

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

6.	<p><b>Committee Minutes</b> (Pages 1 - 156)</p> <p>Consider Minutes of the following Committees:-</p> <p>(a) Health &amp; Social Care Joint Integration Board 10 August 2015</p> <p>(b) Local Review Body 17 August 2015</p> <p>(c) Executive 18 August 2015</p> <p>(d) Hawick Common Good Fund 18 August 2015</p> <p>(e) Teviot &amp; Liddesdale Area Forum 18 August 2015</p> <p>(f) Scrutiny 20 August 2015</p> <p>(g) Galashiels Common Good Fund 20 August 2015</p> <p>(h) Eildon Area Forum 20 August 2015</p> <p>(i) Civic Government Licensing 21 August 2015</p> <p>(j) Police, Fire &amp; Rescue and Safer Communities Board 28 August 2015</p> <p>(k) Executive 1 September 2015</p> <p>(l) Selkirk Common Good Fund 1 September 2015</p> <p>(m) Tweeddale Area Forum 2 September 2015</p> <p>(n) Pension Fund 3 September 2015</p> <p>(o) Pension Fund Board 3 September 2015</p> <p>(p) Duns Common Good Fund 3 September 2015</p> <p>(q) Berwickshire Area Forum 3 September 2015</p> <p>(r) Planning &amp; Building Standards 7 September 2015</p> <p>(s) Executive 15 September 2015</p> <p>(t) Teviot &amp; Liddesdale Area Forum 15 September 2015</p> <p>(u) Hawick Common Good Fund 16 September 2015</p> <p>(v) Jedburgh Common Good Fund 16 September 2015</p> <p>(w) Kelso Common Good Fund 16 September 2015</p> <p>(x) Cheviot Area Forum 16 September 2015</p>	5 mins
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Minutes of a meeting of the **Health & Social Care Integration Joint Board** held on Monday 10 August 2015 at 2.00pm in the Council Chamber, Scottish Borders Council

**Present:**

Cllr C Bhatia	Mr P Alexander
Cllr J Mitchell	Mr J Raine
Cllr F Renton	Mr D Davidson
Cllr D Parker	Dr S Mather
Cllr J Torrance	

**In Attendance:**

Mrs F Morrison	Mr S Burt
Mrs C Gillie	Mr D Robertson
Mrs J McDiarmid	Mrs S Manion
Mr J McLaren	Dr Cliff Sharpe
Mrs T Logan	Mrs J Davidson
Mr J Lamb	Mrs E Torrance
Mr A Leitch	Ms C Petterson
Mrs M Briggs	

### 1. Apologies and Announcements

Apologies had been received from Mrs Karen Hamilton, Dr Sheena MacDonald, Mrs Evelyn Rodger, Mr David Bell, Mr James Lamb, Mr Eric Beijal and Miss Iris Bishop. The Chair confirmed the meeting was quorate.

The Chair welcomed Mr Simon Burt, Interim General Manager Mental Health and Learning Disabilities Services and Ms Carin Petterson, Communications Officer to the meeting. The Chair also welcomed Mrs Marie Briggs, Administrative Assistant who minuted the meeting in Miss Iris Bishop's absence.

The Chair welcomed members of the public to the meeting.

### 2. Declarations of Interest

The Chair sought any verbal declarations of interest pertaining to items on the agenda.

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** noted there were none.

### 3. Minutes of Previous Meeting

Mr David Robertson requested that the following changes be made to the minutes of the previous meeting:

The minute reads "*Mr Robertson confirmed that volatility in prescribing would continue...*" It should read "*The board were advised that volatility in prescribing would continue...*"

Following this change, the minutes of the previous meeting of the Health and Social Care Integration Board held on 22 June 2015 were approved.

### 4. Matters Arising

#### **4.1 Action Register: Integrated Care Fund Proposed Governance**

Mrs Susan Manion stated that the note of when the Torbay model would be going live will be absorbed in the ICS six monthly report scheduled for 12 October 2015.

### **5. Strategic**

#### **5.1 Development of the Draft Strategic Plan for Health and Social Care**

Mrs Manion gave an overview of the content of the report. She reminded the board that the final draft for formal consultation will be presented to the NHS Board on 1 October 2014 and Full Council on 8 October 2015, before being presented at the Integrated Joint Board (IJB) Meeting for sign off on 12 October 2015.

Cllr Catriona Bhatia confirmed that as part of the process she and Mrs Pat Alexander will be meeting with the management team to request any further input.

There were no further questions in relation to the report.

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** noted the draft Strategic Plan.

### **6. Governance**

#### **6.1 Programme Highlight Report**

Mrs Manion gave an overview of the content of the report. She highlighted that the status of the Scheme of Integration is currently “Amber” however is still within the broad national timescales. She also noted that the status of the Strategic Planning Framework is currently “Red”, however with the revised timescale the status has reduced to “Amber” and therefore is well within the broad national timescales.

Mrs Manion confirmed that the report will be redrafted and will be presented at the IJB meeting on 12 October 2015.

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** agreed that a revised version of the Programme Highlight Report will be presented at the IJB meeting on 12 October 2015.

#### **6.2 Interim Standing Orders**

Ms Manion highlighted the changes to the meeting in terms of the minimum amount of meetings that should take place. The Standing Order now reflects that the IJB shall meet no less than four times per year on the basis that six formal meetings are held.

Mr John Raine felt that it is difficult to combine the standing orders of two organisations and requested clarification of the membership of the board; voting members, non-voting members, others invited to attend. Mr Raine stated that the Standing Order should be clear as to how

the board is constituted as the current explanation could be misleading. Mrs Manion stated that the board constitution can be verified in the legislative requirements.

Mr Raine queried whether members who have pecuniary interests should be asked to leave the meeting rather than there be a restriction on participating in the debate. Mr Robertson believed this to already be the case. Mr Raine felt that this should be clearer in the Standing Orders.

Cllr Davidson noted that it states clearly in the Standing Orders that “every question at a meeting shall be determined by a majority of votes of the members present and who are entitled to vote on the question.” Cllr Davidson queried the outcome if two partner agencies disagree. Mrs Manion explained that this is highlighted in the Integration Scheme. She confirmed that once the Integration Scheme is agreed this point could be added to the Standing Orders.

A discussion ensued relating to the circulation of all IJB, Committee and Sub-Committee papers and whether these should be published seven days prior to the meeting or after the meeting. The meeting agreed that the papers should be published seven days before any given meeting. It was also agreed that members of the IJB should receive a copy of the papers seven days in advance of any given meeting. Cllr Bhatia confirmed that subject to amendments the IJB agree to operate the changes from the point of the meeting.

### **6.3 Integration Scheme Update**

Mrs Manion provided the meeting with a brief update on the development of the Integration Scheme. The first draft was submitted at the end of March 2015 and comments were returned at the end of May 2015. Taking these comments into consideration a redraft was completed at the end of July 2015 and is expected to be available on 21 August 2015. This will be shared with all members outlining draft and highlighting the responses. The IJB and Scottish Borders Council (SBC) have delegated responsibility to two chief executives to agree the scheme.

### **6.4 Communications Update**

Ms Carin Petterson advised the meeting that the Scottish Borders Health and Social Care partnership attended the Border Union Show in July 2015. The purpose of attendance was to gain feedback from the public on what is most important to them. The results indicated that ‘improved support for unpaid carers’ was marked as the most important, followed by 24/7 services and early intervention.

Mrs Elaine Torrence added that as an incentive to provide feedback the public were encouraged to enter a competition with the chance to win an iPad mini. Entrants were asked to list ‘the top tip to improve health and social care services’. Ms Torrence confirmed she would confirm what the top tip was when this information is available.

The meeting discussed the overview of the feedback received at the Border Union Show and it was noted that the location of where the feedback is gained should be taken into consideration when analysing the results. For example; ‘transport links’ was not considered of high importance, however in some areas of the Scottish Borders transport links is an issue.

This feedback was gained at a show where 90% of those attending came by car. Mrs Jane Davidson felt it would be helpful to have information on where and from whom (staff or service users) the contributions were received.

Ms Petterson confirmed that contributors were encouraged to mention any other additions they wanted to add if this was something that was missing from the list.

Ms Petterson stated that a newsletter is under development with a focus on both staff and public engagement and a second draft of the communication plan will be completed.

Ms Petterson confirmed that the IJB have been presented with the new logo for the partnership between SBC and NHS and this has been well received.

More detail at the next phase of consultation to ensure that consumer comments (particularly service users) are extracted.

## **7. Updates**

### **7.1 Mental Health Service Update**

Mr Simon Burt provided the meeting with an overview of the Joint Mental Health Service and noted that the development of the Borders Mental Health Service has been in the process since 2006. The service has a clear focus on the principle that integration aims to improve the service for service users. Mr Burt highlighted the strategic direction of the service, the operational issues and the challenges faced by the service. He also explained the further developments to improve the service.

Dr Cliff Sharpe referred to the separation and re-amalgamation of the Joint Mental Health Service from past to present. He noted that the full integration is underway. Considering this he highlighted the importance that the Joint Integration sets a positive example to frontline staff allowing them to fulfill their roles and responsibilities to meet the needs of the service. Dr Sharp recognised that there are differences in SBC and NHS policies which can cause issues, however highlighted the importance of managing this to be united.

Mrs Manion acknowledged these important points and recognised the need to use the Joint Mental Health Service's experience on integration to inform how development can be informed.

Dr Sharp spoke positively about the Communication Plan and acknowledged the importance that this reflects the views of staff as well as service users.

Cllr Torrence reminded the meeting of the ongoing concern that SBC and NHS use very different IT systems. He added that there are issues which need to be overcome and queried the timescale of when this will be resolved. Mrs Davidson recognised the concerns relating to IT and also noted that SBC and NHS both have separate Human Resources Services.

Cllr Bhatia queried the integration between GP's and the Community Mental Health Teams (CMHT's). Dr Sharp stated that some mental health work is carried out by GP's who only refer a small number of patients to the Mental Health Service. He noted that the CMHT's have

always had positive links with GP's, however it has proven difficult to get GP's to join the partnership due to constraints. Consideration is currently ongoing as to how to include GP's in the partnership.

Cllr Davidson asked about the Borders Mental Health Service budget and whether this is combined or aligned. Dr Sharp confirmed that the budget is aligned.

*Tracy Logan left the meeting*

Mr Burt noted that as General Manager of the Learning Disability and Mental Health Teams, he is responsible for both SBC and NHS budgets. He said he manages any issues there are and noted that there have been no real issues with this.

Mrs Torrence stated that as well as concerns in terms of separate finances, there is also a concern about processes and procedures and how both services can integrate to provide a good service to the individual needs of the service user. The end result needs to be met with NHS and SBC working together in the confines of what can be done legally and professionally.

Mr Burt recognised the concerns, but stated that once staff buy into the integration they will work together. He added that it is also important that the management team are equally as committed.

Cllr Mitchell acknowledged the current plans of relocating the Mental Health Rehabilitation Ward at East Brig in Galashiels to the Crumhaugh site in Hawick and asked about the progress of this. Dr Sharpe confirmed that there have been constructive discussions with the local residents at the Crumhaugh site. Issues and concerns raised by residents were reasonable and as expected from neighbors of any health facility.

Mrs Carol Gillie stated that the Mental Health Integration has been useful for the IJB to consider, however added that the report is missing outcomes and what the service will deliver going forward.

Cllr Bhatia requested that the Mental Health Integration be considered at a future IJB meeting.

Mrs Manion noted the importance of ensuring that the national outcomes are being met and that progress is being made in the current circumstances. She added that she would also like to see progress that relates to Mental Health Older Adult Services (i.e. dementia patients).

Mr Burt confirmed that the Borders Mental Health Service are developing an operational procedure, working with Isobel Nisbet to ensure that this is effective. He added that there is also a contingency plan in place for this.

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** noted the work that had taken place to integration mental health services from a user perspective.

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** endorsed the approach toward the strategic development, linked to the work already done and in the context of the new Strategic planning arrangements.

## **7.2 Integration: The Difference it can make to individuals**

Mr Burt presented the meeting with a PowerPoint presentation on Integration and the difference this can make to individuals. Michael's story was shared with the meeting, which demonstrated how an integrated service and good partnership working can support someone with complex needs. The presentation considered what the service had done well and also what the service could have done better for Michael. In addition to this the Learning Disability Dementia Pathway and Post Diagnostic Dementia Pathway was explained to the meeting.

The meeting also saw a presentation relating to the role of Local Citizens Panels within Learning Disability Governance and some case examples of the influence that the Local Citizens Panels has on service users, carers, family members and communities.

Mr Burt invited the IJB to ask any questions about the presentation;

Cllr Torrence queried the assessment plan and whether this is prioritised on staff availability or based on service user needs. He also asked how long an assessment is likely to take. Mr Burt confirmed that the assessment is undertaken by a group of professionals who meet regularly as a group and discuss those being assessed or who have been diagnosed. Risk and vulnerability is considered in terms of the priority of the service user.

Once the service user reaches 40 years old, regular reviews of their care are held regularly and the case is allocated. This can cause some more challenges in terms of capacity and currently there is a Social Work waiting list with service users being allocated in low or high priority. Mr Burt assured that allocations are taking weeks rather than months.

Mrs Jeanette McDairmott asked if there is a single point of contact in place for service users who do not have an allocated Social Worker. Mr Burt confirmed that work is ongoing towards having a named person for each service user. This will be from within the joint team.

Ms Carol Gillie recognised that the presentation indicated what the service could have done better for Michael and felt that the IJB should focus attention on deliverable and measurable outcomes.

Mrs Alexander commented positively on Michael's story and felt this would help people relate to the service. She queried whether Local Area Coordinators would have more involvement in the assessment stage. Mr Burt explained that Local Area Coordinators would get involved if a person was struggling, however did not meet the health need to meet the criteria of referral. The Local Area Coordinators meet the needs of the person early to prevent the situation deteriorating potentially resulting in a drain of resources. The Local Area Coordinator also works with the person in the local area to set up or support them to find local activities to become involved in.

Mrs Torrence recognised that the Citizen's Panel are community led, however felt that the locality approach may be more powerful to support the community to make the changes in



their local area. In addition to this the Citizen's Panel needs investment and the community cannot be expected to provide this themselves. Cllr Bhatia felt the locality approach may work and said she will discuss this at the Tweeddale Access and Assistance Panel.

The chair thanked Mr Burt and Dr Sharpe for attending the meeting.

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** noted the presentation.

### **7.3 Transforming Nursing & Midwifery Roles**

Mr David Thomson shared the Transforming Nursing and Midwifery Roles report with the meeting. Mr Thomson noted that part of the national programme, in conjunction with the Scottish Executive places an emphasis on the provision of care in hospitals to home based care, recognising that this places a different demand on nursing staff.

Cllr Torrence recognised the benefits of community care, however queried whether this will increase the number of staff required in communities rather than in hospital. Mr Thomson confirmed that this may result in a transfer of hospital based staff to communities, however noted that he is not in a position to say where and who. He highlighted the importance that there remains the right number of staff to deliver an acute service to the public.

Mr Thomson went on to say that this will be brought together by considering the roles and qualifications of staff to deliver the required care taking into consideration about how health care workers can be supported.

*Cllr Frances Renton left the meeting.*

A discussion ensued relating to the financial impact of moving resources from a central hospital to communities. The discussion progressed to discuss GP services and how this change would impact the service and the public. .

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** noted the proposal and were assured that NHS Borders was fully engaged with the national work programme.

### **7.4 Exploring the implications for integration of social work services**

Mrs Torrence spoke of the role of the Chief Social Work Officer (CSWO). The CSWO's role covers all social work and social care services and Mrs Torrence confirmed she is responsible for criminal justice services, child and adult protection, MHO services and out of hours social work. Mrs Torrence gave an overview of her report to support the role of the CSWO.

Cllr Mitchell asked about the reporting of critical incidents. Mrs Torrence explained that adult protection and child protection case reviews are brought to the Critical Services Oversight Group (CSOG). In attendance is the Chief Executive of NHS, Chief Superintendent of Police Scotland and the Chief Executive of Scottish Borders Council. Together CSOG identify cases which could have been handled better and are proactive in improving and addressing the issues. Mrs Torrence added that it is also her responsibility to provide this information in an annual report.

A discussion ensued relating to the recommendation of the report. Mrs Torrence agreed to hold a meeting to discuss this and change the working of the recommendation.

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** noted the Role of the Chief Social Worker report.

## **8. Finance**

### **8.1 Monitoring of the Integration Joint Budget 2015/16**

Mrs Gillie introduced the Monitoring of the Integration Joint Budget 2015/16 report to the meeting. Mrs Gillie shared that the projected year end expenditure position has been calculated at £146000 against the revised annual budget. She noted that it is still very early in the financial year therefore this sum should be viewed with caution. Mrs Gillie noted that although the overall budget has been increased, the overall prices continue to increase.

Mr Robertson confirmed that if the out turn position continues to the financial year end each department will each be responsible in bringing forward action plans to contain the overspend.

Mr Robertson confirmed that the overspend is as a result of frontline staff services. Cllr David Davidson acknowledged this, however noted that in the future the government will expect a delivery in the service regardless of funding. Mr Robertson advised the IJB to take police on financial decisions.

Mrs Manion noted that in Mr Burt's presentation he made reference to how resources can be shifted to focus on the best outcome. He also recommended planning ahead to ascertain what the issues may be. Mrs Manion acknowledged the difficulty planning ahead, however highlighted the importance of balancing outcomes and numbers with demand and capacity.

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** noted the budget monitoring reports.

### **8.2 Chief Financial Officer Update**

Mrs Manion updated the Health & Social Care Integration Joint Board on progress being made towards the appointment of a Chief Financial Officer. Mr Robertson confirmed that he and Mrs Gillie have reached an agreement and the draft will be discussed with Mrs Manion and both Chief Executives. There are elements of the size and remit of the role to be resolved. The vacancy will then be graded and then advertised.

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** will be notified on the process towards the appointment of a Chief Financial Officer once a decision has been made.

## **9. Any Other Business**

The **HEALTH & SOCIAL CARE INTEGRATION JOINT BOARD** noted there was no other business.

## **10. Date and Time of next meeting**

The Chair confirmed that the next meeting of Health & Social Care Integration Joint Board would take place on Monday 12 October 2015 at 2.00pm in the Council Chamber, Scottish Borders Council.

The meeting concluded at 4:20pm

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**SCOTTISH BORDERS COUNCIL**  
**LOCAL REVIEW BODY**

MINUTE of MEETING of the LOCAL REVIEW  
BODY held in the Council Headquarters, Newtown  
St. Boswells on 17 August 2015 at 10.00 a.m.  
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Present:- Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, J. Fullarton, I. Gillespie, S. Mountford, B. White.  
Apologies:- Councillor D. Moffat.  
In Attendance:- Major Applications, Review and Enforcement Manager, Solicitor (G. Nelson), Democratic Services Team Leader, Democratic Services Officer (F. Walling).  
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**MEMBER**

Councillor Gillespie did not take part in the discussion of the review of application 14/00835/FUL, detailed in paragraph 1 below, as he had not been present at the meeting when this review was first considered.

**CONTINUATION: REVIEW OF APPLICATION 14/00835/FUL**

1. With reference to paragraph 5 of the Minute of 15 June 2015, consideration was continued of the request from Mr Alistair Moody to review the decision to refuse the planning application in respect of the siting of a static caravan (retrospective) at Tibbie Shiels Inn, St Mary's Loch, Selkirk. In relation to the further written procedure and the Review Body's request for evidence of the actual usage of the caravan and associated economic justification for that use, there had been circulated copies of a submission from the applicant and a response from the planning officer. According to the information provided by Mr Moody, the caravan had been used principally for temporary accommodation for staff who worked at the Tibbie Shiels Inn and for the St Mary's Angling Club bailiff. Members had hoped for a more detailed economic justification for the use of the caravan but recognised that its temporary usage for short term holiday lets or for staff, effectively supported the operation of a local business in this rural location. In Members' view the caravan was well screened and did not have an impact on the visual character of the area. However, being mindful of the possible deterioration in the condition of the caravan the Review Body agreed that planning permission should be temporary. It was also agreed that the occupancy of the caravan should continue to be on a temporary basis and be controlled by a planning condition.

**DECISION**

**AGREED that:-**

- (a) **the review could be determined without further procedure on the basis of the papers submitted and the further written submission;**
- (c) **the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (e) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted subject to conditions and an informative, as detailed in Appendix I to this Minute.**

**REVIEW OF APPLICATION 13/00401/FUL**

2. There had been circulated copies of the request from Mr Ewen Brown, per Camerons Ltd (Leith), Timberbush House, Leith, to review the decision to refuse the planning application in respect of the erection of 12 holiday cabins, office/laundry block and associated works on

land south west of Milldown Farmhouse, Coldingham. Included in the supporting papers were the Decision Notice, Notice of Review, officer's report of handling and papers referred to in the report, consultations, objections, a general comment and a list of relevant policies. Members agreed that new evidence submitted with the Notice of Review did not meet the tests set out in Section 43B of the Act and proceeded to consider the case without reference to that evidence. Noting that the site lay within the Berwickshire Coast Special Landscape Area Members went on to consider the visual and landscape impacts of the proposed development, the impact of additional traffic in Coldingham and the suitability of the access. The Review Body concluded, from the information provided, that the landscape and environmental impacts would not be outweighed by any proven economic benefits.

**DECISION  
AGREED**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review be determined without reference to the new evidence submitted with the Notice of Review documentation;**
- (c) **the review could be determined without further procedure on the basis of the papers submitted;**
- (d) **the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (e) **the officer's decision to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.**

**REVIEW OF 14/00934/FUL**

3. There had been circulated copies of the request from Mr Fred Millar per Keppie Planning and Development, 160 West Regent Street, Glasgow, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse and detached garage on land west of 3 Nethermains Cottage, Duns. The supporting papers included the Decision Notice, Notice of Review, officer's report of handling, consultations and a list of relevant policies. The Local Review Body considered new evidence that had been submitted with the Notice of Review which was in respect of a change in personal circumstances of the applicant. In terms of Section 43B of the Act, Members concluded that, as the information could not have been raised before that time, there were exceptional circumstances that allowed them to consider this new evidence. In considering the application, Members were satisfied that a building group existed at Nethermains and that the proposed development constituted an appropriate extension of the building group.

**DECISION  
AGREED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review could be determined with reference to the new evidence submitted with the Notice of Review documentation;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**

- (c) **the development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, an informative and a legal agreement, as detailed in Appendix III to this Minute.**

**REVIEW OF 14/01182/FUL**

4. There had been circulated copies of the request from Mr and Mrs D Thomson per Fred Walker Associates, 19 Biggar Road, Silverburn, Penicuik, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse with integral garage and incorporating granny flat on land south of Boggsbank, Boggsbank Road, West Linton. Included in the supporting papers were the Decision Notice, Notice of Review, officer's report, papers referred to in the report, consultations, general comment and a list of relevant policies. In reviewing the application Members took account of the view expressed by the Reporter in the appeal decision in 2004 (03/00202/OUT) that there was a building group and sense of place at this location. Members concluded that a building group of at least 3 dwellinghouses existed at Boggsbank and that the proposed development constituted an appropriate extension of the building group.

**DECISION**

**AGREED that:-**

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, an informative and a legal agreement, as detailed in Appendix IV to this Minute.**

**REVIEW OF 15/00071/FUL**

5. There had been circulated copies of the request from R & M Brockie & Son, per Ericht Planning and Property Consultants, 40 Belgrave Road, Edinburgh, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on land north of Wormiston Farm, Eddleston. The supporting papers included the Decision Notice, Notice of Review, officer's report, consultations and a list of relevant policies. Members were satisfied that a building group existed at Wormiston Farm. It was noted that the proposed site lay outwith the natural boundary of the building group but, after careful consideration, Members concluded that the proposed development would be a logical extension and acceptable addition to that group.

**DECISION**

**AGREED that:-**

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

- (c) **the development was consistent with the Development Plan and there were no other material considerations that would justify departure from the Development Plan; and**
- (d) **the decision of the appointed officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, informatives and a legal agreement, as detailed in Appendix V to this Minute.**

*The meeting concluded at 12.20 pm*



**APPENDIX I**

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

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

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

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**Local Review Reference:** 15/00007/RREF

**Planning Application Reference:** 14/00835/FUL

**Development Proposal:** Siting of residential caravan (retrospective)

**Location:** Land West of Tibbie Shiels Inn, St Mary's Loch, Selkirk

**Applicant:** Alistair Moody Proprietor

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**DECISION**

The Local Review Body reverses the decision of the appointed officer and grants planning permission subject to conditions and informative, as set out in this decision notice.

**DEVELOPMENT PROPOSAL**

The application relates to siting of residential caravan at land west of Tibbie Shiels Inn, St Mary's Loch, Selkirk. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	-
Site Plan	-

**PRELIMINARY MATTERS**

The Local Review Body considered, at its initial meeting to discuss the matter on 15<sup>th</sup> June 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling

(papers referred to in Report of Handling); (d) Consultations; (e) Objection; (f) Further representation and (g) List of Policies, the Review Body concluded that it did not have sufficient information to determine the review and that further procedure was required in this instance in the form of further written submission in respect of:

- (i) evidence of the basis on which the caravan had been occupied over the last 2-3 year period in respect of the nature of user and length of period(s) of use in each case; and
- (ii) the proposed use or uses going forward with economic justification for the use(s)

In coming to this conclusion, the Review Body considered the request from the applicant for further procedure in the form of written representations, oral hearings and a site visit.

The Review Body re-convened to determine the case on 17<sup>th</sup> August 2015 and considered the two submissions from the appointed officer and the applicant in respect of the listed items.

## **REASONING**

The determining issues in this review were:

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

The Development Plan comprises: SESplan 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: G1, D1 and D2

Other material key considerations the Local Review Body took into account related to:

- Scottish Borders Supplementary Planning Guidance on new Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Local Landscape Designations 2012
- Draft Scottish Borders Local Development Plan 2013

The Review Body noted that the static caravan was already in-situ at the site and had been there for some considerable period. Members were quite content that it had no impact on the visual qualities of the locality. The caravan was placed within an existing woodland area, at a lower level than the main access road and during the summer months it would be well screened.

In terms of the use of the caravan, the Review Body noted that it had been occupied by staff at the Tibbie Shiels Inn, and for the bailiff for St Mary's Angling Club in the past three years. It had not been used for permanent residential use. Whilst the economic case that had been submitted by the applicant was far from robust, Members were satisfied that, if the caravan was occupied by staff or for short term holiday lets, it would help support an important local rural business. The occupancy could be restricted by the imposition of a suitable planning condition. The Review Body concluded that the development would be consistent with Local Plan policy D1.

While the caravan was currently in a reasonable condition, Members did not feel that it was suitable for permanent retention at the site. In the circumstances, the Review Body considered that temporary 10 year permission was appropriate in this case.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

## **DIRECTION**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

## **CONDITIONS**

1. Within 3 months of this consent, a scheme shall be submitted to and approved by the Planning Authority detailing how any free standing objects at the site, such as the septic tank, are to be securely anchored to the ground. Thereafter, the approved scheme to be carried out in accordance with the approved implementation plan set out in the scheme.  
Reason: To prevent such objects being washed away in a flood causing potential damage downstream and blocking culverts and bridges.
2. The occupation of the caravan shall be restricted to following:
  - (a) person/s solely or mainly employed, and their dependents, in the Tibbie Shiels Inn business premises located on the site.
  - (b) genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.  
Reason: The use of the caravan for permanent residential use in this location would conflict with the established planning policy for this rural area.
3. The caravan hereby permitted shall be removed and the land restored to its former condition on or before 17<sup>th</sup> August 2025.  
Reason: The caravan is constructed of materials which are likely to deteriorate to the detriment of the external appearance of the caravan and which would then have an adverse effect upon the visual amenity of the area.
4. The means of water supply, surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.  
Reason: To ensure that the site is adequately serviced.

## **INFORMATIVE**

The Council's Flood Officer advises that:

The developer must accept that their property is at flood risk and accept that flooding may occur.

As access and egress to the development may also be affected by flood waters, he would recommend that you receive flood warnings from SEPA, and should sign up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188.

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

**Signed..**Councillor R Smith  
Chairman of the Local Review Body

**Date:...**2 September 2015

**APPENDIX II**

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

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

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

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**Local Review Reference:** 15/00013/RREF

**Planning Application Reference:** 13/00401/FUL

**Development Proposal:** Erection of 12 holiday cabins, office/laundry block and associated works

**Location:** Land South West of Milldown Farmhouse, Coldingham

**Applicant:** Mr Ewen Brown

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**DECISION**

The Local Review Body upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The proposed holiday chalet development would be contrary to Policy D1 Business, Tourism and Leisure Development in the Countryside of the Consolidated Local Plan 2011 in that the erection of 12 chalets and associated infrastructure on this site in the countryside has not been adequately justified. The economic and operational need specific to Coldingham in general, and the application site in particular, has not been identified and it has not been demonstrated that the development will generate jobs. Furthermore the proposed development cannot reasonably be accommodated within the Development Boundary.
- 2 The proposed development would be contrary to Policies D1 and EP2 of the Consolidated Local Plan 2011, in that the siting of the proposed chalet development would harm the character and appearance of the special landscape area and result in a sporadic form of development which breaks outwith established natural boundaries containing development on the eastern side of Coldingham. The potential social or economic benefits of this development have not been found to outweigh the need to protect the designated landscape.

- 3 The proposals are contrary to Policy G4 of the Local Plan in that insufficient information has been provided to demonstrate that the proposed new bridge crossing and access route will not result in an increase in flood risk from the Milldown Burn.
- 4 The proposals are contrary to Policies Inf3 and Inf11 of the Local Plan in that insufficient information has been provided to demonstrate that safe vehicular and pedestrian access to the site can be achieved in accordance with current standards and travel demand requirements.
- 5 The proposals are contrary to Policy NE3 of the Local Plan in that insufficient information has been provided to demonstrate that the development would not result in an adverse impact on local biodiversity and habitats.
- 6 The proposals are contrary to Policy NE4 of the Local Plan in that insufficient information has been provided to demonstrate that the construction of the access works to the site would not cause loss or serious damage to the woodland resources.

### **DEVELOPMENT PROPOSAL**

The application relates to the erection of 12 holiday cabins, office/laundry block and associated works at land South West of Milldown Farmhouse , Coldingham. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site layout : Location Plan	9065/0-07
Block Plans	Florida 3A
Floor Plans	gf Plan
Elevations	Views
Other `	3D
Other	3D-2
Floor Plans	GF Plan
Sections	Sections
Elevations	Views
Other	3D-2

### **PRELIMINARY MATTERS**

The Local Review Body considered at its meeting on 17<sup>th</sup> August 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) drawings; (e) Consultations; (f) Objections; (g) General comment and (h) List of Policies, the Review Body concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this conclusion, the Review Body considered the request from the applicants for further procedure in the form of written representations and a site visit.

The Notice of Review indicated that new evidence had been submitted to the Local Review Body that had not been before the appointed officer when the case was

determined. This was in respect of a letter from VisitScotland dated 5<sup>th</sup> May 2015. Members decided that this evidence did not meet the tests set out in Section 43B of the Act, and they proceeded to determine the case without reference to this information.

## **REASONING**

The determining issues in this review were:

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

The Development Plan comprises: SESplan 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: EP2, EP4, INF11, INF6, INF5, INF4, INF3, INF2, H2, NE3, NE4, G4, G1 and D1

Other material key considerations the Local Review Body took into account related to:

- Supplementary Planning Guidance on Local Landscape Designations 2012
- Supplementary Planning Guidance on Trees and Development 2008
- Supplementary Planning Guidance on Biodiversity 2005
- Supplementary Planning Guidance on Placemaking & Design 2010
- Scottish Borders Tourism Strategy 2013-2020
- Local Biodiversity Action Plan 2001
- Scottish Borders Proposed Local Development Plan 2013

The Review Body noted the site lay within the Berwickshire Coast Special Landscape Area, close to Coldingham Bay and within an area of scenic beauty and environmental sensitivity. On the basis of the submitted information and after considering the photographs of the site and locality, Members were not convinced that the visual and landscape impacts of the development were within acceptable limits. The site was detached from the settlement of Coldingham, lying beyond a natural boundary in the Milldown Burn and in an elevated and visible location. In their view, the development did not sit well within the landscape and would significantly detract from the scenic qualities of the area contrary to Policy EP2 of the Local Plan.

The Review Body was particularly concerned about the impact the additional traffic generated by the development would have on the village of Coldingham, during construction and operation of the site. In addition, they were not convinced that the proposed improvements from the Coldingham Road to the site were sufficient to provide safe and suitable access, particularly as no detail of the proposed bridge had been submitted.

The Review Body, whilst sympathetic, in general terms, to the development of additional tourist facilities, did not accept that a cogent economic case had been made for this particular development at this locality. The likely landscape and environmental impacts were not outweighed by any proven and identified economic benefits.

The Review Body agreed with the appointed officer that there was a significant lack of detailed information submitted with the application on a number of key elements of the development in terms of: flood risk assessment, access detail, impacts on biodiversity, trees and habitats as well as the viability of the proposed business. The lack of certainty on these issues counted against the development.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

3. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
4. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

**Signed..**Councillor R Smith  
Chairman of the Local Review Body

**Date:...**7 September 2015



**APPENDIX III**

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

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

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

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**Local Review Reference:** 15/00012/RREF

**Planning Application Reference:** 14/00934/FUL

**Development Proposal:** Erection of dwellinghouse and detached garage

**Location:** Land West of 3 Nethermains Cottage, Chirnside, Duns

**Applicant:** Mr Fred Millar

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**DECISION**

The Local Review Body reverses the decision of the appointed officer and gives notice that it intends to grant planning permission subject to conditions and the conclusion of a legal agreement, as set out in this decision notice.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a dwellinghouse and detached garage on land west of 3 Nethermains Cottage, Chirnside, Duns. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	P29/LOCA
Floor Plans	P29/SK1B
Floor Plans	P29/SK2
Elevations	P29/SK3
Block Plans	P29/SK4A
Floor Plan	P29/SK5

## **PRELIMINARY MATTERS**

The Local Review Body considered at its meeting on 17<sup>th</sup> August 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) Consultations and (e) List of Policies, the Review Body concluded that it had sufficient information to decide the case. In coming to this conclusion, Members considered the applicant's request for further procedure in the form of a site visit.

The Notice of Review indicated that new evidence had been submitted to the Local Review Body that had not been before the appointed officer when the case was determined. This was in respect of the change in the personal circumstances of the applicant, in that the applicant had now moved into an existing cottage on the farm and that it was his grandson that would occupy the new house. The Local Review Body concluded that the provisions of Section 43B of the Act allowed them to consider this new evidence. The Local Review Body considered that, as the information could not have been raised before that time, there were exceptional circumstances that allowed them to consider this new evidence,

## **REASONING**

The determining issues in this review were:

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

The Development Plan comprises: SESplan 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: INF4, NE4, NE3, H2, D2, G5 and G1

Other material key considerations the Local Review Body took into account related to:

- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Trees and Development 2008
- Supplementary Planning Guidance on Biodiversity 2005
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Development Contributions 2011
- Scottish Borders Proposed Local Development Plan 2013

In considering the provisions of Local Plan Policy D2 and the Supplementary Planning Guidance on New Housing in the Borders Countryside, the Review Body was satisfied that a building group existed at Nethermains, comprising the farmhouse and the two farm cottages. The houses book-ended the existing farm buildings, which, in their view, also contributed to the area's sense of place.

Members' consideration turned to whether the proposed development would constitute an appropriate extension of the building group. The Review Body noted

that the site lay partially within the garden ground of the most westerly of the existing farm cottages and partly in the adjoining agricultural field. Members accepted the appointed officer's view that a development could be permissible if it was contained within its garden curtilage. In the circumstances, Members had to now judge whether extending the development site into the adjoining field would be demonstrably harmful to the appearance of the group and the locality. In their view, it would not.

The Review Body concluded that the existing boundary was not substantial and did not form a defensible edge to the group. The degree of existing screening at the site and along the approaches to the site and group more generally, meant that the boundary change would not be discernible and would have no visual impact on the character or appearance of the group. The provision of a suitably planted boundary would also assist in integrating the development into the building group.

