

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

6.	<p><b>Committee Minutes</b> (Pages 3 - 68)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> <li>(a) Chambers Institution Trust 25 January 2023</li> <li>(b) Local Review Body 23 January 2023</li> <li>(c) Civic Government Licensing 27 January 2023</li> <li>(d) Jedburgh Common Good Fund 30 January 2023</li> <li>(e) Kelso Common Good Fund 31 January 2023</li> <li>(f) Planning &amp; Building Standards 6 February 2023</li> <li>(g) Tweeddale Area Partnership 7 February 2023</li> <li>(h) Audit 13 February 2023</li> <li>(i) Executive 14 February 2023</li> <li>(j) Teviot &amp; Liddesdale Area Partnership 21 February 2023</li> <li>(k) Chambers Institution Trust 22 February 2023</li> <li>(l) Civic Government Licensing 24 February 2023</li> <li>(m) Galashiels Common Good Fund 2 March 2023</li> <li>(n) Planning &amp; Building Standards 6 March 2023</li> <li>(o) Executive 14 March 2023</li> </ul> <p>(Copies attached.)</p>	5 mins
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(a)	Chambers Institution Trust	25 January 2023
(b)	Local Review Body	23 January 2023
(c)	Civic Government Licensing	27 January 2023
(d)	Jedburgh Common Good Fund	30 January 2023
(e)	Kelso Common Good Fund	31 January 2023
(f)	Planning & Building Standards	6 February 2023
(g)	Tweeddale Area Partnership	7 February 2023
(h)	Audit	13 February 2023
(i)	Executive	14 February 2023
(j)	Teviot & Liddesdale Area Partnership	21 February 2023
(k)	Chambers Institution Trust	22 February 2023
(l)	Civic Government Licensing	24 February 2023
(m)	Galashiels Common Good Fund	2 March 2023
(n)	Planning & Building Standards	6 March 2023
(o)	Executive	14 March 2023

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# SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the CHAMBERS  
INSTITUTION TRUST held via Microsoft  
Teams on Wednesday, 25th January, 2023  
at 4.00 pm

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- Present:- Councillors R. Tatler (Chairman), D. Begg, M. Douglas, J. Pirone and E. Small
- Apologies:- Councillor V. Thomson
- In Attendance:- Chief Legal Officer, Estates Strategy Manager, Property Officer (G. Smith), Projects Manager (S. Renwick), S. Milne (Live Borders), F. Colton (Live Borders), Localities Development Co-Ordinator (K. Harrow), Community Engagement Officer (H. Lacon), K. Nugent (Page\Park Architects), Democratic Services Team Leader, Trainee Democratic Services Officer

## CHAIR'S REMARKS

Sam Coe was welcomed to the Meeting as the newly appointed observer member of the Beneficiaries Group.

### 1. ORDER OF BUSINESS

The Chair varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting. Item 7 was to be discussed in general terms in light of the commercial sensitivities. Item 11 was not to be considered in private and was to be discussed in general terms in light of the commercial sensitivities. Detailed fee proposals had been distributed in the private agenda pack.

### 2. MINUTE AND ACTION TRACKER

There had been circulated copies of the Minute of the Meeting held on 14 December 2022 and the Action Tracker.

## DECISION

**APPROVED the tracker and the Minute for signature by the Chair.**

### 3. BENEFICIARIES GROUP FEEDBACK

- 3.1 The Chair provided an update from the meeting on 24 January 2023. Lorna McCulloch had produced minutes which the Chair shared. The recent application for Levelling up funding had been unsuccessful. Feedback was to follow from civil servants and alternative funding sources were to be sought by the Beneficiaries Group.

The renovation of the Burgh Hall was underway; the floor had been protected, the suspended ceiling and light fittings had been removed. Scaffolding was in the process of being installed. Gareth Smith reported that following a visit by the Health and Safety Advisor, there was a need for the erection of further scaffolding to allow safe access to the high ceiling. A total of three linked scaffolding platforms was now required; one each along the lengths of the hall and a higher platform down the centre of the hall. Consequently the price had increased from £5,900 to £19,200. The Chair sought approval from the Committee for the £13,300 increase in funding. This was agreed.

- 3.2 On the matter of the blinds to be installed, there was further research to be done on suppliers and costings. Sam Coe had suggested that a standard horizontal blind fitted below the curve of the arched windows would not be appropriate in a Grade A listed

building; a blind that ascended from the bottom of the window up into the curve was more suitable. Gareth Smith had been given contact details of potential suppliers. The Chair acknowledged that the blinds may be an issue that could be considered later if the costs were to be prohibitive. Gareth Smith recommended that electrical cabling was installed to the windows during the current work, irrespective of when the blinds were to be fitted and sought approval to obtain a quotation from the electrician for this. Mr Smith undertook to obtain a quote.

- 3.3 Councillor Pirone provided an update on the consultation process. A communications and engagement strategy was approved by the Beneficiaries Group. There were to be three main phases: the first, stakeholder mapping, had been completed by the Chair, Lorna McCulloch and Hannah Lacon with an email sent on 25 January to those identified; the second phase was to be the facilitation brief that the Chair and Sam Coe had been working on; the third phase was to be further public engagement sessions via online and paper surveys with a poster/leaflet campaign signposting the public and Tweeddale residents to further information. The nature and subsequent results of the public consultation were to be shared with Page\Park architects by Councillor Pirone.
- 3.4 With reference to the Fee Proposal supplied by Page\Park architects, there followed a discussion on the proposal for a mezzanine floor. Karen Nugent, architect with Page\Park reported that a site visit was required to carry out basic dimensional survey measurements. Thereafter an initial sketch proposal was to be completed by around 17 February 2023, to be used in the public consultation exercise. Accessibility to a mezzanine floor could be gained via the lift proposed in the wider refurbishment of the Chambers Institution and would be included in that main feasibility plan to be drawn up in due course. With reference to Item 1.0 of the Fee Proposal, The Chair sought approval for funding of the Burgh Hall feasibility sketch study; £5280 + VAT= £6,336. This was agreed.
- 3.5 With reference to Item 2.0 of the Fee Proposal, Ms Nugent indicated that preparation of roof and window drawings would begin once a visual survey and photography of the roof voids had been completed. It was important to ensure appropriate ventilation when insulating old buildings and improving energy performance. A date of mid-April 2023 for completion of this exercise was noted.
- 3.6 In response to a question about a fabric condition survey of the Chambers Institution buildings, Norrie Curtis suggested that a survey of only the Burgh Hall initially was a piece of work that might be undertaken by Page\Park. Ms Nugent indicated that access to carry out this survey was problematic. In order to ascertain the state of roof slates and flashing and identify areas of obvious deterioration, a mobile elevated platform would likely be required to conduct a comprehensive survey. Fiona Colton (Live Borders) suggested a basic quantification of environmental conditions be carried out in tandem with a fabric conditions survey. Hanwell environmental data loggers were already in use in the library and the acquisition of a further monitor for the proposed area of the mezzanine floor of the Burgh Hall might have given useable data. Ms Nugent confirmed that an architect's summary could be done to advise on how best to obtain data on ventilation, lighting, temperature and relative humidity. It was agreed that collectively Fiona Colton, Karen Nugent and Norrie Curtis produced a proposal before the next meeting of the Beneficiaries Group.
- 3.7 With reference to Item 2.0 of the Fee Proposal, the Chair sought approval for funding of Burgh Hall: Insulation and secondary glazing strategy; approximately £1500. This was agreed.
- 3.8 With reference to paragraph 2.2 of the Note of the meeting on 14 December 2022, the Chair provided an update on the appointment of a facilitator. There had been agreement

on how the facilitator was to be appointed and Scottish Borders Council had advised the Beneficiaries Group to use the same procurement framework as the recently appointed place making consultants. A list of consultants was to be compiled to whom a copy of the brief was to be sent. Thereafter a short list of three consultants was to be brought to the Beneficiaries Group from which a final selection was to be made.

- 3.9 The Chair reported that on 20 December 2022 the John Buchan Museum had suffered flood damage from three burst pipes following the cold weather. Mr Smith reported that there had been surprisingly little damage which could potentially be remedied by installation of a dehumidifier. Clarity was sought on the insurance position as there had been some damage to the flooring after the ingress of 3-4 inches of water. Mr Curtis confirmed that the liability lay with Scottish Borders Council's buildings insurance. It was agreed to allow more time for the floor to dry out and to be surveyed before a claim was lodged. Mr Smith pointed out that SBC routinely turned off and drained down water systems at this time of year and advised that the John Buchan Museum adopted this practice also. To this end Mr Smith had instructed the plumber to install a Borthwicks valve to allow the water to be turned off where it entered the Museum.
- 3.10 Gareth Smith reported that a meeting to finalise paint colours had been arranged on 27 January for the sub-group, the electrician and the Heritage Officer Sanni Roberts to attend. Low level paint scrapes that had been carried out identified that seven layers of paint had been applied over the years and sample boards of matching paints had been produced. High level paint scrapes were to be carried out in due course and it was anticipated that there were fewer paint layers to be identified there. Advice was also to be sought on window blinds and approval for lighting fixtures.

#### **DECISION**

**NOTED the update and AGREED to:**

- (a) to fund an increase of £13,000 for additional scaffolding platforms;**
- (b) obtain an electrician's quote for cabling up to the windows**
- (c) to fund Item 1.0 of the Fee Proposal: the Burgh Hall feasibility sketch study to be carried out by Page\Park; £5280 + VAT= £6,336;**
- (d) to present a proposal to measure environmental conditions of the mezzanine floor to the next meeting for consideration at the next Beneficiaries Group meeting on 21 February**
- (e) to fund Item 2.0 of the Fee Proposal: Burgh Hall Insulation and secondary glazing strategy; approximately £1500.**

#### **4. PROPERTY UPDATE**

Gareth Smith provided information on the removal of header tank in the corner of the Burgh Hall. Mr Smith had been in consultation with Gary Kennaway, the Council's heating specialist who indicated a cost of around £2k to pressurise the heating system and install a new unit. Alternatively the tank could be boxed in and painted to match the walls. The Property Maintenance Budget was suggested as the potential source of funding for this work.

#### **DECISION**

**NOTED the update.**

#### **5. ADDITIONAL WI-FI ACCESS POINTS**

With reference to paragraph 4 of the Note of the meeting of 14 December 2022, a revised quote had been submitted by GB Technologies. Sheena Milne Live Borders IT manager reported that the quote detailed Wi-Fi coverage to the Registrar's Office and into the exterior quadrangle in addition to the Burgh Hall. The one-off cost of the installation was to be £4404.38 + VAT. Attention was drawn to the £354 + VAT annual licence fee for

Connectify web filtering and splash pages and the monthly broadband cost of £32.50 + VAT. Mr Smith recommended an engineer attended on site as soon as possible to program the installation in tandem with current works and undertook to make contact with GB Technologies and thereafter proceed with the requisitioning. The Chair stated for the Committee that this piece of work was separate to the rest of the Burgh Hall renovations.

#### **DECISION**

**AGREED to approve:**

- (a) the one-off cost of Wi-Fi installation into the Burgh Hall, Registrar's Office and Quadrangle at a cost of £4404.38 + VAT;**
- (b) the annual fee of Connectify web filtering and splash page at a cost of £354 + VAT**
- (c) the monthly broadband fee of £32.50 + VAT**

#### **6. BURGH HALL FEE PROPOSAL AND SCOPE OF WORK**

This was discussed under paragraph 3 above.

***The meeting concluded at 5.05 pm***



**SCOTTISH BORDERS COUNCIL  
CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in Council Chamber, Council  
Headquarters, Newtown St. Boswells and via  
Microsoft Teams on 27 January 2023 at 11  
a.m.

Present:- Councillors M. Douglas (Convener), J. Cox, J. Paton Day, P. Brown, N. Richards, E. Small, F. Sinclair and T. Weatherston.

Apologies:- Councillor D. Parker.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne and J. Scott), Licensing Officers – (S. Lackenby and T. Thomson), PC S. Dishington, Democratic Services Officer (F. Henderson).

**1. MINUTE**

There had been circulated copies of the Minute of the Meeting held on 16 December 2022.

**DECISION**

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

**2. LICENSES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the periods 3 December 2022 – 13 January 2023.

**DECISION**

**NOTED.**

**PRIVATE BUSINESS**

**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

**3.0 LICENSING OF TAXIS, PRIVATE HIRE VEHICLES AND DRIVERS**

**Hearing to consider grant of Taxi Driver Licence**

The Committee were advised that the Applicant had withdrawn his application.

**4.0 HEARING TO CONSIDER RENEWAL OF TAXI DRIVER LICENCE**

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

5.0 **MINUTE**

The Private Section of the Minute of 16 December 2022 had been circulated.

*The meeting concluded at 11.15 a.m.*

# SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells on Monday, 23 January 2023 at 10 a.m.

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

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

## MEMBERS

Having not been present when the following review was first considered, Councillors Mountford and Scott left the meeting. Councillor Richards chaired the meeting for the following item.

### 1. CONTINUATION OF REVIEW 22/00021/RREF

With reference to paragraph 1 of the Minute of 22 September 2022, the Local Review Body continued their consideration of the request from Mr James Hewitt c/o Ferguson Planning, 54 Island Street, Galashiels to review the decision to refuse the planning application for the erection of a dwellinghouse with associated infrastructure works on Land adjoining 16 Hendersyde Drive, Kelso. The supporting papers included a Flood Risk Assessment and comments from the Flooding Officer; the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; consultation replies; objection comments; further representations and list of policies. Consideration of the review had been continued to allow either a Flood Risk Assessment or a Drainage Impact Assessment in line with the advice from the Flood Risk Officer to be submitted. The Review Body noted the history of the site and were divided on its retention as public open space. After discussion, Members concluded that the site was large enough to accommodate a dwellinghouse without significant impact on adjoining properties or overdevelopment and was therefore an appropriate gap site. Members then considered the issue of the trees to the rear of the site and were content that there was sufficient space for the dwellinghouse without undue impact on the trees. In terms of drainage on the site and the identified concerns over surface water flood risk, members noted the Flood Risk Assessment and the Flood Risk Officer acceptance of its contents and that there were higher parts of the site during their site inspection. Subject to conditions siting the house away from the small area of surface water flood risk identified in the Assessment and ensuring the finished floor level was at or above 49.67m above Ordnance Datum, the Review Body were content that flood risk had been satisfactorily addressed under Policy IS8.

## VOTE

*Councillor Moffat, seconded by Councillor Small moved that officer's decision be overturned and the application be approved.*

*Councillor Thompson, seconded by Councillor Douglas moved as an amendment that the officer's decision be upheld and the application refused.*

*On a show of hands Members voted as follows:-*

*Motion - 4 votes  
Amendment - 3 votes*

The motion was accordingly carried.

