

**Please find attached the Public Minutes in respect of
Item No. 6 on the agenda for the above meeting**

6.	<p>Committee Minutes (Pages 3 - 50)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Police, Fire & Rescue and Safer Communities Board (b) Selkirk Common Good Fund (c) Sustainable Development (d) Selkirk Common Good Fund (e) Pension Fund (f) Pension Board (g) Chambers Institution Trust (g) Scrutiny & Petitions (h) Tweeddale Area Partnership (i) Planning & Building Standards (j) Selkirk Common Good Fund (k) Executive <p>(Copies attached.)</p>	<p>2 September 2022</p> <p>15 September 2022</p> <p>16 September 2022</p> <p>6 October 2022</p> <p>19 October 2022</p> <p>19 October 2022</p> <p>19 October 2022</p> <p>20 October 2022</p> <p>1 November 2022</p> <p>7 November 2022</p> <p>14 November 2022</p> <p>15 November 2022</p>	5 mins
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| (a) | Police, Fire & Rescue and Safer Communities Board | 2 September 2022 |
| (b) | Selkirk Common Good Fund | 15 September 2022 |
| (c) | Sustainable Development | 16 September 2022 |
| (d) | Selkirk Common Good Fund | 6 October 2022 |
| (e) | Pension Fund | 19 October 2022 |
| (f) | Pension Board | 19 October 2022 |
| (g) | Chambers Institution Trust | 19 October 2022 |
| (h) | Scrutiny & Petitions | 20 October 2022 |
| (i) | Tweeddale Area Partnership | 1 November 2022 |
| (j) | Planning & Building Standards | 7 November 2022 |
| (k) | Selkirk Common Good Fund | 14 November 2022 |
| (l) | Executive | 15 November 2022 |

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SCOTTISH BORDERS COUNCIL

POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD

MINUTES of Blended Meeting of the
POLICE, FIRE & RESCUE AND SAFER
COMMUNITIES BOARD held in Council
Chamber, Council Headquarters, Newtown
St. Boswells and via Microsoft Teams on
Friday, 2nd September, 2022 at 9.30 am

Present:- Councillors J. Pirone (Chairman), J. Anderson, A. Orr, N. Richards, S. Small,
H. Steel, James Ayling - NHS Borders and Ms M Simpson - Voluntary Sector.

In Attendance:- Chief Inspector Vincent Fisher, Superintendent Alan Carson, Detective
Inspector Ben Leathes, Area Commander Hilary Sangster Local Senior
Officer (LSO) Midlothian, East Lothian and Scottish Borders (MELSB), Group
Commander Keith Langley – Operations Scottish Borders, Group
Commander David Girrity - Prevention & Protection Safer Communities &
Homelessness, Group Manager – Safer Communities and Homelessness,
Communities and Partnership Manager, Democratic Services Officer (D.
Hall).

1. MINUTES AND MATTERS ARISING

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

DECISION

APPROVED the Minute

2. POLICE SCOTLAND

- 2.1 There had been circulated copies of a report by Police Scotland with the agenda. The
Chair explained that whilst there was a level of crime present in the Scottish Borders, the
region on a whole was a safe place to live. Domestic violence continued to be an area of
concern for the Board, and the Chair expressed that whilst domestic violence rates
appeared to be increasing, that rise could be attributed to much higher levels of reporting
than there had been historically. The Chair placed on record her thanks to the Fire
Service for their quick response to the fire at the swimming pool in Peebles, and
welcomed Chief Inspector Vincent Fisher to present the Police Scotland report.
- 2.2 Chief Inspector Vincent Fisher explained that Detective Inspector Ben Leathes was
present at the meeting, highlighted that he had extensive experience, and was actively
working on managing domestic abuse incidents. A link to the Local Police Plan survey
had been circulated with the agenda, and the Chief Inspector thanked those who had
taken part in that survey. The events calendar in the Scottish Borders had been busy with
the return of common ridings and other related events. Whilst there had been increases
and decreases in crime rates, the Chief Inspector stressed that those rates did not
necessarily reflect a rise or fall in the number of crimes which had occurred.
- 2.3 Chief Inspector Fisher invited Detective Inspector Leathes to provide insight into work
ongoing related to domestic abuse. DI Leathes explained that he was responsible for the
management of domestic abuse incidents, and explained the pathway that investigations
followed. From the initial reporting of the incident, Police Scotland would attend and seek
to determine whether a crime had occurred. There would be a risk assessment by a

police risk assessor, which would allow historical or past abuse to be correctly explored and risk assessed. The risk assessment officer would then make an assessment of the safety plan and consider referrals. If the incident involved sexual offences, officers would form contact with the victim and over a number of weeks seek to progress the investigation. Risk assessment officers would determine if the incident had met the required threshold of severity to merit a referral to the MARAC process, a co-ordination group which worked across the Scottish Borders to investigate high end cases of abuse, such as where there had been multiple and repeated incidents. The Partnership would examine all of the available information on the victim, the family of the victim, and the perpetrator, and a safety net which would provide support to them would be planned. A process was in place for instances where the perpetrator had been determined high risk, which would involve high level research and cross county investigations. DI Leathes explained that the Domestic Abuse Disclosure Scheme, which was proactive in nature, and through which any party could raise concerns about a relationship, was also active. A request could be made via the Force website, which would allow an assessment to be carried out and the degree of risk assessed. If the risk was of a sufficiently high level then a disclosure could be made to the person entering a relationship with the person who posed a risk. The key focus of the scheme was the desire to ensure that people were safe. DI Leathes highlighted that training had been extended beyond Police Scotland to other agencies and staff, such as midwives, which worked with people directly. Those agencies and staff could all refer into the MARAC process, and there did not need to be a police incident to try and safeguard potential victims of abuse. The Violence Against Women Partnership involved a large number of partner agencies, and sat above the other structures such as MARAC and the Domestic Abuse Disclosure Scheme. The Chair thanked DI Leathes for his insight and highlighted that the Board were keen to assist in any way that they could.

- 2.4 In response to a question regarding the specialist training provided to officers on the streets, DI Leathes explained that specialist input was provided to officers, and that his team would liaise with officers once they had completed college. There were also domestic abuse champions, who were trained to a greater degree and could provide insight to colleagues. Sergeants were provided with specialist training via sessions, and training was built into every level of the force. Regarding reporting of domestic abuse by neighbours, DI Leathes stressed that if there was an ongoing disturbance which posed a high level of risk it was important to call 999. Should neighbours wish to report incidents in a subtle manner, then Police Scotland would respect that and contact the caller in the appropriate manner. In response to a question regarding the 66.7% rise seen in bail offences, DI Leathes explained that a large court backlog had accrued due to Covid-19 restrictions, and stressed that Police Scotland always sought to enforce bail checks, and were always proactive following domestic abuse incidents. A larger number of people were on bail than in 2019. The Group Manager – Safer Communities & Homelessness stressed that accredited training had been provided to all domestic abuse advocates.
- 2.5 Chief Inspector Vincent Fisher presented the Quarter 1 Police Scotland Report, outlining that hate incidents and hate crimes were up compared to the five year average. However, detections were down, which was attributed to a difficulty in securing the appropriate level of evidence. CI Fisher highlighted that his officers often found themselves as victims, and that steps were taken to tackle repeat offenders. Reports of sexual crime had increased by 7.7% across the Scottish Borders compared to the five year average. The detection rate had increased by 5.5% compared to the five year average. 26% of the reported sexual crimes were non-recent for Quarter 1, which in many incidents dated back years, or even decades. CI Fisher highlighted that reporting of historical offences was a testament to the collective strength of victims. Drug supply remained a priority and local policing teams continued to respond to intelligence in relation to drug misuse. Detection in relation to drug supply, production and cultivation were down by 13.8% compared to the five year average. The links between drug supply, production and cultivation, and organised crime was highlighted, and violence and acquisitive crime was also often linked to drug debts. There had been a 57.5% increase in violence crime in the Scottish Borders

compared to the five year average, which equated to an increase of 16.8 crimes. CI Fisher explained that part of the increase was attributable to sextortion, which was the single greatest contributor to the percentage rise which had been seen. The nature of sextortion crimes, often perpetrated by offenders overseas using sophisticated computer networks, presented a unique challenge in the perspective of police detection. All housebreaking crimes had decreased by 32.2% compared to the five year average. Each incident of housebreaking was unique in nature, and ranged from crude, locally perpetrated incidents to sophisticated crimes involving organised crime. Investigations were often complex, and work was ongoing to ensure that intelligence sharing was taking place between Police Scotland and Northumbria Police. There had been one more fatal road casualty in Quarter 2 2022/23 compared to the Quarter 1 2021/22. Serious injuries had reduced by 50%, and slight injuries by 32%. There had been a 19.7% decrease in the overall number of complaints about the police. In response to a question regarding the 20mph speed limit in towns and villages, CI Fisher stressed that Police Scotland had a focus of casualty reduction. Where 20mph speed limits had been introduced there had been an approximate 3.5mph speed reduction, which represented a considerable reduction in the terms of potential harm from traffic incidents. Police Scotland were focused on national guidelines in terms of speed enforcement, whereby resources would be directed to maximise casualty reduction, and therefore resources would not necessarily be directed to areas which did not represent a risk of casualty. CI Fisher stressed that the 20mph speed limit remained legally enforceable. Superintendent Alan Carson was present, explained that he sought to be proactive and undertook to circulate his contact details for attendees. Attendees expressed their thanks for the full and frank report and for Police Scotland's attendance and input.

DECISION

AGREED to note the Report.

3. SCOTTISH FIRE AND RESCUE

- 3.1 There had been circulated copies of the Scottish Fire and Rescue Service performance report 1 April 2022 to 30 June 2022. Area Commander Hilary Sangster was joined by Group Commander Keith Langley, and Group Commander David Girty. The Strategic Plan was proceeding for approval, and would initiate the local fire plan.
- 3.2 Group Commander Keith Langley presented the report and provided context to the key figures contained within. Mr Langley explained that the region was served by 13 on call stations and two whole time stations. The majority of the regions firefighters within the Borders worked within the on call duty system, who worked to protect their local and surrounding communities. A local recruitment team had been created, and had focused efforts on areas which were most in need. Recruitment and retention of on call firefighters remained a huge challenge, but was being managed in an effective manner on a local basis.
- 3.3 Group Commander Keith Langley presented the report and provided context to the key figures contained within. SFRS had responded to 413 incidents in the Scottish Borders during the reporting period. This included 18 accidental dwelling fires, 49 accidental fires and 82 special service incidents. This was an increase of 48 incidents compared to the same period last year although it had to be borne in mind the pandemic and lockdowns had affected reporting figures. False alarms accounted for 56% emergency calls. The change to UFAS response, planned for April 2023, was expected to drive down the number of false alarm that crews attended and create time and opportunity for more training and community safety initiatives. SFRS measured how well its priorities were met using 6 key indicators: all deliberate primary fires; all fire casualties; all deliberate fires excluding dwellings; special service: road traffic collisions; special service casualties - all; and false alarms. The report indicated that all deliberate primary fires and road traffic collisions were rated as red on the Red, Amber, Green rating scale. Fire casualties and special service casualties were rated as green. False alarms had been rated as yellow.