The Review Body considered the design of the proposed house had much to commend it. The building was an attractive contemporary house that reflected local vernacular and which would make a positive contribution to the character and appearance of the building group.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

## **DIRECTION**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

## **CONDITIONS**

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
  - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. existing trees and hedgerow to be retained and how they are to be protected during the construction phase
  - iii. location of new trees, shrubs, hedges and grassed areas and schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. location and design, including materials, of walls, fences and gates

- v. soft and hard landscaping works
- vi. existing and proposed services such as cables, pipelines, sub-stations
- vii. other artefacts and structures such as street furniture, play equipment
- viii. A programme for completion and subsequent maintenance.

Thereafter the landscaping works shall be implemented in accordance with the approved scheme.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

3. The means of water supply, surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

4. Prior to the commencement of the development, a scheme showing details of the necessary access, parking and turning arrangements for the new dwellinghouse shall be submitted to and approved by the Planning Authority. The scheme shall include:

- a new private access constructed to the following specification “75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.”
- Parking and turning for two vehicles, not including garages, provided within the curtilage of the plot that shall be retained solely for that purpose.
- a single passing place, as per the Council’s specification DC-1 (attached), constructed at an agreed location on the single track private road serving the site.
- Visibility splays, as per schematic block plan Dwg No. P291/SK4A, provided prior to occupation of the dwelling. Thereafter, the visibility splays to be maintained and kept clear from obstruction.

The agreed scheme shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: To ensure that the access road is of an acceptable standard to cater for the new development.

## **INFORMATIVE**

The plans lodged with this Application indicate the presence of a stove or solid fuel appliance. These installations can cause smoke and odour problems if not properly installed or used.

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

## **LEGAL AGREEMENT**

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards educational facilities.

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

5. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
6. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

**Signed..**Councillor R Smith  
Chairman of the Local Review Body

**Date:...**2 September 2015

## APPENDIX IV

### SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY INTENTIONS NOTICE

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

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

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**Local Review Reference:** 15/00014/RREF

**Planning Application Reference:** 14/01182/FUL

**Development Proposal:** Erection of dwellinghouse with integral garage and incorporating granny flat

**Location:** Land South of Boggsbank, Boggsbank Road, West Linton

**Applicant:** Mr and Mrs D Thomson

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### DECISION

The Local Review Body reverses the decision of the appointed officer and gives notice that it intends to grant planning permission subject to conditions and the conclusion of a legal agreement, as set out in this decision notice.

### DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse with integral garage and incorporating granny flat on land south of Boggsbank, Boggsbank Road, West Linton. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	645/LP
Site Plan, Sections & Elevations	645/10
Floor Plans & Elevations	645/11
Photographs	645/PH

### PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 17<sup>th</sup> August 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) Drawings, (e) Consultations, (f) general comment and (g) List of Policies, the Review Body concluded that it had sufficient information to decide the case.

## **REASONING**

The determining issues in this review were:

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

The Development Plan comprises: SESplan 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: INF2, INF4, NE4, H2, D2, G5 and G1

Other material key considerations the Local Review Body took into account related to:

- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Trees and Development 2008
- Supplementary Planning Guidance on Biodiversity 2005
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Development Contributions 2011
- Scottish Borders Proposed Local Development Plan 2013

The Review Body gave significant weight to the view expressed by the Reporter in the appeal decision in 2004 (SBC ref: 03/00202/OUT) that a building group was evident at the locus. In the Reporter's opinion, a sense of place existed at the junction of the access serving West Water and Bogsbank Road, which extended eastwards up to West Water. Members also noted that planning permission had been granted for the conversion of an outbuilding between Westwater Cottage and Westwater to a house, which further consolidated the form of the group. In their view, whilst there was a dispersed development pattern, a cohesive building group existed at Bogsbank. The Review Body concluded that a building group of at least 3 dwellinghouses existed at Bogsbank in accordance with the provisions of Policy D2 of the Local Plan.

The Review Body turned its attention to whether the site was a suitable addition to the group. They considered the site to be well contained by existing landscape features: the embankment along the southern boundary and the access roads and woodland to the north, east and west. They were satisfied that the site lay within the natural boundaries of the group and was contained within the established sense of place.

Members were also content that the proposed site had a good relationship to the existing residential properties particularly Bogsbank and Westwater Cottage and that the new house would not impinge on their amenity or outlook. In terms of the design of the house, the Review Body considered the building was an attractive



contemporary house that reflected local vernacular and which would make a positive contribution to the character and appearance of the building group.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

## **DIRECTION**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

## **CONDITIONS**

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

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

2. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing trees and hedgerow to be retained
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Thereafter the landscaping works shall be implemented in accordance with the approved scheme.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

3. The means of water supply, surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

4. Prior to the commencement of the development, a scheme showing details of the necessary access, parking and turning arrangements for the new

dwellinghouse shall be submitted to and approved by the Planning Authority. The scheme shall include:

- a new private access constructed to the following specification: “75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.”
- the access must have a 5 metre throat width and 6 metre radii, to allow two vehicles to pass without affecting the traffic flow.
- parking and turning for two vehicles, not including garages, provided within the curtilage of the plot that shall be retained solely for that purpose.
- visibility splays of 2.4 x 160 metres must be provided in both directions. Thereafter, the visibility splays to be maintained and kept clear from obstruction.

The agreed scheme shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: To ensure that the access road is of an acceptable standard to cater for the new development.

5. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority.

Reason: The existing tree(s) represent an important visual feature which the Local Planning Authority considered should be substantially maintained.

## **INFORMATIVE**

In terms of condition 4 above, it should be borne in mind that only Council approved contractors may work within the public road boundary.

## **LEGAL AGREEMENT**

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards educational facilities.

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## **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

7. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
8. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the

planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

**Signed....**Councillor R Smith.  
Chairman of the Local Review Body

**Date:...**7 September 2015

## APPENDIX V

### SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY INTENTIONS NOTICE

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

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

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**Local Review Reference:** 15/00016/RREF

**Planning Application Reference:** 15/00071/FUL

**Development Proposal:** Erection of dwellinghouse

**Location:** Land North of Wormiston Farm, Eddleston

**Applicant:** R & M Brockie & Son

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### DECISION

The Local Review Body reverses the decision of the appointed officer and gives notice that it intends to grant planning permission subject to conditions and the conclusion of a legal agreement, as set out in this decision notice.

### DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on land north of Wormiston Farm, Eddleston. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Location Plan	2014/46/101
Elevations	2014/46/104/A
Floor Plans	2014/46/103/A
Site Plan	2014/46/102/A

### PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 17<sup>th</sup> August 2015, that the review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation, which included: (a) Decision Notice; (b) Notice of Review and supporting papers; (c) Report of Handling; (d) Consultations; and (e) List of Policies, the Review Body concluded that it had sufficient information to decide the case.

## **REASONING**

The determining issues in this review were:

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

The Development Plan comprises: SESplan 2013 and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Local Plan Policies: INF4, H2, D2, G5 and G1

Other material key considerations the Local Review Body took into account related to:

- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Trees and Development 2008
- Supplementary Planning Guidance on Biodiversity 2005
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Development Contributions 2011
- Scottish Borders Proposed Local Development Plan 2013

The Local Review Body was satisfied that there was a building group at Wormiston Farm, as defined in Local Plan Policy D2 and in the approved Supplementary Planning Guidance on New Housing in the Borders Countryside comprising the 3 farm cottages to the south and the farmhouse bungalow to the north of the group. The houses book-ended the existing farm buildings, which also contributed to the area's sense of place.

The Local Review Body then considered whether the proposed house was a suitable addition to the existing group. The Review Body noted the appointed officer considered that the tree belt to the north of the farmhouse bungalow constituted a natural boundary to the building group, and that the proposed site was located out with that boundary.

The Review Body was satisfied that the proposal would be consistent with the existing development pattern at the group. The new house would relate well to the building group, which is a long linear ridgeline feature, with buildings intermittently screened by trees and open to view from the A703. The provision of strong tree belt and landscaping would help further assist the integration of the house into the landscape. Consequently, it was concluded that the site in question was an acceptable addition to the building group

In view of the decision to accept that this was a suitable addition to the building group there was no requirement to consider the question of economic need for the house or the availability of alternative sites or premises at Wormiston for the applicant.

Members turned their attention to the acceptability of the proposed house. They noted that positive changes had been made to the design of the house in response to criticism from the appointed officer and they were satisfied that these had produced a house that would sit well in the landscape and was in keeping with the character of the group.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

## **DIRECTION**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

## **CONDITIONS**

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
  - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. measures to ensure adjoining trees are protected during the construction phase
  - iii. location of new trees, shrubs, hedges and grassed areas and schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. location and design, including materials, of walls, fences and gates
  - v. soft and hard landscaping works
  - vi. existing and proposed services such as cables, pipelines, sub-stations
  - vii. other artefacts and structures such as street furniture, play equipment
  - viii. a programme for completion and subsequent maintenance.

Thereafter the landscaping works shall be implemented in accordance with the approved scheme.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

3. The means of surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the site is adequately serviced and to ensure that the development does not have a detrimental effect on public health.

4. No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area. The development shall then be implemented in accordance with the approved details

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

5. Prior to the commencement of the development, a scheme showing details of the necessary access, parking and turning arrangements for the new dwellinghouse shall be submitted to and approved by the Planning Authority. The scheme shall include:

- i. a service lay-by incorporated into the access as per Council specification DC-3 (attached).
- ii. the first 5 metres of the access at a gradient not exceeding 1 in 18 and thereafter the maximum gradient to be 1 in 8. The area intended for the parking and turning of motor vehicles not to exceed a gradient of 1 in 18.
- iii. a construction specification for private driveway and parking area
- iv. parking and turning for a minimum of two vehicles, excluding garages, to be provided within the curtilage of the plot prior to the dwellinghouse being occupied, and thereafter retained solely for that purpose.
- v. a single passing place to be provided at an agreed location and constructed as per the Council's my specification DC-1 (attached).
- vi. Visibility splays of 2.4 metres by 90 metres in both directions onto the public road to be provided prior to the dwelling being occupied. Thereafter, the visibility splays to be maintained and kept clear from obstruction.
- vii. confirmation to be provided as to the relocation of the existing field access

The agreed scheme shall be fully implemented prior to the occupation of the dwellinghouse.

Reason: To ensure that the access road is of an acceptable standard to cater for the new development.

6. No development shall commence until a scheme indicating the finished floor level of the dwellinghouse hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site. The dwellinghouse shall then be erected in strict accordance with those agreed levels.

Reason: To ensure that the proposed development achieves a suitable landscape fit and does not have an adverse effect upon the visual amenity of the locality.

## **INFORMATIVES**

### Water Supply

Any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

As the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity.

The will involve the provision of the following information (delete the as appropriate).

1. The type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome (has the supply been tested did it pass).

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three days' worth of supply, in order to allow for supply interruption/failure.

#### Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement

#### Solid Fuel Use

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.



The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

## **LEGAL AGREEMENT**

The Local Review Body required that a Section 75 Agreement, or other suitable legal agreement, be entered into regarding the payment of a financial contribution towards educational facilities.

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

9. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
  
10. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

**Signed....**Councillor R Smith  
Chairman of the Local Review Body

**Date:...**2 September 2015

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# **SCOTTISH BORDERS COUNCIL**

## **EXECUTIVE COMMITTEE**

MINUTE of MEETING of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St. Boswells on Tuesday, 18 August 2015 at 10.00 a.m.

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Present:- Councillors J. Mitchell (Chairman), S. Aitchison (from para. 7), S. Bell, J. Brown, M. Cook, V. Davidson (from para. 4), G. Edgar, D. Paterson, F. Renton, R. Smith.  
Also Present:- Councillors M. Ballantyne, J. Fullarton, I. Gillespie, G. Logan, S. Mountford,  
Apologies:- Councillors C. Bhatia, D. Moffat, D. Parker.  
In Attendance:- Depute Chief Executive – People, Depute Chief Executive – Place, Chief Financial Officer, Corporate Transformation and Services Director, Service Director Strategy and Policy, Service Director Commercial Services, Service Director Neighbourhood Services, Service Director Capital Projects, Clerk to the Council, Democratic Services Officer (K. Mason).

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### **CHAIRMAN**

1. In the absence of Councillor Parker, the meeting was chaired by Councillor Mitchell.

### **ORDER OF BUSINESS**

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

### **PRIVATE BUSINESS**

#### **DECISION**

3. **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 8 of Part I of Schedule 7A to the Act.**

### **SUMMARY OF PRIVATE BUSINESS**

### **MEMBER**

Councillor Davidson joined the meeting during discussion of the following item.

### **SBc Contracts Financial Strategy**

4. The Committee considered a joint report by the Chief Financial Officer and the Service Director Commercial Services outlining a financial strategy for SBc Contracts and approved the recommendations contained therein.

### **PUBLIC BUSINESS**

### **MINUTE**

5. The Minute of meeting of the Executive Committee of 9 June 2015 had been circulated.

### **DECISION**

**APPROVED for signature by the Chairman.**

### **CORPORATE TRANSFORMATION PROGRESS REPORT**

6. With reference to paragraph 2 of the Minute of 9 June 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director presenting an update on progress in developing and delivering the Council's Corporate Transformation Programme since the last update report on 9 June 2015 and setting out planned activity in the reporting period to the end of October 2015. The main areas of progress since June included the Railway Programme; Culture Trust; Alternative Service Delivery Models; ICT

Programme; Property and Assets; Energy Efficiency; and Scoping of Briefs. The Corporate Transformation and Services Director referred specifically to the work on the Culture Trust, and the ICT Programme, advising that the implementation plan and the business plan for ICT required more time to complete, therefore it was proposed that the report on the way forward would be brought to Council on 17 December 2015 and not 8 October as originally planned. In response to a question the Programme Manager, Borders Railway Blueprint advised that good progress had been made and there was optimism about the ripple effect the Borders Railway would have for Hawick. She explained that discussions were ongoing regarding cashmere tours and tourism trails etc. and it was noted that a paper would be considered by the Executive Committee on 1 September 2015 demonstrating the inward investments of the railway being reinstated in the Scottish Borders. The impact should not be limited to the railway corridor and the return of the railway was changing the perception that the Scottish Borders was on the periphery of Scotland. The Blueprint highlighted over 100 development sites for housing, industry, etc. within the Borders. In response to a question, the Programme Manager advised she would check on whether a local company had received funding to move from Selkirk to larger premises in Edinburgh. The cultural aspects of the Borders were already part of Visit Scotland's programme, and it was noted that Abellio had already participated in two events and so they were being supportive. There had been quite a bit of interest from Scottish Government, Scottish Enterprise and Transport Scotland in the working of the Blueprint and a review was planned over the next 6 – 9 months to analysis its success. With regard to the Property & Assets programme, details of the financial benefits should be reported to the Executive Committee in October. The 'hop on, hop off' bus service was based on the Eildon Explorer and had been expanded, connecting Galashiels, Tweedbank, Abbotsford, Melrose and Scotts View. Other increases in bus services would come on stream from 7 September 2015. It was noted that unfortunately Appendix 2c to the report had been omitted from publication and this would be emailed directly to Members.

**DECISION  
NOTED:**

- (a) the progress made in developing and delivering the Corporate Transformations Programme;**
- (b) that the full proposal for ICT would be presented to Council on 17 December 2015 rather than to Council on 8 October 2015 as originally planned.**

**MEMBER**

Councillor Aitchison joined the meeting during discussion of the following item.

**QUARTERLY CORPORATE PERFORMANCE REPORT (QUARTER 1, 2015/16)**

7. With reference to paragraph 2 of the Minute of 9 June 2015, there had been circulated copies of a report by the Chief Executive presenting a quarterly performance update for members, as well as information on Audit Scotland's recent assessment of how SBC performance was reported publicly. A copy of Corporate Priority 2 infographic page was tabled at the meeting. The report explained that a summary of the main changes made to performance indicators was provided at Section 4 of the report, followed by a high level summary of performance. Appendix 1 provided a more detailed presentation and explanation of each Performance Indicator (PI). Where possible, information which was collected on a quarterly basis was presented but this was not possible for all areas of Council business, for example, school attainment. The presentation used in Appendix 1 to the report was consistent with what was presented to Council on 26 June 2014 and to the Executive Committee each quarter thereafter. All information contained within the report was also available on the SBC website using the public facing part of SBC's Performance Management software (Covalent). This could be accessed at:- [http://www.scotborders.gov.uk/info/691/council\\_performance/1353/our\\_performance\\_as\\_a\\_council](http://www.scotborders.gov.uk/info/691/council_performance/1353/our_performance_as_a_council) and by clicking on "Scottish Borders Performs". As this report was a key part of the Council's public performance reporting, a summary of Audit Scotland's recent assessment

of the Council's public performance reporting was also included within this report. Members discussed various aspects of the performance details, including staff surveys, the presentation of data, customer satisfaction surveys, Local Government Benchmarking, external funding sources including grants from landfill tax, focussing on trends and comparative data, council tax collection, and the cost of utilities. In terms of landfill tax grant now to be managed by SEPA, changes had been made that these monies could only be used within 10 miles of a landfill site which would be detrimental to the Borders. Officers advised a letter had recently been received from SEPA the contents of which would be discussed by Officers. The Service Director Strategy and Policy advised of a letter recently received from SEPA and undertook to make representations regarding this change and make enquires to ascertain who had made the changes and why these had come about. A request was made for a briefing note giving further explanation of the cost and levels of usage of utilities in Council property.

#### **DECISION**

**(a) NOTED:-**

- (i) the changes to performance indicators as detailed in Section 4 of the report;**
- (ii) and acknowledged the performance presented within Appendix I to the report and the action which was being taken within Services to improve or maintain performance; and**
- (iii) the findings by Audit Scotland in relation to the Council's Public Performance reporting and actions being taken to improve.**

- (b) AGREED that a briefing paper giving further explanation of the cost, and levels of usage, of utilities in Council property, be presented to a future meeting of the Executive Committee.**

#### **ADJOURNMENT**

The meeting adjourned at 11.20 a.m. and reconvened at 11.30 a.m.

#### **MONITORING OF THE GENERAL FUND REVENUE BUDGET (2015/16)**

8. There had been circulated copies of a report by the Chief Financial Officer providing budgetary control statements for the Council's General Fund based on actual expenditure and income to 30 June 2015 together with explanations of the major variances between projected outturn expenditure/income and the current approved budget. The revenue monitoring position set out in the report was based on actual income and expenditure to 30 June 2015. The position reported assumed significant pressures highlighted in the remainder of the report would be managed within existing departmental budgets. Failure to manage these identified pressures would result in a significant budget shortfall in the Council. The management team was progressing with the programme to modernise and transform the Council, and identified corrective action where budgets were diverting from plan and had confidence that pressures would be managed and that a balanced out turn would be delivered. Pressures evident at month 3 included out of area children's placements, a higher than anticipated level of placements for Older People in Residential Care, and care packages for people with Physical Disabilities Community-Based services. Action was being taken by the People department to contain these pressures. At 30 June, 50% (£3.829m) of planned efficiency savings had been delivered as per the Financial Plan, with a further 44% (£3.406m) profiled to be delivered over the remainder of the financial year. Of the remaining 6%, £40K had been achieved by alternative, permanent measures and £158k temporarily. A further £228k remained profiled to be achieved by alternative means. Paragraph 3.3 of the report also highlighted two unbudgeted pressures which had the first results from management action taken early in the year to preserve service provision to vulnerable adults, delivered through two additional care home contracts that were now being provided in house following decisions out-with the Council's control by care

providers to hand back these contracts. A further area of additional cost was anticipated from changes in night time support legislation. Taken together, these cost pressures were anticipated to total £0.307m and they would require a tactical draw-down from reserves in year. Full details of pressures, risks and challenges and the significant majority of areas of the Council's operation where budget plans remained on track were detailed in Appendix 1 to the report. The Chief Financial Officer advised of a correction to the recommendation at paragraph 2.1(e) in the report which referred to Appendix 1 and should have referred to Appendices 2 and 3. In the discussion which followed Members commented on the number of out of authority foster care and complex needs placements. The Depute Chief Executive People spoke of the challenges of out of authority placements, with foster care costs out-with the area being double. A review of foster care in the Borders was underway and officers were currently speaking to families, reviewing costs and payments, and looking at marketing foster care. Facilities being developed at Duns, Earlston and Langlee would address the issue of keeping children within their own communities in the Borders. A request was made that a report by the Depute Chief Executive Place giving an update and clarifications on out of area placements and foster care be brought to a future meeting of the Executive Committee for consideration in private and this was unanimously accepted. Members also highlighted the potential impact of staff transferring in to SB Cares following the termination of 2 major homecare contracts; the Neighbourhood action plan; and recharges to the non-General Funds. It was further noted that the graphs appended to the report may not have been updated and the Chief Financial Officer undertook to check these and reissue them if necessary.

**DECISION  
AGREED:-**

- (a) to note the projected corporate monitoring position reported at 30 June 2015, the underlying cost drivers of this position and the identified areas of financial risk;**
- (b) that the Depute Chief Executives for People and Place and their Service Directors would continue to work with their management teams to ensure a balanced budget position was delivered 2015/16;**
- (c) the action set out in paragraph 3.4 of the report to realign the budgeted contribution from SB contracts to the general fund;**
- (d) to approve a drawdown from unallocated reserves of £0.307m to corporately fund the newly emerged pressures identified in paragraph 3.5;**
- (e) to approve the virements set out in Appendices 2 and 3 of the report;**
- (f) to note that the Corporate Management Team would develop proposals to permanently address budget pressures as part of the 2016/17 Financial Planning process; and**
- (g) that a report by the Depute Chief Executive People giving an update and clarifications on out of area placements and foster care would be considered in private at a future meeting of the Executive Committee.**

**PROJECTED BALANCES TO 31 MARCH 2016**

9. There had been circulated copies of a report by the Chief Financial Officer providing an analysis of balances as at 31 March 2015 and of the projected balances at 31 March 2016. The report advised that the unaudited Council's General Fund useable reserve (non-earmarked) balance was £8.121m at 31 March 2015. This reflected an increase of £0.962m from the draft revenue outturn projected position of £7.159m presented to Members on 9 June 2015 prior to the production of the unaudited accounts. The increase was mainly the result of a one off write back of Scottish Water bad debt provision (£0.938m) but also

included minor technical adjustments (£0.024m). The Council's allocated reserve balance was £3.379m at 31 March 2015 which was an increase of £0.262m from the draft revenue outturn projection of £3.117m. This increase was as a result of CFGRs not yet applied to finance capital expenditure in 2015/16. There were a number of areas of potential financial pressures identified in the accompanying revenue monitoring report identified for 2015/16, which if uncontained by management action might require a call on these reserves. The total of all useable balances, excluding developer contributions, at 31 March 2016 was projected to be £22.519m, compared to £27.504m at 31 March 2015. As the financial year progressed, earmarked balances to be carried forward to 2016/17 and future years would increase. The projected balance on the Capital Fund of £6.199m 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**

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

- (a) **the unaudited 2014/15 revenue balances as at 31 March 2015;**
- (b) **the projected revenue balances as at 31 March 2016 as detailed in Appendices 1 & 2 to the report; and**
- (c) **the projected balance in the Capital Fund as detailed in Appendix 3 to the report.**

#### **MONITORING OF THE CAPITAL FINANCIAL PLAN 2015/16**

10. There had been circulated copies of a report by the Chief Financial Officer presenting an update on the progress of the 2015/16 Capital Financial Plan and seeking approval for projected outturns and associated virements, and the reallocation of funds. The monitoring tables in Appendix 1 to the report detailed the actual expenditure to 30 June 2015. Key issues identified in these tables were summarised within the main report. The tables identified a net variance of £14.922m against the approved budget. The net in-year budget reduction of £17.529m was primarily due to a budget change of £14.531m relating to the funding model for Kelso High School and the revised presentation of £4.2m for Next Generation Broadband (BDUK). The net budget timing movements amounted to £2.606m, of which the most significant were the forward timing movements of £1.0m for General Roads and Bridges Block, £2.0m for Selkirk Flood Protection, and £0.849m for Langlee and Broomlands Primary Schools, partly offset by a timing movement of £0.836m to 2016/17 for Complex Needs – Central Education Base. Appendix 3 contained a summarised list of timing and budget movements within the 2015/16 Capital Plan. Appendix 2 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 2015/16 Capital Plan. At this stage in the year it was estimated that these adjustments would allow an element of re-prioritisation of the capital programme and it was suggested that Members use this flexibility to bring forward investment in the roads network and energy efficiency projects to help the Council's revenue position and carbon commitments. During the discussion which followed it was noted that the Chief Financial Officer would bring back details of the energy efficiency programme. A request was made for an update of progress on the Hawick Flood Protection Scheme and it was agreed that this would be presented to a future meeting of the Teviot and Liddesdale Area Forum.

#### **DECISION**

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

- (a) **the projected outturns and associated virements as identified in Appendix 1 to the report as the revised capital budget;**
- (b) **to note the adjustments made to the budget for Kelso High School to reflect its status as a fully funded revenue project and agreed to maintain a £1m**

**budget contingency within capital while discussions continued with SFT to finalise the project delivery arrangements and determine the start date;**

- (c) to note the change to the Kelso High School funding model and clarification of allowable costs had allowed the reallocation of £0.375m from Kelso High School and agreed to reallocate this funding to Energy Efficiency Projects across the Council School Estate resulting in reduced revenue costs for these properties;**
- (d) the acceleration of £1.0m from 2018/19 Road Block to augment the roads budget for 2015/16 to allow improvements to key areas of the roads network;**
- (e) the list of block allocations detailed in Appendix 2 to the report;**
- (f) to instruct project managers and budget holders to ensure that robust arrangements were in place to achieve the projected out-turns; and**
- (g) an update on the progress of the Hawick Flood Protection Scheme be presented to a future meeting of the Teviot and Liddesdale Area Forum.**

#### **ASSET TRANSFER – JEDBURGH TOWN HALL**

11. There had been circulated copies of a joint report by the Corporate Transformation and Services Director and the Service Director Commercial Services seeking consideration of community asset transfer issues which had arisen since the Executive approved in principle the Transfer of Jedburgh Town Hall to Jedburgh Leisure Facilities Trust (JLFT) at its meeting on 18 February 2014. The report considered at Executive on 18 February 2014 was attached as Appendix 1 to the report. The Minute of that meeting was attached as Appendix 2 to the report. Since the decision in February 2014 there had been ongoing discussion about the possible Transfer of the Town Hall to JLFT but no satisfactory conclusion had been reached. Officers were now recommending that the decision to transfer the asset taken in February 2014 was set aside and that the Town Hall was considered with all other similar assets as part of the transfer of services to a Culture Trust. Council was likely to make a decision on this matter in October 2015. Members discussed the issues which had arisen about the proposed lease; the business case and future financing; and whether there was sufficient community support for the transfer. Councillor Brown, the local member for Jedburgh and District, spoke in support of the transfer of Jedburgh Town Hall to Jedburgh Leisure Facilities Trust which as the Town Hall would revert back to the Council if the Trust ran into difficulties in future, so the Council would not be giving up ownership of this asset.

#### **VOTE**

*Councillor Davidson, seconded by Councillor Cook, moved that the recommendations in the report not to pursue the transfer of Jedburgh Town Hall to Jedburgh Leisure Facilities Trust at this time, be approved.*

*Councillor Brown, seconded by Councillor Bell, moved as an amendment that the original decision of the Executive on 18 February 2014 be enacted and Jedburgh Town Hall be leased to Jedburgh Leisure Facilities Trust.*

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

<i>Motion</i>	-	<i>7 votes</i>
<i>Amendment</i>	-	<i>2 votes</i>

*The Amendment accordingly fell.*

#### **DECISION**

**DECIDED:-**



- (a) **not to pursue the transfer of Jedburgh Town Hall to Jedburgh Leisure Facilities Trust at this time; and**
- (b) **to consider Jedburgh Town Hall as part of the possible transfer of similar assets and services to a Culture Trust.**

**DECLARATION OF INTEREST**

Councillor Aitchison declared an interest in the following item of business (application from The Bridge) in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

**SCOTTISH BORDERS COUNCIL COMMUNITY GRANT SCHEME – GENERIC BUDGET**

12. There had been circulated copies of a report by the Service Director Strategy and Policy recommending 4 applications for funding from the Community Grant Scheme (CGS Generic Budget). The applications put forward for approval were Scottish Borders Community Development Company (The Bridge) Gala Wheels – award request £5,000; Youthborders – Sounding Out – award request £5,000; Border Samaritans – Support Grant – award request £2,500; and NTC Touring Theatre Co Ltd – award request £2,361. The report explained that the projects recommended for approval totalled £14,861 and there was only £13,840 available in the CGS Generic Budget for 2015-16. It was recommended to award Border Samaritans a grant at the lower level of £1,700. Following discussion with the organisation it transpired that £800 of the original request was to cover IT equipment which had already been purchased and was not fundable under the terms of the scheme. It was also recommended to award NTC Touring Theatre Co Ltd a grant at the lower level of £2,140 being the balance remaining in the Generic budget, subject to the recommendations of this report being approved. The organisation received a project grant for a pilot project in 2014/15 which proved popular. The organisation was returning for a one-off support grant for this year's activity whilst it worked towards future sustainability.

**DECISION**

**APPROVED:-**

- (a) **a grant to the value of £5,000 to The Bridge;**
- (b) **a grant to the value of £5,000 to Youthborders;**
- (c) **a grant to the value of £1,700 to Borders Samaritans, the grant being conditional on the organisation revising its fundraising plans to bridge this gap in future years; and**
- (d) **a grant to the value of £2,140 to NTC Touring Theatre Co Ltd, the grant being conditional on the organisation revising its fundraising plans to bridge this gap in future years.**

**CONTROL OF CONTRACTORS POLICY AND PROCUREMENT**

13. There had been circulated copies of a joint report by the Chief Financial Officer and the Corporate Transformation and Services Director providing an update on the requirement for Constructionline accreditation as part of the Control of Contractors Policy (Design, Construction, Maintenance and Repair). The policy defined how the Council would uphold its Health and Safety responsibilities, and the principles contained within it extended to all employees, and those employed to undertake contracted works for and on behalf of the Council. The policy was owned and managed by Wellbeing & Safety Management Services and contained a requirement that SBC only employed contractors who were fully accredited SSIP (Safety Schemes in Procurement) members of Constructionline and had green status. The requirements of the policy were applied to all relevant Construction, Maintenance and Repair procurement exercises, including the recent Repair & Maintenance Framework Agreement. The Senior Wellbeing and Safety Adviser and the Procurement and Payment Services Manager were in attendance and answered Members'

questions on the benefits to the Council of contractors having accreditation, and the overall reduction in paperwork for contractors in the longer term. Members were also advised that others in the public sector e.g. NHS, Fire and Rescue Services, and SBHA, were also moving towards the requirement for Constructionline or other similar accreditation. Details were given of the number of contractors on the framework, which had reduced from 225 to 138. However, previously not all contractors had been used, with some were based out-with the Scottish Borders so had not been able to meet the time requirements within some contracts. The 138 contractors were all registered with Construction pipeline at different stages of accreditation A potential £1.8m worth of contracts was available for those contractors on the framework which, if these were awarded evenly, would give a potential £13k income against a cost of £240 for accreditation for smaller firms. It was recognised that this accreditation cost would be on top of the cost for contractors of belonging to their specific trade association. Members were advised that the report was for noting because the Policy had previously been approved.

#### **DECISION**

**NOTED the update on the requirement for Constructionline accreditation as part of the Control of Contractors Policy (Design, Construction, Maintenance and Repair).**

#### **ROAD SAFETY – ANNUAL POSITION STATEMENT**

14. There had been circulated copies of a report by the Service Director Commercial Services presenting an update on reported road casualties in 2014 and on the progress towards meeting the Scottish Government casualty reduction targets. The report explained that In June 2009 the Scottish Government set revised targets for accident reduction across a number of key headings. The base taken for this was the 2004 – 08 annual average and the target reduction was by the year 2020 with interim targets set for 2015. In June 2009 the Scottish Government set revised targets for accident reduction across a number of key headings. The base taken for this was the 2004 – 08 annual average and the target reduction was by the year 2020 with interim targets set for 2015. The five areas identified as national reduction targets were as follows :- the number of people killed in road accidents; the number of people seriously injured in road accidents; the number of children under 16 killed in road accidents; the number of children under 16 seriously injured in road accidents; and the slight injury accident rate. Progress against these national targets was the main focus of the report. The national position was generally positive based on the official 2013 figures, with reductions continuing to be shown across all the accident reduction areas identified above and all but the second category outlined currently exceeding the level of reduction needed to meet interim 2015 and/or 2020 reduction targets. Provisional 2014 figures however indicated some worrying increases in key categories at national level. At a local Scottish Borders level 2014 was another positive year for the area, with the long term trend of accident casualty reduction in the Scottish Borders being continued across all categories. Members discussed various types of accidents and the particular vulnerability of pedestrians and cyclists, the use of 20mph zones and other ways to slow down traffic, and the use made of Borders roads by motor cyclists.

#### **DECISION**

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

- (a) **to note the position with respect to injury accidents in 2014 and the progress being made in relation to meeting the Scottish Government targets for road casualty reduction; and**
- (b) **to endorse the proposals for accident prevention going forward:**
  - (i) **to continue to concentrate its Accident Investigation and Prevention resources on locations identified through the moving cursor programme;**

- (ii) **and that broader elements such as education, encouragement and communications will continue to be addressed through the Scottish Borders Road Safety Working Group. In particular, maintaining close liaison with the police in terms of appropriate enforcement as necessary.**

**DEVELOPER CONTRIBUTION, LAND SOUTH OF MEIGLE ROW, CLOVENFORDS**

15. There had been circulated copies of a report by the Service Director Neighbourhood Services seeking approval to utilise the developer contribution of £42,995 from Meigle Row, Clovenfords in line with details contained within the negotiated agreement ref: 06-0104-FUL to provide additional equipment to the play area adjacent to Muscat Brae. As part of the development at land South of Meigle Row, Clovenfords, the Council negotiated a developer contribution for the amount of £42,000 as a contribution towards the provision of additional equipment at the play areas adjacent to Muscat Brae, Clovenfords. However, after allowing for indexation and interest charged the balance held by the Council in relation to this agreed contribution was currently £42,995. Included in the sum was £17,890 towards costs associated with ongoing maintenance, insurance and depreciation of the equipment as per the developer contribution policy. This left a remaining capital budget of £25,105. In addition to this, the Tweeddale Area Forum had agreed to contribute £10,000 from its Quality of Life Budget to this sum to further improve access, boundary and surfacing, creating an overall capital budget of £35,105. Officers from Neighbourhood Services had been working with local Elected Members and the Community Council to agree a design for the extra play equipment to be delivered. This preferred design had now been agreed locally and officers had undertaken a procurement exercise and identified preferred providers. Officers were now pursuing the delivery of the approved design using the developer contribution. Members expressed their frustration at the length of time it had taken to get the developer to make the necessary contribution as he had resisted at all stages.

**DECISION**

**AGREED to include £25,105 funded by a Developer Contribution within the Financial Capital Plan for 2015-16**

**DISCRETIONARY HOUSING PAYMENTS – 2015/16 PERFORMANCE REPORT**

16. There had been circulated copies of a report by the Service Director Neighbourhood Services detailing the activity of the Discretionary Housing Payment scheme in the first quarter of 2015/16. An amended appendix 1 to the report was tabled at the meeting. The report provided an update on the funding and performance of the scheme. The total amount of Discretionary Housing Payments awarded in the first quarter of 2015/16 was £518,080. The total amount of Discretionary Housing Payments awarded and paid in 2014/15 was £733,398. There were 1,101 Discretionary Housing Payment applications received in the first quarter of 2015/16. Of the 1,048 decided 993 (95%) were successful. The high rate had been achieved by the Council working jointly with Citizens Advice Scotland and Housing Associations to identify people who might be eligible and improve the quality of applications. Members considered the long term trend and impact of the spare room subsidy, which was predicated on people being able to move to alternative properties which in reality were not available in many areas.

**DECISION**

**NOTED the activity relating to Discretionary Housing Payments in the first quarter of 2015/16 and that the progress would continue to be monitored on a quarterly basis.**

**PRIVATE BUSINESS**

17. **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**

### **Minute**

18. The Committee approved the private Executive Minute of 9 June 2015.

*The meeting concluded at 1.20 p.m.*

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

MINUTES of Meeting of the HAWICK  
COMMON GOOD FUND SUB-COMMITTEE  
held in Lesser Hall, Town Hall, Hawick on  
Tuesday, 18 August 2015 at 4.00 pm

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Present:- Councillors G Turnbull (Chairman), A Cranston, W McAteer, S Marshall,  
D Paterson, R Smith, Mrs A Knight and Mr J Little.  
In attendance: Corporate Finance Manager (L Mirley), Solicitor with Legal Services (R Kirk)  
Estates Officer (J Morison), Property Officer ( F Scott), Democratic Services  
Officer (J Turnbull).