#### **DECISION**

##### **DECIDED that:-**

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, PMD5, EP11, EP13 and IS8 of the Local Development Plan. The development was considered to be an appropriate infill development in keeping with the character of surrounding development and with acceptable impacts on the open space and residential neighbouring properties. The development was also able to be achieved without flood risk. Consequently, the application was approved subject to conditions and a legal agreement.**
- (d) **the officer's decision to refuse the application be overturned and the application approved, for the reasons detailed in Appendix I to this Minute.**

#### **MEMBERS**

Councillors Mountford and Scott re-joined the meeting.

## **2. REVIEW OF 22/00031/RREF**

There had been circulated copies of a request from James Neil and Son, c/o Ferguson Planning, 37 George Street, Edinburgh to review the decision to refuse the planning application for the erection of holiday let accommodation on Land North East of Runningburn Farm, Stichill. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies and list of policies. The Planning Adviser drew attention to information, in the form of a Business Plan; Sequential Site Assessment with Photographs; Visual Impact Study and Alternative Access with Photographs which had been submitted with the Notice of Review but which had not been before the Appointed Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. However, they also agreed that the new information could not be considered without affording the Roads Officer and Planning Officer an opportunity of making representations. In view of the fact that the application was being continued for written submissions, the Members requested a site visit. The Planning Adviser recommended an accompanied site visit as the site was difficult to reach otherwise.

#### **DECISION**

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

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **new evidence submitted with the Notice of Review in the form of a Business Plan; Sequential Site Assessment with Photographs; Visual Impact Study and Alternative Access with Photographs met the test set in Section 43B of the Town and Country Planning (Scotland) Act 1997 and was material to the determination;**

- (c) **the review could not be considered without the need for further procedure in the form of written submissions;**
- (d) **the Roads and Planning Officers be given the opportunity to comment on the new evidence submitted with the Notice of Review;**
- (e) **an accompanied site visit be arranged; and**
- (f) **consideration of the review be continued to a future meeting on a date to be confirmed.**

**3. REVIEW OF 22/00040/RREF**

There had been circulated copies of a request from Mr and Mrs O McLaren, per Richards Amos Ltd, 2 Golden Square, Duns to review the decision to refuse the planning application for the erection of 2 No. dwellinghouses on Land at Silo Bins, Edington Mill, Edington Mill Road, Chirnside. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies; support comments, objection comments and list of policies. The Planning Adviser drew attention to information, in the form of an amended site plan with enlarged intervening planting which had been submitted with the Notice of Review but which had not been before the Appointed Officer at the time of determination. Members agreed that the information was new but considered that it met the Section 43B test, was material to the determination of the Review and could be considered. However, they also agreed that the amended site plan could not be considered without affording the Planning Officer an opportunity of making representations on this new information.

**DECISION**

**AGREED that:-**

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

**4. REVIEW OF 22/00041/RREF**

There had been circulated copies of a request from Mr P J Lewis, c/o RM Architecture Ltd, Bloomfield, Heatherlie Park, Selkirk to review the decision to refuse the planning application for the erection of a dwellinghouse on Land South West of Castleside Cottage, Selkirk. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; consultation replies further representations and list of policies. The members noted that a revised Contextual Elevation where a new window could be installed on the applicant's adjoining cottage was a new drawing not in front of the Appointed Officer. However he was clearly aware of the option as considered in the Handling Report under "Neighbouring Amenity". For this reason and the fact that residential amenity was not cited as a reason for refusal, the Members accepted the new information without the need to test against S43B of the Act.

The Planning Advisor highlighted that while the Community Council had originally objected to the application with concerns over sewage treatment, flood risk and the lack of sympathetic scale, design and materials, in response to the Review submission, the Community Council now welcomed the development and agreed with the applicant that the contemporary agricultural design was in keeping with the building group, offering balance at the end of the group. The members agreed that there was a building group and that the application related well, although there were some concerns around the design and the use of fibre cement for the roof and external walls. The Members agreed to continue consideration of the application to allow a sample of the Fibre Cement to be provided together with photographic images of buildings where fibre cement had been used for external walls and roofs to the same extent as that proposed.

#### **DECISION**

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

- (a) the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be not be considered without the need for further procedure;**
- (c) the Applicant be given the opportunity to provide a sample of the Fibre Cement together with photographic images of buildings where fibre cement had been used for external walls and roofs to the same extent as that proposed.**
- (d) consideration of the review be continued to a future meeting on a date to be confirmed.**

#### **5. REVIEW OF 22/00043/RREF**

There had been circulated copies of a request from Mr Graham Hodgson, c/o Tetra Tech, Quay West, Trafford Wharf Road, to review the decision to refuse the planning application for the change of use of land and plot layout to form extension to caravan park on Land West of Pease Bay Holiday Home Park, Cockburnspath. The supporting papers included the Notice of Review (including the Decision Notice and Officer's Report); Papers referred to in the Officer's report; additional information; consultation replies; objection comments, Applicants response to objections and list of policies. Members noted that the present caravan site consisted of 330 caravans and the application was for a further 19 lodges for a mixture of owned and short term lets. Members considered the impact of the development in terms of the landscape and visual impacts and whilst divided over the level of impact that the extension would have on the Special Landscape Area and coastline, concluded the site could successfully accommodate the development, especially once ground shaping and landscape mitigation were undertaken. Members went onto consider the potential impact on the local infrastructure and flooding and noted the satisfactory findings of the Flood Risk Assessment and lack of objections from Transport Scotland and the Roads Officer. Members were therefore content that the road system could accommodate additional traffic generated from the site and that flood risk was not an issue.

#### **VOTE**

*Councillor Thompson, seconded by Councillor Orr moved that the officers' decision be upheld and the application be refused.*

*Councillor Moffat, seconded by Councillor Scott moved as an amendment that the officer's decision be overturned and the application be approved.*

*On a show of hands Members voted as follows:-*

*Motion* - 4 votes  
*Amendment* - 5 votes

The amendment was accordingly carried.

**DECISION**

**DECIDED that:-**

- (a) **the request for review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for further procedure;**
- (c) **After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, ED8, EP5, EP14 and relevant Supplementary Planning Guidance. The proposal was considered to be an appropriately scaled and designed extension to the existing holiday park, with limited and acceptable impacts on the locally designated landscape, visual amenity of the area and local infrastructure, providing additional local economic benefits and subject to appropriate conditions**
- (d) **the officer's decision to refuse the application be overturned, for the reasons detailed in Appendix II to this Minute and subject to conditions.**

*The meeting concluded at 12:05 p.m.*

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

MINUTE of MEETING of the  
JEDBURGH COMMON GOOD FUND  
SUB-COMMITTEE held via Microsoft  
Teams on Monday, 30 January 2023 at  
4.30 p.m.

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Present: - Councillors S. Scott, (Chairman), P. Brown, S. Hamilton and  
Community Councillor J. Taylor (from para 2).

In Attendance: - Acting Chief Financial Officer (Suzy Douglas), Solicitor (Scott  
Archibald), Democratic Services Officer (F. Henderson).

Members of the Public: - 0

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**1.0 APPOINTMENT OF CHAIRMAN**

Councillor Scott, seconded by Councillor Hamilton, proposed that Councillor Brown be appointed as Chairman. There being no other nominations, Councillor Brown was appointed as Chairman and took the Chair.

**DECISION**

**AGREED that Councillor Brown be appointed as the Chairman of the Jedburgh Common Good Fund Sub-Committee.**

**2.0 MINUTE**

There had been circulated copies of Minute of the Jedburgh Common Good Fund Sub-Committee held on 14 November 2022.

- 2.1 With reference to paragraph 4 of the Minute of 14 November 2023, the Democratic Services Officer advised that confirmation had been received that the funding requested was for 2022 and it was agreed to amend the Minute to read.

**DECISION**

**AGREED that:-**

- (a) the wording be amended to read:-  
***AGREED to award a grant of £5,000 to the Jethart Callant's Festival for 2022.***
- (b) subject to the above correction the Minute of Meeting held on 14 November 2022 be approved.

**3.0 TRACKER**

The Action Tracker had been circulated. Suzy Douglas confirmed that the transfer of £20,000 to Aegon was complete and it was agreed to remove from the Tracker.

- 3.1 The Democratic Services Officer confirmed the dates that Financial Assistance payments had been made and it was agreed that the actions be removed from the Tracker.

#### **DECISION**

**AGREED that completed actions be removed from the Tracker.**

#### **4.0 MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2022**

- 4.1 There had been circulated copies of a report by the Acting Chief Financial Officer which provided the income and expenditure for the Jedburgh Common Good Fund for the nine months to 31 December 2022, a full year projected out-turn for 2022/23, projected balance sheet values as at 31 March 2023 and proposed budget for 2023/24. Appendix 1 provided the projected income and expenditure for 2022/23 which showed a projected deficit of £44,165 for the year, which was slightly higher than reported in November 2022. Appendix 2 provided a projected balance sheet value as at 31 March 2023 and showed a projected decrease in reserves of £55,898. Appendix 3(a) provided a breakdown of the property portfolio showing actual rental income and projected net return for 2022/23 and actual property income to 31 December 2022. Appendix 3(b) provided a breakdown of the property portfolio showing projected expenditure to 31 December 2022. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2023. Appendix 5 showed the value of the Aegon Asset Management Investment Fund to 31 December 2022, which showed an estimated 5% return with the proposed budget for 2023/24 remaining at 5% target. The Acting Chief Financial Officer was present and answered Members questions.

#### **DECISION**

##### **(a) AGREED:-**

- (i) the projected income and expenditure for 2022/23 contained in Appendix I as the revised budget for 2022/23;**
- (ii) the proposed budget for 2023/24 as shown in Appendix I**

##### **(b) NOTED**

- (i) the projected balance sheet value as at 31 March 2023 contained in Appendix 2 to the report;**
- (ii) the summary of the property portfolio in Appendices 3 and 4; and**
- (iii) the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.**

#### **5.0 APPLICATIONS FOR FINANCIAL ASSISTANCE**

##### **5.1 LAIDLAW MEMORIAL SWIMMING POOL - JEDBURGH**

The Sub-Committee were advised that funding had been secured through another fund and the application to the Common Good had therefore been withdrawn.

#### **DECISION**

**NOTED.**

**5.2 JEDBURGH COMMUNITY COUNCIL – Ceremonial Robes**

There had been circulated copies of an application for Financial Assistance from the Jedburgh Community Council in respect of the refurbishment of the Ceremonial Robes. The application explained that the robes worn by the Honorary Provost and 2 Baillie's for Town events and ceremonies were in need of some refurbishment, part of which was the replacement of the aged ermine fur around the neckline with new faux ermine collars and facings, which would ensure that the robes were in good condition and would last for many years. The application submitted in the sum of £2,500 was based on an estimate received without having sight of the robes, as the robes required to be sent to the specialist for evaluation and accurate costing, therefore the amount applied for may well be less. A specialist able to carry out the required work and having undertaken similar work for Dumfries and Galloway had been identified. Following discussion the Sub-Committee agreed to award the grant in the sum of £2,500

**DECISION**

**AGREED to award a grant of £2,500 to Jedburgh Community Council in respect of the repair of the Ceremonial Robes.**

**5.3 JEDBURGH COMMUNITY COUNCIL – Christmas Lights 2022**

There had been circulated copies of an application for Financial Assistance from the Jedburgh Community Council in respect of Jedburgh Christmas Lights for 2022. The application explained that the funding would assist with the testing, erection, dismantling and running of the Christmas lights which was overseen by the Community Council. Having the lights in place and switched on helped the "feel good" atmosphere in the town and brightened up the central area. The lights were in place in time for both the Christmas Market and also the Christmas Parade when the tree lights were officially switched on. The application was in the sum of £2,300, with public donations amounting to £200. Mr Taylor advised that in order to off-set the costs, the Jedburgh Shed had made Memorial Stars for selling and hanging on the tree. Following discussion, and whilst the Sub-Committee were not in favour of annual grants, it was agreed to award the grant in the sum of £2,300.

**DECISION**

**AGREED to award a grant of £2,300 towards the cost of the Christmas Lights in Jedburgh Town Centre in 2022.**

*The meeting closed at 4.50 p.m.*

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# Public Document Pack

## SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells, and via Microsoft Teams on Monday, 6th February, 2023 at 10.00 am

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Present:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr and S. Scott

Apologies:- Councillors N. Richards, E. Small and V. Thomson

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

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 9 January 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 under Section 36 of the Electricity Act 1989 which required consideration by the Committee.

**DECISION**

**DEALT with the applications 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 one appeal previously reported on which a decision was still awaited when the report was prepared on 26 January 2023 which related to a site at Land West of Slipperfield House, Slipperfield Loch, West Linton.**

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

(i) **Erection of agricultural building (retrospective), Ravelaw Farm, Duns; and,**

(ii) **Erection of timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for associated dwellinghouse with office for the timber processing facility, Land South**

**West of West Loch Farmhouse, Peebles;**

- (c) The following reviews had been determined as shown:
- (i) Change of use of land and plot layout to form extension to caravan park, Land West of Pease Bay Holiday Home Park, Cockburnspath – Decision of Appointed Officer Overturned (Subject to Conditions); and,
  - (ii) Erection of dwellinghouse and associated works, Land East of 16 Hendersyde Avenue, Kelso – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement);
- (d) There remained 8 reviews previously reported on which decision were still awaited when the report was prepared on 21 December 2022 which related to sites at:

<ul style="list-style-type: none"><li>• Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh</li></ul>	<ul style="list-style-type: none"><li>• Land North East of Runningburn Farm, Stichill</li></ul>
<ul style="list-style-type: none"><li>• Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside</li></ul>	<ul style="list-style-type: none"><li>• Land South West of Castleside Cottage, Selkirk</li></ul>
<ul style="list-style-type: none"><li>• Land South West of Corstane Farmhouse, Broughton</li></ul>	<ul style="list-style-type: none"><li>• Land North and East of Clay Dub, Duns Road, Greenlaw</li></ul>
<ul style="list-style-type: none"><li>• 17 George Street, Eyemouth</li></ul>	<ul style="list-style-type: none"><li>• Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth</li></ul>

- (e) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 26 January 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

*The meeting concluded at 10.50 am.*

**APPENDIX I**  
**APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
22/01532/S36	Erection of Battery Electricity Storage System (BESS) and Associated Infrastructure	Land East of Fernyrig Farm, Coldstream

DECISION: Approved as per officer recommendation. SBC to advise the ECU that it does not object to the proposed development, subject to the recommended conditions as set out below:

1. The battery storage facility and associated infrastructure hereby approved shall be removed from the site no later than 38 years after the date when electricity is first generated unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of electricity storage shall be provided to the planning authority within one month of that date.  
Reason: In order to limit the permission to the expected operational lifetime of the battery storage facility and to allow for restoration of the site in the event that the use is not continued by a further grant of planning permission for a similar form of development.
2. No development shall commence until the following precise details have been submitted to and agreed in writing with the Planning Authority;
  - i. the final site layout,
  - ii. the design and appearance of all buildings and equipment to be installed within the site including their external material finish and colour
  - iii. the design and appearance of all acoustic barriers, fences and means of enclosure including their material finish and colour
 Reason: The final proposed site layout has not yet been determined therefore further details are require to achieve a satisfactory form of development which respects the character and amenity of the rural area.
3. No development shall take place except in strict accordance with a scheme of landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include
  - i. Existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - ii. Location of new trees, shrubs and hedges, which includes increased depth of the planting belt to the south and boundary planting to the north east, north and western sides of the site.
  - iv. Schedule of plants to comprise species, plant sizes and proposed numbers/density
  - v. programme for completion and subsequent maintenance.
 Reason: To ensure the satisfactory form, layout and assimilation of the development.
4. No development shall commence until precise details of the access upgrades of the existing forestry track from the A697 through the Crown Gorse plantation have been submitted to and agreed in writing with the Planning Authority. The upgraded access must comply with the Design Manual for Roads and Bridges CD 123 - Geometric design of at-grade priority and signal-controlled junctions. The submitted details must also confirm that suitable visibility splays are provided in either direction from the junction of the forestry track and the A697 to the satisfaction of the Planning Authority

and also identify all trees and areas of vegetation which are required to be removed and where relevant reinstated. Once agreed, the development should be undertaken in accordance with the agreed details.

