies, List of policies and submission by the Roads Planning Officer, Planning Officer and Flood Risk Officer on the plan showing an alternative access to the proposed dwellinghouse. After considering all relevant information, the Local Review Body concluded that the development was contrary to IS8 of the Local Development Plan in that the site was at significant risk of flooding and allowing a dwellinghouse to be erected on this site would put persons and property at risk of flooding. In addition, access and egress could not be safely achievable during a flood event. There were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

### DECISION

#### AGREED that:-

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;
  - (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;
  - (c) the proposal was contrary to the Local Development Plan and there were no other material considerations that would justify departure from the Development Plan.
  - (d) the officer's decision to refuse the application be upheld and the application refused for the reasons set out in Appendix I to this Minute.
2. REVIEW OF 21/00710/PPP
- There had been circulated copies of the request from Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the Erection of a

dwellinghouse with access, landscaping and associated works on Land South and West of Greywalls, Gattonside. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; correspondence; consultation replies; objections, general comments and list of policies. The Planning Adviser drew attention to information, in the form of two historical maps which had been submitted with the Notice of review documentation but which had not been before the Appointed Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. However, they also agreed that the new information could not be considered without affording the Planning Officer, the opportunity of commenting on the new information and agreed that the application be continued for further procedure.

## **DECISION**

### **AGREED that:-**

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) new evidence submitted with the Notice of Review in the form of two historical maps met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) the review could not be considered without the need for further procedure in the form of written submissions;**
- (d) the Planning Officer be given the opportunity to comment on the new evidence submitted with the Notice of Review.**
- (e) consideration of the review be continued to a future meeting on a date to be confirmed.**

### **3. REVIEW OF 21/01344/FUL**

There had been circulated copies of the request from Mr Christopher Brass, 1 Robson Close, Ryton, Gateshead to review the decision to refuse the planning application for the siting of 2 no. shepherds huts for short term holiday accommodation on Land East of the Old Stables, Lennel. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; Additional Information, Correspondence; consultation replies and response from Applicant; support comment; Objection comments and response from applicant; further objection comments and response from applicant and List of policies. The Planning Adviser drew attention to information, in the form of three Scottish Borders LRB Appeal/Review decisions for holiday/hut accommodation and the outcome of a court case which had been submitted with the Notice of review documentation but which had not been before the Appointed Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD1, PMD2, ED7 and IS5 of the Local Development Plan. The development was considered to be an appropriate provision of tourist accommodation for the location with a justified business case, complying with sustainability and tourism strategies for the area, connecting with and avoiding adverse impacts on public access routes. Consequently, the application was approved subject to conditions.

### **VOTE**

*Councillor Hamilton, seconded by Councillor Laing moved that the Officer's decision be overturned and the application approved.*



*Councillor Ramage, seconded by Councillor Anderson moved as an amendment that the Officer's decision be upheld and the application refused.*

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

*Motion – 5 votes*

*Amendment – 2 votes*

*The motion was accordingly carried.*

## **DECISION**

### **AGREED that:-**

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) new evidence submitted with the Notice of Review in the form of three Scottish Borders LRB Appeal/Review decisions for holiday/hut accommodation and the outcome of a court case which had been submitted with the Notice of review met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (d) the development was consistent with Policies PMD1, PMD2, ED7 and IS5 of the Local Development Plan. The development was considered to be an appropriate provision of tourist accommodation for the location with a justified business case, complying with sustainability and tourism strategies for the area, connecting with and avoiding adverse impacts on public access routes. Consequently, the application was approved subject to conditions; and**
- (e) the officers decision to refuse the application be overturned and the application approved, subject to conditions, for the reasons detailed in Appendix II to this Minute.**

#### **4. REVIEW OF 21/00002/FUL**

There had been circulated copies of the request from Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the Erection of a dwellinghouse on Plot1, Land South East of Steading Buildings, Greystonelees Farm, Burnmouth. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; correspondence; consultation replies; objections, general comments and list of policies. After considering all relevant information, the Local Review Body concluded that the development was contrary to policy HD2 of the Local Development Plan (Housing in the Countryside) as there was no remaining capacity for the extension of the building group within the current plan period. This capacity was taken up by two consents for new build dwellinghouses granted under this part of the policy on neighbouring plots. Policy HD2 stated that no further development above this threshold would be permitted, and there are no material considerations which would outweigh this. Consequently, the application was refused.