Group Commander Langley highlighted that whilst those statistics appeared to be negative, the overall situation when compared to nationwide statistics ranged from good to average. Regarding dwelling fires, which had increased to 18 compared to 15 to the same period last year, work was ongoing to educate the public regarding fire safety within the home. Cooking appliances had accounted for 7 of the dwelling fires. 11 of the 18 premises had a working fire alarm, and a single point of detection alarm was offered to those who did not have one. Scottish Fire and Rescue Service had attended 14 Road Traffic Collisions (RTC) in the reporting period, which was up from 7 in the corresponding reporting period in the previous year. The volume of traffic had increased compared to the corresponding period in the previous year as a result of lessened restrictions resulting from Covid-19. Regarding unwanted fire alarms, Group Commander Langley explained that there had been 121 fire calls classified as UFAs during the reporting period. 44 of the calls were due to false alarms with good intent, 47 were malicious calls and 17 were caused by human behaviour. Work was ongoing with the TD1 Youth Hub in Galashiels to ensure that the water safety was highlighted to young people in the area. SFRS worked as a preventative organisation, and it was hoped that the prevention team would be effective in ensuring that people were aware of the dangers presented by water.

- 3.4 The Chair thanked SFRS for their full and detailed report, highlighted that their work had been flexible and stressed that everyone in the region had a role to play in ensuring safety. Members highlighted the excellent work that SFRS undertook following traumatic incidents, and Area Commander Sangster highlighted that support mechanisms were in place to ensure that teams which responded to incidents were fully supported, with mental health strategies and training place. Ms Smail highlighted that SFRS did an excellent job working with people of all ages in the area.

DECISION

AGREED to note the Report.

4. SAFER COMMUNITIES UPDATE AND KEY ACTIVITIES

- 4.1 There had been circulated copies of a Report by the Safer Communities and Community Justice Manager. The Group Manager – Safer Communities & Homelessness, Mr Graham Jones, highlighted that the Safer Communities Team was relocating from Scottish Borders Council Headquarters to Langlee. The relocation was expected to allow for more integration of the team. The process of procurement for new CCTV systems continued to be progressed, with costings received, and a preferred supplier identified. A number of the SCT team had been involved in assisting Ukrainian refugees.
- 4.2 Mr Jones presented the report and provided some insight into the key highlights. In quarter 1 2022/23 there had been a decrease in group 1-5 crime of 7.7% compared to 2021/22 for the same period. That represented 77 fewer victims, and was a positive start to the year. There had been a 21.8% decrease in the number of antisocial behaviour incidents in quarter 1 2022/23 compared to 2021/22. There had been a 38.2% decrease in the number of people monitored for antisocial behaviour in quarter 1 of 2022/23. The number of early interventions undertaken by Anti-Social Behaviour partners increased by 9.3% compared to 2021/22, which was positive news for the service. The new mediation service was in place and performance reporting had commenced from quarter 1 of 2022/23. Early signs were positive, and data gathering for the service would be used to establish a performance baseline from which targets could be set for 2023/24 onwards. All ASB officers had been trained and accredited in mediation, system development for a new database to support the work of the Anti-Social Behaviour Unit was making progress, and the ASB website had been updated. Mr Jones stressed that it was important not to look at the data in isolation, as a number of aspects were interdependent

DECISION

AGREED to note the update.

5. **DATE OF NEXT MEETING**

The next meeting was scheduled for 9 December 2022. The Chair expressed their hope that more attendees would be present in the Chamber at future meetings.

The meeting concluded at 11.15 am

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SCOTTISH BORDERS COUNCIL

SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTES of Meeting of the SELKIRK
COMMON GOOD FUND SUB COMMITTEE
held via Microsoft Teams on Thursday, 15
September 2022 at 3.00 pm

Present:- Councillors C. Cochrane (Chair), L Douglas and Community Councillor I. King
Apologies:- Councillor E. Thornton-Nicol
In Attendance:- Principal Solicitor, Property Officer (S. Drummond), Solicitor (J. Webster),
Democratic Services Officer (D. Hall).

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

1.1 With reference to paragraph 3 of the Minute of the meeting held on 8 December 2021, there had been circulated copies of a report by the Principal Solicitor, which advised on the outcome of the recent consultation under the Community Empowerment (Scotland) Act 2015, and sought approval of the final Common Good Register for Selkirk. The report explained that under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good ("a Common Good Register"). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on this list. The Selkirk Common Good Sub-Committee approved the draft asset register in December 2021 and agreed to the commencement of the public consultation. The consultation ran from December 2021 to 31 March 2022. The Sub Committee was required to consider the responses received to the consultation and approve the final register to be recommended to Council for publication.

1.2 The Principal Solicitor, Mrs Hannah Macleod presented the report and highlighted that the Register was subject to a review on a five yearly basis. Concerns held by the wider community were raised regarding disputed properties that had not been deemed to be owned by the Common Good, specifically the library, Governor's house, municipal buildings and other industrial buildings. Community Councillor King stressed that the Community of Selkirk had a legitimate desire to protect land/assets which were in dispute from future sale or disposal by the Council. The Principal Solicitor advised that it was beyond the powers of the Sub-Committee to place a moratorium of sale on any of the disputed land/assets, and explained that in the event of the Council seeking to proceed with a sale, it would be for the Community to intervene via court action in the form of judicial review or declaratory action. Mrs Macleod explained that the debate related to the disputed properties had been a point of contention for a considerable period of time, and was largely a matter of legal interpretation. Both sides of the argument had sought independent legal advice, however the matter had not been subject to a decision by any court. The Council had sought advice from Queen's Counsel and the advice received had affirmed Officer's decisions. The exercise to establish the Registers was focused on considering new evidence which arose from the consultation process. No new evidence had been presented as it related to the disputed properties. Mrs Macleod explained that in other instances of disputed assets it had been appropriate to list the land/asset as "under investigation", however the various properties in dispute were no longer under investigation, as no new evidence had come to light. Community Councillor King stressed that he, and the wider community, had very strong reservations about unresolved issues related to community assets which had not been deemed to be Common Good owned, and highlighted that previous sales had potentially deprived the people of Selkirk of considerable positive benefits. The Chair highlighted that the Registers were living

documents which were subject to review and could be altered if any evidence came to light regarding ownership. Mrs Macleod highlighted that the process which had been undertaken was focused solely on establishing the Register, and that other issues as they related to the Common Good such as auditing were still of concern but had been outside the remit of the Register exercise.

- 1.3 The Principal Solicitor provided assurance that the dispute related to the properties which were subject to debate did not pertain to a lack of evidence. The dispute centred on legal interpretations, and was in essence an academic question. Any interested party could seek clarification via court action, at which point a decision would be made. The Council was obligated to follow the legal advice which it had received, which in this instance indicated that the disputed properties were not owned by the Common Good for the reasons outlined in the Appendices to the report. Community Councillor King stressed that he hoped that the Community and the Council could work in a partnership to ensure that the benefit of buildings and assets were used for the people of Selkirk. Ensuring that safeguards were in place to ensure continued community benefit was of the utmost concern, and in response to request from Mr King, the Principal Solicitor agreed to include a note which stipulated that Selkirk Library, the Governor's House, and the Municipal Buildings had been subject to debate between Scottish Borders Council and the Selkirk Common Good Research Group.

DECISION

AGREED:-

- (a) **to note the consultation responses and officers' comments thereon, as set out at Appendix 1 to the report;**
- (b) **to approve the content of the final list of heritable and moveable property assets held by the Council within the former Burgh of Selkirk, as set out in Appendix 2 to the report, amended to include the Library, the Governor's House and the Municipal Buildings as Other Assets Of Note; and**
- (c) **to recommend to Council the said final asset list for publication as a completed Common Good Register for Selkirk.**

The meeting concluded at 3.25 pm

SCOTTISH BORDERS COUNCIL SUSTAINABLE DEVELOPMENT COMMITTEE

MINUTE of Meeting of the SUSTAINABLE DEVELOPMENT COMMITTEE held remotely by Microsoft Teams on Friday, 16 September 2022 at 10.00 am

Present:- Councillors J. Linehan (Chair), D. Begg, J. Greenwell, N. Mackinnon, J. PatonDay, E. Small, A. Smart, E. Thornton-Nicol, R. Tatler and T. Weatherston.
Apologies:- Councillor L. Douglas
In Attendance:- Chief Planning & Housing Officer (I. Aikman), Climate Change Officer (J. Fausset), Senior Policy Advisor (M. Cook), Sustainability Manager (L. Cox), Project Management Team Leader (E. Doyle), Youth Engagement Officer (P. Rigby), Democratic Services Officer (D. Hall)

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 17 June 2022. With reference to paragraph 6 of the Minute, Councillor Begg requested an update on Carbon Literacy training. The Sustainability Manager, Ms Louise Cox confirmed that a timetable for the training had been agreed and that the programme would run from October to November.

DECISION

APPROVED for signature by the Chairman.

2. **LOCAL HEAT AND ENERGY EFFICIENCY IN THE SCOTTISH BORDERS** 2.1 The Chair welcomed the Senior Energy Efficiency Strategy Officer, Mr Neil Robertson, to provide an update on Local Heat and Energy Efficiency in the Scottish Borders. Mr Robertson explained that Scottish Borders Council (SBC) was in the process of producing a Local Heat and Energy Efficiency Strategy (LHEES) which would aim to reduce energy demands and decarbonise energy supplies. Every building in the region would be assessed and would be expected to have a plan in place to facilitate decarbonisation. Mr Robertson explained that LHEES plans had been developed over the preceding 4 years, and that every Local Authority in Scotland had been involved in the pilot stage. Following legislation passed in the Scottish Parliament, it was a statutory requirement to have a LHEES in place by the end of 2023. There would be a subsequent 5 year rolling review and renew cycle. Mr Robertson explained that the current stage of the LHEES concerned the creation of the strategy, with adaptations made as the energy landscape changed. Following the end of 2023 there would be a shift to the delivery phase. Given that the whole process was planned to be reactive in nature it was expected that there would be changes during the delivery phase. The use of various data sets to drive the planned work was highlighted, and would help initiate improvement by allowing key areas to be targeted for different kinds of work, such as cavity wall insulations. Mr Robertson confirmed that the core LHEES strategy team were in place, with technology support available, and plans to recruit and bolster the team during the delivery phase under development. With regard to early activities of the LHEES, Mr Robertson highlighted an external wall insulation scheme in Kelso, which could benefit up to 30 homes. It was hoped that work on projects such as the aforementioned one would benefit the wider region by promoting the use of local companies to drive the shift to renewable technology.