Reason: To ensure that the site access is upgraded to a suitable standard to safely serve the development.

5. No development shall commence until a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all onsite construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority. The CEMP shall include (but shall not be limited to):
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Method Statements to avoid or reduce impacts during construction, the location and timing of sensitive works to avoid harm to biodiversity features and the use of protective fences, exclusion barriers and warning signs.
  - d) The times during construction when specialist ecologist need to be present on site to oversee works.
  - e) Responsible persons and lines of communication.
  - f) The role and responsibilities on site of Ecological Clerk of Works (ECoW) or similar competent person.
  - g) A Drainage Management Plan
  - h) A Site Waste Management Plan

Thereafter the development shall be implemented in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

6. No development shall commence until the following Ecological mitigation measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
  - a) a Species Protection Plan (SPP) for; bats, breeding birds, badgers and red squirrels
  - b) A scheme detailing compensatory planting and habitat enhancements

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

7. No development shall commence until a scheme of decommissioning and restoration of the site including aftercare measures shall be submitted for the written approval of the Planning Authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a similar form of development) the scheme shall be implemented within 12 months of the final date electricity is generated at the site and in any case before the expiry of the time period set by Condition 1.

Reason: In to ensure that the site is satisfactorily restored following the end of the operational life of the development in the interests of the amenity of the area.

8. No development hereby approved shall commence until the detailed drainage design has first been submitted to, then approved in writing by the Planning Authority.



Thereafter the agreed details shall be fully implemented prior to the site becoming operational, unless otherwise agreed in writing.

Reason: To ensure the site is adequately drained and does not increase the likelihood of flooding within and beyond the site.

9. The free-field Leq(1 hour) noise levels emitted by plant and machinery used on the premises will not exceed the values detailed in Table 1 when measured externally at the nearest occupied residential Noise Sensitive Receptors, as existing or consented at the time of this consent unless otherwise agreed in writing with the Planning Authority.

Table 1: Noise Limits

Time	Descriptor	Frequency (Hz), dBZ								
		31.5	63	125	250	500	1000	2000	4000	8000
23:00 – 07:00	Night	79	61	49	41	34	30	27	24	23
07:00 – 23:00	Day	86	69	58	50	44	40	37	35	33

Reason: To protect nearby residents from undue noise and disturbance.

10. Prior to construction works commencing on site, an updated Construction Traffic Management Plan shall be submitted to and approved in writing by the planning authority.

Reason: To ensure appropriate mitigation measures are deployed to manage the impact of the construction traffic on the public road network.

11. Prior to construction works commencing on site, a vehicle wheel wash shall be installed at or close to the site entrance and all construction vehicles must use the wheel wash before exiting the site and travelling along public roads. The precise details of the wheel wash shall be agreed in writing with the planning authority prior to installation.

Reason: To minimise the risk of debris from the works being deposited onto public roads.

12. During the construction phase of development, provision shall be made for a road sweeper to be deployed along the A697 in the vicinity of the site entrance. The precise details of the frequency of road sweeping shall first be agreed in writing by the planning authority.

Reason: To ensure the public roads are kept clear of debris from the construction works.

13. All heavy goods vehicles carrying spoil or construction materials to and from the site shall be sheeted.

Reason: To prevent the spillage or deposit of any materials onto the public road.

Members also agreed that the retention of existing woodland as well as additional landscaping within the site would be required to ensure the successful completion and screening of the development. This view should be conveyed to ECU in the planning authority's response.

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

MINUTE of MEETING of the KELSO COMMON  
GOOD FUND SUB-COMMITTEE held via Microsoft  
Teams on Tuesday, 31 January 2023 at 5.30 p.m.

Present: - Councillors E. Robson (Chairman), T. Weatherston, S. Mountford, Community  
Councillor Gavin Horsburgh.

In Attendance: - Acting Chief Financial Officer (Suzy Douglas), Solicitor (Lauren Mitchell),  
Democratic Services Officer (F Henderson).

Members of the Public: - 0

1 **MINUTE**

- 1.1 There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 15 November 2022.

**DECISION**

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

1.2 **Action Tracker**

The Action Tracker had been circulated. In terms of the actions in respect of the Pinnaclehill Woodland, it was agreed that a site visit by Members was not required as the Tree Officer had undertaken an inspection visit. As a result of the inspection visit, the Tree Officer had drawn up an extensive list of work required to be undertaken as detailed in Appendix I to the Minute, which was likely to be costly. During the discussion which followed, consideration was given to the possibility of undertaking the work in stages, commencing with the most urgent and spreading the cost over two financial years. The Sub-Committee agreed that the Tree Officer be instructed to obtain costings for the work from 2/3 Tree Surgeons for consideration at the next meeting. The matter would remain on the Action Tracker in the meantime.

- 1.3 Elected members were of the opinion that the Woodland Trust should be contacted to explore the possibility of them taking over the Woodland for the benefit of the Community or managing the woodland on behalf of the Common Good.

**DECISION**

**AGREED that:-**

- (a) **the site visit by members be removed from the tracker;**
- (b) **the Tree Officer be instructed to obtain quotes from 2/3 Tree Surgeons in respect of the work listed in Appendix I as soon as possible; and**
- (c) **the quotes identify those actions which were most urgent.**
- (d) **The Chairman write to the Woodland Trust and invite them to visit the Pinnaclehill Woodland with a view to taking over the Woodland or managing the woodland on behalf of the Common Good.**

2.0 **MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2022**

There had been circulated copies of a report by the Acting Chief Financial Services Officer providing details of the income and expenditure for the Kelso Common Good Fund for the nine

months to 31 December 2023, a full year projected out-turn for 2022/23, projected balance sheet values as at 31 March 2023 and proposed budget for 2023/24. Appendix 1 to the report provided the projected Income and Expenditure position for 2022/23, which showed a projected surplus of £7,749 for the year, which was less than the surplus previously reported in November 2022. Appendix 2 to the report provided a projected balance sheet value as at 31 March 2023 and showed a projected decrease in reserves of £53,730. Appendix 3(a) to the report provided a breakdown of the property portfolio showing rental income and net return for 2022/23, and actual property income to 31 December 2022. Appendix 3(b) provided a breakdown of the property portfolio showing projected property expenditure for 2022/23, and actual property expenditure to 31 December 2022. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2023. Appendix 5 detailed the value of the Aegon Asset Management Investment Fund to 31 December 2023. The Acting Chief Financial Officer highlighted the main points in the report and answered Members' questions. In response to a question about the Croft Park, Public Toilets, the Acting Chief Financial Officer confirmed that should the toilets be leased to the Rugby Club, it would remain an Asset of the Common Good.

#### **DECISION**

**(a) AGREED the proposed budget for 2023/24 as shown in Appendix I.**

**(b) NOTED:-**

- (i) projected income and expenditure for 2022/23 in Appendix 1 to the report;**
- (ii) the projected balance sheet value as at 31 March 2023 in Appendix 2 to the report;**
- (iii) the summary of the property portfolio in Appendices 3 and 4 to the report; and**
- (iv) the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.**

*The meeting closed at 5.50 p.m.*

# SCOTTISH BORDERS COUNCIL TWEEDDALE AREA PARTNERSHIP

MINUTES of Meeting of the TWEEDDALE  
AREA PARTNERSHIP held via Microsoft  
Teams on Tuesday, 7 February 2023 at 7.00  
pm

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- Present:- Councillors M. Douglas (Chairman), D. Begg, J. Pirone and R. Tatler
- Apologies:- Councillors E. Small and V. Thomson
- In Attendance:- Community Co-ordinator (K. Harrow), Community Engagement Officer (H. Lacon), Democratic Services Officer (D. Hall), Trainee Democratic Services Officer.
- Also present:- Peter Maudsley (Peebles Community Council), Chris Lewin (Upper Tweed Community Council), Gordon Daly (Innerleithen Community Council), Chris Whitmore (Clovenfords Community Council), Esther Daborn (Tweeddale Assessment Panel), Lorna McCullough (The Bridge), Crick Carleton (Chair of the Tweeddale Area Partnership Place Making Working Group), Anne Snoddy, Harry Whitmore (SOSCH), George Thornton, Jean Dobbing.

## 1. **WELCOME AND INTRODUCTIONS**

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 ON 1 NOVEMBER 2022**

There had been circulated copies of the Menti feedback and the Minute of the Meeting held on 1 November 2022. Hannah Lacon reported that feedback was beneficial and generally positive. In response to a request for more information on the Chambers Institution Trust, Councillor Tatler was to provide an update at this meeting. In response to comments around housing, Harry Whitmore from South of Scotland Community Housing (SOSCH) was to provide information on supporting community groups at this meeting. Denise Brydon, Project Manager for Access in Transport had provided an update on the Tweed Valley Railway Path which was to be circulated to Members after the meeting. The Eshiels Tunnel lighting and improvement works were to be considered for inclusion in the Destination Tweed project and was subject to the necessary bat licence permissions. The works to the high level bridge beams at Eshiels had been completed by SBC Contracts and additional non-slip strips had been added. The recent flooding had had an impact on the bank by the path at Walkerburn and was under investigation by the Flood Team and Access Ranger for the West. Construction of the Eddleston Water path was now in its end stage with a final site meeting on 9 February to review the construction. The path was expected to be opened soon, subject to design team input to the road safety audit in mid-February. Landscaping works were to continue once the path was open to the public, with an official opening event for the community in the Spring.

## **DECISION**

**AGREED to approve the minute and feedback of 1 November 2022 with spelling of lense changed to lens.**

3. **SOUTH OF SCOTLAND COMMUNITY HOUSING**

There followed a presentation by Harry Whitmore of South of Scotland Community Housing (SOSCH). The organisation was established in 2006 to address a shortfall in rural housing supply in South West Scotland. SOSCH supported community organisations to deliver affordable community-led housing within the context of community-ownership of land and assets. There were 612 assets in community ownership across Scotland, including housing, shops and renewable energy sources. There were several benefits to community ownership: the building of sustainable communities; economic and social regeneration; flexible, affordable housing provision; and revenue source for community organisations. The team of five were currently engaged with 35+ communities in Southern Scotland. Their role centred on: organisational and capacity building; housing need and demand assessments; project feasibility work; allocations policy and funding support. As the Community Led Housing Co-ordinator for South East Scotland, Mr Whitmore had recently been building partnerships across the area at Kirkhope Steadings, Ettrick and Yarrow and Jedburgh town centre. There was to be a focus on bringing empty buildings back into use as community led housing. This had several benefits: carbon footprint reduction; town centre renewal and encouragement of economic investment; preservation of history and built heritage; and enhanced local support. It was noted that Peebles and Innerleithen were ineligible for the Rural Housing Fund due to their population size. However alternative funding sources were available through the Scottish Land Fund and South of Scotland Enterprise among others. SOSCH relied on local knowledge of housing need and vacant and derelict properties to deliver community led housing. Mr Whitmore ended the presentation with an appeal for members to consider the service that SOSCH provided when seeking to address housing need in Tweeddale, and he could be contacted at [harry.sosch@outlook.com](mailto:harry.sosch@outlook.com).

4. **CHAMBERS INSTITUTION TRUST**

Councillor Tatler provided a brief summary of progress to date. Ms Lorna McCullough had been appointed as an administrator to the Beneficiaries Group. Sam Coe had been appointed to the Chambers Institution Trust Sub Committee as an observer member from the Beneficiaries Group. Tours of the Chambers Institution Trust building and a public consultation exercise were held in November 2022. Feedback from this had led to the consideration of installing a mezzanine floor in the Burgh Hall. To this end a brief was produced and brought to PagePark Architects. In December, sub groups were formed: one to appoint a facilitator, one to produce a Communications and Engagement strategy and one to consider interior paint colours and window and lighting treatments. The facilitator brief had been completed and a stakeholder list and communications strategy had been finalised. Work had begun on 9 January 2023 with the suspended ceiling now removed. There had been significant extra costs to the scaffolding. Wi-Fi coverage was to be extended to the Burgh Hall, the Registrar's Office and the Quadrangle. It was a disappointment to not receive money from the Levelling Up Fund and other funding sources were being considered. The Sub-Committee were keen to broaden involvement to a wider geographical area; 28 people had expressed interest so far. The Burgh Hall work was to be completed by the end of April. A final report on the Burgh Hall work was to be presented in due course and thereafter fundraising for the remainder of the work was to continue. A celebratory opening event was to be considered to coincide with the 140<sup>th</sup> anniversary of the death of William Chambers. It was agreed that contact should be made with the Museum at Trimontium Melrose which had undergone a major renovation; the lead officer was to be approached with a view to attending the next meeting of the Beneficiaries Group.

