

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

6.	<p>Committee Minutes (Pages 1 - 182)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Police, Fire & Rescue and Safer Communities Board (b) Audit & Risk (c) Community Planning Strategic Board (d) Peebles Common Good Fund (e) Tweeddale Area Forum (f) Berwickshire Area Forum (g) Planning & Building Standards (h) Jedburgh Common Good Fund (i) Kelso Common Good Fund (j) Cheviot Area Forum (k) Pension Fund (l) Pension Board (m) Petitions & Deputations (n) Local Review Body (o) Health & Social Care Joint Integration Board (p) Teviot & Liddesdale Area Forum (q) Civic Government Licensing (r) Planning & Building Standards (s) Audit & Risk (t) Executive (Education Theme) (u) Teviot & Liddesdale Area Forum (v) Scrutiny (w) Planning & Building Standards (x) Executive (Economic Development Theme) 	<p>13 November 2015</p> <p>23 November 2015</p> <p>26 November 2015</p> <p>2 December 2015</p> <p>2 December 2015</p> <p>3 December 2015</p> <p>7 December 2015</p> <p>9 December 2015</p> <p>9 December 2015</p> <p>9 December 2015</p> <p>10 December 2015</p> <p>10 December 2015</p> <p>10 December 2015</p> <p>14 December 2015</p> <p>14 December 2015</p> <p>15 December 2015</p> <p>18 December 2015</p> <p>11 January 2016</p> <p>18 January 2016</p> <p>19 January 2016</p> <p>19 January 2016</p> <p>28 January 2016</p> <p>1 February 2016</p> <p>2 February 2016</p>	5 mins
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(a)	Police, Fire & Rescue and Safer Communities Board	13 November 2015
(b)	Audit & Risk	23 November 2015
(c)	Community Planning Strategic Board	26 November 2015
(d)	Peebles Common Good Fund	2 December 2015
(e)	Tweeddale Area Forum	2 December 2015
(f)	Berwickshire Area Forum	3 December 2015
(g)	Planning & Building Standards	7 December 2015
(h)	Jedburgh Common Good Fund	9 December 2015
(i)	Kelso Common Good Fund	9 December 2015
(j)	Cheviot Area Forum	9 December 2015
(k)	Pension Fund	10 December 2015
(l)	Petitions & Deputations	10 December 2015
(m)	Pension Board	10 December 2015
(n)	Local Review Body	14 December 2015
(o)	Health & Social Care Joint Integration Board	14 December 2015
(p)	Teviot & Liddesdale Area Forum	15 December 2015
(q)	Civic Government Licensing	18 December 2015
(r)	Planning & Building Standards	11 January 2016
(s)	Audit & Risk	18 January 2016
(t)	Executive (Education Theme)	19 January 2016
(u)	Teviot & Liddesdale Area Forum	19 January 2016
(v)	Scrutiny	28 January 2016
(w)	Planning & Building Standards	1 February 2016
(x)	Executive (Economic Development Theme)	2 February 2016

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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,
13 November 2015 at 9.30am.

Present: Councillors D. Moffat (Chairman), S. Aitchison (for para 6.1) , B. Herd, A. Nicol, G. Turnbull. Mr G. Higgs, Voluntary Sector, Mr. H. Waltl.

Apologies: Councillor R. Stewart, Mr J Raine, NHS Borders.

In Attendance: Chief Superintendent G. Imery, Police Scotland, Chief Inspector A. McLean, Police Scotland, Inspector T. Hodges, 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, Mrs J. Mulloy, Scottish Borders Housing Association, Mr D. Scott, Senior Policy Adviser SBC, Ms S. Smith, Communities & Partnership Manager, SBC, K. Mason, Democratic Services Officer, SBC.

1. WELCOME

The Chairman extended a welcome to those present.

2. ORDER OF BUSINESS

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

3. MINUTE

There had been circulated copies of the Minute of the meeting held on 28 August 2015.

DECISION

APPROVED the Minute.

4. MATTERS ARISING

- 4.1 With reference to paragraph 3.2, Councillor Turnbull advised that he had received a letter dated 2 July 2005 from the Rt Hon David Mundell MP advising that Section 33 of the Value Added Tax Act 1994 contained a refund mechanism to ensure that VAT was not a cost borne by local taxation. To qualify for this, a body must have the power to draw funding directly from local taxation. The previous local police forces and fire and rescue services qualified for this reduction, because they were partly funded through the council tax precept. In 2012 following the merge into single national bodies, Police Scotland and the Scottish Fire and Rescue Service were funded directly by the Scottish Government rather than through any local taxes, and so did not fit under that criteria. In 2011 the Scottish Government was warned of this consequence of changing from regional police and fire services to a single authority. The Scottish Government's own business case predicated that the benefits of merger outweighed the loss of any VAT refunds, and so the Scottish Government continued restructuring with that in mind. The restructuring was the decision of the Scottish Government, made with the full knowledge of the VAT consequences of their decisions.

DECISION

NOTED.

- 4.2 With reference to paragraph 4.1 (b) (i) it was confirmed that Councillor Stewart would liaise with David Mallin regarding road signs in car parks.

**DECISION
NOTED.**

- 4.3 With reference to paragraph 4.1 (b) (ii) it was confirmed that the target figure for Priority 5 would be dealt with in the Police report.

**DECISION
NOTED.**

- 4.4 With reference to paragraph 4.3 it was noted that at the meeting of Council of 7 October 2015 the recommendation in 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, had been approved.

**DECISION
NOTED.**

- 4.5 With reference to paragraph 6.2 (b) (i) a report on decriminalisation of parking enforcement in the Scottish Borders would be dealt with at this meeting.

**DECISION
NOTED.**

- 4.6 With reference to paragraph 6.2(b)(ii) information on parking tickets would be dealt with in the Police report.

**DECISION
NOTED.**

- 4.7 With reference to paragraph 6.4(b)(i) information relating to cardiac arrests would be dealt with in the Fire and Rescue Service report.

**DECISION
NOTED.**

5. DECRIMINALISED PARKING

There had been circulated copies of a report by the Service Director Commercial Services presenting an update on the progress of the Council in relation to Decriminalised Parking Enforcement. The report explained that following the withdrawal of the traffic warden service there had been a much reduced monitoring and enforcement service of vehicular waiting and loading restrictions within the area's towns and villages. This in turn had led to reduced compliance, poorer traffic management and increased public complaints. An officer/member Working Group was set up in the summer of 2014 to explore the options available to the Council. The Working Group had identified that the best way forward for the Council in terms of traffic management in Scottish Borders towns was to apply to Scottish Ministers to introduce Decriminalised Parking Enforcement. Mr Brian Young, Network Manager emphasised however that Scottish Borders Council had yet to determine its position on a preferred way forward. Mr Young answered questions relating to legislation and on suggested other methods of controlling parking. Chief Inspector McLean gave assurance that Police Officers enforced legislation and parking tickets were issued in all towns in the Scottish Borders.

**DECISION
NOTED** the updated position in regard to the on-street parking control and thanked Mr Young for his attendance.

6. PROGRESS REPORTS/UPDATES ON CONSOLIDATION AND SUSTAINABILITY

6.1 Police

Chief Superintendent G. Imery referred to the early retirement of the Chief Constable and advised the process was ongoing to identify his replacement and interviews would take place next week. The Chair of the SPA was keen that the newly appointed Chief Constable would be identified by the beginning of December. She went on to give information relating to the outcomes of the First National Staff Survey which had been published at the beginning of October. Engagement of staff in the survey amounted to over 50%. There were issues identified during the survey many of which were already being addressed. A portion of staff indicated they were considering leaving the service and the factors for this were not within the control of the organisation but were because of changes in the pension scheme. She referred to the publication of HMIC's Review of Call Handling at Bilston Glen and advised that Police Scotland would continue to work with HMIC on the recommendations contained within the report. In referring to a gap in the Police Scotland budget she advised that locally contributions would be made towards the shortfall. She advised that from 1 April 2015 until the present 230 parking tickets had been issued with 152 warnings. In certain circumstances leaflets were put on car windscreens advising parking was not permissible.

Chief Inspector A. McLean presented the Police Progress report covering the period April 2015 to September 2015 which had been circulated. 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 a small increase in performance on the same time last year, and 2.5% better than target. Priority 2 – showed a 3.4% increase in common assaults in the year to date compared to the same time period in 2014/15. This equated to 3 more victims than at the same point last year. In respect of reducing the number of antisocial behaviour incidents there had been a 9% reduction (258 incidents in the year to date compared to the same time period last year). With regards to increasing the reporting of hate crime – there had been a significant increase in the number of recorded victims of hate crime in the year to date and it was noted that this was most likely due to the hard work by police and partners to raise awareness of hate related issues and the awareness campaign entitled 'No Place for Prejudice', this was seen as a positive increase. Priority 3 Tackling substance misuse – Police Scotland were undergoing a test phase on a new stop and search data base which went online on 1 June 2015, validation and testing of the data was ongoing and data collected would be detailed in future reports. There had been a 26.5% decrease in the number of visits to licensed premises, which equated to 293 fewer visits. Priority 4 – Making our roads safer – there had been a 15.6% reduction (5 fewer casualties) in the year to date; the number of people killed in the year to date was 5, which was 2 more fatalities than at the same point last year. The number of serious injuries was reduced by 7. Two children were seriously injured on the roads in the second quarter. Priority 5 – Tackling serious and organised crime – cash seizures had exceeded the value seized at the same point last year. No further asserts had been referred for restraint in quarter 2. It was positive to note that there was a 33.3% increase in the detection for drug supply, with 36 detected offences for drug supply for the year to date. Priority 6 – Tackling Acquisitive Crime – there had been a decrease in the number of housebreaking to dwellings leading to 13 fewer victims of this type of crime in the year to date when compared with the same time period in 2014/15. There had been a 23.4% reduction in theft of motor vehicles in the year to date which equated to 8 fewer victims of this type of crime.

In relating to the call centre at Bilston Glen, Councillor Moffat felt the Board should have been more proactive in sharing its concerns with the SPA. In respect of changes in anti-social behaviour it was noted that early intervention working in partnerships benefitted members of the community. Chief Inspector McLean would report at a future

meeting on (a) whether any hate time was directed towards people who used wheelchairs and, (b) to advise whether there was a suitable facility in the Tweeddale area for young driver courses.

DECISION

- (a) **NOTED the report.**
- (b) **AGREED that Chief Inspector McLean would report at a future meeting (a) on whether any hate crime was directed towards people who used wheelchairs and, (b) on whether there was a suitable facility in the Tweeddale area for young driver courses**

MEMBER

Councillor Aitchison joined the meeting at 10.25 a.m. during discussion of the above item and left at 11.10 a.m.

ADJOURNMENT

The meeting adjourned 11.10 a.m. and reconvened at 11.20 a.m.

6.2 Fire and Rescue Service

LSO, A. Perry thanked Board members for their attendance at Hawick Fire Station. He gave background information relating to the reduction in control rooms from 8 to 3 and advised that once all the changes had been made an invitation would be made to members of the Board to visit the new state of the art facility in Edinburgh. Fire safety advice had been given recently to farmers at two local farms. He confirmed that firefighters in selected areas had received enhanced training in life-support through a joint partnership with the Scottish Ambulance Service. The trial was running at seven stations, three of which were located in the Scottish Borders. Consultation had taken place with the Ambulance Service in setting up the pilot and where the pilot schemes would be located. The Fire and Rescue Service had held an event 15 October 2015 which had been supported by the British Heart Foundation, when CPR was taught by using mannequins and a self-teaching DVD programme.

There had been circulated copies of the Scottish Fire and Rescue Service Performance Report covering the period 1 April to 30 September 2015. In summarising the report, Group Manager A. Girrity advised that with regard to Priority 1: Reduction of Dwelling Fires, the SFRS had attended 55 dwelling fires in comparison to 41 for the same YTD reporting period last year, this represented a 35% increase although the previous 2015 quarterly comparison showed a 28% decrease. Five of the fires had been started deliberately with one this quarter, this occurred in a tenement on Hawick High Street. The kitchen continued to be the most common room of origin for fires; this was followed by the living room. Priority 2: Reduction in Fire Fatalities and Casualties, the report noted that there had been nine fire related casualties in this reporting period, and this was an increase of two compared to the same period last year. In contrast, 2015 quarterly comparison showed a decrease with seven casualties in the first quarter and three this quarter. The year to date period had seen one fire fatality. There had been three non-fatal fire casualties this quarter all suffering from slight smoke inhalation. There were no fire fatalities this quarter. Priority 3: Reduction of Deliberate Fire Setting indicated an increase of 17 in comparison to the same reporting period last year. 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 showed significant increases for this period. The spate of fire raising carried out in Galashiels earlier this year had been detailed in the last report. Wood, scrubland, refuse and straw bales accounted for the majority of these incidents. The increase was consistent with warmer drier months in the summer and could often be contributed to members of the public being careless rather than malicious.

Priority 4: Reduction in Road Traffic Collisions (RTCs) indicated that the SFRS attended 45 Road Traffic Collisions (RTCs), this was a decrease of one compared to the same period last year. There had been 28 RTC related casualties in this YTD period. There had been four fatalities, two occurring this quarter at the same incident on the A7 north of Stow. The Service used Hydraulic Rescue Equipment on 25 occasions during this year to date period to extricate casualties. Priority 5 related to the Reduction of Unwanted Fire Alarm Signals and it was noted that there had been 407 Unwanted Fire Alarm Signals during this quarter, representing a decrease of 36 incidents compared to the same period last year.

DECISION

NOTED the report.

6.3 Safer Communities

There had been circulated copies of the Safer Communities Performance Report covering the period 1 April 2015 to 30 September 2015. Inspector T. Hodges advised he was delighted to have recently taken up post as the Manager of the Safer Communities Team following Chief Inspector Paula Clark's recent retiral. The Safer Communities Team were in the process of finalising a Strategic Assessment to direct its action plan for the coming years and an internal Review of that service would soon commence. He hoped this would assist in moving forward in a positive manner and improving on the preventative services the team delivered and facilitated in partnership across the Scottish Borders. He would be looking to improve the reporting mechanism to the Board in an effort to provide a more meaningful context to the performance within Safer Communities. He then went on to highlight some of the key areas in his report and advised in respect of Gender Based Violence the Team's Pathway Project had been subject of a comprehensive external evaluation which had in general terms been extremely positive. This would be incorporated into current funding bids to hopefully secure the Domestic Abuse Advocacy Services future years and an initial report on this would be considered by the Council's Corporate Management Team the following week. The figure in red (37%) under Service User satisfaction was in reality not a negative one but represented very constructive feedback from 4 service users who had been supported by the service. This feedback was appreciated and allowed continuous improvements in service delivery. The training currently being delivered to professionals in respect of Gender Based Violence had a very positive effect. He was aware that there were limitations in respect of how much training was being delivered. The Team was working closely across agencies through the Violence Against Women Partnership to ensure this issue was continued to be incorporated into other training media such as Child and Adult Protection. DAAS advocacy workers had started providing briefings to front line Police Officers across the Borders to improve understanding of the services they could offer victims of Domestic Abuse. In relation to Anti-Social Behaviour (ASB) through the ASB Partnership Group he had initiated a review of current policies and procedures to ensure they were fit for the future. Whilst numbers of reported incidents were slightly higher than predicted, he was satisfied that these were being addressed at the appropriate level, whether via mediation or by more formal ASB processes. Early intervention and partnership working in this area remained the key. In relation to alcohol and drugs, the increase shown in vandalism (a crime often linked to the night-time economy) was currently being robustly addressed by the Local Area Commander via the daily tasking and co-ordinating process. It should however be noted that the current rates were below the three-year average for this type of crime. The Team was in the early stages of working with local churches with a view to introducing Street Pastors to the Borders. These schemes were very successful across the country often resulting in a decrease of alcohol related incidents such as vandalism in town centres at weekends. Strong partnership working was bearing fruit in respect of incidents being reported in licensed premises, and the success of festivals, common ridings and rugby sevens were excellent examples of how old issues relating to alcohol abuse at these events was being addressed. Schools officers and health partners were actively involved with

young people in preventative work in respect of alcohol and substance misuse. He advised that the Community Planning Partnership had commissioned a multi-agency Living Safely in the Home Working Group which would be chaired by Group Manager A. Girrity from the Fire and Rescue Service to ensure the best use was made of all partners to improve the safety of vulnerable persons in their home. Finally, in relation to road safety, the Scottish Borders Road Safety Working Group continued along with the Police Scotland Road Safety Board to coordinate resources to educate and enforce legislation in an effort to address poor driver behaviour. A request was made that all Members of the Council should be invited to attend exercises such as the one recently held at Floors Castle.

DECISION

(a) **NOTED.**

(b) **AGREED that all Members of Scottish Borders Council should be invited to attend future events such as the one recently held at Floors Castle.**

7. UPDATE FROM THE SCOTTISH POLICE AUTHORITY

Mr Rooney advised that he was pleased to attend these joint meetings and he considered that the team was an excellent one. One of his key Scottish Police Authority (SPA) responsibilities was to liaise with members of local scrutiny committees – in his case with Scottish Borders, and North and South Lanarkshire which allowed a two way dialogue. The new Chair of the SPA, Andrew Flanagan started at the beginning of September and one of his key priorities was to undertake a review of the Governance of Policing in Scotland. This review was announced on 3 September by the Cabinet Secretary, and a report on this was expected in March 2016. The review would ensure that accountability arrangements for policing could be built on the lessons learned during the operation of the single force to date and those robust arrangements were in place for the future. Recommendations should take account of the outcome of the local scrutiny summit which had taken place on 23 September. All 32 local authorities were being actively invited to contribute and he explained how this would happen. Mr Flanagan had committed the SPA to taking forward a joint meeting with COSLA and local senior council officers, with support from Police Scotland. This meeting was taking place on 16 November and would consider findings from the summit; both Douglas Scott and Shona Smith would attend the meeting. A follow up meeting would be offered, and an invitation issued to local scrutiny committee conveners to participate. The Chair would report the findings of the review in March 2016. The SPA had other pieces of engagement underway or in the pipeline including consulting on the SPA Gaelic Language Plan; and there would be more local engagement from the SPA in coming months on the new Strategic Plan for Policing. He concluded by advising that the SPA were facing significant budgetary challenges and work around the governance review was designed to ensure the SPA could build on the lessons learned during the operation of the single force to date, and ensure that the right and most robust arrangements were in place to meet these challenges.

DECISION

NOTED.

MEMBER

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

8. 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 12 February 2016; and
Friday 13 May 2016.

DECISION

NOTED.

The meeting concluded 12.35 p.m.

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SCOTTISH BORDERS COUNCIL AUDIT AND RISK COMMITTEE

MINUTES of Meeting of the AUDIT AND RISK held in Council Headquarters, Council Headquarters, Newtown St Boswells on Monday, 23 November, 2015 at 2.00 pm

Present:- Councillors M. Ballantyne (Chair), W. Archibald, J. Campbell, I. Gillespie, A. J. Nicol, S. Scott and B White (Vice-Chairman)

In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk, Corporate Transformation and Services Director (for Item 5), Service Director Neighbourhood Services (for Items 7 and 8), Chief Social Work Officer (for Item 9), Clerk to the Council, Democratic Services Officer (P Bolson).

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. WELCOME

The Chairman advised that three new external members had been appointed to the Audit and Risk Committee and welcomed to the meeting Mr Paul McGinley, Mr Michael Middlemiss and Mr Howard Walpole followed by introductions by those present. Councillor Iain Gillespie was also welcomed to the meeting following his recent appointment to the Committee.

DECISION NOTED.

3. MINUTE

3.1 There had been circulated copies of the Minute of 28 September 2015.

DECISION APPROVED for signature by the Chairman.

3.2 With reference to paragraph 4(b) of the Minute, Members were advised that a report on Grants and Loans to Third Parties would be presented at the next meeting of the Audit and Risk Committee on 18 January 2016.

DECISION NOTED that a report on Grants and Loans to Third Parties would be presented at the next meeting of the Audit and Risk Committee on 18 January 2016.

4. TREASURY MANAGEMENT MID-YEAR REPORT 2015/16

There had been circulated copies of a report by the Chief Financial Officer which detailed the mid-year treasury management activities for 2015/16, in line with the requirements of the CIPFA Code of Practice and which included Prudential and Treasury Management Indicators. Following consideration by the Audit and Risk Committee, the report would then be presented to Council for approval. Appendix 1 to the report contained an analysis of the performance against the targets set in relation to Prudential and Treasury Management Indicators and proposed revised estimates of these indicators in light of the 2014/15 outturn and experience in 2015/16 to date for discussion by the Committee prior to presentation to Council for approval.

4.2 Ms Mirley, Corporate Finance Manager, made reference to her presentation during the Informal Briefing Seminar for all Elected Members on Borrowing and Treasury Management in Councils preceding this Committee meeting and referred to section 2.3 of

Appendix 1 to the report, advising Members that this was a summary of the interest rates forecast by Capita Asset Services, the Council's treasury adviser. The report explained that the current approved budget for 2015/16 was £50.7m, a reduction of £7.7m from the originally agreed figure. This had been due to adverse timing movements in some areas of the Capital Plan and the report detailed the key drivers of the changes. An increase of £10.1m within Place department was linked to movements to the re-profiling post-contract award for the Selkirk Flood Protection Project and the acceleration of £1m for Roads investment; a reduction in estimated expenditure of £13.3m within People department as a result of the adjustment to remove Kelso High School project which would now be fully funded via a revenue grant from the Scottish Government; a reduction of £4.2m from the Chief Executive department in relation to the Next Generation Broadband (BDUK) project which was being funded from the General Capital Grant retained by the Scottish Government; and the removal of £0.3m for emergency and unplanned schemes. In addition, there had been a reduction in the approved budget for Funding for Other Relevant Expenditure by £16m which was largely related to the lack of uptake of borrowing by Registered Social Landlords (RSLs) and the National Housing Trust project via Bridge Homes LLP. Ms Mirley explained that the Scottish Government's guidance criteria for lending identified the Local Authority as the "lender of last resort", making it more difficult to lend to RSLs and had resulted in a lack of uptake.

- 4.3 With regard to the Capital Financing Requirement (CFR), the report explained that this had been recalculated in light of the changes to the Capital Plan and noted a reduction in the amount required from £276.1m to £266.6m. Ms Mirley referred to the funding section within the Capital Investment Plan and explained that any need to fund a notional amount would not necessarily require borrowing and might, for example, be funded using the Council's cash flow. The report explained the management of under / over borrowing against the CFR and noted that historically long term borrowing had been by fixed rate maturity loans. Ms Mirley advised that this was not necessarily how the Council would proceed in the future and it was noted that variable rate loans might be considered if there was a prolonged period of low interest rates. In terms of risk, Ms Mirley confirmed that the Council could access cash reserves but there was a risk if those reserves were insufficient to cover requirements.

DECISION

(a) **NOTED that treasury management activity in the six months to 30 September 2015 had been carried out in compliance with the approved Treasury Management Strategy and Policy; and**

* (b) **AGREED TO RECOMMEND that the Treasury Management Mid-Year report 2015/16, as contained in Appendix 1 to the report, be presented to Council for approval of the revised indicators.**

5. INTERNAL AUDIT WORK 2015/16 TO OCTOBER 2015

- 5.1 There had been circulated copies of a report by the Chief Officer Audit and Risk which provided the Audit and Risk Committee with details of the recent work carried out by Internal Audit and the recommended audit actions agreed by management to improve internal controls and governance arrangements and Internal Audit work in progress. The work Internal Audit had carried out in the period from 29 August to 31 October 2015 to deliver the Internal Audit Annual Plan 2015/16 was detailed in the report. During the reporting period 5 final internal audit reports had been issued. There were 4 recommendations made (0 Priority 1 High Risk, 1 Priority 2 Medium Risk, and 3 Priority 3 Low Risk) specific to three of the reports. Management had agreed to implement the recommendations to improve internal controls and governance arrangements. The report also detailed the Internal Audit Reviews which were either underway or nearing completion. An executive summary of the final internal audit reports issued, including audit objective, findings, good practice, recommendations and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and

governance arrangements within each audit area, was detailed in Appendix 1 to the report.

- 5.2 With reference to the Corporate Transformation Cultural Services Review, Members requested clarification regarding membership and purpose of the Joint Officer Working Group and the Member Reference Group, both of which had been set up as part of the process to consider an Integrated Culture and Sport Trust. Members were advised by Mr Dickson, Corporate Transformation and Services Director, that each of the two Groups had specific input into the process as detailed in Appendix 1 and this ensured that key stakeholders in cultural services were involved. Members were further advised that the Performance Management Framework was due for completion by the end of February 2016 and that recommendations would be presented to the Executive Committee by the end of March 2016. In the interim, the Chief Officer Audit and Risk would sit as a member of the Integrated Trust Project Board and provide support in terms of governance, risk and internal control whilst the Senior Internal Auditor would continue to work with the project team. With regard to the Authorised Signatories process for both salaries and creditors' payments, Ms Stacey confirmed the interim audit recommendation that access to the Council systems should be allocated to the duties of a particular post and not to the individual officer to ensure the relevant security measures were in place when there was movement of staff both within and out with the Council. In respect of the LEADER Programme, it was acknowledged that criteria for state aid could be confusing and that this could affect a number of services across the Council. On that basis, a framework to ensure that all officers within the Council were following the same standards was required and Mr Bryan McGrath, Chief Officer Economic Development and Lead Officer for this Programme, would be involved in the development of this. Mr McGrath had agreed the Priority 3 recommendation within the Audit Review and acknowledged that it covered the European Fisheries Fund Programme as well. In response to a question on European Fisheries funding, Mr Robertson confirmed that any uncommitted monies would be used within the Eyemouth area. Ms Stacey confirmed the process by which recommendations from Internal Audit reviews were followed up and that any non-completion of such recommendations were reported to the Audit and Risk Committee as standard practice.
- 5.3 With regard to the Public Service Network (PSN) Compliance, the Corporate Transformation and Services Director explained that compliance with PSN was mandatory to ensure the security of the Council's network and that of the data held within it. Certification of compliance was required on an annual basis. Mr Dickson explained that there had been a number of issues which had delayed the project prior to SBC's successful accreditation in August 2015 and that there were a range of lessons learned from this process. In response to a question regarding access to Covalent for the new external Members of the Audit and Risk Committee, Ms Stacey advised that currently the Committee received output from Covalent as required with officers accessing the system directly.

DECISION

- (a) **NOTED the final reports issued in the period from 29 August to 31 October 2015 to deliver the Internal Audit Annual Plan 2015/16;**
- (b) **ACKNOWLEDGED that it was satisfied with the recommended audit actions agreed by Management.**
6. **INTERNAL AUDIT MID TERM PERFORMANCE MONITORING REPORT 2015/16**
- 6.1 There had been circulated copies of a report by the Chief Officer Audit and Risk informing the Committee of the progress Internal Audit had made in the first six months of the year to 30 September 2015 towards completion of the Internal Audit Annual Plan 2015/16, and included a summary of outcomes of assessments of the Internal Audit Service against the Public Sector Internal Audit Standards. The report advised that based on the planned staffing levels within the period from October 2015 to March 2016, it was anticipated that

the Internal Annual Audit Plan would be delivered in full. The report went on to explain that interim changes to the Corporate Management structure meant that the Chief Officer Audit and Risk now reported directly to the Service Director Regulatory Services (also the Monitoring Officer of the Council). This would not affect the role of the Audit and Risk Committee in considering reports by the Chief Officer Audit and Risk.

- 6.2 Internal Audit's function, as set out in the Public Sector Internal Audit Standards (PSIAS), included the requirement to carry out a self-assessment against the PSIAS and develop a Quality Assurance and Improvement Plan (QAIP). A summary overview of this self-assessment was included in the report and it was noted that these self-assessments were also subject to an External Quality Assessment (EQA) every five years. A "peer review" framework was agreed by the Scottish Local Authorities Chief Internal Auditors Group (SLACIAG) and SBC had participated in a pilot framework along with five other Local Authorities. Renfrewshire Council visited SBC in October 2015 and the subsequent report concluded that the SBC Internal Audit Service generally conformed to PSIAS and identified a number of areas of good practice.
- 6.3 With regard to the planned Audit Reviews for Risk Management and Counter Fraud in 2015/16, Members were advised that the Chief Officer Audit and Risk would be considered to be the client with the Internal Audit Manager (IAM) fulfilling the Chief Audit Executive (CAE) role to ensure independence and objectivity and to meet the requirements of PSIAS. Following further discussion in respect of the line management structure and the potential or perceived impairment to objectivity where the IAM's normal reporting line was to the Chief Officer Audit and Risk, it was agreed that the relevant officers should discuss whether it would be of prudent to change the line management of the Internal Audit Manager during the short period in which he was acting in the role of CAE and to bring further information back to the Committee at its meeting in January 2016. In response to a question on how subjects for review were selected, Ms Stacey clarified that the range and breadth of audit areas for inclusion within the internal audit annual plan includes sufficient work to enable CAE to prepare an annual internal audit opinion on the adequacy of the Council's overall control environment, and to provide assurance to Management and the Audit and Risk Committee, as set out in the Internal Audit Strategy and Annual Plan. With reference to paragraph 4.1 of the report, it was noted that planned days of Internal Audit work on some Reviews did not always match the actual days completed and that in order to provide clarity, it was agreed that additional information would be added to future reports to explain any significant differences.

DECISION

- (a) **APPROVED the progress made by Internal Audit towards completion of the Internal Audit Annual Plan 2015/16; and**
- (b) **AGREED that:-**
- (i) **the Committee was satisfied with the performance of the Internal Audit Service; and**
 - (ii) **in terms of demonstrating transparency and ethics, the Chief Financial Officer, Service Director Regulatory Services and Chief Officer Audit and Risk would consider whether it would be prudent to change the line management of the Internal Audit Manager during the short period in which he was acting in the role of Chief Audit Executive to carry out the planned Audit Reviews for Risk Management and Counter Fraud; and**
 - (iii) **additional information would be included in future reports to explain any significant differences between the planned and actual number of days of work carried out on Internal Audit reviews.**

ADJOURNMENT

The meeting was adjourned for a short break at 3.50pm and reconvened at 3.55pm.

MEMBER

Councillor Nicol joined the meeting.

7. HOUSING BENEFITS OVERPAYMENT AND DEBT RECOVERY

With reference to paragraph 8 of the Minute of 11 May 2015, there had been circulated copies of a report by the Service Director Neighbourhood Services giving details of the performance of Housing Benefits overpayments and debt recovery during the first half of 2015/16. The report noted that the value of overpayments outstanding at the beginning of quarter three in 2015/16 was £1.5m in comparison to £1.1m in 2014/15. SBC awarded Housing Benefits payments in the region of £30m during 2013/14 and 2014/15 and of this, £746,340 (2.5%) was overpaid in 2013/14. During 2014/15, overpayment increased to £1,016,215 (3.3%). The report further advised that the number and value of overpayments had increased from quarter three as a result of new initiatives from the Department of Work and Pensions (DWP) which allowed better matching of data across organisations. The report also identified that the percentage of debt recovered in the first two quarters of 2015/16 had increased to 62.2%. Ms Craig explained that, following the implementation of Universal Credit, further digitisation of the application process for benefit was anticipated. Other measures being developed for improvement in debt recovery included the renegotiation of contracts for Sheriff Officers from April 2016 with built-in performance indicators on debt recovery; and further discussions with the DWP in relation to recovering debt from other benefits that individuals received. Discussion followed and Ms Craig explained the reasons for inaccurate claims being submitted included the complexity of some of the application forms and failure to advise the appropriate Authority of changes to circumstances. With regard to the recovery of costs where debts were pursued, Members were advised by Mr Grant, Customer Services Manager, that these were not currently passed on to the debtor but were covered by the Council. Debtors were consulted with regard to their repayment plan and generally deductions would be made directly from any payments where the debtor was still in receipt of benefits. In response to a Member's question, Ms Craig indicated that it was much more effective to prevent overpayments occurring in the first place rather than pursuing debt recovery and work with the DWP was now moving forward in this direction. A further update report would be presented to the Committee in six months.

DECISION

- (a) **NOTED the comparative activity relating to Housing Benefit overpayments and debt recovery during the period 1 April to 30 September 2015; and**
- (b) **AGREED that a further performance report be presented to the Audit and Risk Committee in six months.**

8. BENEFITS PERFORMANCE AUDIT ANNUAL UPDATE 2014/15

There had been circulated copies of a report by Audit Scotland on the Benefits Performance Audit Annual Update for 2014/15. Audit Scotland officers were on site at the Council during May 2014 to carry out a performance audit of the Council's Housing Benefit service. The results of this audit highlighted areas of good practice within the Council and the report commented that only one risk to continuous improvement had been identified.

DECISION

NOTED the report.

MEMBERS

Councillors White and Scott left the meeting during consideration of the following item.