- 2.2 In response to a question regarding the feedback on the energy efficiency scheme in Kelso, Mr Robertson explained that feedback would be sought post install and after 12 months.

Digital monitors had also been installed to assess heat and humidity changes, with the data from those monitors collected and processed. Regarding the potential to install ground or air source heat pumps in green spaces in towns across the region, Mr Robertson explained that he expected that projects of that nature would be unaffordable in areas which were not densely populated. Mr Robertson confirmed that projects would be explored if the requisite conditions existed. In response to a question regarding how reactive the LHEES was to opportunities, such as upgrading buildings when they were closed for a considerable time for unrelated reasons, Mr Robertson explained that when any opportunity presented itself it would be assessed for feasibility. Mr Robertson confirmed that with regard to energy savings schemes, the tenant was generally the person who was assessed when considering eligibility for schemes.

DECISION NOTED.

MEMBER

Councillor Tatler left the meeting during the discussion of the item below.

- 3 **TRANSPORT PRIORITIES UPDATE 3.1** The Chair welcomed the Project Management Team Leader, Mr Ewan Doyle to provide an update on the Electric Vehicle Charging Feasibility Study. Mr Doyle explained that that the feasibility study took place in the context of the National Transport Strategy 2, which had initiated a considerable shift in the focus of transport towards delivering net-zero, reducing inequalities, supporting economic growth and improving health and wellbeing. Transport was the single biggest carbon generator in Scotland. The shift towards net zero initiatives meant that the focus of transport had shifted from increasing capacity and infrastructure for growing vehicle numbers towards sustainable solutions to daily travel and mass transit.
- 3.2 Ms Mairi Joyce was present at the meeting, and explained that she had worked with Mr Doyle on the Electric Vehicle Charging Feasibility Study. As part of the study a baseline review was undertaken to assess current electric vehicle usage and what levels of infrastructure was available to support those vehicles. A key focus of any infrastructure work for electric vehicles in rural areas was a need to avoid black spots, and a considerable amount of work had gone into understanding the private sector and their plans. The study had aimed to assess what role the Council should take in the provision of new infrastructure for Electric Vehicle charging across the region. Regarding demand assessments, there remained a considerable amount of uncertainty in the area, with a wide variety of forecasts for electric vehicle usage in existence. A number of different types of charger were also available, which had the potential to affect electric vehicle usage numbers. The approach which the Council decided to take had a number of ramifications and would affect how the private sector responded accordingly. A number of scenarios and models was presented, with a balanced approach considered the most prudent.
- 3.3 In response to a question regarding charging points in smaller villages, Ms Joyce explained that a number of strategic sites were being considered. Regarding the assistance offered to individuals to install charging points at their homes, Ms Joyce explained that she was unaware of the specifics regarding grant funding, and highlighted that the cost gap between electric and diesel powered vehicles continued to narrow and was expected to reach parity. In response to a question regarding capital costs, Mr Doyle explained that the study was focused on assessing whether the private sector would provide the required infrastructure needed for electric vehicle users in the Scottish Borders. Members highlighted that a considerable number of people lived in flats and apartment buildings in town centres, and that slow charging would be more fit for purpose when that was taken into account. Councillor Mackinnon highlighted that protections needed to be built into the model of partial public ownership to ensure that profits were not solely diverted to shareholders and were

used for the benefit of the public. Mr Doyle undertook to make the slide presentation available for distribution and stressed that when seeking investment it would be more effective to pull the whole region together under one contract to secure adequate investment and increase market interest. Regarding future proofing the network and taking into account the development of hydrogen powered vehicles, Mr Doyle stressed that the landscape was changing rapidly, and that the approach to developing transport networks would be phased to allow flexibility.

3.4 The Waste and Passenger Transport Manager, Mr Ross Sharp-Dent provided an update on PINGO, the demand responsive transport (DRT) scheme which had been trialled in Berwickshire. The PINGO service consisted of two mini buses that did not operate on a fixed bus route schedule, instead users would book via app or telephone the service, with a route being plotted following the receipt of bookings. The feedback of the trial had been positive, with a steady increase in the number of under 22s that had used the service. Mr Sharp-Dent highlighted that feedback had been extremely positive, and highlighted a number of Facebook posts which had praised the scheme. The purpose of the scheme had been to assess whether DRT could be cost effective. A number of journeys on routes had been single occupancy, which suggested that if DRT was to be used in the future there would have to adjustments made.

3.5 Regarding the planned bus service review, Mr Sharp-Dent explained that Scottish Borders Council supported 42 bus routes. Without the support of SBC many of those routes would not take place. The review was focused on ensuring that the £1.2m provided by SBC to support the bus network was used in the most effective manner. Work was ongoing to assess which changes and adjustments could be made, and conversations were taking place with major employers to ensure that commuters would be able to access bus routes at the most fit for purpose time. Members explained that the feedback they had received from constituents on PINGO had been overwhelmingly positive, expressed hope that DRT could be rolled out across the other wards within the Scottish Borders, but stressed that single occupancy journeys needed to be addressed. Mr Sharp-Dent highlighted that the bus industry was facing considerable challenges, with user numbers low, and driver shortages having a negative impact on the viability of bus networks across the country. Members highlighted the need to ensure that different elements of the transport network linked up with each other in a more effective manner in order to allow passengers to travel freely across the region. Regarding the availability of data on passenger numbers, Mr Sharp-Dent explained that discussions were ongoing with operators and other Local Authorities to allow data to be more widely available. Regarding the matching up of train arrivals to bus arrivals at Tweedbank station, Mr Sharp-Dent explained that it was not always possible to ensure that services were linked due to geographical and logistical constraints. The possibility of introducing a ticket similar to that of an oyster card in London had been raised with Transport Scotland by the Director of Infrastructure and Environment and was being examined.

DECISION NOTED.

4. MANDATORY REPORTING AND CARBON BASELINING PROJECT (ECCI)

4.1 There had been circulated copies of a slide presentation on Mandatory Reporting and the Carbon Baseline Project by the Climate Change Officer, Ms Jenny Fausset, with the agenda. Ms Fausset explained that there was a mandatory report under the Climate Change Act 2009 which SBC was required to submit to the Scottish Government. The report would cover carbon emissions; key strategies and projects in place; targets in place; building resilience; procurement; and publicise progress. The report was expected to be presented to Council in October 2022 for approval prior to submission to the Scottish Government. Ms Fausset highlighted that one of the key aims of the annual reporting process was to ensure that improvements were made on a continual basis. Regarding the carbon baseline project,

Ms Fausset explained that the project would help manage and monitor emissions and allow SBC to manage its progress. The baseline would be reviewed at regular intervals.

DECISION

NOTED the presentation.

5. FORWARD PROGRAMME FOR THE SUSTAINABLE DEVELOPMENT COMMITTEE

There had been circulated copies of a Draft Forward Programme 2022-23 for the Sustainable Development Committee with the agenda. The Senior Policy Advisor, Mr Michael Cook, advised that the plan was not strictly set, and that it could be flexibly altered depending on a number of factors and as matters arose. A number of key elements had been factored into the programme, with plans made to examine the individual themes of the Climate Change Route Map; promote sustainability beyond climate action; and a focus on education and wider change was highlighted. Guest speakers would be invited where appropriate to provide educational opportunities and insight. Members welcomed the direction of travel and highlighted that the flexibility was important.

DECISION

NOTED.

6. CIRCULAR ECONOMY UPDATE

The Waste and Passenger Transport Manager, Mr Ross Sharp-Dent updated the Committee on SBC's submission to two recent Scottish Government consultation on the circular economy and a proposed circular economy bill. Mr Sharp-Dent detailed the Council's responses, explaining that the economy operated in a linear manner. Resources were used to produce things, the products were used, and then thrown away. Under plans to create a more circular economy, resources would be kept in use for longer, with their value maximised. Recycling rates of 75% were targeted in Scotland by 2025. Rates were on average 40%, which indicated a considerable amount of work required to reach the target. Under the proposed Circular Economy Bill, there was likely to be an increase in the number of legal requirements incumbent upon Local Authorities in Scotland. Members highlighted that the Bill was a positive step, and that in order to achieve the benefits of the circular economy considerable behavioural changes were required.

DECISION

NOTED.

The meeting concluded at 12.20 pm.

SCOTTISH BORDERS COUNCIL SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTES of Special Meeting of the
SELKIRK COMMON GOOD FUND SUB
COMMITTEE held via Microsoft Teams on
Thursday, 6 October 2022 at 10.30 am

Present:- Councillors C. Cochrane (Chair), L. Douglas, E. Thornton-Nicol and
Community Councillor I. King
In Attendance:- Estates Strategy Manager, Estates Surveyor (T. Hill), Property Officers (S.
Drummond & G. Smith), Solicitor (J. Webster), Treasury Business Partner (S.
Wilson), Democratic Services Officers (D. Hall).

1. PRIVATE BUSINESS DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 6 & 8 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

2. PROPERTY

Members approved a range of works related to Common Good owned property.

The meeting concluded at 11.50 am

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SCOTTISH BORDERS COUNCIL PENSION FUND COMMITTEE AND PENSION BOARD

MINUTES of Meeting of the PENSION FUND
COMMITTEE AND PENSION BOARD held
Via Microsoft Teams on Wednesday, 19
October 2022 at 10.00 am

Present:- Councillors D. Parker (Chairman), P. Brown, C. Hamilton, W. McAteer, D. Moffat, S. Mountford, J. Pirone, S. Scott, Mr A. Daye, Ms K. Hughes, Ms L. Stephen, and Ms K. Robb.

Apologies:- Councillor W. McAteer, Mr D. Bell and Mr M. Drysdale

In Attendance: Acting Chief Executive, Acting Chief Financial Officer, Chief Officer Audit and Risk, HR Shared Services Manager, Democratic Services Officer (D. Hall).

Also in Attendance: Mr A Haseeb and Ms Amanda Fitzpatrick (Audit Scotland)

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 15 September 2022.