**DECISION**

**NOTED the update**

5. **PLACE MAKING UPDATE**

Crick Carleton, Chair of Place Making Working Group provided an update of progress to date under four headings: Consultancy Framework Contract; Funding; Place Making Plans update; and Information Sharing. Scottish Borders Council had invited applications to join the Consultancy Framework Contract, a two tier platform for communities to access advice and support in the process of consulting, engaging and drafting their Place Making Plan or in the development of their financial Town Investment Plans. Although there was to be a focus on those larger communities engaged in the Borderlands Inclusive Growth Deal, smaller Tweeddale communities were to have access to these services towards the end of February 2023 to simplify the contracting process and facilitate rapid progress. Communities would have six consultants from which to choose; they were to engage one of their choice or run a 'mini competition' between a few. The Sub-Committee were to be advised of the date of the contracting process going live. Meanwhile, Tweeddale community groups were to liaise with SBC's Communities and Partnership Team. Early talks had taken place with SBC and the Borders Third Sector Interface to explore any additional support which might be provided. The funding of Place Making was made available from both SBC's budget (£110k) and the Shared Prosperity Fund (£300k). It was pointed out that SBC's share of funding was available for three years and the mechanism to draw on funds was being put in place currently. To date West Linton, Eddleston and Walkerburn had embarked on community engagement and data gathering, with Peebles further into the process. Other communities were at the very early stages of assembling a small team to begin. In a bid to improve information sharing between communities, an alternative to Microsoft Sharepoint was being sought. It was hoped that the Place Making project would be able to join with the Borderlands Inclusive Growth Deal in using their website to share experience and advice between groups and update progress via the public facing information page. It was confirmed that Skirling Community Council were able to join the working group for Place Making and there were no constraints on them engaging in the consultancy process. There was also some merit in smaller communities joining forces. It was confirmed that the formation of a development trust was not essential for participation in the Place Making Project and Chris Whitmore of Clovenfords Community Council undertook to liaise with Skirling Community Council to share information on their plans to form a development trust, supported by Lorna McCullough at The Bridge. The Development Trust Association Scotland (dtascot.org.uk) was a good source of information and support if any community wanted to form a development trust.

#### **DECISION**

**NOTED the update**

#### **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 £47,616.97 awarded thus far. If all applications totalling £15,620 were successful, funds of £30,120.03 would remain. There had since been a revision to the grant total based on the Panel's recommendations and if successful, there would remain £37, 637.03. The Chair reported a lesser amount available in the Small Schemes fund and Ms Lacon confirmed that an updated figure was pending from Finance.

#### **DECISION**

**NOTED the update**

#### **7. NEIGHBOURHOOD SUPPORT FUND**

Ms Esther Daborn of the Tweeddale Assessment panel provided an overview of each of the applications. The Assessment Panel had carefully considered each application and any conflicts of interest were declared during the Panel's deliberations.

- 7.1 **Perfect Harmony**  
The charity engaged local musicians to provide concerts in Nursing Homes, Residential Homes/Flats, Sheltered Housing, Hospital and Day Care Centres in the whole of the Scottish Borders. An application for £2700 to stage concerts had been made. Perfect Harmony had been asked to supply the 2023/24 budget for Tweeddale to clarify how the £2700 was to be spent to the benefit of Tweeddale specifically. This had not yet been received therefore no recommendation was possible.
- 7.2 **Greener Peebles**  
Greener Peebles had requested £5,180 for a Celebratory event. Staff costs outlined in the application were not over and above normal staff costs, therefore an award of £2950 was recommended to cover budgeted staff costs.
- 7.3 **Peebles Men's Shed**  
Peebles Men's Shed had requested £6,300 for rent and insurance. There was a limit of £5,000 to the NSF award if there was no evidence of seeking funding from other sources, so an award of £5,000 was recommended. The group were encouraged to continue to request 'pay what you can' contributions from members.
- 7.5 **Priorsford Primary School PTA**  
An application had been made for £153 to restore their school badge mosaic. The project was to mount and frame the mosaic so it could be hung for display at the school. The Panel recommended the award.
- 7.6 **Informal Group of Peebles People**  
An application had been made for £1287 to stage a week long factual public exhibition on the Peebles Common Good Fund (11/2/23-20/2/23) in the Eastgate Theatre Café. This was considered the business of the Peebles Common Good Fund and therefore no award was recommended.
- 7.7 There was general agreement to consider at the next meeting in March the restarting of a fast track process for applications of less than £1500. This two stage process would require a recommendation from the Tweeddale Assessment Panel, to then be decisioned by Elected Members via email. Kenny Harrow suggested a meeting with the Assessment Panel to agree criteria and process prior to the next meeting of the Area Partnership.
- 7.8 Councillor Tatler informed the Sub-Committee of the in-person meeting of the Peebles Common Good Fund on 28 February 2023. This meeting was to include a public Q&A session. There was to be considered the production of an annual report and an exhibition on the work of the Peebles Common Good Fund Sub-Committee in the future.

**DECISION**  
**AGREED:-**

- (a) **that the application from Perfect Harmony was not approved;**
- (b) **to award Greener Peebles the sum of £2950 to cover staff costs at a celebratory event;**
- (c) **to award Peebles Men's Shed the sum of £5,000 towards rent and insurance costs;**
- (d) **to award Priorsford Primary School PTA the sum of £153 to restore and hang their school badge mosaic;**
- (e) **that the application from Informal Group of Peebles People was not approved;**



- (f) to convene a meeting of the Tweeddale Assessment Panel to set criteria and process for a fast track funding application for awards under £1500 to the Neighbourhood Support Fund; and
- (g) to add an item to the agenda of the meeting of 28 March 2023 to consider the criteria and process recommended by the Assessment Panel for fast track application for awards under £1500.

## 8. OPEN FORUM

- 9.1 Ms Daborn proposed a vote of thanks to the Tweeddale West Councillors for their efforts in supporting the retention of the 101/102 bus service. Mr Lewin raised the long standing issue of the economic migration of young people from the Borders and whether there was any planned initiatives for Scottish Borders Council to address this. Councillor Tatler suggested that representatives of SOSE, Borderlands and SBC's Economic Development team be invited to a future meeting of the Area Partnership to share current projects that support enterprise across the Borders. Kenny Harrow reported that there was closer cooperation between Economic Development and Employment Service following their amalgamation. Lorna McCullough had attended a visioning event for the Scottish Borders Climate Action Network where it was reported that investment and resource was to be allocated to the Borders area with a focus on employability. Councillor Pirone suggested that housing was considered in tandem with employment opportunities. Youth engagement in the Place Making plans was also noted as important to the process; housing and employability were main drivers for them leaving the area. Work was being undertaken to address this.
- A vote of thanks from George Thornton was expressed to Councillors for their assistance following the recent floods. In relation to property availability, the regeneration of Walkerburn and Innerleithen communities had raised the profile of the area
- 9.2 Mr Harrow provided a brief summary of the Peebles High School feedback sessions. Both sessions were well attended by the Council officers, community organisations and the public. There had been communication issues and there was an undertaking to improve this going forward. The website page was to be updated regularly and provided public access to the ongoing plans and processes with a view to addressing concerns. The Menti feedback tool was to be available for the next two weeks via the Peebles High School website for further comment or questions. Members were requested to direct any queries they receive about the project build to the Communities and Partnership team. Council officers were commended for their efforts in staging the sessions in a time of increased workload pressures and budgetary constraints.
- 9.3 A request was made to consider holding a future meeting of the Tweeddale Area Partnership in person at the Burgh Hall. Kenny Harrow agreed to investigate the possibility of 13 June 2023 meeting being hybrid.

## 9. MEETING EVALUATION VIA MENTI

Ms Lacon encouraged attendees to complete meeting evaluation forms via the link in the chat and to submit any items for a future agenda.

## 10. DATE OF NEXT MEETING

The next meeting of the Tweeddale Area Partnership was scheduled for 28 March 2023, via Teams.

***The meeting concluded at 8.40 pm***

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# SCOTTISH BORDERS COUNCIL AUDIT COMMITTEE

MINUTES of Meeting of the AUDIT  
COMMITTEE held via Microsoft Teams on  
Monday, 13 February 2023 at 10.00 am

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

Apologies:- Councillors J. Paton Day

In Attendance:- Chief Executive, Acting Chief Financial Officer, Chief Officer Audit and Risk, Corporate Risk Officer, Senior Internal Auditor (K. Culley), Ms S. Harold (Audit Scotland) and Democratic Services Officer (W. Mohieddeen).

## 1. **MINUTE**

There had been circulated copies of the Minutes of the Meetings held on 23 November 2022 and 12 December 2022.

### **DECISION**

- (a) **AGREED to approve the Minute of the Meeting held on 23 November 2022 for signature by the Chair; and,**
- (b) **AGREED to approve the Minute of the Meeting held on 12 December 2022 for signature by the Chair.**

## 2. **AUDIT COMMITTEE ACTION TRACKER**

- 2.1 There had been circulated copies of the Audit Committee Action Tracker which was presented by the Chief Officer Audit and Risk.
- 2.2 With reference to paragraph 7 of the Minute of the Meeting of Audit and Scrutiny Committee held on 22 November 2021, two of four Internal Audit actions were implemented which related to software upgrade including data migration and refreshing of the business continuity policy. Two actions remained related to resources and training, and to the programme of testing. The action related to the Business Continuity Framework would remain on the action tracker until the completion of the two remaining Internal Audit actions.
- 2.3 With reference to paragraph 13 of the Minute of the Meeting of Audit and Scrutiny Committee held on 27 June 2022, the Audit Committee Skills and Knowledge Development Session had been delivered on 2 February 2023 and there was a Development Session scheduled on Annual Audit Committee Self-Assessment. The Chief Officer Audit and Risk advised that further development sessions for 2023 would be scheduled and that a proposal would be presented to the Audit Committee for its next meeting.
- 2.4 With reference to paragraph 3 of the Minute of the Meeting held on 12 September 2022, a further update on progress on remaining audit actions for the Learning and Disability Service was scheduled for the March meeting of Audit Committee.

- 2.5 With reference to paragraph 6 of the Minute of the Meeting held on 12 September 2022, the Chief Officer Audit and Risk advised that reports were presented in the business of the meeting on Counter Fraud Controls Assessment and an update on progress on National Fraud Initiative and the actions would be marked as complete.
- 2.6 With reference to paragraph 4.4 of the Minute of the Meeting held on 23 November 2022, discussions had taken place with officers in the Corporate Performance team and a report on progress of actions in the external audit report 2021-22 on the Best Value Action Plan would be presented at the next meeting of the Audit Committee.

## **DECISION**

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

- (i) that a schedule of further Audit Committee Development Sessions for 2023/24 be prepared;**
- (ii) that the action related to Audit Scotland National Fraud Report 2022 be marked complete; and**

### **(b) NOTED progress on the action tracker.**

## **3. DIRECTOR RISK MANAGEMENT PRESENTATION**

- 3.1 The Chair introduced Chief Executive to give a presentation on corporate risks. Mr Robertson presented with a slide outlining the organisational structure and its directorships. SBC managed approximately 5,500 staff, a revenue budget of £344 million, a capital plan of £500 million, and 137 discrete functions within the structure. The risk management landscape covered the following areas:
- Environmental (geography, rurality and energy risks)
  - Legal (statutory obligations, current and future legislation)
  - Technological (new and emerging technologies, and cyber-security)
  - Social (demographics, poverty levels, and public health and wellbeing)
  - Economical and financial climate (market conditions and funding)
  - Political (government policies, international disruption)
- 3.2 Mr Robertson explained that Risk Management was not a one off process but was a continuous exercise which reflected that business priorities were subject to change and that risks, their internal controls and their mitigation actions changed also. A Corporate Risk Register was reviewed quarterly by the Council Management Team where 'red' category risks were reviewed quarterly, 'amber' risks were reviewed every six months and 'green' risks were reviewed annually. All Corporate and Service Risk Registers were recorded on the Pentana System to enable reporting. Mr Robertson presented slides from the Risk Register to demonstrate how they were monitored, the description of risks, the risk owner and the last review dates. Further Corporate Risk presentations were to be given to Audit Committee with regards to Property, Capital Projects, Climate Change, and Children and Young People and Adults at Risk of Harm. Mr Robertson presented a detailed insight into Corporate Risk 032 Climate Change under Outcome One: Clean, Green Future. The insight showed how the risk was managed, who managed the risk and the approach for how the risk was to be managed. The Climate Change risk was assessed as a 'red' risk. Further detailed insights were provided into Corporate Risk 019 Children and Young People/Learners Placement under Outcome Two: Fulfilling our Potential which was assessed as a 'red' risk; Corporate Risk 027 Capital Project under Outcome Three: Strong, Inclusive Economy, Transport and Infrastructure assessed as an 'amber' risk; Corporate Risk 030 Stakeholder Engagement under Outcome Four: Empowered, Vibrant Communities assessed as an 'amber' risk; and Corporate Risk 016 Insufficient Resources for the Delivery of the Commissioning Plan under Outcome Five: Good Health and Wellbeing assessed as an 'amber' risk. Mr Robertson advised that the development of the National Care Service for Scotland provided uncertainty and had been

identified as a new risk for SBC. Corporate Risk 022 Corporate Change and Transformation under Outcome Six: Working Together Improving Lives was presented which was assessed as an 'amber' risk.

- 3.3 Members thanked the Chief Executive for the presentation who answered questions on the Corporate Risk Register. Mr Robertson explained that where risks presented did not have a named 'Assigned To' person, the risk reverted to being the named director as 'Risk Owner'. Some risks identified by SBC had limited actions that SBC could take based on resources or scope of the Council. The Chief Officer Audit and Risk provided further explanation on the risk register that when the risk approach of the Council was to treat and not tolerate, then actions related to those identified internal controls that were not yet fully effective as well as new mitigation actions. SBC were pursuing an ambitious capital plan that faced specific pressures on inflated construction costs and the ability to obtain contractors to deliver projects which led to the capital project being raised on the risk register. Good project management skills were necessary and that had led SBC to commission project managers and other specific consultants to be able to deliver projects.

#### **DECISION**

**NOTED the update.**

#### **MEMBER**

Councillor Cox left the meeting during discussion of the above item.

#### **4. DRAFT TREASURY MANAGEMENT AND INVESTMENT STRATEGY 2023-24**

There had been circulated copies of a report by Acting Chief Financial Officer that presented the proposed Treasury Management Strategy for 2023/24 for consideration prior to Council approval. The Treasury Management Strategy was the framework which ensured that the Council operated within prudent, affordable limits in compliance with the CIPFA Code. The Strategy for 2023-24 which was to be submitted to Council on 23 February 2023 was included in Appendix 1 of the report and reflected the impact of the Administration's draft Financial Plans for 2023-24 onwards on the prudential and treasury indicators for the Council. The Acting Chief Financial Officer advised that a significant change from 2022-23 strategy was an increase in the Capital Financing Requirement (CFR) of £29.093m as a result of reprofiling of the debt liability repayments of the Council's PPP contracts as at 1 April 2023. The increase in the CFR would continue to be reduced by the revised repayments after each Service Concession Arrangement contract had expired until the end of the revised period. The proposed adjustments to the accounting treatment associated with the PPP contracts had flowed to the treasury management strategy presented to the Committee. The Acting Chief Financial Officer presented the report and answered Members' questions. Explanations of the calculation of debt limits was provided. The debt limit provided was underpinned by calculations worked with the SBC debt advisors and the operational boundaries were self-regulated. SBC treasury advisors, Link, provide support to ensure compliance with regulations accounting practices related to the indicators contained within the strategy. It was suggested that written confirmation from the SBC treasury advisors that there was compliance procedures were in place and were adhered to.