1. **DECLARATION OF INTEREST**

Mrs Knight asked for guidance in respect of Item No 5(ii) on the agenda, as she was a member of Burnfoot Community Council. The Committee agreed that she was not required to declare an interest.

**DECISION  
NOTED.**

2. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 26 May 2015.

**DECISION  
APPROVED the Minute for signature by the Chairman.**

3. **MATTERS ARISING FROM THE MINUTE**

With regard to paragraph 4 of the Minute of 26 May, Mr Morison would discuss with Mr Richardson progress with the directional signage and report back to the next meeting. With regard to paragraph 6(c) of the Minute of 26 May, Mr Morison would report back to the next meeting on the Woodlot.

**DECISION  
NOTED.**

4. **FINANCIAL ASSISTANCE**

(i) Mr D Robertson

There had been circulated copies of an application from Mr Derek Robertson requesting financial assistance of £600.00 towards research purposes for the publication of a new history of Hawick and District during World War I. In particular, the funding would be used to search pay-per-view online records via Scotland's People. Hawick Archaeological Society, with the possible assistance of the Heritage Lottery Fund, had committed to funding the publication costs. The publication date would be November 2018.

**DECISION  
AGREED to award a grant of £600.00 to Mr Derek Robertson for research purposes towards the publication of a new history of Hawick and District during World War I.**

(ii) Burnfoot Community Council

There had been circulated copies of an application from Mr Batten on behalf of Burnfoot Community Council, requesting £6,000.00 financial assistance towards the Remembrance Garden in the Wilton Cemetery. The Grants Co-ordinator was in discussion with Mr Batten regarding the possibility of funding from the Community Grants Scheme towards the project. It was agreed that up to £6,000.00 from the Common Good Fund be granted towards the project; £2,000.00 of which to be payable immediately. If required, when the amount of community grant was known, the Chairman and Chief Financial Officer under delegated powers, to agree to make up any shortfall of funding, to a maximum of £4,000.00; making a total grant payment of £6,000.00.

**DECISION  
AGREED**

- (b) **To award a grant of £2,000.00 to Mr J Batten on behalf of Burnfoot Community Council towards the Wilton Cemetery Remembrance Garden; and**
- (c) **If required, the Chairman and Chief Financial Officer under delegated powers, to make a further grant payment, of up to £4,000.00 to meet any shortfall from the Community Grant Scheme. The combined Community Grant and Common Good Fund grant to be £6,000.00.**

5. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2015**

There had been circulated a report by the Chief Financial Officer providing details of the income and expenditure for the Hawick Common Good Fund for the three months to 30 June 2015 and full year projected out-turn for 2015/16 and projected balance sheet values at 31 March 2016. Appendix 1 to the report showed a projected deficit of £40,660 for the year. Appendix 2 to the report, showed a projected decrease in reserves of £83,454 to 31 March 2016. Appendix 3 to the report provided a breakdown of the property portfolio and showed actual Income and Expenditure to 30 June 2015. Appendix 4, to the report, showed the value of the Newton Fund to 30 June 2015. Ms Mirley highlighted the performance reduction of 2.76% from the Newton Fund, this was a result of the downturn across financial markets worldwide caused by the Greek debt crisis, possible interest rate rises in the US and the downturn in the growth rate of the Chinese economy. The Newton Fund had still grown in value and would be presenting annually to Council on their performance since the Fund's inception. There followed a discussion on the benefits of a five year plan which would show expenditure for investments, grant funding and projected spends on asset management. It was agreed that Ms Mirley and Mr Morison would bring to the next meeting, proposals for a five year plan, for consideration. Ms Mirley advised that she would also circulate to Members information on grants paid over the last five years, for information. Consideration would also be given for a procedure to administer grant assistance to organisations that requested annual funding.

**DECISION**

- (a) **AGREED**
  - (i) **Projected Income and Expenditure for 2015/16 as shown in Appendix 1, to the report; and**
  - (ii) **The Corporate Finance Manager and Estates Officer to report on proposals for a five year plan for Hawick Common Good Fund.**
- (a) **NOTED:**
  - (i) **The actual projected Balance Sheet value to 31 March 2016, as shown in Appendix 2 to the report;**
  - (ii) **The summary of the property portfolio in Appendix 3 to the report; and**
  - (iii) **The current position of the investment in the Newton Fund in Appendix 4 of the report.**

6. **PROPERTY UPDATE**

(a) Market Site Lease

With reference to the Minute of the 13 May 2015, Mr Morison advised that the draft Lease had been sent to Geraud UK Ltd with a provisional date for entry of 22 August 2015. The Committee thanked Mr Little for collecting the stall rentals from the market traders in the interim period. Mr Little's assistance was much appreciated by the Sub-Committee.

(b) Common Haugh

With reference to paragraph 3 of the Private Minute of 26 May 2015, Mr Morison reported that a request had been received from Mr Stuart for permission for a Fun Fair to be held on the Common Haugh at the end of March, beginning of April 2016. There would be a similar number of rides and square footage as last year. The Sub-Committee requested that a formal application be submitted for consideration at the November meeting of the Sub-Committee.

**MEMBER**

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

(c) Moor Race Course

The Chairman advised that a request had been received from Mr McLeod for permission for a shower provision at the toilet block at Hawick Moor. It was agreed that the Property Officer, Mr Scott, liaise with Mr McLeod and arrange for shower provision.

(d) Silage Pit at Pilmuir Farm

With reference to paragraph 6(e) of the Minute of 26 May 2015, the Property Officer, advised that following trial holes, a new site had been identified for the silage pit. SEPA has approved the outline planning application for the new location. The Property Officer explained that until the structural design had been agreed the works could not be released for tender. It was agreed to delegate to the Chairman and Chief Financial Officer the awarding of the tender, if within the budget. If the tender exceeded the budget then a special meeting to be arranged.

(e) Willestruther Loch

Mr Scott advised that the ten year inspection of the loch had been carried out by an independent structural engineer at a cost of £3,050.00 which included the annual yearly inspection. The report was still awaited but there was nothing untoward. Mr Scott continued that from 2016 Scottish Borders Council (SBC) would not be the reporting authority and SEPA would be taking over responsibility for the Loch; Members requested further information be circulated regarding.

(f) Pilmuir Cottage

With reference to paragraph 2(b) of the Private Minute of 26 May 2015, property inspections of Pilmuir Cottage and St Leonards Farmhouse had been carried out that day. In respect of Pilmuir Cottage it was agreed to the replacement of two doors with PVC doors. The cause of the chimney leak was also to be investigated. At St Leonard's Farmhouse, Mr Scott was asked to arrange for tree maintenance to one tree at the front of the property and two at the rear. The beech tree at Woodend Cottage needed to be removed.

**DECISION**

**AGREED**

(a) **To thank Mr Little for his assistance in collecting the rent from the market stallholders;**

(b) **To request a formal application by Mr Stuart for consideration at the November meeting of the Sub-Committee for a Fun Fair;**

- (c) That the Estates Officer in discussion with Mr McLeod arrange for completion of shower provision at the toilet block at Hawick Moor;
- (d) To delegate permission to the Chairman and Chief Financial Officer for awarding the tender of the silage pit works at Pilmuir Farm;
- (e) To request that the Property Officer arrange for the necessary tree surgery works at St Leonard's Farm; and
- (f) To request that the Property Officer arrange for the replacement doors at Pilmuir Cottage.

7. **PRIVATE BUSINESS**  
**DECISION**

**AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to the Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A of the Act.

**SUMMARY OF PRIVATE BUSINESS**

- 1. Minute  
Members approved the private section of the Minute of 26 May 2015.
- 2. Lease of Williestruther Cottage  
The Sub-Committee considered a private report by Service Director Commercial Services.
- 3. Property Inspections.  
The Sub-Committee considered a private verbal report.

8. **DATE AND VENUE OF NEXT MEETING**  
**DECISION**

**AGREED** that the next meeting be held on Tuesday, 17 November 2015 at 4.00 pm in the Lesser Hall, Town Hall, Hawick.

*The meeting concluded at 5.25 pm*



**SCOTTISH BORDERS COUNCIL**  
**TEVIOT AND LIDDESDALE AREA FORUM**

MINUTES of Meeting of the TEVIOT AND  
LIDDESDALE AREA FORUM held in Town  
Hall, Hawick on Tuesday, 18th August, 2015  
at 6.30 pm

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Present:- Councillors G Turnbull (Chairman), A Cranston, W McAteer, S Marshall,  
D Paterson, R Smith.  
Community Councillors: Mr C Griffiths (Hobkirk), Mr W Roberts (Denholm),  
Mr T Stevenson (Upper Teviotdale & Borthwick Water).

Apologies:- Mr M Grieve (Burnfoot Community Council), and Inspector Carol Wood  
(Police Scotland)

In Attendance:- Mr R Bell (Scottish Fire and Rescue Service), Sergeant Cranston (Police  
Scotland), Neighbourhood Area Manager (Mr A Finnie), Democratic Services  
Officer (J Turnbull).

Members of the Public:- 8 in attendance

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present to the meeting and advised that there would be a presentation on the Introduction of Food Waste Collections by Fiona Munro, Waste Strategy Assistant.

2. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 16 June 2015.

**DECISION**

**AGREED to approve the Minute.**

3. **DECLARATION OF INTEREST**

Councillor Cranston declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the hall during the discussion.

4. **THE INTRODUCTION OF FOOD WASTE COLLECTIONS.**

The Chairman welcomed Fiona Munro, Waste Strategy Assistant, from Neighbourhood Services, Scottish Borders Council (SBC). Ms Munro referred to the background which led to the decision to introduce this new service. The Waste (Scotland) Regulations 2012 required food waste collections to be introduced by 1 January 2016. Food waste was seen as a valuable resource and a way of diverting more waste from landfill and could be used as a valuable recycling resource. In accordance with the regulations and Scottish Government urban versus rural classification, the collection service in the Scottish Borders would involve approximately 24,500 households and businesses. Phase 1, weekly kerbside food waste collections in Galashiels, Tweedbank, Selkirk and Peebles had commenced in May 2015. Phase 2, involved Jedburgh and Hawick, and would start during the week commencing 7 September. Ms Munro advised how to participate in the scheme and had brought along an example of the caddies, together with biodegradable liners and guidance leaflets, which would be delivered to households during the week prior to the start of collections. Each household would have a 5 litre silver kitchen caddy and liners, in which to deposit daily food waste. The tied bags of waste should then be transferred from the kitchen caddy to outdoor brown caddies of 23 litre for a single household or 140 litre for communal household. It was emphasised that the food waste collection service also came under animal by-product legislation and as such would be

closely regulated. There would be no effluent or waste produced during handling. Purpose-built collection vehicles would transport the waste to central skips from where it would be taken to the nearest food waste management site at Levenseat Ltd., Midlothian. Following an animal by-product process at the site, material would be shredded and heated to kill bacteria, food waste would then be turned into compost like material. Ms Munro concluded by stating that Phase I participation had been encouraging and it was hoped that Phase II would be positive. Following the presentation Ms Munro answered questions, and explained that the food waste collection service was a legal requirement; the garden waste service had been a mandatory service. Scottish Government had set the classifications as to size of area based on economic viability. The Chairman thanked Ms Munro for the informative presentation.

#### **DECISION**

**NOTED the presentation.**

#### **5. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE**

There had been circulated copies of a report by Service Director Neighbourhood Services updating the Forum on previously approved Neighbourhood Small Schemes and seeking approval for the refurbishment of railings at Lothian Street, Hawick and provision of a street name plate at East Stewart Place, Hawick. Mr Finnie reported that replumbing of the existing railing fence at Riverside Walk would be completed by the end of September and the upgrading of the footpath at Waverly Walk by the Winter. A trial for regrouting the footpaths would be carried out at the front of the Town Hall and this should be completed by end of September. The cost for this trial section would be monitored to enable consideration of further sections in the future. Mr Finnie clarified that it was the aim to have the Billy Goat machine operational in the town two half days per week, however this was dependent on weather conditions. The machine was now stored in the toilet block at the Common Haugh which allowed for easier access by the operator. It was noted that Hawick and Denholm councillors were engaging with local community councils regarding appropriate schemes for funding.

#### **DECISION**

**(a) AGREED the following new Neighbourhood Small Schemes for implementation:-**

- (i) Refurbishment of railings at Lothian Street, Hawick £1,539**
- (ii) Provision of street name plate at East Stewart Place, Hawick £350**

**(b) NOTED**

- (i) the updates on previously approved Neighbourhood Small Schemes as detailed in Appendix A to the report; and**
- (ii) the updates on previously approved Quality of Life Schemes as detailed in Appendix B to the report.**

#### **6. POLICE SCOTLAND**

There had been circulated, copies of a report from Inspector Carol Wood, Police Scotland, updating the Forum on Police Scotland performance, activities and issues for the period up to 31 July 2015. Sergeant Cranston was in attendance and highlighted that recorded crime had increased slightly over the same period last year. The solvency rate had decreased and this was due to the difficulty in detecting vandalism of which there had been a reported increase. It was requested that a breakdown of when and where the vandalism occurred be included in future reports. Sergeant Cranston stated that there had been a change in the way reported crime was dealt with; when a crime was reported, it was now subject to a screening process, if there was no witness(es) or cctv, police did not attend immediately, in some instances it might be up to a week later when an officer attended the crime scene, by which time evidence might have been lost. The Forum requested that the number of stop /searches carried out be recorded in relation to the six number of individuals charged for possession of drugs, and this information be included in future reports. There was discussion on the five reported break-ins in the Newcastleton

area and it was requested that when the ward priorities were reviewed again, that rural crime be reinstated as a ward priority.

**DECISION  
NOTED.**

7. **SCOTTISH FIRE & RESCUE SERVICE**

There had been circulated, copies of a report from Russell Bell, Station Manager, Hawick Fire Station updating the Forum on Scottish Fire and Rescue activity for the month of June and July 2015. Service delivery activity showed four house fire occurrences, two open fires, eight special services, which included one casualty and 22 unwanted fire signals of which 10 were from sheltered housing. The summer thematic plan was still in operation.

**DECISION  
NOTED.**

8. **OPEN QUESTIONS**

(a) A member of the public asked for clarification in respect of funding for the erection of a disabled ramp at Silverbuthall. Permission for the ramp had been received from Scottish Borders Council (SBC). Funding for the ramp was still required, the estimated cost for the work being in the region £36 - £40k. The member of the public understood that £5,000 had been committed to the project from Quality of Life funding and asked Councillor Cranston for clarification and also for details of other funding sources that would be appropriate. Councillor Cranston confirmed that he would advise of the action he had taken following the meeting.

(b) A member of the public asked if spraying of weeds in the town had been carried out. Mr Finnie clarified that the contractor had begun the first treatment on 15 May, the second treatment was due to be started this week. However, one of the problems was that residual weedkiller was no longer permitted to be used. Mr Finnie would raise with the contractor the complaint and also investigate the tree growing on the bridge.

**DECISION  
NOTED.**

9. **COMMUNITY COUNCIL SPOTLIGHT**

(a) Mr Stevenson advised that Mr John Hepburn had been appointed as the new Chairman. Tenders for refurbishment of the village hall were being requested. The issue of rural crime was also a concern.

(b) Mr Roberts advised that there had been a special meeting of the community council last week to consider the changes to the 120 bus route. The community were concerned at the 50% reduction in the service which was affecting a number of people; SBC would be contacted with a request for data on the historical use of the service. It was recognised that there had to be economies but the manner in which the changes had been implemented was a concern. It was hoped that the Passenger Transport Strategy would recommend the restoration of the full service.

(c) Mr Griffiths advised that there had been an increase in the number of visitors this summer. The issue of the lack of signage and the damage to the bridge was raised again. A small amount of money spent on signage now could avoid a significant amount when repairs to the bridge were required. Mr Finnie would investigate.

**DECISION  
NOTED the report.**

10. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETING**  
The next meeting of the Teviot and Liddesdale Area Forum would be held on Tuesday, 15 September 2015 at 6.30 pm in Room 205, Tower Mill, Hawick.

**DECISION  
NOTED.**

*The meeting concluded at 7.40 pm*

# SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY  
COMMITTEE held in COUNCIL CHAMBER,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Thursday, 20 August,  
2015 at 10.00 am.

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Present:- Councillors G Logan (Chairman), W Archibald, K Cockburn, A Cranston,  
S Mountford, R Stewart, J Torrance, I Gillespie and A J Nicol.  
Also Present: Councillor S Aitchison, J Fullarton (joined the meeting during Item 2).  
In Attendance:- Democratic Services Team Leader, Democratic Services Officer (P Bolson).

1. **MINUTE**

There had been circulated copies of the Minute of 11 June 2015.

**DECISION**

**NOTED for signature by the Chairman.**

2. **NON SCHOOLING AND HOME SCHOOLING**

2.1 With reference to paragraph 6(a) (vi) of the Minute of 26 March 2015, the Chairman welcomed Ms Donna Manson, Service Director Children and Young People and Ms Christian Robertson, Senior Education Officer who were present at the meeting to give a presentation on Non Schooling and Home Schooling. There had been circulated copies of the Scottish Government's Home Education Guidance. Ms Manson explained that the document was issued under Section 14 of the Standards in Schools etc Act 2000 and it formed the basis of Home Schooling policies which had been developed at a local level at SBC. There were circulated at the meeting copies of a document entitled "In our sight: in our mind" and Ms Manson explained that this reflected the approach being taken across the Council area in terms of educating school age children.

2.2 Primary school attendance had shown an improvement during the academic year 2014/15, particularly throughout March and April 2015 and the department was continually working to achieve further improvements in the attendance levels. The period leading up to the summer break in June 2015 showed a drop in attendance and Ms Manson explained that this was due, in the main, to family holidays being taken outwith school term time. Members noted that Scottish Borders Council compared favourably at a national level. Statistics showed that attendance in 2012/13 was just above 95% and SBC had been successful in maintaining that position nationally. Statistics demonstrated an increasing trend in unauthorised absences during May and June of the academic years from 2012/13 to 2014/15. Ms Manson confirmed that parents were challenged in relation to any instances of non-attendance and the department was working towards a position where all non-attendance was authorised appropriately.

2.3 Secondary school attendance showed a similar pattern, with high attendance in May 2012/13 of almost 96% dropping to below 92% in June of the same year. It was noted that a substantial drop in school attendance during December 2012 could be linked to a serious infection which affected the whole of the Scottish Borders Council area. Ms Manson went on to explain that the attendance figures for May of any year related, in part, to the pupils sitting national examinations whilst the lower attendances in June coincided with an increase in the number of unauthorised absences. On a national level, Ms Manson was pleased to report that Scottish Borders performed well with an attendance level in 2012/13 of just over 95%.

2.4 Ms Manson advised Members of the work that was in progress and which had been undertaken previously to improve attendance levels in both primary and secondary

schools, noting that the way in which absences were monitored and analysed on a monthly basis had contributed to the high attendance levels across schools. Future actions to be taken forward included more engagement with parents, access for all schools to Home Link, multi-agency involvement and early intervention in the pre-school, early learning and childcare centres. Members were advised that the number of exclusion incidents and resulting exclusions in Primary Schools had decreased during 2014/15 and this decrease was also reflected in the male/female gender divide. The figures for secondary schools also showed a decrease in both the overall number of exclusion incidents and actual exclusions. With regard to the gender breakdown, there had been a decrease in the number of male-related incidents. Female-related incidents and exclusions showed a slight increase during 2014/15. Ms Manson advised that the aim was to achieve a zero exclusion figure across all schools. Members noted that exclusions at secondary school level had dropped from 245 to 150 in 2014/15 and discussion followed in respect of the reasons for this improvement. Ms Manson detailed some of the strategies for further reducing rates including tracking data and trends action planning, the up skilling of staff to deal with issues, sharing improvement strategies across schools and the development of creative support for young people.

- 2.5 Members raised a number of questions and highlighted issues of concern, one of which was the way in which statistics were reported in the media. Ms Manson advised that this was possibly due to the published figures being about two years old whereas the figures available in her report to Members were more up to date. In respect of how future strategies could improve the support offered to pupils with learning difficulties, Ms Manson suggested that this could be achieved by increasing the number of group sessions and reducing whole class lessons for which resources were currently in place. Members were aware of the impact of absences on attendance levels and noted that in some situations, such as the emergency services, parents could be allocated holiday dates which might not fit with school holidays. Ms Manson explained that such situations were dealt with by head teachers within each school. With regard to unauthorised absences, Ms Manson advised that sanctions for persistent unauthorised absences included referral to Family Support Workers, the Children's Reporter but that the first step would always be to try to identify the reasons for such a situation developing. In terms of sanctions which might be imposed on pupils, Ms Manson explained that pupils were made aware of the impact and outcome of unacceptable behaviour and emphasised the advantages of early intervention in such situations. It was acknowledged that a smooth transition from primary to secondary schooling could have a positive effect on the attendance levels for pupils. Further analysis of available information would be required to assess the full impact. Members requested information about the impact of inclusion of all pupils and Ms Manson explained that two meetings had already taken place with Parent Councils to consider this matter. Establishment of a "base" class was given as one example of how inclusion could be progressed within schools. Ms Manson emphasised that exclusion incidents should be addressed prior to reaching the stage where a pupil was the subject of multiple exclusions and it was recognised that schools needed support in dealing with these situations.
- 2.6 Ms Manson went on to provide Members with information about home schooling in the Scottish Borders. There were no national comparator statistics available but within the Scottish Borders, the figures included 32 families who were currently home educating with one on a part time basis only and there were 42 pupils or 0.28% of the total school roll who were being home educated. 50% of those being home educated lived outwith a town or village in the Scottish Borders but there were examples of how these families could be supported in formulating a programme of education for their children. Legislation stipulated the duties and rights of families and the Local Authority when a child/children were being home educated. Families were only bound to respond to enquiries by the Local Authority whilst Local Authorities were only entitled to make formal enquiries. Most of the pupils who had been withdrawn from school were removed during their primary education years and the main reason given was anxiety and/or stress. Ms Robertson explained that successful early intervention could avoid withdrawal from school by reassuring parents and adapting the way in which teaching was delivered. There were a

number of ways in which the Council could prevent disengagement with parents, such as the introduction of a Risk Matrix to identify children early, working to enhance the reputation of schools in the area and promote a wide range of activities and curriculum choices. Ms Manson advised Members that some families had never entered the education system and were therefore "invisible" to the Authority. This could be a cause for concern and it was important to find ways in which to engage with these families.

- 2.7 Discussion followed and officers responded to a number of questions raised. With reference to potential withdrawals following the summer break, Ms Manson advised that sometimes families had been considering this option during the holidays but it could as easily have been a totally unexpected decision. Provision of a sample curriculum was discussed as a "vanguard" for encouraging parents to remain engaged with the Council. Members were advised that only a small number of requests for home schooling were refused and these were normally on the grounds of child protection concerns. Ms Manson agreed that sports and leisure opportunities could be key to continued engagement with families and indicated that partnerships were currently being developed which would form part of the strategic plan within the new People department. Various education options were available to parents and part time home schooling allowed children to access school-based facilities at times which suited their family situation. Members raised concern about the lack of legislative authority given to Councils to monitor home schooling and were advised that parents could refuse to provide any information on the grounds of the Data Protection Act. There was also no evidence available to verify that these children were being home educated as opposed to working outwith the home. A question was asked in relation to the amount of maintenance allowance paid to parents who were home educating their child/children and Ms Manson agreed to investigate and provide this information to Members in due course. Members were advised that each primary school had access to a Home Schooling Link Worker (HSLW) to provide additional support. A different system was in place for secondary schools to access this type of resource available to them. Ms Manson considered this to be a strong and positive position from which to move forward. Members were advised that additional support needs were assessed on an individual basis and could include requirements such as transportation support. Should a pupil with such needs move into a different catchment area, then the assessed support would be provided.
- 2.8 Councillor Aitchison, Executive Member for Education commented on the excellent work Ms Manson and her team had undertaken and acknowledged that the new team of officers was now in place and moving forward to meet further challenges. He detailed some of the work currently in progress and in highlighting the importance of Parent Councils in preventing disengagement by some families, emphasised that this would be best served when the Parent Council represented all families within that school. Councillor Aitchison went on to emphasise the importance of active inclusion within classes and suggested that seclusion could be used as an alternative to the ultimate sanction of exclusion. There was no doubt that there were challenges ahead and Councillor Aitchison was confident that Ms Manson's team was equipped to meet those challenges. He thanked the Scrutiny Committee for inviting Ms Manson and Ms Robertson to attend the meeting and for providing the opportunity to receive feedback from the Members. The Chairman thanked Ms Manson, Ms Robertson and Councillor Aitchison for their presentation and for the answers to Members' questions. Members expressed concern regarding the lack of powers available to the Council to ensure that all children within the area were receiving an appropriate standard of education.

## **DECISION**

- (a) **NOTED the Briefing.**
- \* (b) **AGREED TO RECOMMEND that Scottish Borders Council write to the Scottish Government requesting that the 1980 Scotland Education Act be amended to give Local Authorities the power to enforce Section 37 of the Act in order to**

**ensure that children who were being home schooled received a satisfactory education appropriate to their age and aptitude.**

### **MEMBERS**

Councillors Archibald and Gillespie left the meeting during consideration of the following item of business.

### **3. SCRUTINY REVIEWS - UPDATE ON SUBJECTS INCLUDED IN THE FUTURE SCRUTINY REVIEW PROGRAMME**

With reference to paragraph 5 of the Minute of 26 March 2015, there was circulated at the meeting an updated list of subjects which the Scrutiny Committee had been asked to review and which included the source of the request, the stage the process had reached and the date, if identified, of the Scrutiny meeting at which the information would be presented. In addition, Members were also asked to consider further subjects for inclusion on this list for presentation at future meetings of the Committee. When deciding whether subjects would be reviewed by the Scrutiny Committee, Members required a clear indication from the initiator of the request as to which aspects of the subject they wished to be reviewed. This would enable the Committee to determine whether the subject was appropriate for consideration. It was agreed that guidance should be made available to ensure that requests for Reviews contained sufficient information to enable the Committee to make its decision.

### **DECISION**

#### **AGREED:-**

- (a) the proposed list of subjects for review by Scrutiny Committee, as appended to the Minute, and any further actions detailed against particular reviews;**
- (b) that guidance would be made available to anyone submitting a request for a Scrutiny Review to ensure that the request contained sufficient information to enable the Committee to make its decision.**

*The meeting concluded at 12.10pm.*



## Scrutiny Committee – Review Subjects

The following are those subject areas which have been requested for Scrutiny to consider and the stage they have reached:

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
Graeme Donald	Religious Observance Policy } }These will be presented together at the } same meeting.	With Service Director Children & Young People	29 October 2015
Scrutiny Committee	Faith Schools }	With Service Director Children & Young People	29 October 2015
Scrutiny Committee	Attainment levels in Schools in Deprived Areas	With Service Director Children & Young People	24 September 2015
Scrutiny Committee	Home Schooling and Non-Schooling	With Service Director Children & Young People	20 August 2015 Completed
Scrutiny Committee	Mainstream Schools and Children with Severe Learning Difficulties	With Service Director Children & Young People	24 September 2015
Ettrick and Yarrow Community Council	Great Tapestry of Scotland – to scrutinise the whole process through which the decision appears to have been taken by SBC Councillors to site the great tapestry of Scotland in a new-build at Tweedbank. In particular, to scrutinise the extent to which a full option appraisal was undertaken of all possible sites and that the detailed business case was presented for all options prior to any decision being made.	Letter from CC dated 15 June 2015. Agreed not to consider until it had been presented to Petitions and Deputations Committee on 1 October 2015. EYCC will be notified.	
Ettrick and Yarrow Community Council – Allocation of	To review the extent to which the SBC budget for road repairs and maintenance is sufficient to meet need and the not unreasonable expectation that roads will be maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for <u>rural roads</u>	Letter from CC dated 15 June 2015. Agreed to consider this.	Date to be agreed.

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
Budgets for Road Maintenance and Repairs	is arrived at and whether more should be allocated.		
Councillor Turnbull	Fees for taxi licensing – the amount paid to outside bodies in administering taxi licensing and how the fees for a licence in the Borders compare with those of neighbouring authorities.	Information to be collated and forwarded to Cllr Turnbull. <i>Scrutiny review on hold.</i>	
Councillor Bhatia	Protection of Private Water Supplies	Request further information from Cllr Bhatia to determine what would be scrutinised. <i>Scrutiny Review on hold.</i>	
Lib Dem Group	Implications of the Community Empowerment Act on the Council	Request further information from the Lib Dem Group to determine what would be scrutinised. <i>Scrutiny Review on hold.</i>	
Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels - to include subsidy arrangements and departure charges.	Agreed to consider this.	To be agreed
Scrutiny Committee	Renewable energy – to include arrangements for biomass boilers at high schools.	Likely to be considered by the Executive Committee. <i>Scrutiny Review on hold.</i>	

**SCOTTISH BORDERS COUNCIL**  
**GALASHIELS COMMON GOOD FUND SUB COMMITTEE**

MINUTES of Meeting of the GALASHIELS  
COMMON GOOD FUND SUB COMMITTEE  
held in the Corn Exchange, Melrose on  
Thursday, 20 August 2015 at 4.50 p.m.

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Present:- Councillors B White (Chairman), S. Aitchison, B Herd and J G Mitchell,  
Community Councillor R. Kenney (Galashiels Community Council).

In Attendance:- Capital and Investments Manager (K. Robb), Solicitor (H. Macleod),  
Democratic Services Officer (F. Henderson).

1 Member of public

1. **MINUTE.**

There had been circulated copies of the Minute of 9 June 2015 and were referred to paragraph 2 of the Minute of 9 June 2015, in terms of the request from Energise Galashiels for £1,000 financial assistance towards set-up costs. As Councillor White was listed as part of the Leadership Group, the application was circulated to all members of the Galashiels Common Good and agreement sought.

**DECISION**

**NOTED:-**

(a) **the Minute, and**

(b) **that the application from Energise Galashiels in the sum of £1,000 towards set-up costs was approved.**

2. **FINANCIAL MONITORING REPORT**

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Galashiels Common Good Fund for the 3 months to 30 June 2015, full year projected out-turn for 2015/16 and projected balance sheet values to 31 March 2016. The Capital and Investments Manager, Kirsty Robb, highlighted the main parts of the report and referred specifically to the appendices. Appendix 1 to the report provided the actual income and expenditure for 2014/15, which showed a surplus for the year of £100. Appendix 2 provided the balance sheet value to 31 March 2016 and showed a projected decrease in reserves of £11,638. Appendix 3 to the report provided a breakdown of the property portfolio showing actual Income and Expenditure to 30 June 2015. Appendix 4 showed the value of the Newton Fund to 30 June 2015 which showed a decrease. Dividends totalling £183 had been received from the Newton Fund during 2014/15. Mrs Robb answered Members' questions relating to rental income on properties owned by the Common Good and in relation to depreciation of assets. Councillor Mitchel highlighted an error contained in Appendix 3 in relation to Old Gala House, Galashiels. The Community Councillor questioned whether the Ownership of Old Gala House would transfer to the Cultural Trust if approved and was advised that this would not be transfer without the Council releasing it. The Members noted that a provisional date of Wednesday, 28 October 2015 had been set for the Newton Fund Managers to present to the Elected Members.

**DECISION**

**(a) NOTED the:-**

- (i) actual income and expenditure position for 2014/15 in Appendix 1;**
- (ii) final balance sheet value to 31 March 2016 in Appendix 2;**
- (iii) summary of the property portfolio in Appendix 3; and**
- (iv) current position of the investment in the Newton Fund in Appendix 4.**

*The meeting concluded at 5.10 p.m.*

**SCOTTISH BORDERS COUNCIL**  
**EILDON AREA FORUM**

MINUTE of the MEETING of the EILDON  
AREA FORUM held in the Corn Exchange,  
Melrose on 20 August 2015 at 6.30 p.m.

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- Present:- Councillors B. White (Chairman), S. Aitchison M. Ballantyne (from para 4), V. Davidson, G. Edgar, B. Herd, J. Mitchell, D Parker, J. Torrance.  
Community Council representatives:- P. Docherty (Oxton and Channelkirk), R. French (Newtown and Eildon), A. Smith (Lauderdale), A. Pattullo (Selkirk),  
Inspector C. Wood (Police Scotland), K. Langley (Scottish Fire & Rescue), J. McLaren (NHS Borders).
- Apologies:- Councillor I. Gillespie, M. Crausaz (Ettrick and Yarrow Community Council), I. Purvis (Galashiels Community Council), R. Kenney (Galashiels Community Council).
- In Attendance:- Democratic Services Officer (F. Henderson).

Members of public – 5

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**MINUTE**

1. There had been circulated copies of the Minute of 14 May 2015.

**DECISION**

**APPROVED for signature by the Chairman.**

**INVESTING IN BORDERS RAILWAY – ‘A CATALYST FOR ECONOMIC GROWTH AND SUSTAINABILITY’**

2. The Chairman welcomed Mr John Yellowlees, ScotRail External Relations Manager to give a short presentation on the Borders Railway. In March 2015 the Scottish Government Economic Strategy stated – Invest in Scotland’s infrastructure to help create good quality employment opportunities ‘. In 2014 there was a population of 5.3 million and nearly 90 million journeys every year on 2,700 miles of track and 351 stations. The vision for 2020 that there would be nearly 105 million journeys every year. The Abellio Scotrail approach was that a safe, punctual and sustainable rail network was vital to the success of any modern economy. Value was not simply the journey from A to B, but ‘door-step to destination’ achieved from positive working with customers, stakeholders and each other to recognise the ‘bigger role’ the rail network played and the wider economic and social objectives built into Business processes. Abellio had operations in UK, Germany and the Netherlands, with a clear focus and commitment to Scotland with the UK HQ based in Glasgow. The Economic Development Approach was to engage in economic and community activity that addressed the social and economic exclusion, investment in new services and infrastructure to maximise wider benefits for the Business, passengers and communities, unlock new income generation opportunities through the development of key locations and assets and increase passenger numbers through the identification and development of both strategic and localised initiatives. There would be Strategic Investment with major intercity improvements and a fully refurbished fleet from December 2018 which would include enhanced Wi-Fi, catering (selling Scottish produce), on-board services, proper business traveller services, additional toilets, luggage and bicycle accommodation and improved journey times. A £17.3million Station Improvement Fund for Flagship Stations to improve CCTV in 78 stations, 41 new waiting shelters, the roll-out of Bike’n’Go Programme and additional bike facilities and £1 million investment in accessibility improvements in year one.

In terms of investment in the Borders to revitalise the economic prosperity of the Borders Region there was 30 miles of new track, seven new stations, six new car parks and nearly £300million investment. Galashiels transport interchange and new depot at Tweedbank bringing well paid jobs to the Borders. Mr Yellowlees answered questions and the Chairman thanked him for his very informative and engaging presentation.

#### **DECISION**

**NOTED the presentation.**

#### **LOCAL ACCESS AND TRANSPORT STRATEGY (LATS)**

3. The Chairman welcomed Graeme Johnstone, Lead Officer, Scottish Borders Council to the Forum to give a presentation on the Local Access and Transport Strategy (LATS). Mr Johnstone explained that a new Strategy Document was required as the existing Strategy was out of date, access and transport were key issues in the Scottish Borders, and it would provide strategic direction and could be a valuable bidding document. The main issues to be covered by the Strategy would include:-

- The route to markets;
- Public transport;
- Walking, cycling and horse riding;
- Road maintenance;
- Forestry;
- Road safety;
- Parking; and
- Low carbon.

The consultation which would end on 23 October 2015 would be undertaken through an electronic questionnaire, key consultees, presentations to Area Forums, and written information available through Libraries, contact centres and council departments. Following the closure of the consultation process, consideration would be given to all responses received and the main strategy document would be developed for presentation to the Development Working Group and Committee before finalisation of the Strategy Document. Mr Johnstone concluded his presentation by advising where to send responses and answering Members questions.