DECISION

NOTED for signature by the Chairman.

2. **EXTERNAL AUDIT REPORT**

- 2.1 There had been circulated copies of the report by Audit Scotland, the Council's external auditors. The report explained that Audit Scotland's work on the 2021/22 annual report and accounts were substantially complete. Subject to the satisfactory conclusion of any outstanding matters and receipt of a revised set of annual accounts for final review, it was anticipated that Audit Scotland would be able to issue unqualified audit opinions in the independent auditor's report on 24 November 2022. Under International Standards on Auditing in the UK, specific matters were reported arising from the audit of financial statements to those charged with governance of a body in sufficient time to enable appropriate action. The report set out conclusions from Audit Scotland's consideration of the four audit dimensions that frame the wider scope of public audit as set out in the Code of Audit Practice. The report would be issued in final form following the certification of the annual accounts. Mr Haseeb explained that the Committee and Board have stewardship of approximately £900m in pension fund asset value. £25m was paid per annum in benefits, with approximately 12,000 members. It was confirmed that the unadjusted misstatements were below the level of materiality, and Audit Scotland concurred with the decision not to adjust them. Regarding intended fraud, the Members in attendance confirmed that they were unaware of any frauds. Mr Haseeb highlighted that as part of the completion of the audit, written representations had been sought from the Acting Chief Financial Officer on aspects of the annual accounts, including the judgements and estimates made. A letter of representation template had been attached as Appendix B to the report, which was required to be signed and returned by the Acting Chief Financial Officer with the signed annual accounts prior to the independent auditor's report being certified.
- 2.2 Ms Amanda Fitzpatrick of Audit Scotland highlighted that the current audit appointment round was due to end in 2020/21, but had been extended for one year due to Covid-19. The procurement process for 2022/23 to 2026/27 had been completed in May 2022, with Audit Scotland again appointed as the external auditor for the Fund. The audit team, engagement lead, and other staff would be changed for the 2022/23 audits onwards. Ms Fitzpatrick presented the report and highlighted its key points to Members. The Acting

Chief Executive emphasised that despite the Fund having appeared to have performed near the bottom of the range of returns compared to other Funds, it had continued to deliver healthy positive returns on behalf of its members, and had done so with considerably less risk compared to the other Funds. In response to a question regarding level three estimates and the requirement to make estimations within the defined timescales, which resulted in out of date information being used, Mr Haseeb acknowledged that the issue occurred on annual basis, but stressed that the difference only became a concern if they were above the level of materiality – which was set at a high level. The Acting Chief Executive stressed that timing issues seen in the accounts arose on annual basis where officers were required to make an estimate without all of the required information available from investment managers. The Chairman thanked Mr Haseeb and Ms Fitzpatrick for their work with the Fund over their term as part of the Audit team.

DECISION

APPROVED the report to be put forward to a meeting of the Audit Committee and then Scottish Borders Council.

3. FINAL ANNUAL REPORT AND ACCOUNTS 2021/22

With reference to paragraph 11 of the Minute of the meeting held on 29 June 2022, there had been circulated copies of a report by the Acting Chief Financial Officer which provided the Joint Pension Fund Committee and Pension Fund Board with an opportunity to scrutinize the final Annual Report and Accounts for the Pension Fund for 2021/22 prior to their submission to the Audit Committee and then Scottish Borders Council for signature. The Local Government Pension Scheme Amendment (Scotland) Regulations 2010 specified the elements which must be contained in the Annual Report and Accounts, the list of those were contained in the report. The final Annual Report and Accounts contained in Appendix 1 to the report fully met those requirements. Audit Scotland had completed their audit and had provided an unqualified independent audit opinion. The Scottish Borders Council's Pension Fund Annual Audit Report highlighted four new recommendations and followed up five recommendations from previous audits. Actions plans had been agreed for each of the recommendations. The report had been presented to members of both the Pension Fund Committee and the Pension Fund Board for them to recommend the final Annual Report and Accounts for 2021/22 (the Annual Report) for approval prior to submission to Scottish Borders Council for signature. The Acting Chief Financial Officer highlighted that the recommendations had been accepted and timings agreed. In terms of governance, the report and accounts would be sent to the Audit Committee due to be held on 23 November 2022, following which they would be presented to Scottish Borders Council on 24 November 2022. The Chief Officer, Audit and Risk explained that regarding improvement actions in the report, concurrent work was ongoing related to overpayment. It was recommended that an overpayment policy for the Pension Fund was put in place, and work would take place to ensure that there was consistency in the policy principles.

DECISION

AGREED the Pension Fund Annual Report and Accounts 2021/22 for Officer signature and Council Approval.

4. PRIVATE BUSINESS

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

SUMMARY OF PRIVATE BUSINESS

5. MINUTE

The Committee noted the Private Minute of the meeting of 15 September 2022

The meeting concluded at 10.30 am

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SCOTTISH BORDERS COUNCIL PENSION BOARD

MINUTES of Meeting of the PENSION BOARD held via Microsoft Teams on Wednesday, 19 October 2022 at 10.35 am

Present:- Councillor J. Pirone (Chair), Mr. A. Daye, Mr. M. Drysdale, Ms K M Hughes
Mr. M Everett, Ms K Robb, Ms. L. Steven,
Apologies:- Mr D. Bell
In Attendance:- Acting Chief Executive, Acting Chief Financial Officer, HR Shared Services
Manager, Democratic Services Officer (D. Hall)

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 15 September 2022.

DECISION

NOTED for signature by the Chairman

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

The Chair invited those present to raise any matters which had been discussed at the joint meeting. Ms Hughes expressed concern that the ongoing global economic issues had impacted on the returns of the Fund, and highlighted that prudent management would be needed to ensure that any negative impacts would be mitigated. The Acting Chief Executive, Mr David Robertson, stressed that positive returns had been delivered in a manner which had exposed the Fund to considerably less risk than other Funds. The investment decisions of the Fund remained sound, and Mr Robertson expressed confidence that the markets would recover. The Fund was well diversified, and as a result was well placed to weather the unpredictability which had arisen. In response to a question regarding government bonds, Mr Robertson explained that the impact of current inflationary pressures and other macro-economic issues was expected to be relatively short term, and stressed that government bonds remained a key part of a well balanced portfolio of assets. In response to a question regarding whether financial pressures would impact upon investment in ESG themed products, Mr Robertson explained that the Fund's equity portfolio had been tilted towards greener investments. That remained the right path, and positive returns were being seen. In response to a question regarding the potential impact of reduced number of Fund members, Mr Robertson stressed that the issue was managed through the risk register, and was a key risk for the Fund. The Fund would engage with actuaries as part of the triennial evaluation and if any changes were recommended then swift action would be taken to adjust the investment portfolio.

DECISION

AGREED that there were no issues to raise.

3. **DATE OF NEXT MEETING**

The date of the next Meeting of the Pension Board was set for 13 December 2022.

The meeting concluded at 10.40 am

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SCOTTISH BORDERS COUNCIL
CHAMBERS INSTITUTION TRUST

MINUTE of MEETING of the
CHAMBERS INSTITUTION TRUST held
via Microsoft Teams on 19 October 2022
at 4.00 p.m.

Present:- Councillors R. Tatler (Chair), D. Begg, M. Douglas, J. Pirone, E
Small, V. Thomson.
In Attendance:- Chief Legal Officer, Treasury Business Partner, Estates Strategy
Manager, Estates Surveyor (T. Hill), Localities Development Co-
ordinator (K. Harrow), Democratic Services Team Leader.

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 14 September 2022.

DECISION

APPROVED for signature by the Chair.

2. **BENEFICIARIES GROUP FEEDBACK**

- 2.1 The Chair provided a summary on the most recent meeting of the Group held the previous evening. The notes from Kenny Harrow were to be circulated on completion. Funding of £100,000 had been awarded in October 2021 by the Government's Place Based Investment Fund to be spent in the financial year 2021-2022. The Beneficiaries Group agreed with the removal of the suspended ceiling. Clarification was sought on whether the grant funding would also cover the cost of necessary modifications to the heating system. It was reported that as heat rose into the newly exposed ceiling space, there was a need for fans to push the heat back down into the hall. Further discussion was to be had on this matter between the Group and the Estates department and it was requested that a member of the Estates department be present at their next meeting to answer questions. A member of the Estates department staff had been identified to lead the work and would return to work on 7 November. A date in the week beginning 14 November 2022 had been suggested.
- 2.2 A copy of the service level agreement between the Chambers Institution Trust and Live Borders was requested. Ms McKinlay responded that members were entitled to see parts of the contract pertaining to their arrangement but that a check around commercial sensitivities would be needed first.
- 2.3 Fiona Colton, Museums and Galleries Manager for Live Borders, had proposed two tours of the Chambers Institute be organised to accommodate a maximum of 17 persons on 15 November from 3:30-5:30 and 6:30-8:30. These were open to both Elected Members and the public. Page/Park Architects would attend and there would follow a question and answer session to gather feedback on the proposed development of the building. In the event of oversubscription, further tours would be possible but Page/Park would not be in attendance.

It was noted that public consultation and involvement of the Beneficiaries Group was key to the proposed works. To that end, there was discussed the creation of a temporary mobile exhibition to be situated in the Burgh Hall. Six information board pop ups were to be produced along with the portable display frames. In addition, promotional material (A3 posters, outdoor posters, A4 flyers) were to be made and hard copies of feedback forms for the public consultation exercise. It was suggested that a less formal method of capturing responses on a Post-It wall also be used. A further mechanism for gathering feedback from those not in attendance would be required, possibly a web based or email submission.

The urgency of the deadline for graphics and text submission of 23 October 2022 was noted. The 27th November 2pm-5pm was identified as a preferred date for the consultation exercise as this would coincide with the Peebles Christmas Lights Switch On. Page/Park would not be in attendance but Councillors were encouraged to do so. The Chair had proposed a budget of £5,000 and this was agreed by the other members. It was noted that Fiona Colton be invited to all subsequent meetings of the Chambers Institution Trust.

- 2.4 In response to a question about the grant monies awarded, it was acknowledged that the funding award may be time sensitive but that it may be sufficient for the works to have begun before the end of 2022. This was to be clarified. It was discussed that a 'rescoping' of the quote for repairs to the ornate plasterwork would be required and that sourcing a suitably qualified sub-contractor would be difficult and costly. The quote for other construction work had been accepted but given the time that had elapsed since and the fluctuating prices, supply chain issues and labour availability, it would be unlikely that the work would be completed by the end of 2022. In response to a question about the duration of the program of works, it was noted that future hall bookings would be impacted and the user groups would be informed and relocated to other premises for the duration of the works; a period of 3-4 months.