#### **DECISION**

**AGREED to RECOMMEND to COUNCIL the draft Treasury Management Strategy for 2023/24 for approval.**

#### **5. COUNTER FRAUD CONTROLS ASSESSMENT 2022-23**

There had been circulated copies of a report by Chief Officer Audit and Risk that presented the findings and necessary actions arising from the Integrity Group's assessment of counter fraud controls. The Council was committed to minimising the risk of loss due to fraud, theft, corruption or crime and to taking appropriate action against those who attempted to defraud the Council, whether from within the authority or from outside. Tackling fraud was not a one-off exercise, but a continuous process across all

parts of the Council because the service delivery processes it underpinned were continuous. Tackling fraud was an integral part of good governance within the Council, to safeguard the Council's resources for delivery of services, as part of protecting the public purse. The primary responsibility for the prevention, detection and investigation of fraud rested with Management, supported by the Integrity Group, whose purpose was to improve the Council's resilience to fraud, theft, corruption, and crime. One way it could achieve that was self-assessing of the Council's arrangements against best practice and agreeing any appropriate actions to continuously improve the arrangements in place. Part of the Audit Committee's role was to oversee the framework of internal financial control which included the assessment of fraud risks and to monitor counter fraud strategy, actions and resources. Assurances about the effectiveness of the Council's existing systems and arrangements for the prevention, detection and investigation of fraud could be taken from the outcomes contained within the report. The Chief Officer Audit and Risk referred to the Cyber Security Maturity Assessment undertaken that has delivered recommendations on how to enhance and increase the effectiveness of current controls and identify areas where resilience against persistent threats could be improved. Members discussed the role of the Integrity Group in assessing emergent risks including working from home. The Chief Officer Audit and Risk referred to previous reports from Audit Scotland that covered emergent risks related to arrangements made during the Covid-19 pandemic and that the Integrity Group had reviewed relevant arrangements and presented assurance reports to the Audit Committee.

#### **DECISION**

- (a) NOTED the findings from the Integrity Group's assessment of counter fraud controls 2022/23 in response to fraud risks; and,**
- (b) AGREED to endorse the ongoing Management actions to enhance the Council's resilience to fraud, as summarised in the Action Plans set out in Appendices 1 and 2 of the report.**

#### **6. NATIONAL FRAUD INITIATIVE 2022-2023 EXERCISE SELF-APPRAISAL CHECKLIST**

There had been circulated copies of a report by Chief Officer Audit and Risk that presented the outcomes of the completion of the self-appraisal checklist by the Integrity Group, as part of the Council's participation in the National Fraud Initiative (NFI) 2022-2023 Exercise. The Council was committed to minimising the risk of loss due to fraud, theft, corruption or crime and to taking appropriate action against those who attempt to defraud the Council, whether from within the authority or from outside. The primary responsibility for the prevention, detection and investigation of fraud rested with Management, supported by the Integrity Group. Part of the Audit Committee's role was to oversee the framework of internal financial control which included the assessment of fraud risks and to monitor counter fraud strategy, actions and resources. Assurances about the planning and initial preparations for the Council's participation in the National Fraud Initiative (NFI) 2022-2023 Exercise could be taken from the Actions and Self-Appraisal contained within the report. The Chief Officer Audit & Risk highlighted that the remaining questions on the Self-Appraisal would be completed and reviewed by the Integrity Group in alignment with the phases within the timetable of the National Fraud Initiative 2022-2023 exercise. The Chair expressed gratitude for progress made on the National Fraud initiative.

#### **DECISION**

##### **NOTED:**

- (a) the Progress Update by the Integrity Group on Management Actions in response to the Recommendations arising from the 'National Fraud Initiative in Scotland 2022', as summarised in the Action Plan set out in Appendix 1 of the report; and,**

- (b) the outcomes of the completion of the Self-Appraisal Checklist by the Integrity Group as part of the Council's participation in the National Fraud Initiative 2022-2023 Exercise, as set out in Appendix 2 of the report.**

**7. INTERNAL AUDIT WORK TO DECEMBER 2022**

- 7.1 There had been circulated copies of a report by Chief Officer Audit and Risk that provided members of the Audit Committee with details of the recent work carried out by Internal Audit and the recommended audit actions agreed by Management to improve internal controls and governance arrangements. The work Internal Audit had carried out in the period from 1 November to 31 December 2022 associated with the delivery of the approved Internal Audit Annual Plan 2022-23 was detailed in the report. A total of 5 final Internal Audit reports had been issued. There were 9 recommendations made associated with 4 of the reports (3 Medium-rated; 6 Low-rated). An Executive Summary of the final Internal Audit assurance reports issued, including audit objective, findings, good practice, recommendations (where appropriate) and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was shown in Appendix 1 of the report. The SBC Internal Audit function conformed to the professional standards as set out in Public Sector Internal Audit Standards (PSIAS) (2017) which included the production of the report to communicate the results of the reviews.

**MEMBER**

Councillor Robson joined the meeting during discussion of the item.

- 7.2 The Chief Officer Audit and Risk summarised the report and answered Members' questions. Ms Culley, Senior Internal Auditor, explained that ParentPay reimbursement related to the reimbursement of service charges being made to school accounts. With regards to succession planning in aging workforce, the Chief Officer Audit and Risk advised that this common issue was being raised as part of regular conversations with the Director People Performance and Change. With regards to best value in respect of passenger transport procurement, the Chief Officer Audit and Risk advised that a multi-faceted approach was taken to best value which included community benefit, sustainable and secure provision which was taken into account.

**DECISION**

**NOTED:**

- (a) the Executive Summaries of the final Internal Audit assurance reports issued in the period from 1 November to 31 December 2022 associated with the delivery of the approved Internal Audit Annual Plan 2022-23;**
- (b) the Internal Audit Consultancy and Other Work carried out in accordance with the approved Internal Audit Charter; and,**
- (c) the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work.**

*The meeting concluded at 12.15 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, TD6 0SA and via Microsoft Teams on Tuesday, 14th February, 2023 at 10.00 am

Present:- Councillors E. Jardine (Chair), , L. Douglas, M. Douglas, J. Greenwell, C. Hamilton, S. Hamilton, J. Linehan, S. Mountford, D. Parker 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

In Attendance:- Chief Executive, Acting Chief Financial Officer, Chief Planning Officer, Democratic Services Team Leader, Democratic Services Officer (D. Hall)

## 1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 6 December 2022.

### **DECISION**

**APPROVED for signature by the Chairman.**

## 2. **EMPTY HOMES GRANT SCHEME PROGRESS UPDATE**

- 2.1 With reference to paragraph 4 of the Minute of the meeting held on 7 December 2021, there had been circulated copies of a report by the Director, Infrastructure and Environment which provided an update on the delivery of the Empty Homes Grant Scheme since its implementation in December 2021. The Housing (Scotland) Act 2001 placed a statutory requirement on Local Authorities to develop a Local Housing Strategy (LHS). That strategy set out the strategic direction for housing investment and service delivery, and identified the need to bring empty properties back into effective use. The report explained that the most common hurdle for empty home owners was the financial cost associated with bringing a property back into use. The Committee approved the creation of a specific fund to assist owners to bring homes back in to use either for occupation or let out as affordable homes in December 2021. The introduction of the Empty Homes Grant contributed to the strategic objectives highlighted in the LHS, the Strategic Housing Investment Plan and the Rapid Re-housing Transition Plan. Additionally, tackling empty properties supported the approach to town centre and place based regeneration. The report provided an update on progress made and information on applications for financial support made by empty home owners.
- 2.2 The Lead Officer, Housing Strategy and Development, Ms Donna Bogdanovic, presented the report, and highlighted that considerable work had taken place to develop and establish the appropriate legal, financial, and monitoring processes to allow the scheme to operate. The report provided an overview of the applications which had been received, and their current status. Since the report had been published a further application had been received, and 2 of the applications listed as not yet approved had been approved. Ms Bogdanovic expected that all of the applications identified on the list would be approved following the provision of more detail, acquisition of building warrants or approval of planning permission. 12 out of the 16 applications would result in a home available to rent at local housing rates, the remaining 4 would be used by an owner occupier. Over half of the applications related to properties which had been vacant for 15 years or more. Of the resources set aside for the Scheme, over 80% had been earmarked. Members highlighted that bringing empty homes back into use represented a

significant positive benefit for the region. In response to a question regarding the number of applications received, Ms Bogdanovic expressed satisfaction at the volume of applications, and expressed her thanks to Scottish Borders Council's finance and legal departments for their assistance. Regarding the challenges facing the scheme, the Empty Homes Officer outlined that each project presented its own unique challenges, as some elements of projects would not be eligible for funding, whilst others could. In response to a question regarding the use of the premium rate of council tax, the Empty Homes Officer confirmed that all of the empty homes which were on the valuation roll would have been subject to the premium rate. The Empty Homes Officer undertook to discuss with Members how they could check whether a home was on the valuation roll for council tax purposes. It was confirmed that the scheme could be used in instances where a change of use was proposed, however the necessary planning permissions were required, and other qualifying conditions needed to be satisfied. In response to a question regarding the timescales involved, particularly with reference to the recommendations included in the report, Ms Bogdanovic confirmed that the original intention of the scheme had been to work through a full cycle to March 2024. However, given the speed of progress, and resource allocation, since the Scheme was approved, it was expected that an evaluation would be undertaken and a report prepared for December 2023. Regarding the possibility that owners of homes whom were in receipt of a grant from the scheme could seek to rent out their properties at a higher rate following the expiration of the 5 year restrictive period, Ms Bogdanovic confirmed that there were no grounds on which that could be stopped, however policy discussions were ongoing at a national level regarding rent caps, and other protections existed which limited the amount by which rent could be increased. Ms Bogdanovic confirmed that discussions had taken place regarding the appropriateness of providing financial support to owner occupiers, and explained that in such instances a grant could only cover up to 50% of the total cost of works, compared to 75% where a property would be let out. In response to a question regarding how many individual applicants were involved in the scheme, the Empty Homes Officer confirmed that the 5 applications in Galashiels were from the same individual, and 3 applications in Eyemouth related to one individual property owner. Ms Bogdanovic explained that each property had been treated as an individual application, and that the presentation of that would be examined for future reporting purposes.

## **DECISION**

### **AGREED to:-**

- (a) note the progress made in the delivery of the Empty Homes Grant Scheme; and**
- (b) note that should the grant assistance prove successful, Officers would bring back proposals recommending an ongoing financial annual allocation from the revenues raised from the second homes council tax to continue to support the initiative.**

## **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 31 December 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 effects of 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 third quarter of 2022/23, as at 31 December, which projected the Council to be in a balanced position at the financial year end. That forecasted position included

the deployment of £1.528m of the Recovery Fund in order to balance the 2022/23 budget, which resulted in a balance of £1.844m 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, £1.987m. Recovery funding was split between funding which had been ring-fenced to be used for a specific purpose (£3.595m), 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 were required to be delivered in 2022/23. An analysis of deliverability was shown in Appendix 3 to the report. Following the December month end £8.276m savings had been delivered permanently, £0.504m were profiled to be delivered by 31 March 2023 and £3.247m had been delivered on a temporary basis through alternative savings. The Acting Chief Financial Officer, Ms Suzanne Douglas, presented the report and responded to Members questions. Regarding increased spending on Children's Panel; Appeal and Reporters expenses; Local Election costs; and Councillor travel, Ms Douglas confirmed that those items had been budgeted for but had incurred more costs than had initially been expected. It was highlighted that Elected Members could use Council e-vehicles to attend community council meetings to cut travel costs. In response to a question regarding £700k of pressures related to sickness and maternity pay within Education and Lifelong Learning, Ms Douglas confirmed that there was a budget set aside, however the pressures related to spend above what had been anticipated in the budget. The effects of Covid-19 and other long-term sickness continued to impact upon staff, however the issue was being monitored closely. Regarding the increased spend of £39k on pay awards and increased client specific care package within Joint Learning Disability, Ms Douglas confirmed that the figures represented the overall net position. In response to a question regarding further increases to the budget for Learning Disability services, and whether savings were still planned for the service, Ms Douglas explained that management were still focused on delivering savings where possible, and highlighted that changes to care package provision had delivered £40k of savings on a permanent basis, with £160k delivered on a temporary basis. The Chief Executive explained that considerable resources were required within the Children's and Young People Service for specialist care packages. Members highlighted that the packages could often be highly complex, and that the Council had a duty to provide them. In relation to undeliverable savings being offset by unallocated additional government funding on a temporary basis, Ms Douglas explained that this related to funding which was provided to Scottish Borders Council (SBC) as part of the settlement from Scottish Government which was required to be spent on services delegated to the Integrated Joint Board by SBC. The additional funding allocated recognised that there was a saving to be made by Strategic Commissioning and Partnerships which would not be possible in 2022/23, and that the in house spend by SBC on what was delegated to the IJB would be higher than expected. Members unanimously agreed to approve the recommendations.

## **DECISION**

### **AGREED to:-**

- (a) note the projected corporate monitoring position reported at 31 December 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 £1.528m 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.**

#### 4. **MONITORING OF THE CAPITAL FINANCIAL PLAN 2022/23**

- 4.1 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 31 December 2022. Key issues and highlights identified in those tables were summarised within the report. The December month end position reflected a projected outturn of £75.119m, with a net budget variance of £22.892m. This included net timing movements from 2022/23 of £25.596m. The current forecasts continued to present challenging delivery timescales therefore there might be further slippage at year end. 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 laid in the contracts being tendered this year which might result in a budget pressure. Any financial implications from those market conditions will continue to 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. That contingency was increased by £0.496m at the first two quarters and was being increased by a further £1.752m in this third quarterly monitoring, giving a revised contingency of £3.501m which a timing movement was being requested for into 2023/24 to support the 2023/24-2032/33 Capital Investment Plan. Appendix 2 to the report contained a list of the block allocations approved for this year and the various approved and proposed projects to be allocated from them within the 2022/23 Capital Plan, whilst Appendix 3 contained a list of estimated whole project capital costs for single projects which would not be completed in the current financial year.
- 4.2 Members highlighted that it was encouraging that various projects relating to the early years expansion and new school provision were continuing. In response to a question regarding the level of expected spending on the Hawick Flood Protection Scheme to 31 March 2023, the Acting Chief Financial Officer confirmed that significant works were expected within this financial quarter, and that the projected spend was expected to be reached. The Chief Executive confirmed that the scale and volume of work on the project was increasing, and it was expected that the forecast would be proved accurate. Regarding spending within Land and Property Infrastructure on free school meals, Ms Douglas explained that the spending referred to in the report related to works to improve the capacity of kitchens in schools to allow them to deliver meals to a greater number of pupils across the region.

#### **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.

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 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 £49.691m as summarised in the report. The projected balance on the Capital Fund of £9.163m 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 projected revenue balances as at 31 March 2023 as contained in Appendices 1 and 2 to the report; and

(b) note the projected balance in the Capital Fund as contained in Appendix 3 to the report.