#### **DECISION**

**NOTED the presentation.**

#### **EARLSTON CATCHMENT AREA YOUTH SERVICES**

4. The Chairman welcomed Sean Crichton (6<sup>th</sup> Year Pupil - Earlston High), Susan Law, Development Officer based at Langlee and Chris Donnelly (EYCB). It was explained that the Earlston catchment area covered Earlston, Oxton, St Boswells, Melrose, Lauder, Newtown, Gordon and Newstead. Within the catchment area there were 2,328 young people, with a school roll of 1041 of which 85% stayed on at school until 6<sup>th</sup> year. From the 1231 leavers in 2014, 93% went onto positive destinations. In comparison to the Scottish average, those within the Earlston catchment area were relatively low and geographical access for cars, bike and walking was a major contributing factor to the lack of youth opportunities. The aims of the Voluntary Youth Work Services were to increase and support youth services within the Earlston catchment, to give direction to the part time Development Worker and newly appointed Sessional staff, to submit, monitor and review funding applications for salary; core costs and service development; to provide educational and recreational opportunities for all young people in the area where they live, play and learn and to give continued support to the volunteers through training and face to face support. In order to develop Youth Work it was essential to work in partnership with other organisations

to bring more opportunities to young people. The main concentration of youth work had been based in Earlston and there was a need to develop new opportunities cascading to other villages, however the expense and availability of community spaces as well as lack of ownership made this an unattractive proposal to young people. The proposal was to link nearby villages such as Newtown St Boswells and St Boswells and to advertise and open up youth work opportunities to a larger audience from 10- 18 years. A Youth Survey would be conducted yearly followed up with a small short life working group, to ensure that targets were being met and that the Youth Workers were responsive and reactive when required, matching the responses to the needs of young people in each community. In terms of funding it was reported that Scottish Borders Council (CYOKG) investment of £8,719 had been extended until September 2016, although a reduction was expected after that, this was match funded with the Robertson Trust at £10k and both funding sources were used to fund the Development Worker Post. Funding was difficult to secure due to the lack of deprivation in the area and Earlston in some areas matched or exceeded the Scottish average. A Local Volunteer Coordinator for the catchment area had been secured through a joint partnership bid with YouthBorders to increase local support and involvement and £10k from the Moffat Trust to employ a sessional youth worker at 15 hours per week. There was Partnership working with VOMO to ensure that the voices of the young people were heard through producing video work through their new TV station and radio program. The Members acknowledged that Voluntary Youth Work services were essential and urged everyone to support them. The Chairman thanked those present for their attendance.

## **DECISION**

**NOTED the presentation.**

### **THE SCOTTISH NATIONAL TEXTILES COLLECTION (SCOT)**

5. The Chairman welcomed Alisdair Lockhart, Trustee of SCOT to the meeting to brief the Area Forum on the proposals. It was explained that the Scottish National Textiles Collection was the organisation and operation of a partnership between the Scottish Centre of Textiles Limited, the School of Textiles & Design of Heriot-Watt University and other parties to set up the Scottish National Textiles Collection in Galashiels for the benefit of the textile industry in Scotland. It was further explained that at a meeting at Borders College on 13th February 2015 it was agreed between the leaders of the textile industry and the educationalists to seek to set up the Scottish National Textiles Collection on the Netherfields campus in Galashiels, adjacent to the School of Textiles & Design of Heriot-Watt University on a location to be agreed. The National Collection would protect, record and seek to acquire archive material from throughout the textile industry in Scotland as it became available and before it was lost through neglect, sale outside Scotland or discarded. It would also seek to acquire related archive from other Scottish Institutions as well as from a global search. The legal vehicle for the National Collection would be a Company Limited by Guarantee with Charitable Status. SNTC Limited would have Members who would be the Trustees of the National Textile Collection and, who would, in turn, appoint Directors to a Board of Directors responsible for the management of the National Collection. The financial liability for each Member of SNTC Limited would be £1.00. The primary responsibility of both Trustees and Directors would be the maintenance, conservation, promotion and development of the National Textiles Collection, based on archive material donated, lent or temporary available to form the National Textiles Collection. The SNTC would receive no direct grant from Government agencies for the operation of the National Collection of Textiles, but would derive income from its educational activities, from the services provided to the Textile Industry and from tourism, both by specialist interest parties and the general public. The Financial Model showed the basis for the operation of the National Collection, including rental of appropriate premises of up to some 1,500 sq. metres of quality office space adjacent to the Netherdale campus at a commercial rental. SNTC was strongly supported by the major textile manufacturers based in Scotland, the Scottish Borders Council, the Scottish Textile & Leather Association, Scottish Enterprise, Energise Galashiels, Visit Scotland and

the National Museum of Scotland. The Chairman thanked Alisdair Lockhart for his presentation.

**DECISION  
NOTED.**

**OFF STREET PARKING PLACE, MELROSE – TRAFFIC REGULATION ORDER**

6. There had been circulated copies of a report by the Service Director Commercial Services seeking approval to amend the Traffic Regulation Order for Melrose Off Street Parking. The report explained that the Melrose Off Street Parking Order restricted parking in The Abbey Car park between the months of April and November only. Concerns had been raised from local businesses through the Community Council and Local Members that outwith the charging period the Abbey Car Park was used for long stay parking. The proposal was to extend the existing charging day from 1 April to Easter (whichever was earlier) until 30 November to all year round with exemptions at Christmas and New Year. During consultation with Historic Scotland, joint owners of the car park, it was agreed that the current profit-sharing was to be extended to cover the whole year period. There were no comments or objections received during the statutory consultation period or following advertisement.

**DECISION**

**AGREED to APPROVE the proposed amendment to the Scottish Borders Council (Off Street parking Places (Melrose)) Order 2000 as detailed in appendices A and B of the report.**

**SMALL SCHEMES**

7. There had been circulated papers detailing the programme of Small Schemes and Quality of Life projects which had been funded from these budgets through delegated powers. With regard to the Quality of Life budget, there had been circulated a list of works agreed which included white lining in Heriot and other sites in Galashiels and District at a cost of £1,000 and planning application fees for the Mikhail Lermontov bust at The Green, Earlston at a cost of £202.

**DECISION**

**AGREED to approve the following new Neighbourhood Small Schemes for implementation:-**

(i)	<b>Park Benches, Lauder;</b>	<b>£3,100</b>
(ii)	<b>Provide six running boards, Skate Park, Public Park, Galashiels</b>	<b>£2,800</b>

**PARTNER UPDATES**

**Police Scotland**

8. Inspector Wood advised that the Eildon Area continued to enjoy being a safe place to live, work and visit and an area of relatively low crime. Police Scotland were pleased to announce that recently published crime figures supported this continued trend. Also pleasing to announce was that during the year to date there had been a significant reduction in minor assaults, disturbance and anti-social behaviour across the Eildon Area. This was in no small part due to hard work and dedication of the local officers who continued to work pro-actively to deter, disrupt and detect the catalysts for such crimes, these being alcohol, drug and substance abuse and supply. In relation to drugs in particular, which was often the trigger for these types of crimes, officers in the Eildon Area had removed drugs with a value of almost £70,000 from the community. This illustrated the intention of Police Scotland to



leave no stone unturned in their commitment to fighting this scourge on society. In relation to Common Ridings, Gatherings and local festivals, Inspector Wood announced that, with a few exceptions (namely a couple of medical incidents resulting from spills from the saddle) events in the Eildon Area passed without any significant incidents of note which was as a direct result of considerable work and input from a number of agencies and individuals working together. Police Scotland along with the SBC Emergency Planning Team were pleased that all the main events were subjected to the Safety Advisory Group or SAG process this year, with obvious rewards. The Licensing Officers, working with the Councils Licensing Dept, reported that having carried out proactive work prior to and during events Licensees responded in a positive manner, resulting in a safe and trouble free environment.

9. The protection of property had seen a slight rise in the number of reported break-ins to both business and domestic properties and as was usual when a trend emerged, Police Scotland reacted to address this by targeting it with resources and local initiatives. As a result of analysis carried out, the local Community Policing Teams were out in the community engaging on a one-to-one basis with householders, distributing information on the security of property and possessions, as well as offering crime prevention surveys on properties by specialist officers. The response officers for their part had been tasked as part of their routine patrols, to give special attention to business premises out-with normal working hours and report any concerns they had in relation to the security of buildings, yards, outbuildings etc. Any such concerns reported results in a letter being sent to the business, outlining the issue noted and again giving crime prevention advice and offering a full premises survey to enhance security. Inspector Wood went on to report that as of the 17<sup>th</sup> of August, Police Scotland were promoting the National Hate crime campaign. This was scheduled to run for four weeks and would cover different strands. The purpose was to raise awareness on what hate crime was, how it affected victims, families and communities and would include information on the methods available for reporting such instances/crimes. The campaign would run on social media platforms and posters would be distributed in public areas and within schools and more information would be contained on the Police Scotland website. The Safer Communities Dept based within SBC had secured funding to purchase forensic marking kits and these would be distributed in the main to farms throughout the Borders and assistance given to farmers in utilising these kits to mark their property. Scottish Fire & Rescue Service community officers would work alongside police community officers to carry this out. The opportunity would also be taken to give prevention and fire safety advice during these visits. During week commencing Monday, 24 August there was an initiative throughout the Borders to give attention to 'vulnerable road users', which would focus on children, cyclists and pedestrians travelling to and from school, including in a vehicle and involved the community and schools officers working together to carry out patrols around schools at the beginning and end of the school day. The student safety campaign would be launched on 31 August 2015 and more information would be circulated and publicised via the social media sites and would include a film and quiz.

#### **Scottish Fire and Rescue Service**

10. Mr Langley referred to the five priorities within the Local Fire and Rescue Plan 2014-2017 for the Scottish Borders and gave details of recent activity within the area. He advised that the Scottish Fire and Rescue Service (SFRS) community action team (CAT) core work centred on the on-going delivery of the SFRS Home Fire Safety Visit (HFSV) policy. The team continued to expand its partnership working with the key agencies including Police Scotland, Health, Social Care and Housing in order to focus on members of local communities at high risk from fire and achieve positive outcomes in helping to reduce overall numbers of accidental dwelling fires. Mr Langley went on to give details of how this partnership working was operating. This included work with the local Domestic Abuse Advocacy Service and involvement in the Multi Agency Risk Assessment Conference (MARAC). Staff in all local stations provided home fire safety visits all year round. Smoke detectors with a 10-year battery life were provided as part of this free service. The Make It Or Break It programme

which targeted 16 to 20 year old drivers with the aim to reduce road accidents and deaths in the age group continued to run in the Scottish Borders with the latest input in July at Scottish Borders College, Galashiels. Wendy Cameron, Employment Development Officer, was working with Galashiels Blue Watch to support the EVOLVE programme which provided personal development opportunities to enable individuals aged 15 to 17 years of age to maximise their full potential in reaching their career choices. SFRS Scottish Borders staff were highly active and effective during the SFRS Week of Action which took place in June and was an initiative targeting resources at those identified as at risk from fire. Fire safety audits provided a targeted examination of business premises and their relevant documents to ascertain how the premises were being managed regarding fire safety. The enforcement officer also engaged with members of staff to confirm their level of fire safety awareness. Unwanted fire signals were being addressed by phased intervention actions which identified premise which were producing 'false alarms' and provided guidance on how to reduce a reoccurrence, and could also evoke legislation if occurrences fail to reduce in number (Borders General Hospital had been identified as a high offender through the UFAS Policy. SFRS were working with hospital staff to look as ways of reducing the number of false alarms generated at the premises. SFRS Safeguarding Policy and Procedure for Protection of Children and Adults at Risk of Harm was implemented to link into adult and school protection. The policy had created closer ties with Social Services within Scottish Borders and ensured those people and families which fire crews identified as at risk were brought to the attention of Social Services and had resulted in joint visits to homes to reduce risk to those occupiers. Moving into Autumn the seasonal community safety calendar and thematic action plan would focus SFRS activities on Older/Vulnerable Persons, Student safety/Electrical safety/Chimney safety and Bonfire safety. He advised that a national recruitment campaign was on-going for RDS firefighters at identified stations within the Scottish Borders. Galashiels and Lauder stations were currently recruiting staff. A local initiative was run in partnership with Radio Borders that included acknowledgement to local employers for release of employees to serve their local community. The Multi Ward Operating Plan for Eildon 2015/16 was complete and available within the Scottish Fire and Rescue Service Web page.

**DECISION  
NOTED.**

**NHS Borders**

11. An update on current activity was given by NHS Borders Employee Director, John McLaren. He referred to the media interest in the ongoing review of inpatient services and that NHS Borders would develop a full and robust engagement process. The outcome of a consultation with Community Councils on the Out Of Hours service in NHS Borders had been shared with the Scottish Health Council and was awaiting their feedback. This would result in the business continuity plan approach being put in place permanently. In the meantime a national Review of Out Of Hours service provision was being carried out. Mr McLaren reminded members of the Forum that Accident and Emergency figures were available on the NHS Borders website presented on a weekly basis.

**DECISION  
NOTED the partner updates.**

**OPEN QUESTIONS**

12. A Member of Newtown and Eildon Community Council requested an update on road re-surfacing work which had been scheduled for Newtown but diverted to Tweedbank. Councillor Edgar advised that funding would be available October/November for the road re-surfacing work in Newtown St Boswells.

**DECISION**

**NOTED.**

13. A Member of Selkirk Community Council queried whether the extension to the railway had been built into the Business Plan for the Tapestry and was advised that the Tapestry and Railway were two different projects with no guarantee that the railway would be extended.

**DECISION  
NOTED.**

**COMMUNITY COUNCIL SPOTLIGHT**

14. There was nothing reported.

**DECISION  
NOTED.**

**FUTURE AGENDA ITEMS**

15. It was agreed that, for future meetings, Abellio ScotRail be invited to present feedback on the usage of the new railway to Tweedbank and VisitScotland be invited to present their future plans for the Scottish Borders.

**DECISION  
NOTED**

**URGENT BUSINESS**

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

**SESplan - JOBS, HOMES AND INVESTMENT: WHERE, WHY AND HOW ?**

17. There were circulated at the meeting copies of a briefing paper SESplan: Jobs, Homes and Investment: Where, Why and How ?. It was explained that SESplan covered the City of Edinburgh, East Lothian, the southern half of Fife, Midlothian, Scottish Borders and West Lothian Council areas with the purpose of creating a Strategic Development Plan for the region. Strategic Development Plans set the direction for development over the next twenty years and shape Local Development Plans. A new Strategic Development Plan required to be submitted to the Scottish Government by June 2017, within four years of the approval of the first plan. SESplan was at the first stage of preparing of the second Strategic Development Plan – the Main Issues Report. SESplan launched the public consultation on Main Issues report on 21 July 2015. The consultation aimed to get as many people as possible interested in the future of the region and commenting on the issues. The Main Issues Report asked key questions, the answers to which would shape the way the region looked, felt and functioned for decades to come. The briefing detailed Community Events arranged which were aimed at Community Councils, Community Groups and anyone looking to engage in discussions about the Main Issues Report. The events featured an introduction on what SESplan was and what the Main Issues were followed by workshop based discussion.

**DECISION  
NOTED.**

**DATE OF NEXT MEETING**

18. The next meeting would be held on Thursday 5 November 2015 at 6.30 pm.

**DECISION**

**NOTED.**

*The meeting concluded at 8.20 p.m.*

**SCOTTISH BORDERS COUNCIL**  
**CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in COMMITTEE ROOMS 2 AND 3,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Friday, 21 August, 2015  
at 10.30 a.m.

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Present:- Councillors W. Archibald, J. Campbell, G. Edgar, J. Greenwell, B. Herd,  
G. Logan, D. Paterson, R. Stewart, J. Torrance, T. Weatherston and B White.

In Attendance:- Solicitor (R. Kirk), Licensing Team Leader, Democratic Services Officer (F  
Henderson), P.C. C. Lackenby, Inspector K. Bendall - Police Scotland.

1. **MINUTE**  
The Minute of the Meeting of 24 July 2015 had been circulated.

**DECISION**  
**APPROVED and signed by the Chairman**

2. **LICENCES ISSUED UNDER DELEGATED POWERS**  
There had been circulated copies of lists detailing the Civic Government and  
Miscellaneous Licences issued under delegated powers between 14 July 2015 and 12  
August 2015.

**DECISION**  
**NOTED**

3. **LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS**  
There had been circulated copies of an application submitted by Mr Ian Gordon McClure  
for the renewal of a Taxi Driver Licence together with a letter of objection dated 27 July  
2015 received from Police Scotland. Members were made aware that Mr McClure had  
intimated he wished to withdraw his application.

**DECISION**  
**NOTED that the application had been withdrawn.**

4. **LICENSING OF STREET TRADERS**  
There had been circulated copies of an application submitted by Mark Crick for the Grant  
of a Street Trader Licence received on 26 February 2015. Mr Crick was not in  
attendance despite having been cited to the meeting. Members were advised that  
attempts by officers to make contact with Mr Crick to progress his application had been  
unsuccessful therefore the required vehicle checks could not be carried out.

**DECISION**  
**AGREED that the application be treated as withdrawn.**

5. There had been circulated copies of an application submitted by Mr Brian Little for the Grant of a Street Trader Employee Licence together with an information letter dated 30 June 2015 received from Police Scotland which advised that having carried out the necessary background checks, it was revealed that Mr Little had been convicted of theft in 2012, which he had not declared. Mr Little was present at the meeting.
- 5.1 Inspector Bendall advised of the circumstances leading to the conviction that on 2 January 2012, Mr Little was informed that his Uncle was unwell and had been admitted to hospital in Inverness. He travelled to Inverness, however his Uncle had died before he had arrived and he found his Aunt had been admitted to hospital as she was unable to fend for herself. Mr Little had stayed at his Aunt's home address for approximately two weeks while he organised his uncle's funeral and residential care for his Aunt. While at the house Mr Little had found his Aunt's bankcard and PIN number. During the period 12 January 2012 and 8 March 2012, Mr Little had used his Aunt's bankcard to withdraw £3,100.00 from her bank account at Automatic Telling Machines (ATM's) in Inverness and Hawick. His Aunt had been made aware of this and the bank stopped the card. On 8 March 2012 Mr Little had attempted to withdraw money from the ATM in Hawick a further four times. Mr Little was identified as having access to the bankcard and PIN number and was detained by Police Officers and interviewed when he admitted taking the bankcard and withdrawing money as aforementioned. He stated that he used the money for the benefit of his Aunt. Mr Little was charged with Theft by opening a lockfast (ATM) x 6 and attempting to Open Lockfast Place with intent to steal and received a Community payback order (90 hours unpaid work) and was required to pay a £1,650.00 compensation order.
- 5.2 On being invited to address the Committee Mr Little confirmed that he had taken some of the money withdrawn from the account and the remainder had been used to purchase items for his Aunt and pay her home removal expenses. Mr Little further advised that he was in the process of repaying the money to his Aunt. Members raised concerns in relation to Mr Little's actions of gross dishonesty involving a vulnerable family member. Councillor Edgar, seconded by Councillor Weatherston moved that the application for a Street Trader Employee Licence submitted by Mr Brian Little be refused on the grounds that he was not a fit and proper person by his actions leading to convictions for theft.

#### **DECISION**

**AGREED that the application for a Street Trader Employee Licence submitted by Mr Brian Little be refused.**

### **SUMMARY OF PRIVATE BUSINESS**

#### **MINUTE**

1. The private section of the Minute of 24 July 2015 was approved.

*The meeting concluded at 11.45 am*

**SCOTTISH BORDERS COUNCIL**  
**POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD**

MINUTE of MEETING of the POLICE, FIRE &  
RESCUE AND SAFER COMMUNITIES BOARD  
held in the Council Headquarters, Newtown St.  
Boswells on Friday, 28 August 2015 at 9.30am.

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Present: Councillors D. Moffat (Chairman), A. Nicol, R. Stewart, Mr G. Higgs,  
Voluntary Sector,  
Apologies: Councillors S. Aitchison, B. Herd, G. Turnbull, Mr H. Wattl.  
In Attendance: Chief Superintendent A. MacInnes, Police Scotland, Chief Inspector A.  
McLean, Police Scotland, Mr J. Beresford, Community Accountability  
Coordinator, Police Scotland, Chief Inspector P. Clark, Safer  
Communities Team Manager, Mr P. Rooney, Scottish Police Authority,  
A. Perry, LSO, Scottish Fire & Rescue Service, Group Manager A.  
Girrity, Scottish Fire & Rescue Service, Inspector P. Clark, Safer  
Communities Team, Ms S. Young, Lothian and Borders Community  
Justice Authority, Dr D. Steele, NHS Borders, Mr R. Robertson, Area  
Commander, HM Coastguard, Mr J. Mitchell, Senior Coastal  
Operations Officer, HM Coastguard, Mr D. Scott, Senior Policy Adviser  
SBC, Ms S Smith, Communities & Partnership Manager, SBC, K.  
Mason, Democratic Services Officer, SBC.

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**1. WELCOME**

The Chairman extended a welcome to those present.

**2. MINUTE**

There had been circulated copies of the Minute of the meeting held on 15 May 2015.

**DECISION**

**APPROVED the Minute.**

**3. MATTERS ARISING**

- 3.1** With reference to paragraph 7(b)(i) the Senior Policy Adviser advised that a breakdown of the figures requested for race crimes and hate crimes for eastern Europeans were now included in the Police report.

**DECISION**

**NOTED.**

- 3.2** With reference to paragraph 7(b)(ii) the Senior Policy Adviser suggested that in the absence of Councillor Turnbull, discussions on this matter be deferred until the next meeting of the Board.

**DECISION**

**AGREED that discussions relating to correspondence between Councillor Turnbull and Mr Mundell MP relating to the significant VAT bill facing Police Scotland be deferred to the next meeting of the Board.**

- 3.3 With reference to paragraph 20, the Senior Policy Adviser advised that arrangements would be made to visit Hawick Fire Station before the end of the year.

**DECISION  
NOTED.**

**4. PROGRESS REPORTS**

**4.1 Police**

There had been circulated copies of the Police Progress report covering the period April 2015 to June 2015. Supt Angus MacInnes advised that the report was in a new format based on feedback received from partners. The report detailed the figures for the six Priority areas to date and compared them to the figures for the same period in 2014/15. In relation to Priority 1 – Protecting People figures showed only a slight reduction with 3 fewer referrals made in the number of adult at risk referrals made to partner agencies. There was a decrease in performance on the same time last year in relation to domestic abuse initial checks being conducted within 24 hours, but 2.1% better than target. Priority 2 – showed a positive picture with a 10.8% reduction in common assaults in the first quarter of 2015/16 compared to the same period in 2014/15, equating to 21 fewer victims and there had been a 12.7 reduction (185 incidents) in the number of anti-social behaviour incidents compared to the same period last year. A slight increase had been made in the number of recorded victims of hate crime. In relation to Priority 3, Police Scotland was undergoing a test phase on a new stop and search database which went online on 1 June 2015. Validation and testing of the data was ongoing and data collected would appear in future reports. There had been a 6.1 decrease in the number of visits to licensed premises, which equated to 29 fewer visits. Priority 4, Making our Roads Safer – showed a 50% reduction (15 fewer casualties) in the first quarter of 2015/16. The number of people killed in the first quarter of 2015/16 was 3, the same as for the first quarter of 2014/15. The number of serious injuries was significantly reduced, there had been 15 fewer seriously injured casualties compared to the same point last year, no children were killed or seriously injured in the first quarter, which was positive. Priority 5 – Tackling Serious and Organised Crime – there had been a promising start to the year with £105,025 in assets referred for restraint in the first quarter. It was positive to see there had been a 9.1% increase in the detections for drug supply with 12 detected offences for drug supply. Priority 6 - Tackling Acquisitive Crime (housebreakings to dwelling houses) – there had been a decrease in the number of housebreaking to dwellings which led to 3 fewer victims of this type of crime in the first quarter of 2015/16 when compared to the same time period in 2014/15. Tackling Acquisitive Crime (theft of motor vehicles) – there had been a 23.8% reduction in theft of motor vehicles in the first quarter of 2015/16 which equated to 5 fewer victims of this type of crime. In relation to overall crime it was noted that there had been a 1.7% increase in the detection rate in this quarter compared to the same quarter in 2014, which was positive. Mr Higgs referred to priority 1 relating to domestic abuse and asked why the achievement percent was not 100%. Chief Inspector Mclean advised that 100% was aimed for but explained that people did not want Police to be actively involved when domestic abuse crimes happened. In response to queries from Mr Higgs about the lack of publicity covering national campaigns in particular hate crime month, Chief Inspector apologised and he would feed back this information to Officers responsible for the campaigns. Chief Inspector Clark advised that figures relating to statistics regarding older people being involved in accidents were available. A general discussion took place relating to older drivers and it was noted that complete



reliance was made in doctors writing to the DVLA regarding people who they considered were not fit to drive. The Communities & Partnership Manager advised that she would make enquiries regarding the provision of driver courses for older people although it was noted that by contacting the Institute of Advanced Motorists people could put themselves through an assessment. The Communities & Partnership Manager advised that figures were available relating to the attendance of elderly people at Accident and Emergency but this did not give a breakdown of why they were admitted. Discussions then took place over foreign drivers driving on the wrong side of the road and a suggestion was made that the Council install signs at Car Parks asking drivers to ensure they were driving on the correct side of the road. It was agreed that Councillor Stewart would take this up with David Mallin. A request was made that the speed limit on the A698 be reduced and an explanation was given advising that Police Officers worked with the local authority to ensure the right speed limits were in place for roads. Amending traffic regulations took some time and unless the Police felt there was a problem it was difficult to progress matters. In response to a question raised, Supt. MacInnes advised he would look into the target for Priority 5 because the target would be difficult to reach because of the exceptionally large amount of cash seizure made within the same quarter last year.

## **DECISION**

**(a) NOTED the report.**

**(b) AGREED that**

**(i) Councillor Stewart would liaise with David Mallin relating to the installation of road signs in car parks asking drivers to ensure they were driving on the correct side of the road;**

**(ii) Supt. MacInnes would look into the target figure for Priority 5.**

## **4.2 Fire and Rescue Service**

There had been circulated copies of the Scottish Fire and Rescue Service Performance Report covering the period 1 April to 30 June 2015. In summarising the report, Group Manager Girrity advised that with regard to Priority 1: Reduction of Dwelling Fires, the SFRS had attended 32 dwelling fires in comparison to 24 for the same YTD reporting period last year, this represented a 33% increase. Four dwelling fires had been started deliberately. Priority 2: Reduction in Fire Fatalities and Casualties, the report noted that there had been seven fire related casualties in this reporting period, and this was in comparison to five for the same period last year. There had been one fire fatality with a 62 year old male who had been helping renovate the old village hall near Nenthorn and the cause of the fire continued to be subject to investigation. There were a further six fire casualties for this reporting period with the most seriously injured being the occupier of a flat at Galalaw Road Hawick. Priority 3: Reduction of Deliberate Fire Setting indicated an increase of twelve from the previous year and it was noted that the trend line per 10,000 head of population regarding this type of incident continued to be well below that of the East Service Delivery area and Scotland as a whole. The ward areas of Galashiels and District and Tweeddale East had showed significant increases for this period. Further analysis showed that woodland fires and camping accounted for the majority of fires in the Tweeddale East ward and most fires in the Galashiels District ward occurred over a five-day period with probably one or a group of individuals responsible for all. These fires in Galashiels had

resulted in a high profile campaign by the SFRS and the Safer Communities team via local radio and social media. Local crews also carried out reassurance visits to affected areas. Priority 4: Reduction in Road Traffic Collisions (RTCs) indicated that the SFRS attended 18 Road Traffic Collisions and this was in comparison to 24 in the same period last year. There had been 11 RTC related casualties in this YTD period with two fatalities. One fatality was an 18 year old girl on the A6105 at Chirnside, the other was a 47 year old male on the Lauder to Stow Road. Priority 5 related to the Reduction of Unwanted Fire Alarm Signals and it was noted that there had been 198 Unwanted Fire Alarm Signals (UFAS) during this quarter, representing a decrease of 12 incidents compared to Quarter 4 in 2014. Discussions took place in relation to farm safety and the important of students working on farms being aware of the dangers and a suggestion was submitted that the Fire and Rescue Service might consider attending local agricultural shows to enable them to engage with farmers. In relating to forthcoming events Members were advised of an exercise taking place at Floors Castle on 27 September 2015 from 11.00 a.m. until 1.00 p.m. Mr Higgs thanked the Fire and Rescue Service for their attendance at the Gypsy Fair in the Borders when free smoke detectors were distributed.

#### **DECISION**

**(a) NOTED the report.**

**(b) AGREED that LSO Perry would feed back to the partnership about the request to engage with farmers at local agricultural shows.**

#### **4.3 Safer Communities**

There had been circulated copies of the Safer Communities Performance Report covering the period 1 April 2015 to 30 June 2015. Chief Inspector Paula Clark highlighted the key points in the report and it was noted that, in respect of domestic abuse, there had been a decrease of 22.2% in the number of reported incidents. The report also explained that the percentage of self-referrals to specialist support services had increased compared to the same period the previous year. The report also identified an increase of 11 / 16% in the total number / percentage of children on the CPR where a domestic abuse had been identified as a risk factor. There was a decrease of 7 / 4% in relation to the homeless prevention service, in the number / percentage of Homeless Assessment Presentations due to dispute within households: violent or abusive. New services were being established relating to (a) the number of cases on exit from specialist service which had a reduced risk; and (b) service user satisfaction on exit from a specialist service. The report noted that there had been a significant reduction in the number of calls received in the first quarter in respect of the number of calls to national domestic abuse helpline (female). Total call numbers to the National helpline had been declining over the past 3 years, therefore the reduction might also be attributed to the general national shift from the centralised helpline support. There was one less call to national domestic abuse helpline (male). There was a small increase of 1.7 in the number of recorded ASB incidents per 1,000 population. Members were advised that the new report format was easier to understand. In relation to tackling Domestic Abuse members considered that it was important a report was prepared for the Council on the Future of the Pathway Project. Members of the Safer Communities Team were thanked for attending schools events and the Kelso Show. With regards to the promotion of the young drivers initiative a request was made for information to be sent to Councillors and Community Councils and Officers undertook to put together a communications plan to ensure all avenues of

communication were covered. Mr Higgs requested that he also be included in the circulation list.

#### **DECISION**

- \* **AGREED TO RECOMMEND to Council that a report be prepared for the Council on the Future of the Pathways Project and that Officers would promote the young drivers initiative and a communications plan would be put together to ensure all avenues of communication were covered.**

#### **ADJOURNMENT**

The meeting adjourned 10.50 a.m. and reconvened at 11.00 a.m.

### **5. PRESENTATION – COASTGUARD SERVICE – IMPACT ON BERWICKSHIRE COAST**

The Chairman welcomed Robbie Robertson, Area Commander and Joe Mitchell, Senior Coastal Operations Officer, HM Coastguard. to the meeting. Mr Robertson advised on the functions of the Coastguard. In accordance with the Coastguard Act HM Coastguard was responsible for the initiation and coordination of civic maritime search and rescue within the UK search and rescue region. This included the mobilisation, organisation and tasking of adequate resources to respond to persons either in distress at sea, or to persons at risk of injury or death on the cliffs or shoreline of the UK. In terms of resource management he explained that a distress alert initiated the opening of an incident. This would be coordinated by the Coastguard Centre with responsibility for that area on that day. All on-duty teams nationally would be aware of this, and all other incidents, as they shared the same VISION system. As demands of an incident increased the workload on the team at the coordination centre, the Team Leader responsible for that Centre had a number of options for managing the workload. These included any combinations or all of (a) delegating away non-emergency work across the network; (b) adding resource (virtual operators) and (c) reducing the size of the area. In this case, in consultation with the Shift Manager a change of area of responsibility for the coordinating centre and flank centres was agreed therefore enabling the coordinating team to focus on the incident. Mr Robertson advised on the National Coastal Structure and advised there were 3,200 coastguard rescue officers, men and women aged between 18 and 65 who could be mobilised in minutes at all times. Twenty-two of the most modern and sophisticated SAR-configured aircraft were available and operated from ten dedicated search and rescue facilities. Mr Robertson answered questions in relation to the high-water mark and the prioritisation of the use of the SAR-configured aircraft.

#### **DECISION**

**NOTED the presentation and thanked Mr Robertson and Mr Mitchell for their attendance at the Board.**

### **6. UPDATE ON CONSOLIDATION AND SUSTAINABILITY**

#### **6.1 Police Scotland**

Supt. MacInnes referred to the forthcoming retirement of the Chief Constable in December and gave reassurance that policing would continue to be delivered over the coming months. He referred to ongoing issues of concern at Bilston Glen and advised that reviews and investigations were ongoing. Officers in the “J” Division would continue to answer calls and develop a different management structure to ensure incidents were dealt with and all calls were appropriately recognised. If members of the Board were aware of or heard of any issues he asked them to report these issues directly to him. Complaint issues were covered in

performance reports and in relation to the “J” Division there had only been two allegations since last year. The complaints process would be turned round as quickly as possible with feedback being given to the complainer, hopefully to their satisfaction. The new report format would be developed over the coming months and he asked that members of the Board feed back to him their views regarding the content of the report. He referred to benchmarking and explained that Scottish Borders Council could not be given any information on any of the other local authorities in the Division. This was being developed to allow local authorities to make comparisons, but it should be borne in mind that the national figures included cities where there was a different crime profile and therefore benchmarking needed to be against other rural areas. All scrutiny reports would be submitted to the Scottish Police Authority and then local authorities would have the opportunity to see the figures. Figures in relation to the stop and search data would also be included in the scrutiny reports. Supt. MacInnes referred to cross borders operations involving other Scottish Local Authorities and with police in Northumberland. He referred to the opening of the Borders Railway, although this would bring significant benefits to the Scottish Borders, there would also be challenges with criminals travelling in and out of the area using the railway and local officers had been briefed on railway policing. Planning meetings were scheduled regarding the Police involvement in all the events taking place relating to the opening of the railway, including an ecumenical service in Galashiels on 6 September. Police would also be actively involved in The Tour of Britain. He referred to the forthcoming retirement of Chief Inspector Paula Clark who had been actively involved in setting up the safer communities team and said it was fitting that she finished her career with safer communities. He wished Chief Inspector Clark well in her retirement and advised she would be replaced by Inspector Tony Hodges, and they would work together over the next three weeks to ensure there was a good handover. The Chairman thanked the Supt. for Police officers input in relation to the counterfeit money in Greenlaw, Coldstream and Duns. Members commented on the turnover of police officers and the Supt. advised that when Chief Superintendent Imery was unable to attend meetings of the Board he would represent her and it was noted that local Police officers would move on because of career opportunities. Discussions took place in relation to benchmarking and the sharing of information across local authorities. John Beresford, Community Accountability Coordinator, Police Scotland advised two new members of staff were in place to help with benchmarking issues, and that he could be the conduit if members wished to speak to officers in Dumfries and Galloway. The Communities & Partnership Manager referred to benchmarking families and advised that Scottish Borders Council was keen to work with Police Scotland to have reasonable comparisons. It was noted that the Police had an increased interest in Community Councils and a request was made for more proactive low key work from the Police within schools.

- 6.2** Members went on to discuss the decriminalisation of parking enforcement and Supt. MacInnes advised that it at the discretion of local authorities whether or not to decide on decriminalisation. Presently, in carrying out their daily business, Police Officers would deal with vehicles which were dangerously or inappropriately parked. Scottish Local Authorities were all at different stages in dealing with decriminalisation. A request was made that a report on the Council’s position in relation to the proposals for the decriminalisation of parking enforcement be considered at the next meeting of the Board. Mr Higgs requested comparison figures between the number of tickets issued before and after the change.