DECISION

AGREED to the allocation of £5000 for the consultation exercise/exhibition

3. PROPERTY UPDATE

- 3.1 The Estate Surveyor advised that work around the installation of Wi-Fi in the Burgh Hall was moving along. It was reported that Tweed Valley BID had occupied the vacant unit previously used by the Tourist Information Centre had begun the process of renovation. A request had been received from Bonnie Peebles to reinstate hanging baskets in the quadrangle. Brackets were in situ at present. The proposal was supported in principle subject to the Group being asked to consider sustainable planting instead of bedding plants and that they provide the ongoing.
- 3.2 In response to a question about the readiness of the quadrangle for Remembrance Sunday, it was reported that the cosmetic appearance currently is and will be of a high standard. Minor stonework repairs were needed and would be addressed following the commemorations.
- 3.3 In response to a question regarding the replacement of the Queen's portrait with one of King Charles III, it was acknowledged that a portrait is required to be hung during civil ceremonies. Clarification was to be sought as to whom the responsibility lay with obtaining and financing the portrait; the Registrar's department as tenant or SBC as landlord. It was noted that an official portrait had not yet been released.
- 3.4 With reference to paragraph 2 of the Minute of 3 August 2022, the Chair asked if there was an update on the moving of the Boer War Memorial. Mr. Smith, Property Maintenance Officer advised that the Councils Heritage Officer had no objections to it

being relocated in the main foyer. He would now ascertain when the relocation from the School Brae Community Hub was required. The Chair advised he would also raise with the Beneficiaries Group.

DECISION

(a) **NOTED the update.**

(b) **AGREED to the reinstatement of hanging baskets in the quadrangle by Bonnie Peebles.**

4. **URGENT BUSINESS**

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

5. **FIRE EXITS – FENCING AT NEWBY COURT**

It was reported that there was a recurring issue with anti-social behaviour and vandalism in the vicinity of the gable end of the craft shops on School Brae. It was suggested that a further fence be erected in line with the buildings that prevented such gatherings in that space. It was acknowledged that a fire risk assessment was required and the emergency exit routes from the Burgh Hall and the Museum be maintained. The risk assessment and quotes for the work were to be provided at the next meeting.

DECISION

NOTED the position and AGREED that a fire risk assessment to be carried out and quotes for fence and appropriate emergency exit gates be obtained to circulate at the next meeting

6. **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 the relevant paragraphs of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

7. **MINUTE**

The private section of the Minute of the meeting held on 14 September 2022 was approved.

8. **DATE OF NEXT MEETING**

It was agreed to change the date of the meeting to 23 November at 3:30 p.m.

The meeting concluded at 5 p.m.

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SCOTTISH BORDERS COUNCIL SCRUTINY & PETITIONS COMMITTEE

MINUTES of Meeting of the SCRUTINY &
PETITIONS COMMITTEE held via Microsoft
Teams on Thursday, 20 October 2022 at
10.00 am

Present:- Councillors E. Thornton-Nicol (Chair), N. Richards (Vice-Chair), J. Anderson,
P. Brown, J. Cox, M. Douglas, J. PatonDay, E. Robson, S. Scott and
F. Sinclair

In Attendance:- Acting Chief Financial Officer, Principal Internal Auditor, Clerk to the Council,
Trainee Democratic Services Officer, and Democratic Services Officer (W.
Mohieddeen).

1. **MONITORING OF THE 10 YEAR CAPITAL/REVENUE FUNDING OF ROADS MAINTENANCE**

1.1 Copies of a presentation on capital/revenue funding of roads maintenance had been circulated. The Acting Chief Financial Officer gave a presentation on the information which showed the trend in revenue and capital investment in Roads infrastructure over a 10-year period and highlighted its main points:

- A graph was presented which showed the actual capital spend in Roads from 2017-18 to 2021-22. The graph also reflected the Roads service budget as per the 10-year Capital Plan. Increases in expenditure that related to external grants such as the Strategic Timber Transport Fund, were shown however information on external funding from 2023-24 onwards was not able to be provided.
- A graph was presented which showed Roads Revenue Funding highlighted actual spend from 2017-18 to 2021-22 and the approved budget from 2022-23 to 2026-27. There was an increase in spend of over £1 million in 2022-23 which explained the spike in funding for the year in the graph which reflect Members' priorities during the financial planning process to improve the road network. Following 2022-23, revenue budget returned to between £4-5 million
- The difference between capital and revenue expenditure was provided. Capital expenditure was explained as being funding that created a new asset through purchase or construction, or enhances an existing asset that substantially lengthened the useful life of the asset or increased the level of performance to which an asset could be used. This may include bridge strengthening or road resurfacing. Revenue expenditure was explained as being funding used to maintain an existing asset to keep the asset in a usable condition but did not extend its overall life, such as pothole repair for roads.
- Examples of what the Roads and Bridges Capital Budget was used for was provided. Examples included surface dressing, patching, resurfacing and overlays, walls and structures, footways, drainage and masonry refurbishment.
- Examples of what the Roads and Bridges Revenue Budget was used for was provided. Examples included routine maintenance work such as planned lining for A and B-class roads, works associated with safer routes to schools, yellow lines, signs and parking bays. Further examples of reactive work were provided that allowed the network to be maintained.

1.2 An explanation was given for the differences between capital and revenue spending, with capital spend either creating a new asset or enhancing/lengthening the useful life of an asset, and revenue spend used to maintain an existing asset. There was a very experienced team within the roads section who were quite clear on the financial

requirements so the categorisation of work between revenue and capital worked quite smoothly, with the difference based on the type of work rather than the cost.

- 1.3 With regards to capital funding, Cllr Cox requested that external grants be split in the graphs so that money that was provided by Scottish Borders Council and money from external grants were distinct in how they represented the total budget. The Acting Chief Officer agreed to circulate the distinction in funding between external grants and Scottish Borders Council budget. The Acting Chief Financial Officer further explained that differentiating between capital and revenue works depended on the nature of work required and that ancillary elements such as pavements and footways were included in works related to the road network. The Chair thanked the Acting Chief Officer for the presentation and asked for the slides to be shared with Members and for the distinction in funding between SBC funding and external grants to be circulated as well.

DECISION

NOTED the presentation and AGREED that an updated presentation would be issued to all Elected Members for their information.

The meeting concluded at 10.20 am.

**SCOTTISH BORDERS COUNCIL
TWEEDDALE AREA PARTNERSHIP**

MINUTES of Meeting of the TWEEDDALE
AREA PARTNERSHIP held via Microsoft
Teams on Tuesday, 1 November 2022 at 7.00
pm

Present:- Councillors M. Douglas (Chairman), D. Begg, J. Pirone, E. Small, R. Tatler, and V. Thomson.

Also present:- Peter Maudsley (Peebles Community Council), Chris Lewin (Upper Tweed Community Council), Esther Daborn (Tweeddale Assessment Panel), Lorna McCullough (The Bridge), Crick Carleton (Chair of the Tweeddale Area Partnership Place Making Working Group), Fiona Colton (Live Borders), Gill Westwood (Tweeddale Citizens Advice Bureau), Lisa Denholm, Lynne Marshall, Les Turnbull, Chris Whitmore, Alexander Burns, (SBHA), Angela Holliday.

In Attendance:- Community Co-ordinator (K. Harrow), Democratic Services Officer (D. Hall), Trainee Democratic Services Officer (L. Cuerden)

1. WELCOME AND MEETING PROTOCOLS

The Chairman welcomed everyone to the meeting of the Tweeddale 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 23 AUGUST 2022

There had been circulated copies of the Menti feedback and the Minute of the Meeting held on 23 August 2022. Feedback was mostly positive. Attendees were encouraged to provide agenda items for future meetings.

DECISION

AGREED the minute and feedback of 23 August 2022.

3. COST OF LIVING UPDATE

- 3.1 Gill Westwood of Tweeddale Citizens Advice Bureau (TCAB) provided an update of activities taking place across Tweeddale to support the cost of living. She expressed her thanks to the Area Partnership for previous funding awarded during the pandemic which had enabled them to install a new telephone system and fund extra hours for their specialist debt advisor. It was noted that the TCAB was a small part-time team that consisted of 6 employees with specialist advisory roles, 9 volunteers and encouragingly, 5 new trainees. The serious hardship experienced by the community during and post pandemic had continued and was exacerbated by the current cost of living crisis. There had been an increase in advice sought on matters around debt, employment and redundancy, relationship breakdown and domestic violence, all mainly rooted in hardship. In the previous financial year (1 April 2021 to 31 March 2022) TCAB worked with 1,084 clients and gave 3,387 pieces of advice. Collectively, as a result of speaking to TCAB, clients were nearly £500,000 better off. The advice provided was increasingly complex; issues were more protracted and often involved DWP, power companies and creditors, which has had an overall adverse impact on the TCAB team.
- 3.2 The previous month saw 120 clients and 240 pieces of advice given; this resulted in clients being £48,508 better off. Referrals to the foodbank were fewer at 79 but this was attributed

to people self-referring. The resources that TCAB were offering (fuel vouchers, foodbank referrals, help with rent and fuel debt, SIM cards) were 'sticking plasters' and they continued to work with partners to find more long term solutions. In response to a question about the impact of Ukrainian refugees approaching the TCAB for assistance, it was reported that the provision of SBC staff in the hotels had provided that help, meaning that the TCAB was not adversely affected. It was noted the effectiveness of their having had information leaflets translated into Ukrainian and that other groups could consider following TCAB's example. Members were apprised of the Money Talk Team website as a useful money and debt advice resource. In response to question regarding the fuel foundation, Ms Westwood explained that fuel vouchers were available.

DECISION

NOTED the update and thanked the TCAB for their continued excellent work.

4. CHAMBERS INSTITUTION TRUST (CIT)

- 4.1 Fiona Colton of LiveBorders provided an update and an overview of future plans. On 15 November from 3:30-5:30pm and 6:30-8:30pm, there was to be a Community consultation event, presentation and a 45 minute behind scenes tour of the Chambers Institution building with an opportunity to feedback on plans for the development proposals. Page/Park, project architects were due to then give a 30 minute presentation on the floorplan and options for building development. There was to follow a Q&A session and an opportunity for the public to give feedback and comment on the proposals. Places were to be reserved via Eventbrite or by contacting the Peebles Library/Museum. The event was to be advertised in the library also.
- 4.2 On 27 November from 2-5pm there was to be an open day at the Burgh Hall to launch the mobile exhibition of the CIT development project proposals and floor plans. Public feedback and community involvement was considered essential to determine how to improve access, current service provision and to contribute to the community and the life of the building.
- 4.3 It was reported that work was ongoing with the CIT and the Beneficiaries Group to put together a brief to present to an independent facilitator, with the Beneficiaries Group taking the lead on what the project will look like. Members were encouraged to publicise membership of the Beneficiaries Group as open to anyone in the locality and it was highlighted that the building was a Tweeddale facility. All enquiries were to be directed to Kenny Harrow who advised that a meeting of the Beneficiaries Group was scheduled for 16 November to discuss the plan to remove the suspended ceiling.