6. **PRIVATE BUSINESS**

**DECISION**

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

**SUMMARY OF PRIVATE BUSINESS**

7. **PRIVATE MINUTE**

The Private Section of the Minute of the meeting held on 6 December 2022 was approved.

***The meeting concluded at 10.50 am***

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# SCOTTISH BORDERS COUNCIL TEVIOT AND LIDDESDALE AREA PARTNERSHIP

MINUTES of Meeting of the TEVIOT AND LIDDESDALE AREA PARTNERSHIP held in The Lesser Hall, Hawick Town Hall, Hawick on Tuesday, 21 February 2023 at 6.00 pm

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Present:- Councillors C. Ramage (Chair), , J. Cox, W. McAteer, N. Richards and A. Smart

Other organisations attendees:, Mr W. George, Ms M. Short, Mr C. Knox and Mr D. Taylor (Hawick CC); Ms F. Benton (The Bridge), Mr I. Crosbie (Newcastleton and District CC); Mr W. Douglas, (Upper Teviotdale and Borthwick Water CC);, Mr P. Kerr (Southdean CC), Ms W. Potts (Burnfoot CC), Ms R Dickson (SBHA), Mr R Swinton (Hobkirk CC),

Apologies:- Councillors S. Marshall

In Attendance:- Community Co-ordinator (G. Jardine), Community Engagement Officer (S. Culverwell), Democratic Services Officer (D. Hall).

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

The Chair welcomed everyone to the meeting and to Hawick Town Hall, and introduced Sarah Culverwell, Community Engagement Officer to the meeting.

## 2. **FEEDBACK FROM MEETING OF 13 SEPTEMBER 2022**

There had been circulated copies of the Minute of the Meeting held on 16 November 2022. The Chair advised that the South of Scotland Enterprise were holding a webinar on March 9, from 2:30pm to 3:30pm, and from 7pm to 8pm to allow interested parties to comment on their coast to coast cycle route plans. Attendees expressed concerns that the route did not pass through Bonchester Bridge, given the facilities already present there. The Chair confirmed that it remained unfeasible to host hybrid meetings due to technology constraints. The Community Co-ordinator explained that it was not possible to hold hybrid meetings in school halls, but that smaller rooms in schools could potentially be used. The possibility of using breakout rooms in online meetings to boost discussion was raised. Scottish Borders Council's Roads Department had provided a response on providing notice of road closures, explaining that there were over 200 road closures per annum, and that Community Councils were notified via the road closure circulation list as far in advance of a closure as possible. Regarding the ownership of mobile phone masts in the area, SBC's Emergency Planning department had confirmed they were often in private ownership, and that no central register existed. It was therefore extremely challenging to ascertain who owned or leased the masts.

## **DECISION**

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

## 3. **COMMUNITY CONVERSATIONS FEEDBACK**

The Chair explained that a copy of the feedback from the Community Conversations held by Scottish Borders Council over the summer had been circulated with the agenda. The events had provided the general public with the chance to meet Elected Members and senior staff to talk about what the Council did well, and where it needed to improve. Events had been held in all of the wards of the Scottish Borders. A broad range of issues

had been raised, and areas of concern could be considered as part of the budget process. It was hoped that further events would be held in the spring or summer of 2023. Overall, the conversations had been well received. Members expressed their hopes that the future events would be well attended and reach a greater diversity of attendees.

#### **DECISION**

**NOTED the update.**

#### **4. POLICE SCOTLAND UPDATE**

The Chair advised that a representative of Police Scotland had been unable to attend.

#### **5. SOUTH OF SCOTLAND COMMUNITY HOUSING – HARRY WHITMORE**

The Chair welcomed Mr Harry Whitmore of South of Scotland Community Housing (SOSCH) to make a presentation. The organisation was established in 2006 to address a shortfall in rural housing supply in South West Scotland. SOSCH supported community organisations to deliver affordable community-led housing within the context of community-ownership of land and assets. There were 612 assets in community ownership across Scotland, including housing, shops and renewable energy sources. There were several benefits to community ownership: the building of sustainable communities; economic and social regeneration; flexible, affordable housing provision; and revenue source for community organisations. The team of five were currently engaged with 35+ communities in Southern Scotland. Their role centred on: organisational and capacity building; housing need and demand assessments; project feasibility work; allocations policy and funding support. As the Community Led Housing Co-ordinator for South East Scotland, Mr Whitmore had recently been building partnerships across the area at Kirkhope Steadings, Ettrick and Yarrow and Jedburgh town centre. There was to be a focus on bringing empty buildings back into use as community led housing. This had several benefits: carbon footprint reduction; town centre renewal and encouragement of economic investment; preservation of history and built heritage; and enhanced local support. It was highlighted that projects based in Hawick were not eligible for support the Rural Housing Fund due to their population size. However alternative funding sources were available through the Scottish Land Fund and South of Scotland Enterprise among others. SOSCH relied on local knowledge of housing need and vacant and derelict properties to deliver community led housing. In response to a question regarding the criteria for the Rural Housing Fund, Mr Whitmore explained that the scheme operated based on the population size of settlements. Those with fewer than 3000 people were automatically eligible, whereas those above 10,000 were automatically ineligible. Settlements falling within that range would be eligible for some support depending on their proximity to larger settlements. In response to a question regarding the acquisition of vacant properties on high streets, Mr Whitmore explained that the process would be challenging, and indicated that SBC's Empty Homes Officer was best placed to assist with queries and enquiries of that nature. Regarding the selection of local people as tenants for housing built by a community development trust, Mr Whitmore explained that it would be possible to screen applicants in such a way as to set out preferred characteristics to ensure that tenants would be those with links to the area. It was not possible to select specific, named individuals. Mr Whitmore stressed that large projects were possible, however it was prudent to proceed in a phased manner to ensure that goals could be delivered upon. Mr Whitmore ended the presentation with an appeal for members to consider the service that SOSCH provided when seeking to address housing need in Teviot and Liddesdale, and undertook to share his contact details with attendees.

#### **DECISION**

**NOTED the presentation.**

#### **6. TEVIOT AND LIDDESDALE FUNDING TABLE 2022-23**

There had been circulated copies of the Teviot and Liddesdale Funding Table 2022-23 which showed available funding in the Teviot and Liddesdale area. The Neighbourhood



Support Fund had £87,826.02 available with £56,219.68 awarded since 1 April 2022 and applications valued at £12,258 that awaited decisions. Ms Jardine confirmed that funding could be carried forward from the current financial year, and that at its meeting in April, the Area Partnership would consider applications to the 2022/23 Fund only. The rules regarding the 2023/24 Fund would be considered at the meeting of the Area Partnership in April, with applications for 2023/24 considered at the June meeting.

**DECISION  
NOTED**

**7. NEIGHBOURHOOD SUPPORT FUND - POT A FUND**

- 7.1 There had been circulated copies of a report from the Teviot and Liddesdale Neighbourhood Support Fund Pot A Assessment Panel which detailed recommendations for three applications for funding.
- 7.2 **Burnfoot Community Futures**  
An application had been received from Burnfoot Community Futures which had requested £3758 for Burnfoot Events. The funding applied for would allow the purchase of equipment to extend the kitchen/café service and improve external lighting.
- 7.3 **Campaign for a Scottish National Park**  
An application had been received by Denholm and District from the Campaign for a Scottish National Park for £1,000 to support their “The Community of Twelve Towers of Rule” project.
- 7.4 **Campaign for a Scottish National Park**  
An application had been received by Hobkirk Community Council from the Campaign for a Scottish National Park for £1,000 to support their “The Community of Twelve Towers of Rule” project.

**DECISION  
AGREED:**

- (a) **To grant Burnfoot Community Futures an award of £3,758;**
- (b) **To grant the Campaign for a Scottish National Park an award of £1,000 from the Denholm and District Neighbourhood Support Fund Pot; and,**
- (c) **To grant the Campaign for a Scottish National Park an award of £1,000 from the Hobkirk Neighbourhood Support Fund Pot.**
- 8. NEIGHBOURHOOD SUPPORT FUND - POT B FUND**
- 8.1 The chair invited Ms Marion Short, the Chair of Community Fund Pot B Assessment Panel to provide a summary of the applications which had been considered at its meeting on Tuesday, 31 January 2023.
- 8.2 **Teviot and Liddesdale Ladies Amenities Group**  
The application from the Teviot and Liddesdale Ladies Amenities Group requested £1,500 to help meet the costs of replacing the Christmas lights on nine trees around the main square in Newcastleton. The panel had examined the details of the application meticulously and considered that the efforts to raise other funding from the local community should be commended. The display had ceased to operate due to the failure of the equipment. Ms Short highlighted that the Group had made donations to various other groups and charities within the locality, and therefore the application was recommended for approval subject to the condition that the funding was ring fenced for use solely on the Christmas lights project. Those in attendance unanimously approved the recommendation.

### 8.3 **Perfect Harmony**

Perfect Harmony, a group which performed concerts in nursing homes, sheltered housing, day care centres, and other similar locations, had applied for £3,000 to assist with the costs of delivering their events. Ms Short explained that the Assessment Panel were strongly in favour of the activities of the group, however, due to a lack of information, considerable areas of concern remained unaddressed. The Group had applied to the Eildon Area Partnership for £1350 to provide 6 concerts. The application for Teviot and Liddesdale would enable 2 concerts to take place. Given the lack of application of a pro-rata rate, and the Group's considerable financial reserves, the Assessment Panel had recommended to defer the application. Ms Jardine explained that she had discussed the application with Perfect Harmony. Each individual care home, or similar facility, was required to apply to Perfect Harmony, and pay membership fees, for performances. Perfect Harmony were in the process of confirming the number of facilities which would be registered with them in Teviot and Liddesdale for 2023/24. Attendees expressed their hope that the group would submit a revised application in the future.

### 8.4 **Elliot Clan Society**

The application from the Elliot Clan Society requested £2,000 to assist with the costs associated with an event celebrating an Elliot gathering. In considering the application the Panel had felt concerned at the lack of evidence of any other fund raising for the event. The Panel had felt that there was not sufficient detail in the application, and due to that ambiguity had recommended not to approve the application. The group had ring fenced £8,000 for the officers to attend a dinner, whilst other members of the public would be required to pay to attend. Councillor McAteer explained that he had been in discussion with the Elliot Clan Society regarding their application, and stressed that the individual responsible for completing the forms had been unwell. There was considerable debate regarding the appropriateness of Elected Members approving applications contrary to the recommendations of the Assessment Panel. Attendees expressed their concerns at an application being approved which had not followed the defined procedure. The Chair of the Newcastleton Community Council explained that they had discussed the merits of the application and were unanimous in their support. Councillor McAteer, seconded by Councillor Scott proposed that the application be approved using the remaining funds of from Pot A - Newcastleton in place of funding from Pot B. This was unanimously approved.

#### **DECISION AGREED:**

- (a) to grant Teviot and Liddesdale Ladies Amenities Group £1,500;**
- (b) that the application from Perfect Harmony was not approved ; and,**
- (c) to grant Elliot Clan Society funding of £1,919 from Pot A – Newcastleton, of the Neighbourhood Support Fund.**

### 9. **UPDATE ON PLACE MAKING**

The Chair explained that she had held discussions with Denholm Primary School regarding assistance in improving engagement with Place Making. The Primary 5, 6 and 7 students would be asked what they liked about where they live, and what they did not like. It was hoped that through these efforts engagement with young people and their parents would be improved. 30 to 40 year olds, those likely to be parents of primary school aged students, represented one of the groups that was not as engaged with place making compared to others. Ms Jardine explained that a workshop event would be held on Placemaking in the Town Hall for the Hawick community led by the Town Team, a group of volunteers.

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

10. **COMMUNITY COUNCIL UPDATE**

10.1 The Chair of Newcastleton Community Council explained that they hoped that SBC would consider providing a greater degree of admin support to Community Councils as part of the budget setting process. Concerns remained in the Community regarding the proposed deposit return scheme, particularly as rural areas were expected to be less likely to host reverse vending machines. Ms Short highlighted that the feedback on the newly repainted bollards on Hawick High Street had been overwhelmingly positive. Hawick Community Council continued to hold discussions with Newcastleton regarding their CCTV system, with a view to setting up their own system. Regarding the recently approved funding available to Community Councils to celebrate the King's Coronation in June, Councillor McAteer explained that the funding had been approved by SBC from the Covid recovery fund, and that each Community Council could apply for up to £500 if they wished. The money was not a grant, and would not automatically be provided. Ms Culverwell highlighted that the Great British Spring Clean would take place at the end of March, and undertook to circulate the details.

10.2 A meeting had been held on Tuesday, 15 February 2023 with representatives of Scottish Power Energy Networks regarding energy transitions. Elected Members, Community Representatives and Mr Euan Norris of Scottish Power had been in attendance. Regarding the EPC ratings of all of the wards in the Scottish Borders, Hawick and Denholm had scored the lowest. Hawick and Hermitage was second bottom. SBC was in the process of producing a Local Heat and Energy Efficiency Strategy, and were also decarbonising transport and fleet. The areas of Hawick and Selkirk would be pose considerable issues in the context of providing electric vehicle charging points given their layout and geographical profile. It was hoped that SBC would directly involve communities and listen to their concerns and opinions.

**DECISION**

**NOTED the update.**

11. **COST OF LIVING**

Ms Jardine provided a reminder that a number of different measures of support were available for communities, and encouraged any community group or individual to contact the Community and Partnerships team for assistance accessing that support.

**DECISION**

**NOTED**

12. **ADDITIONAL INFORMATION DOCUMENT**

The Chair advised that a considerable amount of useful information could be found using the additional information document and urged attendees to consult it.

13. **DATE OF NEXT MEETING**

It was agreed that an invitation would be extended to the Campaign for a Borders National Park to provide an update on their work. Ms Jardine highlighted that a presentation From Campaign for a Scottish Borders National Park had already taken place at Hawick Distillery. It was hoped that a conference for Community Councils would be held in October 2023. The Chair suggested that the next meeting of the Teviot and Liddesdale Area Partnership be held via Microsoft Teams, which was unanimously agreed.

*The meeting concluded at 7.55 pm.*

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# SCOTTISH BORDERS COUNCIL CHAMBERS INSTITUTION TRUST

MINUTES of Meeting of the CHAMBERS  
INSTITUTION TRUST held via Microsoft  
Teams on Wednesday, 22<sup>nd</sup> February, 2023  
at 5.00 pm

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- Present:- Councillors R. Tatler (Chairman), D. Begg, M. Douglas, E. Small and V. Thomson
- Apologies:- Councillor J. Pirone
- In Attendance:- Chief Legal Officer, Estates Strategy Manager, Property Officer (G. Smith), F. Colton (Live Borders), Localities Development Co-Ordinator (K. Harrow), Community Engagement Officer (H. Lacon), S. Coe, K. Nugent (Page\Park Architects), Trainee Democratic Services Officer

## 1.0 MINUTE AND ACTION TRACKER

There had been circulated copies of the Minute of the Meeting held on 25 January 2023 and the Action Tracker. With reference to paragraph 3.7 of the Minute, the Chair corrected the amount requested for the Burgh Hall: Insulation and secondary glazing strategy to approximately £5,400. This amount was approved.