9. RISK MANAGEMENT ACROSS ADULT SOCIAL CARE SERVICES

- 9.1 Members were advised that the presentation on Risk Management across Adult Care Services was being presented to the Committee as part of the scheduled call back programme for services across the Council.
- 9.2 There were circulated at the meeting copies of the presentation by Ms Torrance, Chief Social Work Officer. Ms Torrance explained that managing risk was a core requirement of adult health and social care services and as such, a number of robust tools were available to assist in the process. A client-centred approach was essential to ensure that individuals' needs and rights were considered throughout the process and Ms Torrance emphasised that operation risks were collectively managed across teams and services through the effective use of a management process, from the Social Worker to the Care Manager and Team Leader. Ms Torrance explained the different levels of risk management from strategic to directorate/service to operational and summarised the risk management structure for each, emphasising that the key purpose at all levels was to keep people safe. Members were advised of a number of key factors and major changes which had affected risk management, such as Health and Social Care Integration and the resultant adjustments to the delivery of Adult Care Services across the Borders; the creation of SBCares and management of risk in relation to ALEOs; corporate changes and the need to ensure that staff understand the process; demographic changes requiring the redesign of services; Council-wide financial pressures; and SBC's reputation in ensuring protection of those in receipt of the service and the wider public.
- 9.3 In terms of the tools and techniques for managing risk, Ms Torrance explained that the creation of SBCares involved stakeholder engagement and discussions with Unions to ensure that all parties were involved in the process. Training was provided for all frontline staff, managers and senior managers to ensure that they were equipped at an appropriate level to manage and mitigate risk. Regular monitoring of Risk Plans at all levels was a key part of the process and within social work practice risk management was an integral part of the social worker's role in terms of their case management. Other measures in place included the Chief Social Work Officer's Annual Report to Council on Risk Management, inspections by the Care Inspectorate, and self-evaluation within services which ensured that a robust and effective process existed.
- 9.4 Ms Torrance explained that measures were also in place to enable the effective governance of risk across the Adult Care Service. In terms of SB Cares, these measures included the appointment of an independent Chairperson and Members on the SB Cares Board; the setting up of the Limited Liability Partnership (LLP) Strategic Governance Group comprising four Elected Members; and the Performance/Finance Group which had responsibility for the day to day operational arrangements. In terms of progress made in the Health and Social Care Integration process, Ms Torrance explained to Members that an Integrated Joint Board had now been established and this board would receive reports on joint financing of Health and Social Care services. An Integration Scheme had been submitted to Scottish Ministers for approval and the Strategic Plan was currently out for consultation. Further progress would be reported in due course.
- 9.5 A number of questions were raised in relation to the management of risk and Ms Torrance provided clarification to Members. She emphasised that risk management was viewed as having a watching brief rather than reacting when something happened and as such, risks were re-assessed and moved in status as required. Escalation of risks within the service, to People Department Management Team and to Corporate Management Team, as required, ensured that each was dealt with by the appropriate level of management. Ms Torrance acknowledged that external risks such as a need for care at home providers to be brought back to in-house delivery presented challenges to the Council and that these would be addressed under the Health and Social Care Integration agenda. Ms Torrance confirmed that special placements such as those to other Local Authorities were still required in some cases and needed to be managed within the system. The Chairman thanked Ms Torrance for her attendance.

DECISION
NOTED the presentation.

10. **CORPORATE RISK MANAGEMENT STRATEGY**

There had been circulated copies of a report by the Chief Officer Audit and Risk seeking agreement to present the revised Corporate Risk Management Strategy to Council for approval. Members were in agreement that the content of the document was appropriate but were concerned that the text did not flow in an easy-to-follow way and that the language was, on occasion, over-complicated. It was agreed that the Chief Officer Audit and Risk, in consultation with the Chairman, would revise the wording and language within the document and would circulate the amended Strategy to Members for information prior to its presentation to Council for approval.

DECISION

(a) **NOTED the report;**

(b) **AGREED that the Chief Officer Audit and Risk, in consultation with the Chairman, would revise the wording and language within the document and that the amended Strategy would be circulated to Members for information; and**

* (c) **AGREED TO RECOMMEND that the revised Corporate Risk Management Strategy be presented to Council for approval.**

The meeting concluded at 5.00 pm

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SCOTTISH BORDERS
COMMUNITY PLANNING STRATEGIC BOARD

MINUTE of MEETING of the
COMMUNITY PLANNING
STRATEGIC BOARD held in the
Council Chamber, Council
Headquarters, Newtown St
Boswells on 26 November 2015 at
2.00pm.

Present:- Councillors D. Parker (Chairman), S. Bell, C. Bhatia; Councillor G. Edgar (SESTRAN); Mrs M. Hume (3rd Sector Interface); Chief Superintendent G. Imery (Police Scotland); Mr T. Jakimciw (Borders College); Mr A. McKinnon (Scottish Enterprise); Councillor S. Mountford (SBHA); Mr A. Perry (Scottish Fire and Rescue Service); Mr J. Raine and Dr D. Steele (NHS Borders); Ms R. Stenhouse (Waverley Housing).

Apologies:- Councillors J. Brown and M. Cook; Mr T. Burrows (Eildon Housing).

In Attendance:- Ms J. Davidson (NHS Borders Chief Executive); Mr R. Dickson (SBC Corporate Transformation and Services Director); Ms T. Logan (SBC Chief Executive), Mrs J. McDiarmid (SBC Depute Chief Executive [People]); Mr T. Patterson (Joint Director of Public Health – SBC/NHS); Mr D. Scott (SBC), Ms S. Smith (SBC), Clerk to Council.

1. **MINUTE**

1.1 There had been circulated copies of the Minute of the Meeting held on 11 June 2015.

DECISION

APPROVED the Minute for signature by the Chairman, subject to the amendment of paragraph 13(c), replacing ‘the Improvement Service’ with ‘Voluntary Action Scotland’.

1.2 With reference to paragraph 14 of the Minute of the Meeting held on 11 June 2015, the Joint Director of Public Health gave an update on the Public Health Review. The report was currently with the Cabinet Secretary. Going forward, it was likely there would be no structural change for the Public Health function; the Community Planning Partnership was seen as pivotal for delivery of Public Health; Public Health practitioners would still be expected to provide significant and bold leadership; the roles of those in public health would include workforce development; and everyone had a public health role. The Chairman advised there would be further discussion once the report was issued.

**DECISION
NOTED.**

2. **ACTION TRACKER**

2.1 There had been circulated copies of the Action Tracker for Strategic Board decisions. With reference to the decision at paragraph 6(a) of the Minute of Meeting of 11 June 2015, that Chief Inspector McLean and SBC Depute Chief Executive People would work together to produce an Action Plan to reduce death and injury on Borders' roads, the SBC Depute Chief Executive People confirmed that this work was being taken forward by the Community Safety Unit based at the Council. The Chairman further advised that he had already written to the Scottish Government Minister and would do so again, copying Mr Raine into the draft.

**DECISION
NOTED.**

- 2.2 With reference to the decision at paragraph 12(b)(ii) of the Minute of Meeting of 11 June 2015, that officers would look at the wider context of the Community Planning Partnership and include this in the report on governance due to be considered at the next meeting of the Board, Mr Raine of NHS Borders asked when governance of the Partnership was scheduled to be discussed. The SBC Chief Executive advised that officers had considered it important to have the presentation by the Scottish Government Officer on the Community Empowerment (Scotland) Act 2015 first then to set up a specific session for the Board to consider governance.

**DECISION
NOTED that a separate meeting was to be set up to allow the Strategic Board to consider future governance arrangements.**

3. **COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**
- 3.1 With reference to paragraph 7 of the Minute of Meeting of 5 March 2015, Mr Iain Murray, Policy Officer from Scottish Government, gave a presentation on the Community Empowerment (Scotland) Act 2015, and what it meant for Community Planning. The new Act gave a clear purpose to Community Planning on how public bodies would work together along with the local community to plan and act to improve local outcomes. Duties were placed on Community Planning Partnerships to act to tackle inequalities which included not only preparing a Local Outcome Improvement Plan, reviewing and reporting on progress, but also preparing locality plans for localities in which communities experienced the poorest outcomes. Further duties were also placed on public sector partners to resource the Local Outcome Improvement Plan priorities and take account of these in undertaking their own functions. The Act now contained a much more expanded list of statutory partners, with joint responsibility for governance duties placed with a number of statutory Partners, not just the Council as had previously been the case. Participation was now required with communities in design, delivery of plans and services, and performance reporting. However, legislation could not do everything and ultimately the cultures which underpinned the Community Planning Partnership would decide whether it would work or not. Other features within the Act of relevance specifically to the Community Planning Partnership included: participation requests, community right to buy, asset transfer requests, and participation in public decision making. Mr Murray confirmed that supporting statutory guidance and secondary legislation was planned by summer 2016, with different parts of the new Act likely to come into force at different times.
- 3.2 Members of the Board considered the presentation and made a number of comments. At the Third Sector conference held the previous weekend, there seemed to be an enormous gulf between what the Partnership was doing and the expectations of some community groups. Reference was made to the Vision for Eyemouth and the Peebles Masterplan which had been developed by their respective communities but not discussed by the Community Planning Partnership. These needed to be integrated going forward. In some instances it was very difficult to get residents involved in planning and decision making for their own communities, but it was also recognised that communities could only be encouraged and not forced to participate. It was also considered helpful if guidance could be issued to contextualise the role of the Partnership e.g. Colleges currently took guidance from the Scottish Funding Council regarding planning and reporting cycles, and further guidance was required on how this would be impacted. The Act would hopefully lend weight to collectively deciding as statutory partners how to resource the Partnership and act together moving forwards. Members did express concern about the delay in issuing guidance both to the Partnership and to communities themselves. The Chairman thanked Mr Murray for his presentation.

**DECISION
NOTED.**

4. REDUCING INEQUALITIES

With reference to paragraphs 4 – 6 of the Minute of Meeting of 5 March 2015, there were circulated at the meeting copies of the Draft Strategic Plan for Reducing Inequalities in the Scottish Borders 2015 - 2020. The SBC Depute Chief Executive Place gave a presentation on the Draft Plan which had drawn together all the plans and strategies in place to focus on reducing inequalities. The vision for the Community Planning Partnership was: “By 2023, quality of life will have improved for those who are currently living within our most deprived communities, through a stronger economy and through targeted partnership activity.” The 5 key themes for Inequalities in the Scottish Borders were health and wellbeing; employment and income; housing and neighbourhood; attainment, achievement and inclusion; and keeping people safe. The rural nature of the Borders and the challenges this brought was a cross cutting theme and would always be considered when examining the 5 themes. Details were given on the links from the Reducing Inequalities themes, national strategic objectives, community planning priorities, and national outcomes. The over-arching principles of Reducing Inequalities were early intervention and prevention to break the cycle of poor outcomes; working with our communities, building on the assets of individuals and communities; and ensuring that children and families’ needs were at the centre of service design and delivery. There were 6 high level outcomes and 5 key strategic outcomes detailed in the Plan, each section setting out what the key issues were; what outcomes were to be achieved; what the planned activities were to do this; and the priorities. Early years centres at Burnfoot, Langlee and Philiphaugh were mentioned along with the new centre at Eyemouth which was due to open in Spring 2016. Reference was also made to the Healthy Start project, as well as exclusions from school, positive destinations for school leavers, attainment vs deprivation, literacy and numeracy and snapshots of work in high schools. In response to a question about whether there was a specific improvement in deprived areas, or if there was a general improvement across the board, the SBC Depute Chief Executive People advised that it was too soon to tell. Assurance was also given that domestic abuse was included in the Strategic Plan in the Safer Communities section on "Keeping People Safe", led by the Manager of the Safer Communities Unit, who also was a member of the Reducing Inequalities Theme Group.

**DECISION
NOTED.**

5. COMMUNITY JUSTICE

With reference to paragraph 12 of the Minute of Meeting of 11 June 2015, there had been circulated copies of a report by the Chief Social Work Officer setting out the current transition arrangements for making the changes necessary to meet the requirements of the Community Justice Bill while building on the information provided to the June meeting of the Strategic Board. By 31 January 2016, the Scottish Borders was required to submit a Community Justice Transition Plan to the Scottish Government. Work was already underway to draft the Plan following the appointment of a Project Officer. To date, a Community Justice Board had been established, reporting through the Community Planning Strategic Board, with an agreed Constitution and Terms of Reference. Consultation and engagement activity had already commenced and would be sustained during and post transition. This formed part of the communication and marketing plan supported by a stakeholder analysis. The Community Justice Board was using analysis in the form of a Scottish Borders offender profile to aid decision making. In support of the national transition process, the Scottish Borders was acting as a test site for developing performance indicators, testing the Community Justice Authority 'Framework for the Support of Families affected by the Community Justice System', and had volunteered to work with the Criminal Justice Voluntary Sector Forum to undertake a self-evaluation exercise for the Third Sector providers within local authorities. A project plan had been developed and was being

managed through the Microsoft Project application. The membership of the Community Justice Board included representatives from NHS, Fire and Rescue Service, the Council, Skills Development Scotland, Police Scotland, and the 3rd Sector and it was important that the Community Planning Partnership was engaged with this work. It was recognised that the work of the 3rd Sector was crucial to initiatives in Community Justice, and Mrs Hume confirmed that Volunteer Centre Borders was in contact with SACRO on this issue.

DECISION

AGREED:

- (a) to note the update on current transition arrangements for Community Justice; and**
- (b) that responsibility for approving submission of the Community Justice Transition Plan was devolved to the Community Justice Board.**

6. HEALTH AND SOCIAL CARE INTEGRATION

There had been circulated copies of a paper by the Chief Officer for Health and Social Care on the second draft of the Strategic Plan for Health and Social Care Integration for discussion and consultation prior to the close of the formal consultation period on 11 December 2015. A copy of the Draft Strategic Plan 'A further conversation: working together for the best possible health and wellbeing in our communities' had also been circulated. The paper also provided an update on engagement activities, the feedback from which would inform the final version of the Plan. The Chief Officer for Health and Social Care advised the Board that the first draft of the Strategic Plan had been out for consultation earlier in the year and had received helpful responses. These had been used to make specific revisions for the 2nd draft, which had been presented at Area Forum meetings and other public meetings, as well as being cascaded to staff to get helpful feedback and comments. The Strategic Plan formed part of the legislative framework for adults in the Scottish Borders, and stated what actions would be put in place to show that the national health and wellbeing outcomes would be achieved in the area. Comments from any of the Community Planning Partners were welcome on any aspects of the Strategic Plan.

DECISION

NOTED the second draft of the Strategic Plan for Health and Social Care Integration.

7. SCOTTISH LOW CARBON ECONOMIC STRATEGY 2023 – UPDATED ACTION PLAN AND PROPOSED PERFORMANCE FRAMEWORK

With reference to paragraph 4 of the Minute of Meeting of 11 June 2015, there had been circulated copies of a report by the SBC Director Corporate Transformation and Services on progress to refresh the Action Plan and proposing a draft Performance Framework to support the monitoring of delivery of the Strategy Aims and Objectives. It was agreed when the Strategy was approved in October 2013 that the Action Plan would be reviewed regularly and the process to refresh the Action Plan began in February 2015. The refreshed Action Plan, attached as Appendix 1 to the report, involved a thorough consultation process with a range of partners. To allow effective monitoring of progress against the Aims and Objectives of the Strategy, the Performance Framework, attached as Appendix 2 to the report, had also been developed. It suggested a series of performance indicators ranging across the key objectives within the Strategy. In response to a question about what difference the Community Planning Partnership made to the Action Plan and where was the added value, the Director Corporate Transformation and Services responded that the Partnership brought a focus and speed to projects, as well as a degree of expertise, which otherwise would have been missing. This in turn shared knowledge and experience round the Partners, specifically around skills development to encourage more training, and also established links between the different organisations.

DECISION

AGREED:

- (a) **the updated Scottish Borders Low Carbon Economic Strategy 2023 Action Plan and that implementation of the Action Plan continued to be overseen by the Economy and Low Carbon Programme Delivery Team; and**
- (b) **the draft Low Carbon Economic Strategy Performance Framework.**

8. COMMUNITY PLANNING MEMBERSHIP

There had been circulated copies of an extract from a report to the Council by the SBC Corporate Transformation and Services, containing a recommendation that the new Integrated Culture and Sport Trust became a member of the Community Planning Partnership. At its meeting on 7 October 2015, the Council had agreed to the formation of an Integrated Culture and Sport Trust with Borders Sports and Leisure Trust. There was a requirement under the Community Empowerment (Scotland) Act 2015 that sport and leisure became a statutory partner in the Community Planning Partnership, a role to be undertaken by Sport Scotland. As it was unlikely Sport Scotland had the resources to be represented on all Community Planning Partnerships across Scotland, discussions would take place to establish if it was appropriate for the new Integrated Trust to take on the statutory role with regard to sport. It was intended that the new Integrated Trust would manage the following business areas: Libraries and Information Services, Museums and Galleries Services, Archives and Local History Services, Arts Development, Heart of Hawick, Public Halls, Community Centres, Sports Development, Active Schools, and all sports facilities.

DECISION

AGREED that the new Integrated Sport and Culture Trust be adopted as a Community Planning Partner and be represented at Strategic Board level and at the Joint Delivery Team.

9. SCOTTISH BORDERS THIRD SECTOR INTERFACE PILOT COMMUNITY PLANNING IMPROVEMENT PLAN

With reference to paragraph 13 of the Minute of Meeting of 11 June 2015, Mrs Hume of the Third Sector Interface, advised that the Plan had not yet been received back. It was recognised that Community Planning Partnerships and the Third Sector were not yet coming together. The Third Sector was quite diverse and while it had connections with communities and individuals, this was often not in a recognisable overarching form. Consultations had been carried out with 616 voluntary sector organisations, with responses received from 54; and 56 Community Planning bodies, with 12 responses received. At the Voluntary Action Scotland conference the previous month it had been recognised that the online methodology used in the consultation had been poor, and in future Focus Groups would be used. Communication was crucial and locally the Third Sector did not have as high a profile other members of the Community Planning Partnership. The Sector was currently looking at how to operate more efficiently and effectively; and how to become more involved in the Theme Groups. A Third Sector Interface facilitated day was being held on 10 December to look at what needed to be done to work more effectively. The Board expressed concern about the challenges faced by the Third Sector and offered to attend the facilitated day on 10 December to show support. Mrs Hume advised of her preference for that particular day to be attended by Third Sector representatives only. The Board would therefore wait on the outcome of the day instead. The Scottish Government had recently announced a review of Third Sector Interfaces and Voluntary Action Scotland which would concentrate on value for money and the role, function, impact and effectiveness of the structure. The review was due for completion in March 2016.

DECISION

NOTED the update and that the final Improvement Plan would be presented to the Strategic Board once it was received back.

10. COMMUNITY LEARNING AND DEVELOPMENT: STRATEGIC PLAN FOR CLD IN SCOTTISH BORDERS 2015 - 18

There had been circulated copies of a report by the SBC Service Director Children and Young People updating the Board on the Community Learning and Development (CLD) Strategic Plan for 2015 – 18. The CLD Strategic Guidance for Community Planning Partnerships (2012) set out expectations on Community Planning Partnerships (CPP) to use CLD approaches to public service reform and to develop a clear framework for the planning and delivery of CLD by the Local Authority and partners. The CLD Regulations of 2013 require a three year partnership plan for CLD to be developed by the Education Authority by 1 September 2015. This Plan would be subject to scrutiny through the Local Area Network. Local CLD partnerships had been developed in each of the nine High School catchment areas. They have mapped current CLD activity, consulted with learners and community groups and developed action plans to address local priorities. There was clear synergy between the identified CLD priorities and those of the CPP's Reducing Inequalities profile. These local plans had now been rolled up to create a Borders wide Strategic Plan for CLD 2015-18 (attached as the Appendix to the report). Mr Kevin McCall, SBC Senior Team Leader, gave a short presentation on the Scottish Borders context and the process for developing the Plan. Various partners were involved and measures would be in place to check that the Plan was working. There were plans for further engagement at local level.

DECISION

AGREED to:

- (a) note that the Council would be receiving a report to approved the Community Learning and Development (CLD) Strategic Plan for 2015-18, as contained in the Appendix to the report;**
- (b) to note the issues requiring further action during the lifetime of the Plan; and**
- (c) to support the CLD Strategic Partnership to engage effectively with key CLD Partners, facilitating contribution to the annual planning process with members taking active role within the local area partnerships.**

11. CHILDREN & YOUNG PEOPLE'S SERVICES UPDATE – INTEGRATED SERVICES PLAN AND JOINT INSPECTION

There had been circulated copies of a report by the SBC Depute Chief Executive People updating the Board on progress with the Integrated Children and Young People's Plan and the multi-agency inspection process which was due to commence on 18 January 2016. There had been significant progress on the development of an updated multi-agency Children & Young People's Plan, which had now been agreed by all members of the Children and Young People's Leadership Group (CYPLG). The consultation on the Plan had commenced early November with activities to involve all key stakeholders including children and young people and their families. The Plan was contained in Appendix 1 to the report and Appendix 2 to the report contained details of the consultation process. The consultation was on both the NHS Borders and Council websites and the document had also been sent out to community groups, children and young people, and was on Facebook. The Plan summarised progress made over the period of the previous Plan and highlighted priorities and key actions which would be progressed over the next 3 years. The Care Inspectorate have recently advised the Chair of the Community Planning Partnership of the forthcoming planned multi-agency C&YP Inspection process to take place commencing 18 January 2016. Work was now progressing to prepare the information which would be required to be submitted in advance of the formal inspection period and to put in place the practical arrangements, which were outlined within the report. It was anticipated that, following the Inspection, the findings and recommendations from this would be received by March 2016, and a report on an action plan would be brought thereafter to the CPP Strategic Board. Preparation for the inspection was crucial and partners were working well together, with very much a partnership approach being taken.

DECISION

NOTED:

- (a) **the draft Children and Young People's Plan and agreed that partners provide any feedback directly to the Children and Young People's Leadership Group; and**
- (b) **the Inspection timescales and processes.**

12. **DATES OF NEXT MEETINGS**

There had been detailed on the agenda the dates for the next 2 meetings of the Strategic Board and proposed dates for 2016/17. It was noted that the next meeting of the Board due to be held on 3 March 2016 clashed with a Board meeting of NHS Borders.

DECISION

AGREED that the Clerk to the Council liaise with the Secretary of the NHS Borders Board regarding the 3 March 2016 meeting date.

The meeting concluded at 4.00 p.m.

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SCOTTISH BORDERS COUNCIL
PEEBLES COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Council Offices,
Rosetta Road, Peebles 2 December 2015 at
5.30 p.m.

Present:- Councillors W. Archibald (Chairman), C. Bhatia, K. Cockburn, G.
Garvie. Community Councillor L Hayworth.
Apologies:- Councillors S. Bell, G. Logan.
In Attendance:- Chief Financial Officer, Solicitor (G. Nelson), Estates Officer (J.
Morison), Democratic Services Officer (K. Mason).

Members of the Public:- 2.

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

The Minute of Meeting of Peebles Common Good Fund Sub-Committee of 27 August 2015 had been circulated.

**DECISION
NOTED.**

- 2.1 With reference to paragraph 2 of the minute, Members were reminded that a briefing note dated 1 September 2015 had been submitted to them by Mr G. Nelson, Solicitor advising that at the meeting of the Peebles Common Good Fund Sub-Committee held on 27 May 2015 an application had been made by Tweeddale Rovers AFC in respect of the pavilion at Kerfield Park, Peebles. With their application they included background information regarding how the club had built the Pavilion in the early 1960s then handed it over to the Town Council at a small ceremony at the Council Chambers prior to the monthly Town Council meeting. This appeared to contradict other information in the application which seemed to indicate that the Pavilion was owned and run by the Club. Members had asked Estates and Legal to seek to clarify the ownership of the Pavilion. Mr Nelson advised that having checked Council titles it was confirmed that Kerfield Park, Peebles was owned by the Council and that this included the area on which the Pavilion was built. There was no evidence in the records held by the Council to indicate that a formal sale had been made of the Pavilion site to the Club or anyone else. The official legal position was therefore that the Pavilion was owned by the Council. However, the Pavilion had been occupied and maintained by the Club throughout its life, in a similar way as if they legally owned it. In terms of the current 2007 lease the Council leased the land and the Club was entirely responsible for the maintenance of the Pavilion. The current lease was valid until 2028. Applications by the Club, during the current lease, to the Common Good Fund regarding maintenance of the Pavilion therefore legitimately related to a responsibility that the Club and not the Council currently had. Any change to the official legal position of ownership of the Pavilion at Kerfield Park, Peebles would be a matter for the Council to consider. Community Councillor L. Hayworth asked whether the pavilion should lie on the Common Good register, rather than being listed as a general Scottish Borders Council asset, as it had been handed over to the Town Council in the early 1960s. The Solicitor advised that if the Pavilion was judged to be a Common Good Asset it would not be appropriate for the Common Good to give funding to the tenant to maintain it. However the Solicitor advised that it remained his

opinion that the Pavilion for the reasons stated in his note is a Council rather than a Common Good owned asset.

**DECISION
NOTED.**

- 2.2 With reference to paragraph 3 of the Minute, the Estates Officer advised that Scottish Borders Council had received money from Scottish Gas Networks as a contribution towards costs of landscaping of the garden area of Dovecot Court, Peebles but the work had not yet been carried out. Fiona Rowan, Friends of Dovecot would advise him on the Housing Associations plans/proposals.

**DECISION
NOTED.**

- 2.3 With reference to paragraph 4(b)(ii) an informal meeting with members of the Peebles Hendaye Twinning Association had been held prior to this meeting.

**DECISION
NOTED.**

3. MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2015

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the 6 months to 30 September 2015 and full year projected out-turn for 2015/16 and projected balance sheet values to 31 March 2016. Appendix 1 to the report provided a projected Income and Expenditure position which showed a projected surplus of £9,362 for the year. Appendix 2 to the report provided a projected Balance Sheet to 31 March 2016 showing a projected decrease in the reserves of £37,079. Appendix 3 to the report provided a breakdown of the property portfolio showing actual Income and Expenditure to 30 September 2015. Appendix 4 to the report showed the value of the Newton Fund to 30 September 2015. A question was raised in respect of accounting procedures, in particular, in relation to Peebles Burgh Silver Band and the setting of the grants budget, and the Chief Financial Officer undertook to provide additional information to the Members. It was subsequently confirmed that although the grant to the Band had been approved in 2014/15 this was not accrued and therefore stood to be paid in the 2015/16 accounts. The grants budget in the current year would require to be amended accordingly to reflect the outstanding grant payment.

**DECISION
AGREED**

- (a) **the projected Income and Expenditure for 2015/16 detailed in Appendix 1 to the report;**
- (b) **to note the projected Balance Sheet value to 31 March 2016 detailed in Appendix 2 to the report;**
- (c) **to note the summary of the property portfolio detailed in Appendix 3 to the report;**
- (d) **to note the current position of the investment in the Newtown Fund detailed in Appendix 4 to the report; and**
- (e) **that the Chief Financial Officer provide additional information in respect of accounting procedures, in particular in relation to Peebles Burgh Silver Band and the setting of the grants budget.**

4. MANAGEMENT OF VENLAW COMMUNITY WOODLAND, PEEBLES

There had been circulated copies of a report by the Service Director Commercial Services on the management agreement with Borders Forest Trust for the Venlaw Community Woodland. The report explained that since 2005 the Borders Forest Trust had had a management agreement for Venlaw Community Woodland. The management of the woodland had been carried out on the Trust's behalf by the Venlaw Community Woodland Management Group. The Venlaw Community Woodland Management Group had lost members willing to be actively involved in the management and was no longer able to carry out the woodland management. Borders Forest Trust stated that it was not in a position to continue to manage the woodland and requested that the management agreement be terminated. Members discussed the termination request and the importance of a suitable budget being set aside in the Common Good Fund for the management of Venlaw Community Woodland, if the request was granted.

DECISION

AGREED to authorise the termination of the Venlaw Community Woodland Management Agreement with Borders Forest Trust effective from 15 February 2016.

5. APPLICATION FOR FINANCIAL ASSISTANCE – PEEBLES MURAL PROJECT

With reference to paragraph 5(c) of the Minute of 7 May 2014, there had been circulated copies of an application for financial assistance from the Community Council of the Royal Burgh of Peebles seeking financial assistance in the sum of £400 to complete the funding of the Peebles Mural, including the costs associated with the official unveiling. The Democratic Services Officer advised that at a meeting of the Peebles Common Good Fund Sub-Committee held on 7 May 2014 the sum of £1,870 had been granted towards the Peebles Mural Project. It was noted the accounts which accompanied the application related to the Royal Burgh of Peebles and District and were not specific to the mural project. It was further noted that the Community Council had acted as a vehicle on behalf of the Peebles Mural Project and that the mural was not a Community Council project. Members agreed, in principle, to grant the application subject to receipt of accounts relating to the Peebles Mural project which met with the approval of the Chief Financial Officer.

DECISION

AGREED in principle to grant the sum of £400 to Peebles Mural Project subject to the receipt of satisfactory accounts and the approval thereof by the Chief Financial Officer.

6. URGENT BUSINESS

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

7. PAVILION, TWEED GREEN, PEEBLES

The Estates Officer advised that repairs to felt and paintwork were required to the Pavilion, Tweed Green, Peebles. The work would cost no more than £300.

DECISION

AGREED to authorise felt and paintwork repairs to the Pavilion, Tweed Green, Peebles up to the sum of £300.

The meeting concluded at 6.25 p.m.

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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 December 2015 at 6.30
p.m.

Present:- Councillors W. Archibald (Chairman), S. Bell, C. Bhatia, K. Cockburn, G. Garvie.
Community Councillors A. McGregor, G. Parker, R. Tatler, J. Taylor.
Apologies:- Councillor G. Logan. Community Councillors C. Lewin, G. Tulloch.
In Attendance:- Inspector Mike Bennett (Police Scotland), Keith Langley (Fire and Rescue Service), Chief Financial Officer, Democratic Services Officer (K. Mason).

Members of the Public:- 3.

MINUTE

1. There had been circulated copies of the Minute of the Meeting held on 2 September 2015.

**DECISION
NOTED.**

2. With reference to paragraph 12 (b) of the Minute, Members discussed the membership of the Working Group to be set up in relation to the A72. Members agreed that Councillors Bell and Cockburn, Community Councillor R. Tatler (representing the Royal Burgh of Peebles and District Council) would be members of the Group. The following Community Councils would be asked if they wished to appoint a representative to serve on the Working Group – (a) Lamancha, Newlands and Kirkurd, (b) Manor, Stobo and Lyne, (c) Innerleithen and District, and (d) Walkerburn and District. The Working Group would come back to the Area Forum with key issues and terms of reference.

**DECISION
AGREED that**

- (a) **Councillors Bell and Cockburn and Community Councillor R. Tatler (representing the Royal Burgh of Peebles and District Community Council) be appointed to serve on the Working Group; and**
 - (b) **the Democratic Services Officer contact the following Community Councils to ask if they wished to appoint a representative to serve on the Working Group – (a) Lamancha, Newlands and Kirkurd, (b) Manor Stobo and Lyne, (c) Innerleithen and District, and (d) Walkerburn and District.**
3. With reference to paragraph 15(b) of the Minute, Inspector Bennett confirmed he had updated Members in respect of the vandalism at Kerfield Park, Peebles.

**DECISION
NOTED.**

4. With reference to paragraph 13 of the Minute, Councillor Garvie advised that at a meeting held on 7 October 2015, Council had agreed to the recommendation from the Area Forum 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.

**DECISION
NOTED.**

PRESENTATION – CHAMBERS INSTITUTION

5. Una Richards, Director and Audrey Dakin, Project Officer, Scottish Historic Buildings Trust (SHBT) were in attendance. Mrs Richards gave background information relating to SHBT whose aim was to save important historic buildings and bring them back into use in support of communities. Mrs Dakin advised that Scottish Borders Council had asked SHBT to undertake a community consultation exercise to understand how the people of Peebles and the Borders currently used the Chambers Institution as well as learning how they might wish to use the building in the future. The questionnaire was the first stage in the process, the aim of which was to identify a potential draft vision for the building. The next stage would be stakeholder workshops followed by wider consultation. The survey could be completed on-line at www.shbt.org.uk/events. Mrs Dakin explained the work which had taken place to date and gave feedback on specific points coming out of the community consultation process. Following the consultation, findings would be presented as a report which would set out options for the future service delivery/uses for the building and it was the aim of SHBT to seek a potential draft Vision for the building. The key to the starting point for the community consultation were the terms of William Chambers' bequest. It was a condition of the bequest that the building should deliver the social, moral and intellectual improvement of the Peeblesshire community in perpetuity, and the key question was to ask the community to consider William Chambers' vision for the building and whether it was still applicable in the 21st century. It was clear from the consultation process the affection for the iconic premises and the high value local people placed on its continuing operation. SHBT recognised the proximity of other buildings in the town, particularly the Community Centre (Drill Hall) and the Eastgate Theatre, where there was the possibility of duplicating provision and the need to ensure that each provided complementary facilities. Almost 90% of respondents to the questionnaire considered the Chambers Institution very important to the history of Peebles; no-one considered the building unimportant. Mrs Dakin advised on suggestions received so far and gave statistical information relating to use of different parts of the building. During the discussions which followed concerns regarding duplicity with the Eastgate Theatre and the Community Centre were expressed. In response to questions raised regarding engagement with the younger population, Mrs Dakin advised that SHBT employed a learning officer and it was hoped to engage with primary schools through the curriculum for excellence; engagement had started with Head Teachers. In relation to youths, engagement might take place with Peebles High School or through some of the youth groups. In discussing widening the stakeholder consultation suggestions were made that this could be done using electronic media and face book pages through survey monkey. Mrs Dakin advised she was happy to visit Community Councils in the area if invited to do so.