## **DECISION**

- (a) NOTED the report.**

- (b) **AGREED that**
- (i) **the Senior Policy Advisor was asked to make contact with the relevant Council service to bring a report to the next meeting of the Board with an update on the Council's position in relation to the proposals for the decriminalisation of parking enforcement in the Scottish Borders.**
  - (ii) **Supt. MacInnes provide members of the Board figures comparing the number of parking tickets issued before and after the change.**

### **6.3 Scottish Fire and Rescue Service**

There had been circulated copies of a briefing paper by LSO Perry on the Out of Hospital Cardiac Arrest Initiative explain that the Scottish Fire and Rescue Service (SFRS) was committed to supporting the Scottish Government's Out of Hospital Cardiac Arrest (OHCA) Strategy which was designed to improve survival rates for those who experienced a cardiac arrest out with a hospital environment. OHCA was a significant healthcare challenge in Scotland. Approximately 3,500 people underwent attempted resuscitation each year after OHCA, but currently only around 1 in 20 survived to hospital discharge. The benefits and costs of co-responding; the science around the 'chain of survival' and the importance of providing early defibrillation in OHCA cases was well-understood. The Resuscitation Council (UK) advised that for every minute of delay, the chances of successful defibrillation decreased by about 10% and recommended strongly a policy of attempting defibrillation with the minimum of delay in victims of cardiac arrest. This context presented a unique opportunity for the SFRS to develop a closer working relationship with the Scottish Ambulance Service (SAS), bringing major benefit to those suffering OHCA and which would quickly make Scotland an area of best practice for joined up public services in this area. The SFRS was currently working closely with a range of stakeholders, including trades unions and the Scottish Ambulance Service to develop plans for four OHCA pilots to take place in East Lothian, West Lothian, the Scottish Borders and Aberdeenshire later this year. The pilot would see SFRS resources being mobilised to OHCA where their resources could be in attendance before the SAS, in all cases however, the SAS would still be mobilised and would respond as normal. The SFRS response would therefore augment not replace the SAS response. The evaluation and outcomes from these pilot schemes would be monitored by their OHCA/Emergency Medical Response Strategic Steering Group to assess the effectiveness of SFRS's contribution in this area and identify the scope for wider implementation across Scotland. Collaborative work with the Ambulance Service had identified the following Fire Stations as suitable locations for the pilot in the Scottish Borders. These were Hawick, Coldstream and Lauder. There would be a 6-month review period during which it was anticipated that additional stations would be brought into the pilot. Training of personnel at the identified stations would take place with a view to the pilot going live in October 2015. Therefore personnel should be suitably equipped and confident, to manage the challenges of an OHCA incident. It should be a collaboratively designed and delivered programme, built and managed in association with the Scottish Ambulance Service (SAS). Clinical governance for the training and subsequent operational response was being provided by Doctor Jim Ward (Medical Director) on behalf of SAS.

- 6.4** In response to questions from Members LSO Perry that he had not been involved in deciding which Fire Stations were suitable locations but it was hoped that after the pilot that further training would take place and the project would be rolled out to other areas, in particular Jedburgh and Kelso. A request was made for information to be provided to the next meeting relating to how many cardiac arrests the SF&RS had responded to and the criteria for selection of the identification of the suitable locations. In discussing statistics for retained crew members it was noted that a new national process was in place which meant that retained fire officers could be in post four months after the post had been advertised, previously this could take up to 12 months. A member referred to a fire appliance from Edinburgh being seen in Duns and A. Girrity advised although this did not happen regularly gaps needed to be filled strategically. LSO Perry advised that he would prepare a report for the next meeting explaining coverage because of problems with the retained service.

**DECISION**

**(a) NOTED the report.**

**(b) AGREED that**

- (i) LSO Perry would provide information to the next meeting relating to how many cardiac arrests the SF&RS had responded to and the criteria for selection of the identification of the suitable locations; and**
- (ii) a report by LSO Perry explaining coverage of the SF&RS in the Scottish Borders which had resulted in problems with the retained service.**

**7. DATES OF FUTURE MEETINGS**

Future meetings of the Board were scheduled to take place at 9.30am in the Council Chamber, Council Headquarters, Newtown St Boswells on:-  
Friday 13 November 2015;  
Friday 12 February 2016; and  
Friday 13 May 2016.

**DECISION**

**NOTED.**

**8. URGENT BUSINESS**

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

**9. ATTENDANCE OF POLICE HORSES AT LOCAL EVENTS**

Mr Higgs requested information on the attendance of Police horses at community events. Supt. MacInnes advised that bids could be lodged asking for Police horses to be in attendance at events but sometimes this might not be successful, owing to other events taking place at the same time.

**DECISION**

**NOTED.**

*The meeting concluded at 12.30*



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## SCOTTISH BORDERS COUNCIL EXECUTIVE COMMITTEE

MINUTE of Meeting of the EXECUTIVE  
COMMITTEE held in the Council Chamber,  
Council Headquarters, Newtown St Boswells,  
TD6 0SA on Tuesday, 1 September, 2015 at  
10.00 am

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Present:- Councillors S. Bell (Chairman – Economic Development Business), C. Bhatia (Chairman – Other Business), S. Aitchison, M. J. Cook, V. Davidson (from para. 4), G. Edgar, J. Mitchell, D. Moffat, D. Paterson, F. Renton, R. Smith.

Also Present:- Councillors G. Garvie, I. Gillespie, G. Logan, A. Nicol, S. Scott, T. Weatherston.

Apologies:- Councillors J. Brown, D. Parker.

In Attendance:- Chief Executive, Depute Chief Executive (People), Corporate Transformation and Services Director, Chief Financial Officer, Chief Officer Economic Development, Democratic Services Team Leader, Democratic Services Officer (F. Walling).

### **ECONOMIC DEVELOPMENT BUSINESS**

Present:- Mr G. Henderson  
Apologies:- Mr J. Clark

#### **CHAIRMAN**

Councillor Bell chaired the meeting for consideration of the Economic Development business. He welcomed Mr Henderson to this section of the Executive meeting and passed on the apologies of Mr Clark.

#### **1. ECONOMIC DEVELOPMENT UPDATE**

- 1.1 There had been circulated copies of a briefing note providing an update on recent Economic Development. The Chief Officer Economic Development, Bryan McGrath, summarised the paper and highlighted the main points. The update referred to recent activity of the Business Gateway Team, who had worked with 233 businesses and individuals during the period 1 April to 31 July 2015 and assisted 71 business start-ups of which 10 had the potential to be high growth. Mr McGrath advised that, as the Scottish Borders Business Week had proved so popular in 2014, this would be expanded in 2015 to a Business Month which would run from 1 October to 6 November with over 20 events scheduled across the area. The update summarised activities relating to tourism support in the Scottish Borders. The major focus was on preparations for the Borders Railway opening celebrations, which were nearing completion and for the Tour of Britain which would pass through the Scottish Borders on 8/9 September, with the Stage Finish being at Floors Castle, Kelso. Eight tourism Ambassadors had been recruited and would be based at the three railway stations for the first nine weeks of the opening of the Railway. Other proposals relating to the railway included two hop-on hop-off buses which would be available seven days a week for visitors between Galashiels, Abbotsford, Tweedbank, Gattonside, Darnick, Melrose, Dryburgh, St Boswells and Bowden. With regard to progress on European funding the update confirmed Scottish Government approval of the Scottish Borders Local Development Strategy for the delivery of two EU 2014-2020 funding programmes: the European Agricultural Fund for Rural Development through the Scottish Rural Development Programme; and the European Maritime Fisheries Fund. An indicative allocation of just over £4m had been made to the Scottish Borders LEADER Programme for the period to 2020. A new LEADER Local Action Group, made up of rural partners and stakeholders, had been recruited. This group would be the decision-making

body for LEADER applications, the Programme being open to applicants at the end of this year.

- 1.2 Members discussed the update and received answers to their questions. Mr Henderson referred to the half-day out-reach surgeries held by Business Gateway in Hawick, Kelso, Duns, Eyemouth, Galashiels and Peebles. Although attendance at these events had been limited he believed that these were important and should be continued if possible. His suggestion was welcomed that the Federation of Small Businesses should work in partnership with officers to look at ways to increase attendance and retain this outreach service. Looking at other areas of developing economic activity the issue was raised by Members of exploiting the Scottish Borders as a location for films. This followed interest around recent BBC filming of a series in Peebles. In response Mr McGrath advised that Scottish Borders was a member of the Edinburgh and Lothian film initiative, which attracted a variety of enquiries from TV/ film production units and offered locations in the Scottish Borders. It was agreed that every effort should be made to promote the area and exploit any opportunities that may arise.

## **DECISION**

(a) **NOTED the update.**

(b) **AGREED:-**

(i) **to work in partnership with representatives from the Federation of Small Businesses to improve attendance and ensure the retention of Business Gateway outreach services; and**

(ii) **to actively promote the Scottish Borders as a location for TV/film productions.**

## **MEMBER**

Councillor Davidson joined the meeting.

## **2. STRATEGIC INWARD INVESTMENT APPROACH**

There had been circulated copies of a report by the Service Director Strategy and Policy providing an update on officers' work to develop a new approach to inward investment, to help support economic growth in the Scottish Borders. The report set out a new approach to attracting inward investment to the area. The report explained that working to attract new inward investment to the Scottish Borders was one of the ways in which the Council and its partners could support economic growth in the area. The opening of the Borders Railway represented a major new opportunity for attracting inward investment, which could be a driver of economic growth by creating jobs and bringing wealth into the economy. It was proposed that the Council take forward a new Inward Investment approach at two levels. The first was to work with Midlothian and City of Edinburgh Councils along the Borders Railway Corridor to promote the opportunities and benefits of the railway. The second was to work at a Borders level to promote opportunities for new investment and development at locations across the whole of the Scottish Borders. There would be close integration between these two strands of work to ensure that the best results were delivered for the Scottish Borders. It was proposed that, in order to provide an effective Inward Investment service at both the Railway Corridor and Scottish Borders levels, the Council should put in place a Rapid Response Team. This team of officers would provide the specialist input to help find the right sites for developers, or support a business to develop a new production space. These existing specialists would include planning officers, roads planners and engineers, building management experts and estates surveyors. The financial contribution of £60,000 to Inward Investment as part of the Railway Blueprint project had previously been approved by Council on 2 April 2015. The service had also identified the need for approximately £160,000 to cover the costs associated with external support and the costs over 2 years of a 1.0 FTE officer. It was

proposed that this funding be drawn from the £500,000 of additional resources identified in the Balance Sheet Review reported to Executive on 24 February 2015. Members welcomed the approach outlined in the report and particularly the establishment of a Rapid Response Team which would have an opportunity to effectively promote to potential investors all areas of the Scottish Borders, alongside the Railway Corridor. It was recognised that, if successful and in terms of a long term strategy, this approach to Inward Investment should be continued beyond the initial two years indicated and that appropriate measures should be taken to support this.

## **DECISION AGREED**

- (a) the new Inward Investment Approach, working with Midlothian and City of Edinburgh Councils in the Borders Railway Corridor, as well as promoting opportunities across the whole of the Scottish Borders;**
- (b) that a Rapid Response Team be established within the Council to respond to inward investment inquiries and requests as they were fed through; and**
- (c) the proposed budget of £160,000 for the wider Scottish Borders inward investment resources.**

### **3. DEVELOPING SCOTLAND'S YOUNG WORKFORCE PROGRAMME**

- 3.1 There had been circulated copies of a joint report by the Service Director Strategy and Policy and Service Director Children and Young People. The report provided an update on the work of the Council and its partners in introducing a new programme to deliver 'Developing the Young Workforce' Scotland's Youth Employment Strategy. 'Developing the Young Workforce' (DYW) set out the strategy to implement the recommendations of the Wood Commission. The strategy was published by the Scottish Government, in December 2014. Following a major local event, held in February 2015 at Earlston High School, it was agreed that a programme be established to deliver the DYW recommendations in the Scottish Borders. The programme had been set up with 5 key themes. These were: 'Schools and Pathways', led by the Council's Education service; 'Colleges' led by Borders College; Apprenticeships, led by Skills Development Scotland; Employers and Industry, led by the Council's Economic Development service; and Equality, with all partners inputting. The programme aimed to deliver a significant culture change that would see young people being better prepared for work and see businesses more directly engaged in that process. It would aim to deliver a shift in culture towards a 'parity of esteem' for vocational qualifications. The report went on to outline progress being made in delivering the programme, as well as the governance structure that was in place to manage it. The governance structure, summarised in an appendix to the report, clarified that the Borders Learning and Skills Partnership would form the Programme Board to oversee the development and implementation of the programme. Part of the additional resources from Scottish Government to help take forward the programme would be used to fund a programme manager role to support all of the partners in their input.
- 3.2 Members welcomed the report and the development of the programme. In the ensuing discussion some of the challenges in its implementation were referred to. In particular, transport was seen as a key barrier for young people in rural areas. There was also a recognition of the difficulty in engaging small and micro businesses in the apprenticeship scheme. In response to questions on the 'School and Pathways' theme, Members were assured that the redesign referred to of the Senior Phase (S4 – S6) in secondary schools was an evolutionary process. Headteachers were fully involved in the development and changes would be carried out with sensitivity over a six year timescale. With regard to the identification by employers and universities of the Science, Technology, Engineering and Maths (STEM) agenda as being increasingly important to meet the needs of business, Members were advised that this would not be at the expense of other subjects and that there would be a balanced approach to the delivery of all subject areas.

## **DECISION**

- (a) **NOTED** the new 'Developing the Young Workforce – Scottish Borders' programme that had been set up to deliver Scotland's Youth Employment Strategy's aims across the Scottish Borders.
- (b) **AGREED:-**
- (i) **the proposed allocation of resources to support the Learning and Skills Partnership and the nine Secondary Schools in delivering the aims of the Programme; and**
  - (ii) **to receive regular updates on progress in delivering the programme's objectives, with a particular focus on the Council's responsibilities and actions.**

## **ADJOURNMENT**

The meeting was adjourned for ten minutes.

## **OTHER PUBLIC BUSINESS**

### **CHAIRMAN**

In the absence of Councillor Parker, Councillor Bhatia took the Chair for the remaining business.

#### **4. MINUTE**

The Minute of meeting of the Executive Committee of 18 August 2015 had been circulated.

### **DECISION**

**APPROVED for signature by the Chairman.**

#### **5. SCOTTISH PARLIAMENT MEMBER'S BILL: PENTLAND HILLS REGIONAL PARK BOUNDARY**

There had been circulated copies of a report by the Service Director Regulatory Services explaining the background and content of a private member Parliamentary Bill on a proposed extension to the Pentlands Regional Park, and seeking agreement on the response to the Bill. The report considered the implications of the Bill in relation to the Scottish Borders and found that there had not been a national or local strategic review, as advocated by Scottish Natural Heritage, on the extension to the Park area. Consequently, there was considerable uncertainty in relation to the future governance and financial arrangements that would be required for the extended Park. The expectation was that there would be no additional Governmental funding and that any resultant costs would be met by the local authorities that made up the expanded Park area. The report considered the potential implications on the Council's current operational arrangements within the proposed area for expansion within the Park. There was concern that it would adversely impact upon the operational capacity of the Council's access team which would, in turn, have implications for the provision of recreational access across the wider council area. The report therefore recommended that a strategic and local review of the potential extension to the Park was undertaken in advance of consideration of its formal designation. This would follow the process advocated by Scottish Natural Heritage policy on Regional Parks. In the interim period, it was proposed that a holding objection be put forward to allow consideration of the council's concerns. Members discussed the report. Particular concern was expressed that there had been no review of current and future needs as required by the Scottish Natural Heritage policy statement on parks and reserves. It was also noted that financial matters in relation to the proposed extension to

the Park had been left entirely to be resolved by the local authorities that made up the Park area.

**DECISION  
AGREED**

- (a) to seek a strategic and local review of the potential extension of the Park prior to consideration of its formal designation; and in the interim
- (b) to formally object to the Bill which proposed an extension of the boundary of the Pentlands Regional Park into the Scottish Borders Council area at the present time, the grounds for objection being summarised in the report.

**ITEMS LIKELY TO BE TAKEN IN PRIVATE  
DECISION**

- 6. **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 8 of Part 1 of Schedule 7A to the Act.

**SUMMARY OF PRIVATE BUSINESS**

**MINUTE**

- 7. The Committee approved the private Minute of 18 August 2015.

*The meeting concluded at 11.35 am*

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# SCOTTISH BORDERS COUNCIL SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of Meeting of the SELKIRK  
COMMON GOOD FUND SUB COMMITTEE  
held in the Council Chamber, HQ on  
Tuesday, 1 September, 2015 at 3.00 pm

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Present:- Councillors G. Edgar (Chairman) and V. M. Davidson  
Apologies:- Community Councillor T Combe  
Absent:- Councillor M. Ballantyne  
In Attendance:- Solicitor (J Webster), Corporate Finance Manager (L Mirley), Estates  
Surveyor (J Morison), Property Officer (T Holmes), Democratic Services  
Officer (F Walling)

## 1. **MINUTE**

- 1.1 There had been circulated copies of the minutes of 10 June 2015 and the special meeting of 25 June 2015.

### **DECISION**

**APPROVED the minutes for signature by the Chairman**

- 1.2 With regard to paragraph 4(a) and in response to a point raised by Councillor Davidson, the Chairman agreed to raise with the Chief Financial Officer the issue of the comparative level of Central Support Charge applied to Selkirk Common Good Fund over the past few years.

### **DECISION**

**NOTED**

## 2. **FINANCIAL MONITORING REPORT TO 30 JUNE 2015**

There had been circulated copies of a report by the Chief Financial Officer providing the details of the income and expenditure for the Selkirk Common Good Fund for the 3 months to 30 June 2015 and full year projected out-turn for 2015/16 and projected balance sheet values to 31 March 2016. Appendix I to the report provided detail of income and expenditure for the 2015/16 financial year. The projected net position for the year was a deficit of £3,699 assuming full expenditure of the grants and donations budget of £10,000. A projected Balance Sheet, shown in Appendix 2, indicated a projected decrease in the reserves of £80,026. With regard to the grants and donations budget the Corporate Finance Manager advised that the additional information required from the Christmas Illuminations Group had still not been received so the conditionally approved donation of £1,500 was unpaid. The payment to the Hill Management Group of £10,000 would be authorised once the Annual Accounts and report had been received. The Corporate Finance Manager went on to refer to the current position of the investment in the Newton Fund. Current uncertainties in financial markets worldwide had resulted in an average downturn across financial markets of 5%. Newton showed an overall performance reduction of 2.76% indicating a reduction in assets value but a lower level of relative performance reduction compared to the wider market over the quarter. The projections included an unrealised profit of £3,379 for the Newton Fund investment as at 30 June 2015. Appendix 4 to the report showed the performance of the fund since inception.

## **DECISION**

(a) **AGREED the projected Income and Expenditure for 2015/16 detailed in Appendix 1:-**

(b) **NOTED:-**

(i) **the projected Balance Sheet value to 31 March 2016 in Appendix 2;**

(ii) **the summary of the property portfolio in Appendix 3; and**

(iii) **the current position of the investment in the Newton Fund in Appendix 4**

## **3. PROPERTY**

3.1 An update on matters relating to property, owned by Selkirk Common Good, was given by Estates Surveyor, James Morison. With reference to paragraph 3 of the Minute of 10 June 2015, confirmation had been received that the current tenant wished to continue to rent the grazing on Selkirk Hill and would be putting on up to 100 sheep during the autumn and early winter. Mr Morison advised that at South Common work had been carried out by the tenant to install a water tank near the new shed to meet fire regulations. With regard to the Selkirk Flood Protection Scheme, and the possible new access road along the riverside on Common Good land, Mr Morison explained that a report would be prepared for presentation to the Sub Committee once further details were available.

3.2 With reference to paragraph 2 of the Minute of 25 June 2015 and to the decision not to grant formal access rights over Victoria Park to a new property on Buccleuch Road, Mr Morison advised that an email had been received to request the Common Good Fund Sub Committee to provide written confirmation of informal rights of access to the property. After discussion Members agreed that, although unauthorised, informal and occasional access was being taken over Victoria Park no informal rights of access could be confirmed to any part.

## **DECISION**

(a) **NOTED the update**

(b) **AGREED not to grant informal rights of access over Victoria Park**

## **4. APPLICATION FOR FINANCIAL ASSISTANCE**

There had been circulated copies of an application for financial assistance from Etrick Forest Archers, a longbow archery club who offered traditional archery to members of the community currently from 12 to 82 years of age. It was explained that the club provided tuition on the basic art of archery and arrow making and took part in national and international contests. The application was for between £2000 and £4000 to help the club build a log cabin style secure store and shelter for archery equipment and archers at Thirladean. The total projected cost was £25,685 with £18,044 already raised. It was also confirmed that £4,673 had been awarded from the Community Grant Scheme. Members discussed the application and agreed to grant £3000 towards the project providing the remaining funding was in place.

## **DECISION**

**AGREED to grant £3000 to Etrick Forest Archers towards the project to build a store and shelter, subject to the remaining funding required being in place**



5. **ITEM LIKELY TO BE TAKEN IN PRIVATE**

**DECISION**

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

**SUMMARY OF PRIVATE BUSINESS**

6. **MINUTE**

Members approved the private sections of the Minutes of 10 June 2015 and 25 June 2015.

7. **TENANCY OF SMEDHEUGH FARM**

Members considered a letter sent on behalf of the tenant of Smedheugh Farm.

*The meeting concluded at 4.40 pm*

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**SCOTTISH BORDERS COUNCIL**  
**TWEEDDALE AREA FORUM**

MINUTE of the MEETING of the  
TWEEDDALE AREA FORUM held in  
the Council Chamber, Rosetta Road,  
Peebles on 2 September 2015 at 6.30  
p.m.

Present:- Councillors W. Archibald (Chairman), C. Bhatia, K. Cockburn, G. Garvie,  
Community Councillors G. Hughes, G. Parker, J. Taylor, G. Tulloch,  
Apologies:- Councillors S. Bell, G. Logan. Community Councillors C. Lewin, M.  
McIntosh, Mr K. Langley, Station Manager, SFRS.  
In Attendance:- Inspector Mike Bennett (Police Scotland), Forward Planning Manager  
(M. Wanless), Engineering Design Manager (P. Frankland), Lead Officer  
for Transport and Access (G. Johnstone), Project Engineer (P. Aitken),  
Network Manager (B. Young), Infrastructure Manager (C. Ovens),  
Democratic Services Officer (K. Mason).

Members of the Public:- 3.

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**ORDER OF BUSINESS**

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

**CHAIRMAN'S REMARKS**

2. (a) Sunnybrae Lodge, Walkerburn  
The Chairman advised he was pleased to see that work had commenced to renovate and re-establish an A listed building known as Sunnybrae Lodge, Walkerburn.

**DECISION  
NOTED.**

- (b) SESPlan  
The Chairman advised that information relating to the SESplan main issues report consultation from 21 July – 30 September 2015 and on community event dates would be distributed by the Democratic Services Officer at the conclusion of the meeting.

**DECISION  
NOTED.**

**MINUTE**

3. There had been circulated copies of the Minute of the Meeting held on 27 May 2015.

**DECISION  
NOTED.**

4. With reference to paragraph 17 of the Minute, Councillor Bhatia referred to Councillor Archibald's column in an edition of the Peeblesshire News which indicated that the SNP in administration at Scottish Borders Council had made available £3,000 to create an additional school bus service between Peebles and West Linton. She advised that

the additional school bus service had been supported by all Members of the Tweeddale Area Forum.

**DECISION  
NOTED.**

5. With reference to paragraph 4 of the Minute, Ms Lynn Lauder, Interim Area Manager Tweeddale, Border Sport and Leisure Trust was present at the meeting to give an update on the Gytes Leisure Centre, Peebles. Ms Lauder advised that the manager of the Leisure Centre had left the employment of BSLT and she was now responsible for the management of the facilities in Peebles in addition to those at Hawick, Jedburgh and Selkirk. She advised that measures had been put in place to address problems relating to the condition and cleanliness of the facility which had resulted in positive feedback from the public. In relation to the price increases, she confirmed that meetings were taking place with clubs, in particular Peebles Rugby Football Club and a payment strategy had been put in place. Discussions were also taking place with the Football Club. In response to a question she advised of the reasons why facilities were closed on Saturday and Sunday afternoons.

**DECISION  
NOTED and thanked Ms Lauder for her update.**

6. With reference to paragraph 11 of the Minute, Community Councillor Tulloch advised he had not received a response to his questions relating to the Food Waste Collection Service and the Democratic Services Officer advised that she would liaise with Officers in Neighbourhood Services.

**DECISION  
AGREED that the Democratic Services Officer would liaise with Officers in Neighbourhood Services regarding the questions Community Councillor Tulloch had submitted.**

**PRESENTATION – LOCAL ACCESS AND TRANSPORT STRATEGY**

7. G. Johnstone, Lead Officer for Transport and Access was in attendance at the meeting to give a presentation on the Local Access and Transport Strategy (LATS). He explained the strategy document was needed because the current strategy document was out of date; access and transport were key issues in the Scottish Borders; and for the provision of strategic direction. The main issues comprised of the following:- (a) the route to markets; (b) public transport; (c) walking, cycling and horse riding; (d) road maintenance; (e) forestry; (f) road safety; (g) parking; and (h) low carbon. The Lead Officer advised on the consultation process which would end on 23 October 2015. The next steps would be consideration of all responses, development of the main strategy document; and a presentation to the Development Plan Working Group and taking the document through the Council's Committee process. The strategy document would be finalised at the end of 2016. Mr. L. Hayworth, Peebles resident referred to BAM making financial compensation payments to Scottish Borders Council in relation to disruptions caused by the implementation of the railway and queried whether a similar scheme could be put in place whereby the Council would be compensated for the damage to rural roads caused by the transportation of timber. The Lead Officer suggested that Mr. Hayworth feed this into the consultation. It was understood that a potential new National Transport Strategy was currently being discussed by the Scottish Government. Community Councillor Hughes referred to the lack of resources for maintenance indicating the Council needed to make clear decisions on what to fund against what could be afforded and that the position was unsatisfactory, he also

referred to problems with bridges throughout the area and more clarification was required when budget meetings were held.

## **DECISION**

**NOTED the presentation.**

### **PRESENTATION – PERMANENT TRAFFIC LIGHTS – NEIDPATH CORNER**

8. Paul Aitken, Project Engineer was in attendance at the meeting to give a presentation on the permanent traffic lights at Neidpath Corner. He advised that owing to the existing topography there was no cost effective option to improve the road alignment of Neidpath Corner. Therefore, practical options available were either to do nothing or to install permanent traffic lights. The design team had reviewed potential traffic light locations taking into consideration stopping sight distance, forward visibility, road width etc. Two possible locations for the westbound flow were considered and the option with the traffic lights close to where the temporary lights were located was considered to offer the safest layout. A specialist consultant had been appointed to design the traffic control system and to review the most suitable locations. The consultant also concluded that the most suitable location for the lights in terms of operation and safety was the option with the lights close to the temporary lights location. An independent safety audit of the proposed layout would also be undertaken. A budget of £200,000 had been set aside by the Council for this project. The advantages of the traffic lights would be:- (a) controlled traffic flows through a difficult section of road; (b) reduced traffic conflicts; (c) reduced likelihood of accidents; (d) alleviate damage to the existing wall; and (e) reduce likelihood of unscheduled road closure on strategic route owing to traffic accidents. The disadvantage would be possible minor delays to journey times. Discussion on this item of business was deferred until after the presentation of the following item of business.

### **A72**

9. There had been circulated copies of a report by the Service Director Commercial Services advising on the position relating to the A72 in regard to sections highlighted for treatment, the position regarding traffic flow statistics and accident statistics, and the promotion of road improvements. The Infrastructure Manager explained the Statutory Performance Indicator for the condition of the Scottish Local Authority road network was defined as “the percentage of the road network which should be considered for maintenance treatment”. The overall results from the SRMCS were presented using a colour convention as follows:- green – minor defects might be present, but the road was considered to be in an acceptable condition; amber – further investigation was required; and red – the road had deteriorated to a point where repairs were very likely to be required to preserve serviceability and to prolong its future. In referring to the A72 by using a map the Infrastructure Manager showed those sections of road identified as being in condition red, amber and green and it was noted that significant sections of red/amber existed between Blyth Bridge and Wester Happlew; Four Mile Bridge; Edston Quarry; Peebles High Street; Walkerburn; and Clovenfords.
10. The Network Manager then went on to explain that at times, the narrow width and torturous nature of the A72 meant that essential maintenance could often only be done safely through a road closure. The route had also been prone to emergency closures in the past as a result of landslips and/or traffic accidents. As a valley route the alternative routing choices in these circumstances were few and either considerably longer or on less suitable roads. For this reason a specific Action Plan was developed, in conjunction with the Police, to help deal with the issues associated with closures on the A72. Accident levels, both nationally and at Scottish Borders levels had been decreasing and the Council was making good progress against the ambitious

nationally set accident reduction rate targets. Appendix C to the report illustrated the number of accidents occurring over the length of the A72 in the Scottish Borders. These were broken down as either west or east of Peebles and further classified by the Police categorisation of the accident. The numbers of accidents were also displayed graphically on a 3 year rolling average basis. Appendix D to the report showed how the A72 compared to other A Class routes in the Scottish Borders in terms of accident numbers in recent years. This illustrated that in terms of accident occurrence the A72 was not atypical to similar A Class type routes.

11. Community Councillor Hughes expressed concern as to whether the proposal to install permanent traffic lights was the correct way forward and commented that this was another short term fix which would not resolve problems of damage to the walls etc. He said it would be better to put in place a proper permanent fix which would mean widening the road. He was concerned that there had been no discussion with communities affected and there had been no presentation of optional alternatives and costings. He indicated that members of the community had been led to believe if something was being done it would only need one closure and Officers had now indicated that some of the work would take place in October with further work following on from that and so there was no guarantee that there would not be other closures. A notice had been received by the Community Council at the beginning of the week advising work was to start in October and plans were inadequate for the consequence of this. If the road was closed and if the main roads were used as a diversion rather than minor roads it would be 28 miles from Stobo to Peebles and therefore this was a major disruption. He explained he had recently suffered a heart attack and queried what would have happened if the emergency services had been diverted because of a road closure. He was not convinced the installation of permanent traffic lights was the appropriate way forward. Mr Gordon Crooks, Gold Star Taxis expressed similar concerns, and referred to closures at Dirt Pot Corner when traffic had to be diverted to the B7062 and advised that the road was still in an atrocious condition owing to the diversions. His taxi firm had a contract with a customer in Stobo 7 times each day and he advised of the effect the proposals would have on his customers because of the increase in fares and journey times. He asked that the proposals be renegotiated and work be carried out during the evenings when the roads were quiet. Councillor Cockburn understood there would be problems in communities and said the closure highlighted how important the route was, there were no other proposals on the table, Council Officers were meeting the next day to discuss how best to deal with the closure. Councillor Bhatia advised that owing to budgetary restrictions it would be irresponsible to carry out a consultation regarding widening of the road at Neidpath Corner. She queried the positioning of the traffic lights, asked if anything could be done to protect the actual wall such as putting bollards in place to stop vehicles hitting the wall and causing more damage meaning the road would have to be closed and repairs made again. She asked if the road could be open sometime during the day and referred to problems for taxis, school busses, and suggested that a convoy system could be in place and local people needed comfort in regard to provisions for the emergency services. Community Councillor Tulloch considered that the cost of widening the road would be horrendous and that the traffic lights themselves would allow a degree of road widening. He hoped the traffic lights would be controlled by sensor movement to avoid delays. Councillor Garvie commented that because of Scottish Government policy, Councils had not been allowed to increase Council Tax for 8 years. As the road was formerly a trunk road he asked if there was not a case now for the Council to make strong representation to the Scottish Government to re-designate the road as a trunk road which would mean it would then be maintained and funded by the Scottish Government not the local authority. The Network Manager advised that unsuccessful attempts over the years had been made in relation to the de-trunking of other key routes in and adjacent to the Scottish Borders. He advised

he would be happy to make representation to the Scottish Government relating to the A72, but was doubtful this would be successful. Councillor Garvie suggested that representation at Member and political level may have more chance of success. Community Councillor Taylor commented that the A72 was not fit for purpose and expressed concern about the consequences of increased traffic over the Meldons.

12. The Infrastructure Manager confirmed a meeting would be held the following day to refine the proposals in terms of the involvement of the contractor and thereafter that the Road Asset Team would engage with the users of the road. Work needed to be started as soon as possible before the winter. A convoy system for vehicles might be accommodated but this would delay the completion of the work. The Project Engineer then briefed Members on the operation of the permanent traffic lights explaining that the system was more intelligent than that of temporary traffic lights. The system in place would assess queue lengths which would maximise the flow of traffic thereby minimising delays, sensors in the road would also pick up cyclists and slow moving traffic. In the ensuing discussions Members were advised that bollards were not an option and that white lines would be put in place. Community Councillor Hughes advised he was not saying that it was right to widen the road but that there had been no attempt to persuade him this was not a solution. No discussions had taken place with the community directly affected and he was unhappy at the lack of consultation. Community Councillor Tulloch commented that the roads in the Borders were notoriously bad for cyclists and he was delighted to learn that the A72 at Blyth Bridge would be updated. Councillor Bhatia suggested that a Sub-Committee be established to look at the A72 in more details and liaise with key stakeholders about the key issues.

#### **DECISION**

**(a) NOTED**

- (i) the presentation on the permanent traffic lights on the A72 at Neidpath Corner; and**
- (ii) the position with regards to the A72, in relation to its condition, treatments, traffic flows, accident rates and current identified road improvements.**

- (b) AGREED that a Sub-Committee, comprising of Members and Community Councillors of the Tweeddale Area forum be established at the next meeting of the Forum to look at the A72 in more detail and liaise with key stakeholders about the key issues.**

#### **OPEN QUESTIONS**

13. The Reverend Nancy Norman, Peebles resident referred to the recent resignation of the Chief Constable of Police Scotland and queried whether this might open up the opportunity of bringing back the control and accountability of local Policing back to the Scottish Borders. She asked if the Council would consider making representation to the Scottish Government to that effect. Members discussed this suggestion and unanimously agreed that such a recommendation be made to Council

#### **DECISION**

- \* AGREED TO RECOMMEND to Council that representations be made to the Scottish Government asking if, following the resignation of the Chief Constable, consideration be given to reviewing Policing in this area and in Scotland in general with a view to ensuring greater accountability.**

### **COMMUNITY COUNCIL SPOTLIGHT**

14. Community Councillor Tulloch made reference to a planning application when the local planning officer had agreed with the developer to alter the development and no consultation had been made with the Community Council. Following discussion, the Democratic Officer would liaise with Planning and Building Standards and send a copy of the protocol for what constituted Non Material Alterations to all Community Councils in Tweeddale.

**AGREED that the Democratic Services Officer would check with Planning and Building Standards the protocol in respect of requests for alterations to planning permissions and distribute this to the Tweeddale Community Councils.**

### **POLICE SCOTLAND**

15. The Chairman welcomed Inspector Mike Bennett to his first meeting of the Forum. Inspector Bennett advised he had served in the Police Force for 23 years and this was the first week in his new role. A new Police Officer, Sergeant Duncan Marker was based in Peebles Police Station. Since the meeting in May local officers had covered a number of local festivals including West Linton Whipman, Peebles Beltane Festival and St. Ronan's Border Games. These events passed without any major incidents and were a great opportunity for Community Officers to get involved with the public. Officers had also assisted at the cycling events which took place including Tweed Love and the Tour o the Borders – these events brought large numbers of cyclists into the town. Officers continued to give attention to parking and since the end of May had issued 78 tickets and given out 3 warnings in Peebles, 14 tickets had been issued in Innerleithen. Local Officers continued to give attention to the major roads in Tweeddale and the Camera Safety van could frequently be found at various locations. In relation to thefts and housebreaking, these types of crimes had decreased in the West Linton area over recent months but had unfortunately increased in Innerleithen and Peebles with mountain bikes being the prime target. Since February a total of 14 bikes had been stolen amounting to £33,000. In an effort to prevent these thefts Community Officers had undertaken an initiative giving advice regarding security and these crimes were also being looked at to see if there was a pattern. Funding from Safer Communities had been secured for SelectaDNA Forensic Marking Kits and 200 of these kits had been received. These would be distributed by Police Scotland to farms across the Borders It was intended to deploy the kits in priority locations and monitor their effectiveness in preventing acquisitive rural crime. Police Scotland was also liaising with NFUS & Scottish Land and Estates to identify suitable premises. SFRS community fire-fighters would work with Police Scotland in delivering these kits. Councillor Cockburn asked for information relating to vandalism at Kerfield Park, Peebles which had left the park unusable for the start of the football season. Inspector Bennett advised he would make enquiries and respond to the members of the Forum.