### DECISION

- (a) **APPROVED the tracker and the Minute for signature by the Chair;**
- (b) **AGREED to the funding request for £5,400 for the Burgh Hall: Insulation and secondary glazing strategy.**

## 2.0 BENEFICIARIES GROUP FEEDBACK

- 2.1 The Chair provided a brief summary from the meeting on 21 February 2023. It was agreed that a copy of all future Beneficiaries Group minutes were to be published as a supplementary agenda item prior to Chambers Institution Trust meetings. Gareth Smith provided an update on progress at the Burgh Hall. Work had continued on the joinery, plasterwork and electrical cabling. A purchase order for the Wi-Fi installation had been raised on 22 February 2023 and following an on-site meeting with GB Technologies, the locations of the exterior dishes had been agreed. The pendant lighting fixtures had been chosen, with three options for the wall light fixtures to be considered by the Beneficiaries Group on 24 February. Sam Coe questioned the possibility of changing the lighting colour as well as it being dimmable. Electrical cabling had been installed up to the windows. Regarding the commissioning of specialist blinds, a response was awaited from two contractors. Paint colours had been chosen by the Beneficiaries Sub-Group. Additional ornamental plasterwork had been identified; the restoration was not timber detailing as first assessed. Additional funding of £4,000 was sought for the extra electrical work commissioned. This was agreed. A request was made by the Chief Legal Officer for a report from Property Maintenance on the total spend to date along with a comparison of 2021 and 2022/23 quotes. Mr Smith acknowledged that the original quotes for removal of the suspended ceiling and restoration works were over a year old. The scope of the project had since expanded, as well as being subjected to inflationary pressures. Sam Coe provided an update on progress with the Facilitator Brief. Minor changes had been

made to the brief and the revised document had been published in the supplementary agenda pack. The revised brief was approved.

- 2.2 Karen Nugent, architect with Page\Park presented the initial sketch study for the Burgh Hall. There were two options to consider: the first sketch study provided plans for the installation of a full first floor; the second provided plans for a mezzanine floor. The first option provided additional archive storage for Live Borders, a kitchen at ground floor level and a first floor level created above. Access was to be by stairs and a lift housed on the exterior of the building so as to preserve the 360 degree view of the ornate plasterwork, sunburst windows and light fittings inside. The second option provided ground floor additional archive storage for Live Borders below a mezzanine level and the kitchen remained in situ. There was a proposition that public toilets be incorporated into the plans in light of the ongoing issues with those at School Brae. Further discussions between Live Borders and the Beneficiaries Group on the briefing options submitted and the future use of the Burgh Hall were planned, followed by a further meeting with Page\Park. A final report from Page\Park was to be ready in March 2023, dependent on the progress of work and ongoing consultation.

#### **DECISION**

**NOTED the update and AGREED to:**

- (a) **fund an increase of £4,000 for additional electrical work;**
- (b) **a report from Estates on the total spend to date along with a comparison of 2021 and 2022/23 quotes to be presented to the next meeting on 15 March 2023.**

#### **MEMBERS**

Councillors Douglas and Thomson left the meeting during consideration of the above item.

#### **3.0 PROPERTY UPDATE**

This had been addressed in Item 2 above. There had been a request for a discussion on the 140<sup>th</sup> Anniversary celebrations planned for the Chambers Institution Trust. An item was to be added to the next meeting's agenda.

***The meeting concluded at 5.55 pm***

**SCOTTISH BORDERS COUNCIL  
CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in Council Chamber, Council  
Headquarters, Newtown St. Boswells and via  
Microsoft Teams on 24 February 2023 at  
10.30a.m.

Present:- Councillors M. Douglas (Convener), J. Cox, J. PatonDay, D. Parker, P.  
Brown, N. Richards, E. Small, F. Sinclair and T. Weatherston.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and  
Enforcement Officers (M. Wynne and J. Scott), Licensing Officers – (S.  
Lackenby and T. Thomson), Sergeant R. Stark, PC S. Dishington, Democratic  
Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 27 January 2023.

**DECISION**

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

2. **LICENSES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with  
under delegated powers for the periods 14 January - 12 February 2023.

**DECISION**

**NOTED.**

**PRIVATE BUSINESS**

**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to  
exclude the public from the meeting during consideration of the business detailed in  
the Appendix to this Minute on the grounds that it involved the likely disclosure of  
exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

3.0 **LICENSING OF TAXIS, PRIVATE HIRE VEHICLES AND DRIVERS**

**Hearing to consider suspension of Taxi Driver Licence**

The Committee agreed not to immediately suspend the taxi drivers licence following its  
consideration of the request received from Police Scotland.

4.0 **MINUTE**

The Private Section of the Minute of 27 January 2023 had been circulated.

*The meeting concluded at 11.10 a.m.*

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# SCOTTISH BORDERS COUNCIL GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the GALASHIELS  
COMMON GOOD FUND SUB  
COMMITTEE conducted remotely by  
Microsoft Teams on Thursday, 2 March  
2023 at 3.00 pm.

Present:- Councillors H. Steel (Chair), N. Mackinnon, and F. Sinclair.  
Apologies:- Councillor E. Jardine and Community Councillor R. Kenney.  
In Attendance:- Estates Surveyor (J. Stewart), Finance Technician, Account and Reporting (E. Mihulka), Democratic Services Officer (D. Hall).

1. **MINUTE**

The Minute of the Meeting of the Galashiels Common Good Fund Sub-Committee held on 14 December 2022 had been circulated.

**DECISION**

**APPROVED for signature by the Chairman.**

2. **MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2022 AND  
PROPOSED BUDGET FOR FINANCIAL YEAR 2023/23**

There had been circulated copies of a report by the Acting Chief Financial Officer which provided the details of the income and expenditure for the Galashiels Common Good Fund for nine months to 31 December 2022, a full year projected out-turn for 2022/23, projected balance sheet values as at 31 March 2023 and proposed budget for 2023/24. Appendix 1 to the report provided the projected income and expenditure position for 2022/23. That showed a projected surplus of £1,109, which was less than the previously reported surplus on 14 December 2022 as a result of an increase to the Central Support Charge. Appendix 2 to the report provided a projected balance sheet value as at 31 March 2023, and showed a projected decrease in reserves of £53,200. Appendix 3a provided a breakdown of the property portfolio, and showed projected rental income and projected net return for 2022/23 and actual property income to 31 December 2022, whereas Appendix 3b to the report provided a breakdown of the property portfolio and showed projected property expenditure for 2022/23 and actual property expenditure to 31 December 2022. A breakdown of the property portfolio, showing projected property valuations at 31 March 2023 was provided in Appendix 4 to the report. The value of the Aegon Asset Management Investment Fund to 30 September 2022 was provided in Appendix 5 to the report. The Finance Technician, Account and Reporting, presented the report and highlighted that the proposed budget for grant expenditure remained at £500, which was an average for the previous 3 years. The projected depreciation of £54,309 was not a cash transaction, and was offset by a contribution from the Revaluation Reserve at the end of the financial year. Regarding the increase to the Central Support Charge, Ms Mihulka explained that the charge had been estimated at 2%, but there had been an uplift to 5%. A full review was expected in 2023/24.

**DECISION**

**AGREED:-**

- (a) to note the projected income and expenditure for 2022/23 in Appendix 1 to the report as the revised budget for 2022/23;
- (b) the proposed budget for 2023/24 as shown in Appendix 1 to the report;
- (c) to note the projected balance sheet value as at 31 March 2023 Appendix 2 to the report;
- (d) to note the summary of the property portfolio in appendices 3 and 4 to the report; and
- (e) to note the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.

3. **PROPERTY**

The Estates Surveyor provided an update on plans to extract the timber located at the Ladhope Golf Club. Ms Stewart explained that the financial outcome of the extraction remained marginal with regards to profitability. The felling contractor preferred that a track would be placed which would provide access to the bottom of the woodland. Approximate pricing for that work had been received. The price of timber was beginning to improve, and therefore it had been suggested that it would be prudent to secure a detailed cost plan for the extraction. The preferred option for extraction would result in the least amount of disruption, but would still require access via the Golf Club road. The Estates Surveyor recommended that she would instruct the woodland consultant to produce a detailed plan of extraction, with exact pricings, to ensure that all parties were content with what was proposed. The Golf Club would require notice of the works one year in advance. In response to a question regarding how long the extraction could be delayed for, Ms Stewart explained that it would be possible to delay, but unforeseen events such as winter storms, and the ongoing effects of high levels of inflation, could have a negative impact on profitability. A detailed plan would provide Members with a firm idea of costs. In response to a question regarding whether Scottish Borders Council (SBC) could assist in the installation of the track, Ms Stewart explained that SBC could potentially undertake the work, and confirmed that the track, and its composition and permanence, would be subject to further discussions with the Golf Club. Members unanimously agreed to instruct the Estates Surveyor to proceed with the acquisition of a detailed plan of extraction.

**DECISION**

**AGREED that the Estates Surveyor would instruct the woodland consultant to produce detailed plans of extraction for the woodland at Ladhope Golf Club.**

*The meeting concluded at 3.15 pm.*

# SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells, and via Microsoft Teams on Monday, 6th March, 2023 at 10.00 am

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

In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson), Lead Officer Heritage and Design (D. McLean), Heritage and Design Officer (S. Roberts), Democratic Services Team Leader, and Democratic Services Officer (W. Mohieddeen)

## ORDER OF BUSINESS

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

### 1. MINUTE.

There had been circulated copies of the Minute of the Meeting held on 6 February 2023.

## DECISION

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

### 2. NEWSTEAD SUPPLEMENTARY PLANNING GUIDANCE: NEWSTEAD CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

There had been circulated copies of a report by Director Infrastructure and Environment that proposed approval for public consultation of the Draft Newstead Conservation Area Appraisal and Management Plan Supplementary Planning Guidance. The Newstead Conservation Area Appraisal and Management Plan (CAA & MP) was the first of a programme for review of all 43 conservation areas in the Scottish Borders. The review would result in a CAA & MP being produced for each conservation area. It was proposed that the Draft Newstead Conservation Area Appraisal and Management Plan Supplementary Planning Guidance, detailed in Appendix A of the report, was subject to public consultation for a period of 12 weeks. Responses received as part of the public consultation would be used to inform a finalised CAA & MP. A summary of responses to the public consultation and the finalised CAA & MP would be brought back to Planning and Building Standards Committee for adoption. The Chair invited Sanne Roberts, Heritage and Design Officer, and Debbie McLean, Lead Officer Heritage and Design, to present the report and answer Members' questions. Conservation areas were explained and Members were advised that there were 43 conservation areas in the Scottish Borders. The Conservation Area Appraisal set out the history of the area and identified special architectural and historic interest, including elements such as layout, views, landscape, trees, buildings, structures and spaces. The Management Plan provided guidance on how change can happen in a way that preserved and enhanced special character which included development guidelines and enhancement opportunities. Local authorities were obligated to produce CAAs and MPs under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and were also a requirement of the National Planning Framework 4 and the Local Development Plan under Policy EP9. The purpose

of the CAA and MP for Newstead was to provide clarity and transparency for the planning process, promote special aspects the local community and heritage of the area, and to support local funding applications. The Lead Officer Heritage and Design presented slides of the Newstead Conversation Area. The Appraisal summarised the historic context of the village and its architectural character. The Management Plan set out guidance on maintenance and planning advice. A 12-week consultation on the CAA and MP was proposed with responses to be collated and inform a report and supplementary planning guidance to be submitted to the Committee at a future meeting. In response to a question on solar panels, Members were advised that there was guidance available to help with net zero ambitions and discrete climate actions for conversation areas. The draft Management Plan also referred to available advice on replacement windows and doors which advised owners of their responsibilities. Members were advised that the CAA and MP were to help the Committee balance area conservation aspects in planning decisions and not to prevent development. The consultation was due to begin after Easter 2023 and a report would be anticipated to be presented to the Committee in the autumn. It was anticipated there would be two conservation reviews per year.

## **DECISION**

**AGREED the draft Newstead Conservation Area Appraisal and Management Plan Supplementary Planning Guidance for public consultation.**

### **3. UPDATE ON NATIONAL PLANNING FRAMEWORK AND IMPLICATIONS FOR LOCAL DEVELOPMENT PLAN AND PLANNING DECISIONS**

3.1 The Chair invited the Planning and Development Standards Manager to present an update on the National Planning Framework 4 (NPF4). NPF4 was adopted by the Scottish Government on 13 February 2023 and differed substantially from previous iterations which were largely focused on facilitating development and economic growth at a very strategic level. While these would remain important considerations, the document signalled a different emphasis which prioritised climate action and an ambition to achieve a net zero, sustainable Scotland by 2045. NPF4 would have a significant bearing on how local authorities undertook preparation of Local Development Plans (LDPs). In particular, NPF4 guided how local authorities could quantify future housing requirements and allocate development sites. NPF4 became part of the development plan and replaced the SESPlan regional development plan and the 2014 Scottish Planning Policy which were now no longer Scottish Government policy. There were three parts to NPF4 covering the National Spatial Strategy for Scotland 2045, the National Planning Policy, and annexes which added detail to the framework. There were six spatial principles which were detailed as:

- A just transition to net zero;
- Conserving and recycling of assets;
- Local living;
- Compact urban growth;
- Rebalanced development; and,
- Rural revitalisation.

3.2 These principles were expected to deliver on three overarching themes linked to the UN sustainable development goals which were:

- Sustainable places;
- Liveable places; and,
- Productive places.

3.3 NPF4 covered regional priorities for 5 geographic areas in Scotland. The Planning and Development Standards Manager advised there was one area that directly affected and one area that indirectly affected the Scottish Borders – one that covered the central belt, and the other that covered south Scotland. Priorities for south Scotland included the protection of environmental assets and stimulation of investment in natural and engineered solutions to climate change whilst decarbonising transport and building resilient physical and digital connections; increasing the population by improving local

liveability and supporting sustainable rural development and supporting local economic development whilst making substantial use of the area's world-class environmental assets to innovate and lead greener growth.

- 3.4 There were 33 policies in part 2 of NPF4 grouped by the three overarching themes. These were effectively directions for matters to be covered in revised Local Development Plans but, because it became a formed part of the development plan, also included matters which would be considered in the determination of individual planning applications. Where there were contradictory policies, NPF4 acknowledged them and confirmed that decision-makers were to determine which priorities were to take precedence. Part 3 of NPF4 set out appendices which provided additional detail on national development, spatial priorities and housing allocations. NPF4 was now referred to in planning reports and officers were content there was not major inconsistencies with the LDP2. Copies of NPF4 would be circulated by officers to the committee and support from officers on NPF4 would be available. Development of the next local development plan would incorporate developments in the policy framework outlined in NPF4.