DECISION

- (a) **NOTED the presentation.**
- (b) **THANKED Mrs Richards and Mrs Dakin for their informative presentation.**

BRIEFING – DRAFT INTEGRATED CHILDREN AND YOUNG PEOPLE’S PLAN 2015/2018

6. Mrs Evelyn Rodger, Director of Nursing and Midwifery and Interim Director of Acute Services, NHS Borders was present and gave a briefing on the Draft Integrated Children and Young People’s Plan in the Scottish Borders 2015-2018. The Plan was currently out for consultation on the Council’s website with consultation events taking place.

DECISION NOTED.

PRESENTATION – HEALTH AND SOCIAL CARE PARTNERSHIP

7. With reference to paragraph 8 of the Minute of 4 March 2015, Mrs Evelyn Rodger, Director of Nursing and Midwifery and Interim Director of Acute Services, NHS Borders (NHS Borders), then gave a presentation on the second draft of the Health and Social Care Integration Strategic Plan which was currently out for consultation. Copies of the Draft Strategic Plan and a shorter summary of the Plan were available at the meeting. Mrs Rodger explained that the Draft Strategic Plan set out why there was a need to integrate health and social care services; how this would be done; and what was expected to be seen as a result. The way in which health and social care services were delivered needed to change due to the increasing demand for services; increasing pressure on limited resources; and the desire to improve services and outcomes. Mrs Rodger further commented that the integration of services was potentially the biggest change in health and social care since the formation of the NHS in 1948. It was explained that by shifting just 1% of the total spend of approximately £250m from Unplanned Inpatient Care and Institutional-Based Social Care towards Community-based NHS and Social Care and Planned Inpatient Care, resources would be used more effectively. This would help investment in new integrated ways of working particularly in terms of early intervention, reducing avoidable hospital admissions, reducing health inequalities, supporting unpaid carers and independent living. The presentation went on to list the Plan’s local objectives. One of these objectives ‘to improve support for unpaid carers to keep them healthy and able to continue in their caring role’ was added as a result of responses to the last round of public engagement earlier in the year. Following the local objectives a list of key priorities was developed for 2016/17 based on what had been learned from listening to local people, service users, carers, staff and partner organisations. These priorities included the development of integrated accessible transport; the integration of services at a local level; coordination to provide a single point of access to local services; and work with communities to develop local solutions. The presentation highlighted six questions as part of the current consultation and which were set out in the consultation document. Responses to these questions could be submitted through the Scottish Borders Council website or by post. In outlining the timescales Mrs Rodger advised that the public engagement period would end on 11 December with a final draft of the Strategic Plan being finalised in February 2016. Health and Social Care Integration would come into operation on 1 April 2016. Community Councillor A. McGregor as a carer referred to category 9 which referred to improving support for unpaid carers to keep them healthy and able to continue in their caring role. He advised that his complaints remained unanswered and Mrs Rodger undertook to liaise directly with him.

The Chairman thanked Mrs Rodger for her attendance and presentation.

DECISION
NOTED the presentation

PRESENTATION – FINANCIAL PLANNING CONSULTATION

8. Chief Financial Officer, David Robertson, was in attendance to give a presentation about a consultation currently taking place on Financial Planning for the Council over the period 2016/17 to 2020/21. Copies of a leaflet about the consultation were handed out at the meeting. Mr Robertson highlighted the many financial challenges facing the Council. He explained that the forthcoming financial year 2016/17 represented the 4th year of the original 5 year Financial Plan established in 2013/14. Around £1.3 billion in revenue budgets would be spent between 2016/17 and 2020/21. The Council also had a capital budget of £352m for the next ten years to invest in infrastructure. The longer term approach to financial planning had allowed significant pressures to be managed and delivered solutions to bridge these gaps in ways which were least damaging to services. Across the first 3 years of the 5 year Financial Plan the Council was on track to deliver £15.6m in savings. Over the period the Council could demonstrate significant performance improvements in some areas. However due to ongoing pressures on public funding the financial challenge would be there for several years to come. If the Council were to continue delivering services in the same way there would be a funding gap of approximately £27.8m over the next 5 year period. To help meet the funding gap, a Corporate Transformation programme was underway with the aim of transforming the way the Council worked to become more efficient and effective. There were 17 areas of work that had been identified as part of the programme, each being led by a member of the Council's Corporate Management Team. Essentially the budget was about priorities, meeting the challenges faced and spending taxpayers' money in the most efficient and effective way possible. To assist the process the views of the Borders public were being requested about where resources should be prioritised or whether the Council could do things differently to save money. Mr Robertson explained that a new way of engaging with local people had been launched. This was a community engagement tool, known as 'Scottish Borders Dialogue', which could be accessed through the Council's website. This was a quick and easy way to submit views and ideas. However responses to the consultation could also be submitted by post, email, Twitter and by telephone. All the feedback received would be put forward to the Council's Administration Budget Working Group for consideration as part of the financial planning process.

DECISION
NOTED the presentation

LOCAL PUBLIC HOLIDAYS - 2016

9. There had been circulated copies of the proposed local public holiday dates for 2016 in the Tweeddale Area.

DECISION
AGREED to determine the Public Holidays for the Tweeddale Area as detailed in the report.

OPEN QUESTIONS

10. There were no open questions.

COMMUNITY COUNCIL SPOTLIGHT

11. Community Councillor Taylor advised of road safety measures now in place in Eddleston and expressed his appreciation.

**DECISION
NOTED.**

POLICE SCOTLAND

12. Inspector A. Bennett advised that it had been announced earlier today that Phil Gormley QPM had been appointed as Chief Constable of Police Scotland. Mr Gormley would take up the post on 5 January 2016 on a three-year contract. The appointment was made on the recommendation of the SPA and was approved by Scottish Ministers. In the interim period, Deputy Chief Constable Neil Richardson, in his capacity as DCC Designate, would carry out the Chief Constable's functions until Mr Gormley formally took up his post. In regard to National Security following the tragic events in Paris on Friday 13 November, local measures had been put in place to reassure the public, ensuring an effective policing response in relation to community tensions and Hate Crimes and Incidents. In regard to Multi Member Ward Plans for Tweeddale East and Tweeddale West the policing plan update for 2016 would outline the priorities the community identified during their most recent consultation and would inform how Police Scotland planned to address them throughout the year. On Monday 26 October, Police Scotland, Scottish Fire and Rescue Service and NFU Scotland held a Farm Fire Safety and Crime Prevention Event at Whitsome East Newton Farm, Duns. Peeblesshire would host the next event in the new year. Open to all farmers, this free, informal, "walk and talk" event aimed to promote continued engagement with the local farming community and would provide an opportunity to discuss current rural crime and fire-related issues. Police Scotland continued to promote and support the Cold Calling Zones initiative to target those affected by bogus caller crimes. Since the pilot project in 2011 there were now over fifty No Cold Caller Zones in the Scottish Borders and communities continued to contact the police wanting to set them up. A recent addition was the community in Cardrona. Through intelligence gathered, Police Scotland had carried out operations against people and premises involved in drug dealing and misuse, and where appropriate reported them to the Procurator Fiscal. Inspector Bennett concluded his report by advising on festive initiative operations.

**DECISION
NOTED.**

FIRE AND RESCUE SERVICE

13. Mr Keith Langley advised on the activities which were ongoing within the Tweeddale Area. Scottish Fire and Rescue Service (SFRS) staff in all local stations provided Home Fire Safety Visits (HFSV) all year round. SFRS was currently working with partners within Scottish Borders Council on a project to adapt the HFSV to incorporate unintentional harm in the home. All stations were participating in the British Heart Foundation initiative – Call Push Rescue. This was launched on 16 October, European Heart Start Day, and over 150 people in the Scottish Borders received training that day. Stations were providing free CPR training to the public on a monthly basis to build resilience in the community and to drive down the numbers of people who died from cardiac arrest. All stations would soon be involved in the SFRS Out of Hospital Cardiac Arrest (OHCA) project. This would see SFRS resources being deployed along with ambulance crews to deal with cardiac arrests. The project was aimed at reducing the number of people who died from OHCA in Scotland by 1,000 by 2020. The figure was currently 3,400 per year. Four pilots were being carried in the Scottish Borders at this time. 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. 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 the Scottish Borders and ensured those people and families which fire crews identified as at risk were brought to the attention of Social Services. This had resulted in crews within the Scottish Borders referring over 50 times in the last year, with the aim to reduce risk to shoes occupiers.

**DECISION
NOTED.**

URGENT BUSINESS

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

STREET TRADER - USE OF KINGSMEADOWS ROAD CAR PARK, PEBBLES

15. The Chairman referred to a recent email from Mr John Henderson, Road User Engineer seeking views on the siting of a street trader in Kingsmeadows Road Car Park, Peebles. Following discussion, Councillor Bhatia and Cockburn supported the use of Kingsmeadows Road Car Park, Peebles by a street trader. Councillors Archibald, Bell and Garvie were not in favour of the use of Kingsmeadows Road Car Park, Peebles by a street trader.

**DECISION
NOTED.**

The meeting concluded at 8.25 p.m.

SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA FORUM

MINUTES of Meeting of the
BERWICKSHIRE AREA FORUM held in
Council Offices, Newtown Street, Duns on
Thursday, 3 December, 2015 at 6.30 pm

- Present:- Councillors M. J. Cook (Chairman), D. Moffat (from paragraph 8), J. Campbell and J. Greenwell.
Pauline Hood; Coldstream and District – Martin Brims; Duns – Anne Affleck (from paragraph 8); Edrom, Allanton & Whitsome – Trixie Collin; Eyemouth – James Anderson; Foulden, Mordington and Lamberton – Howard Doherty; Gavinton, Fogo and Polwarth – Keith Dickinson; Reston and Auchencrow – Barrie Forrest; Swinton and Ladykirk – Jim Brown. Berwickshire Association for Voluntary Service – Kathy Cremin.
- Apologies:- Councillors J. A. Fullarton and F. Renton
M Acton, Scottish Fire and Rescue Service.
Community Councils:- Burnmouth; Coldingham; Lammermuir; Hutton and Paxton.
- In Attendance:- J Alexander – Head of Ambulance Services, Scottish Ambulance Service; Inspector J Scott, Police Scotland; D Silcock, SB Local Area Manager; Democratic Services Officer (P Bolson).

Members of the Public:- 5

1. **WELCOME**

The Chairman welcomed those present to the meeting.

2. **ORDER OF BUSINESS**

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

DECISION NOTED.

3. **MINUTE**

There had been circulated copies of the Minute of 3 September 2015.

DECISION

APPROVED the Minute for signature by the Chairman.

4. **BEFRIENDING IN BERWICKSHIRE**

The Chairman introduced Terri Bearhope, Early Intervention Co-ordinator with Seton Care, who was in attendance to give a presentation on the Befriending Service provided by Seton Care. Ms Bearhope explained that this project was based in Duns and was delivered by Seton Care, a sub-group of Berwickshire Housing Association. Ms Bearhope was the only full time member of staff on the project. The post was currently funded by Comic Relief and a bid had been submitted to the Big Lottery for funding for the project for a further five years. The project was established to provide a little extra support to older people within the community who were perhaps isolated and lonely and was dependent on volunteers who could offer a few hours of their time each week to visit people in their own homes. The type of service befrienders might provide could range from a coffee and chat to visits out to places of interest to the service user. Full training was provided and each befriender was "matched" with the service user. Ms Bearhope indicated that during the three years that the project had been in existence, around 30 service users had been supported by between 15 and 20 volunteers. Requests to access the Befrienders service

could either be by self-referral or by a third party via email:

terri.bearhope@setoncare.org.uk; by telephone: 07801 672167 (mobile) or 01361 884000; by post: Terri Bearhope, Seton Care, 55 Newtown Street, Duns TD11 3AU. The Chairman thanked Ms Bearhope for her presentation, adding that this was an extremely worthwhile project and wished it well for the future.

DECISION

NOTED the presentation.

5. COMMUNICATIONS PLANS - SCOTTISH BORDERS COUNCIL BUDGET

The Chairman informed those present that that he had just received notification that Mr David Robertson, Chief Financial Officer at Scottish Borders Council was currently caught in adverse weather conditions at Sutra and was unable to get through the snow to attend the meeting. Information on the SBC budget was available to the public via the Council's website.

DECISION

NOTED.

6. DENTISTRY IN BERWICKSHIRE AND THE SCOTTISH BORDERS

6.1 The Chairman welcomed Mr Alasdair Pattinson, General Manager NHS Borders and Ms Morag McQuade, Clinical Director Dental Services to the meeting to give a presentation on Public Dental Services across the Scottish Borders. The description of public dental services included the provision of dental care to priority groups, vulnerable people in the community and hospital in-patients; out of hours emergency care; ongoing work to develop and deliver oral health improvement strategies; and working with other agencies and dental providers to ensure the smooth delivery of dental services across whole communities. Within the public dental service, there were 19 surgeries (excluding an oral surgery and an orthodontic surgery within the Borders General Hospital) located within six fixed sites with a further 2 mobile dental units. 16 dentists and 5 hygienists were employed across the service. Ms McQuade went on to give details of numbers of children and adults registered with NHS dentists and noted that the Borders currently had the highest adult (84%) and child (92%) attendance rate. In April 2015, a patient feedback survey was carried out and the responses were generally very positive. The demand and capacity for dental services had increased over the years and in June 2015, the dentist:patient ratio was 1:1521, the target average number being 1:1500. A number of benchmarks were in place and it was noted that in the Borders, almost 84% of Primary 7 children had no evidence of dental decay. A project to encourage tooth brushing in primary schools was now well-established and it was further noted that the percentage of 2 or more fluoride varnish applications for 3 and 4 year olds was currently higher than in other Scottish Health regions.

6.2 Discussion followed and a number of questions were raised. With regard to dental care provision, services were provided either by NHS or private practitioners with the latter being sub-contracted by NHS where this was required. It was also noted that patients who resided within the NHS Borders area but who were registered outwith were not included in the NHS Borders figures. Ms McQuade confirmed that the Scottish Government stipulated which services could be provided by the NHS and also that there was no limit to the number of patients a private dentist could have registered with their practice. Members thought it would be useful to know whether the take-up of dental services was directly affected by the geographical location of the service users and Ms McQuade noted this for future surveys. The Chairman thanked Mr Pattinson and Ms McQuade for their informative presentation.

DECISION

NOTED the presentation.

7. HEALTH AND SOCIAL CARE

- 7.1 The Chairman welcomed Ms Elaine Torrance, Chief Social Worker to the meeting to give a presentation on the progress of the Health and Social Care agenda. Ms Torrance explained that the second draft of the Strategic Plan for Health and Social Care Integration was currently out for consultation and that the consultation period concluded on 11 December 2015. Ms Torrance explained that the aims of the Strategic Plan were to create a more personalised health and social care service and to improve the outcomes for service users, carers and families with "Best Health, Best Care, Best Value" for all communities. It was further noted that this was the biggest change in the provision of health and social care provision since the formation of the National Health Service in 1948 and was necessary to meet the challenge of increased demand on limited resources. Integrating services would provide improved care and Ms Torrance went on to detail the 9 local objectives in the Plan, namely:- making services more accessible; improving prevention and early intervention; reduction of avoidable hospital admissions; provision of care as close to home as possible; delivery of services within an integrated care model; enabling people to have more choice and control over their care; optimising efficiency and effectiveness; reduction of health inequalities; and improving support for unpaid carers to allow them to continue in their caring roles. Ms Torrance advised members that a fund of £6.39m had been made available over a three year period to integrate services and there were a number of key priorities to progress in 2016/17. These included the development of integrated accessible transport in conjunction with colleagues from private and voluntary organisations and the development of extra care housing for older people in Berwickshire. Development of integrated services Local Plans would be based on a locality approach. Within the Borders, the percentage of residents living in "remote rural" areas would be challenging in terms of how Health and Social Integration would be delivered. Ms Torrance explained that following consultation, the Plan would be finalised in February 2016 and would go live in April 2016 and that a Joint Integration Board would agree and monitor any actions thereafter. Further information and access to the consultation document could be found at www.scotborders.gov.uk/integration and could be completed online or by hand and returned by mail to FREEPOST RRBU-KBCB-JBJG Integration, Strategic Policy Unit, Scottish Borders Council, Newtown St Boswells, Melrose TD6 0SA.
- 7.2 Discussion followed and it was acknowledged that although the draft Strategic Plan did provide assurances to the public, there did not appear to be any link to SMART objectives. Ms Torrance confirmed that a detailed assessment document had been developed that this had assisted in the formulation of the draft Plan.
- 7.3 With regard to cross-Border care home provision, the Chairman advised of a situation that he had been made aware of recently and which demonstrated some of the issues which caused concern for residents in local communities. In particular, if a resident living north of the Border was placed in a care home south of the Border, it appeared that the option for that individual to receive hospital treatment excluded the Borders General Hospital (BGH). In the case in question, this could result in severe strain on the small family unit and would be in conflict with the individual's wishes. Ultimately, this would restrict the choice of care homes for people north of the Border. The family who raised this matter felt that this was contradictory to the principles behind health and social care integration and had the potential to affect a number of families who were not aware of this when choosing a care home. Discussion followed and Mr Pattinson, NHS Borders advised that patients registered with a GP in the Scottish Borders would have the right to access to Scottish health care, including the BGH. It was acknowledged that cross-Border issues were very much a concern for people living in Berwickshire and that, as had been reported at previous meetings, similar border issues can occur between East Berwickshire and East Lothian. Ms Torrance and Mr Pattinson would look into this issue in more detail and the Forum would be updated in due course.

DECISION

NOTED the presentation.

MEMBERS

Councillor Moffat joined the meeting prior to consideration of the following item.

Councillor Campbell left the meeting prior to consideration of the following item.

8. DRAFT INTEGRATED CHILDREN AND YOUNG PEOPLE'S PLAN

Ms Torrance explained that an Integrated Children and Young People's Plan had now been in place for three years and a review of that Plan and its success so far was currently being reviewed. The new draft Plan included the aims and responsibilities of the service and the visions and priorities for the three years from 2015 – 18. These included raising attainment and achievement for all and closing the gap between the lowest and highest achievers; improving health and reducing health inequalities; keeping children and young people safe; improving the well-being and life chances for the most vulnerable children and young people; and increasing participation and engagement. Ms Torrance advised that the consultation period would conclude in January 2016 and that further information and access to the consultation document could be found on the Council's website. Opportunities of employment for young people on leaving school were recognised as central to the success of the Plan and Ms Torrance advised that schemes like those for young apprentices offered such possibilities. With regard to other opportunities for young people to develop skills, members were advised that it was now possible for 16 and 17 year olds to stand for election to Community Councils as had been the case at Coldstream. Other suggestions for community engagement for young people included involvement in local projects such as transport and access issues. The Chairman thanked Ms Torrance for her presentation.

DECISION

NOTED the presentation.

9. SCOTTISH FIRE AND RESCUE SERVICE

There had been circulated copies of a report by the Scottish Fire and Rescue Service (SFRS) informing the Forum of SFRS activity since September 2015. Station Manager Acton was unable to attend the meeting as he was called away to deal with emergency flooding issues.

DECISION

NOTED the report.

10. POLICE SCOTLAND

Inspector John Scott attended the meeting to present the Police Scotland report for Berwickshire for the period up to 30 November 2016. With regard to crime figures for Mid Berwickshire, there were 114 recorded incidents in the current year to date, with a detection rate of 40%. This compared with 87 crimes and a detection rate of 34% during the same period in the previous year. There were 106 crimes recorded in East Berwickshire with a detection rate of 56% compared to 114 crimes and a detection rate of 48% the preceding year. In addition to the priorities previously identified for Mid- and East Berwickshire, further activities were highlighted in the report. Road safety and inconsiderate driving behaviour was being addressed by local officers who had, and would continue to carry out dedicated parking controls to both enforce legislation and discourage inconsiderate parking. General winter road safety advice had been issued and drivers were being encouraged to be prepared for winter driving. Inspector Scott advised members that the farm crime prevention event held at Whitsome East Newton Farm near Duns in October had been very successful with around 20 people attending. Crime prevention, fire safety and wildlife crime advice were covered throughout the event. In addition, funding had been secured by the Safer Communities Team at SBC to purchase forensic marking kits which would be distributed to farms throughout the Scottish Borders by local Police and Fire and Rescue Community Officers. Inspector Scott again emphasised the drink driving laws in Scotland and advised that Police Scotland would be targeting offenders in the lead up to and over the festive period.

DECISION
NOTED the report.

11. SCOTTISH AMBULANCE SERVICE

- 11.1 With reference to paragraph 10 of the Minute of 3 September 2015, Mr Alexander, Scottish Ambulance Service was present at the meeting to answer questions on the service across Berwickshire. At the September meeting, Mr Alexander had indicated that ambulances were allocated on the basis of the caller's 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.) Mr Alexander had since investigated this further and now confirmed that ambulances would be utilised based on the caller's postcode and landline STD code only. This meant that calls from north of the Border would receive the service from the Scottish Ambulance Service and calls from south of the Border would get a response from the North East Ambulance Service. Further discussion followed and Mr Alexander answered a number of queries relating to the ambulance service in the Eastern Borders. He advised that ambulances were called from the Chirside Ambulance Station in the first instance then from Kelso as required. The Chairman thanked Mr Alexander for attending the meeting.
- 11.2 The discussion highlighted a wider concern relating to general cross-Border health provision and it was agreed that further dialogue was required to address these concerns. This would be taken forward and would involve Berwickshire Area Forum and Mr A Pattinson, NHS Borders.

DECISION

- (a) **NOTED.**
- (b) **AGREED that further dialogue to address the wider concerns relating to general cross-Border health provision would be taken forward and would involve Berwickshire Area Forum and Mr A Pattinson, NHS Borders.**

12. COMMUNITY SPOTLIGHT

12.1 Dog Fouling

There was concern in some communities about the amount of dog fouling and lack of enforcement of Council policy in relation to this matter. The Forum was advised that a review of the policy was being considered at this time and that enforcement was central to the discussion. Mr Silcock would raise the concerns with the Service Director Neighbourhood Services and an update would be presented to the Forum in due course.

DECISION
NOTED.

12.2 Electronic Sign in the Layby on the A1 at Lamberton

With reference to paragraph 12.1 of the Minute of 3 September 2015, the Chairman would now write to Transport Scotland on behalf of Berwickshire Area Forum to ask if the message on the electronic sign in the layby on A1 at Lamberton could be amended to detail the cost of a penalty fine for leaving litter in the layby.

DECISION

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

12.3 Reston Station

The Forum was updated on progress to date regarding Reston Station proposals and discussion followed in relation to how Berwickshire Area Forum might be involved during any future consultation process.

**DECISION
NOTED.**

12.4 Community Empowerment Act

The Community Empowerment Act was discussed and it was noted that there were a number of inclusions, such as the Transfer of Assets, which would have implications for local communities and Community Councils. It was agreed that further discussion was required involving Elected Members, Community Councils and others and the Chairman agreed to facilitate this in due course.

**DECISION
NOTED.**

13. FLAGS AT LAMBERTON TOLL

13.1 With reference to paragraph 4 of the Minute of 3 September 2015, the Chairman gave a brief summary of the issues relating to this matter and the progress made so far in identifying the options for erecting flags on the Border at Lamberton Toll. Information either already gathered or still in progress related to the ownership of the flags and the legality of flying particular flags. Detailed costs for individual options had not yet been assessed. Four choices appeared to be available at this juncture, namely that (a) BAF acknowledged the research already carried out but did not wish to pursue matters further; (b) noting that a grant already existed in respect of the SBC Coat of Arms and that this could be flown however, wherever and whenever the Council wished, BAF agreed that the option of flying Saltire, Union Flag and Borders Flag be explored; (c) noting that a flag bearing the Coat of Arms of the ancient county of Berwickshire would require a grant of said coat of arms to SBC or another legal entity, BAF agreed that this option should be explored further; and (d) to request that both options (b) and (c) were explored together with the relative merits of each option being weighed. The reason for option (d) was because should BAF agree any of the options (a), (b) (c) or (d), the matter would be remitted to officers to bring a report back to the Forum and a report such as this could readily compare options (b) and (c), and enable BAF and in due course SBC, to come to a view on the matter.

13.2 After discussion, the Forum was of the view that Option (d) was the most appropriate choice and it was agreed that SBC officers be asked to prepare a report for presentation to the Forum on the possibility of flying the Union Flag, the Saltire, a Borders Flag based upon the Coat of Arms of Scottish Borders Council or a flag bearing the Coat of Arms of the ancient county of Berwickshire at the National Border at Lamberton Toll.

DECISION

- (a) **NOTED the progress made to date.**
- (b) **AGREED that SBC officers be asked to prepare a report for presentation to the Forum on the possibility of flying the Union Flag, the Saltire, a Borders Flag based upon the Coat of Arms of Scottish Borders Council or a flag bearing the Coat of Arms of the ancient county of Berwickshire at the National Border at Lamberton Toll.**

14. DATES OF FUTURE MEETINGS

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

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 8.45pm.

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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 December 2015 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, I. Gillespie, D. Moffat, S. Mountford, B. White.
Apologies:- Councillor J. Fullarton.
In Attendance:- Chief Planning Officer, Development Standards Manager, Principal Roads Planning Officer, Solicitor (G Nelson), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 2 November 2015.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

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

3. **APPEALS AND REVIEWS**

There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

(a) there remained three appeals outstanding in respect of:

- Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge
- Land West of Muircleugh Farmhouse, Lauder
- Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick;

(b) a review request had been received in respect of the Installation of 2 No rooflights at Caroline Villa, Main Street, West Linton – 15/00662/FUL;

(c) there were five Reviews outstanding in respect of the following:-

- Plot A, Chirnside Station, Chirnside
- Tushielaw Inn, Ettrick Valley, Selkirk
- Land East of Park Lane, Croft Park, Croft Road, Kelso
- Land South West of Northburn Caravan Park, Pocklaw Slap, Eyemouth
- Land North of Spruce House, Romano Bridge, West Linton.

4. **INDEPENDENT REVIEW OF PLANNING**

There had been circulated copies of an information note by the Chief Planning Officers, which referred to the Scottish Governments' review of the planning system which was in the Governments programme for 2015/16. The report explained that the review was being undertaken by an independent panel, chaired by Crawford Beveridge (Chair of Council of Economic Advisors), and also including Petra Biberach (Planning Aid Scotland) and John Hamilton (Scottish Property Federation). The Panel's Brief was to take a strategic perspective of planning and to be open to 'game changing' views and ideas. The review focused on 6 keys issues – Development planning; Housing delivery; Planning for infrastructure; further improvements to development management; Leadership, resourcing an skills and Community engagement. A series of questions had been set by the Review Panel to stimulate discussion and these were contained in the information note at Paper 1. All written submissions were required by 1 December and in order to meet the tight deadline officers had prepared and submitted the response which was also contained in the note at Paper 2. It was noted that the Panel would be inviting oral evidence from certain stakeholders, however this would be invitation only and there was no guarantee that SBC would be able to make further representations. The Review aimed to conclude taking evidence by the end of January 2016 with the final report published by the end of March 2016. Following a full and thorough debate of each of the questions, Members endorsed the Chief Planning Officer's responses contained in the information note and made further supplementary observations for submission together with additional comments submitted by Councillor S Bell, which had been tabled at the meeting.

DECISION

AGREED to endorse the responses submitted by the Chief Planning Officer and to submit the supplementary observations which are contained in Appendix II to the Minute together with additional comments submitted by Councillor S Bell, contained in Appendix III.

5. **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 Appendix IV to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

6. **MINUTE**

The Committee considered the private section of the Minute of 2 November 2015.

The meeting concluded at 1 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/00711/FUL and Muselie Drive, 15/00712/PPP	Residential Developments comprising a total of 16 dwellings (10 dwellings in full, 6 dwellings in principle)	Land to East of Lilliesleaf

PHASE 1 - 15/00711/FUL

Decision: APPROVED subject to a legal agreement addressing the identified development contributions and the following conditions and informative

1. Except where varied by subsequent conditions, or subsequent confirmation in writing from the planning authority, the development hereby approved shall be carried out wholly in accordance with the amended plans references, 7249/2-0 ht-D5 revB; 7249/2-0 ht-A5 revA; 7249/2-0 ht-A4 revB; 7249/2-0 ht-A3 revB; 7249/2-03 J-OPT1-PH1SITE, and 7249/2-05 E.
Reason: To ensure that the development is carried out as approved by the Planning Authority.
2. A minimum of 4 of the dwellings hereby approved shall meet the definition of 'affordable housing' as set out in the adopted Scottish Borders Local Plan 2011 and accompanying supplementary planning guidance on affordable housing (January 2015) and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first be submitted to and approved in writing by the Planning Authority.
Reason: To ensure the properties hereby approved are retained for affordable housing, and that the requirements of adopted policy on Affordable Housing are met.
3. The existing mature lime tree central within the site is to be protected in accordance with a scheme of details first submitted to and approve in writing by the Planning Authority. This is to include provision for protective fencing, and to include arrangements to ensure construction plant, equipment, and materials are kept clear of the identified Root Protection Area.
Reason: To ensure suitable arrangements are made for the protection of the lime tree.
4. Further details of the means of construction, surfacing and material finish of all footway within the root protection area (RPA) of the mature lime tree are to be submitted to and approved in writing by the planning authority. Any excavations within the RPA are to be carried out by hand.
Reason: To ensure suitable arrangements are made for the protection of the lime tree.
5. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development proceeds in an orderly manner.
6. 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 buildings 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.

7. The roofing shall be slate or artificial slate of a type first submitted to and approved in writing by the Planning Authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

8. No development shall commence until precise details of all windows 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 the approved scheme. The details shall include material, colour, glazing, glazing pattern opening method and frame thickness.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development, which contributes appropriately to its setting.

9. 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:

a. existing and finished ground levels in relation to a fixed datum preferably ordnance

b. existing landscaping features and vegetation to be retained and, in the case of damage, restored

c. location and design, including materials, of walls, fences and gates and other means of enclosure

d. soft and hard landscaping works, including details of planting, seeding and turfing, revised

hedging along the eastern boundary where the site adjoins the Wellfield Driveway, and along the western boundary with 20 Muselie Drive.

e. existing and proposed services such as cables, pipelines, sub-stations

f. other artefacts and structures such as street furniture

g. A programme for completion and full details of the arrangements for subsequent maintenance.

h. A scheme of details providing confirmation on existing and proposed site levels, relative to a known, fixed off site point.

Thereafter the development is to be completed in accordance with the agreed details.

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

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

11. No development shall commence until detailed engineering drawings and a further scheme of details for the proposed road, turning area, footway, shared surfaces, and drainage arrangements therein have been submitted to and approved in writing by the

planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The scheme of details is to include:

- a. Design to be altered to provide a shared surface layout beyond the narrowing of the carriageway opposite Unit 7.
- b. Turning head to be amended to incorporate adequate radii or splays.
- c. Amended drainage layout to be submitted which incorporates the revised road layout and removes the porous paving and cellular storage system from within the main carriageway.
- d. Drainage calculations to be submitted for the surface water system.
- e. Confirmation required that Scottish Water is content with the proposed drainage measures, including the diversion of the existing sewer.
- f. Longitudinal profile for the centreline of the proposed road to be submitted for consideration.
- g. Proposed road to be extended to the boundary of the site to allow potential future connection to Muselie Drive.
- h. A phasing agreement for the road infrastructure is required to ensure adequate servicing of the site as houses become occupied. This relates in particular to ensuring appropriate turning provision is available for service vehicles.

Thereafter, the development is to be completed in accordance with the approved scheme of details, and the areas allocated for parking on the approved drawings shall be properly consolidated, surfaced and drained before the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Reason: In the interests of road and pedestrian safety, both with the development, and on adjoining roads and footways.