### **DECISION**

- (a) **NOTED the presentation.**
- (b) **AGREED that Inspector Bennett would update Members of the Forum relating to the vandalism at Kerfield Park, Peebles.**

### **SCOTTISH FIRE AND RESCUE SERVICE**

16. In the absence of LSO Langley a report was tabled relating to the Scottish Fire and Rescue Service in the Tweeddale Area. The report explained that Fires in the Open were at a very low number, given the time of year. This was mainly down to the inclement weather which had been experienced over the last few months. A line rescue incident occurred last month in Peebles. Specialist teams responded along with



Peebles station crew to rescue a man who had fallen into an excavation within his garden. Peebles crews reassured the casualty and readied the area and equipment for the arrival of the line rescue team who rescued the casualty using a vertical stretcher process. The casualty went to Borders General Hospital for a precautionary check-up. Innerleithen station had complete training in relation to the opening of the Borders Railway on 9 September. This involved theoretical input as well as practical input at the railway yards at Shawfair, arranged and completed by training officers from Galashiels. Scottish Fire and Rescue Service staff in all the local stations provided home fire safety visits all year round. These provided the householder with a home visit, focussing on identifying and reducing the risks of fire in the home. Smoke detectors with a 10-year battery life were provided as part of this free service. The Make It Or Break It programme was continuing to run in the Scottish Borders with the latest input in July at Scottish Borders College, Galashiels, prior to the summer break. This programme targeted 16 to 20 year old drivers with the aim to reduce road accidents and deaths in the age group. SFRS and Scottish Borders Council staff were highly active and effective in the SFRS Week Of Action which took place in June. This was an initiative targeting resources at those identified as at risk from fire, mainly the elderly who lived alone. Fire safety audits provided a targeted examination of a business premises and their relevant documents to ascertain how the premises were being managed regarding fire safety. The enforcement officer also engaged with members of staff to confirm their level of fire safety awareness. Unwanted fire signals were being addressed by phased intervention actions which identified premises which were producing 'false alarms', provided guidance on how to reduce a reoccurrence, and could also evoke legislation if occurrences failed to reduce in number. (Peebles Hydro hotel had been identified as an offender through the UFAS policy and SFRS were working with hotel staff to look at ways of reducing the number of false alarm generated at these premises). SFRS Safeguarding Policy and Procedure for Protection of Children and Adults at Risk of Harm was implemented to link into adult and child protection. The policy had created closer ties with Social Services within Scottish Borders and ensured those people and families that fire crews identified as at risk were brought to the attention of Social Services. This had resulted in joint visits to homes to reduce risk to those occupiers. The SFRS was developing a strong partnership with the local Domestic Abuse Advocacy Service and involvement in Multi Agency Risk Assessment Conference (MARAC). The Local Authority Liaison Officer (LALO) and Scottish Borders Station Manager for Prevention and Protection were fully involved in all local MARAC processes, attending the monthly conferences and all steering group meetings.

## **DECISION**

**NOTED the update.**

*The meeting concluded at 8.25 p.m.*

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**SCOTTISH BORDERS COUNCIL**  
**PENSION FUND COMMITTEE**  
**AND PENSION BOARD**

MINUTES of Meeting of the PENSION FUND  
COMMITTEE AND PENSION BOARD held  
in Council Chamber, Council Headquarters,  
Newtown St Boswells on Thursday, 3  
September, 2015 at 10.45 am

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Present:- Councillors B White (Chairman), A Aitchison, J Campbell, G Edgar, G Logan, S Mountford, Mr A Barclay, Ms R Black, Mr M Drysdale, Ms L Ross, Ms C Stewart.

Apologies:- Councillors M Cook, J Mitchell, Mr C Hogarth, Mr P Smith.

In Attendance:- Chief Financial Officer, Corporate Finance Manager, HR Shared Services Manager, Treasury & Capital Manager, Chief Officer Audit & Risk, Mr K Ettles – AON Hewitt Consulting, Democratic Services Officer (J Turnbull).

1. **ORDER OF BUSINESS**

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

2. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 18 June 2015.

**DECISION:**

**NOTED for signature by the Chairman.**

3. **PENSION ADMINISTRATION STRATEGY**

There had been circulated a report by Chief Officer Human Resources proposing the revised Pension Administration Strategy for the Scottish Borders Council Pension Fund. The Pension Fund was required by the Local Government Pension Scheme (Scotland) Regulations 2014 to have an up to date Pension Administration Strategy. Implementation of the revised regulations, effective from 1 April 2015, had triggered a review of the revision of the existing document. Appendix 1 to the report contained the revised Pension Administration Strategy which contained only minor amendments to the previously approved document. Mr Angus, HR Shared Services Manager, highlighted the minor changes which included changes to the timescale for issuing the annual benefit statements from October to August and completion of Transfer In and Transfer Out of the Scheme from 10 to 20 days.

**DECISION**

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

4. **ANNUAL AUDIT OF THE PENSION FUND**

Ms Mirley, Corporate Finance Manager, advised that the Annual Report and Accounts had not been finalised. However, there was no material difference to the draft which had been presented to the Committee in June. The Annual Report and Accounts would be presented to Audit & Risk Committee at the meeting on 28 September 2015. Following the meeting, Ms Mirley would forward copies of the Annual Report and Account to members of the Pension Fund Committee and Pension Board for information.

## **DECISION**

**AGREED to request the Corporate Finance Manager, circulate the Annual Report and Accounts when finalised.**

### **5. TRAINING UPDATE**

There had been circulated a report by the Corporate Finance Manager updating on the training opportunities that were available over the next few months and identifying budgetary provision for these. The report reiterated the requirement for members of both the Pension Fund Committee and the Pension Board to demonstrate an ongoing commitment to developing their knowledge and skills in line with the Training Policy, and in support of this identified two external courses that were specifically for Scottish Local Government Pension Scheme (LGPS) Funds. The dates of these events were 9 October, 19 and 20 November 2015, both were to be held in Edinburgh. It was proposed that to support the training agenda for the Pension Fund a budget of £10,000 per annum be identified to support activities for the continued development of the members' skills and knowledge. Ms Mirley referred to the Appendix, circulated with the report, which detailed the Programme and Speaker Biographies for the Training Seminar to be held on 9 October 2015. Ms Mirley also highlighted the proposed Conference scheduled for 19 and 20 November and explained that this would be relevant to both new Pension Board members and more experienced members of the Pension Fund Committee. Once the Conference Programme had been issued, it would be circulated. Any members interested in attending either event should contact Ms Mirley.

## **DECISION**

**(a) AGREED the creation of an annual training budget of £10,000 for members of the Pension Fund Committee and Pension Board; and**

**(b) NOTED the external training dates identified in the report and encouraged members of the Pension Fund Committee and Pension Board to make the necessary time to develop their skills and knowledge through these.**

### **6. RISK REGISTER UPDATE**

There had been circulated a report by the Treasury and Capital Manager providing the Pension Fund Committee with an updated Risk Register for approval. Identifying and managing risk was a corner stone of effective management and was required under the Council's Risk Management Policy and process guide and CIPFA's guidance "Delivering Governance in Local Government Framework 2007". It was further reflected and enhanced in the "Local Government Pension Scheme" published by CIPFA. The Risk Register, circulated at the meeting, included the scoring which had been agreed at the Workshop prior to the meeting. The Risk Matrix, also circulated at the meeting, had also been discussed and updated at the Workshop it was noted that the Committee would: Tolerate – Accept risk with current controls and review; Treat – Implement mitigating actions to reduce likelihood and/or impact and review; Transfer – the risk to a third party or insurance; and Terminate – Change the course of action and avoid the risk.

7. In light of the Council's revised Risk Management Policy (2015) it was proposed to adopt an amended reporting cycle for the Pension Fund Risk Register and this is set out below.

Quarterly	Key risks, escalation of any risks that were perceived to have changed adversely and any new risks needed to be considered by the Committee. Update on progress of risk management action delivery.
Bi-Annually (in December)	Key risks, escalation of any risks that were perceived to have changed adversely and any new risks needed to be considered by the Committee. Update on progress of risk management action delivery.
Annually (in June)	Annual reporting on progress with Risk Management Actions and approval of fully reviewed Risk Register

including consideration of any new risks.

**DECISION**

**AGREED**

- (a) The Risk Register as circulated at the Meeting;
- (b) The revised reporting cycle set out above; and
- (c) A key risk review being undertaken in December 2015 and reporting of progress on risk management actions.

8. **ITEMS LIKELY TO BE TAKEN IN PRIVATE**

**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 contained in the following items on the ground that they involved the likely disclosure of exempt information as defined in paragraphs 6 and 8 of the part 1 of Schedule 7A to the Act.

**SUMMARY OF PRIVATE BUSINESS**

9. **MINUTE**

The Committee noted the Private Minute of the meeting of 18 June 2015.

10. **QUARTER PERFORMANCE UPDATE**

The Committee noted a report by AON Hewitt Consulting.

11. **GLOBAL EQUITY MANAGER UPDATE**

The Committee noted a report by the Chief Financial Officer.

12. **UBS**

The Committee noted that this report would be deferred to the December meeting.

*The meeting concluded at 12.10 pm.*

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**SCOTTISH BORDERS COUNCIL**  
**PENSION BOARD**

MINUTE of Meeting of the PENSION BOARD held in COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on Thursday, 3 September, 2015 at 12.00 pm

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Present:- Councillors S Aitchison (Chairman), Mr A Barclay (Vice-Chairman), Ms R Black, Mr M Drysdale, Ms L Ross and Ms C Stewart.  
Apologies:- Councillors Hogarth and Mr P Smith  
In Attendance:- Chief Financial Officer, Corporate Finance Manager, HR Shared Services Manager, Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 18 June 2015.

**DECISION**

**NOTED for signature by the Chairman.**

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

The Board discussed the joint meeting of the Pension Board and Pension Fund Committee. All Board members had found the meeting informative and welcomed the further training opportunities that would be available over the next few months for the enhancement of their knowledge and skills. Ms Mirley referred to Mr Ettles' report at the joint meeting and clarified that Scottish Borders Council had previously requested UBS to move towards a more concentrated property portfolio with the sale of three funds anticipated by the end of 2015. However, one of those funds had extended its closure point to December 2016. Mr Robertson advised that this was not of significant concern and UBS would reduce the portfolio when market conditions were favourable to protect the Council's investments. In response to questions Ms Mirley advised that the Scottish Borders Pension Fund did not have a great deal of exposure to the Chinese economy. The Board went on to discuss currency hedging and Mr Robertson explained hedging caps which mitigated risks of currency fluctuations affecting the value of foreign investments. This ensured greater stability of funding levels over time and made it easier for employers to plan for the future. The Board then went on to discuss the Pension Fund Investment Performance Sub-Committee and it was agreed that if Ms Black or Mr Smith, the Board nominated representatives, were not able to attend a meeting, then another member of the Board be invited to attend in their absence.

**DECISION**

**AGREED that if the nominated representative(s) were not able to attend the Pension Fund Investment Performance Sub-Committee then another member of the Pension Board be invited to attend.**

*The meeting concluded at 12.30 pm.*

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# SCOTTISH BORDERS COUNCIL DUNS COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the DUNS COMMON GOOD FUND SUB-COMMITTEE held in the Bunker Room, Council Offices, Newtown Street, Duns on Thursday, 3 September, 2015 at 5.10 pm

Present:- Councillors F. Renton (Chairman), J. Greenwell and D. Moffat  
Community Councillor A Affleck (from Item 3).  
In Attendance:- Corporate Finance Manager (L Mirley), Principal Solicitor (H MacLeod),  
Democratic Services Officer (P Bolson).  
Members of the Public:- 0

## 1. **MINUTE**

There had been circulated copies of the Minute of the Duns Common Good Fund Sub-Committee of 5 March 2015.

### **DECISION**

**AGREED to note the Minute.**

## 2. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2015**

There had been circulated copies of a report by the Chief Financial Officer which provided the year end outturn for the Duns Common Good Fund for 2014/15 including balance sheet values at 31 March 2015 and the proposed budget for 2015/16. Appendix 1 gave the details of the actual income and expenditure for 2014/15, showing a deficit of £3,095 with a projected deficit of £3,494 for 2015/16. Appendix 2 gave the balance sheet value as at 31 March 2015 and this showed a decrease in the Reserves of £4,290 which was due to the deficit for the year. The outcome of the investigations into ownership and responsibility for 10 South Street had yet to be considered and there had therefore been no investment into the Newton Fund at this juncture. Appendix 3 provided a breakdown of the property portfolio showing the effect of revaluation. It was noted that the only property currently listed was that at 10 South Street, Duns. The matter of insurance of the property at 10 South Street was raised and Members were informed that this would be covered under the Scottish Borders Council block insurance policy.

### **DECISION**

**(a) NOTED:-**

- (i) the actual income and expenditure position for 2014/15 as detailed in Appendix 1;**
- (ii) the final balance sheet value to 31 March 2015 as detailed in Appendix 2; and**
- (iii) the summary of the property portfolio as detailed in Appendix 3.**

**(b) AGREED the proposed budget for 2015/16 as shown in Appendix 1.**

## 3. **10 SOUTH STREET, DUNS**

There had been circulated copies of a report by the Service Director Regulatory Services, updating Members on the progress of work being undertaken by Legal Services in relation to the property at 10 South Street, Duns. The report detailed the recent communications with the Queens and Lord Treasurer's Remembrancer (QLTR) in respect of ascertaining title to the said property and highlighted risks involved with the subjects. The report gave the background to this property and explained how the Council had reached the current position. The QLTR had instructed Scottish Borders Council to carry out a number of

steps to establish the provenance of the title to these subjects. None of the searches had been successful and as a result, the QLTR had now confirmed that she considered the subjects "ownerless", despite Duns Common Good Fund's usage over the past 75 years. In effect, this meant that the Council could not formalise title to the subjects and could not, therefore, make arrangements to sell the property. The QLTR advised that she was willing to take over the subjects with a view to selling them for the Crown. No proceeds would pass to the Common Good Fund and there were conditions attached to this offer, one of which was that the Council or Common Good Fund would be responsible for the cost of a survey of the property. It was noted that the cost of such a survey would be repaid to either the Council or the Common Good Fund on the sale of the property. It was noted that the QLTR had stated her preference to act with the agreement of all involved parties and would be reluctant to take title to the subjects unless the community and the Common Good Fund were in agreement with this course of action. Discussion followed and Mrs MacLeod responded to questions from Members. The QLTR's decision was made under new legislation and there was no recourse to reclaim any money that the Common Good Fund had already spent on the property at 10 South Street. Mrs MacLeod explained that there was a gap in the records for the property and it was during that gap that ownership changed, leaving no evidence of title. It was possible that the QLTR could decide not to take over the property. Her decision would be based on the survey she received and it was noted that, should she decide not to take over the property, the expectation was that the Council would then be permitted to record title. Mrs MacLeod stated that she would seek confirmation from the QLTR on this point. Mrs MacLeod would also liaise with Mr James Morison in Estates to ascertain what previous surveys had been carried out and it was agreed that the most recent document would be offered to the QLTR at this stage. Members were aware that the QLTR could request that either an updated survey was provided or that a new survey was carried out prior to any decision being reached. Further discussion followed regarding the physical state of the property and whether it would be necessary for Enforcement measures to be used in order to make the property safe.

#### **DECISION**

**(a) NOTED the report.**

**(b) AGREED that Legal Services :-**

- (i) would be instructed to accept the Queens and Lord Treasurer's Remembrancer's offer to take title of the subjects known as 10 South Street, Duns; and**
- (ii) would offer the Queens and Lord Treasurer's Remembrancer the most recent survey of the property at 10 South Street, Duns; or**
- (iii) that an updated survey of the property at 10 South Street, Duns be provided to the Queens and Lord Treasurer's Remembrancer should this be required; or**
- (iv) that a new survey of the property at 10 South Street, Duns be provided to the Queens and Lord Treasurer's Remembrancer should this be required.**

#### **4. REVIEW OF HERITABLE ASSETS IN THE FORMER BURGH OF DUNS**

There had been circulated copies of a report by the Service Director Regulatory Services which gave details of the outcome of a review of heritable property assets held by the Council within the former Burgh of Duns. This work was undertaken to ensure that the correct listing was recorded with the Accounts and Registers of the Council and to ensure that the Asset Register was correct in relation to Common Good matters. The Appendix to the report gave the reasoning behind the designations of the Burgh assets and the report highlighted one asset which was currently listed on the General Account but which

should be recorded as a Common Good asset, namely the Showground Car Park (The Square) (DN010/02). Discussion followed regarding this asset and Members were informed that it was part of an adopted road and of no financial value. With reference to questions raised by Members, Mrs MacLeod would investigate further the status of the Town House building and also confirmed that 10a and 10b Station Court, and the Volunteer Hall were rented by the Council, as stated on the Asset Register. It was noted that the Public Park Former Toilet (DN015/01) had been demolished therefore this entry would be amended in due course. Members were also advised that a re-evaluation of all the Council's road assets was due to take place during the next 12 months and that the Duns Common Good Fund Sub-Committee would be updated when this exercise had been completed.

**DECISION**

**(a) NOTED the report.**

**(b) AGREED:-**

- (i) that the Showground Car Park be recorded as an asset of Duns Common Good Fund;**
- (ii) that further investigation be undertaken to ascertain the current status of the property known as The Townhouse, Market Square, Duns; and**
- (iii) that the Asset Register would be amended by the Section 95 Officer as detailed in the Minute.**

**5. CHARITIES TRUST FUNDS**

Ms Mirley informed Members that the recently formed Charities Trusts Sub-Committees were now included in Scottish Borders Council's Scheme of Administration. Members would be asked for their views as to the format and content of future reports in respect of the Berwickshire Charities Trusts Fund which would be presented to Duns Common Good Fund Sub-Committee. Guidance would also be provided in respect of accessing available money within the Berwickshire Charities Trusts Fund.

**DECISION**

**NOTED.**

***The meeting concluded at 5.40 pm***

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**SCOTTISH BORDERS COUNCIL**  
**BERWICKSHIRE AREA FORUM**

MINUTE of the MEETING of the BERWICKSHIRE  
AREA FORUM held in the Chamber, Newtown  
Street, Duns on 3 September 2015 at 6.30pm.

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- Present:- Councillors D Moffat (Vice-Chairman), J Campbell, J Fullarton, J Greenwell, F Renton.  
Community Councillors:- Berwickshire Civic Society – Janice Gillie; Chirnside – Roy Gordon; Cockburnspath – Pauline Hood; Coldingham – Rhona Goldie; Coldstream and District – Martin Brims; Duns – Anne Affleck; Edrom, Allanton & Whitsome – Trixie Collin; Eyemouth – James Anderson; Foulden, Mordington and Lamberton – Howard Doherty; Gavinton, Fogo and Polwarth – Keith Dickinson; Gordon & Westruther – Elaine Morris; Hutton and Paxton – June McGregor; Lammernmuir – Mark Rowley; Reston and Auchencrow – Barrie Forrest;.
- Apologies:- Councillor M Cook.  
Community Councils:- Ayton, Burnmouth, Swinton and Ladykirk.
- In Attendance:- J Alexander – Head of Ambulance Services, Scottish Ambulance Service; M Acton, Scottish Fire and Rescue Service; Democratic Services Officer (P Bolson).

Members of the Public:- 10

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**WELCOME**

1. The Chairman welcomed those present to the meeting.

**MINUTE**

2. There had been circulated copies of the Minute of 4 June 2015.

**DECISION**

**APPROVED the Minute for signature by the Chairman.**

**ST ABBS LIFEBOAT – RESPONSE BY RNLI TO THE BERWICKSHIRE AREA FORUM**

3. With reference to paragraph 20 of the Minute of 4 June 2015, there had been circulated copies of a letter of response from Paul Boissier, Chief Executive of the RNLI. The Vice-Chairman explained that Councillor Cook, on behalf of the Berwickshire Area Forum, had written to Mr Boissier expressing the profound concerns of the Forum at the proposed closure of the St Abbs Lifeboat Station. The Vice-Chairman advised that this letter from Mr Boissier appeared to be a standard one which had been sent to various objectors of the proposed closure. The Vice-Chairman commended the efforts of all those who had actively campaigned to halt the closure and advised that a petition of over 13,000 signatures would be presented to the RNLI Headquarters office on Monday 7 September 2015.

**DECISION**

**NOTED.**

**FLAGS AT LAMBERTON TOLL**

4. The Vice-Chairman advised that Councillor Cook had been progressing this item and that further discussion would be deferred until the meeting on 3 December 2015 when Cllr Cook would be available to present an update.

**DECISION**

**AGREED that the above item would be deferred for further discussion at the meeting of the Berwickshire Area Forum on 3 December 2015.**

**LOCAL ACCESS AND TRANSPORT STRATEGY WITH AN EMPHASIS ON BERWICKSHIRE**

5. The Vice-Chairman welcomed Graeme Johnstone, Lead Officer Access and Transport with Scottish Borders Council who was present at the meeting to provide Members with an update on

the Local Access and Transport Strategy (LATS) and how this related to Berwickshire. Mr Johnstone summarised the previous work undertaken and advised that the existing Strategy developed in 2008 was now out of date. Given that access and transport were key issues across the Scottish Borders and the Strategy was also used in the bidding process with the Scottish Government and SESTRAN, an up to date statement which provided strategic direction was very important for the area. Mr Johnstone went on to detail some of the main issues to be considered within the Strategy document, including the route to markets; public transport; walking, cycling and horse riding; road maintenance; forestry; road safety; parking; and low carbon levels. To put this into context, Mr Johnstone advised that within the Scottish Borders, there were approximately 1,900 miles of roads and 1,250 bridges requiring maintenance and that one fifth of the area was covered by trees. Road safety was of significant importance in the context of the number of young drivers and the popularity of the Scottish Borders as an area used by motorcyclists. Parking issues had taken on a higher profile since the cessation of the Traffic Warden Service provided by Police Scotland and measures in place to assist in achieving low carbon levels included electric vehicle charging points, flexible working arrangements and visual connectivity and Broadband. He also mentioned rail links between Berwick upon Tweed and Edinburgh and the ongoing work to progress establishing a new station at Reston. Members were advised that the Council was now into a twelve week consultation period which was due to end on 23 October 2015. An electronic questionnaire was available for completion and the consultation had been publicised in libraries, contact centres, Council offices and via presentations at Area Fora meetings. All responses to the consultation would be considered during the development of the updated Strategy and the draft document would be presented to Committee prior to finalisation. Responses to the online questionnaire could be submitted at [www.scotborders.gov.uk/haveyoursay](http://www.scotborders.gov.uk/haveyoursay); by email to [localplan@scotborders.gov.uk](mailto:localplan@scotborders.gov.uk) or by post to the Planning Policy and Access, Scottish Borders Council Headquarters, Newtown St Boswells TD6 0SA. A question was raised in relation to the availability of electric vehicle charging points at the BGH. Mr Johnstone confirmed that there was no such point at the BGH at the moment but that he would investigate how this could be progressed to enable Third Sector volunteers to recharge vehicles while taking clients on visits to the hospital. Mr Johnstone also noted that it was the view the Forum that young people were not well-served by public transport and that the views of these young people were significant to the development of an up to date Strategy. The Vice-Chairman thanked Mr Johnstone for his presentation.

## **DECISION**

**NOTED the presentation.**

### **A1 JUNCTIONS IN BERWICKSHIRE - UPDATE**

6. The Vice-Chairman welcomed George Henry, Road Safety Manager with Transport Scotland and Gordon Boyd from Amey who were present to give an update on the A1 Junctions Review. Mr Henry provided some background to the Review, listing the Scottish Road Safety Casualty Reduction Targets for 2020, the Strategic Road Safety Plan which was currently under review, the Strategic Transport Projects Review and the National Transport Strategy as the main policy documents. Mr Henry went on to explain that in terms of Road Safety Casualty figures, the targets for 2020 were to reduce the number of people killed by 40%, people seriously injured by 55%, young people over 16 years of age by 50%, children under the age of 16 by 65% and to maintain a 10% reduction in the slight casualty category. The cost of road accidents in Scotland was estimated to cost over £1b per year. The statistics were currently at an all-time low but it was recognised that there was still work to be done to reduce the figures even further. Mr Henry went on to explain that although it was recognised that most accidents could be attributed to driver error, safer road design could also make a significant impact on reducing the accident rates and that optimum casualty reduction could best be achieved through partnership working with colleagues involved in education and enforcement. The Strategic Road Safety Plan produced by Transport Scotland informed stakeholders in terms of how road safety was delivered and set out an Action Plan for delivery which included twenty seven action points. Mr Henry advised that an A1 Action Group had been in operation for some time and comprised Elected Members from East Lothian and the Scottish Borders. He went on to confirm that full dualling of the A1 would not go ahead at the current time but that a review of the junctions on this road had been carried out in March 2015. This was then followed up by a report from Amey to the A1 Action Group on 30 June 2015 with all designs and proposals now finalised.

- 6.1 Members were advised that statistics showed a downward trend in the occurrence of road accidents during an economic recession with the figures increasing as the economy recovered and this had been demonstrated in the figures available across Europe. Of the seven junctions on to the A1 in Berwickshire, namely Ayton South, Ayton North, Chirnside, Grantshouse, Houndwood, Redhall Eyemouth and Reston, only two slight personal injury accidents had been recorded, one in 2012 at Redhall Eyemouth and the other at Ayton North in 2014. Road Safety works continued at each of the junctions as detailed in the presentation, and also along the length of the A1 in terms of white lining, road studs/cats eyes replacements, vegetation clearance, carriageway surfacing as part of planned maintenance and ongoing discussions with the Safety Camera Unit regarding enforcement strategy. Mr Henry explained that in moving forward, annual accident assessments would be carried out on the trunk road network alongside planned monitoring to ascertain the effectiveness of any measures installed and work would continue with local communities on road safety matters. A further presentation could be made available once the Strategy was finalised.
- 6.2 There were a number of questions and concerns raised. In response, Mr Henry explained that average speed cameras were not always useful and were not being considered for the A1 at the present time. In the case of the A9, however, these cameras had been very successful in reducing speeds on the long, sweeping bends. Further information from the A9 road users' surveys was available online. With regard to the roundabout at Cockburnspath, it was highlighted that no effective warning signs were visible on the south to north approach and Members noted that Mr Henry would investigate this matter. With reference to lighting at junctions, Mr Henry confirmed that it was necessary to have evidence of previous accidents or collisions before additional lighting would be considered and he agreed to look again at the junctions which were causing concern. He went on to confirm that work was ongoing at the Lamberton junction in terms of the erection of bollards and white lining and that signage detailing the different alcohol limits in Scotland and England was being considered for strategic Border routes. The Vice-Chairman thanked Mr Henry and Mr Boyd for their presentation and commended the work that had been carried out on the A1.

**DECISION  
NOTED.**

**HEALTH AND SOCIAL CARE**

7. No representative from NHS Borders was present at the meeting therefore no discussion took place.

**DECISION  
NOTED.**

**SCOTTISH FIRE AND RESCUE SERVICE**

8. There were circulated at the meeting copies of a report by the Scottish Fire and Rescue Service (SFRS) giving an update on activity in the Berwickshire area since the previous report on 4 June 2015. The Vice-Chairman welcomed Station Manager Matt Acton to the meeting. Station Manager Acton had recently been appointed to the post based in Duns and was present to speak to the report and answer questions. The report detailed that over this reporting period, there had been 6 house fires, 8 open fires and 7 special service calls covering a range of activity, and there had been 20 non-deliberate unwanted fire alarm signals. Ongoing activity throughout the area included working with partners to deliver the Home Fire Safety Visit (HFSV) policy in order to focus on members of local communities who were at high risk from fire. Delivery of this policy included fire raising awareness sessions for partner practitioners to encourage referrals via the SFRS CSET online system. In addition to the ongoing work undertaken by the SFRS in respect of Home Fire Safety Visits, Firesharp, Fire Safety Audits, phased intervention actions for unwanted fire signals, the Safeguarding Policy and Procedure for Protection of Children and Adults at Risk of Harm, proactive work being undertaken with migrant groups and involvement in events such as the Violence Against Women Conference in December 2014, SFRS has also delivered its Summer Thematic Action Plan. This included local crews engaging in areas such as fire-related anti-social behaviour; holiday safety; and countryside and outdoor safety. The Autumn Thematic Action Plan was now underway and included safety in a number of areas such as student (throughout September); electrical; chimney; bonfire (throughout October and into November); and older

vulnerable persons (during November). Members were advised that recruitment was now in its third cycle and vacancies at Duns, Eyemouth and Coldstream were currently being addressed with staffing at Duns now at 10 personnel. It was also noted that there would be a two day training would be delivered at Coldstream on cardiac arrest and how to deal with this. Copies of the SFRS Multi Ward Operating Plan for Berwickshire for 2015-16 were also circulated at the meeting for information. The Vice-Chairman thanked Group Manager Acton for his attendance.

**DECISION**  
**NOTED the report.**

#### **POLICE SCOTLAND**

9. There were circulated at the meeting copies of a report by Police Scotland updating Members on performance, activities and issues across Berwickshire for the period up to 30 July 2015. The report explained that Inspector John Scott had now taken over from Inspector Dougal in the Berwickshire area but that Inspector Scott was unable to attend this meeting. It was noted that a farm crime prevention event was being held at Whitsome East Newton Farm near Duns on Monday 26 October 2015 between 6.00pm and 8.30pm and the report encouraged local farmers to attend and take the opportunity to see what could be done to help reduce crime of this type in the area. It was noted that any questions could either be forwarded to Inspector Scott directly or addressed to him at the next meeting of the Forum on 3 December 2015.

**DECISION**  
**NOTED the report.**

#### **SCOTTISH AMBULANCE SERVICE**

10. With reference to paragraph 2(d) of the Minute of 4 June 2015, Mr Alexander, Scottish Ambulance Service was present at the meeting to answer questions on the service across Berwickshire. At the previous meeting, Mr Alexander was asked to clarify how ambulance provision was allocated as presently, it appeared to be on the basis of the post code area and telephone STD code and that this could cause problems, such as residents in the Scottish Borders who had Berwick post codes and telephone numbers being refused onward transfer to the BGH in Melrose. Mr Alexander confirmed that the ambulance utilised would be allocated on the basis of the landline STD code however, the caller could dial 999 and ask to be connected to the Scottish Ambulance Service (if they wished to be transported to the BGH) or the North East Ambulance Service (if they wished to attend a hospital south of the Border.) The Vice-Chairman thanked Mr Alexander for attending the meeting.

**DECISION**  
**NOTED.**

#### **SESPLAN MAIN ISSUES REPORT - UPDATE**

11. There had been circulated copies of a briefing note by SESplan entitled "Jobs, Homes and Investment: Where, Why and How? Main Issues Report Consultation". It was noted that this document had been circulated to all Community Council and community groups previously. The Vice-Chairman highlighted that a community event would be held at Scottish Borders Council headquarters on Tuesday 8 September between 6.30pm and 8.30pm to look at local engagement and discussion around the main issues report.

**DECISION**  
**NOTED.**

#### **12. OPEN QUESTIONS**

##### **12.1 Electronic Sign in the Layby on the A1 at Lamberton**

Members were advised that the utilisation of the electronic board on the A1 at Lamberton, asking people to keep the roads tidy and take litter home might help in reducing litter being thrown from cars on the A1 and surrounding area. Transport Scotland were thanked for their assistance in this matter. Members discussed the possibility of adding further text to the electronic message to detail the cost of a penalty fine for leaving litter and it was agreed that the Chairman would write to



Transport Scotland on behalf of Berwickshire Area Forum to ask if the message could be amended to reflect this.

**DECISION**

(a) **NOTED.**

(b) **AGREED that the Chairman would write to Transport Scotland to request that the message on the electronic sign in the layby on the A1 at Lamberton be amended to include the cost of a penalty fine for leaving litter.**

13. **COMMUNITY SPOTLIGHT**

13.1 **Thanks – EB Living**

The Vice-Chairman advised that a letter of thanks had been received from Pat Elliot of EB Living magazine to the Berwickshire Area Forum, following the successful application for a grant for emergency financial assistance. The letter explained that without any reserve fund, publication of future issues of the magazine had been doubtful, given earlier EB Living tax and accountancy payments but the Quality of Life funding meant that the magazine could meet any potential shortfall in advertising revenue over the next few issues. Further work supported by Business Gateway would hopefully help to resolve the sustainability issues inherent in all such local, free publications.

**DECISION**

**NOTED.**

13.2 **Songs of Praise**

The Vice-Chairman advised that a Songs of Praise Celebration to mark HM The Queen becoming the longest reigning British Monarch would take place on Sunday 13 September 2015 at 7.00pm in Duns Parish Church and everyone was welcome to attend.

**DECISION**

**NOTED.**

13.3 **Future Agenda Items**

With reference to previous requests by the Chairman, the Forum was asked to consider issues which members would like to be considered for inclusion on future Agenda. Any suggestions should be forwarded to himself and Pauline Bolson to allow for forward Agenda planning. Members were also reminded that questions for NHS Borders and the Scottish Ambulance Service should be submitted to the Chairman in advance of meetings as this would allow the respective representatives to collate information for presentation in due course.

**DECISION**

**NOTED.**

**ACCESS TO COMMITTEE PAPERS**

14. Members were advised that Scottish Borders Council Committee papers were now accessible on the Council's website via modern.gov, the new system being used across SBC. Elected Members now accessed Agenda, reports and Minutes electronically at meetings and it was possible for members of the public to access public papers in a similar way. There was a guidance note available which explained how to download the free software required and this guidance would be circulated to all Community Councils. Further advice could be sought from the Democratic Services Officer(s) at Council headquarters. Community Councils were asked to consider whether they wished to access papers electronically or continue to receive paper copies by post and to let Pauline Bolson know in advance of the next meeting.

**DECISION**

**NOTED.**

**DATES OF FUTURE MEETINGS**

15. The dates of future meetings of the Berwickshire Area Forum were noted as follows:-

3 December 2015;  
3 March 2016; and  
2 June, 2016.

It was noted that these dates would be subject to change should an additional meeting of Berwickshire Area Forum be added to the Calendar.

**DECISION  
NOTED.**

*The meeting concluded at 8.20pm.*

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

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 7 September 2015 at 10.00 a.m.  
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Present: - Councillors R. Smith (Chairman), M. Ballantyne (from para 1), J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford.  
Also Present: Councillors W. McAteer, S. Marshall.  
Apology:- Councillor B. White.  
In Attendance:- Chief Planning Officer, Development Standards Manager, Forward Planning Manager, Principal Roads Planning Officer, Solicitor (G. Nelson), Democratic Services Team Leader, Democratic Services Officer (K. Mason).

**ORDER OF BUSINESS**

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

**MEMBER**

Councillor Ballantyne joined the meeting.

**CHAIRMAN'S REMARKS**

2. The Chairman referred to the publicity given to the Opening of the Borders Railway and called on Members of the Planning and Building Standards Committee to reflect on their own involvement over the past three years when dealing with various applications which had helped towards the railway being delivered.

**DECISION  
NOTED.**

**MINUTE**

3. There had been circulated copies of the Minute of the Meeting held on 3 August 2015.

**DECISION  
APPROVED the Minute for signature by the Chairman.**

**APPLICATIONS**

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

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

**APPEALS AND REVIEWS**

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

**DECISION  
NOTED that:-**

- (a) an appeal decision had been received in respect of the following:- Extension to existing wind farm comprising installation of 6 No wind turbines up to 100m high to tip, transformers, access tracks, anemometer mast, substation and

control room, temporary construction compound and laydown area and associated ancillary works. Land West of Kingledores Farm (Glenkerie), Broughton, Biggar - 13/00552/FUL

(b) there remained two appeals outstanding in respect of:-

(i) Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge

(ii) Land West of Muircleugh Farmhouse, Lauder

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

(i) Erection of dwellinghouse. Land South West Pyatshaw Schoolhouse, Lauder – 15/00403/FUL

(ii) Erection of dwellinghouse. Land South of Riding Centre, Newlands, Sunnyside, Reston – 15/00424/FUL

(iii) Installation of 16 No solar photovoltaic (PV) Panels to roof. Raebank, Chapel Street, Selkirk - 15/00616/FUL

(d) the following reviews had been determined:-

(i) Erection of 12 holiday cabins, office/laundry block and associated works. Land South West of Milldown Farmhouse, Coldingham – 13/00401/FUL

(ii) Siting of residential caravan (retrospective). Land West of Tibbieshiels Inn, St Marys Loch, Selkirk – 14/00835/FUL

(iii) Erection of Dwellinghouse and detached garage. Land West of 3 Nethermains Cottage, Duns – 14/00934/FUL

(iv) Erection of Dwellinghouse with integral garage and incorporating granny flat. Land South of Boggsbank, Boggsbank Road, West Linton – 14/01182/FUL

(v) Erection of Dwellinghouse. Land North of Wormiston Farm, Eddleston – 15/00071/FUL

(e) there remained 2 reviews outstanding:-

(i) Land South West of Clackmae Farmhouse, Earlston

(ii) 12 Todburn Way, Clovenfords, Galashiels

*The meeting concluded at 1.45 p.m.*

## APPENDIX

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/01437/LBC	Demolition of Clock Tower and Gate Lodge at the Clock Tower.	The Clock Tower, Wilton Mill, Commercial Road, Hawick.