DECISION

NOTED the update and thanked Fiona and the team for the work so far particularly in arranging the production of display resources at short notice

5. PLACE MAKING UPDATE

- 5.1 Crick Carleton, Chair of Place Making Working Group provided an update of progress to date. It was reported that there had been a lot of progress since the last meeting; ten communities were now interested in participating and developing their own place plans and some were in the early stages of forming a place making group. Eddleston and Walkerburn were in the early stages of community engagement while Peebles had completed much of the consultation. Members were reminded that communities should refer to their Local Development Plan and were also to consider longer term development of the settlement area during this place plan process. Communities were not to rush their place plans; several years of funding would be available. The processes for the disbursement of funds were in hand.

- 5.2 SBC had applied to various funding streams to resource the project and was awaiting approval in the next few weeks. The following four needs had been identified:
- (i) to get the community groups up and running with their place plans
 - (ii) help communities identify what they need, in order to brief consultants etc.
 - (iii) help in contracting consultants
 - (iv) engaging investment planning consultants where appropriate
- 5.3 SBC had launched a tender process (closing date 14 November) to identify and recruit consultants on a 2 year + framework contract with a view to the communities drawing on these for assistance. It was suggested that Area Partnerships and Working Groups may want to have oversight in order to be satisfied that a place plan is imagined and written by the community to meet their needs and not outsourced to the consultant.
- 5.4 The Place Making Standard Tool that scaffolds groups through the community consultation process was to be further developed by the Scottish Government to address matters around the transition to Net Zero and climate change. A 'Climate Lense' add-on was to be appended to the Tool to provide a climate change context when considering projects. Members were directed to ourplace.scot for useful resources and information.
- 5.5 In response to a question about transport between places, it was confirmed that transport was within the scope of the place plans. Settlements may decide to partner one another to address shared transport issues. A single issue that applied across the whole area could be addressed in a document separate to the place plan.

DECISION

NOTED the update and thanked Crick and his team for the tremendous work undertaken thus far

6. FUNDING TABLE OVERVIEW

There had been circulated copies of the Tweeddale Funding Table which showed available funds in the Tweeddale area. The Neighbourhood Support Fund had £93,357 available at the start of the year less £32,485.68 awarded thus far. If all applications totalling £24,631.29 were successful, funds of £36,240.03 would remain. Members were reminded that the Welfare Trust had a remaining balance of £2958.79 available to those disadvantaged through poverty, ill health, age etc. Mr Harrow encouraged interested parties to contact him.

7. NEIGHBOURHOOD SUPPORT FUND

Ms Esther Daborn of the Tweeddale Assessment panel provided an overview of each of the applications. Ms Daborn clarified that the Assessment Panel had carefully considered each application and that any conflicts of interest were declared during the Panel's deliberations. Following a report in the Peeblesshire News on 28 October 2022, Ms Daborn clarified that the Assessment Panel, made up of volunteers, existed only to provide recommendations to Elected Members on funding applications; final decisions on awards were taken by the Committee members and these decisions were not made in advance of the meeting. Mr Harrow pointed out that where an application was rejected, contact with the group was maintained to further support them with subsequent applications to either the NSF or a more appropriate fund.

7.1 Peebles Civic Society

The project aimed to curate a digital archive based on recollections and ephemera of those who had worked in the Tweeddale woollen industry. It involved hosting blethering events to collect this material. The digital archive will be locally available on static machines and more widely available online in the long term. An initial pilot had been conducted to test the level of local interest. They had also established partnerships with other local history groups. This was a worthwhile and engaging project for the community. The costs were to cover video

lighting equipment, microphones, reconditioned laptops from the Renew crew, Filemaker pro software, venue hire and exhibition materials. In the long term, the equipment would be available to other Tweeddale groups. The panel recommended that reference was made to the Borders wide nature of the woollen industry, with residual ongoing activities. Councillor Tatler, seconded by Councillor Pirone, proposed that the application for funding was approved. Members unanimously agreed to provide £4,326.29.

7.2 **Tweed Wheels**

The Bridge Council for Voluntary Service requested £7,000 to make up the balance of the sum they had put aside previously for a new 17-seat minibus (£39,000) The minibus was needed now, otherwise they would have gone for an EV one that was able to take the wheelchair lift and was within the size range of their volunteer driver limit. Members discussed the application, and highlighted the need for fairness and continuity in decision making. Mr Harrow highlighted that the funding applied for would solely benefit users in Tweeddale, and that funds had been raised for a one off specific cost. Councillor Small, seconded by Councillor Pirone, proposed that the application for funding was approved. Members unanimously agreed to provide £7,000.

7.3 **Stable Life**

Stable Life had requested £2,500 towards staffing costs for a structured programme that included Equine Assisted Therapy/Learning, riding lessons and psychosocial based interventions to vulnerable young people referred to them. They also offered transitional work placements for young people who would normally struggle in traditional work situations. They offered volunteering opportunities to the young people they have supported as well as to the wider community. The cost per child was £850. The amount requested was for 3% of 100 people who are referred to them. However, Stable Life is Borders-wide, and there was no guarantee that the 3% will be from Tweeddale. The application was generic, for staff costs and there is no evidence of value for Tweeddale. Following considerable discussions, a vote was held to decide whether not to provide funding:

VOTE

Councillor Pirone, seconded by Councillor Douglas moved that the application for funding was deferred.

Councillor Tatler, seconded by Councillor Small moved as an amendment that the application for funding was rejected.

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 – 2 votes

Amendment – 3 votes

Absent – 1 vote

The Amendment was accordingly carried, and the application for funding was rejected.

7.4 **Tweed Valley Cheyne Gang**

The Cheyne Gang had requested £2925. Run by nurses as a singing group for people with long term respiratory conditions like Chronic Obstructive Pulmonary Disease (COPD), the charity has already had significant experience of running similar sessions in other parts of Scotland. Based in Innerleithen, they were involved in the local community (gave concerts, had a link with a Ukulele group etc.) The money requested would cover costs for the specialist group leader, an administrator, venue hire, advertising, microphone, music stand,

and travel (taxi, petrol, parking). There were 35 members pre pandemic and 27 now. 17 were attending regularly which was the reason for transport money request. The target number is 40. Councillor Tatler, seconded by Councillor Pirone proposed that the application for funding was approved. Members unanimously agreed to provide £2925.

7.5 Innerleithen Swap and Share Shed

The Swap and Share Shed had established itself in Innerleithen as a respected resource that can be used anonymously. The group requested £5,000 - £350 per month for a year to buy tins and toiletries plus 40 x £20 food vouchers. However, this kind of support was a broad need across the Borders. The panel was not sure that this was the right fund so does not recommend award. For a more sustainable outcome, the Swap and Share Shed was advised to dovetail into the funded framework for food support that the SBC was working on across the 5 localities (Cook Clubs to develop skills, the Low and Slow projects, Fareshare etc). There was a fairly extensive Food Conversation group that helped to channel resources to the most appropriate places, hence the proposals going forward to the Strategic group. The plan is to have a collective strategy around access to food and that will involve bringing partners together and building collective proposals that help with access to food. Members unanimously agreed not to award funding.

7.6 Clovenfords & District Community Council

Clovenfords Community Council requested £1944 towards the £2160 required for design consultants to specify and design a wooden bridge to link the Playing Field to Caddonfoot Road. The present one was so weak it could only take 3 people at a time. Only one quote had been received, though they had tried to get more. SBC were to help with some Place Based capital costs but was unable to cover any consultancy/feasibility fees, hence the application to NSF to start this process. SBC would continue to be consulted throughout the process. Once the design had been agreed, Clovenfords were to look for funding from other sources. Mr Harrow explained that the need to obtain 3 separate quotes was in operation for the previous community fund, and confirmed that the requirement had been removed for the current fund. Councillor Pirone, seconded by Councillor Tatler, proposed that the application for funding was approved. Members unanimously agreed to provide £1944.

7.7 Broughton Social Make and Play Club

Broughton Social Make and Play Club runs twice a month on Friday evenings 5-9pm, in Broughton village hall. They had requested £936, which is 2/3 of annual Hall fees plus £40 for materials. It is a drop-in event, open to everyone - noughties to nineties. It invites people to come along to chat, craft and or play games/music/musical instruments. It attracted an average of 30 people per evening which was a good number for a small rural community. It had been running now successfully for 7 months. Hall hire had so far been funded by Community Council micro-grants. They hoped that going forward costs could be met via donations and fund-raising, including accessing other funding if necessary. The group was presently unconstituted, but Restorative Routes was the umbrella organisation that acted as banker. The panel took the view that this was a very worthwhile activity that has grown organically and recommended it should be supported to develop a constitution. The award recommended is for 6 months funding to give them time to constitute, set up a bank account and get some rules in place for the running of the club. The group should then come back with a further application to the fund before the end of the current financial year. Members in attendance expressed that they considered that 6 months would not be long enough to put those measures in place. Lorna McCullough (The Bridge) had offered to assist the group with their Constitution. Councillor Tatler, seconded by Councillor Pirone proposed that the application for funding be granted in full. Members unanimously agreed to provide the full amount of £936.

**DECISION
AGREED:-**

- (a) to award Peebles Civic Society the sum of £4,326.29;
- (b) to award Tweed Wheels the sum of £7,000;
- (c) that the application from Stable Life was not approved;
- (d) to award the Tweed Valley Cheyne Gang the sum of £2,925;
- (e) that the application from Innerleithen Swap and Share Shed was not approved;
- (f) to award Clovenfords and District Community Council the sum of £1,944;
- (g) to award Broughton Social Make and Play the sum of £936;

8. PEEBLES PARKING WORKING GROUP

8.1 The departure of Shona Haslam from SBC had created a vacancy on the Peebles Parking Working Group. Councillor Tatler, seconded by Councillor Thomson, nominated Councillor Pirone. Councillor Pirone accepted the position.

8.2 It was agreed that the timing of the working group meetings be reviewed to allow all members of the working group to attend. Councillor Tatler undertook to contact relevant group members.