12. Prior to the occupation of any dwelling hereby approved, the road link shown highlighted in blue on approved drawing 7249/2-03 N (and in any subsequent drawing approved by the planning authority superseding that plan) is to be made up to the site boundary with Muselie drive.

Reason: To ensure an adoptable road link to Muselie Drive remains achievable, in the interests of the proper planning of the development.

13. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the Planning Authority. Thereafter no development shall take place except in strict accordance with those details.

Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.

14. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment and foul water drainage has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

15. Prior to commencement of development the applicant must prepare and submit a report for approval by the Planning Authority that demonstrates the final development will comply with this condition. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernable tonal component. Tonality shall be determined with reference to BS 7445-2. Any heat pump equipment shall thereafter be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the noise limits

Reason To protect the residential amenity of nearby properties.

16. No development shall commence until an assessment of the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with the recommendations/findings of the report. The assessment should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The applicants should demonstrate that the proposed flue height is adequate to allow proper dispersal of the products of combustion.

Reason: In the interests of the amenity of the neighbouring properties, to protect the quality of air in the locality and to protect human health and well-being.

17. Within twelve months of the end of the useful life of the solar panels hereby approved, all solar panels and ancillary equipment shall be dismantled and removed from the buildings and the roof of each building made good with matching roofing material to the remainder of the roof, or to other such condition as may be agreed in advance and in writing by the Planning Authority.

Reason: The anticipated design life of the solar panels is such that they are expected to have a limited life expectancy.

Informatives

1. Lighting - The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.
2. Construction Noise - 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. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

PHASE 2 - 15/00712/PPP

Decision: APPROVED subject to a legal agreement addressing the identified development contributions and the following conditions and informative:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority. The submitted access details shall make provision for the minimum necessary size of opening in the wall with provision of a lintol above the opening, and include full details of how this shall be achieved, and how the remaining wall will be retained.

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

2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter

the development shall only take place except in strict accordance with the details so approved.

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

3. Parking and turning for two vehicles, excluding garages, must be provided within each plot before the dwellinghouse is occupied and retained in perpetuity.

Reason: In the interests of road safety.

4. Prior to the commencement of development, full details of the means of foul and surface water drainage, and of the means of water supply are to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the agreed details, unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain effective control over the development, and to ensure that the dwelling is suitably serviced.

5. No development shall take place until a road and footway has been completed to an adoptable standard, in accordance with a scheme of details that has first been submitted to and approved in writing by the planning authority, which shall form a vehicular and pedestrian link between the end of the adopted road in Muselie Drive and the application site.

Reason: To ensure a vehicular and pedestrian link to Muselie Drive is achieved, in the interests of community connectivity and the proper planning of the development

Informatives

1. Lighting - The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.
2. Construction Noise - 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. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

3. Access link with Muselie Drive - With regards condition 5 on access to Muselie Drive, if the link to the adopted road cannot be provided beyond that to satisfy Phase 2, then the applicants would be free to apply to remove the condition on Phase 2. The Planning Authority would be able to conclude then whether the supporting case demonstrates the potential for the link has been investigated to its full extent.

15/00741/FUL

Change of use of land for siting of six mobile holiday cabins with bike shelters, associated Farmhouse parking and landscaping.

**Land west of Haughhead
Innerleithen**

Decision: APPROVED subject to the following conditions and informatives:

1. The occupation of all chalets shall be restricted to 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: A permanent residential site in this location would conflict with the established planning policy for this rural area.
2. No development to be commenced until further details of the chalet construction, connection into services, linking shelter roofs and retained mobility are submitted to, and approved by, the Planning Authority.
Reason: To ensure that the development complies with the legislation and regulations governing definition as "caravans".
3. This development is approved only for the chalets as shown on the approved plans and not for any alternative style or design of units which, if proposed, should be submitted for the prior approval of the Planning Authority.
Reason: To safeguard the landscape and visual amenity of the area.
4. No development to be commenced until further details of the external materials of the walls, roofs, windows, decks and shelter roofs of the chalets are submitted to, and approved by, the Planning Authority.
Reason: To safeguard the landscape and visual amenity of the area.
5. The finished floor levels of the chalets should be as shown on the approved site plan 13029-001-C and there should be no development or alteration of ground levels below 139.55m AOD.
Reason: To safeguard the development from flood risk and maintain the functional flood plain.
6. All access and parking as shown on the approved site plan 13029-001-C to be completed in accordance with the plan before occupation of the first chalet, the visibility splays then to be maintained in perpetuity. However, before the works commence, further details of the parking surface material to be submitted for the approval of the Planning Authority, the space between the northern elevations of the chalets and the parking spaces to be increased to 6m.
Reason: In the interests of road safety.
7. No development to commence until further details are submitted of a foot/cycle path link between the development and the multi-use path running along the north-western side of the site. No chalet to be occupied until the approved path link has been completed. It should then be retained in perpetuity.
Reason: To provide connection between the development and the public path network.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the chalets or the completion of the development, whichever is the sooner, and shall be maintained thereafter in perpetuity (and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.)
Reason: To ensure that the proposed landscaping is carried out as approved.
9. Should a public water supply not be used, then no development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on

surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the chalets hereby approved.

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

10. None of the chalets shall be occupied until works for the disposal of surface water and sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority, including the maintenance arrangements for the system.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

1. You are advised by the Fire Safety Enforcement Officer of the Scottish Fire and Rescue Service of the following:

The spacing between the cabins can be reduced to a distance of 3.5 metres if the following conditions are met:

1. As detailed on the drawing the adjacent cabin should have a solid wall with no openings and which will provide a minimum of 60 minute fire resistance,
2. Adequate automatic fire detection should be installed & maintained within each cabin (conforming with BS 5839 Part 6 LD2 i.e. bedrooms and open plan living area),
3. A fire blanket and 2kg dry powder extinguisher to be provided within each cabin (conforming with current British Standard)
4. An adequate means of raising the alarm of fire on the site.
5. Evacuation plan available and which is displayed at a prominent location within each cabin.

2. The Council Environmental Health Officer advises:

The applicant should confirm the means of heating of the cabins. If biomass is to be used the Applicants should provide evidence that this will not adversely impact on local air quality.

APPENDIX II



Ron Smith

*Executive Member for Planning & Environment
Chair of Planning Committee
Councillor for Hawick & Hermitage*

*Ellistrin, 6 Fenwick Park, Hawick TD9 9PA
Tel.: 0300 100 0220
E-mail: RSmith@scotborders.gov.uk*

Date: 9th December 2015

Dear Sirs

Independent Review of the Planning System

The Planning & Building Standards Committee considered the report by the Council's Chief Planning Officer on the Planning Review at its meeting on 7th December 2015. Following a full and thorough debate, Members endorsed the recommendations in the report and wished to make the following supplementary observations:

1. Development Planning

- The system needs to be simplified and to be responsive to local circumstances.
- There is a requirement for greater openness and transparency in Reporters' handling of Development Plan Examinations and for the ability for their findings to be responded to and challenged.
- Decisions on LDPs should be made at local level. There should be local responsibility and accountability.
- The proposal for automatic planning permission in final paragraph of response is endorsed.
- The Committee strongly agree with the proposal to allow Development Plans to be modified without fundamental review of the whole plan.

2. Housing Delivery

- This is a complex supply and demand issue, linked to market conditions.
- Greater focus should be placed on the re-use of empty flats above shops and developing brown field sites to revitalise town centres.
- The market price of housing is an important factor in delivery.
- People will only live somewhere if there are jobs – housing supply must be linked to economic development and infrastructure investment.
- Homes for older population needs to be provided and to be in proximity to services
- Housing delivery can only be achieved by ensuring costs to developers are proportionate.
- Affordable Housing – needs to be affordable to rent not just to buy because of low wages in the Scottish Borders.

3. Planning for Infrastructure

- There is a growing problem of development contributions being challenged with greater risk to authorities' advance funding of infrastructure.

- There is a need to look at local taxation, as currently we are seeking developer contributions for new development, but no contribution from older properties. For example, railway contributions are sought on individual new houses but not from the wider community which benefits.
- Government definitely has a role to play in directing and funding infrastructure investment
- There is concern that central belt would dominate a central Infrastructure Fund and that rural authorities would lose out.
- We need to look at local taxation and apply a degree of common sense and flexibility on what we require.
- We need local taxation to funds roads and bridges - at present only 10% of road tax is spent on roads.

4. Development Management

- Cost of Wind-farm applications and appeals are in excess of the planning fees received. This places a significant financial and administrative burden on Councils.
- Planning fees should be paid upfront as a staged fee system was considered overly complex
- Permitted development rights should be extended for a range of development types, not just for householder developments.
- Planning fees (paid in advance) should relate to amount of work likely to be done with a subsequent rebate or request for an additional fee being made at a later stage if appropriate.
- Charges for pre-application discussion, which is common place in England, could be considered although it could deter applications.
- Endorsed the need to review 'meaningful start' provisions.

5. Leadership, Resourcing and Skills

- Secondment opportunities with private businesses should be investigated for planners.

6. Community Engagement

- Reiterate concerns that changes to LDP made by Reporters, where there is no power for Local Authority to challenge, can undermine community aspirations and the public engagement achieved in developing the Plan.
- Acknowledge that there are problems with Community Engagement in the Borders, although many rural Community Councils are good at fostering Community Engagement.
- There is frequently conflict between local, democratic, views and policy or legal issues.
- Not enough attention is paid by Community Councils to LDP.

Yours faithfully

Councillor Ron Smith
 Executive Member for Planning & Environment
 Chair of Planning Committee
 Councillor for Hawick & Hermitage

APPENDIX III

**Response from Cllr Stuart Bell Executive Member for Economic Development, Scottish Borders Council
Email presented to the Planning & Building Standards Committee 7th December 2015**

Your Committee might, in light of the discussions at Friday's meeting, be minded to elaborate on the submission in its first section (pages 6 & 7) on Development Planning by including a more general commentary on the way in which the burgeoning use of Reporters to examine not only Development Plans but also many 'called-in' Planning Applications contributes to an undermining of the trust of the General Public in the whole planning process. Reporters are at times not seen to be consistent in their consideration of and conclusions on issues; nor trusted to understand the detail of the local flavour and local issues which are as much a part of planning as National Policies. Moreover there is a potential further undermining of public trust in that in an effort to save time and expenditure in such examinations there is a decreasing use of the available forms of public enquiry as a result there is less engagement by Reporters with the public with the result that their decisions are seen to be even more arbitrary. It is an essential precept of Justice that it must not only be done it must be seen to be done; the same precept should apply to Reporter's examinations of Development Plans and Planning Applications.

I hope this helps....

I have not the time this evening/morning to rummage through my papers to find the exact reference to those 2 paragraphs in the relevant Act which almost directly contradict each other in defining the admissibility and inadmissibility of new evidence at Planning Appeals... time and again we struggled with the interpretation of these at Local Review Body. Nuala will know the reference straight off. I understand from conversations with MSPs that this nonsense was a result of changes which came to find their way into law during the amendment stages of Holyrood's consideration of the Act. It would be silly to miss the opportunity of highlighting the contradiction and asking for this to be tidied up

SCOTTISH BORDERS COUNCIL
JEDBURGH COMMON GOOD SUB-COMMITTEE

MINUTE of MEETING of the JEDBURGH
COMMON GOOD FUND SUB-COMMITTEE
held in ROOM 1, KELSO HIGH SCHOOL on 9
December 2015 at 5.30 p.m.

Present:- Councillors J. Brown, R. Stewart S. Scott, Community Councillor Mr. H. Wight.
In Attendance:- Capital and Investments Manager (Kirsty Robb), Solicitor (Karen Scrymgeour)
Democratic Services Officer (F. Henderson).
Members of the Public:- 0.

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 16 September 2015, with reference to paragraph 5, Community Councillor Wight advised that the Jed Shed wished to purchase the entire building at 5 Abbey Place, Jedburgh and not just the top floor.

DECISION

NOTED, subject to the amendment above.

2. **MATTERS ARISING**

With reference to paragraph 5 of the Minute of 16 September 2015, Karen Scrymgeour referred to a briefing note circulated to Members on 18 November concerning the former band hall, 15 Abbey Place, Jedburgh which sought confirmation from the Sub-Committee that the Jed Shed were looking to purchase the upper floor of 15 Abbey Place, Jedburgh being the former band hall premises, prior to a formal report being considered by the Sub-Committee. Karen Scrymgeour advised that the security stated that the £15,000 loan would be repayable on the sale of the property, which would mean that once the sale was complete the Jedburgh Community Trust would require to pay back the full £15,000. The minute of 16 September 2015 suggested the desire of both the Jed Shed and the Jedburgh Community Trust was for the loan not to be repaid but to be transferred from the Jedburgh Community Trust to the Jed Shed. The Common Good therefore would have to consent to the Jedburgh Community Trust not repaying the loan (and discharging the security) if the sale of the property went ahead and the Jed Shed providing a new security for the loan amount. Members expressed concern that the Jed Shed would not last in the future and the Common Good would be left with a property to maintain as part of the Common Good until it was sold. Community Councillor Wight advised that the concept of the Sheds were a modern innovation and expanding over the area and that it would be better to have an organisation in the property using it. Following considerable discussion, it was agreed that the matter be carried forward to the next meeting, in order to allow the Jedshed to submit a written proposal and funding application and for Legal and Finance Departments to prepare a report on the basis that the whole property be transferred to the Jedshed.

DECISION

(a) **NOTED that the Jedshed proposed to purchase the entire building at 15 Abbey Place, Jedburgh;**

(b) **AGREED:-**

(i) **that the Jedshed be requested to submit a written proposal/funding application;**

(ii) **that Legal and Finance Departments draw up a formal report on the basis of the entire building being transferred; and**

- (iii) **that the matter be placed on the Agenda for the next meeting of the Jedburgh Common Good Sub-Committee.**

3. JEDFOREST INSTRUMENTAL BAND

With reference to paragraph 6 of the Minute of 4 February 2016, the Democratic Services Officer advised that a letter had been sent to the Treasurer of Jedforest Instrumental Band requesting an update in respect of the grant of £5,000 which had been made to the Jedforest Instrumental Band and which was to be used to release other sources of funding from the Awards for All and SBC Community Fund.

DECISION

(a) **NOTED that no response to the letter had been received.**

(b) **AGREED that the matter be placed on the Agenda for the next meeting.**

4. MONITORING REPORT FOR 3 MONTHS TO 30 SEPTEMBER 2015

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 September 2015, 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 a projected deficit of £6,615 for the year. 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 September 2015. Appendix 4 detailed the value of the Newton Fund to 30 September 2015. Councillor Stewart sought clarification with regard to the transfer of assets to the Culture Trust and Kirsty Robb advised that they would remain under the control of the Common Good with a lease being drawn up for the properties. Councillor Stewart requested that Jedburgh Community Council be made aware of the lease and arrangements for the Common Good so that they may consider the draft lease prior to it being signed and sealed and Kirsty Robb agreed to feedback to the Corporate Transformation and Services Director. Karen Scrymgeour advised that there was an offer in for the Provost Room, Jedburgh, and it was hoped to be settled prior to Christmas with a percentage coming back to the Common Good.

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;**

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

(iv) **that Jedburgh Community Council requested they be given the opportunity to view the Leases for properties held by Jedburgh Common Good prior to finalisation.**

APPLICATION FOR FINANCIAL ASSISTANCE

5. RIVERSIDE ROCK

There had been circulated copies of an application for Financial Assistance from Riverside Rock, Jedburgh in the sum of £2,000. The application explained that Riverside Rock was an annual Musical Family Day held within the grounds of Jedforest Rugby Club for local

residents and visitors to the town who used the local facilities. The Riverside Rock event in previous years had been funded mainly through Sponsorship, Donations and ticket sales (£37,943). Expenditure on the Festival in 2015 had been £35,799, resulting in a surplus of £2,144. The Bar on the day had taken £22,990 and after the deduction of expenditure £10,5898, £14,545 had been transferred to Jedforest Club Account. Following considerable discussion, it was agreed to award a grant of £2,000 to Riverside Rock.

DECISION

AGREED to support the application for financial assistance from Riverside Rock in the sum of £2,000 towards the overall costs including stage hire, band costs and kids show for Riverside Rock 2016.

The meeting closed at 6.15 p.m.

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SCOTTISH BORDERS COUNCIL
KELSO COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the KELSO
COMMON GOOD FUND SUB-COMMITTEE
held in ROOM 1, KELSO HIGH SCHOOL on 9
December 2015 at 4.30 p.m.

Present:- Councillors T. Weatherston (Chairman), Councillor S. Mountford, A.
Nicol
Apologies:- Community Councillor Mr John Bassett.
In Attendance:- Capital and Investments Manager (Kirsty Robb), Solicitor (Karen
Scrymgeour) Democratic Services Officer (F. Henderson).
Members of the Public:- 0.

1. **MINUTES**

There had been circulated copies of the Minutes of the Kelso Common Good Fund Sub-Committee held on of 16 September 2015 and 15 October 2015.

DECISION

AGREED to note the Minutes for signature by the Chairman.

2. **MONITORING REPORT FOR 3 MONTHS TO 30 SEPTEMBER 2015**

There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Kelso Common Good for the 3 months to 30 September 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 £607 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 September 2015 and Appendix 4 showed the value of the Newton Fund to 30 September 2015. In relation to Appendix 4, the Capital and Investments Manager advised that Dividends from the Newton Fund were distributed twice per year in September and February and Dividends of £3,473 were received in September 2015 in line with the proposed budget of £6,000 for this year. The proposed budget for 2015/16 was based on a distribution of 2.5% which would be subject to the overall performance of the fund.

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.**

DECLARATION OF INTEREST

Councillor Mountford declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and took no part in the discussion.

FINANCIAL ASSISTANCE

3. KELSO CHRISTMAS DECORATION FUND

There had been circulated copies of an application for Financial Assistance from the Kelso Christmas Decoration Fund. It was explained that the application was in respect of electricity and erecting the Christmas lights in Kelso in the sum of £750.

DECISION

AGREED to support the application for financial assistance for Kelso Christmas Decorations Fund for 2015 in the sum of £750.

4. KELSO OVER 60s CLUB

There had been circulated copies of an application for Financial Assistance from Kelso Over 60s Club. It was explained that the Club provided Outings, Entertainment and an Annual Christmas Dinner for Over 60s within the Kelso area. The application presented to the Sub Committee was a request for £350 towards the cost of the Annual Christmas Dinner.

DECISION

AGREED to support the application for financial assistance for Kelso Over 60s Club in the sum of £350 towards the costs of the Annual Christmas Dinner.

URGENT BUSINESS

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

5. KELSO WHEELERS

There had been circulated copies of an application for Financial Assistance from Kelso Wheelers. It was explained that the Kelso Wheelers provided all types of cycling disciplines and triathlon training to all sections of Kelso and surrounding communities, with strong links to Broomlands Primary School where they took a lead role in the preparation and delivery of the Bike ability scheme for primary 6 and 7 pupils. The application went on to explain that the club had undertaken a one-off project to construct local off road cycling trails within the Angraflat Plantation on the North East boundary of the town at an estimated cost of £66,230. The sum of £58,230 had been secured from various local and national funders and businesses. The remaining £8,000 was an additional cost for an alternative access to the site which had not been included in the original cost as it had been anticipated that access would be taken at the back of Queens House and would link to access for the new High School. The identified ground was not now available for the original access and an alternative access bridge which would provide disability access to the trails had been constructed and the original funders would not pay retrospectively for any part of a completed project.

DECISION

AGREED to support the application for financial assistance from Kelso Wheelers in respect of the access bridge and disabled access to the off road cycling trails within the Angraflat Plantation in the sum of £6,000.

The meeting closed at 4.55 p.m.

SCOTTISH BORDERS COUNCIL
CHEVIOT AREA FORUM

MINUTE of the MEETING of the
CHEVIOT AREA FORUM held in the
Assembly Hall, Kelso High School on
Wednesday, 9 December 2015 at 6.30
p.m.

Present:- Councillors J. Brown, S. Mountford, A. Nicol, S. Scott, R. Stewart.
Community Councillors D. Herriot, D. Ogilvie, E. McNulty, J. Taylor, Jane
Davidson (Chief Executive NHS Borders), Sheena MacDonald (Medical
Director), Mr Matt Acton, Station Manager (Scottish Fire and Rescue Service),
Apologies:- Councillor T Weatherston, Community Councillors J. Bassett, A. Drummond,
S. Stewart, T. Jackson, L. Johnston, P. Bridgewood, N. Jarvis, Locality Team
Leader (Ms K. Horsley), Inspectors John Scott and Carol Wood, (Police
Scotland – J Division),
In Attendance:- Communities and Partnership Manager (Ms. S. Smith), Area Neighbourhood
Manager (Mr A. Finnie), Democratic Services Officer (Mrs F Henderson).

Members of the Public:- 1

1. **CHAIRMAN**
In the absence of the Chairman, Councillor Stewart chaired the meeting.
2. **WELCOME**
The Chairman welcomed everyone to the meeting.
3. **MINUTE**
There had been circulated copies of the Minute of the Meeting of the Cheviot Area Forum of 16 September 2015.

DECISION

AGREED to approve the Minute for signature by the Chairman.

4. **POLICE FORCE OF SCOTLAND – UPDATE FOR ‘J’ DIVISION**
There was no representation from Police Scotland, although there had been a report submitted. The report provided an update to the Cheviot Area Forum on performance, activities and issues across the Ward for the period up to 30 November 2015. The Ward Plan Priorities for Kelso and District were highlighted as Dishonesty, Road Safety, Antisocial Behaviour and Drug Dealing and Misuse of Drugs. The Ward Plan Priorities for Jedburgh and District were highlighted as Drug Dealing and Misuse, Road Safety, Anti-Social Behaviour and Rural Crime. Local Officers had carried out dedicated parking patrols to both enforce legislation and discourage inconsiderate parking but continued to get complaints from Kelso Community Council and members of the public in relation to inconsiderate parking. It was disappointing to receive these complaints and enforcement action would continue in the coming weeks. In terms of Thefts/Crimes of Dishonesty, the Kelso area continued to be targeted by opportunist thieves and the Police were asking Residents to continue to be vigilant. Drug offences continued to be targeted and there had been three large scale cannabis cultivations located in the Scottish Borders with

significant seizures. The Police were asking people to plan ahead when on a night out and take heed of the following advice –

- charge your mobile, remember to take it with you and think about how you'll get home.
- Book a taxi from a reputable company or arrange for a family member or friend to pick you up.
- If drinking alcohol, be sensible about how much you consume. A drunk person is a far easier target for a criminal.
- Don't leave drinks unattended.
- Don't use drugs or New Psychoactive Substances, sometimes misleadingly called 'legal highs'. Legal doesn't mean safe – they can contain toxic and harmful chemicals. Why risk your life?
- Stick with friends – don't leave nights out on your own or with strangers.
- Take care of each other and make sure you all get home safely.
- Stay safe on your journey home - never take isolated short cuts. Keep to busy areas and on public transport, sit where there are lots of other people. If you're using a taxi, make sure it's licensed.
- Drivers should be mindful that partygoers, particularly those under the influence of alcohol can step out / stagger onto the road without warning. Slow down when in crowded areas.

4.1 In terms of Jedburgh and District, it was reported that a number of stop/searches were carried out in September, October and November. One individual had been charged with being concerned in the supply of controlled substances following a house search in Jedburgh in November. In separate incidents, two other males had been charged after being found in possession of a controlled substance. Three large-scale cannabis cultivations had been located in the Scottish Borders with significant seizures this year in properties which had been vacant. If people suspected a property that could not be seen into or they had the blacked out windows or was boarded up, then they were asked to call to the police or Crimestoppers and these calls would be followed up and action taken. In terms of road safety, a total of 13 road checks were carried out in the ward area during the last quarter (September/October/November) up to 30 November 2015, and as a result three drivers had been issued with warnings for the anti-social use of a vehicle. Also during this period, one male had been charged with drink driving and six drivers had been charged with careless driving, as well as documentation offences in the Jedburgh and St Boswells areas and highlighted the worth of the pro-active road checks Officers carried out. Two parking tickets and one warning had been issued in Jedburgh during the past 3 months. In terms of Anti-social behaviour only one fixed penalty tickets had been issued over the reporting period for anti-social behaviour. A numbers of other individuals had been reported for breaches of the peace. 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 had carried out joint foot patrols over recent weeks to interact with young people and prevent anti-social behaviour. Rural crime continued with a few minor rural crimes over the last few months but nothing of major concern. Officers were out and about at farms with the Select DNA information packs and using the opportunity to provide security advice to those living in rural areas. The issue of Cybercrime had been raised as a concern to the rural communities and whilst cybercrime would not differentiate between a rural/urban area, the rural communities were now more aware of the issue. This had been influenced by the progress towards improving broadband in these areas, a greater reliance on IT coupled with the Scottish Government moving to online payments for farming subsidies providing opportunities for online scams. These changes, added to the increase in the general population's reliance on the internet and an increased awareness of cybercrime, resulted in 63% of respondents to an NFU Mutual survey saying they were concerned about cybercrime.

In terms of Initiatives and Planned activity it was reported that Police Scotland's national festive safety campaign was launched on Wednesday 18th November 2015 and would cover a four-week the campaign would focus on the following four strands:

Week 1 - Online Safety (18th Nov - 24th Nov)

Week 2 - Shop Safety (25th Nov - 1 Dec)

Week 3 - Party Safety (2nd Dec - 9th Dec)

Week 4 - Home Safety (9th Dec - 15th Dec)

4.2 The Police would continue to target drink driving offenders in the coming weeks and a year on from the introduction of the change in drink drive limits on the 5th December 2014, it was important that drivers did not become complacent in relation to the drink drive limits. One drink could put a driver over the limit and if a person intended to drive the simplest and best message was do not drink any alcohol. People were reminded not to drive the next day until they were sure that they were clear of alcohol. The impact of being caught for drink driving, living in a rural community was very significant so people were reminded to plan ahead and not take the risk. The weather in Scotland was notoriously unpredictable at the best of times and none more so than during the winter months. Being prepared for winter can be as easy as a few simple steps before planning a journey on the road.

- Check the weather forecast and road conditions
- If the weather is poor or the road surface is dangerous, consider whether you need to travel right now or if you can wait until the situation improves
- Allow extra time for your journey
- Make sure your mobile phone is fully charged
- Let people know where you are going and when you expect to arrive.

4.3 Drivers should keep vehicles well maintained and stocked with essential supplies before taking to the road and take special care that brakes, tyres, lights, batteries, windscreens and wiper blades are in good condition and consider keeping an emergency kit in their car for severe weather, which should at least include:

- An ice scraper and de-icer
- A shovel for snow
- A torch and spare batteries
- Warm clothes, boots and a blanket
- Some food and a warm drink in a flask
- First aid kit
- Battery jump leads
- A map or device with offline maps for any unplanned diversions.

DECISION

NOTED the report.

5. FINANCIAL PLANNING CONSULTATION

Financial Services Manager, Suzy Douglas, was in attendance to give a presentation about a consultation currently taking place on Financial Planning for the Council over the period 2016/17 to 2020/21. Copies of a leaflet about the consultation were handed out at the meeting. Mrs Douglas highlighted the many financial challenges facing the Council and explained that the forthcoming financial year 2016/17 represented the 4th year of the original 5 year Financial Plan established in 2013/14. Around £1.3 billion in revenue budgets would be spent between 2016/17 and 2020/21. The Council also had a capital budget of £352m for the next ten years to invest in infrastructure. The longer term approach to financial planning had allowed significant pressures to be managed and delivered solutions to bridge these gaps in ways which were least damaging to services. Across the first 3 years of the 5 year Financial Plan the Council was on track to deliver £15.6m in savings. Over the period the Council could demonstrate significant performance

improvements in some areas. However due to ongoing pressures on public funding the financial challenge would be there for several years to come. If the Council were to continue delivering services in the same way there would be a funding gap of approximately £27.8m over the next 5 year period. To help meet the funding gap, a Corporate Transformation programme was underway with the aim of transforming the way the Council worked to become more efficient and effective. There were 17 areas of work that had been identified as part of the programme, each being led by a member of the Council's Corporate Management Team. Essentially the budget was about priorities, meeting the challenges faced and spending taxpayers' money in the most efficient and effective way possible. To assist the process the views of the Borders public were being requested about where resources should be prioritised or whether the Council could do things differently to save money. Mrs Douglas explained that a new way of engaging with local people had been launched in the form of a community engagement tool, known as 'Scottish Borders Dialogue', which could be accessed through the Council's website. This was a quick and easy way to submit views and ideas. However, responses to the consultation could also be submitted by post, email, Twitter and by telephone. All the feedback received would be put forward to the Council's Administration Budget Working Group for consideration as part of the financial planning process.

DECISION

NOTED the presentation.

6. CITIZENS ADVICE

Mr Ian Heard, Pension Wise Guidance Specialist was present at the meeting to give a presentation on the Pension Wise Service which was funded by HM Treasury and delivered throughout the UK by the Citizens Advice Bureaux. Mr Heard explained Mr Osborne had announced the Pension Freedoms in the 2014 Budget, which basically gave the majority of DC scheme holders more options when accessing their pension pots and included a promise that every individual able to take advantage of the new flexibilities would be offered free and impartial guidance, including face-to-face. The new pension rules came into effect on 6 April 2015. Mr Heard's role initially was to deliver the Pension Wise Guidance sessions but had recently expanded to cover local promotion, marketing training and guidance sessions for the Roxburgh & Berwickshire, Central Borders and Peebles and more recently Dumfries and Galloway areas. The presentation gave a brief outline of why the service had been set up, who could benefit and also what benefit they would gain, the issues covered by the Scheme and how the service could be accessed. Mr Heard went on to explain that Pension Wise had been designed to provide Free and Impartial guidance to people who were looking at their pension situation and was not designed to replace Financial Advice but was seen as an addition to this to assist people in understanding their options in simple terms. A defined Contribution scheme was normally operated by an Insurance Company and the level of pension was dictated by the level of pot, built up by personal, employer and tax relief contributions. There were a number of Defined Benefit Schemes which in simpler language were final Salary Schemes and these are now rare for new employees and a lot had been amended to Career Average Earnings. There were six options and the aim was to provide the client with a simple explanation of each to help them make a decision which suited them. It was highlighted that it was Guidance only being offered and not advice, all clients were free to seek further Financial Advice if they so wished. The service was aimed at those close to retirement or over 50 years who had a defined contribution pension and were close to a retirement decision. Online guidance was available from www.pensionwise.gov.uk; telephone appointments on **0300 330 1001** or at the local Citizens Advice Bureau.

DECISION

NOTED the presentation.

MEMBER

Councillor Scott left the meeting during consideration of the following item.

7. HEALTH AND SOCIAL CARE PARTNERSHIP

With reference to paragraph 3 of the Minute of 14 May 2015, Mrs Jeanette McDiarmid, Depute Chief Executive – People was in attendance to give a presentation on the second draft of the Health and Social Care Integration Strategic Plan which was currently out for consultation. Copies of the Draft Strategic Plan and a shorter summary of the Plan were available for distribution at the meeting. Mrs McDiarmid explained that the Draft Strategic Plan set out why there was a need to integrate health and social care services; how this would be done; and what was expected to be seen as a result. The way health and social care services were delivered needed to change due to the increasing demand for services; increasing pressure on limited resources; and the desire to improve services and outcomes. Mrs McDiarmid commented that the integration of services was potentially the biggest change in health and social care since the formation of the NHS in 1948. It was explained that by shifting just 1% of the total spend of approximately £250m from Unplanned Inpatient Care and Institutional-Based Social Care towards Community-based NHS and Social Care and Planned Inpatient Care, resources would be used more effectively. This would help investment in new integrated ways of working particularly in terms of early intervention, reducing avoidable hospital admissions, reducing health inequalities, supporting unpaid carers and independent living. The presentation went on to list the Plan's local objectives. One of these objectives 'to improve support for unpaid carers to keep them healthy and able to continue in their caring role' was added as a result of responses to the last round of public engagement earlier in the year. Following the local objectives a list of key priorities was developed for 2016/17 based on what had been learned from listening to local people, service users, carers, staff and partner organisations. These priorities included the development of integrated accessible transport; the integration of services at a local level; coordination to provide a single point of access to local services; and work with communities to develop local solutions. The presentation highlighted six questions as part of the current consultation and which were set out in the consultation document. Responses to these questions could be submitted through the Scottish Borders Council website or by post. In outlining the timescales Mrs McDiarmid advised that the public engagement period would end on 11 December with a final draft of the Strategic Plan being finalised in February 2016, although given the timing of the meeting, responses would be accepted until 31 December 2015. Health and Social Care Integration would go live in April 2016. The Chairman thanked Mrs McDiarmid for her attendance and presentation.