Decision: Approved subject to the approval Historic Scotland and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The Clock Tower cupola, clock faces and the carved stone lettering just below eaves shall be carefully taken down and set aside for incorporation in a feature within any proposed new development on the Wilton Mills site; a secure temporary store shall be provided and its location and form approved in writing by the Planning Authority before the demolition takes place and these elements to be stored until a time when they can be reused.  
Reason: To protect and preserve features of the Listed Building that are worthy of retention.
3. Coursed sandstone and dressed stone details from the Clock Tower building, boundary wall and gate lodge shall be taken down with care and set aside for incorporation in a feature or use in a new boundary wall within any proposed new development on the Wilton Mills site in accordance with a scheme of details that has first been approved in writing by the Planning Authority; a secure temporary store shall be provided and its location and form approved in writing by the Planning Authority before the demolition takes place and these elements to be stored until a time when they can be reused.  
Reason: To protect and preserve the stone of the Listed Buildings that is worthy of retention.
4. The Clock Tower building shall be the subject of a historic building recording exercise, which should incorporate "as existing" drawings and photographs as well as record photos showing the demolition (and hence a record of the method of construction). This to be submitted in the form of a report to the Planning Authority within 28 days of the date of the completion of the demolition.  
Reason: To retain a record of the building to mitigate its loss for the region
5. A method statement for demolition to be submitted to and approved in writing by the Planning Authority before the demolition commences. The demolition of the gate lodge and Clock Tower then to be completed in accordance with the approved statement unless otherwise agreed with the Planning Authority.  
This is to include:
  - i) Works for the demolition of the buildings;
  - ii) The phasing of the demolitions;
  - iii) Details of measures to retain and protect the mill lade and wheel pit area during and after demolition of the buildings, if necessary;
  - iv) Details of the ongoing future management and maintenance of the site following demolition until the redevelopment of the site commences.

The demolition works then to proceed in accordance with the approved scheme.

Reason: To ensure the works are carried out in a practical and safe way and to safeguard the character and appearance of the Conservation Area.

6. If demolition is to occur within the breeding bird season (March-August), a supplementary survey for breeding birds is required, to be carried out by a suitably qualified person. The results of this survey and any mitigation to be submitted to and approved in writing by the Planning Authority before the demolition occurs. Any works shall thereafter be carried out in accordance with the approved scheme of mitigation.

Reason: To protect protected species within the site.

#### **VOTE**

*Councillor Ballantyne, seconded by Councillor Brown moved that the application be granted.*

*Councillor Fullarton, seconded by Councillor Moffat, moved as an amendment that the application be refused.*

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

*Motion - 5 votes*

*Amendment - 3 votes*

*The Motion was accordingly carried.*

#### **NOTE**

In response to a query from Councillor Mountford regarding the powers which the Council had regarding the enforcement of maintenance for listed buildings it was agreed that a presentation be made at the next meeting in regard to this.

**14/00848/PPP**

**Erection of 19 holiday lodges with proposed access and land treatment.**

**Land North West of Whitmuir Hall, Selkirk.**

Decision: Application continued to a future meeting to allow a site visit to take place and to allow the applicant to provide additional information in respect of their investment plans for the existing business, including phasing proposals, indicating how such investment would take place in parallel to the development proposals and the mechanisms for securing this investment...

#### **ADJOURNMENT**

The meeting adjourned for 5 minutes at 11.50 a.m. to allow determination of appropriate wording for the motion by Councillor Brown.

#### **VOTE**

*Councillor Brown, seconded by Councillor Ballantyne moved that the application be refused because the proposed development would be contrary to the provisions of Policy E21 of the Consolidated Scottish Borders Structure Plan and Policies D1 and INF11 of the Consolidated Scottish Borders Local Plan in that: it had not been established satisfactorily that there was an economic justification for the development or that it was in accordance with the Scottish Borders Tourism Strategy; it was a travel generating development which was not accessible by public transport and would likely lead to increased reliance on the private car; the development was likely to lead to a significant increase in vehicular movements on the minor road from the site to the junction of the A699 public road to the detriment of road safety and the amenity of existing residents; the scale and form of the development, which would include the need for significant cut and fill and ground works, was unacceptable and would not respect the amenity and rural character of the surrounding area. The development, if permitted, would result in an unjustified and unsustainable form of development which would have a significant and harmful impact on the character and appearance of the Whitmuir Hall area and the amenity of existing local residents*

*Councillor Mountford, seconded by Councillor Campbell moved as an amendment that the application be continued to allow for a site visit to take place and to request the applicant to provide more information on how the new proposals would fit in in relation to the whole Whitmuir Hall complex.*

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

Motion - 4 votes  
Amendment - 4 votes

*The Chairman exercised his casting vote in favour of the Amendment which was accordingly carried.*

**NOTE**

Mr Geoghegan spoke on behalf of the Whitmuir Residents Committee as an objector to the application.

Mr John Smith of Enviroplan Consulting on behalf of the Applicant, Mr Alan Williams spoke in support of the application.

**15/00687/FUL                      Change of use from theatre and alterations                      7 The Wynd Theatre,  
to form artist's studio and gallery.                      Buccleuch Street, Melrose.**

Decision:- Approved subject to the following conditions and informative note:

1. Notwithstanding the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any subsequent Order or revision), the uses of the building (i.e. the ground floor subject to this planning approval) shall be limited to those approved under this planning consent, as illustrated on the approved floor plans. The building shall not be used for any other purpose whether falling within the same Use Class or not. In the event that the approved development ceases to operate, the lawful use of the building shall revert to its previous use as a performing arts theatre  
Reason: To allow for reinstatement of the theatre use without the need for a further planning application should the approved gallery use cease to operate, while requiring that any alternative uses are assessed by means of a planning application to ensure that they are appropriate to the town centre, local amenity, road and pedestrian safety.
2. No development shall commence on the approved alterations to the exterior of the building until the following details have been submitted to and approved by the Planning Authority:
  - I. A sample of the oak surround and a sectional drawing illustrating its relationship to the existing brick cladding
  - II. Details of the framing of the windows and door, notwithstanding the details provided in the approved drawing
  - III. The profile, external colour and materials of the approved rooflights

The development shall only be carried out in accordance with the approved details  
Reason: To safeguard the character and appearance of the Conservation Area.

**Informative**

The external advertisement illustrated on the approved elevation drawing shall require Advertisement Consent if illuminated. Any other signage proposed may also require formal consent depending on its location, size and specification

**NOTE**

Susan Stewart spoke as an objector to the application.

The applicant, Mr Rodgie spoke in support of the application

**15/00658/FUL                      Erection of seven dwellinghouses.                      Land South West of the  
Police Station, North  
Hermitage Street,  
Newcastleton.**

Decision:- approved subject to a legal agreement addressing the contribution towards affordable housing and the following conditions:

1. A sample of all materials to be used on all exterior surfaces of the development hereby permitted, including the render colour, slate and the colour of all external joinery, shall be submitted to and approved in writing by the Planning Authority before the development commences. The roofs to be finished in natural slate. The development then to be completed in accordance with the approved samples.

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

2. Details of the size, proportions, material, method of opening, thickness and colour of frames and glazing pattern of the windows to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.

Reason: To protect and enhance the visual amenities of the area.

3. Details of the proposed fencing between the plots to the front and rear and front entrance gates (height, material, colour/finish) to be submitted to and approved in writing by the Planning Authority before the development commences. The fencing then to be erected before the dwellinghouses are occupied.

Reason: In the interests of neighbouring amenity.

4. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):

- i. 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, hedges and grassed areas
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iv. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

5. No trees within or overhanging the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing trees represent an important visual feature which the Planning Authority considers should be substantially maintained.

6. Before any part of the permitted development is commenced, the trees to be retained on and overhanging the site shall be protected by Heras fencing 1.5 metres high, or similar, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed.

During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;



- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

- 7. The existing hedge on the road boundary of the site to be removed and replanted a minimum of 1m to the rear of the visibility splay to allow for future growth in accordance with a revised drawing that has first been submitted to and approved in writing by the Planning Authority. The hedge to be replanted upon completion of the dwellinghouses. Before any part of the development is commenced, the remainder of the hedge to be retained on the front boundary of the site shall be protected by Heras fencing, or similar, 1.5 metres high placed at a minimum distance of 2.0 metres from the edge of the hedge, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedge so retained shall not be altered.

Reason: In the interests of preserving the hedge which contributes to the visual amenity of the area.

- 8. Prior to the commencement of works a Species Mitigation and Management Plan (including a Badger Protection Plan and measures for breeding birds) to be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect badgers and breeding birds within the site

- 9. A revised parking layout drawing to be submitted to and approved in writing by the Planning Authority before the development commences. The parking then to be completed in accordance with the revised drawing before the first dwellinghouse is occupied

Reason: To ensure adequate parking is provided within the site.

- 10. The access, visibility splays and surface water drainage at the entrance to the site and within the public road to be completed in accordance with a revised drawing that has been submitted to and approved in writing by the Planning Authority before the development commences. The access, visibility splays and surface water drainage then to be completed in accordance with the approved drawing before the first dwellinghouse is occupied.

Reason: To ensure safe access and egress to and from the site and to ensure that the site is adequately drained and that no surface water drains onto the public road from the site in the interests of road safety.

- 11. No part of the development hereby approved shall be occupied until proposals for the future maintenance of all communal areas of parking and landscaped areas have been submitted to and approved in writing by the Planning Authority. Thereafter, the maintenance of these areas shall be conducted as approved, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that all areas not forming part of private houses or gardens are properly maintained

### Informatives

In respect of conditions 9 and 10, the consultation response from the Roads Planning Service is attached for the information of the applicant. Improvements may be required to the existing street lighting to ensure it is adequate for the additional pedestrian footfall. The applicant is advised to

contact the Roads Planning Service to discuss this issue. The new bellmouth and footpath shall require Road Construction Consent. Nose-in parking is preferred for the spaces adjacent to the area of open space.

The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

The following are the recommended hours for noisy work:

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

#### NOTE

Mr John Blair and Maureen Rennie on behalf of Jane Elliot spoke as objectors to the application. Mr Gavin Yuill, Camerons Architects, spoke in support of the application

**15/00615/AMC**

**Erection Of dwellinghouse (approval of matters for all conditions pursuant to planning permission 12/00584/PPP)**

**Land North East of 22 Beechbank, Selkirk.**

Decision:- Approved subject to the undernoted conditions and informatives.

#### Conditions

1. Except where amended by conditions of this consent, the proposed development is not to be carried out other than in complete conformity with the plans and elevations approved by the Planning Authority.  
Reason: To maintain effective control over the development.
2. The windows highlighted in blue on the approved elevations are to be constructed with etched obscured glazing to a specification first submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the approved details, and maintained as such in perpetuity. Any future replacement of the windows of this dwelling it to make provision for obscured glazing to these windows of an equivalent opacity and opening mechanism to those units being replaced.  
Reason: In the interests of neighbouring amenity and privacy.
3. Prior to the commencement of development, a sample of the roofing material is to be submitted to and approved in writing by the planning authority. In all other regards, the development is to be completed in accordance with the specified materials, unless alternative details are first submitted to and approved in writing by the Planning Authority.  
Reason: To maintain effective control over the development, and to ensure use of a suitable roofing material.
4. The development is to be carried out in compliance with the undernoted requirements, and completed in accordance with these requirements prior to the occupation of the dwelling:
  - i. The minimum length clear of the public road available for parking is 11m and the minimum width available for parking is to be 3m.
  - ii. The gradient of the drive/parking is not to be steeper than 1 in 12.
  - iii. The drive/parking area is to be formed in a manner that ensures no surface water or loose material will be discharged onto the public road.
  - iv. The height of any boundary fence or other marker on the road frontage within 2m of either side of the access is not to exceed 1m.

- v. Any gates are hung so as to open into your property and not out over the footway/verge.
- vi. The parking spaces are kept accessible and available for a private motor vehicle at all times.

Reason: In the interests of road safety on Beechbank, and at its junction with Dovecot Park.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the south-western or north-eastern elevations of the house unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

NOTE

Mr Craig Stanners spoke as an objector to the application.

Mr Thomas Pyemont on behalf of Christopher Pyemont spoke in support of the application.

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## **SCOTTISH BORDERS COUNCIL** **EXECUTIVE COMMITTEE**

MINUTE of MEETING of the EXECUTIVE  
COMMITTEE held in the Council Chamber,  
Council Headquarters, Newtown St. Boswells  
on Tuesday, 15 September 2015 at 10.00 a.m.

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Present:- Councillors D. Parker (Chairman), S. Aitchison (Chairman - Education Business),  
J. Brown, M. J. Cook, V. Davidson (from para 3), J. Mitchell, D. Moffat, D.  
Paterson, F. Renton, R. Smith.,

Also Present:- Councillors I. Gillespie, J. Greenwell, G. Logan, S. Mountford.

Apologies:- Councillors S. Bell, C. Bhatia, G. Edgar.

In Attendance:- Depute Chief Executive – People, Service Director Children and Young People,  
Chief Officer - Education, Democratic Services Team Leader, Democratic  
Services Officer (F. Henderson).

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### **EDUCATION BUSINESS**

Present:- Mr G. Donald, Mr. J. Walsh, Mr. G. Jarvie, Mrs J. Aitchison, Ms A. Ferhai.

#### **CHAIRMAN**

1. Councillor Aitchison chaired the meeting for that part which considered education business.

#### **SUB-COMMITTEE MINUTES**

2. The Minutes of the Education Performance (HMle) Sub-Committee held on 12 March 2015 and 4 June 2015 had been circulated.

#### **DECISION**

**APPROVED for signature by the Chairman.**

#### **ATTAINMENT RESULTS**

3. The Service Director Children and Young People introduced the new Chief Officer – Education, who would provide the presentation on attainment results, and she invited all elected members to in-depth presentations in respect of the schools within their Ward and urged them to get involved at a local level. The Chief Officer – Education explained that attainment had improved over a number of years and the results in National 5 English compared well with the National picture, National 5 Maths was better than the National Average and Chemistry was similar to the National average. It was highlighted that it was not just exam performance that was measured but attainment across everything i.e. Sport Leadership, Duke of Edinburgh etc. Individual schools were able to drill down into their own results and there would be a forensic analysis of the data for each School, Subjects within the school and for specific categories i.e. gender, LAC, SIMD, ASN and EAL and these results would be fed into the Action Plan for the School enabling targeted support to be put in place, sharing of good practice and learning from partners. Questions were answered in relation to areas of deprivation, the continuing increase of tutors being used outwith Schools and how GLOW2 could be used.

#### **DECISION**

**NOTED:-**

- (a) the presentation; and
- (b) that all Members would be informed of local meeting and invited to attend.

## **SENIOR PHASE STRATEGY**

4. There had been circulated copies of a report by the Service Director for Children and Young People which described the work taking place in Scottish Borders Secondary Schools to progress the ambitions set out within Curriculum for Excellence in relation to the Senior Phase learning experience for all pupils in their 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> year at school. The report explained that the Senior Phase which spanned years 4<sup>th</sup> to 6<sup>th</sup> and was one of the most important, and potentially one of the most challenging. Schools were tasked with creating a curriculum that not only provided a meaningful learning experience which supported pupils in obtaining qualifications, but also enabled them to develop emotionally, physically and socially as young adults. Borders Schools have been working together to develop the curriculum, providing a much more diverse and ambitious Senior Phase experience for all 4<sup>th</sup> to 6<sup>th</sup> pupils across the Scottish Borders. The expansion of the curriculum presented challenges and opportunities. The "Senior Phase Strategy, April 2015", contained in appendix 1 to the report, built upon good practice in Borders schools and set out key recommendations of actions to be taken to ensure children obtained the highest level of qualifications and the highest quality skills for learning, life and work; resulting in a positive and sustained destination for all young people. It was evident in the development of the strategy for the Senior Phase that schools must build and develop partnerships with a range of further education providers and businesses, both within and beyond Scottish Borders. The ambitious agenda set out in the Senior Phase Strategy recommendations clearly demanded high quality partnerships moving forward. The question of future funding and the need to provide not only equality of opportunity but equality of access was raised and it was explained that there was guaranteed central funding for the next 2 years and access problems were appreciated with arrangements including the use of Taxis being put in place. Schools could also provide financial help in some cases. In response to a question on how parents were made aware of this help it was agreed that both school and council websites would be checked to ensure this information was available. Ms Ferahi expressed concern that the bar was not being set high enough and that parents were not mentioned in the Strategy although she considered them to be key partners. The Service Director School and Young People advised that the Senior Phase Strategy had been informed by a number of different documents which would cover the working of the whole school and that there would be a separate document detailing work with Parents and she offered to arrange visits for the parent representatives to schools so they could hear directly what was happening. Mr Donald highlighted the work of Church of Scotland chaplains within the Schools which he considered were an under used resource.

## **DECISION**

- (a) **NOTED the draft Senior Phase Strategy, April 2015 for Secondary Schools.**
- (b) **AGREED that the final document be brought back to Committee for approval in due course.**

## **REVIEW OF OUT OF SCHOOL CARE POLICY 2015**

5. There had been circulated copies of a report by the Depute Chief Executive (People) which described the review undertaken to develop a revised Out of School Care Policy. The review had recommended enhanced governance arrangements for the Vulnerable Out of School Care Grants Scheme. The report explained that there were 37 Out of School Care providers operating across the Scottish Borders, which were provided by a range of voluntary and private sector organisations who operated from a mixture of Scottish Borders Council (SBC), community and privately-owned facilities. Out of School Care providers supplemented the core universal school activities provided in communities whilst providing a valuable service for families. The majority operated as voluntary organisations with opening hours to meet the requirements of local families whilst aligning with the constraints of the business and provided care before and after school, with some also providing wraparound and holiday/in service care. SBC provided financial support to Out of School Care providers

through subsidised rent arrangements for some Out of School Care providers who operated from SBC premises and the Vulnerable Out of School Care Grant Scheme was in place to assist Out of School Care providers who met specific criteria. A number of organisations who were based within SBC premises provided Early Learning and Childcare as well as Out of School Care. The Early Years Team within SBC provided support to the Out of School Care providers with the aim of improving the quality of care across the Scottish Borders. This might be in the form of practical support ranging from establishing new Out of School Care provision, setting up a management committee through to provision of training and practice development. The existing Out of School Care in the Scottish Borders Policy had been approved in November 2010 and outlined SBC's commitment to work with all Out of School Care providers to develop their services and achieve financial sustainability. The policy established principles which were applied consistently when working with all Out of School Care providers in the Scottish Borders. To further assure consistency of application, a review of the 2010 Policy had been undertaken. The report detailed the main conclusions and highlighted that further clarity on rental arrangements for providers and access to the Vulnerable Grants Scheme was required. Questions were raised in relation to how many of the 37 provides used facilities outwith Council ownership as it was considered that they were at a greater disadvantage. The somewhat onerous requirements of the Care Commission in relation to provision, particularly for early years, were also raised. With regard to the Grant Scheme, the inclusion of the requirement not to have any outstanding debt to the Council was raised. It was suggested that this may unfairly discriminate against those providers who might only have a small debt but that debt was to the Council against those providers who had a large debt but not to the Council. It was agreed that the panel would need an element of flexibility in such cases. It was noted that the transfer of facilities to the Culture Trust might have implications for some providers, including private providers and it was agreed that this would be brought to Committee for future discussion if required.

#### **DECISION**

##### **APPROVED:-**

- (a) **the revised SBC Out of School Care Policy (2015), subject to the amendments detailed above; and**
- (b) **the implementation of a decision making panel to assess applications to the Vulnerable Out of School Care Grants Scheme.**

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

##### **MINUTE**

1. The private section of the Minute of 4 June 2015 was approved.

The Education Business concluded at 12 noon and there followed a short adjournment.

#### **OTHER BUSINESS**

##### **CHAIRMAN**

On the resumption of the meeting, Councillor Parker took the Chair for the remaining business.

##### **MINUTE**

6. The Minute of meeting of the Executive Committee of 1 September 2015 had been circulated.

**DECISION**

**APPROVED for signature by the Chairman.**

**SUB- COMMITTEE MINUTE**

7. The Minute of the Trading Operations Meeting held on 17 August 2015 had been circulated.

**DECISION**

**APPROVED for signature by the Chairman.**

**SUMMARY OF PRIVATE BUSINESS**

**SUB-COMMITTEE MINUTE**

2. The private section of the Minute of the Trading Operations held on 7 August 2015 was approved.

*The meeting concluded at 12.10 p.m.*



**SCOTTISH BORDERS COUNCIL**  
**TEVIOT AND LIDDESDALE AREA FORUM**

MINUTES of Meeting of the TEVIOT AND  
LIDDESDALE AREA FORUM held in Room.  
205, Tower Mill, Hawick on Tuesday, 15  
September, 2015 at 6.30 pm

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Present:- Councillors G Turnbull (Chairman), A Cranston, W McAteer, R Smith,  
Community Councillor: Mr M Grieve (Burnfoot).

Apologies:- Councillors S Marshall, D Paterson, Community Councillors C Griffiths, T  
Stevenson, Inspector Carol Wood (Police Scotland).

In Attendance:- Station Manager Mr R Bell (Scottish Fire and Rescue Service), Sergeant R  
Noble (Police Scotland), Neighbourhood Area Manager (Mr A Finnie), Head  
of Delivery Support, Estates and Facilities – NHS Borders (Mr W Shaw)  
Democratic Services Officer (J Turnbull).

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1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present to the meeting and advised that there would be a presentation on the Local Access and Transport Strategy (LATS) by Graeme Johnstone, Lead Officer, Passenger Transport, Scottish Borders Council.

2. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 18 August 2015.

**DECISION**

**AGREED to approve the Minute.**

3. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 8(a) of the Minute of 18 August 2015, Councillor Cranston advised that he was pursuing funding for the project.

**DECISION**

**NOTED.**

4. **PRESENTATION - LOCAL ACCESS AND TRANSPORT STRATEGY (LATS)**

The Chairman welcomed, Graeme Johnstone, Lead Officer, Passenger Transport, Scottish Borders Council who was present at the meeting to provide Members with an update on the Local Access and Transport Strategy (LATS). Mr Johnstone summarised the previous work undertaken and advised that the existing Strategy developed in 2008 was now out of date. Given that access and transport were key issues across the Scottish Border, the Strategy provided strategic direction and was very important for the area. The Strategy was used as a bidding document and linked with the Scottish Government National Strategy, Regional Transport Strategy (SESTRAN) and the Local Development Plan. Mr Johnstone went on to detail some of the main issues to be considered within the Strategy document, including the route to markets; public transport; walking, cycling and horse riding; road maintenance; forestry; road safety; parking; and low carbon levels. To put this into context, Mr Johnstone advised that within the Scottish Borders, there were approximately 1,900 miles of roads and 1,250 bridges requiring maintenance and that one fifth of the area was covered by forestry. In respect of the Teviot and Liddesdale area, local communities were affected by forestry transportation and it was therefore important to receive their views on how they considered this should be managed. Mr Johnstone highlighted that parking issues had taken on a higher profile

since the cessation of the Traffic Warden Service provided by Police Scotland and the measures in place to assist in achieving low carbon levels included electric vehicle charging points. Mr Johnstone concluded his presentation by advising that he was actively working on the extension of the Borders Railway to Hawick and Carlisle. Members were advised that the consultation period would end on 23 October 2015. An electronic questionnaire was available for completion and the consultation document had been publicised in libraries, contact centres, Council offices, and via presentations at Area Forum meetings. All responses to the consultation would be considered during the development of the main Strategy document. The Strategy would then be presented to Committee prior to finalisation by the end of 2016. Responses to the online questionnaire could be submitted at [www.scotborders.gov.uk/haveyoursay](http://www.scotborders.gov.uk/haveyoursay); by email to [localplan@scotborders.gov.uk](mailto:localplan@scotborders.gov.uk) or by post to the Planning Policy and Access, Scottish Borders Council Headquarters, Newtown St Boswells TD6 0SA. Councillor Smith advised that all Community Councils had received a copy of the draft Strategy and it was important to receive as much feedback as possible. It was not necessary for completion of all questions but it was important for them to highlight issues most relevant to their community. A question was raised in relation to the availability of electric vehicle charging points, Mr Johnstone advised that he would circulate, via the Chairman, the locations and charging strengths of all electric charging points in the Scottish Borders. The Forum commended Mr Johnstone for the comprehensive consultation process and The Chairman thanked him for the informative presentation.

#### **DECISION**

**AGREED to request the Lead Officer, Passenger Transport, circulate to the Chairman the locations and strengths of electric vehicle charging points in the Scottish Borders.**

#### **5. SESPLAN**

The Chairman referred to the SESplan's Main Issues Report Consultation, 21 July to 30 September and it was noted that the document would be circulated to Members

#### **DECISION NOTED.**

#### **6. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE**

There had been circulated copies of a report by Service Director Neighbourhood Services updating the Forum on previously approved Neighbourhood Small Schemes and seeking approval for the provision of parking bays within McLaren Court and Fairhurst Drive, Hawick; installation of handrails to steps at Silverbuthall Road, Hawick and supply and installation of football goals at Green Terrace, Hawick. Mr Finnie, Neighbourhood Area Manager, informed that replumbing of the fence along Riverside Walk and the re-grouting of the small setts as a sample area in front of the Town Hall had been completed. He hoped that the Waverley Walk footpath works, being carried out by Criminal Justice, would be completed before the Winter period. Mr Finnie advised that the Neighbourhood Operations Review on delivery of services was underway. Stage 1 of the process, meeting Members, had been completed. Stage 2 was to meet with Community Councillors to seek their views on the proposals, a Focus Group was also being considered. The final stage of the process would be for the Area Forum to approve before taking forward. The Forum requested any Neighbourhood Small Schemes and Quality of Life Schemes be progressed for consideration as soon as possible. There followed a discussion on road signage and Mr Finnie requested that Members advise him of any signage that was no longer relevant and he would inform the Traffic Section.

#### **DECISION**

**(a) AGREED the following new Neighbourhood Small Schemes for implementation:-**

- (i) Line markings of parking bays within McLaren Court, Hawick £550**
- (ii) Line marking of parking bays within Fairhurst Drive, Hawick £500**

- (iii) **Install handrail to steps at Silverbuthall Road, Hawick** £410
- (iv) **Supply and install football goals at Green Terrace, Hawick** £1,090

**(b) NOTED**

- (i) **the updates on previously approved Neighbourhood Small Schemes as detailed in Appendix A to the report;**
- (ii) **the updates on previously approved Quality of Life Schemes as detailed in Appendix B to the report; and**
- (iii) **To request that Members inform the Neighbourhood Area Manager of any road traffic signage no longer relevant or requiring updating.**

**7. NHS BORDERS**

Mr Warwick Shaw, Head of Delivery Support, Estates and Facilities, NHS Borders, was in attendance. Mr Shaw advised that the Community Hospital consultation had been completed and consideration of the input from local residents and politicians was taking place concurrently with the development of options for service improvements. There would be a further update to the Forum in the near future. The ward relocation from Galavale to Crumhaugh House had been approved by the Board on the 6 August and would now progress through planning and delivery. An NHS representative had been appointed to liaise with local residents and there had been meetings to answer questions. Mr Warwick acknowledged that NHS Dentistry has been problematic in the Borders for quite some time, NHS Borders had invested significant resources, both capital and revenue in establishing the NHS Dental Centres in Hawick and Coldstream. They were looking at ways of maximising services from the Dental Centres and they hoped to be able to make an announcement in the near future. Mr Shaw concluded his report by advising that 98% (502) attending A&E for treatment in the past week had received treatment within four hours, the national target. The Chairman thanked Mr Shaw for his informative report.

**DECISION  
NOTED.**

**8. POLICE SCOTLAND**

Sergeant Noble was in attendance and advised that the August report was presented in a new format which focused on ward priorities; the report also detailed planned local and national activities. Sergeant Noble began by advising that Police Scotland was undergoing a test phase on a new stop and search database which had gone online on 1 June 2015. Statistical information would be provided to the local scrutiny board. Sergeant Noble highlighted that with regard to the Drug Dealing and Misuse ward priority, 13 individuals had been reported for possession of drugs and two for cultivation of drugs. A number of youths had been admitted to hospital after they had ingested tablets, a 19 year old male had been charged with possession and supply of prohibited substances. The Road Safety priority showed 11 road checks had been carried out; nine conditional offers had been issued for speeding offences, one for failing to wear a seatbelt and two for anti-social use of a vehicle. Sergeant Noble went on to discuss the Violent Crime priority and advised that during the period, there had been one serious assault, a 25 year old female had been charged with this offence. With regard to the Anti-Social Behaviour priority, Sergeant Noble intimated that a group of youths had smashed windows, damaged vehicles and destroyed one of the flowerbeds. Following enquiries two males were charged with a total of seven vandalism as well as other offences. Sergeant Noble concluded his report by advising that a parking initiative had been carried out during August, as a result 31 parking tickets had been issued. Members thanked Sergeant Noble for his report but expressed disappointment that the Police Scotland report no longer detailed crime solvency rates. The Forum requested that Police Scotland reinstated the crime solvency statistics on future reports presented to the Forum.

**DECISION**

**AGREED** to request that Police Scotland reinstated the crime solvency figures in the reports presented to the Teviot and Liddesdale Area Forum.

9. **SCOTTISH FIRE & RESCUE SERVICE**

There had been circulated, copies of a report from Russell Bell, Station Manager, Hawick Fire Station, updating the Forum on Scottish Fire and Rescue activity for the month of June and July 2015. Service delivery activity showed four house fires, eight open fire occurrences, one special service and 10 unwanted fire alarm signals. Mr Bell advised that 40 firefighters would be trained in the use of a defibrillator and 16 October would be the launch of the 'out of hospital cardiac arrest' trial which included Hawick Fire Station. On that day also, was the national 'start a heart' day where a number of fire stations around Scotland would open their doors to the public to facilitate PR/defibrillator training.

**DECISION**

**NOTED.**

10. **COMMUNITY COUNCIL SPOTLIGHT**

Mr Grieve, Burnfoot Community Council, advised that a By-Election was being held for seven vacancies. The Carnival had raised £1,000.00. The Hub was scheduled to open next October.

**DECISION**

**NOTED** the report.

11. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETING**

The next meeting of the Teviot and Liddesdale Area Forum would be held on Tuesday, 17 November 2015 at 6.30 pm in Lesser Hall, Town Hall, Hawick.

**DECISION**

**NOTED.**

*The meeting concluded at 7.50 pm.*

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

MINUTE of Meeting of the HAWICK  
COMMON GOOD FUND SUB-COMMITTEE  
held in the Council Chamber, Town Hall,  
Hawick on Wednesday, 16 September, 2015  
at 2.00 pm

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Present:- Councillors G Turnbull (Chairman), W McAteer, D Paterson and R Smith, Mrs  
A Knight and Mr J Little.  
Apologies:- Councillor S Marshall.  
In Attendance:- Managing Solicitor (R Kirk) Estates Officer (J Morison), Senior Finance  
Officer (J Yallop), Democratic Services Officer (J Turnbull).

**MINUTE**

1. There had been circulated copies of the Minute of the Meeting held on 18 August 2015.

**DECISION**

**APPROVED the Minute for signature by the Chairman.**

**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 the Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A of the Act.**

**SUMMARY OF PRIVATE BUSINESS**

**1 MINUTE**

Members approved the private section of the Minute of 18 August 2015.

**2 LEASE OF WILLIESTRUTHER COTTAGE**

The Sub-Committee considered a briefing paper by the Estates Officer.

**3 URGENT BUSINESS**

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

**4 MARKET SITE LEASE**

The Sub-Committee considered a verbal report by the Estates Officer.

*The meeting concluded at 3.00 pm*

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

MINUTE of MEETING of the JEDBURGH  
COMMON GOOD FUND SUB-COMMITTEE  
held in Room 33, Jedburgh Grammar School,  
on 16 September 2015 at 4.30 p.m.

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Present:- Councillors J. Brown, S. Scott, Community Councillor Mr. H. Wight.  
In Attendance:- Senior Finance Officer (Mr J Yallop), Democratic Services Officer (F.  
Henderson).  
Apologies:- Councillor R. Stewart.  
Members of the Public:- 0

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**MINUTE**

1. There had been circulated copies of the Minute of the Meeting held on 3 June 2015.

**DECISION  
NOTED.**

**MATTERS ARISING**

2. Community Councillor Wight thanked financial services for the inclusion of information regarding the numbers of unit purchased with the Newton Fund and requested contact details for the Newton Fund. The Senior Finance Officer agreed that this information be circulated to all members of the Sub-Committee as soon as possible.

**MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2015**

3. There had been circulated copies of a report by the Chief Financial Officer which provided details of the income and expenditure for the Jedburgh Common Good Fund for the 3 months to 30 June 2015 and full year projected out-turn for 2015/16 and projected balance sheet values to 31 March 2016. Appendix 1 provided a projected income and expenditure for 2015/16 and showed a deficit of £6,615. Appendix 2 showed a projected Balance Sheet to 31 March 2016 and a projected decrease in reserves of £18,215. Appendix 3 provided a breakdown of the property portfolio showing actual Income and Expenditure to 30 June 2015. Appendix 4 detailed the value of the Newton Fund to 30 June 2015. Community Councillor Wight sought clarification with regard to an entry under Current Liabilities for Creditors of £6,000 and Mr Yallop agreed to investigate and confirm the position by e-mail to all Members of the Sub-Committee as soon as possible. In relation to Appendix 4, the Senior Finance Officer advised that the uncertainties in financial markets worldwide caused by the Greek debt crisis, speculation over possible interest rate rises in the US and the downturn in the growth rate of the Chinese economy, Global markets had proven to be very volatile in the second quarter of 2015 and had resulted in a downturn across the financial markets. Against the financial background, information from Newton showed an overall performance reduction of 2.76% (£27, 143) indicating a reduction in assets value but a lower level relative performance reduction compared to the wider market over the quarter.

**DECISION**

- (a) **AGREED the projected Income and Expenditure for 2015/16 as shown in Appendix 1 to the report.**

- (b) **NOTED:-**

- (i) **the projected Balance Sheet value to 31 March 2016 in Appendix 2 of the report;**

- (ii) **the summary of the property portfolio in Appendix 3 to the report; and**
- (iii) **the current position of the investment in the Newton Fund contained in Appendix 4.**

#### **URGENT BUSINESS**

4. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed. The Chairman further requested that future items of urgent business should be intimated to the Chairman prior to the meeting, if possible.

#### **JED SHED**

5. With reference to paragraph 4 of the Minute of 4 June 2014, Community Councillor Wight referred to the Jed Shed which had received a grant of £1,500 to cover start up costs from the Jedburgh Common Good. Community Councillor Wight went on to advise that the Jed Shed had proved very successful with 20 regular users and their premises were now too small as a result of the accumulation of a large amount of machinery. The Community Trust had received a loan of £10,000 from the Jedburgh Common Good in respect of the Old Band Hall and they had requested that the Common Good Sub-Committee consider transferring the outstanding loan to the Jed Shed in exchange for the upper floor of the Old Band Hall Premises. It was further reported that £3,833 remained to be repaid to the Community Trust Loan at the end of the financial year (31 March 2016), if the planned repayment of £1,000 was received. Following discussion the Sub-Committee agreed in principle to look into the possibility following receipt of a written proposal and discussions with the Legal and Finance Departments.

#### **DECISION**

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

- (a) **in principle to look into the possibility of transferring the £10,000 loan awarded to the Community Trust to the Jed Shed, following receipt of a written proposal and discussions with the Legal and Finance Departments; and**
- (b) **that Community Councillor Wight advise the Jed Shed of the Sub-Committee decision that a written proposal required to be submitted.**

*The meeting closed at 5 p.m.*



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

MINUTE of MEETING of the KELSO COMMON  
GOOD FUND SUB-COMMITTEE held in the Room  
33, Jedburgh Grammar School on 16 September  
2015 at 5.30 p.m.

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Present:- Councillors T. Weatherston (Chairman), Councillor S. Mountford, A. Nicol and  
Community Councillor Mr John Bassett.  
In Attendance:- Senior Finance Officer (Mr J Yallop), Democratic Services Officer (F.  
Henderson).  
Members of the Public:- 0.