DECISION

AGREED to appoint Councillor Pirone to the Peebles Parking Working Group.

9. OPEN FORUM

9.1 In response to a question regarding the proposed lighting of Eshiels Tunnel, it was confirmed that progress had continued. Mr Harrow undertook to investigate and provide an update.

9.2 In response to a question regarding a review of the timing of bus routes 101/102 it was confirmed that a review of the entire service and a new tender process was underway. SBC provided guidance on routes and timetabling, however the final decision lay with the bus company. Councillor Thomson agreed to pass on comments and to check if it is indeed SBC who runs the current 101/102 service, as they did with route 91.

9.3 In response to a request a return to face to face meetings, it was agreed that the next meeting be held via Teams due to the time of year.

10. MEETING EVALUATION

Mr Harrow encouraged attendees to complete meeting evaluation forms via the link in the chat.

11. NEXT MEETING OF THE TWEEDDALE AREA PARTNERSHIP

The next meeting of the Tweeddale Area Partnership was scheduled for 7 February 2022, via Teams.

The meeting concluded at 8.55pm.

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council HQ, Newtown St. Boswells and via Microsoft Teams on Monday, 7 November, 2022 at 10.00 am

Present:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, A. Orr, N. Richards, S. Scott, E. Small and V. Thomson

Apologies:- Councillor D. Moffat

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (F. Rankine), and Democratic Services Officer (F. Henderson and W. Mohieddeen).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 3 October 2022.

DECISION

AGREED to approve the Minute for signature by the Chair.

2. **APPLICATION**

There had been circulated copies of a report by the Chief Planning and Housing Officer on an application for planning permission which required consideration by the Committee.

DECISION

DEALT with the application as detailed in Appendix I of 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) **There remained two appeals previously reported on which a decision was still awaited when this report was prepared on 28 October 2022 which related to a site at:**

- | | |
|---|--|
| • Land South West of West Lodge, Minto | • Land South West of Yethouse Farmhouse, Newcastleton |
|---|--|

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

- (i) **Erection of 3no holiday pods and associated parking, Land West of Burnmouth Church, Stonefalls, Burnmouth, Eyemouth;**
- (ii) **Erection of residential holiday let with associated facilities, Townfoot Hill, Land North West of Cunzieron House, Oxnam, Jedburgh;**

- (iii) Erection of holiday let accommodation, Land North East of Runningburn Farm, Stichill;
 - (iv) Erection of 2no dwellinghouses, Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside;
 - (v) Installation of soil vent pipe to front elevation, Hillside, Duns Road, Swinton, Duns;
 - (vi) Installation of photo voltaic array to the south facing roof, Mansefield, 91 High Street, Coldstream,;
- (c) The following reviews had been determined as shown:
- (i) Change of use from Industrial (Class 4,5,6) to Fitness Studio (Class 11) (retrospective), Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels – Decision of Appointed Officer Overturned (Subject to Conditions);
 - (ii) Erection of dwellinghouse, Woodland Strip, North of Springhall Farm, Kelso – Decision of Appointed Officer Upheld;
- (d) There remained nine reviews previously reported on which decisions were still awaited when the report was prepared on 28 October 2022 which related to sites at:

• Land East of 16 Hendersyde Avenue, Kelso	• Plot 1, Land North of Belses Cottage, Jedburgh
• Plot 2, Land North of Belses Cottage, Jedburgh	• Garden Ground of Cheviot View, Eden Road, Gordon
• Land West of 1 The Wellnage, Station Road, Duns	• Land North and East of Tweed Lodge, Hoebridge East Road, Gattonside
• Derelict Agricultural Building North of Ladyurd Farmhouse, West Linton	• Deanfoot Cottage, Deanfoot Road, West Linton
• Caddie Cottage, Teapot Street, Morebattle, Kelso	

- (e) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 28 October 2022 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

The meeting concluded at 10.34 am.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
22/01129/PPP	Erection of dwellinghouse	Garden ground of The Croft, Chamber's Terrace, Peebles

DECISION: Approved as per officer recommendation, subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiry of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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

2. Application for approval of matters specified in the conditions set out in this decision shall be made to the planning authority before whichever is the latest of the following:

(a) the expiry of three years from the date of this permission or;

(b) the expiry of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

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

3. No development shall commence until precise details of: the layout, siting, design and external appearance of the building; the means of access thereto; two off-street parking spaces (excluding garages); refuse and recycling bin storage and the landscaping and boundary treatments of the site, have first been submitted to and approved in writing by the planning authority. The development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.

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

4. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the planning authority. Thereafter the development shall take place only in strict accordance with the details so approved.

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

5. The layout details required by condition 1 shall include an arboricultural impact assessment. The assessment shall identify all existing trees within and adjacent to the

site and their root protection areas. The assessment shall also identify those trees to be retained and those proposed to be removed. The assessment shall also identify a suitable tree protection plan, demonstrating that these can be safeguarded by the design of the development and protected during construction works in accordance with BS5837:12 "Trees in relation to design, demolition and construction". The development shall be implemented in accordance with the approved assessment and protection plan and only those trees approved for removal shall be so removed, the remainder of trees within the site shall be retained, unless otherwise agreed in writing with the planning authority.

Reason: To enable the sympathetic assimilation of the development into its wider surroundings and to ensure that existing trees, including protected and unprotected trees that represent an important visual feature are retained and given adequate protection during construction.

6. No development shall commence until precise details of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the planning authority and thereafter, no development shall take place except in strict accordance with the approved scheme. All surface water drainage shall comply with the SUDS manual (C753) and maintain existing pre-development run off levels.

Reason: To ensure that there are no unacceptable impacts upon the amenity of any neighbouring properties and that surface water is managed in a sustainable manner that does not increase off-site run-off.

7. A design statement shall be submitted with the first approval of matters specified in conditions application for this site. The design statement shall outline the rationale in terms of the siting, design, scale, size, proportions and materials of the proposed dwellinghouse, boundary treatments and landscaping. The statement shall also demonstrate how the development relates to the context of the surrounding area and the setting of the adjacent house.

Reason: To ensure an appropriate scale and design of development that is in keeping with the character, and enhances the visual amenities, of the area.

8. The finished floor levels of the dwellinghouse hereby approved shall be consistent with those indicated on a scheme of details, which shall be submitted with the first approval of matters specified in conditions application for the site for approval in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site and shall be measurable from a fixed datum point in a location clearly indicated in the scheme of details so approved.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

9. No development, vegetation removal or tree felling shall commence during the breeding bird season (March-August inclusive) unless in strict compliance with a Species Protection Plan for breeding birds, that shall be submitted to and approved in writing by the Planning Authority, and that shall include provision for a pre-development checking survey and mitigation.

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

10. Detailed plans for the vehicular access serving the site shall be submitted with the first application for approval of matters specified in conditions. The plans shall include details

showing the vehicular access from Chambers Terrace widened to 5.5m over the first 7.5m and the vehicular footway crossing also widened to match the width of the access (5.5m). The approved access arrangements shall be completed prior to the occupation of the dwelling hereby approved.

Reason, In the interests of road safety and to ensure two vehicles can pass in the junction.

Informatives

1. In respect of condition 5, any trees to be felled should be surveyed by a qualified person before felling.

The applicant is advised that, under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact Scottish Natural Heritage (Tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:

http://www.bats.org.uk/pages/bats_and_buildings.html

http://www.bats.org.uk/pages/existing_buildings.html

<https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>

2. In respect of condition 9, all wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or near a nest containing eggs or young, or to disturb any of its dependent young.
3. In respect of Condition 10, all works to the footway must be completed by a contractor on the Council's Approved List.

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SCOTTISH BORDERS COUNCIL SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTES of Special Meeting of the
SELKIRK COMMON GOOD FUND SUB
COMMITTEE held via Microsoft Teams on
Monday, 14 November 2022 at 3.00 pm

Present:- Councillors C. Cochrane (Chair), L. Douglas, E. Thornton-Nicol and
Community Councillor I. King
In Attendance:- Estates Strategy Manager, Estates Surveyor (T. Hill), Property Officer (G.
Smith), Solicitors (S. Archibald, L. Mitchell & J. Webster), Democratic
Services Officers (D. Hall).

1. **PRIVATE BUSINESS
DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to
exclude the public from the meeting during consideration of the business detailed
in the Appendix to this Minute on the grounds that it involved the likely disclosure
of exempt information as defined in paragraphs 6 & 9 of Part I of Schedule 7A to the
Act.

SUMMARY OF PRIVATE BUSINESS

2. **28 MARKET PLACE, SELKIRK**

Elected Members approved a report by the Director – Infrastructure and Environment.

The meeting concluded at 4.30 pm

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SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTES of Meeting of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St. Boswells and via Microsoft teams on Tuesday, 15th November, 2022 at 10.00 am

Present:- Councillors E. Jardine (Chair), , L. Douglas, M. Douglas, J. Greenwell, C. Hamilton, S. Hamilton, J. Linehan, S. Mountford, J. Pirone, E. Robson, M. Rowley, F. Sinclair, R. Tatler, E. Thornton-Nicol, and T. Weatherston.

Also Present: Councillor W. McAteer

Apologies: Councillors C. Cochrane, D. Parker

In Attendance:- Acting Chief Executive, Acting Chief Financial Officer, Interim Corporate Governance Officer, Director Infrastructure and Environment, Democratic Services Team Leader, Democratic Services Officer (D. Hall)

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 4 October 2022.

DECISION

APPROVED for signature by the Chairman.

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

With reference to paragraph 6 of the Minute of the meeting held on 1 March 2022, there had been circulated copies of a report by the Director, Infrastructure and Environment which sought approval to use available Second Homes Council Tax funding to grant assist Ettrick and Yarrow Community Development Company to deliver 5 affordable homes at Kirkhope Steading, Ettrick Bridge. The Council's Strategic Housing Investment Plan 2022-27 had identified Kirkhope Steading as a priority project. The project was under construction, with completion anticipated late November 2022. The report advised that as a result of the national context of increasing costs, inflationary pressures, increasing interest rates and contract overrun, a funding gap of around £126,000 had been identified in order to complete the project. £36,711 of that shortfall related to final outturn costs associated with the construction of the 5 new homes on the site. Members highlighted the positive impact of the development on a rural area of the region, and recognised that the funding was a relatively small amount to secure a considerable development. In response to a question regarding the promotion of collaborative working between stakeholders and providers, the Director, Infrastructure and Environment acknowledged that more needed to be done and that further meetings were planned with Scottish Power Energy Networks. Regarding risk planning for other projects given ongoing economic pressures, the Director confirmed that work was ongoing internally on budget setting, and that discussions were planned with partners.