DECISION

NOTED the presentation

8. DRAFT INTEGRATED CHILDREN AND YOUNG PEOPLES' PLAN

There had been circulated copies of the Draft Integrated Children and Young People's Plan in the Scottish Borders 2015-2018 together with copies of the summary. Mrs McDiarmid, Depute Chief Executive – People explained that there had been joint planning of Children and Young People's Services through the Children and Young People's Leadership Group, Membership from key agencies and partners and the Community Planning Partnership. The presentation highlighted achievements over the past three years which included the establishment of the Integrated services to support children and young people affected by domestic abuse, the creation of 4 Early Years Centres – with key focus on wellbeing and family support and a significant reduction in exclusion rate and improvement in attendance rate. The Vision was *'that all children and young people in the Scottish Borders will achieve their unique potential'*. The new priorities were explained and included – Improving Health and Reducing Health inequalities, keeping children and young people safe, Improving the wellbeing and life chances for the most vulnerable children and young people and increasing participation and engagement. The presentation went on to highlight the potential outcomes, the key tasks for the Future and the timescale for consulting on the Plan. In relation to making it easier for parents to be involved in all parts of children and

young people's learning, and providing ways for families to learn together, it was explained that by engaging with Parents to achieve similar skills to their child enabled both parents and children to interact, whether in School or at Home. Some concern was expressed with regards to the provision of budget specifically for additional needs required in schools. The Chairman thanked Mrs McDiarmid for her attendance and presentation.

DECISION

NOTED the presentation.

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 paragraphs should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

ENGAGEMENT WITH NHS BORDERS

- 9.0 An update on current activity was given by Jane Davidson, Chief Executive and Sheena MacDonald, Medical Director, NHS Borders. Mrs MacDonald reported that like many organisations the Health Service were facing challenges ahead. There continued reviews of Clinical Services and Critical Care. The Clinical strategy was currently out for consultation. Work continued with regard to the Health and Social Care Integration and trying to offer different services to prevent hospital admission where possible.

A&E Waiting Times

- 9.1 In relation to A&E waiting times, Mrs MacDonald reported that the BGH were comfortably meeting their waiting time target of 95% to be seen, treated and discharged within 4 hours of arriving in the A&E Department. It was further reported that if this target was not achieved, then the reasons for the failure were investigated fully.

Novovirus

- 9.2 Mrs MacDonald reported that the Novovirus had arrived early and that there were adequate controls in place, to prevent further infection. The ward in Kelso Community Hospital previously closed due to the Novovirus had re-opened.

In-patient care for Jedburgh

- 9.3 With reference to paragraph 4.5 of the Minute of 3 June 2015, Mrs MacDonald reported on the position regarding patients in Jedburgh being cared for in the Community Hospital, Hawick. Mrs MacDonald reported that it was a small number of patients who required to be admitted to a Community Hospital in order to offer support for patients to return home as quickly as possible following a hospital admission and at present this involved 6 Jedburgh patients being admitted to Hawick Community Hospital. Mrs MacDonald expressed disappointment that the situation had not been wholly resolved. In response to questions Mrs MacDonald advised that the situation had been inherited and until recently there had been very few issues. The importance of keeping GP's engaged was acknowledged and alternative models would be explored to resolve the issues.

DECISION

NOTED the report.

FIRE AND RESCUE

Fire Service Update

- 10.0 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 16th September 2015. The report detailed that during the period of the report there had been 8 House Fires (Domestic premises (fire in cooker); Building Alight x 1 and Grain dryer alight x 4. Occurrences of Fire – Open 4, occurrence of Special Services 6 and 10 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 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.

- 10.1 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.
- 10.2 Activity which was ongoing 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.
- 10.3 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. Mr Acton advised on the European Restart a Heart Day was a pioneering partnership between the Scottish Fire and Rescue Service (SFRS) and the British Heart Foundation (BHF) to give communities across Scotland the opportunity to learn life-savings skills, All 356 of the SFRS's fire stations recently took delivery of a BHF-donated Call Push Rescue training kit and each station would now act as a base for local people to learn vital cardiopulmonary resuscitation (CPR) skills and potentially save someone's life if they go into cardiac arrest. Jedburgh Fire Station opened its doors to the public as part of European Restart Heart Day on 16th October to offer lessons on life saving CPR skills. The Winter Thematic Action plan focused on portable heater safety; electric blanket safety; safe use of candles and festive safety/fairy lights and decorations.

DECISION

NOTED the report.

11. NEIGHBOURHOOD SMALL SCHEMES UPDATE

With reference to paragraph 10 of the Minute of 16 September 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 £23,695 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 £7,391 for Kelso and District and £9,127 for Jedburgh and District for future schemes.

DECISION

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

(i) Install dropped kerb at Hillview, Kirk Yetholm	£ 820
(ii) Erect three no. street name plates at Oakfield Court, Kelso	£ 670
(iii) Erect six street name plates in Morebatle Village	£1,100
(iv) Erect two street name plates at The Square, Kelso	£ 300
(v) Provide five picnic benches at Town and Kirk Yetholm	£1,240
(vi) Repaint existing finger post sign in Maxton Village	£ 210
(vii) Install handrail at West Myrescroft, Ancrum	£ 377
(viii) Erect notice board at Clintmains Village	£ 735
(ix) Install bench at Clintmains Village	£ 200
(x) Provide four planters within Clintmains Village	£ 580
(xi) to delegate authority to the Service Director Neighbourhood Services to allocate the remaining funds for the current financial year to Neighbourhood Small Schemes, subject to consultation with and approval by all six Elected Members of the Cheviot Area Forum through e-mail.	

(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.**

12. **LOCAL PUBLIC HOLIDAYS 2016**

There had been circulated copies of the proposed public holidays for 2016 for Jedburgh and Kelso.

DECISION

AGREED to determine the Public Holidays for Jedburgh and Kelso as set out in Appendix I to this Minute.

13. **OPEN QUESTIONS**

There were no issues raised.

DECISION

NOTED.

COMMUNITY COUNCIL SPOTLIGHT

- 14.0 **Oxnam Road Wall, Jedburgh** – With reference to paragraphs 12 of the Minute of 16 September 2015, the Area Neighbourhood Manager reported that the recent severe weather conditions and subsequent flooding, had impacted on the availability of internal resources, therefore the resurfacing of Oxnam Road would not be carried out prior to the end of the calendar year. The in-house contractor SBC Contracts had also reviewed the possibility of utilising approved surfacing sub-contractors, but again this had not been possible due to lack of availability. It was noted that following consultation and due to the impact on local business and passenger transport, the preferred day for the works to be carried out was a Sunday. Elected Members would be notified of the revised date for the resurfacing once it had been agreed with SBC Contracts. At present it was intimated that the work would be carried out early in the new year, possibly Sunday 17th January 2016. Officers would notify local businesses and install advanced warning signs once the new date for the resurfacing had been confirmed.

DECISION

NOTED the report.

- 14.1 **Skiprunning Burn, Jedburgh (Flood Protection Scheme)** – With reference to paragraph 12.1 of the Minute of 16 September 2015, the Area Neighbourhood Manager advised that SBC Contracts commenced construction works on 14th September 2015. Works were progressing well and it was anticipated that all work, except surfacing and minor ancillary works, would be complete before Christmas 2015. However, due to recent heavy rainfall and high water levels it was necessary to utilise the partially complete bypass culvert to control the water level and help prevent the water coming out of the bank. As a result of this the temporary formwork which was in place was damaged and required to be removed and replaced before the remaining section of bypass culvert concrete could be poured. This had caused a delay to the works and meant that there would be some additional work required to be undertaken in January 2016. The flood protection measures (bypass culvert etc.) would be constructed and operational before the Christmas holiday period, with the remaining work scheduled to be completed in January 2016. In the meantime the site staff continued to ensure that the grilles and channel were kept clear and were liaising with the council maintenance staff regarding accessing the site during out of hours.

DECISION

NOTED the report.

15. **DATE OF NEXT MEETING**

The Chairman confirmed that the next meeting of the Cheviot Area Forum was scheduled for Wednesday, 3 February 2016 in Jedburgh.

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 8.40 p.m.

SCOTTISH BORDERS COUNCIL
PENSION FUND COMMITTEE
AND PENSION BOARD

MINUTE of Meeting of the PENSION FUND
COMMITTEE AND PENSION BOARD held
in Council Chamber, Council Headquarters,
Newtown St Boswells on Thursday, 10
December, 2015 at 9.30 am

Present:- Councillors J Mitchell (Chairman), J Campbell, M Cook, G Edgar, G Logan, S Mountford, Mr A Barclay, Ms R Black, Mr M Drysdale, Mr P Smith.

Apologies:- Councillors: S Aitchison, B White, Ms Linda Ross.

In Attendance:- Chief Financial Officer, HR Shared Services Manager (Items 1-3)
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 3 September 2015.

DECISION:

NOTED for signature by the Chairman.

3. **COMMUNICATION STRATEGY**

Mr Ian Angus, HR Shared Services Manager was in attendance to give a briefing on the implementation of a Communications Strategy. Within the Pension Fund Business Plan it had been agreed that the Fund would develop and gain approval for the implementation of a Communications Strategy and Action Plan during 2015/16. The Strategy would consider engagement with existing scheme members and information made available to potential scheme members. Additionally, communication with Scheduled and Admitted Body employers would be explored and provision of access to relevant forms and documents they required to provide a quality service to their employees. Mr Angus advised that the Council's Communications team would provide their skills and expertise to assist with the development of the Action Plan and Strategy. The first decision required was the most appropriate place for hosting the Pension Fund information. There were a number of options to consider: SBC's website; a new website specifically for the Pension Fund; Self Service site for the Pension Administration system; or, the new Staff Benefits portal. Once these options had been appraised a further report would be brought to a meeting of the Pension Fund Committee and Pension Board for consideration. In answer to a question regarding regular Freedom of Information (FOI) requests, Mr Robertson advised that FOIs were not presently charged, the cost being met within officer time. Mrs Robb added that publication of a list of Fund holdings would be considered, any FOI requests for this information could then be directed to the appropriate section on the website.

DECISION

NOTED

(a) Progress on the implementation of a Communication Strategy; and

- (b) That a further report on the Communications Strategy would be presented to a future joint meeting of the Pension Fund Committee and Pension Board.**

MEMBER

Councillor Cook joined the meeting during consideration of the above item.

4. RISK REGISTER UPDATE

- 4.1 With reference to paragraph 6 of the minute of 3 September 2015, there had been circulated a report by the Chief Financial Officer providing Members of the Committee and Board with an update on the progress of management actions to mitigate risks, a review of new risks and highlighting changes to any of the risks contained in the Risk Register. Identifying and managing risk was a corner stone of effective management and was required under the Council's Risk Management Policy 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. Appendix 1, to the report detailed the risks within the approved Risk Register. In line with the Council's Risk Management Policy (2015) a paper would be presented to the June 2016 meeting demonstrating progress with a fully reviewed Risk Register, including consideration of any new risks. It was noted that a full Risk Workshop had been undertaken on 3 September 2015 to ensure that the Risk Register's content was up to date and no new risks had been identified.
- 4.2 Mr Robertson advised that there had been discussion at UK national level on the pooling of pension funds and a drive to increase investment in infrastructure. Officers were undertaking further work to evaluate possible implications for the Pension Fund and would report back to the Committee and Board at the March 2016 meeting. Mr Robertson referred to Risk 4.1, that changes to the composition of the Pension Fund membership might lead to there being insufficient assets in the Fund to meet future liabilities. Mr Robertson explained that this was indicative of the Fund maturing. There followed a discussion on the long term consequences of Early Retirement Voluntary Service (ERVS) in relation to the Fund. If this policy continued it was considered that it would have a significant impact on the Fund going forward. It was important to encourage younger employees to join the Fund to offset the number of Fund members retiring early. In answer to questions, Mr Robertson clarified that the Actuary's methodology, calculated what was expected in terms of loss to the Pension Fund when requests for ERVS were considered by Council. The Pension Fund was then compensated based on the Actuary's calculation. Mr Robertson highlighted that changes to the cash requirement of the Fund to pay pensions altered the structure of the Fund, it was therefore essential to ensure the correct balance of liquid and illiquid assets. Mr Robertson suggested that the Actuary be invited to a meeting of the Committee and Board to give a presentation on the impact of ERVS on the Pension Fund and this was welcomed. It was noted that Risk 4.1 and Risk 2.5 were connected and Mr Robertson would look at the future presentation of these two risks on the Risk Register.

DECISION

(a) AGREED

- (i) To the additional actions proposed in Appendix 1 to the report;**
- (ii) To a full review of the Risk Register being undertaken in June 2016 to include progress on risk management actions and consideration of any new risks; and**
- (ii) To receive a presentation by the Actuary on the impact of ERVS on the Pension Fund.**

(b) NOTED

- (i) The management actions progress as contained in Appendix 1, to the report;**
- (ii) That further information would be provided at the March 2016 meeting on the pooling of funds and infrastructure investments; and**
- (iii) No new risks had been identified since the last review.**

5. **BUSINESS PLAN PERFORMANCE UPDATE**

There had been circulated a report by Chief Financial Officer providing members of the Committee and the Board with an update on the actions within the approved Business Plan. The 2015/16 – 2017/18 Business Plan for the Pension Fund was approved by the Committee and Board on 18 June 2015. Included within the Plan were key objectives and actions with target dates. As part of the risk register update, approved at the Committee and Board on 3 September, it was agreed a mid-year progress report on the Business Plan actions would be presented to Members at the December meeting and a further progress report and update at the June 2016 meeting. There were 13 performance measures with target dates during 2015/16 contained within the Business Plan. These were detailed in Appendix 1 to the report. As at 10 December, six performance measurements had been completed, six were on track to complete within their targeted timescales and one was currently behind target but progressing.

DECISION

- (a) **AGREED a further update be presented at the June 2016 meeting; and**
- (b) **NOTED the progress of the 2015/16 actions with the Business Plan.**

MEMBER

Councillor Campbell joined the meeting during consideration of the above item.

6. **PROCUREMENT UPDATE**

6.1 There had been circulated a report by Chief Financial Officer providing Members with an update on the various procurement activities to be undertaken for the Pension Fund over the next 12 months. Identified within the Business Plan, approved by Committee on the 18 June 2015, there were three procurements to be undertaken. These were Investment Advisor, Custodian and Currency Manager. The current split of services procured by the Fund required to be reviewed prior to the commencement of the procurements to ensure the Fund could meet its statutory reporting requirements and ensure best value from all services was obtained. The Appointments Sub-Committee would work with officers during the procurements and make recommendations to the Pension Fund Committee and Board on the individual preferred bidders. To reduce timescales, without adversely affecting the quality of the procurement, it was proposed for the Investment Advisor and Custody services to use the Norfolk Framework. To reduce timescales for the currency hedge manager an Investment Management Agreement (IMA) was being developed. This would reduce the risks and time required for clarifications and final contract award.

6.2 In answer to questions, Mr Robertson explained that the current Custodian provided a limited service, augmented with quarterly performance reports provided from Aon Hewitt. This arrangement had worked well for the fund in the past. However, due to increased complexity of the statutory reporting requirements and the increased number of fund managers there was a need to review the current service procured. The use of the Norfolk framework would allow for a shortened procurement exercise without affecting the quality of the procurement check. It was proposed that the procurement process would commence in January with the shortlisted companies being considered by the Appointments Sub Committee in March. Recommendations would then be presented to the Pension Board and Pension Fund Committee on 23 March 2016.

DECISION

- (a) **AGREED**
 - (i) **The use of the Norfolk framework for the Investment Advisor and Custody procurements; and**
 - (ii) **The payment of the joining fees.**
- (b) **NOTED further reports and updates would be provided at the March meeting.**

MEMBER

Councillor Edgar left the meeting prior to consideration of the above item.

(Note: Mr K Ettles, Aon Hewitt, left the meeting during consideration of the above item.)

7. EMPLOYER CESSATIONS

There had been circulated a briefing paper by Chief Financial Officer providing members of the Committee and the Board with an update on the current issue some pension funds were facing with cessations and explaining the national discussion around these. Under the Local Government Pension Scheme (Scotland) Regulations 2014 there were certain circumstances where revised actuarial valuations and certificates must be obtained. This included where a scheme employer ceased to be part of the scheme or no longer had active members contributing to the fund. The Employer became an “exiting employer” under the regulations and was liable to pay an exit payment. For each “exiting employer” the administering authority must obtain an actuarial valuation of the liabilities, as at the exit date, in respect of the employer’s current and former employees. This valuation revised contribution rates and provided an exit payment in respect of the benefits liability. To ensure the Pension Fund was not at risk for these liabilities the “exiting employer” was then required to either pay the exit payment or provide an indemnity, bond or guarantee. Mr Robertson explained that there were issues around the unintended consequences of the changes to the regulations in terms of “exiting employers”. Concerns had been raised by the “exiting employers” regarding the impact and the value of the required payment in relation to the organisations’ total budget. Scottish Government would ensure that changes to the regulations to assist both administering bodies and “exiting employers” would be in force in December 2015. However, the Deputy First Minister’s letter, a copy of which was attached to the Agenda, instructed cognizance of the changes now when considering any cessation liabilities. In answer to questions, Mr Robertson clarified that an “exiting employer” referred to a body that had been admitted to the fund but had no new active members. There were currently seven employers within the Pension Fund who had no active members, deferred members in this category being 0.36% of the total membership. Mr Robertson advised that the briefing paper had been brought for information, when further details were available a further report would be presented to the Committee and Board.

**DECISION
NOTED.**

8. SCHEME ADVISORY BOARD – WORK PLAN

There had been circulated copies of the Scheme Advisory Board Bulletin together with the Pension Fund Statement of Investment Principles 2013 and 2015, for information.

**DECISION
NOTED.**

9. INVESTMENT IN INFRASTRUCTURE

There had been circulated copies of correspondence from the Local Government and Regeneration Committee of the Scottish Parliament – Response by Scottish Borders Council. In addition, copies of the Report on Pension Fund Investment in Infrastructure and City Deal Spend had also been circulated. The documentation explained that Scottish Parliament’s Local Government and Regeneration Committee had sought information on investments made and any current barriers to investing in infrastructure projects and city or region deals. As well as the submission provided from Scottish Borders Council (SBC) to the Committee, Mr Robertson had been invited to give evidence in terms of the operation and ability of the Scottish Borders Pension Fund and in particular investment in infrastructure. Mr Robertson advised that when given evidence, he had highlighted, the legal difference between pension funds and the local authority and the tension between maximising pension fund returns and infrastructure investment by the Council. He had also explained that the Committee, in noting that there were significant assets in pension funds, should also remember there were considerable liabilities. The

Pension Fund Committee and Pension Board discussed the report and unanimously agreed that their role was to maximise returns in relation to the Pension Fund, to protect the interest of the Pension Fund and the membership. Mr Robertson advised that the Pension Fund Committee and Pension Board would be kept updated for a response to be made, if required.

**DECISION
NOTED.**

10. **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 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

11. **MINUTE**

The Committee noted the Private Minute of the meeting of 3 September 2015.

12. **QUARTER PERFORMANCE UPDATE**

The Committee noted a report by AON Hewitt Consulting.

13. **PROPERTY INVESTMENT UPDATE.**

There Committee noted a report by Chief Financial Officer.

The meeting concluded at 12.00 pm

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SCOTTISH BORDERS COUNCIL PETITIONS AND DEPUTATIONS COMMITTEE

MINUTE of Meeting of the PETITIONS AND DEPUTATIONS COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Thursday, 10 December, 2015 at 10.00 am

Present:- Councillors A. J. Nicol (Chairman), S. Bell, D. Paterson, J. Torrance and T. Weatherston
Apologies:- Councillors D. Parker
Also Present:- Councillors S. Marshall, W. McAteer
In Attendance:- Service Director Commercial Services (from para 3.5), Strategic Transport Services Manager, Clerk to the Council, Democratic Services Officer (F. Walling).

Petitioner:- Mr Andy Maybury

1. **MINUTE**

There had been circulated copies of the Minute of 1 October 2015.

DECISION

APPROVED and signed by the Chairman.

2. **THE PETITIONS PROCEDURE**

There had been circulated copies of an extract from the Scottish Borders Council Petitions Procedure which set out the process to be followed at the meeting.

DECISION

NOTED.

3.1 **PETITION: 20/120 BUS SERVICE**

There had been circulated copies of a petition, submitted to the Council on 19 August 2015, entitled "120 Bus Petition". The form was accompanied by a large number of signatures and was submitted by the Chairman of Hawick Community Council. However it was explained that action had been co-ordinated with other Community Councils, with elected Councillors and the local MSP. There had also been circulated copies of a briefing note by the Service Director Neighbourhood Services. The Chairman welcomed Mr Andy Maybury to the meeting to present the petition on behalf of the Principal Petitioner and asked for a round of introductions from Members of the Committee and officers.

3.2. On being invited by the Chairman to address the Committee, Mr Maybury explained that the petition had grown out of a number of concerns, some general and some specific to the bus service about which the petition referred. He challenged an often expressed view that one must have a car to survive in the Borders, maintaining that 85 – 90% of the population of the Scottish Borders lived within major settlements but 20% of households did not have a car. Bus services were the key for transport between settlements and, although once considered a public service, were more recently left to be run on a commercial basis. Mr Maybury explained that the No. 20 (later No.120) bus service was a combination of four services: Hawick to Jedburgh; Jedburgh to Kelso; a Jedburgh loop incorporating Howdenburn; and Hawick loop incorporating Weensland Road. The route was taken over in 2011 by First Borders and operated on a commercial basis resulting in

a significant increase in fares and subsequent outcry from users. The Council had then provided a subsidy for some return fares to reduce these to a more reasonable level. However sometime in December 2014/ January 2015 First Borders dropped the service from its standard schedule and said they would pull out. A separate timetable was issued for Services 120 and 20 with temporary financial support from Scottish Borders Council. Mr Maybury alleged that nothing more was communicated to the public domain until late summer when the Council's temporary support ended and the service was threatened. It was at this stage that the petition to save this bus service was started. Mr Maybury outlined that after 17 August a revised bus timetable resulted in the previous 13 Hawick – Jedburgh and 9 Jedburgh – Kelso journeys being reduced to 6 and 3 respectively. After particular engagement with residents in Eckford the timetable was further revised to offer 8 Hawick – Jedburgh and 7 Jedburgh – Kelso journeys but Mr Maybury pointed out that this service was still a reduction from the original. He concluded by saying that the petition asked for the retention of this bus service.

3.3 Members welcomed the petition. In response to a request for further clarification about exactly what petitioners were requesting, Mr Maybury said he had not seen any communication from the Council to indicate that the support for the bus service would extend beyond the end of the calendar year. He gave examples of where there was still room for improvement in the service offered and expressed general concern that, where bus services were passed to commercial operators, less-used routes would become unworkable. However he clarified that the main purpose of the petition was that the service be retained. In a reply to a question about passenger numbers on the 120/20 bus service, Mr Maybury believed this to fluctuate significantly from a sole passenger to in excess of twelve. However he pointed out that for a few people the service was their only option for means of travel to work, school, health centre, etc. He was aware and accepted that the provision of bus services was not a statutory service for the Council and that there had to be a judgement in terms of what services could be offered on a limited budget.

3.4 Scottish Borders Council's Strategic Transport Services Manager, Mr Timothy Stephenson, gave a response to the petition on behalf of the Service Director Commercial Services. He gave further information on the background to the situation. The bus route in question was operated on a commercial basis by First Borders, with no subsidy from the Council, until January 2015 at which time First Borders decided that they were no longer able to operate the route commercially. The Council stepped in and offered a temporary solution to subsidise the service with First Borders until a re-tender of bus services could be undertaken in the Summer of 2015. It was explained to Councillors at the time that this was a temporary solution for 6 months and budget would be found from existing resources. Following the re-tender it became obvious that the cost of operating this route was far in excess of any available budget. Mr Stephenson explained that one of the Bus Service regulations set by the Traffic Commissioner was that the Council must not run a subsidised service alongside a commercial service. He also clarified that the only bus services whose provision was statutory for the Council were the home to school services. To address the local concern a restructured service 120 (re-numbered 20) was designed using a single bus operating with a reduced timetable and frequency based on passenger numbers gathered from data collected since January 2015. This revised timetable was sent out to communities for consultation in July 2015. As part of the consultation Mr Stephenson had attended a meeting of local residents at Eckford. As a result, and taking into account other feedback, some minor changes were made to the timetable to try to accommodate community requests, particularly around provision to Eckford, within Jedburgh, and Weensland Road, Hawick. The revised service had operated since 17 August 2015. Further timetable changes were introduced on 28 September 2015 – these were small frequency enhancements made largely at the Community Councils' request to accommodate local traveller demand. The service was supported by Demand Responsive Transport and the regulation services to college and schools which could be used by members of the public. Mr Stephenson added that to date there had been very little negative passenger response to the changes in this service and that the service would continue at least until the end of the current financial year at 31

March 2016. After that date, support from the Council would depend on the amount allocated in the budget for subsidising bus services and competition with other bus routes; the current total budget for subsidised services being £1.9m for the whole of the Borders area. From early in 2016 the Council would begin to engage with Community Councils and with commercial operators in order to determine priorities for services and where money should be spent in terms of subsidised services. At present 30% of bus services in rural areas were commercial and 70% were subsidised. For the Central Borders area these figures were reversed.

- 3.5 In response to Members' questions Mr Stephenson gave further detailed information about the service route and its level of usage. He confirmed that, if the budget was available, there was no intention to reduce the 20/120 service. Mr Maybury thanked Mr Stephenson for the sympathetic response to the petition and complemented the process carried out by the Council. Replying to his question about who was best placed to determine a bus service timetable, Mr Stephenson reiterated that the Council would engage in a big conversation with the public about priorities for services and timetables in Spring 2016. The consultation would include use of VOiCE, the Council's on-line community engagement tool. Mr Stephenson's personal view was that each Community Council should have a 'Transport Champion' with whom the Council could liaise 1:1 about timetables and who could pass on information and requests from the community. The Council would also use 'ambassadors' to provide assistance and collect information from passengers on buses, following the lead and effective use of ambassadors for the Borders railway. With regard to Demand Responsive Transport, Mr Stephenson advised that this service, whereby bookings were taken the previous day, was proving successful for a Hawick – Newcastleton service and also for a route in Kelso. Discussion continued on the size of buses used for certain routes in relation to usage. It was noted that it was more effective to keep the same vehicle on one route and that as well as being limited by vehicle availability size was dependent on peak demand at school times and the requirement for accessibility at all times.
- 3.6 On behalf of Members of the Committee, the Chairman thanked Mr Maybury for his attendance and excellent presentation of the petition, and Mr Stephenson for his helpful and sympathetic response. He also asked Mr Maybury to pass on thanks to the Principal Petitioner and others for raising this petition which had allowed discussion and a clear expansion of the issues. After further discussion Members recognised the importance of effective communication going forward, with the users of bus services, in order to achieve best value in terms of the decision about where the Council's budget for subsidised bus services be directed. It was agreed to refer the petition and associated Minute to the Service Director Commercial Services for his attention.

DECISION

(a) NOTED:-

- (i) the petition calling for the retention of the 20/120 bus service;**
- (ii) that although there was general satisfaction with the current level of this service the timetable could be improved by being extended; and**
- (iii) that from early 2016 the Council would be carrying out public consultation to identify priorities in terms of provision of subsidised bus services.**

(b) AGREED:-

- (i) to recognise that a bus service was being provided which was satisfactory for some passengers, albeit with some gaps;**

- (ii) to applaud the Strategic Transport Services' ongoing communication with communities in respect of the 20/120 bus service; and
- (iii) to refer the petition to the Service Director Commercial Services with the recommendation that he investigate the necessary mechanism for effective communication with communities, including through Community Councils, to ensure correct identification of priorities, in terms of the provision of subsidised bus services by the Council within the limitations of the budget.

4. **PETITION CONSIDERED INADMISSIBLE**

There had been circulated copies of a briefing note by the Clerk to the Council advising the Committee of the non-acceptance of a petition received against the siting of a 3G Pitch in Victoria Park, Peebles. The note explained that the petition was received on 26 November 2015. The Executive Committee had agreed at its meeting on 29 September 2015 that Victoria Park was the preferred location for a 3G synthetic pitch in Peebles. Within the terms of the Petitions Procedure agreed at Council, petitions would not be accepted which 'relate to a decision made by the Council or a committee during the preceding six months'. A letter was therefore written to the Principal Petitioner on 2 December 2015 advising that the petition could not be accepted for consideration by the Petitions and Deputations Committee at this time. In the ensuing discussion Councillor Bell advised that he had since been contacted by the Principal Petitioner and had provided information on the process in relation to the proposed 3G Pitch in terms of future decisions on the application for planning consent, consideration of the use of the land by the Peebles Common Good Fund Sub Committee, and provision of capital budget.

**DECISION
NOTED.**

The meeting concluded at 11.35 am

SCOTTISH BORDERS COUNCIL
PENSION BOARD

MINUTE of Meeting of the PENSION BOARD held in COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on Thursday, 10 December, 2015 at 1.05 pm.

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 3 September 2015.

DECISION

NOTED for signature by the Chairman.

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

2.1 The Board discussed the joint meeting of the Pension Board and Pension Fund Committee which had included reports by the Chief Financial Officer on the Risk Register, Business Plan Performance and Procurement and Property Investment. There had also been a report from HR Shares Services Manager on the Communications Strategy. Mr Ettles from AON Hewitt, had attended the joint meeting to report on the Pension Fund's Quarterly Performance.

2.2 The Board highlighted the national discussion regarding the pooling of pension funds and a drive to increase investment in infrastructure and the possible implications on the Pension Fund. The Board agreed with the joint committee that their role was to ensure achievement of the best return on investments for pension fund members. In answer to a question regarding Early Retirement Voluntary Severance (ERVS), Mr Robertson clarified that the Actuary's methodology calculated what was expected in terms of loss to the Pension Fund when requests for ERVS were considered by Council. The Pension Fund was compensated by the Council based on these calculations. It was noted that the Actuary would be invited to attend the joint committee to give a presentation on the impact of ERVS on the Pension Fund and this was welcomed by the Pension Board.

DECISION

NOTED.

The meeting concluded at 1.20 pm.

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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 14 December, 2015 at 10.00 am

Present:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford and B White
In Attendance:- Chief Planning Officer (Paragraphs 1 & 2), Planning Policy and Access Manager (Paragraph 3), Lead Officer Plans and Research (Paragraphs 4, 5 & 6), Solicitor (G. Nelson), Democratic Services Team Leader, Democratic Services Officer (F.Walling).

1. **DECLARATIONS OF INTEREST**

In terms of Section 5 of the Councillors Code of Conduct Councillor Gillespie declared an interest in the review of application 15/00745/PPP and left the meeting during consideration of this review.

2. **REVIEW OF APPLICATION 14/00996/PPP**

There had been circulated copies of the request from Mr G. Drummond, per Richard Amos Ltd, 2 Golden Square, Duns, to review the decision to refuse the planning application in respect of the erection of a dwellinghouse on Plot A, Chirnside Station, Chirnside. Included in the supporting papers were the Decision Notice, Notice of Review, officer's report of handling, papers referred to in report, consultations and a list of relevant policies. Members accepted that there was a building group at Chirnside Station but after further discussion agreed with the appointed officer that the size of the group was 28 dwellinghouses. They accepted that addition of a further unit would be over the permitted policy threshold for expanding building groups but held a lengthy debate about the capacity of the group for further development. In terms of the position of the plot Members concluded that it was an acceptable addition to the building group. Although the proposed dwelling would impinge on the former railway route, it was noted that the existing right of way by-passed the site and would not be impacted by the development.

VOTE

Councillor Brown, seconded by Councillor White, moved that the decision of the appointed officer be varied and that the application be refused as the proposal would exceed the maximum threshold for expansion of the building group.

Councillor Mountford, seconded by Councillor Ballantyne, moved as an amendment that the decision should be overturned and the application approved.

On a show of hands Members voted as follows:-

*Motion - 5 votes
Amendment - 4 votes*

The motion was accordingly carried

DECISION

DECIDED 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 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**
- (d) **the decision of the appointed officer to refuse the application be varied and the application for planning permission be refused for the reasons detailed in Appendix I to this Minute.**

3. REVIEW OF APPLICATION 15/00027/RREF

There had been circulated copies of the request from Park Resorts Ltd, per Bilfinger GVA, City Point, 29 King Street, Leeds, to review the decision to refuse the planning application in respect of change of use of land for siting 23 mobile homes (extension to holiday park) on land south west of Northburn Caravan Park, Pocklaw Slap, Eyemouth. The supporting papers included the Decision Notice, Notice of Review, officer's report of handling, papers referred to in the report, consultations, objections, additional representation and response and a list of relevant policies. Members noted that the application site was an allocated housing site as defined in the adopted Local Plan and Proposed Local Development Plan. Although they accepted that the proposed mobile homes had residential character and were of a quality that could be lived in all year round confirmation was given by the solicitor that legally they were defined as caravans and the planning advisor advised that as such for planning policy purposes they were not permanent dwellinghouses. It was recognised that these units would not contribute towards the overall housing requirements as set out in the Development Plan.