**DECISION**

**NOTED the update.**

4. **PLANNING PERFORMANCE FRAMEWORK FEEDBACK**

The Planning and Development Standards Manager presented slides on an update on a summary of feedback from the Scottish Government on the annual planning performance framework. The 11th iteration of the Planning Performance Framework was presented which was established in 2012 to provide a rounded approach to assess the planning service incorporating indicators for performance and good practice. Speed of decision-making was not the only indicator, but there was focus on effectiveness and performance. Indicators were ranked on a red-amber-green scale and Scottish Borders Council attained 12 green rating and one red rating. The 'red' rating on the local development plan was due to the local development being over 5 years old which was affected by Covid-19 response. Decision-making timescales were shown to be 'green' rated across three indicators. The Chair noted this was the best report on the Planning Performance Framework since he had joined the committee on 2012.

**DECISION**

**NOTED the update.**

5. **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) **Two appeals had been received in respect of:**
- (i) **Installation of signage to gable wall (retrospective), 1 Hall Street, Galashiels; and,**
  - (ii) **Change of Use of an existing agricultural building to dwellinghouse, The Old Cow Shed, Lennel, Coldstream;**
- (b) **There remained one appeal previously reported on which a decision was still awaited when the report was prepared on 23 February 2023 which related to a site at Land West of Slipperfield House Slipperfield Loch, West Linton.**
- (c) **Review requests had been received in respect of:**

- (i) **Erection of boundary fence (retrospective), 100 Abbotseat, Kelso; and,**
  - (ii) **Erection of 4 no dwellinghouses, Land West of Greenburn Cottage, Auchencrow,**
- (d) **The following reviews had been determined as shown:**
- (i) **Erection of residential holiday let with associated facilities, Townfoot Hill, Land North West of Cunzieron House, Oxnam, Jedburgh – Decision of Appointed Officer Overturned (subject to conditions).**
- (e) **There remained 9 reviews previously reported on which decisions were still awaited when the report was prepared on 23 February 2023 which related to sites at:**

<ul style="list-style-type: none"> <li>• <b>Land North East of Runningburn Farm, Stichill</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Land South West of Castleside Cottage, Selkirk</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Land South West of Corstane Farmhouse, Broughton</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Land North and East of Clay Dub, Duns Road, Greenlaw</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>17 George Street, Eyemouth</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Ravelaw Farm, Duns</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Land South West of West Loch Farmhouse, Peebles</b></li> </ul>	

- (f) **There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 23 February 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.**

### **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chair 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 or to keep Members informed.

### **6. UPCOMING WIND FARM PLANNING APPLICATIONS**

The Lead Planning Officer provided Members with a position update on wind energy planning applications that were likely to be considered by Committee in the coming months. The Cloich wind farm application was likely to be presented to the Committee on at its 27 March meeting and Members were offered the opportunity to have a site visit. Officers would contact members to arrange a date for a site visit and transport could be available. Accessible points would be selected at the site visits to support Members with mobility needs. In response to a question from Members, the Lead Planning Officer advised that section 36 applications related to applications that exceeded 50 megawatts were determined by the Scottish Government Energy Consents Unit and that Scottish Borders Council were a consultee. Section 42 applications were related to modifications of earlier granted permissions for wind farms such as extension of lifespan or changes in height. Heights of turbines which were to be considered were averaging between 150 metres and 200 metres. In response to a question regarding studies that informed wind farm applications, the Planning and Development Standards Manager advised that previous guidance from Ironside Farrar may still have a role in the context of NPF4 in determining responses to wind farm applications depending on suitability and context. With regards to roads in wind farm applications, this would only come to Committee for consideration if roads there were new roads planned. Cumulative impact of windfarms in landscapes were usually considered to guide development.

**DECISION  
NOTED the update.**

*The meeting concluded at 11.20 am.*

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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 MS Teams on Tuesday, 14 March, 2023 at 10.00 am

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

Apologies: Councillors C. Cochrane, L. Douglas, E. Jardine, S. Hamilton, D. Parker, E. Thornton-Nicol, and T. Weatherston

In Attendance:- Chief Executive, Acting Chief Financial Officer, Director – Infrastructure and Environment, Director – People, Performance and Change, Director of Resilient Communities, Democratic Services Team Leader, Democratic Services Officer (D. Hall)

## **CHAIRMAN**

In the absence of the Chairman, Councillor Greenwell assumed the Chair.

### **1. MINUTE**

There had been circulated copies of the Minute of the meeting held on 14 February 2023.

## **DECISION**

**APPROVED for signature by the Chairman.**

### **2. FINAL REVENUE VIREMENTS AND EARMARKED BALANCES 2022/23**

With reference to paragraph 3 of the Minute of the meeting held on 14 February 2023, there had been circulated copies of a report by the Acting Chief Financial Officer which sought approval for the final 2022/23 budget virements and to carry forward identified earmarked budgets to 2023/24. The monitoring of the General Fund Revenue Budget at the end of January had identified the final virements and earmarked balances for 2022/23. Those included routine virements in Appendix 1 to the report and earmarked balances in Appendix 2 to the report, where it had been identified that budget was required to be carried forward to support expenditure in 2023/24. Members highlighted that the report represented prudent financial management and thanked officers for their work.

## **DECISION**

**AGREED to:-**

- (a) approve the virements in Appendix 1 to the report;**
- (b) approve the earmarked balances in Appendix 2 to the report; and**
- (c) delegate authority for the remainder of the financial year to allow the Acting Chief Financial Officer to approve any year-end budget adjustments required to reflect additional 2022/23 funding allocations.**

### **3. CORPORATE PROCUREMENT STRATEGY 2023/24**

There had been circulated copies of a report by the Acting Chief Financial Officer which sought approval of the refreshed Corporate Procurement Strategy for 2023/24 ahead of publication. The report explained that the Procurement Reform (Scotland) Act 2014 set out specific duties for contracting bodies (including Local Authorities). Those duties included the publishing of a procurement strategy and an annual report on delivery of the

strategy. The Corporate Procurement Strategy for 2023/24 in Appendix 1 to the report aligned with the Council Plan approved by Council on 23 February 2023. The Acting Chief Financial Officer presented the report and explained that the Strategy needed to be reviewed annually. Members commended the Strategy, and expressed their hope that more local businesses would be able to work with the Council. In response to a question regarding whether further “meet the buyer” events would be held, Ms Douglas explained that the previous event in Selkirk had been held under the auspices of South of Scotland Enterprise, and that that it was expected that future events would occur.

## **DECISION**

**AGREED to approve the Corporate Procurement Strategy as set out in Appendix 1 to the report.**

### **4. SCOTTISH BORDERS COUNCIL’S ANNUAL COMPLAINTS PERFORMANCE REPORT: 2021/22**

- 4.1 There had been circulated copies of a report by the Director, Resilient Communities which presented a summary of Scottish Borders Council’s “Complaints Annual Performance Report for 2021/22”, which was presented as Appendix 1 to the report. That set out how many complaints had been received, how effectively complaints had been dealt with, trends over time and how Scottish Borders Council (SBC) compared to other similar rural Local Authorities and the national average. It also provided a summary of the eight performance indicators that the Scottish Public Services Ombudsman (SPSO) required all Local Authorities to report against. The Annual Report was a requirement for all Local Authorities and allowed the SPSO to assess the effectiveness of Councils’ Complaint Handling Procedures (CHP). It also ensured an ongoing focus on learning from complaints received, to inform continuous improvement. During 2021/22, SBC received 1257 complaints, of which 849 were defined as valid. In 2021/22 Scottish Borders Council’s performance relating to the processing of complaints performed well against the Scottish National averages in many indicators, but performance was poorer in relation to indicators that measured timeliness of responses. In this area there had been a decline for a number of years.
- 4.2 The Director of Resilient Communities presented the report, and drew attention to the fact that a high number of complaints, 83%, were handled and closed at stage one of the complaints process. Complaints in general took SBC longer to deal with compared to its family group and Scotland as a whole. Whilst it was a positive that the new complaints system had gone live, it was anticipated that performance would experience a temporary dip whilst staff gained competence and experience on an operational level. 112 unsolicited comments/compliments had been received in the reporting period. It was hoped that formal methods of recording positive feedback would be explored and implemented in order to pass key feedback on to staff. Members highlighted that the report represented a key part of feedback which the Council needed to learn from as part of its drive for continual improvement. In response to a question regarding analysis of invalid complaints, the Director explained that work was regularly undertaken to assess the trends seen within invalid complaints received to ascertain whether Council communications or information needed to be amended to reduce the number received via improper channels. Regarding analysis of instances where complainants had indicated that they were dissatisfied with the outcome of their complaint, the Director confirmed that no high level analysis was undertaken in that context, and undertook to assess whether further learning could be derived from a study of that. In response to a question regarding the impact of lockdown and Covid on complaint statistics, the Director explained that whilst it may have had a bearing, the trends which had been seen nationally were generally reflected at a SBC level. Regarding the digital customer access platform, the Director highlighted that records of complaints, including their history, could be kept. Feedback had been positive on how simple to use that system was. Guidance on what would represent a valid/invalid complaint was available on the SBC website. In the event that a complaint had been deemed invalid, then the individual who had submitted the complaint received an explanation, via post or email, outlining the reasons for the

rejection and what steps they could take. The Director confirmed that all of the Directors received weekly reports which outlined all of the complaints within their directorate and what stage they were at. The Director undertook to explore the production of a breakdown of complaints by service and geographical area for Elected Members. In response to a question regarding communication to the general public regarding the new complaints system, the Director undertook to carry out work to ensure that the public were aware that a new system was in place, and that responses could be delayed as a result.

#### **DECISION**

**AGREED to note the performance of handling complaints for the periods 1 April 2021 to 31 March 2022.**

#### **5. SCOTTISH BORDERS COUNCIL'S QUARTER 3 2022/23 PERFORMANCE INFORMATION**

With reference to paragraph 5 of the Minute of the meeting held on 6 December 2022, there had been circulated copies of a report by the Director – People, Performance and Change which presented a summary of Scottish Borders Council's Quarter 3 2022/23 performance Information. The information contained within the report would be made available on the SBC website. The Director – People, Performance and Change, Ms Clare Hepburn, explained that the report had been revised in line with previously received feedback from Elected Members. Progress had largely been positive, 10 out of 13 milestones showed positive progress. There were three milestones which had not made progress as anticipated. The introduction of Parent Portal to improve digital customer access was not progressed as it had been determined that the benefits to SBC would not be realised. A programme of curriculum reform incorporating National and International recommendations had been delayed due to an extension in the consultation period by the Scottish Government. The development of a Council Commissioning Framework had moved to Quarter 4 due to the need to recruit a staff member for the necessary post. 52 of the 96 indicators were progressing as expected or did not show grounds for concern. 17 were considered showing positive progress, and 14 were highlighted as areas of focus for improvement. Four were provided for information only. There had been a delay in receiving the latest information for 9 of the performance indicators. Regarding the Community Action Team (CAT), 104 hours of foot patrols had been carried out, 1034 hours of mobile patrols, and 71 static road checks. 80 parking tickets had been issued, and 20 Anti-Social Behaviour warning letters had been issued to under 18s. 15 person drug searches and 17 premises drug searches had been carried out, with positive rates of 40% and 88% respectively. In response to a question regarding whether there was a planned alternative to Parent Portal, the Director of Resilient Communities explained that assessments of various measures, including a mobile phone application, was ongoing, with a view to determining the most effective suite of tools to communicate with parents. The Director – People, Performance and Change undertook to ensure that future reports reflected instances where the work of the CAT was affected by external pressures such as missing person cases or other high level staffing requirements. In response to a question regarding analysis of the source of Freedom of Information requests, Ms Hepburn confirmed that FOI requests came from a range of sources, such as journalists, the Scottish Parliament, and the general public. The Chief Legal Officer explained that there had been a considerable increase in the number of FOI requests received by SBC, from a wide variety of sources. The Council recognised the importance of FOI and aimed to publish information wherever possible. The Chief Legal Officer undertook to prepare detailed information for Elected Members on FOI, and where FOI requests originated from.

#### **DECISION**

**AGREED to:-**

- (a) note the Quarter 3 2022/23 Council Plan Performance Milestones and Performance Indicators Report in Appendix 1 to the report ; and**

- (b) **note the Quarter 3 2022/23 Community Action Team Performance Report in Appendix 2 to the report.**

6. **COMMUNITY RECYCLING CENTRE – BOOKING SYSTEM**

There had been circulated copies of a report by the Director of Infrastructure and Environment which proposed that the Council retained the current Community Recycling Centre booking system, which covered trailers and large vehicles, and expanded it to include small vans. The report explained that the Council introduced a booking system for trailers and large vans in response to the Covid pandemic. The majority of Covid restrictions had subsequently been lifted, and a decision on the long term need for a booking system was required. There were a number of key benefits of the booking system. Customer waiting times had been reduced as larger vehicles were spread throughout the day. Health and Safety risks had been reduced. The impact on local businesses associated with queuing traffic outside sites had been mitigated. The Council could monitor illegal use of the sites by traders who had not purchased a Trade Waste Permit. Four options had been considered, ranging from complete withdrawal of the booking system to the requirement that all vehicles pre-book. The Waste and Passenger Transport Manager, Mr Ross Sharp-Dent presented the report and highlighted that approximately three quarters of all Local Authorities in Scotland had introduced a similar booking system. Five official complaints had been received since the introduction of the booking system over 2 previous years. A public survey had been undertaken in June 2022, which had found that the majority of respondents, 44 out of 59, were happy with the system. In response to a question regarding the monitoring of fly tipping as a consequence of the system, Mr Sharp-Dent confirmed that fly tipping was monitored on a constant basis. Whilst no specific analysis of fly tipping relating to the booking system had been undertaken, there had not been a significant change detected in the data. It was confirmed that whilst larger vehicles such as people carrier cars, could be required to book a slot, that was generally limited to instances where the whole of a vehicle had been used to carry waste. Operatives were asked to use common sense to ensure that members of the public understood to use the booking system if they were dropping of a large volume of waste. Members commended report and were encouraged by the plans to introduce smart phones to front-line staff to allow them to monitor bookings in real time.

**DECISION**

**AGREED to:-**

- (a) **retain the current Community Recycling Centre Booking System, which covers trailers and large vehicles, and to expand it to include small vans;**
- (b) **deliver the proposed improvements to the booking system as outlined in the report;**
- (c) **note that the majority of visits to Community Recycling Centres were made by car and were therefore unaffected by the existing and proposed booking system; and**
- (d) **note the benefits of the booking system in relation to:**
- (i) **reducing waiting times;**
  - (ii) **reducing queues out with the sites, which create Health and Safety risks and impact local businesses; and**
  - (iii) **controlling misuse of sites by traders who had not purchased permits.**

*The meeting concluded at 11.00 am*