DECISION

AGREED:-

- (a) **to grant assist the Ettrick and Yarrow Community Development Company up to £36,711 towards the final costs of delivering the 5 homes at Kirkhope Steading, Ettrick Bridge; and**

- (b) that the Council's grant would be funded from the Second Homes Council Tax available balance.**

3. MONITORING OF THE GENERAL FUND REVENUE BUDGET 2022/23

- 3.1 There had been circulated copies of a report by the Acting Chief Financial Officer which provided budgetary control statements for the Council's General Fund based on actual expenditure and income to 30 September 2022 along with explanations of the major variances identified between projected outturn expenditure/ income and the approved budget. The report explained that the Council continued to be impacted by the current operating environment. Those impacts included continuing impacts from the Covid-19 recovery period and unprecedented inflation levels in the wider economy, which had caused internal Council pressures and pressures on critical service delivery partners. Due to the very challenging operating environment it remained essential that the Council continued to operate as efficiently as possible to ensure that any financial implications not yet clear could be managed as the financial year progressed. Forecasts had been completed at the second quarter of 2022/23, as at 30 September, which projected the Council to be in a balanced position at the financial year end. That forecasted position included the deployment of £4.022m of the Recovery Fund in order to balance the 2022/23 budget, which resulted in a balance of £3.626m which remained to address future pressures.
- 3.2 The Recovery Fund would be drawn down as required to meet identified financial pressures. Confirmed funding was in place for 2022/23 and was categorised as follows: funding provided by Scottish Government, £0.156m; funding carried forward from 2021/22 through Covid-19 reserve, £9.465m; funding included in the 2022/23 Financial Plan for Covid-19 response, £0.069m; and Assumed Local Mobilisation Plan (LMP) funding, £2.237m. Recovery funding was split between funding which had been ring-fenced to be used for a specific purpose (£3.845m), for example education recovery, LMP and admin funding, and that which could be used more generally by the Council to address Covid-19 pressures (£8.082m). All residual Covid-19 funding carried forward from 2021/22 and full details of funding available was shown in Appendix 2 to the report. Financial plan savings of £12.027m required to be delivered in 2022/23. An analysis of deliverability was shown in Appendix 3 to the report. Following the September month end £7.433m savings had been delivered permanently, £2.215m were profiled to be delivered by 31 March 2023 and £2.379m had been delivered on a temporary basis through alternative savings. The Acting Chief Financial Officer presented the report and responded to Members questions. Regarding the £0.722m saving identified under reablement of homecare, achieved by alternatives on a temporary basis, the Acting Chief Executive explained that a paper would be brought to Elected Members in the future regarding the scheme. In response to a question regarding whether the Council could assist its partners manage volatility in the energy markets via its energy procurement contracts, the Director, Infrastructure and Environment undertook to consult with the Finance Department and respond to Members directly. The Acting Chief Financial Officer confirmed that the rules regarding which organisations could benefit from the Council's energy procurement contract restricted those who could be assisted, and undertook to ensure that all of the suitable organisations were included. Regarding the reporting process for savings, the Acting Chief Financial Officer confirmed that the reports were brought to the Committee on a Quarterly basis.

DECISION

AGREED to:-

- (a) note the projected corporate monitoring position reported at 30 September 2022, the remaining pressures identified, the underlying cost drivers of that position and the identified areas of financial risk as reflected in Appendix 1 to the report;**

- (b) note the pressures of £4.022m as detailed in Appendix 1 to the report being funded from the Recovery Fund in 2022/23 in order to balance the budget;
- (c) note the Recovery Fund resources detailed in Appendix 2 to the report;
- (d) note the progress made in achieving Financial Plan savings in Appendix 3 the report; and
- (e) approve the virements attached as Appendices 4 and 5 to the report.

DECLARATION OF INTEREST

Councillor Rowley 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.

4. MONITORING OF THE CAPITAL FINANCIAL PLAN 2022/23

There had been circulated copies of a report by the Acting Chief Financial Officer which provided an update on the progress of the 2022/23 Capital Financial Plan and sought approval for virements and the reallocation of funds. The monitoring tables in Appendix 1 to the report reported on actual expenditure to 30 September 2022. Key issues and highlights identified in those tables were summarised within the report. The September month end position reflected a projected outturn of £98.011m with a net budget variance of £15.379m. This included net timing movements from 2022/23 of £8.860m. An outturn spend of over £98m in 2022/23 would be challenging to deliver and represented a higher capital spend than had ever been delivered previously. Work continued with project managers to ensure 2022/23 forecasts were as realistic as possible, any further movement in forecasts would be presented through future monitoring reports. The report explained that a number of macro-economic factors continued to affect the Capital Plan in 2022/23. Unprecedented levels of inflation along with disruption in the construction materials supply chain continued to impact on the wider economy and consequently the Council. A surge in demand coupled with constraints on supply had led to price increases, shortages and longer lead times. The impact of that on tender prices for major projects and the wider Capital Plan continued to be assessed. Current legally committed projects had a small risk of impact and block programmes of work could operate within a cash constrained budget and were considered lower risk, however would impact on the scale of project delivery from the blocks. The most significant risk therefore lay in the contracts being tendered this year which could result in a budget pressure. Any financial implications from those market conditions would be reported through the regular budget monitoring cycle with any longer term impacts reflected in the financial planning process. In anticipation of inflationary pressures an inflation contingency of £1.253m was established at the 2021/22 year end to support potential budget pressures. This contingency was increased by £0.179m at the first quarterly monitoring and was being increased by a further £0.317m in the second quarterly monitoring, giving a revised contingency of £1.749m to support the Capital Plan as the year progressed. Appendix 2 to the report contained a list of the block allocations approved for the year and the various approved and proposed projects to be allocated from them within the 2022/23 Capital Plan. Appendix 3 to the report contained a list of estimated whole project capital costs for single projects which would not be completed in the current financial year. Members welcomed the report and acknowledged that difficult decisions remained outstanding regarding the Plan, and how to balance the ongoing financial pressures related to inflation and procurement difficulties. In response to a question regarding properties demolished in Ednam, Kelso, the Director, Infrastructure and Environment undertook to confirm whether those demolitions related to temporary school buildings. Regarding surfacing works at the old canteen, the Director explained that concerned ongoing works at Council Headquarters to install solar panels, electric vehicle charging station and to surface the area with tarmac as part of a wider smart grid project.

**DECISION
AGREED:-**

- (a) **the projected outturn in Appendix 1 to the report as the revised capital budget and approved the virements required;**
- (b) **to note the list of block allocations detailed in Appendix 2 to the report; and**
- (c) **to note the list of whole project costs detailed in Appendix 3 to the report.**

MEMBER

Councillor Rowley re-joined the meeting following the discussion of the item above.

5. BALANCES AT 31 MARCH 2023

There had been circulated copies of a report by the Acting Chief Financial Officer which provided an analysis of the Council's balances as at 31 March 2022 and advised of the projected balances at 31 March 2023. The unaudited Council's General Fund useable reserve (non-earmarked) balance was £9.848m at 31 March 2022. The General Fund useable reserve was projected, at this early stage in the financial year, to be at least £8.421m at 31 March 2023 in line with the Council's Financial Strategy. The total of all useable balances, excluding development contributions, at 31 March 2023 was projected to be £41.181m as summarised in the report. The projected balance on the Capital Fund of £8.961m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year.

DECISION

AGREED to:-

- (a) **note the unaudited 2021/22 revenue balances at 31 March 2022;**
- (b) **note the projected revenue balances as at 31 March 2023 as contained in Appendices 1 & 2 to the report; and**
- (c) **note the projected balance in the Capital Fund as contained in Appendix 3 to the report.**

6. CORPORATE DEBTS - WRITE OFFS IN 2022/23 MID YEAR UPDATE

With reference to paragraph 5 of the Minute of the meeting held on 18 January 2022, there had been circulated copies of a report by the Acting Chief Financial Officer which detailed the aggregate amounts of debt written off during the first 6 months of 2022/23 under delegated authority, as required by the Financial Regulations. The report covered the areas of Council Tax, Non-Domestic Rates, Sundry Debtors, Housing Benefit Overpayments and aged debt from the balance sheet. The total value of write-offs between 1 April 2022 and 30 September 2022 was £131.5k. In response to a question regarding how Scottish Borders Council compared to other Local Authorities in terms of collection rates and whether conversations took place to ensure that lessons could be learnt on best practice, the Acting Chief Executive explained that benchmarks and performance indicator comparisons were undertaken by the Chartered Institute of Public Finance and Accountancy and it was agreed that those would be shared with the Elected Members.

DECISION

AGREED to note the debtor balances written off under delegated authority for the period 1 April 2022 to 30 September 2022.

7. TAXI FARES REVIEW 2022/23

With reference to paragraph 14 of the Minute of the meeting held on 20 August 2019, there had been circulated copies of a report by the Director, Infrastructure and Environment which advised Members of the outcome of the statutory review of the current

scale of taxi fares, and sought approval for an increase in fares. The report explained that the Council as Licensing Authority was required in terms of Section 17 of the Civic Government (Scotland) Act 1982 (“the Act”) to review the scales for fares and other charges in connection with the hire of a taxi at intervals not exceeding 18 months of the last review. In March 2022, a review of the current taxi fare rates was carried out using the Council’s established formula which indicated that a 4.6% increase should be applied. This report required members to consider the proposed 4.6% increase and note the responses received from the consultation. The Director presented the report, responded to Members questions and highlighted the cost of living crisis had been of utmost concern when assessing the considered rate rise. Members expressed concerns regarding how the rise would affect vulnerable users’ dependant on taxis for transport, and highlighted that taxi operators across the region were operating under considerable strain due to rising fuel costs. In response to a question regarding the potential impact of the rise on the Council’s finances as a user of taxi services, the Chief Legal Officer explained that the Council was required to be impartial, and could not take into account its own financial interests when reaching a decision on a rate rise. Following lengthy discussions on whether the rate increase could be deferred until following the Christmas period, members unanimously agreed the recommendations.

DECISION

AGREED:-

- (a) that the taxi fare rates should increase by 4.6% as assessed during the review carried out in March 2022 and thereafter agree that taxi operators were informed of the Council’s decision in writing; and**
- (b) If no appeal was received by the Office of the Traffic Commissioner within the 14 day period, then a statutory notice would appear in the local press giving the Council’s intention to increase taxi fares by 4.6%. Operators would be required to display an updated tariff sheet in their vehicles from 20th December 2022.**

The meeting concluded at 11.20 am

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