VOTE

Councillor Fullarton, seconded by Councillor Campbell, moved that the decision to refuse the application be upheld.

Councillor Ballantyne, seconded by Councillor Mountford, moved as an amendment that the decision should be overturned and the application approved with the condition that the proposed mobile homes be licensed for permanent residential use.

On a show of hands Members voted as follows:

Motion - 6 votes

Amendment - 3 votes

The motion was accordingly carried.

DECISION

DECIDED 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 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**
- (d) **the decision of the appointed officer to refuse the application be upheld and the application for planning permission be refused as detailed in Appendix II to this Minute.**

4. **REVIEW OF APPLICATION 15/00745/PPP**

There had been circulated copies of the request from Mr James Hewit, per Ferguson Planning, Shiel House, 54 Island Street Galashiels, to review the decision to refuse the planning application in respect of the erection of a residential dwelling, demolition of stables, access and associated works on land east of Park Lane, Croft Park, Croft Road, Kelso. Included in the supporting papers were the Decision Notice, Notice of Review, officer's report of handling, consultations, objection, additional representations and response, Local Development Plan further issues and a list of relevant policies. Members were aware the application was for planning permission in principle. Their discussion focussed on whether the development could be satisfactorily accommodated on the site and without adverse impact on the character of the surrounding area.

VOTE

Councillor Campbell, seconded by Councillor Moffat, moved that the decision to refuse the application be upheld.

Councillor Mountford, seconded by Councillor Ballantyne, moved as an amendment that the officer's decision be reversed and the application approved subject to conditions to include the provision of two parking spaces within the curtilage of the plot and the reduction in height of the hedge separating the private access and the public footway.

On a show of hands Members voted as follows:

Motion - 3 votes

Amendment - 5 votes

The amendment was accordingly carried.

DECISION

DECIDED 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, as detailed in Appendix III to this Minute.**

ADJOURNEMENT

The meeting adjourned for lunch at 12:15 pm and re-convened at 1.00 pm

5. **REVIEW OF APPLICATION 15/00601/FUL**

There had been circulated copies of the request from Ms Donna Cornish, 7 The Weatherhouse, Bowhill, Selkirk, to review the decision to refuse the planning application in respect of replacement windows (retrospective) at the Tushielaw Inn, Ettrick, Selkirk. Included in the supporting papers were the Decision Notice, Notice of Review, officer's report of handling, papers referred to in report, consultation, objections and a list of relevant policies. Members discussed at length the appearance of the UPVC windows which had replaced timber sliding sash and case windows with astragels, noting that, as the Tushielaw Inn was neither listed nor within a conservation area, the Council's Supplementary Planning Guidance on Replacement Windows 2011 and Replacement Windows and Doors 2015 did not apply. Members considered how much weight to give to Historic Scotland's Guidance Note "Managing change in the Historic Environment: Windows". Members' opinions varied about the appearance and suitability of the replacement windows and, where Members were unhappy with the windows, about the practical steps which should be requested to improve their appearance.

VOTE

Councillor Moffat, seconded by Councillor Ballantyne moved that the officer's decision be reversed and the application approved.

The following amendments were moved:

- (I) Councillor Gillespie moved that the practicality of installing external astragels on all of the replacement windows be investigated.*
- (II) Councillor Fullarton moved that the officer's decision be varied and the four main windows either side of the front door be replaced with original timber astragelled sash and case windows.*
- (III) Councillor Fullarton moved that the officer's decision be varied and all the windows at the front of the building be replaced with original timber astragelled sash and case windows.*

None of the above amendments were seconded and they accordingly fell. The motion was therefore carried.

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, as detailed in Appendix IV to this Minute.**

6. REVIEW OF APPLICATION 15/00662/FUL

There had been circulated copies of the request from Mr Mark Hepworth, Caroline Villa, Main Street, West Linton, to review the decision to approve the planning application subject to a condition in respect of the installation of two roof lights at Caroline Villa. Included in the supporting papers were the Decision Notice, Notice of Review, officer's report of handling, papers referred to in the report, consultation, objection and a list of

relevant policies. Members considered the application “de novo”, whilst noting that the reason stated for the appeal related to the condition seeking to ensure that the roof lights were permanently fixed and were fitted with obscure glass. The Local Review Body were content that the roof lights were of an appropriate conservation style for the property and their size and location on the roof were considered appropriate. After further discussion about the condition attached to the planning consent, Members concluded that for safety and ventilation purposes there was a need for the roof lights to open. However to prevent any potential overlooking of the neighbouring property it was agreed the roof lights should be fitted with obscure glass.

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 grant planning permission be upheld but that the attached planning condition be varied as detailed in Appendix V to this Minute.**

7. REVIEW OF APPLICATION 15/00682/FUL

There had been circulated copies of the request from RMR Ltd, per Ericht Planning & Property Consultants, 40 Belgrave Road, Edinburgh, to review the decision to refuse the planning application in respect of the siting of a portacabin for use as a flour mill on land north west of Spruce House, Romano Bridge, West Linton. Included in the supporting papers were the Decision Notice, Notice of Review, officer’s report of handling, papers referred to in report, additional information, consultations and a list of relevant policies. In discussing the application Members noted that the application was for temporary consent for the portacabin for use as a flour mill, in order to test the success of the business venture. Members expressed general support for farm diversification and did not consider that the proposed location for the portacabin would result in any adverse impacts on existing residential properties or in terms of traffic generation. In conclusion Members agreed to approve the application and grant planning permission for a maximum period of 5 years.

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 as detailed in Appendix VI to this Minute.**

The meeting concluded at 2.40 pm



APPENDIX I

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

**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**

Local Review Reference: 15/00023/RREF

Planning Application Reference: 14/00996/PPP

Development Proposal: Erection of

dwellinghouse **Location:** Plot A, Chirnside Station,

Chirnside **Applicant:** G Drummond

DECISION

The Local Review Body varies the decision of the appointed officer and refuses to grant planning permission for the following reason:

- 1 The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00997/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on Plot A, Chirnside Station, Chirnside. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	-

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 14th December 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) Notice of Review and accompanying papers: including Decision Notice; (b) Officer Report (Report of Handling); (c) Papers referred to in officer's report; (d) Consultations; and (e) List of Policies, the Review Body concluded that it had sufficient information to decide the case. In coming to this decision, the Review Body considered the applicant's request for further procedure in the form of a site visit and a hearing session.

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 Borders's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- SESplan Policies: 8-Transportation and 11 – Delivering the Green Network
- Local Plan Policies: INF2, INF3, INF4, INF5 , INF6, 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 Placemaking & Design 2010
- Supplementary Planning Guidance on Development Contributions 2011
- Scottish Borders Proposed Local Development Plan 2013 (Plus Reporters recommendations set out in their Report of Examination)

The Local Review Body was satisfied there was a building group at Chirside Station, as defined in Local Plan Policy D2 and in the approved Supplementary Planning Guidance on New Housing in the Borders Countryside. However, the size of the building group and its resultant capacity for further development was subject to significant debate and deliberation by Members.

The Review Body noted the applicant suggested there were 30 existing houses at the group but that the appointed officer only accepted a total of 28 dwellinghouses. Members examined in detail the "site plan" and "List of Dwelling and Addresses in the Building Group" in the applicants Statement of Appeal.

In considering Plot C (No. 30), they noted that Policy D2 of the Local Plan and Policy HD2 of the Proposed Local Development Plan set out that:

“The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local (Development) Plan period. This will include those units under construction or nearing completion at that point.”

Whilst the Review Body accepted that the consent for Plot C had been implemented, due to modest site works being undertaken a number of years ago, there was no evidence of subsequent or recent construction works and the dwelling was not nearing completion at the start of the Local Plan period in 2011. Members concluded that Plot C (No. 30) could not count towards the number of dwellings in the group.

The position on No.29 (The Old Birdhouses) was less clear, in that it appeared to relate to a property in the same curtilage as No 27 (Chestnut Lodge) but it was not, on the basis of the available evidence, conclusively proven that two separate dwellinghouses existed. The only planning history at that property related to the formation of a “granny annexe”, which would be ancillary and would not be classed as a separate dwellinghouse in planning terms. Notwithstanding, the dubiety about this unit, Members observed that even if it was conclusively demonstrated that 29 dwellings existed at the locality the approval of a further unit would constitute a 31% increase in the capacity of the building group. This would have been above the permitted policy threshold for expanding building groups.

Members noted that planning permission had been granted for a dwellinghouse on Plot A on several occasions in the past but that since the recent approval in 2007 the Development Plan policy had changed in respect of group capacity for additional units. While the old policy allowed up to a 100% increase, this has been reduced in terms of the current Development Plan policy to the greater of either 2 dwellinghouses or 30 % within a Local Plan period. The policy had been introduced to allow only smaller scale additions to building groups and to ensure development was effectively assimilated into the form and nature of building groups. The Review Body were aware that 8 dwellinghouses had recently been approved at the group (using up the available 30% capacity) and they concluded that this consent should be developed before any further development was approved.

In the circumstances, the application would be contrary to Development Plan Policy D2 and HD2 of the Proposed Local Development Plan. The question of capacity could be re-considered in subsequent Local Plans periods, should new houses be built at the locus.

In terms of the development of the plot, the Review Body was satisfied that the proposal would be consistent with the existing development pattern at the group. The plot will relate well to the building group. Consequently, it was concluded that a house on the site would be an acceptable addition to the building group.

The Review Body did not accept that it was necessary, or practicable, to retain the former railway line for recreational use. The existing right of way (The David Hume Way) by-passed the site and would not be impacted by the development. Any proposed route along this section of the railway line would be limited by the development approved on Plot C and the restriction in travelling south through the Ahlstrom factory complex.

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.

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....Cllr R Smith
Chairman of the Local Review Body

Date:...17 December 2015



APPENDIX II

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

**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**

Local Review Reference: 15/00027/RREF

Planning Application Reference: 14/01282/FUL

Development Proposal: Change of use of land to form extension to existing holiday park

Location: Land South West of Northburn Caravan Park, Pocklaw Slap, Eyemouth

Applicant: Park Resorts Ltd

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 proposals would be contrary to policy H3 of the Consolidated Local Plan in that the proposed change of use of land would result in the loss of allocated housing land which is required to meet the housing land requirement for the Berwickshire Housing Market Area.
2. The proposal would be contrary to Policy Inf3 of the Consolidated Local Plan in that the proposed development would give rise to road safety concerns with additional traffic to the park requiring to access residential streets rather than utilising the existing park entrance and access route.

DEVELOPMENT PROPOSAL

The application relates the change of use of land to form an extension to the existing holiday park on land South West of Northburn Caravan Park, Pocklaw Slap, Eyemouth. The application drawings consisted of the following drawings:

Plan Type

Plan Reference No.

Block Plans	3487-310
Location Plan	3487-300
Site Plan	3487-320A
Sections	3487-315

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 14th December 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; (c) Officer's Report (Report of Handling); (d) Papers referred to in officer's report; (e) Consultations; (f) Objections; (g) Additional representations and response and (h) List of Policies, the Review Body concluded that it had sufficient information to decide the case. In coming to this decision, the Review Body considered the applicant's request for further procedure in the form of a site visit, written submissions and a hearing session.

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:

- SESplan Policies: 5 – Housing Land
- Local Plan Policies: H1, H2, H3, INF2, EP2,EP4, G5 and G1

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

- Scottish Planning Policy
- Supplementary Planning Guidance on Development Contributions 2011
- Scottish Borders Proposed Local Development Plan 2013 (Plus Reporters recommendations set out in their Report of Examination)

The Review Body noted that the application site was an allocated housing site within the settlement boundary of Eyemouth, as defined in the adopted Local Plan and Proposed Local Development Plan. In addition, they were mindful that both plans protect existing land use allocations and state "Any other use on allocated sites will be refused" unless the developer sets out a persuasive case to justify an exception to this policy.

The Review Body accepted the proposed mobile homes (or residential standard lodges) were of a quality and standard to be lived in year round and that they had a residential character. They also noted that the occupancy and security of tender could also be controlled via a Residential Licence Agreement between the Park operator and the purchaser of the mobile home. However, mobile homes are legally

defined as caravans and are not therefore permanent dwellinghouses. In the circumstances, they do not contribute towards the overall housing requirements as set out in the housing land audits and the Development Plan.

The Review Body were aware that the loss of housing land was even more critical following the Reporters findings on the Local Development Plan, which indicated that there was a shortfall of housing land in the Scottish Borders and that the Council was required to produced Supplementary Guidance in the next year to provide for a further 916 houses. In their view, there was not sufficient justification to set aside the housing policy requirements to protect this allocation or for the alternative use of the site.

The Review Body noted the Council's affordable housing policy required a contribution of 25% affordable units from housing sites. Members acknowledged that the mobile homes could help provide a low cost form of alternative residential accommodation for certain groups in society that cannot afford main stream housing but that, at present, the Council's affordable housing policy did not allow for this type of provision. In their view, this was a matter that required further investigation and consideration in future policy reviews.

The Review Body also noted the Council's Developer Contribution policy and considered whether it could apply to this type of Development. Members were content that the general policy could and should apply to this type of Development, but considered that this point was not clearly addressed within the supplementary guidance. In their view, this was a matter that required further investigation and consideration in future policy reviews.

In terms of the proposed vehicular access, Members accepted the view of the appointed officer that as the site would be controlled and managed as an adjunct to the caravan park, it would need to be connected to the existing caravan site and that it would be best served by utilising the existing main caravan site entrance. They did not accept the need for a new access onto Pocklaw Slap or Barefoots Road.

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.

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...Cllr R Smith
Chairman of the Local Review Body

Date:...17 December 2015



APPENDIX III

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

**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**

Local Review Reference: 15/00028/RREF

Planning Application Reference: 15/00745/PPP

Development Proposal: Erection of residential dwelling, demolition of stables, access and associated works

Location: Land east of Park Lane, Croft Park, Croft Road, Kelso TD5 7ET

Applicant: Jim Hewit

DECISION

For the reasons set out below, the Local Review Body overturns the decision of the appointed officer and grants planning permission in principle subject to directions and conditions as set out in this decision notice.

DEVELOPMENT PROPOSAL

The application relates to the erection of residential dwelling, demolition of stables, access and associated works in respect of land east of Park Lane, Croft Park, Croft Road, Kelso TD5 7ET. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Site Plan	SK02
Block Plan	SK01
Site Sections	SK03

PRELIMINARY MATTERS

After examining the review documentation, which included: (a) Notice of Review and accompanying papers - officer's report and decision notice of 1 October 2015 (b)

consultations (c) objection (d) additional representations and response (e) Local Development Plan further issues (f) List of Policies, the Review Body concluded that it had sufficient information to determine the review and that further procedure was not required in this instance. In coming to this conclusion, the Review Body took into account the applicant's request for further procedure in the form of a site visit.

The Local Review Body considered the Review competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 14th December 2015.

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 Strategic Development Plan 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, G5, G7, H2

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

- Proposed Local Development Plan Policies: PMD2, PMD5, HD3, IS2
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Landscape and Development 2008
- Supplementary Planning Guidance on Development Contributions 2015

The Review Body noted that the site lies within the settlement boundary of Kelso and that the site lies within the curtilage of the residential property known as Park Lane. The proposed area for building lies to the west end of the site in the vicinity of the loose box currently on site. The site constraints in terms of its steep slope were noted as were the proposed sections in relation to the development.

The Review Body was mindful of the provisions of Development Plan Policies that any development within a settlement boundary would require to meet the tests set by policies G1 and G7 (and H2). Members also noted that because the application was 'in principle' that it was unable to reach conclusions on a number of the criteria that would require further detail at the reserved matters stage. The meeting focused upon the compatibility of the proposed development with the surrounding area and on whether it could be satisfactorily accommodated on site.

Members noted that the proposal was acceptable to the Council Roads service subject to the inclusion of conditions in relation to the provision of car parking for two cars and associated turning, and the reduction in height of a hedge to allow visibility from the public footpath.

Members observed that it was a challenging site and that if Planning Permission in Principle was granted it would require, at the reserved matters stage, an innovative

and high quality solution to be found for the proposed dwelling house to fit well into its surroundings.

The Review Body on balance considered the site suitable for development in relation to the key determining policies.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was acceptable in relation to the Development Plan and that there were no other material considerations that would justify refusal of the proposal. The Local Review Body therefore agreed to overturn the officer decision and approve the appeal subject to directions and conditions.

DIRECTIONS

1. No development shall commence until the details of the layout, siting, design and external appearance of the building, the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

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

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

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

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

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

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

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

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

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

CONDITIONS

1. Two parking spaces and turning to be provided within the curtilage of the plot and retained in perpetuity.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway.

2. The hedge that separates the private access from the public footway to be reduced in height to no greater than 1000mm over the first 2000mm in perpetuity.

Reason: To ensure that the development is served by a safe and satisfactory means of access.

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 Cllr R Smith

Chairman of the Local Review Body

Date: ...17 December 2015



APPENDIX IV

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

**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**

Local Review Reference: 15/00025/RREF

Planning Application Reference: 15/00601/FUL

Development Proposal: Replacement Windows (retrospective)

Location: Tushielaw Inn, Ettrick

Applicant: D Cornish

DECISION

The Local Review Body (LRB) reverses the decision of the appointed planning officer and grants planning permission as set out in the decision notice.

DEVELOPMENT PROPOSAL

The retrospective application relates to the installation of replacement windows on the Tushielaw Inn. The application drawings consist of the following :

Plan Type	Plan Reference No.
Location Plan	OS Extract
Floor Plan	-
Photos	Various showing windows as installed

PRELIMINARY MATTERS

The LRB considered at its meeting on 14th December 2015, that the review had been 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; c) Officer's report; d) Papers referred to in officer's report; e) Consultation f) Objections and g) List of policies, the LRB

considered that it had sufficient information to determine the review and proceeded to consider the case. In coming to this conclusion, the LRB considered the request from the applicants for further procedure in the form of one or more hearing sessions and a site visit.

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 LRB considered that the most relevant of the listed policies was:

- Local Plan policy : G1

The LRB also noted that following the recent DPEA Reporter's recommendations regarding the Examination of the Council's proposed Local Development Plan 2013, policy PMD2, which will replace policy G1, should be a material consideration to the application. It was agreed by the LRB that policy PMD2 did not raise any new material considerations in this instance.

Other material considerations the LRB took into account related to:

Other Material Considerations

- SBC Supplementary Planning Guidance – Replacement Windows 2011
- SBC Supplementary Planning Guidance – Replacement Windows and Doors 2015
- Managing Change in the Historic Environment Guidance Note : Windows (Historic Scotland)

It was confirmed that planning consent was required for the replacement windows as the hotel did not have the benefit of any permitted development rights and the planning officer had requested an application as it was considered that that replacement windows were a material alteration to the appearance of the building.

It was understood that the premises had now been sold at auction and confirmation was sought as to the legalities of which party would be responsible for replacing the unauthorised windows should the LRB dismiss the appeal. Members were reminded that ownership issues are not a material consideration in considering a planning appeal. It was confirmed that the responsibility for replacement of the windows would likely fall on the new owners.

The application was for the replacement of timber sliding sash and case windows with astragals with UPVC side hung windows. The LRB noted that the Tushielaw Inn was neither listed nor within a conservation area. The Council's SPG on Replacement Windows 2011, which was in place when the application was refused, and the recent updated version Replacement Windows and Doors 2015 both relate solely to listed buildings and buildings within conservation areas and the LRB

concluded that these SPGs should not have been referred to in the second reason for refusal to the application. It was therefore acknowledged that these SPGs should not be considered as part of the LRB process.

The LRB also noted the contents of Historic Scotland's "Managing Change in the Historic Environment Guidance Note : Windows". The purpose of the document is to give guidance in relation to Historic Buildings, although it does not define what constitutes a "historic building" and does not specifically single out listed buildings and those within conservation areas for consideration. It was recommended members should decide how much weight is given to this Guidance.

It was generally accepted that the replacement windows were likely installed by the appellant without realising planning consent was required given the building is not listed nor within a conservation area. It was noted that whilst all the windows on the front elevation had been changed, only 4no had been replaced at the rear and therefore these were to be considered as part of the application submission. It was agreed that the windows to the rear were much less prominent to members of the public given their distance for the public road.

Mention was made to the property on the opposite side of the road which had windows fitted as part of a previous planning approval. It was considered by some members that although these windows incorporated astragals these were not fitted in a uniform manner and this was to the detriment of the overall appearance of the building.

There was detailed debate with a variety of opinions on the suitability of the windows and mixed opinions as to the suitability and practical issues of applying astragals to the glazing. There was positive support for the property being brought back into use and comment was made that the potential high cost of replacing the windows may prevent the building being re-instated as a hotel which was an important rural facility. Whilst some members felt some windows were more prominent than others and consequently suggested different levels of amendments to the window types to deem them appropriate, other members felt a non-uniform appearance with a range of window types and styles would be an unsatisfactory solution. Ultimately there were a number of options proposed by members which included :

- Support for the replacement windows
- Refusal of the replacement windows
- Installation of astragals on all the windows
- Installation of astragals only on those on the front elevation
- Approval of the proposal other than the main windows on the front elevation which should be replaced with the original timber astragalled sash and case windows

It was agreed that given the Council's SPG on Replacement Windows and Doors 2015 did not apply to the proposal, that if it was to be supported as a hotel within the countryside there were a number of unique considerations to be considered which would narrow down the possibility of it being cited as a precedent.

CONCLUSION

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

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 ...17 December 2015



APPENDIX V

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

**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**

Local Review Reference: 15/00029/RCOND

Planning Application Reference: 15/00662/FUL

Development Proposal: Installation of 2no rooflights

Location: Caroline Villa, Main Street, West Linton

Applicant: M Hepworth

DECISION

The Local Review Body (LRB) upholds the decision of the appointed planning officer and grants planning permission, but varies the attached planning condition as set out in the decision notice.

DEVELOPMENT PROPOSAL

The application relates to the erection of 2no velux rooflights on the north elevation of this property located within the West Linton Conservation Area. Planning consent was granted subject to a condition seeking to ensure the rooflights were fixed and were fitted with obscure glass to prevent any overlooking into the bedroom windows of the nearby Braemar Cottage. The LRB appeal was in relation to the attached condition. The application drawings consist of the following :

Plan Type	Plan Reference No.
Location Plan	OS Extract
Photos	-

PRELIMINARY MATTERS

The LRB considered at its meeting on 14th December 2015, that the review had been 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; c) Officer's report; d) Papers referred to in the officer's report; e) Consultation; f) Objection and g) List of policies, the LRB considered that it had sufficient information to determine the review and proceeded to consider the case. In coming to this conclusion, the LRB considered the request from the applicants for further procedure in the form of one or more hearing sessions and a site visit.

Within their LRB statement the appellants suggested a means around any perceived privacy issues would be resolved if it was agreed that the rooflights could be reduced in size and moved further along the roof area to prevent any overlooking towards the objector's bedroom window. However, the LRB agreed that such a decision was outwith their remit as the amended proposal would require the submission of a formal application which would allow comment from third parties via the neighbour notification process.

The LRB also agreed that as referred to within the appellant's statement, any perceived overlooking from the objector's property into their property from the objector's property was a longstanding scenario outwith the remit of the LRB.

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 LRB considered that the most relevant of the listed policies were:

- Local Plan policies : G1, BE4 and H2

The LRB also noted that following the recent DPEA Reporter's recommendations regarding the Examination of the Council's proposed Local Development Plan 2013, policies PMD2, EP9 and HD3 which will replace the aforesaid polices respectively should be material considerations. It was agreed that the policies in the proposed Plan did not raise any new material considerations.

Other material considerations the LRB took into account related

to: Other Material Considerations

SBC Supplementary Planning Guidance on Privacy and Sunlight (Householder Developments) 2006
SBC Supplementary Planning Guidance – Replacement Windows and Doors 2015
SBC Supplementary Planning Guidance – Replacement Windows 2012
Managing Change in the Historic Environment Guidance Note : Windows (Historic Scotland)
Scottish Historic Environment Policy 2011

Reference was made to the Council's Supplementary Planning Guidance on Privacy and Sunlight (Householder Developments) 2006 which was referred to within the planning officer's report. Para 2.3 states that "As a rule, a minimum 18metres privacy zone should be maintained between windows of principal rooms when directly opposite". Although the rooflights were only 5 metres away from the objector's bedroom window, the rooflights were to be installed over a storeroom. A storeroom is not recognised within the guidance as a principal room (i.e. lounge, dining room, bedroom, kitchen, study) and therefore it was suggested this should have minimal weight within the LRB decision in this particular instance.

LRB members noted that although the appeal was against the terms stated within the planning condition attached to the consent, members should consider the proposal "de novo" and should consider whether they feel the rooflights are appropriate in the first instance. The LRB confirmed they were content that the 2no rooflights were of an appropriate conservation style for the property and their size and location on the roof were considered to be appropriate.

The LRB then gave consideration to the condition attached to the consent issued. It was noted that given the planning officer's concerns as to potential overlooking from the rooflights the condition was attached requiring that the rooflights should be permanently fixed to prevent them opening and should have obscure glass installed. Both these requirements were proposed to prevent any perceived privacy issues.

The LRB considered that there was a need to allow the rooflights to open for ventilation purposes and to allow a means of fire escape. However, they did feel that in order to prevent any potential overlooking into the objector's bedroom window the rooflights should be fitted with obscure glass

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and consent should be granted for the rooflights with an amendment to the attached planning condition to read :

1. "Notwithstanding the details of the proposed rooflights submitted with the application, the approved rooflights to incorporate obscure glazing, to be retained in perpetuity. Before any development commences on site details of the rooflights, including the type of obscure glazing, to be submitted to and approved by the Planning Authority. The development then to be completed in accordance with the approved details.

Reason: To protect the residential amenity of nearby properties from overlooking."

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...17 December 2015



APPENDIX VI

SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE

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

Local Review Reference: 15/00026/RREF

Planning Application Reference: 15/00682/FUL

Development Proposal: Siting of portacabin for use as flour mill

Location: Land to north west of Spruce House, Romanno Bridge, West Linton

Applicant: Romanno Mains Renewables Ltd

DECISION

The Local Review Body (LRB) reverses the decision of the appointed planning officer and grants planning permission as set out in the decision notice.

DEVELOPMENT PROPOSAL

The application relates to the temporary siting of a portacabin for use as a flour mill on land to the north west of the appellant's property at Spruce House, Romanno Bridge. The application drawings consist of the following :

Plan Type	Plan Reference No.
Location Plan	OS Extract
Site Plan	-
Floor Plan	-
Combi Mill - Brochure (2no)	-

PRELIMINARY MATTERS

The LRB considered at its meeting on 14th December 2015, that the review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

REASONING

After examining the review documentation at that meeting, which included : a) Notice of Review and accompanying papers including the officer's report and decision notice; b) Papers referred to in officer's report and c) Additional information; d) Consultations and e) List of policies the LRB considered that it had sufficient information to determine the review and proceeded to consider the case. In coming to this conclusion, the LRB considered the request from the applicants for further procedure in the form of a site visit.

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 LRB considered that the most relevant of the listed policies were:

- . Local Plan policies : G1, D1, H2 and Inf4

The LRB also noted that following the recent DPEA Reporter's recommendations regarding the Examination of the Council's proposed Local Development Plan 2013, policies PMD2, ED7, HD3, IS7 respectively will replace the aforesaid policies and are therefore material considerations to this proposal. It was agreed these new policies do not raise any new material considerations

Other material key considerations the LRB took into account related to:

Other Material Considerations

- . Circular 4 / 1998 – The Use of Planning Conditions

It was noted that the appellants had applied for a temporary consent in order to test the success of the business venture and if successful it was intended that an alternative site would be sought to operate the business on a more permanent basis. The planning officer had expressed concern that by allowing even a temporary consent it may be difficult to prevent a permanent use from the site should such an application be submitted. The LRB were advised that allowing a temporary consent would be a reasonable course of action which would be defensible should it be challenged for a permanent use of the proposal in the future.

The LRB noted that the appellants were not able to identify any appropriate location for this venture within the built up area of nearby Romanno Bridge and that there were no alternative locations within the vicinity of the farm holding. LRB members expressed general support for farm diversification and felt the proximity of the proposed portacabin to the applicant's property known as Spruce House allowed a degree of overlooking and consequent site security as well as convenience for the operators. The LRB considered that as the proposal was only to operate 2 days a week there would be no adverse impacts in terms of any traffic generation or any general amenity issues.

It was considered that there would be no impact on the amenity of existing residential properties as identified in policy D1 and that the proposed site was well screened from existing housing in nearby Romanno Bridge by 30 metre coniferous woodland. The LRB referred to Council support for working from home and felt the rural location was appropriate for this business venture.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. The LRB therefore agreed to overturn the officer decision and approve the appeal subject to the following conditions:

1. Approval is granted for a limited period of five years from the date of this consent and the portacabin to be removed from the site prior to the expiry of that period

Reason : The site is not considered appropriate for the permanent siting of the portacabin and operation of the business

2. The materials to be used on the external walls and roof of the portacabin shall first have been submitted to and approved in writing by the Local Planning Authority prior to onsite works commencing.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting

3. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernable tonal component. Tonality shall be determined with reference to BS 7445-2

Reason : To protect the residential amenity of nearby properties.

4. The Unit shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason : To protect the residential amenity of nearby properties.

Informative

Food Premises Registration

The premises will need to be registered with the Council before commencing operations. In order to ensure that the layout of the premises complies with the registration requirements the applicant should contact an Environmental Health Officer as the earliest stage possible. This can be done by calling 0300 100 1800 or [emailing PLACEhealth@scotborders.gov.uk](mailto:PLACEhealth@scotborders.gov.uk)

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 ...17 December 2015

Minutes of a meeting of the **Health & Social Care Integration Joint Board** held on Monday 14 December 2015 at 2.00pm in the Board Room, Newstead

Present:

Cllr C Bhatia (Chair)	Mrs P Alexander
Cllr F Renton	Mr J Raine
Cllr J Mitchell	Mr D Davidson
	Dr S Mather
	Mrs K Hamilton

In Attendance:

Miss I Bishop	Mrs S Manion
Mrs C Gillie	Mr D Robertson
Mrs J Davidson	Mrs J McDiarmid
Mr J McLaren	Mr D Bell
Mr J Lamb	Ms S Campbell
Mrs J Smyth	Dr E Baijal
Mrs E Rodger	Dr A McVean
Mrs J Douglas	

1. Apologies and Announcements

Apologies had been received from Cllr Jim Torrance, Cllr David Parker, Mrs Fiona Morrison, Ms Jenny Miller, Dr Sheena MacDonald, Mrs Tracey Logan and Mrs Elaine Torrance.

The Chair confirmed the meeting was quorate.

The Chair welcomed various attendees to the meeting.

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.

Dr Stephen Mather raised the matter of two late papers (Chief Officer Report and Financial Regulations paper) being emailed to members the previous day and tabled at the meeting. He confirmed that he and other members of the Integration Joint Board had been unable to read the papers in advance of the meeting and requested they be withdrawn and submitted to the next meeting.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** agreed to receive the Chief Officer report at the meeting and to defer the Financial Regulations paper to the Development session on 20 January 2016.

3. Minutes of Previous Meeting

The minutes of the previous meeting of the Health & Social Care Integration Joint Board held on 12 October 2015 were amended at page 2, paragraph 3, line 1, replace “Torrence” with “Torrance” and at page 4, minute 8, line 5, replace “Governance” with “Government” and with those amendments the minutes were approved.

4. Matters Arising

4.1 Minute 5: Consultation on the Draft Strategic Plan for Health & Social Care:

Clarification of dealing with Delayed Discharges was sought. It was noted that Delayed Discharges was a feature of the Development session to be held on 20 January 2016, where a full discussion of the topic would take place.

4.2 GP Representation: Mr John Raine advised that it was for the Health Board to determine the GP representative on the Integration Joint Board, and noted that Mrs Pat Alexander had made a sensible suggestion of seeking interest across all GP practices in being involved with the work of the Integration Joint Board. This suggestion was supported by the Health Board Medical Director.

Mrs Susan Manion confirmed that discussions had taken place with the GP Sub Committee, which was the usual engagement route for the Health Board to GP Practices in that regard. She further commented that information on the new GP contract was anticipated and had the expectation that GP leads would be identified for each GP Practice on a cluster basis in localities and the finer details of that would be discussed with colleagues across primary care.

Dr Angus McVean commented that GPs would welcome the broadening of input into the process and suggested the Health Board might consider clarification of the role and function of the GP representative to the Integration Joint Board, were they to represent the GP community across Scottish Borders or as an interested individual.