## **DECISION**

### **AGREED that:-**

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for further procedure on the basis of the papers submitted;**
- (c) the development was contrary policy HD2 of the Local Development Plan 2016 (Housing in the Countryside) and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the decision of the appointed officer be upheld and the application refused, for the reasons detailed in Appendix III to this Minute.**

**5. REVIEW OF 21/00595/PPP**

There had been circulated copies of the request from Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the Erection of a dwellinghouse with access and associated works on Land East of Deuchar Mill House, Yarrow. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies; objections, further representations and Applicant response and list of policies. The Planning Adviser drew attention to information, in the form of a new site plan indicating a hedge which had been submitted with the Notice of Review but had not been before the Appointed Officer at the time of determination. The Review Body considered that the new evidence met the test set out in Section 43B of the Town and Country Planning (Scotland) Act 1997, and that this new information was material to the determination of the review and could be considered. After considering all relevant information, the Local Review Body concluded that the development was contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would not relate sympathetically to the sense of place of the existing building group, and would potentially lead to ribbon development along a public road. The proposal did not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there was no adverse impact on road safety. Consequently, the application was refused.

**DECISION**

**AGREED that:-**

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) new evidence submitted with the Notice of Review in the form of a new site plan indicating a hedge which had been submitted with the Notice of review met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**
- (c) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (d) the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (e) the decision of the appointed officer be upheld and the application refused, for the reasons detailed in Appendix IV to this Minute.**

*The meeting concluded at 5 p.m.*

# SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE  
COMMITTEE held via MS Teams on  
Tuesday, 22nd March, 2022 at 10.00 am

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

In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director  
Infrastructure & Environment, Financial 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 1 March 2022.

### **DECISION**

**APPROVED for signature by the Chairman.**

## 2. **FINAL REVENUE VIREMENTS AND EARMARKED BALANCES 2021/22**

With reference to paragraph 2 of the Minute of the meeting held on 8 February 2022 there had been a report circulated by the Director, Finance & Corporate Governance seeking approval for the final 2021/22 budget virements and approval to carry forward identified earmarked budgets to 2022/23. The monitoring of the General Fund Revenue Budget at the end of January 2022 had identified the final virements and earmarked balances for 2021/22. Those included routine virements in Appendix 1 to the report and earmarked balances in Appendix 2 to the report, where it had been identified that budget was required to be carried forward to support expenditure in 2022/23. The Financial Services Manager, Ms Suzy Douglas, outlined the report and answered questions from Members. In response to a question regarding Financial Insecurity funding, Ms Douglas explained that the funding referred to related to measures to help support families and communities facing financial hardship as a result of Covid-19, and confirmed that once the funding had been fully allocated the funding stream would be exhausted. Regarding the carry forward of funding for respite and social care, Ms Douglas explained that a significant carry forward was outlined in the report from winter planning. Further resources had also been allocated in the budget agreed for 2022/23, with a further £13m expected from the Scottish Government that was required to be spent on social work.

### **DECISION**

**AGREED to:-**

- (a) approve the virements in Appendix 1 to the report;**
- (b) approve the earmarked balances in Appendix 2 to the report; and**
- (c) delegate authority for the remainder of the financial year to allow the Director, Finance & Corporate Governance to approve any year-end budget adjustments required between now and the financial year end in consultation with the Executive Member for Finance.**

## 3. **PRIVATE BUSINESS**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure**

of exempt information as defined in Paragraphs 1 and 2 of Part I of Schedule 7A to the Act.

**SUMMARY OF PRIVATE BUSINESS**

4. **PURCHASE OF LAND AT EASTER LANGLEE, GALASHIELS**  
A report by the Director, Infrastructure and Environment was noted.

***The meeting concluded at 10.30 am***