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**MINUTE**

1. There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee of 3 June 2015.

**DECISION**

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

**MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2015**

2. There had been circulated copies of a report by the Chief Financial Officer which provided the year details of the income and expenditure for the Kelso Common Good for the 3 months to 30 June 2015 and full year projected out-turn for 2015/16 and projected balance sheet values to 31 March 2016. Appendix 1 provided the projected income and expenditure for 2015/16 which showed a surplus of £2,293 for 2015/16, assuming full expenditure of the grants and donations budget of which £1,500 remained to be allocated. Appendix 2 provided the projected balance sheet value to 31 March 2016 which projected a decrease in reserves of £40,207. Appendix 3 provided a breakdown of the property portfolio showing actual Income and Expenditure to 30 June 2015 and Appendix 4 showed the value of the Newton Fund to 30 June 2015. In relation to Appendix 4, the Senior Finance Officer advised that the uncertainties in financial markets worldwide caused by the Greek debt crisis, speculation over possible interest rate rises in the US and the downturn in the growth rate of the Chinese economy, Global markets had proven to be very volatile in the second quarter of 2015 and resulted in a downturn across the financial markets. Against the financial background, information from Newton showed an overall performance reduction of 2.76% (£7, 350) indicating a reduction in assets value but a lower level relative performance reduction compared to the wider market over the quarter. Councillor Mountford requested that future Income and Expenditure and Balance sheets include comparative figures from previous years.

**DECISION**

**(a) NOTED:-**

- (i) **the projected Balance Sheet value to 31 March 2016 in Appendix 2 of the report;**
- (ii) **the summary of the property portfolio in Appendix 3 of the report; and**
- (iii) **The current position of the investment in the Newton Fund in Appendix 4 of the report.**

**(b) AGREED the projected Income and Expenditure for 2015/16 contained in Appendix 1 of the report.**

### **URGENT BUSINESS**

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

### **ARCHIVES**

4. The Chairman advised that he wished to put on record that Mr Pearson 24 Inchmyre, Kelso had over many years accumulated a substantial collection of signed letters and photographs from famous people and heads of state and wished to bequeath the collection, on his death to the Trustees of Kelso Common Good Fund care of Scottish Borders Council, Council Headquarters, Newtown St Boswells. There was some discussion about where the collection might be housed and the Library or Kelso Museum were suggested.

### **DECISION**

**NOTED.**

### **VISIT KELSO BANNERS**

5. The Chairman referred to an informal request which had been made by Visit Kelso to the Kelso Common Good for a grant to purchase banners for Stage 3 of the Tour of Britain which was to finish at Floors Castle, Kelso. The Group had been requested to submit a formal application together with an up to date set of audited accounts for consideration. Although the application had been received a set of audited accounts had not been forthcoming and the application could therefore not be progressed. Following discussion, the Common Good agreed in principle to consider the application once all the documentation was available.

### **DECISION**

**AGREED in principle to consider the application from Visit Kelso on receipt of the appropriate documentation.**

*The meeting closed at 5.55 p.m.*

**SCOTTISH BORDERS COUNCIL**  
**CHEVIOT AREA FORUM**

MINUTE of the MEETING of the  
CHEVIOT AREA FORUM held in the  
Assembly Hall, Jedburgh Grammar  
School on Wednesday, 16 September  
2015 at 6.30 p.m.

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Present:- Councillors T. Weatherston (Chairman), J. Brown, S. Mountford, A. Nicol, S. Scott, R. Stewart.  
Community Councillors J. Bassett, J. Taylor, G. Fry.  
Mr Matt Acton, Station Manager (Scottish Fire and Rescue Service), Inspector Carol Wood, (Police Scotland – J Division), Mr Warwick Shaw, Head of Delivery Support, Estates and Facilities (NHS Borders),

Apologies:- Community Councillors A. Drummond, S. Stewart, T. Jackson, L. Johnston, D. Ogilvie, P. Bridgewood, N. Jarvis, E. McNulty, Locality Team Leader (Ms K. Horsley).

In Attendance:- Lead Localities Officer ( Mr D. Mallin), Area Neighbourhood Manager (Mr A. Finnie), Democratic Services Officer (Mrs F Henderson).

Members of the Public:- 0

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**WELCOME**

1. The Chairman welcomed everyone to the meeting.

**MINUTE**

2. There had been circulated copies of the Minute of the Meeting of the Cheviot Area Forum of 3 June 2015.

**DECISION**

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

**CHEVIOT LOCALITIES PILOT UPDATE**

3. The Chairman welcomed Mr Mallin, Lead Officer for Localities to the meeting to update the Area Forum on the Cheviot Localities Pilot. Mr Mallin gave a brief summary of the Localities established in Edinburgh and Aberdeenshire and explained the background and context in relation to the Christie Report 2011, the Wood Commission 2014 – Working For All, the Community Empowerment (Scotland) Act 2015 and the JIT – Learning from Health and Social Care. It was explained that a Localities approach aimed to improve collaboration, reduce duplication, improve outcomes for people and communities, build services around communities (Christie Commission) and the implementation of the Community Empowerment (Scotland) Act 2015. Mr Mallin went on to explain the Collaboration Spectrum , outline the plan stages and next steps which included Local Officers Workshop, Community Engagement events, Local Tasking and Coordinating Group (TaCG), Cheviot Local Plan - incorporating community-led plans and review and report. Mr Mallin answered questions and the Chairman thanked him for his presentation.

**DECISION**

**NOTED.**

#### **FOOD WASTE COLLECTION SERVICE**

4. The Chairman welcomed Fiona Munro, from Neighbourhood Services, to give a presentation on the introduction by Scottish Borders Council of a Food Waste Collection service. Ms Munro referred to the background which led to the decision to introduce the new service. The Waste (Scotland) Regulations 2012 required food waste collections to be introduced by 1 January 2016. Food waste was seen as a valuable resource, a way of diverting waste from landfill and an increased recycling rate. In accordance with the regulations and Scottish Government urban versus rural classification the collection service in the Scottish Borders would involve approximately 24,500 households and businesses. Phase 1 saw weekly kerbside food waste collections start in Galashiels, Tweedbank, Selkirk and Peebles commencing on 25 May. Phase 2 involved Jedburgh and Hawick and started on 7<sup>th</sup> September. Ms Munro had brought along examples of the caddies, together with biodegradable liners and guidance leaflets, which would be delivered to households during the week prior to the start of collections. Each household would have a 5 litre silver kitchen caddy and liners, in which to deposit daily food waste. The tied bags of waste should then be transferred from the kitchen caddy into the outdoor brown caddies of 23 litre for a single household or 140 litre for communal household. It was emphasised that the food waste collection service also came under animal by-product legislation and as such would be closely regulated. There would be no effluent or waste produced during handling. Purpose-built collection vehicles would transport the waste to central skips from where it would be taken to the nearest food waste management site at Levenseat Ltd., Midlothian. From 1 January 2016, also under the Waste (Scotland) Regulations 2012, there would be food waste collections from an estimated 140 businesses producing over 50 kg waste per week and from an estimated 520 businesses producing over 5 kg per week. Following the presentation officers were asked questions, particularly in relation to how the service would be monitored. Ms Munro advised that through communications and guidance members of the public would be strongly encouraged to take up the service and use it as intended. There would be monitoring through kerbside checks and, particularly in the early stages if thought necessary, householders may be visited to be given further advice. The Chairman thanked Ms Munro for her presentation.

#### **DECISION**

**NOTED the presentation.**

#### **URGENT BUSINESS**

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

#### **LOCAL ACCESS AND TRANSPORT STRATEGY (LATS)**

6. The Chairman welcomed Graeme Johnstone, Lead Officer, Scottish Borders Council to the Forum to give a presentation on the Local Access and Transport Strategy (LATS). Mr Johnstone explained that a new Strategy Document was required as the existing Strategy was out of date, access and transport were key issues in the Scottish Borders, it would provide strategic direction and could be a valuable bidding document. The main issues to be covered by the Strategy would include:-

- The route to markets;
- Public transport;
- Walking, cycling and horse riding;
- Road maintenance;
- Forestry;
- Road safety;
- Parking; and
- Low carbon.

The consultation, which would end on 23 October 2015, would be undertaken through electronic questionnaire, key consultees, presentations to Area Forums, and written information available through Libraries, contact centres and council departments. Following the closure of the consultation process, consideration would be given to all responses received and the main strategy document would be developed for presentation to the Development Working Group and Committee before finalisation of the Strategy Document. Mr Johnstone concluded his presentation by advising where to send responses and answering Members questions.

## **DECISION**

**NOTED the presentation.**

### **POLICE FORCE OF SCOTLAND – UPDATE FOR ‘J’ DIVISION**

- 7.0 Inspector Carol Wood was present at the meeting to update the Cheviot Area Forum on performance, activities and issues across the Ward for the period up to 31 August 2015. The Ward Plan Priorities for Kelso and District had been reviewed and amended and were highlighted as Dishonesty, Road Safety, Antisocial Behaviour and Drug Dealing and Misuse of Drugs. The Ward Plan Priorities for Jedburgh and District had also been amended and were highlighted as Drug Dealing and Misuse, Road Safety, Anti-Social Behaviour and Rural Crime. In relation to the planned priorities for Kelso and District it was reported that under Drugs Dealing and Misuse of Drugs Police Scotland were undergoing a test phase on a new stop and search database, which went online on 1 June 2015. Validation and testing of the data was ongoing and data collected since it began was not available but statistical information would be provided to the local scrutiny board. A number of stop/searches were carried out in June, July and August and a total of 3 offences were recorded in relation to drugs offences in the Kelso and District area. Personal safety advice in relation to drugs was contained on the Police Scotland website <http://www.scotland.police.uk/keep-safe/>. The public were encouraged to inform the Police of any information they might have in relation to drugs misuse, however, if they wished to remain anonymous they could contact Crimestoppers on 0800555111. In relation to road safety, roads policing officers carried out a total of 12 road checks in the ward area during the last quarter up to 31 August 2015, with particular emphasis being given to the re-education of young drivers. In a bid to improve the driving skills of all young drivers in our area Safer Communities continued to promote the Skills For Life, young driver campaign and courses remained available in October and November 2015. This was an offer of free advanced driver training and had already proven to be extremely popular. There were 19 road traffic offences committed in the Kelso and District area between June and August 2015, eight of these were in relation to speeding offences and five were MOT offences. Local and Roads Policing officers would continue to deal robustly with anyone found to be speeding. During August, PC Howgego carried out a number of parking patrols of Kelso Town Centre, which had resulted in 11 warnings and 6 FPT tickets being issued for parking offences. It was emphasised that those working in the town centre should park in adjacent car parks to prevent overstaying and then subsequently being issued with a ticket. In regard to Dishonesty, thefts continued to be an issue within the Kelso area, Officers continued to work to detect and prevent such crimes and crime prevention advice was available on the Police Scotland website. Residents were requested to continue to remain vigilant and keep doors and windows locked to prevent opportunist criminals. It was further reported that autumn might bring casual workers into the area who were looking to carry out gardening or other maintenance work. Some of these people might be looking to overcharge elderly or unsuspecting residents and the public were encouraged to be vigilant and if they saw people working on a neighbour's property, or got people touting for work in their area, it was recommended not to use them but opt for a local reputable firm. In relation to Antisocial Behaviour which was a priority, the police were working with partners

at the Antisocial Behaviour Unit in Scottish Borders Council, Victim Support Scotland, and housing providers, along with the public, to tackle such matters. Regular patrols were carried out at known hotspots, and premises were proactively targeted and individuals where antisocial behaviour had been an issue. Anyone who was the victim of this type of behaviour should report it, at the time of the incident, to the police. If it was an ongoing issue, this should be reported to the Antisocial Behaviour Unit helpline on **0800 028 5711**. Seven Fixed Penalty Tickets were issued during the period within Kelso and District Ward covering 6 Breach of the Peace and 1 Drunk and Incapable.

- 7.1 In terms of Jedburgh and District, it was reported that during the last quarter there were five stop/searches carried out which recovered prohibited substances. Three house searches were carried out in the ward area during the last quarter, which had resulted in drugs and a cannabis cultivation being recovered. Four individuals had been reported to the Procurator Fiscal for drug possession and drug production offences and Police Scotland continued to focus on this area of business, as the affect it had on local communities was well known. In relation to road safety a total of four road checks were carried out in the ward area during the quarter to 31 August 2015. Two fixed penalty tickets were issued - one for speeding and one for the use of a mobile phone. Two warnings were given to drivers for the anti-social use of a vehicle. During the last quarter, three drivers had been charged with driving whilst under the influence of alcohol as well as a number of other road traffic offences. The drivers were male and female and were aged 19, 51 and 52. These incidents were in St Boswells and Jedburgh. Two further drivers had been charged with careless driving following police attendance at road traffic accidents. In terms of Anti-Social Behaviour only one fixed penalty ticket was issued over the reporting period for anti-social behaviour. However, a 22 year old female was reported to the Procurator Fiscal and had her music equipment seized after she caused a disturbance for her neighbours. The police continued to engage with those responsible for any youth antisocial behaviour in the ward area and the Community Beat Officer and Locality Integration Officer regularly discussed youth issues and working with partners including education to proactively tackle such issues. In relation to rural crime over the last quarter there had been a small number of rural thefts. Of particular note was that three vehicles were broken into whilst parked near to the Wallace Monument at Dryburgh. These were tourist's vehicles and all had a quantity of goods stolen. This particular crime that had raised its head time and again over the years and it was very disappointing. Although the Police tried to give attention to these locations, as the crimes were so sporadic and the locations fairly remote, it was very difficult to 'be in the right place at the right time' to catch those responsible. Advice to farmers and residents in rural areas to take as many safety measures as they could to secure their property continued to be circulated. If anyone wanted specific advice they were advised to contact their local community officer either by phoning Jedburgh police station or emailing them via the Police Scotland website link. Officers in the Community Safety department based within Scottish Borders Council were also on hand to give information on joining Farmwatch, SB Alert etc. Pro-active visits to itinerant scrap metal dealers continued as well as liaison with a number of partners to ensure premises were being run appropriately.
- 7.2 In terms of Initiatives and Planned activity it was reported that as the darker nights were approaching, there would be an increase of patrols by the community officers in an effort to deter and prevent incidents of youth calls, which could be prevalent at this time of year. Police Scotland continued to promote the National Hate crime campaign, which was in its final week. The purpose of this was to raise awareness on what hate crime was, how it affected victims, families and communities and included information on the methods available for reporting such instances/crimes. The campaign had been advertised on various social media platforms and a series of posters had been circulated in the local communities. The Student Safety campaign was launched on 31 August 2015 and more information was available on the Police Scotland website with linked to information on how students could keep themselves safe. Social media sites had been used to full advantage and had included a film and interactive quiz. Police Scotland also launched the messaging system Instagram

with this campaign. A large proportion of the young people in the Scottish Borders were engaged in further education and the aim was to support young people to remain safe during their time as students.

## **DECISION**

**NOTED the report.**

### **ENGAGEMENT WITH NHS BORDERS**

- 8.0 An update on current activity was given by NHS Head of Delivery Support, Estates and Facilities, Warwick Shaw.

#### **In-Patient Care for Jedburgh**

- 8.1 With reference to paragraph 4.5 of the Minute of 3 June 2015, following letters from Councillor Brown and Community Councillor Gordon, the Chief Executive (NHS) had sent a letter about in-patient care in Hawick. Mr Shaw explained that the care of inpatients was not any part of the GP services (contract). GPs provided medical cover to Community Hospitals on a supplementary, opt-in contracted basis and were under no obligation to provide the service beyond their stated limitations. However, an agreement was in place with Kelso GPs to provide cover for Jedburgh residents, including all patients registered with a Jedburgh GP at Kelso Community Hospital. Jedburgh patients with ongoing in-patient care needs could be treated within the Borders General Hospital or the other two Community Hospitals. The NHS remained fully cognisant of the need to provide a resilient model of care to all Borders residents and had commenced a formal Option Appraisal process, as part of the in-patient review, to identify the preferred model for the provision of inpatient care in Community Hospitals. Consideration would be given to all possible care models and assessment against the key principles of the clinical strategy, most notably being safe, fair, equitable and affordable. Elected Members for the Jedburgh area remained concerned.

#### **Stroke Treatment in Borders**

- 8.2 It was reported that people who suffered a stroke in the Borders benefited from a local service which was the best performing in Scotland. Stroke was the third most common cause of death in Scotland and the most common cause of severe physical disability amongst adults. It was estimated that about 15,000 people in Scotland had a stroke each year. The 2015 Scottish Stroke Care Audit (SSCA) just published showed NHS Borders patients receiving an "appropriate" Stroke Care Bundle was the highest in Scotland, at 87% during 2014; some 22% higher than the Scottish average of 65%. The 'Bundle' referred to a group of specific interventions and processes of care that significantly improved patient outcomes following a stroke if delivered together rather than separately.

#### **A&E Waiting Times**

- 8.3 In relation to A&E waiting times, Mr Shaw reported that only in March did the BGH fall below the NHS Scotland figure target being at least 95% treated within 4 hrs. The figures for last week showed that out of 502 attendances, 98% had been seen within 4 hrs. The Annual Review Public Session would be held on Thursday, 17 September 2015 between 2.30 p.m. and 4 p.m. in The Tryst.

## **DECISION**

**NOTED the report.**

### **FIRE AND RESCUE**

#### **Fire Service Update**

- 9.0 Mr Matt Acton, Station Manager explained that the purpose of the report circulated was to inform the Cheviot Area Forum on Scottish Fire and Rescue Service activity since the last meeting on 3<sup>rd</sup> June 2015. The report detailed that during the period of the report there had been 10 House Fires (House Alight x 5, Building Alight x 3 and Grain dryer alight x 2. Occurrences of Fire – Open 10, occurrence of Special Services 17 resulting in 3 casualties and 28 unwanted Fire Alarm Signals. The report explained that within the Local Fire and

Rescue Plan 2014-2017 for the Scottish Borders, 5 priorities had been identified: Reduction of Dwelling Fires; Reduction of Fire Casualties and Fatalities; Reduction of Deliberate Fire Setting (Not including Dwellings); Reduction of Unwanted Fire Alarm Signals; and the Reduction in Road Traffic Collisions. In relation to partnership working, The Scottish Fire and Rescue Service (SFRS), Community Action Team (CAT) within the Scottish Borders core work centred on the on-going delivery of the SFRS Home Fire Safety Visit (HFSV) policy. The team continued to expand its partnership working with key the Key agencies including Police Scotland, Health, Social care and Housing in order to focus on members of local communities at High Risk from fire and achieve outcomes in helping to reduce overall numbers of accidental dwelling fires. Fire raising awareness sessions presented by the team to partner agency practitioners had been and continued to be successful in promoting HFSVs and encouraging agencies to make referrals using the SFRS CSET online booking system.

- 9.1 Fire prevention and protection activity over recent years had been key to reducing the number of fires, casualties and losses in Scotland thus minimising the economic and social impact of fire on communities. The seasonal community safety calendar provided the catalyst for a number of initiatives and schemes throughout the calendar year.
- 9.2 Activity which was ongoing now within the Cheviot Ward area included Scottish Fire and Rescue Service staffs in all local stations providing Home Fire Safety Visits all year round. The visits provided the householder with a home visit, focussing on identifying and reducing the risks of fire in the home. Smoke detectors with a 10-year battery life were provided as part of this free service; Firesharp was an initiative for Primary 6 pupils, providing face-to-face education within local Primary schools on matters of fire risk and prevention; Fire Safety Audits provided a targeted examination of business premises and their relevant documents to ascertain how the premises were being managed regarding fire safety. The enforcement officer also engaged with members of staff to confirm their level of fire safety awareness; Unwanted Fire Signals were being addressed by phased intervention actions which identified premises which were producing 'false alarms', provided guidance on how to reduce a reoccurrence, and could also invoke legislation if occurrences failed to reduce in number. The SFRS Safeguarding Policy and Procedure for Protection of Children and Adults at Risk of Harm was implemented to link into adult and child protection. The introduction of the policy had created closer ties with Social Services within Scottish Borders and ensured those people and families that fire crews identify as at risk were brought to the attention of Social Services and had resulted in joint visits to homes to reduce risk to those occupiers. Eight adults had been referred during the reporting period.
- 9.3 Community Action Team (CAT) had delivered road safety awareness to secondary schools throughout the Scottish Borders with the support of the local Whole time personnel from Galashiels and Hawick. The strong partnership with the local Domestic Abuse Advocacy Service and involvement in MARAC (Multi Agency Risk Assessment Conference) put the Fire and Rescue Service at the forefront of delivering the agenda of outcome six of the Local Fire Plan. The LALO and Scottish Borders Station Manager for Prevention and Protection were fully involved in all local MARAC processes, attending the monthly conferences and all steering group meetings. Involvement with the inaugural twelve-month CAADA (Co-ordinated Action against Domestic Abuse) assessment had provided the additional advantage of strengthening the partnership with external stakeholders, in particular Police Scotland, Adult and Child protection services and local housing providers. The Autumn Thematic Action plan which ran until end of November included Student Safety, Electrical Safety, Chimney Safety, Bonfire safety and Older Vulnerable Persons.

## **DECISION**

**NOTED the report.**

## **NEIGHBOURHOOD SMALL SCHEMES UPDATE**

10. With reference to paragraph 7.1 of the Minute of 3 June 2015, there had been circulated copies of a report by the Service Director Neighbourhood Services on Neighbourhood Small



Schemes and Quality of Life, which sought approval for the proposed new Neighbourhood Small Schemes from the Area Forum and updated the Forum on previously approved Neighbourhood and Quality of Life Schemes. The Area Neighbourhood Manager advised that the allocated budget (£34,702) for small schemes was available through Neighbourhood Services for the Cheviot Area in 2015/16. The report detailed those schemes which had been approved, completed and due for completing prior to 31 March 2016. Following approval of the schemes detailed in the report, there remained a budget of £29,927 available for Neighbourhood Small Schemes. In addition, a budget of £20,000 was available for Quality of Life schemes in the Cheviot Area Forum Area in 2015/16. It had previously been agreed that this budget would be split equally between Kelso and District and Jedburgh and District Wards. There remained £7,500 for Kelso and District and £10,000 for Jedburgh and District.

## **DECISION**

**(a) AGREED the following new Neighbourhood Small Schemes for implementation :-**

- |  |             |
|--|-------------|
| <b>(i) Upgrade town signage on approaches to Jedburgh Town</b>             | <b>£900</b> |
| <b>(ii) Erect 2 no. street name plates within Hendersyde Estate, Kelso</b> | <b>£225</b> |
| <b>(iii) Remark bays within East Bowmont Street Car Park, Kelso</b>        | <b>£650</b> |

**(b) NOTED:-**

- (i) the update on previously approved Neighbourhood Small Schemes as detailed in Appendix A to the report; and**
- (ii) the update on previously approved Quality of Life Schemes as detailed in Appendix B to the report.**

## **OPEN QUESTIONS**

11. There were no issues raised.

## **DECISION**

**NOTED.**

## **COMMUNITY COUNCIL SPOTLIGHT**

12. **Oxnam Road Wall, Jedburgh** – With reference to paragraphs 9.1 and 9.2 of the Minute of 3 June 2015, works had been undertaken and completed, to remove off site, the large stones and rubble which had been left on the grass area adjacent to Oxnam Road. The bollards had been installed in the footway ex adverso the properties occupied by Mr & Mrs Scott and Mr & Mrs Foggon, although three further bollards remained to be installed when they had been received from the suppliers. Officers of the Council's Infrastructure section had recently been in contact with a representative of Scottish Gas Network (SGN) regarding the timings of the diversion of the existing gas main in connection with the permanent carriageway widening between Blair Avenue and The Boundaries junction. SGN had intimated that the diversion works were provisionally programmed for late September/early October, however, this timing had still to be finalised and confirmed. The Council's in-house surfacing contractor, SBc Contracts, had intimated that they had a fully committed surfacing works programme until after the October School holiday week which ended on Friday 16<sup>th</sup> October. This meant that any further surfacing schemes would not be undertaken until after that date and provision had therefore been made to carry out the surfacing works at Oxnam Road during late October/early November, although this was subject to the outcome of a full consultation process to be undertaken with local businesses, the Community Council and

Ward Members, on the specifics of the works to be undertaken and the required temporary traffic management.

**DECISION**

**NOTED the report.**

- 12.1 **Skiprunning Burn, Jedburgh** – With reference to paragraph 9.3 of the Minute of 3 June 2015, the Area Neighbourhood Manager advised that the advance accommodation works at the Larkhall Accommodation had been completed and the main Contractor for the Phase 2 works would be SBc Contracts. The Phase 2 works started on 14<sup>th</sup> September 2015 and were programmed to be completed by Christmas. The Phase 1A works (flood resilient measures to properties at Burn Wynd) would be undertaken in parallel with the Phase 2 works.

**DECISION**

**NOTED.**

**FUTURE AGENDA ITEMS**

13. It was agreed that a presentation on the School Estates Review be arranged for a future meeting.

**DECISION**

**AGREED.**

**DATE OF NEXT MEETING**

14. The Chairman confirmed that the next meeting of the Cheviot Area Forum was scheduled for Wednesday, 9 December 2015 in Kelso.

**DECISION**

**NOTED the date of the next meeting of the Cheviot Area Forum and that the venue was to be confirmed.**

*The meeting concluded at 8.30 p.m.*

# SCOTTISH BORDERS COUNCIL 7 OCTOBER 2015

## STARRED ITEMS FROM COMMITTEE MINUTES

### SCRUTINY COMMITTEE 20 AUGUST 2015

#### 2. NON SCHOOLING AND HOME SCHOOLING

- 2.1 With reference to paragraph 6(a) (vi) of the Minute of 26 March 2015, the Chairman welcomed Ms Donna Manson, Service Director Children and Young People and Ms Christian Robertson, Senior Education Officer who were present at the meeting to give a presentation on Non Schooling and Home Schooling. There had been circulated copies of the Scottish Government's Home Education Guidance. Ms Manson explained that the document was issued under Section 14 of the Standards in Schools etc Act 2000 and it formed the basis of Home Schooling policies which had been developed at a local level at SBC. There were circulated at the meeting copies of a document entitled "In our sight: in our mind" and Ms Manson explained that this reflected the approach being taken across the Council area in terms of educating school age children.
- 2.2 Primary school attendance had shown an improvement during the academic year 2014/15, particularly throughout March and April 2015 and the department was continually working to achieve further improvements in the attendance levels. The period leading up to the summer break in June 2015 showed a drop in attendance and Ms Manson explained that this was due, in the main, to family holidays being taken outwith school term time. Members noted that Scottish Borders Council compared favourably at a national level. Statistics showed that attendance in 2012/13 was just above 95% and SBC had been successful in maintaining that position nationally. Statistics demonstrated an increasing trend in unauthorised absences during May and June of the academic years from 2012/13 to 2014/15. Ms Manson confirmed that parents were challenged in relation to any instances of non-attendance and the department was working towards a position where all non-attendance was authorised appropriately.
- 2.3 Secondary school attendance showed a similar pattern, with high attendance in May 2012/13 of almost 96% dropping to below 92% in June of the same year. It was noted that a substantial drop in school attendance during December 2012 could be linked to a serious infection which affected the whole of the Scottish Borders Council area. Ms Manson went on to explain that the attendance figures for May of any year related, in part, to the pupils sitting national examinations whilst the lower attendances in June coincided with an increase in the number of unauthorised absences. On a national level, Ms Manson was pleased to report that Scottish Borders performed well with an attendance level in 2012/13 of just over 95%.
- 2.4 Ms Manson advised Members of the work that was in progress and which had been undertaken previously to improve attendance levels in both primary and secondary schools, noting that the way in which absences were monitored and analysed on a monthly basis had contributed to the high attendance levels across schools. Future actions to be taken forward included more engagement with parents, access for all schools to Home Link, multi-agency involvement and early intervention in the pre-school, early learning and childcare centres. Members were advised that the number of exclusion incidents and resulting exclusions in Primary Schools had decreased during 2014/15 and this decrease was also reflected in the male/female gender divide. The figures for secondary schools also showed a decrease in both the overall number of exclusion incidents and actual exclusions. With regard to the gender breakdown, there had been a decrease in the number of male-related incidents. Female-related incidents and exclusions showed a slight increase during 2014/15. Ms Manson advised that the aim was to achieve a zero exclusion figure across all schools. Members noted that exclusions at secondary school level had dropped from 245 to 150 in 2014/15 and discussion followed in respect of the reasons for this improvement. Ms Manson detailed some of the strategies for further reducing rates including tracking data and trends

action planning, the up skilling of staff to deal with issues, sharing improvement strategies across schools and the development of creative support for young people.

- 2.5 Members raised a number of questions and highlighted issues of concern, one of which was the way in which statistics were reported in the media. Ms Manson advised that this was possibly due to the published figures being about two years old whereas the figures available in her report to Members were more up to date. In respect of how future strategies could improve the support offered to pupils with learning difficulties, Ms Manson suggested that this could be achieved by increasing the number of group sessions and reducing whole class lessons for which resources were currently in place. Members were aware of the impact of absences on attendance levels and noted that in some situations, such as the emergency services, parents could be allocated holiday dates which might not fit with school holidays. Ms Manson explained that such situations were dealt with by head teachers within each school. With regard to unauthorised absences, Ms Manson advised that sanctions for persistent unauthorised absences included referral to Family Support Workers, the Children's Reporter but that the first step would always be to try to identify the reasons for such a situation developing. In terms of sanctions which might be imposed on pupils, Ms Manson explained that pupils were made aware of the impact and outcome of unacceptable behaviour and emphasised the advantages of early intervention in such situations. It was acknowledged that a smooth transition from primary to secondary schooling could have a positive effect on the attendance levels for pupils. Further analysis of available information would be required to assess the full impact. Members requested information about the impact of inclusion of all pupils and Ms Manson explained that two meetings had already taken place with Parent Councils to consider this matter. Establishment of a "base" class was given as one example of how inclusion could be progressed within schools. Ms Manson emphasised that exclusion incidents should be addressed prior to reaching the stage where a pupil was the subject of multiple exclusions and it was recognised that schools needed support in dealing with these situations.
- 2.6 Ms Manson went on to provide Members with information about home schooling in the Scottish Borders. There were no national comparator statistics available but within the Scottish Borders, the figures included 32 families who were currently home educating with one on a part time basis only and there were 42 pupils or 0.28% of the total school roll who were being home educated. 50% of those being home educated lived outwith a town or village in the Scottish Borders but there were examples of how these families could be supported in formulating a programme of education for their children. Legislation stipulated the duties and rights of families and the Local Authority when a child/children were being home educated. Families were only bound to respond to enquiries by the Local Authority whilst Local Authorities were only entitled to make formal enquiries. Most of the pupils who had been withdrawn from school were removed during their primary education years and the main reason given was anxiety and/or stress. Ms Robertson explained that successful early intervention could avoid withdrawal from school by reassuring parents and adapting the way in which teaching was delivered. There were a number of ways in which the Council could prevent disengagement with parents, such as the introduction of a Risk Matrix to identify children early, working to enhance the reputation of schools in the area and promote a wide range of activities and curriculum choices. Ms Manson advised Members that some families had never entered the education system and were therefore "invisible" to the Authority. This could be a cause for concern and it was important to find ways in which to engage with these families.
- 2.7 Discussion followed and officers responded to a number of questions raised. With reference to potential withdrawals following the summer break, Ms Manson advised that sometimes families had been considering this option during the holidays but it could as easily have been a totally unexpected decision. Provision of a sample curriculum was discussed as a "vanguard" for encouraging parents to remain engaged with the Council. Members were advised that only a small number of requests for home schooling were refused and these were normally on the grounds of child protection concerns. Ms Manson agreed that sports

and leisure opportunities could be key to continued engagement with families and indicated that partnerships were currently being developed which would form part of the strategic plan within the new People department. Various education options were available to parents and part time home schooling allowed children to access school-based facilities at times which suited their family situation. Members raised concern about the lack of legislative authority given to Councils to monitor home schooling and were advised that parents could refuse to provide any information on the grounds of the Data Protection Act. There was also no evidence available to verify that these children were being home educated as opposed to working outwith the home. A question was asked in relation to the amount of maintenance allowance paid to parents who were home educating their child/children and Ms Manson agreed to investigate and provide this information to Members in due course. Members were advised that each primary school had access to a Home Schooling Link Worker (HSLW) to provide additional support. A different system was in place for secondary schools to access this type of resource available to them. Ms Manson considered this to be a strong and positive position from which to move forward. Members were advised that additional support needs were assessed on an individual basis and could include requirements such as transportation support. Should a pupil with such needs move into a different catchment area, then the assessed support would be provided.

- 2.8 Councillor Aitchison, Executive Member for Education commented on the excellent work Ms Manson and her team had undertaken and acknowledged that the new team of officers was now in place and moving forward to meet further challenges. He detailed some of the work currently in progress and in highlighting the importance of Parent Councils in preventing disengagement by some families, emphasised that this would be best served when the Parent Council represented all families within that school. Councillor Aitchison went on to emphasise the importance of active inclusion within classes and suggested that seclusion could be used as an alternative to the ultimate sanction of exclusion. There was no doubt that there were challenges ahead and Councillor Aitchison was confident that Ms Manson's team was equipped to meet those challenges. He thanked the Scrutiny Committee for inviting Ms Manson and Ms Robertson to attend the meeting and for providing the opportunity to receive feedback from the Members. The Chairman thanked Ms Manson, Ms Robertson and Councillor Aitchison for their presentation and for the answers to Members' questions. Members expressed concern regarding the lack of powers available to the Council to ensure that all children within the area were receiving an appropriate standard of education.

## **DECISION**

- (a) **NOTED the Briefing.**
- \* (b) **AGREED TO RECOMMEND that Scottish Borders Council write to the Scottish Government requesting that the 1980 Scotland Education Act be amended to give Local Authorities the power to enforce Section 37 of the Act in order to ensure that children who were being home schooled received a satisfactory education appropriate to their age and aptitude.**

## **POLICE, FIRE & RESCUE AND SAFER COMMUNITIES BOARD – 28 AUGUST 2015**

### **4. PROGRESS REPORTS**

#### **4.3 Safer Communities**

There had been circulated copies of the Safer Communities Performance Report covering the period 1 April 2015 to 30 June 2015. Chief Inspector Paula Clark highlighted the key points in the report and it was noted that, in respect of domestic abuse, there had been a decrease of 22.2% in the number of reported incidents. The report also explained that the percentage of self-referrals to specialist support services had increased compared to the same period the previous year. The report also identified an increase of 11 / 16% in the total number / percentage of children on the

CPR where a domestic abuse had been identified as a risk factor. There was a decrease of 7 / 4% In relation to the homeless prevention service, in the number / percentage of Homeless Assessment Presentations due to dispute within households: violent or abusive. New services were being established relating to (a) the number of cases on exit from specialist service which had a reduced risk; and (b) service user satisfaction on exit from a specialist service. The report noted that there had been a significant reduction in the number of calls received in the first quarter in respect of the number of calls to national domestic abuse helpline (female). Total call numbers to the National helpline had been declining over the past 3 years, therefore the reduction might also be attributed to the general national shift from the centralised helpline support. There was one less call to national domestic abuse helpline (male). There was a small increase of 1.7 in the number of recorded ASB incidents per 1,000 population. Members were advised that the new report format was easier to understand. In relation to tackling Domestic Abuse members considered that it was important a report was prepared for the Council on the Future of the Pathway Project. Members of the Safer Communities Team were thanked for attending schools events and the Kelso Show. With regards to the promotion of the young drivers initiative a request was made for information to be sent to Councillors and Community Councils and Officers undertook to put together a communications plan to ensure all avenues of communication were covered. Mr Higgs requested that he also be included in the circulation list.

#### **DECISION**

- \* **AGREED TO RECOMMEND to Council that a report be prepared for the Council on the Future of the Pathways Project and that Officers would promote the young drivers initiative and a communications plan would be put together to ensure all avenues of communication were covered.**

### **TWEEDDALE AREA FORUM – 2 SEPTEMBER 2015**

#### **OPEN QUESTIONS**

13. The Reverend Nancy Norman, Peebles resident referred to the recent resignation of the Chief Constable of Police Scotland and queried whether this might open up the opportunity of bringing back the control and accountability of local Policing back to the Scottish Borders. She asked if the Council would consider making representation to the Scottish Government to that effect. Members discussed this suggestion and unanimously agreed that such a recommendation be made to Council

#### **DECISION**

- \* **AGREED TO RECOMMEND to Council that representations be made to the Scottish Government asking if, following the resignation of the Chief Constable, consideration be given to reviewing Policing in this area and in Scotland in general with a view to ensuring greater accountability.**