Mrs Alexander noted the parallel between the GP representative and the Third sector representatives to the Integration Joint Board. Cllr Catriona Bhatia suggested the Organisational Development plan might assist.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the action tracker.

5. Update on the consultation on the Draft Strategic Plan for Health & Social Care

Dr Eric Baijal advised that the formal consultation had concluded on 11 December 2015. Cllr Catriona Bhatia noted the different methods of consultation used and looked forward to hearing the substance of the feedback. Mr David Davidson enquired how many people had

actually participated in the consultation. Dr Baijal gave a commitment to circulate that information to the Integration Joint Board.

Mr Davidson enquired if all of the opportunities to engage through social media had been used. Cllr Bhatia noted there had been over 100 people present at the interchange session and Mrs Susan Manion confirmed there had been a very good turnout at each of the engagement sessions that had been held.

Dr Baijal confirmed that there was sufficient feedback to be able to analyse it by locality.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the update.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** agreed to receive the consultation participation numbers from Dr Eric Baijal by email.

6. Organisational Development Plan

Mrs June Smyth gave an overview of the content of the plan and advised that it remained a working document. It had been designed around the development of the Integration Joint Board, Strategic Planning Group and Health and Social Care Management Team. She further commented that she was keen to take forward something around the Joint Staff Forum at a future point.

Dr Eric Baijal welcomed the Organisational Development (OD) Plan and suggested inclusion of the Integration Joint Board establishing “Vision and Values” and inclusion of a risk commentary at the end of the plan to mitigate some of the issues, given the activity was heavily loaded towards the early months of the year. It was noted that some of the dates seemed challenging in relation to the March 2016 deadline. Mrs Smyth agreed to revise with the managers and Integration Joint Board to ensure realistic implementation.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the updated Organisational Development Plan.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** requested the Board Secretary confirm the outstanding appointments for the Integration Joint Board members with Mr George Hunter.

7. Update on Scottish Borders Dementia Strategy

Mrs Jane Douglas gave an update on the Dementia Strategy and highlighted several key elements including: commitments 10 and 11 had launched as national strategies; reconstitution of the dementia training group; funding of stress and distress training for staff; formation of enhanced dementia team; development of dementia friendly communities; and evaluating the effectiveness of the objectives moving forward.

Dr Angus McVean noted the progress made with post dementia support and enquired if more focus was now required on the diagnostic element. Mrs Douglas agreed that more focus on raising awareness was now required.

Mrs Evelyn Rodger welcomed the detailed paper and suggested a gap analysis against the strategy be produced to enable clear sight of progress and the difficulties to be mitigated.

Mr John McLaren noted the approach to train up 500 staff in distress/stress training and enquired if there would be a further roll out to staff. Mrs Douglas gave a commitment to clarify the position and advise Mr McLaren outwith the meeting.

Cllr John Mitchell enquired if the Scottish Dementia Working Group had branches UK wide and if the service required volunteers? Mrs Douglas confirmed that the group was made up of those who already had dementia, for those with dementia and there were several main groups across Scotland that linked together and into Alzheimers Scotland. She confirmed the intention to set up a branch in the Scottish Borders and advised that recruiting those with dementia to the group was currently underway.

Mr John Raine commented that he was encouraged to hear Dr McVean express a need to increase the rate of diagnosis and he sought quantification against the objectives. The extent of the effort towards achieving the dementia diagnosis target and the success to date should not be under estimated though. He further queried why the Enhanced Dementia Team had concluded given the suggestion had been that it was ahead of its time. Mrs Douglas confirmed that work was required to reframe, relaunch and implement alongside other existing teams.

Mrs Jane Davidson encouraged the Integration Joint Board to consider how the strategy would influence the strategic commissioning plan moving forward and how it would contribute to the outcomes set by the Integration Joint Board.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the report and agreed to receive an update in April 2016.

8. Health & Social Care Integration Programme: End of Phase 1 Report

Mr James Lamb gave an overview of the content of the report, highlighted several key elements including: stock take; transition from phase 1 to phase 2; programme plan to phase 2; and introduce of the new programme manager. Whilst the Joint Staff Forum was not mentioned in the paper Mr Lamb recorded that credit should be afforded to them for their input to the engagement sessions and the position engagement that had taken place with both management, staff and unions.

Ms Sandra Campbell, gave an overview of the content of Appendix 2 highlighting the formation of a small focus team to oversee delivery and address any risks and difficulties. She further commented that there would be a rationalisation of the current working groups to ensure they were outcome focused with clear delivery plans and they would include the commissioning and implementation plan; locality plans; performance monitoring work; and the integrated care fund plan.

Mr John Raine raised issues of governance in regard to the Integrated Care Fund. Mrs Susan Manion suggested addressing those issues during the Integrated Care Plan Update item later on the agenda.

Cllr John Mitchell suggested there remained gaps in the plan to be addressed before “business as usual” could commence. Mrs Campbell confirmed that names, dates and plans were being clarified so that implementation could progress.

Mrs Karen Hamilton highlighted several typographical errors within the document.

Mr David Bell noted that the revised Draft Scheme of Integration stated that the Integration Joint Board “may” set up a Joint Staff Forum and he requested that the Integration Joint Board reaffirm its commitment to a Joint Staff Forum. Mrs Manion commented that the change had been made on the advice received from Scottish Government. Mrs Jane Davidson clarified that it referred to the Integration Joint Board having the ability to set up a Joint Staff Forum the same as it had the ability to set up an Audit Committee. She assured both Mr Bell and Mr McLaren of the commitment of NHS Borders to the Joint Staff Forum.

Mrs Manion recorded her thanks to Mr Lamb for developing the programme and bringing it to the point of moving into implementation.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the report.

Mr David Robertson arrived.

9. Chief Officer Report

Mrs Susan Manion gave an overview of the report.

Dr Stephen Mather commented that delayed discharges were a risk to the system over the winter period and he enquired about the current position in regard to delayed discharges and social care provision.

Mrs Marion referred to the presentation and discussion at the recent NHS Board meeting which had outlined in detail the actions being taken in support of the winter plan. She advised that there were some 30 delayed discharges with pressures across both health and social care systems. Operationally a number of different options were being taken forward.

Mrs Jane Davidson suggested the Integration Joint Board needed to commit to deliver against the Delayed Discharges target. He further commented that bearing in mind there were 2 different organisations that had come together, the Integration Joint Board was the ideal body to look at the total outcome from both commissioned services. The Integration Joint Board should commit to ensuring both bits worked for the collective good and in future he wished to receive reports that tied the 2 parts of the journey together.

Mr David Robertson commented that it should also be looked at to what extent services were able to reduce admission to hospital.

Cllr Catriona Bhatia highlighted the immediate winter plan issues and the longer term strategic issues of preventing admissions in the first instance.

Dr Angus McVean suggested looking at the bigger picture of readmission rates. Mrs Davidson advised that Mrs Jane Douglas and others from health were reviewing readmissions as a specific issue and would be engaging with GPs to work out what was of concern as it appeared to be a holistic issue.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the report.

10. Health & Social Care Integration Joint Board Business Cycle 2016 Miss Iris

Bishop gave an overview of the business cycle and meeting dates for the 2016.

Cllr John Mitchell suggested revisiting the choice of venue for Development sessions in order to reduce any costs.

Mrs Jeanette McDiarmid enquired about the formal approval by Scottish Parliament of the Scheme of Integration in regard to impact on meetings in 2016. Mrs Susan Manion advised that once approved by the Cabinet Secretary it would be laid before Parliament for 28 days. Formal approval was therefore expected to be received by 6 February 2016 which would mean the Development session on 7 March would commence as a formal meeting for the first hour or so to formalise the Health & Social Care Integration Joint Board.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** approved the meeting dates and business cycle for 2016.

11. Integrated Joint Board Governance – Draft Financial Regulations

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** agreed to defer the paper to the Development session on 20 January 2016.

Mrs Jane Davidson left the meeting.

12. Monitoring of the Integration Joint Budget 2015/16

Mrs Carol Gillie gave an overview of the report and highlighted the overspend on NHS drug costs and confirmed that a breakeven position would be achieved at the year end. In regard to local authority adult services she confirmed that there was a projected overspend and a number of actions were being taken forward to address the position.

Mr David Robertson commented that in relation to Scottish Borders Council there was an overspend at this point in the year as additional residential and flex beds were commissioned. The current budget was for about 50 beds however activity levels were greater and there had been additional pressure from two major care home contracts being passed back to the Council during the current financial year. Actions were being taken forward to address the pressures.

Mr David Davidson suggested the Integration Joint Board receive assurance on the stability and sustainability of some of the services that Border residents relied on especially during the winter period.

Cllr Catriona Bhatia outlined that in terms of strategic commissioning, Scottish Borders Council provided 50% of home care provision and the private/third sector provided 50%. However, that balance had now moved to 60% Scottish Borders Council, 40% private/third sector. She suggested that in future the Integration Joint Board would receive a report in relation to qualitative and quantitative elements across the range of services provided.

Mrs Jeanette McDiarmid highlighted that costs of other providers were increasing and the dilemma was the ability to meet the increase in costs or use SB Cares as an alternative.

Mrs Karen Hamilton commented that it was important the Integration Joint Board was sighted and aware of the consequences for service users and patients.

Mrs Pat Alexander enquired in regard to the GP prescribing budget if any work was underway nationally in terms of direct contact with drug companies. Mrs Gillie confirmed that the NHS Board Directors of Finance were working collectively on the matter.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the reported projected position of overspend by £891k at 31st October 2015 and noted that both organisations were working to address the financial pressures and put in place actions to ensure financial targets were delivered.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted that Budget Holders/Managers would continue to work to deliver planned savings and deliver a balanced budget. Where this was not possible managers would work to bring forward actions to mitigate any projected overspends.

13. Integrated Care Plan Update

Mrs Susan Manion advised that the Integrated Care Fund (ICF) plan had been agreed the previous year in line with the criteria for the funding given at that time. The ICF Plan had been developed to assist in meeting the national outcomes and had been mindful of the lessons learnt from the Change Fund programme. Rather than seeking bids, work was done to commission key pieces of work to achieve outcomes Commissioned projects were taken through the ICF Programme Board and Strategic Planning Project Board before being submitted to the Integration Joint Board. Mrs Manion recalled that Mr Raine had been concerned that the Integration Joint Board was not sighted on how the ICF monies were being used and that the governance routes were unclear. She suggested that the governance arrangements be refreshed and the plan be updated.

Mr David Davidson enquired if the ICF monies were spent without the direction of the Integration Joint Board? Mr Raine clarified that it was a similar point that he had raised earlier, seeking clarification on how the Integration Joint Board satisfied itself that it had proper governance over the £6.3m over the next 3 years, when the report before the

Integration Joint Board gave a schedule of schemes which could not be determined as to what they were, how they were prioritized and what they were delivering.

Mrs Carol Gillie confirmed that earlier in the year around March the governance arrangements around the ICF had been agreed by the IJB and it had been confirmed that the Integration Joint Board delegated the authority to approve project funding to the Programme Board and had asked for six monthly update reports. She summarised that the ICF Steering Group reviewed each project against the criteria which included outcomes, sustainability and financials. The Strategic Planning Board had authority to approve individual projects up to £75k and a total spend of £500k in one year. Anything above that level was escalated to the Programme Board for a decision. It was obvious that by the time the update was submitted to the Integration Joint Board it was presented as a very high level update with the detail removed. She suggested the Integration Programme Board would find data on the outcomes delivered critical and the report should be amended accordingly.

Mr David Robertson clarified that the budget for 2015/16 for the ICF was £2.1m with a projected spend of £47k by end of March 2016. Discussions had taken place between Mr Robertson and Mrs Gillie in regard to passing the resource to Scottish Borders Council to carry forward.

Mr Davidson enquired if the Health Board had made a formal arrangement to ring fence the money when passing across to Scottish Borders Council in terms of audit. Mrs Gillie confirmed a formal arrangement had been agreed by the 2 parties and any arrangement could be subject to review by audit .

Cllr Bhatia noted that the report was light on detail in relation to the projects themselves. It was agreed that, as well as a refresh of the governance arrangements, now that the ICF had been considerably extended, more detail on the agreed pieces of work would be outlined at the next meeting.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** agreed to a refresh of the ICF governance arrangements and an update of the plan.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** agreed that the report be revised to include further detail.

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the report.

14. Committee Minutes

The **HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD** noted the committee minutes.

15. Any Other Business

The Chair confirmed that the next Integration Joint Board Development session was being held on Wednesday 20 January 2016 at 9.30am, at Tweed Horizons.

Dr Stephen Mather recorded his apologies for the Development session.

16. Date and Time of Next Meeting

The Chair confirmed the next meeting of the Health & Social Care Integration Joint Board would be held on Monday 1 February 2016, at 2pm in the Council Chamber, SBC.

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SCOTTISH BORDERS COUNCIL
TEVIOT AND LIDDESDALE AREA FORUM

MINUTE of Meeting of the TEVIOT AND
LIDDESDALE AREA FORUM held in Lesser
Hall, Town Hall, Hawick on Tuesday, 15th
December, 2015 at 6.30 pm

- Present:- Councillors G Turnbull (Chairman), A Cranston, W McAteer, S Marshall,
D Paterson, R Smith, Community Councillors: Mr M Grieve (Burnfoot), Mr J
Hepburn (Upper Teviotdale & Borthwick Water), Mr W Roberts (Denholm),
Mrs M Short (Hawick).
- Apologies:- Community Councillors: Mr C Knox, (Hawick); Inspector Carol Wood (Police
Scotland).
- In Attendance:- Station Manager Mr R Bell (Scottish Fire and Rescue Service), Sergeant R
Noble (Police Scotland), Neighbourhood Area Managers (Mr A Finnie, Mr F
Dunlop), Democratic Services Officer (J Turnbull).

Members of the Public:- 1 in attendance

1. WELCOME AND INTRODUCTIONS

The Chairman welcomed those present to the meeting and advised that there would be presentations on: Hawick Flood Protection Scheme; Scottish Borders Council Financial Plan and the Management of Trees. The Chairman referred to the flooding incident in Hawick on 5 December. He thanked Scottish Borders Council, Hawick Volunteer Flood Group, the emergency services and Hawick community for their outstanding efforts and organisational skills in dealing with the impact of this major flooding incident. The Chairman also advised that this would be the last Forum Mr Finnie would be attending as he would now be dealing with the Cheviot area. He introduced Mr Fraser Dunlop, who from 2016, would be the Neighbourhood Area Manager, representing Teviot and Liddesdale.

2. MINUTE

There had been circulated copies of the Minute of the meeting held on 17 November 2015.

DECISION

AGREED to approve the Minute.

3. HAWICK FLOOD PREVENTION SCHEME

- 3.1 The Chairman welcomed from Scottish Borders Council (SBC): Mr Rob Dickson (Corporate Transformation & Service Director), Miss Shirley Mushet (Hawick Flood Protection Scheme Project Manager), Mr Steven Renwick (Projects Manager), Mr K Paterson (Communication and Marketing Officer) and Mr Steven Vint (Project Officer, Halcrow). The Project Team were present at the meeting to give a presentation on Hawick Flood Protection Scheme. Mr Dickson began by referring to the significant flooding incident in Hawick on 5 December. The flood had been harrowing for the town and costly to householders and businesses alike. However, multi-agency response efforts and the willingness of individuals to assist had helped manage the incident. This recent unfortunate event, together with historical Hawick flooding events, would assist the scheme's design, ensuring that it met the requirements of the town. Mr Dickson introduced Miss Shirley Mushet the Team Project Manager to explain the process being undertaking. Miss Mushet began by showing images of the recent flooding event and

historical flooding events in Hawick. She discussed officers' approach to flood protection which was short term measures:- the installation of localised protection e.g. kerbs and flap valves. In the medium term it was the 1 - 75 year scheme with future proofing to increase standard to 1 in 200 year. Longer term was for natural flood management and storage measures to further enhance the scheme. Miss Mushet highlighted the flood risk areas and the level of protection. She explained the progress of the scheme so far: ground investigation works had been undertaken, together with environmental, topographical and geophysical surveys. Hawick was now on the national prioritisation list. There were 42 areas also requiring funding to develop schemes, it was therefore important the Council's application was robust. As part of the preparation process, the Council was required to notify anyone affected by the scheme, this included householders, businesses, utility providers and community groups. Miss Mushet stressed that it was important that any organisation or individuals concerned about the scheme came forward to discuss with the project team, this would assist at this outline design stage to avoid any delays to the scheme. Miss Mushet went on to discuss the consenting requirements required, Acts of Parliament that needed to be complied with, regulations and processes to be adhered to.

- 3.2 Mr Vint from Halcrow, explained that the outline design had commenced. The design of the scheme was a complex and challenging one. Hawick was built around the river and many of the buildings, located directly on the watercourse, were listed buildings. Moreover, ground conditions were porous which meant that the ground water levels rose at the same time as the river. There was also existing infrastructure which had to be taken into consideration, for example the old mill lades providing pathways into the town which could potentially allow water behind future defences. The scheme would be constructed near to existing utilities meaning that these would need to be relocated prior to construction. Mr Vint went on to detail the design programme: in 2016 the outline design would be finalised; enabling works would commence in 2017 – 2019; and the main construction would take place between 2019 – 2022.
- 3.3 In answer to questions, officers advised that SBC and SEPA were looking at upstream natural flood management. Lessons had been learnt from the Selkirk Flood Protection Scheme with regard to service diversification, occupation of land and design to assist with speed of construction; this would have a positive impact on the Hawick Scheme. Regarding gravel extraction from the riverbed, the Project Team were currently assessing risk and would be consulting SEPA. With regard to the unfortunate release of sewage into the river, this had been caused by a breach in the syphon, Scottish Water had implemented a temporary solution with new pumps, and the risk downstream had been diminished owing to dilution of the effluent. Members advised that local residents had asked if the scheme could be extended and the Project Team noted this for consideration. Officers concluded the presentation by highlighting that the Project Team were looking for champions to promote the scheme, especially from sports, businesses, householders and emergency services, anyone interested should contact Miss Mushet. In the New Year there would be drop in sessions in Hawick to encourage engagement with the community. There would also be a video to promote awareness. The first workshop would be held on 18 January 2016 and the official public exhibition was scheduled for August 2016. The Chairman thanked officers for attending and for the informative presentation.

DECISION

NOTED the presentation.

4. FINANCIAL PLAN CONSULTATION

The Chairman welcomed Ms Suzy Douglas, Financial Services Manager, Scottish Borders Council (SBC) who was present at the meeting to provide an update on the financial challenges facing the Council. Ms Douglas began by advising that the Council was under pressure to ensure efficient and cost effective services were maintained under challenging financial constraints. In terms of the Council's approach, in 2013/14 a five year Financial Plan had been implemented; 2016/17 represented the fourth year of this

five year plan. This long term approach to financial planning had allowed significant pressures to be managed and delivered solutions to bridge gaps in ways which were least damaging to services. To help meet funding gaps, a Corporate Transformation Programme was underway which looked at how the Council worked to become more efficient and effective. Seventeen areas of work had been identified as part of the Transformation Programme, including workforce transformation and integration of health and social care. Ms Douglas went on to explain that the Council would spend £1.3 billion in revenue budgets between 2016/17 and 2020/21. The budget was about priorities, spending taxpayer's money in the most efficient and effective way possible. In 2014/15 the Council had achieved £1.8m efficiency savings of which 80% had been achieved on a permanent basis. The Council's Financial Plan and Corporate Transformation programme would assist in achieving the Council's vision to: "... seek the best quality of life for all the people in the Scottish Borders, prosperity for our businesses and good health and resilience for all our communities". Ms Douglas concluded the presentation by advising that in November, the Council had launched a new dialogue tool to encourage residents to submit ideas on a wide range of real challenges the Council faced. The dialogue tool was available on the SBC's website homepage or at <https://scotborders.dialogue-app.com/> The Chairman thanked Ms Douglas for the informative presentation.

DECISION

Noted the presentation.

5. TREE MANAGEMENT

The Chairman introduced Mr Jason Hedley, Neighbourhood Area Manager, Scottish Borders Council (SBC). Mr Hedley was in attendance to give the final presentation of the evening on tree management. Mr Hedley began by advising that there were two aspects to tree management: statutory planning which covered Tree Preservation Orders (TPOs), conservation areas, planning applications and also administered legislation regarding high hedges. Neighbourhood Services dealt with care and maintenance of trees, tree planting, health and safety and neighbour nuisance. Mr Hedley continued that the last tree survey of the Council's 1,195 sites had been undertaken in 2011/12. In Spring 2016 the survey would recommence, starting in the Teviot and Liddesdale area. Mr Hedley went on to explain that the budget provision for tree management, for the whole of the Scottish Borders was £50k, this meant that there was a need to balance reasonable expectations with the ability to delivery. The highest priority was given to dead, diseased or dying trees. Medium priority was overhanging branches, fallen leaves or fruit, blocked light, loss of view and loss of satellite/TV signal. The lowest priority was anything not covered by the high and medium priorities. In answer to questions, Mr Hedley advised that if a landowner was not carrying out necessary maintenance works to trees on his land, this should be highlighted to the appropriate Neighbourhood Area Manager who would contact the landowner to request that works be carried out. If the landowner refused, this could then be referred to the Council's Enforcement Officer. Mr Hedley advised that the Council's approach to tree management was similar to Scottish Borders Housing Association (SBHA) in that five year surveys were carried out; they also liaised with area managers at SBHA. The Chairman thanked Mr Hedley for his attendance and for the informative presentation.

DECISION

NOTED the presentation.

6. DRAFT INTEGRATED CHILDREN AND YOUNG PEOPLE'S PLAN

Ms Alison McCollam, Joint Head of Health Improvement, was in attendance to answer questions relation to the Draft Integrated Children and Young People's Plan which was currently out for consultation. The draft Plan was available on SBC's website and a shorter summary document had been circulated with the Agenda. Ms McConnell explained that the draft plan had identified five priorities: Raising attainment and achievement; improving health and reducing health inequalities; keeping children and young people safe; improving wellbeing and life chances; increasing participation and

engagement. Over the next three years the Council would be taking forward actions to achieve these priorities. The Chairman thanked Ms O'Connell for her attendance and for the briefing on the draft Plan.

**DECISION
NOTED.**

7. **NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE**

With reference to the paragraph 7 of the Minute of 17 November 2015, there had been circulated copies of a report by Service Director Neighbourhood Services updating the Forum on previously approved Neighbourhood Small Schemes. The report sought approval for the provision of a bench at Ettleton Cemetery at a cost of £200.00 from Small Schemes. Permission was also sought for a sign on the A68 at Carter Bar, national boundary, at a cost of £900.00. Mr Finnie, Neighbourhood Area Manager, advised that the Waverley Walk footpath upgrading works had been completed. It was intended to install the goal posts at Green Terrace at the end of next week. The delay in installation had been caused by the weather. In answer to a question regarding a request for a 'Welcome to Burnfoot' sign. Mr Finnie advised that there were no other communities within towns which had such signs; it would set a precedence if this was agreed. Mr Finnie was advised that Tweedbank community was signposted separately. Mr Finnie indicated that he would feed the comments back to the Traffic Section for their consideration. Councillor Marshall requested a meeting be arranged to discuss further.

DECISION

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

(i) **Provision of bench at Ettleton Cemetery, Newcastleton £200.00**

(b) **AGREED the following new Quality of Life Scheme for implementation:-**

(i) **Provision of sign at national boundary, A68 Carter Bar £900.00**

(c) **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.**

8. **ENGAGEMENT BY NHS BORDERS**

The Chairman welcomed Ms Susan Manion, Chief Officer, Health & Social Care Integration, Scottish Borders Council (SBC). Ms Manion was in attendance to give an update on NHS Borders initiatives. Ms Manion advised that NHS Borders were reviewing their clinical services. This review had the title 'Health in Your Hands' and had commenced with inpatient services. The review would also consider the provision of acute services within a community setting. This was about providing more support at home in order to prevent admissions. Ms Manion continued that from 1 April 2016, there was a new standard from two weeks to 72 hours for patient discharge. This was a significant challenge and NHS Borders were investigating different options to ensure patients returned home timely. However, it was important that patients were well enough to be cared for at home and that they had the required amount of support in place. Ms Manion went on to discuss the key role NHS Borders had in supporting independent dental practices. In November, a national survey had shown that the Scottish Borders had the lowest level of tooth decay in children less than seven years of age in Scotland. This was an encouraging indicator of children's health. In answer to questions Ms Manion advised that the 'Health in your Hands' consultation would consider the best use of community hospital facilities around health and social care. NHS Borders were presently considering different models for a virtual ward. This would enable patients to stay at home but receive treatment. This would improve care for patients and their

families and would reduce hospital admissions. The Chairman thanked Ms Manion for her informative report.

**DECISION
NOTED.**

9. **POLICE SCOTLAND**

There had been circulated copies of a report by Inspector Carol Wood, Police Scotland. Sergeant Noble was in attendance and highlighted that with regard to Drug Dealing and Misuse a number of stop and searches had been carried out in November. Eight individuals had been reported for possession of drugs. Three house searches had been carried out under misuse of drugs warrants. Three persons had been charged with drug offences. The Road Safety priority showed that 21 road checks has been carried out, three conditional offers had been issued for mobile phone offences and one for failing to wear a seatbelt. A male had been charged with various road traffic offences under the influence of drugs and had been found to be carrying a child in the vehicle at the time. Sergeant Noble went on to discuss the violent crime priority, advising that there had been two robberies in Hawick in November. Those responsible had been detained in custody for their court appearance. With regard to Anti Social Behaviour there had been five fixed penalty tickets issued. Sergeant Noble advised that the Road Safety Campaign would be targeting drink driving offenders in the coming weeks, with increased road checks both in the evening and early morning to deter anyone thinking of drink driving. Sergeant Noble concluded his report by praising the multi-agency work between different services and thanked volunteers who had assisted with the recent flooding event. Mrs Short thanked Police Scotland for allowing her to accompany PC Gibson when he had carried out car parking monitoring in Hawick High Street. The Chairman thanked Sergeant Noble for his report.

**DECISION
NOTED.**

10. **SCOTTISH FIRE & RESCUE SERVICE**

There had been circulated, copies of a report from Mr Russell Bell, Station Manager, Hawick Fire Station, updating the Forum on Scottish Fire and Rescue activity for the month of November 2015. Mr Bell advised that there had been two house fire occurrences – one kitchen and one electrical junction box. There had been one open fire, three special services and three unwanted fire alarm signals. Mr Russell advised that during Bonfire night there had been no incidents. The Fire Service had been active during the recent flood and he thanked the community for their support. The Chairman thanked Mr Bell for his report.

**DECISION
NOTED.**

11. **COMMUNITY COUNCIL SPOTLIGHT**

- 11.1 Mrs Short from Hawick Community Council advised that Hawick Flood Group, Resilience Group and the Community Council had worked well together during the recent flooding incident. The Christmas Parade had gone ahead and had been welcomed.
- 11.2 Mr John Hepburn from Teviot and Borthwick Water Community Council reported that the floods had impacted on the community upstream and many fields had been affected. The South of Scotland National Park would be hosting a public meeting in January 2016
- 11.3 Mr Roberts from Denholm Community Council stated that the community were also interested in the national park proposals and had held a meeting with Ms Jane Bower. Ongoing concern for the community was the Boundary Commission's proposal on boundary changes.

- 11.4 Mr Grieve from Burnfoot Community Council advised that they were organising Santa's visit to Burnfoot on Chirstmas Eve. Planning for next year's carnival had also begun.

DECISION

NOTED the reports.

12. **DATE OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETING**

The next meeting of the Teviot and Liddesdale Area Forum would be held on Tuesday, 19 January 2016 at 6.30 pm in the Lesser Hall, Town Hall, Hawick.

The Chairman ended the meeting by extending Seasons greetings from the Forum to all those present.

The meeting concluded at 8.35 pm.

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 11 January 2016 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), J. Brown, J. Campbell, J. Fullarton, I. Gillespie,
D. Moffat, S. Mountford, B. White.
Apology:- Councillor M. Ballantyne.
In Attendance:- Development Standards Manager, Principal Roads Planning Officer, Solicitor (G
Nelson), Democratic Services Team Leader, Democratic Services Officer (F
Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 7 December 2015.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

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

3. **APPEALS AND REVIEWS**

There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

(a) **Scottish Ministers had dismissed an appeal in respect of the wind farm development comprising 7 No wind turbines 110m high to tip with ancillary equipment, access track and associated works on Land West of Muircleugh Farmhouse, Lauder.**

(b) **the Local Review Body had upheld the Appointed Officers decision to refuse the following:-**

(i) **Erection of dwellinghouse on Plot A, Chirside Station, Chirside;**

(ii) **Change of use of land to form extension to existing holiday park on land south west of Northburn Caravan Park, Pocklaw Slap, Eyemouth**

(c) **the Local Review Body had overturned the Appointed Officers decision to refuse the following:-**

(i) **Replacement windows (retrospective) at Tushielaw Inn, Ettrick Valley, Selkirk – 15/00601/FUL;**

(ii) **Installation of 2 No rooflights at Caroline Villa, Main Street, West**

Linton – 15/00662/FUL;

(iii) Siting of portacabin for use as flourmill on Land North West of Spruce House, Romano Bridge, West Linton - 15/00682/FUL;

(iv) Erection of dwellinghouse on Land East of Park Lane, Croft Park, Croft Road, Kelso – 15/00745/PPP

(d) there remained two appeals outstanding in respect of:

- Land South East of Halmyre Mains Farmhouse (Hag Law), Romano Bridge**
- Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick.**

4. URGENT BUSINESS

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

5. SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN: EXAMINATION REPORT

There were circulated at the meeting copies of a letter sent by the Chairman, in response to the Examination report into its proposed Local Development Plan, to the Chairman of the Independent Panel of the Review of the Planning System and copied to the Chief Planner, and the Chief Reporter. A Briefing Session had been held for Elected Members in early December and the Scottish Borders Council had then considered a formal response to the report at its meeting on 17 December 2015. The Council had determined to accept the Reporter's recommendations, but in doing so also agreed that letters be sent to the Chief Planner, the Chief Reporter and the Chairman of the Independent Panel of the Review of the Planning System to express serious concern on the process itself and on the outcomes from the process. The Council's decision had been unanimous and therefore endorsed by all political parties.

**DECISION
NOTED.**

The meeting concluded at 12.05 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/01173/FUL	Erection of poultry building and associated works	Hutton Hall Barns Hutton

Decision: Continued to allow Members to visit the site

NOTE

Mr McGregor, on behalf of Hutton Community Council spoke against the application
Mrs Angela MacLean, Applicant, spoke in favour of the application.

14/01186/MIN	Extension to quarry and associated works	Glenfin Quarry Neuk Cockburnspath
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Decision: APPROVED subject to a legal agreement to the provision of a bond to secure the restoration of the site and subject to the following planning conditions:

1. The development hereby permitted shall be carried out in strict accordance with the approved scheme of working detailed in the plans and specifications approved by the Local Planning Authority. No extraction shall take place below the maximum floor depth shown on the approved plans, and in any event, no lower than 184 metres Above Ordnance Datum within Area A (Phases 1-7) and 190 metres Above Ordnance Datum within Area B (Phases 8-13).

Reason: To ensure that the development is carried out in accordance with the approved details.

2. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:
Development at (Note 1)

Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.

The development comprises (Note 5)

Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council 1Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting

<http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. Planning permission is granted for a period of 30 years from the date of the commencement of the development. Unless an application is made and granted for its continuation or extension, the working of the quarry and all ancillary operations shall be discontinued within 30 years of the date of commencement of the development.

Reason: To ensure satisfactory development of the site and to safeguard the amenity of the area.

4. The rate of mineral removed from the land shall not exceed 100,000 tonnes per annum over any period of 3 years. Written records shall be kept by the operator of all HGV movements off site including the weight of mineral carried by each vehicle and that information shall be made available for inspection by the Planning Authority on an annual basis on the last day of March each year.

Reason: To safeguard the amenity of the surrounding area and avoid excessive extraction levels.

5. Notwithstanding the provisions of Part 16 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no buildings, plant or machinery, including that of a temporary nature, shall be erected, placed or installed without the prior consent of the Planning Authority.

Reason: In order that the Planning Authority retains effective control of the development in the interests of amenity.

6. The hours of operations for all working, with the exception of measures required in an emergency situation, servicing, maintenance and testing of plant, shall be limited to the hours of 0700 hours to 1900 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays and not at all on Sundays, unless with the prior agreement of the Planning Authority. In addition, no operations shall be permitted on 25 and 26 December and 1 and 2 January.

Reason: To adequately protect the residential amenity of surrounding residential properties.

7. No development shall commence until the applicant and /or the operator of the quarry provide to the Planning Authority details of the bond or other financial provision which it proposes to put in place to cover all the decommissioning, site restoration and aftercare costs of the development. Thereafter:

- (a) No development shall commence on the site until the applicant and /or the operator of the quarry has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is acceptable in all respects.

- (b) The applicant and /or the operator of the quarry shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent. If at any stage of the operations a bond or other financial provision is not in place, all operations at the quarry shall cease. Operations shall only recommence once a replacement bond or other financial provision is accepted by the Planning Authority.

- (c) The bond or other financial provision will be subject to a five yearly review which shall include a monitoring statement of extracted and reinstated levels, paid for by the applicant and /or the operator of the quarry, from the Commencement of Development, to be conducted by a competent independent professional (Compliance Monitoring Officer) who has relevant experience within the quarrying sector and provided to the Company, the landowners (if different), and the Planning Authority.

Reason: To ensure suitable provisions are made for restoration of the site, and to minimise the longer term visual impacts of the development.

8. No development shall commence until a detailed scheme for the restoration and the after care of the site to be submitted and approved by the Planning Authority. This will provide full details of final restoration contours, levels, gradients, volume of imported material and provide for satisfactory reinstatement of surface drainage. The scheme shall include details for the phased programme for the restoration of the site. Once the restoration and aftercare scheme has been agreed in writing with the Planning Authority, the development shall only

commence in strict accordance with the agreed details unless any variation are agreed with the Planning Authority.

Reason: To ensure the satisfactory restoration and aftercare of the site.

9. No landfill or waste shall be deposited on the site other than quarry waste arising from the site or soil forming material without the express written permission of the Planning Authority to deposit landfill or waste.

Reason: To safeguard the amenity of the surrounding area.

10. No extraction or encroachment of machinery or deposit of equipment, spoil or other material to be permitted outwith the site boundaries.

Reason: To protect the amenity of the surrounding area and ensure that development is operated within the limitations of its site.

11. No development shall commence until precise details of all amenity bunds have been submitted to and agreed in writing with the Planning Authority. Details to be submitted shall include levels, height, formation and vegetated finish. Once the details of the amenity bunds have been agreed no extraction shall commence within Area A or Area B until the amenity bunds illustrated on Drawing No's 8007C1, 8013C1 and Section Drawing Fig 2 have been completed in accordance with the approved details.

Reason To protect the amenity of the surrounding area and the setting of Scheduled Ancient Monument prior to extractive work commences within the affected areas.

12. No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a **Written Scheme of Investigation** outlining a **Desk Based Assessment, Geophysical Survey and Evaluation**. The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority.
- The developer shall allow sufficient time in advance of development for all archaeological works to be conducted to the satisfaction and written approval of the Planning Authority.
- The developer shall allow the archaeologist(s) access to all areas where development is to be undertaken and where positive geophysical results are possible to conduct all survey and excavation work required.
- Results shall be submitted at least one month prior to development to the Planning Authority for review and agreement in writing in the form of a **Desk-based Assessment, Geophysical Survey and Evaluation Report**.
- In the event that the report highlights areas of archaeological potential these shall require further targeted evaluation prior to development.
- If significant archaeology is identified by the contracted archaeologists and in agreement with the Planning Authority, a further scheme of mitigation subject to an amended WSI shall be implemented prior to development.
- Significant archaeological finds will undergo appropriate post-excavation research and publication subject to a separate Post-Excavation Research Design

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

13. In the event that significant archaeological features, finds or deposits are identified and deemed as such by the Council's Archaeology Officer, either during the course of archaeological investigation or development, the developer shall ensure that these are recovered by a by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority and undergo a programme of post-excavation research in accordance with a **Post-**

Excavation Research Design (PERD) approved in writing by the Planning Authority. The requirements of this are:

- The results of all post-excavation research and analyses will be submitted to the Planning Authority and disseminated appropriately through publication and community engagement within one year of the final on-site archaeological investigations and reporting.
- The applicant's archaeological contractor shall ensure that the full archive of materials and records be submitted to Treasure Trove and the National Monuments Record of Scotland within one year of the completion of post-excavation research and archived appropriately according to national guidelines.

Reason: Development of the site has resulted in the recovery of significant archaeological materials that will add to regional or national knowledge, and it is therefore desirable to conduct appropriate work to preserve and disseminate the full archaeological record of the site's history.

14. No fencing or any other structures shall be erected within the site of Ewieside Hill, fort Scheduled Ancient Monument unless evidence is submitted to the Planning Authority to prove that the developer has obtained Scheduled Monument Consent for the works from Historic Environment Scotland acting on behalf of the Scottish Ministers and thereafter the prior approval is given from the Planning Authority in consultation with the Councils Archaeologist for such works.

Reason: The siting of post and wire fencing or any other means of enclosure within the site of the Scheduled Ancient Monument is inappropriate unless the statutory consent is given for such works.

15. During operation hours a free field equivalent continuous noise level (LAeq) 1hour 55db shall be applicable for all quarry operations excluding soil and overburden handling activities and other works in connection with landscaping at Glenfin Quarry Extension at any noise sensitive property existing at the time of this application.

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

16. During operational hours a free field equivalent continuous noise level (LAeq) 1hour 70db shall be applicable to soil and overburden handling works in connection with landscaping at the nearest noise sensitive property and limited to a period not exceeding 8 weeks in one calendar year at any one property.

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

17. At the request of the Planning Authority, following a complaint to Scottish Borders Council relating to noise from the site, the applicant shall at their own expense, employ an independent consultant, approved by the Planning Authority, to assess the level of noise from the site in line with PAN50. This report shall be provided to the Planning Authority within 3 months of the request. If the report demonstrates that the site is not in compliance with Condition 15 and 16 relating to noise all site activities will cease until the applicant has proposed a scheme of mitigation and this has been approved by the Planning Authority. Thereafter the development shall resume in strict accordance with the agreed scheme.

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

18. No development shall commence until a scheme for monitoring of dust levels has been submitted to and agreed in writing with the Planning Authority. The scheme shall include the details and location of dust monitoring equipment which is to be positioned at locations around the site. Once approved the development shall commence in strict accordance within the agreed scheme and the operator and on request the operator shall furnish the Planning Authority with particulars of measurements recorded by the equipment.

Reason: To safeguard the amenity of the surrounding area.

19. No development shall commence until a dust management plan has been submitted to and agreed in writing with the Planning Authority. The dust management plan should cover the following topics:
1. Mitigation measures
 2. Copy of the dust action plan as mentioned in part 3 of the environmental statement
 3. The max height of stock piles
 4. Complaints procedure
- Once the dust management plans has been agreed the development shall be carried out in strict accordance with the agreed details.
Reason: To safeguard the amenity of the surrounding area.
20. Visual assessments of dust emissions shall be made at least once every working day by the operator with additional inspections at times of strong or gusting wind and during periods of warm, dry weather. Remedial action shall be taken immediately in the case of abnormal visible emissions. A record of all irregular dust conditions shall be kept by the operator for inspection by the Planning Authority in the event of a valid complaint from an affected residential property and the operator shall implemented the mitigation measures agreed within the dust management plan to resolve adverse dust emissions from the site.
Reason: To safeguard the amenity of the surrounding area
21. No site clearance or disturbance of habitats which could be used by breeding birds, grassland, scrub, hedgerows and trees, shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding birds will be required if any habitat clearance is to commence during the breeding bird season.
Reason: To minimise the potential impact on wildlife habitats.
22. No development shall commence until supplementary surveys for badger activity have been carried out by a suitably qualified person. The results of these surveys should be used to inform construction activities and any required mitigation proposals for protected species on the site shall be agreed with the Planning Authority.
Reason: To minimise the potential impact of the development on badgers.
23. No development shall take place until the developer has provided to the Planning Authority either of the following;
- a) a copy of the relevant badger development licence or
 - b) a copy of a statement in writing from SNH (licensing authority) stating that such a licence is not necessary for the specified development.
- Reason: To ensure that appropriate permissions are in place to avoid potential impacts of the development on badgers.
24. No development shall commence until a Species Mitigation and Management Plan (including measures for bats, otter, badger and breeding birds) is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
Reason: To compensate for potential habitat loss associated with the development.
25. No development shall commence until a Landscape and Habitat Restoration Plan, including measures for woodland habitat creation, standing open water and wetland creation, species rich grassland and measures for bats, breeding birds and reptiles is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
Reason: To compensate for potential habitat loss associated with the development.
26. No mineral extraction activities shall take place until the site drainage improvement works illustrated on Figure 2, 3, & 4 and detailed within the Site Surface Drainage Strategy

Document (all dated 27 January 2015) have been properly completed to the specification agreed by SEPA.

Reason: To ensure that site drainage system is improved to a satisfactory level to accommodate additional run-off from the extended area.

27. The development shall continue to operate in strict accordance with the undernoted vehicle requirements;

- Wheel washing facilities shall be used to preclude quarry debris being carried onto the public road.
- All vehicles carrying minerals or mineral waste from the site shall be sheeted to prevent escape of loss materials or dust leaving the site.
- An area for parking of vehicles visiting the site shall be maintained during the quarries operational house.

Reason: To avoid road safety issues being caused by vehicles exporting goods from the site and provide suitable parking areas.

28. The development shall continue to be operated in strict accordance with the undernoted operative requirements;

- No blasting shall be undertaken on site.
- All plant and machinery on site shall be installed and maintained in such a manner to minimise the release of dust and wherever possible incorporate dust suppression equipment.
- Buildings housing crushers, screens and other stone processing machinery shall be maintained in a wind and watertight condition to contain dust created by the operation of machinery as far as reasonably possible.
- The conveyor shall be fully enclosed to prevent the emission of dust.
- All stockpiled material shall be stored within the existing quarry area.
- All measures shall be taken to ensure that no flooding, siting, pollution or erosion of any water course or adjoining land is caused by the operations of the site.
- All oil, fuel or lubricant within the site shall be stored within a bund or other means or other means of enclosure constructed to the satisfaction of the Planning Authority to prevent contamination of topsoil, sub soil or water courses.
- Secure fencing shall be provided to the working are and any vertical faces remaining on cessation of working.
- No additional settling ponds shall be formed without the prior approval of the Planning Authority.
- Details of the colour of any plant and equipment shall be agreed with the Planning Authority before it is brought onto site to minimise the visibility within the wider landscape.

Reason: To ensure that the quarry is operated in appropriate manner which safeguards the amenity of the surrounding area.

29. No development shall commence until precise details of the diversion to Right of Way, reference BB8 has been submitted to and agreed in writing the Planning Authority. The details shall make clear if it is proposed to temporarily or permanently divert the right of way and thereafter the agreed route shall be made available and kept free from obstruction during the operation of the quarry. If the route is to be temporarily diverted, the developer shall ensure that the original route is usable on completion of the site restoration.

Reason: To ensure that reasonable rights of access are exercised.

Informatives

1. The notes below should be completed for Condition 2 as follows:

Note 1: Insert address or describe the location of the development

Note 2: Delete subject to conditions if the planning permission is not subject to any conditions

Note 3: Insert the name and address of the developer

Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)

Note 5: Insert the description of the development.

Note 6: Insert the application reference number.

2. Should a volume of water greater than 10m³/day be extracted from the site then a Controlled Activities Regulations (CAR) licence will be required from SEPA.

**15/00978/FUL &
15/01318/CON**

**Demolition of Former Stable Building
and Erection of Dwellinghouse**

**Stable Building
North of 11 Market Sq.
Coldstream**

Decision: APPROVED subject to a legal agreement addressing contribution towards (Education & Lifelong Learning – Berwickshire High School), and the following conditions and informatives:

1. The development hereby approved shall be carried out wholly in accordance with amended drawing S1 – Design Proposals (dated October 2015 and received 26 October 2015).
Reason: To ensure that the development is carried out as approved by the Local Planning Authority.
2. 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 buildings 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.
3. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have 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. With an allowance for freeboard, the finished ground floor level should be set no lower than 18.24mAOD.
Reason: In order to protect the property and its occupants from a predicted 1 in 200 year flood event.
4. No development shall take place until an additional plan has been submitted to and approved in writing by the Planning Authority indicating two parking spaces, not including any garage, together with an area to be made available for turning, to be provided within the courtyard area adjacent to the dwelling hereby approved. The parking and turning areas so approved shall be provided prior to the occupation of the dwelling and retained thereafter in perpetuity.
Reason: To ensure that two parking spaces and a turning area are made available clear of the public road.
5. No demolition works or roof stripping and removal works to commence during the breeding bird season and bat activity season (March-September inclusive) without the express written permission of the Planning Authority. A supplementary breeding bird survey by a suitably qualified person and subsequent mitigation including a watching brief for bats, may be required if works are to commence during this period.
Reason: In the interests of local biodiversity and protected species.
6. No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

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

7. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- Historic Building Survey will be in accordance with the ALGAO: Scotland guidance as requested by the Planning Authority.
- In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- Results will be summarised in *Discovery and Excavation in Scotland* (DES) within one year of on-site completion.
- The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

8. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall

commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition. and thereafter,
- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

9. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the Planning Authority. Thereafter no development shall take place except in strict accordance with those details.

Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.

10. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment and foul water drainage has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

1. In relation to Condition No 2 above, consideration should be given to the potential reuse of salvaged materials from the down takings (including pantiles if they are capable of being reused).
2. In relation to Condition No 3 above it is recommended that the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188 in order to receive flood warnings from SEPA.

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SCOTTISH BORDERS COUNCIL AUDIT AND RISK COMMITTEE

MINUTE of Meeting of the AUDIT AND RISK COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells on Monday, 18 January, 2016 at 10.15 am

- Present:- Councillors M. Ballantyne (Chair), I. Gillespie, S. Scott and B White (Vice-Chairman); Mr P. McGinley, Mr M. Middlemiss
- Also present:- Councillor J. Fullarton
- Apologies:- Councillors J. Campbell , A. J. Nicol; Mr H. Walpole
- In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk, Service Director Neighbourhood Services (for Items 5 & 8), Clerk to the Council, Democratic Services Officer (F Walling); Mr H. Harvie, Mr M. Swann – KPMG.

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

- 2.1 There had been circulated copies of the Minute of 23 November 2015.

DECISION

APPROVED for signature by the Chairman.

- 2.2 With reference to paragraph 3.2 of the Minute, the Chief Financial Officer tabled at the meeting a document summarising grants and contributions to third parties paid by the Council during 2013/14, 2014/15 and 2015/16 to date. These were grouped according to category and gave the scale of grants available. Loans made by the Council, such as those available through Business Gateway, were not included on the list. The Chief Financial Officer highlighted the main categories and schemes under which the grants were made and answered Members' questions. He advised that further detail could be provided to the Committee if required from the comprehensive database within which grants and loans were recorded.

DECISION

NOTED.

- 2.3 With reference to paragraph 6.3 (b) (ii) of the Minute, the Chief Financial Officer advised that the Internal Audit Manager would report directly to the Service Director Regulatory Services during the period in which he would be fulfilling the Chief Audit Executive role, carrying out the planned Audit Reviews for Risk Management and Counter Fraud.

DECISION

NOTED.

3. RISK MANAGEMENT IN SERVICES

The Service Director Neighbourhood Services, Mrs Jenni Craig, was in attendance to brief the Committee on the strategic risks facing Neighbourhood Services and to explain the internal controls and governance in place to manage and mitigate those risks. Mrs Craig provided hand-outs to supplement her presentation. She explained that she currently

managed four areas of service, namely Waste Services; Neighbourhood Operations; Customer Services; and Safer Communities. The approach to risk was to have a Risk Register for each of these services, developed through the Business and Financial Planning Processes. Registers were set up and owned by Service Managers and reviewed by the Service Director and Management team which then escalated risks to the Corporate Management Team if considered necessary. Mrs Craig referred to the key factors/major changes facing Neighbourhood Services. These were categorised as: financial pressures; unpredictability of markets; changing service delivery models; increasing demand and requirement for IT; government policies/legislation; welfare reform; economic/environmental change; and health and safety. She gave specific examples within each category and explained how risk was managed through effective project/programme and change management. Risk workshops were used as a key part of the Business Planning process with self-evaluation, inspections and scrutiny playing an important role. In addition to the provision of effective and appropriate training for staff there was regular monitoring of operational risks, with key measures of performance monitored on a regular basis. With regard to welfare reform, Mrs Craig explained that governance was on a partnership basis which included organisations such as Housing Associations and Citizens Advice Bureaux. In this connection an Impacts Group had been set up to anticipate risks in terms of the impact of changes to the provision of welfare benefits. Mrs Craig answered Members' questions on specific areas of risk facing Neighbourhood Services. She confirmed that action plans were informed by previous events, with the response to recent flooding in Hawick and Peebles being a prime example. With regard to Health and Safety considerations, it was accepted that there could occasionally be unintended consequences of a blanket decision made by the Council which affected the way operations were carried out. However Mrs Craig gave an assurance that staff were trained to make an individual risk assessment on site and to make decisions as appropriate. Questions were asked about the measures taken by the Council in response to the recent amber warning for snow. Although the cancellation of school transport, whilst schools remained open, could be seen as transferring a level of risk from the Council to parents, it was stressed that this was not the intention. The decision to cancel transport had not been a unilateral one by the Council but was part of an emergency response based on the amber weather warning in place for that time of day and police advice. Early cancellation of transport allowed parents to make alternative arrangements for child care. Discussion continued about the need for risk assessment of companies with which the Council did business. Members were given assurance that for all projects, including those involving external contractors, risk analysis was routinely carried out at every stage and shared with decision makers at the time. Mrs Craig was thanked for her attendance and presentation.

DECISION

NOTED the presentation.

4. INTERNAL AUDIT WORK 2015/16 TO DECEMBER 2015

- 4.1 With reference to paragraph 11 of the Minute of 23 March 2015, there had been circulated copies of a report by the Chief Officer Audit and Risk which provided details of the recent work carried out by Internal Audit with the recommended audit actions agreed by management to improve internal controls and governance arrangements; and internal audit work currently in progress. During the period 1 November to 31 December 2015 a total of seven final internal audit reports had been issued. There were 11 recommendations made (0 Priority 1 High Risk, 4 Priority 2 Medium Risk, and 7 Priority 3 Low Risk) specific to four of the reports. Management had agreed to implement the recommendations to improve internal controls and governance arrangements. An executive summary of the final internal audit reports issued, including audit objective, findings, good practice, recommendations and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was detailed in the Appendix to the report.

4.2 With regard to the report on Waste and Recycling Services – Trade Waste, Internal Audit considered that the level of assurance able to be given was substantial for Trade Waste legislative compliance, customer contracts, income collection and budgetary control. However Internal Audit only provided limited assurance for the stock control of Trade Waste assets and consumables. There were three recommendations which related to a need to review the Trade Waste Management and Administration database system, the introduction of Stock Control processes, and the need for performance reports regarding contracts, numbers of customers, etc. Mrs Craig, Service Director Neighbourhood Services, advised that discussions had already taken place around Stock Control processes to address the Priority 2 recommendation. She accepted the risks around the old unsupported database currently being used. However work on this was on hold at present due to the fact that IT provision across the whole of the Council was currently being looked at. Consideration would be given by the management team as to whether the risks around the existing database were so significant as to require a short term solution in the meantime. With regard to the report on Homelessness – Rent Accounting System where Internal Audit only provided limited assurance, with the exception of rental charges applied where assurance was substantial, the Group Manager (Housing Strategy and Services), Cathie Fancy, advised that the new Rent Accounting System had been welcomed by her team although the action plan to address gaps and risks in the service's utilisation of the system, which had required a cultural shift, had not progressed as far as had been hoped. With a recent restructure within the Homelessness service and the recruitment to vacant posts it was expected that the implementation of the action plan would be further progressed to address areas of improvement. Ms Fancy welcomed the report from Internal Audit and was confident that the service was on track to deliver on the three Priority 2 recommendations relating to the rent setting policy, sharing information on tenants' change in circumstances, and segregation of duties. She answered Members' questions specific to the Homelessness service. Referring to the internal report on Grants and Following the Public Pound, the Chief Financial Officer advised that management were happy to move forward on the report's findings and had agreed to implement the four Priority 3 audit recommendations within an appropriate timescale. He reiterated that a detailed register of grants was held and that further information could be brought forward if required. However there was no audit evidence that there were any gaps or missed opportunities in terms of income or distribution. It was accepted that behind the recommendations there should be standardisation of the way grants were distributed. In response to a general question on follow-up activity relating to recommendations from internal audit reports, the Chief Officer Audit and Risk confirmed that audit actions were monitored through the Council's performance management system, Covalent. Following presentation of the Internal Audit Annual Report scheduled to be presented in May 2016 Members would have an opportunity of questioning managers on any actions arising from internal audit recommendations which were overdue.

DECISION

- (a) **NOTED the final reports issued in the period from 1 November to 31 December 2015 to deliver the Internal Audit Annual Plan 2015/16; and**
- (b) **ACKNOWLEDGED that it was satisfied with the recommended audit actions agreed by management.**

5. TREASURY MANAGEMENT STRATEGY 2016/17

5.1 There had been circulated copies of a report by the Chief Financial Officer presenting the proposed Treasury Management Strategy 2016/17 for consideration by the Audit and Risk Committee prior to Council approval. The report explained that the Treasury Management Strategy was the framework which ensured that the Council operated within prudent, affordable limits in compliance with the CIPFA (Chartered Institute of Public Finance and Accountancy) Code. The Strategy, which would be submitted to Council on 11 February 2016, was included as an Appendix to the report. It reflected the impact of

the Administration's draft Financial Plans for 2016/17 onwards on the prudential and treasury indicators for the Council. As the Administration's current draft Financial Capital Plans for 2016/17 to 2025/26 would not be presented to Council for approval until 11 February 2016 the Strategy was subject to change.

- 5.2 The report contained a summary of the proposed indicators within the Strategy in Annex A to the Appendix. The Chief Financial Officer outlined the significant changes from the 2015/16 Strategy. There was an increase in the Capital Financing Requirement (CFR) for 2016/17 due to increased capital expenditure in 2016/17 resulting from new projects and from acceleration of a number of projects such as Broomlands PS, Langlee PS and 3G sports pitches. There were additional borrowing requirements associated with the re-phasing of projects from 2015-16 into 2016-17 and future years had impacted on the total CFR. There would also be an increase in the Authorised Limit in 2017/18 associated with the completion of Kelso High School and the resulting Long Term liability and the increase in external borrowing resulting from the capital plan. A table within the report, showing projected external debt over the next four years, indicated that the Council's external debt would become closer to the prudent affordability limit as defined by the Operational Boundary. In response to a question, the Corporate Finance Manager gave an explanation of the principles of financing local authority debt over a 50 year timescale. She explained that the calculation and consequent movement of the Operational Boundary was related to the asset base and was not related to the revenue ability to service the capital spend. However in this respect Members were referred to the Prudential Indicators shown in a table within the Appendix which showed the ratio of Financing Costs to Net Revenue Stream. The Committee was in general agreement with the Chief Financial Officer that it would not be prudent to take decisions that would allow this ratio to increase beyond 10%, although it was suggested that there should be some flexibility around this value to allow the Council to respond if necessary to an unexpected event in terms of capital expenditure. It was recognised, however, that in terms of this ratio the Council would have limited ability to bring forward new capital projects over the next five years; as more capital would be needed to sustain the asset base and extend asset life.

DECISION

- * **AGREED to RECOMMEND to Council that:-**

- (a) Council reviews its capital expenditure plans going forward to ensure they remain realistic, affordable and sustainable; and**
- (b) in all future capital projects, the revenue consequences of such projects be fully considered in arriving at investment decisions.**

6. EXTERNAL AUDIT SCOTTISH BORDERS COUNCIL AUDIT STRATEGY AND PLAN OVERVIEW 2015/16

There had been circulated a strategy and plan overview report by KPMG indicating how the external audit would be delivered for Scottish Borders Council for the year ending 31 March 2016. The Chairman welcomed Mr Harvie and Mr Swann, from KPMG, to present the report. Mr Swann referred to three main areas of the report, namely materiality; significant risks and audit areas; and a summary of the group structure in terms of the scope of the council audit appointment of KPMG. He explained that materiality was considered by reference to the Council's total expenditure. For 2015-16 individual or aggregated financial statement errors of over £6.4 million were considered to be material. With regard to the reporting threshold, KPMG would identify misstatements above £250,000, would report these to the Audit and Risk Committee and assess whether they were indicative of a significantly deficient or materially weak control environment. Mr Swann went on to summarise the significant risks identified, some of these being obligatory under the International Standard on Auditing (UK and Ireland) 315 and some being specific to Scottish Borders Council. He made reference to the Council's intention to make a claim for Bellwin funding to support recovery efforts in the aftermath of the

flooding affecting Hawick and Peebles. Within other focus audit areas Mr Swann highlighted transport infrastructure assets and the fact that local authorities were advised to have implemented a robust project plan through 2015-16 to ensure preparedness for the requirements of the 2016-17 code. The new transport code required measurement of assets on a depreciated replacement cost basis. This would represent a change in accounting policy from 1 April 2016 and require full retrospective restatement. However it was noted that the framework for measurement of the assets was not yet in place. Members expressed concern that this situation presented a risk to officers in terms of compliance with the code. With regard to the scope of the audit Mr Swann explained the diagram of the group structure for the Group financial statements and clarified the scope of the council audit appointment of KPMG. With regard to the integration of health and social care, the report explained that KPMG would consider the date that the Scottish Borders Health and Social Care Integration Joint Board became operational, review financial plans and comment on progress towards establishing effective governance arrangements for the new partnership. There was discussion on the process and factors to be considered for agreeing fees. The Chairman thanked Mr Harvie and Mr Swann for their attendance.

MEMBER

Councillor White left the meeting.

DECISION

- (a) **NOTED the strategy and plan overview report by KPMG;**
- (b) **AGREED to request KPMG to pass the Committee's concern to Audit Scotland that the fact that the framework for measurement of transport infrastructure assets under the new transport code was not yet in place presented a risk to officers in terms of non-compliance.**

The meeting concluded at 1.15 pm

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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, 19 January 2016 at 11.00 a.m.

Present:- Councillors D. Parker (Chairman), S. Aitchison (Chairman - Education Business),
C. Bhatia, S. Bell (from para 3), M. J. Cook, V. Davidson (from para 2), G. Edgar,
J. Mitchell, D. Moffat (from para 2), D. Paterson, F. Renton, R. Smith.,

Also Present:- Councillors J. Fullarton, I. Gillespie, A. Nicol (from para 3)

Apologies:- Councillors J. Brown, Mr G. Donald.

In Attendance:- Depute Chief Executive – People, Depute Chief Executive – Place, Corporate
Transformation and Services Director, Service Director Children and Young
People, Service Director Regulatory Services, Service Director Commercial
Services, Chief Financial Officer, Chief Officer - Education, Democratic Services
Team Leader, Democratic Services Officer (F. Henderson).

EDUCATION BUSINESS

Present:- Mr. J. Walsh, Mr. G. Jarvie, Mrs J. Aitchison, Ms A. Ferahi.

1. **CHAIRMAN**

Councillor Aitchison chaired the meeting for that part which considered education business.

MEMBERS

Councillors Davidson and Moffat joined the meeting during consideration of the following item.

2. **CHILDREN AND YOUNG PEOPLE'S SERVICES STANDARDS AND QUALITY REPORT 2014-2015**

There had been circulated copies of a report by the Service Director Children and Young People which sought approval to publish the 2014-2015 the Children and Young People's Services Standards and Quality Report. The report detailed the achievements of the children and young people during the period 2014-2015 and achievements of staff in enabling and nurturing the children and young people to achieve. There had been many successes and the Standards and Quality Report was an opportunity to reflect on how the Council were making a difference to learners, participants, service users, families and communities within Scottish Borders and sought to address how well outcome and support to individuals and communities was delivered and how to improve the quality of the work. The Service Director gave a presentation highlighting the main points contained in the report and the Committee were pleased to note the progress being made. In response to a question the Service Director advised that a lot of work had been done in planning for the arrival of refugees in the Borders and now that the families had been identified further work would be undertaken to meet their learning and other needs to ensure they had the resources they required. The Service Director and her team were congratulated for a very positive report and the strong leadership which would move the plans forward. The Chairman thanked the Parent Representatives for the work they had facilitated with Parent Councils and all the Council's partners who had had an input, including the participation by the young people themselves.

DECISION

NOTED the contents of the Children and Young People's Service Standards and Quality Report 2014 -2015.

OTHER BUSINESS

3. **CHAIRMAN**

On the resumption of the meeting, Councillor Parker took the Chair for the remaining business.

4. **MINUTE**

The Minute of meeting of the Executive Committee of 1 December 2015 had been circulated.

DECISION

APPROVED for signature by the Chairman.

5. **EARMARKING OF REVENUE BUDGET FROM 2015 -16 INTO 2016-17**

There had been circulated copies of a report by the Chief Financial Officer which sought approval to earmark available budget from 2015/16 into 2016/17 to support the 2016/17-2010/21 Financial Plan and Corporate Transformation Programme. The report explained that the Council was preparing proposals to present the Financial Plan for 2016/17-2020/21 and an opportunity had arisen within 2015/16 to both assist bridging the Financial Plan funding gap and to support the ongoing Corporate Transformation programme by identifying surplus budget in 2015/16. Details of the proposal to earmark a total of £1.446m into 2016/17 were contained in the Appendix to the report which would allow appropriate adjustments to be made to the Financial Plan being presented to Council on 11 February 2016.

DECISION

AGREED the earmarking of budget from 2015/16 into 2016/17 to support the 2016/17 – 2020/21 Financial Plan and Corporate Transformation Programme as detailed in Appendix I to the report.

6. **REQUEST FOR ROAD WORKS TO BE INCLUDED IN THE COUNCILS' CAPITAL FINANCIAL PLANS FOR 2015-16 AND 2016-17**

There had been circulated copies of a report by the Service Director Regulatory Services which sought approval for the inclusion of the works associated with the completion of the roads within the housing development at Hislop Gardens, Hawick in the Council's Capital Financial Plans for 2015-16 and 2016-17. The report explained that the Council had a duty under the Roads (Scotland) Act 1984 and associated regulations to complete the road works to an adoptable standard in a development where construction consent had been issued and the conditions had not been adhered to or the developer had ceased trading. The report further explained that the Council held a security to the value of £25,000 in the form of a road bond, which was lodged as a requirement of the construction consent issued for the development at Guthrie Drive, Hawick known as Hislop Gardens. The Company responsible for the development had been dissolved and the Council had to progress the works required to complete the roads to an adoptable standard. All steps had been taken to minimise the required expenditure and funding would be met by security currently lodged with the Council as part of the original approvals for the development. The cost split per financial year would be £5,000 in 2015-16 and £20,000 in 2016-17.

DECISION

AGREED to the inclusion of the roads works in the Council's Capital Financial Plans 2015-16 and 2016-17 with a total budget of £25,000 funded using security currently held by the Council under the relevant regulations.

7. **EDINBURGH, LOTHIAN, BORDERS & FIFE ROADS COLLABORATION PROGRAMME (ELBF PROPOSAL)**

With reference to paragraphs 9 and 10 of the Minute of 12 May 2015, there had been circulated copies of a report by the Service Director Commercial Services which sought a decision to join a Shadow Joint Committee for a proposed Edinburgh, Lothians, Borders & Fife Roads Collaboration Programme (ELBF proposal) facilitated by the Improvement Service. The report explained that the previous recommendation had been that Scottish Borders would not

join the ELBF proposal at this time, in light of un-qualified and unproven benefits, but would maintain on-going discussions with other local authorities involved, to enable the Council to continue to assess the proposal. It now appeared that joining the Shadow Joint Committee would be the most appropriate way forward. In joining a Shadow Joint Committee the Council would retain the right to decide the level to which it participated in any ELBF shared roads service arrangements and retain the right to decline to participate in arrangements that the Council regarded as detrimental to roads services in the Borders. Being part of the Joint Shadow Committee was important because it allowed the Council to influence and steer the roads agenda, including ensuring it interfaced effectively with the Council's roads contracting operations undertaken by SBC roads services.

DECISION

AGREED to:-

- (a) the creation of a Shadow Joint Committee for collaborative roads services across the Edinburgh, Lothians, Borders and Fife local authorities as set out in Appendix 1 to the report;**
- (b) the Council joining the Shadow Joint Committee; and**
- (c) the appointment of the portfolio holder for Roads as the Council's representative, the Chairperson for Trading Operations (SBC Contracts) as the substitute.**

SUMMARY OF PRIVATE BUSINESS

8. NEW KELSO HIGH SCHOOL

There had been circulated copies of a report on the New Kelso High School and the Committee agreed the recommendations.

The meeting concluded at 12 noon

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SCOTTISH BORDERS COUNCIL
TEVIOT AND LIDDESDALE AREA FORUM

MINUTE of Meeting of the TEVIOT AND
LIDDESDALE AREA FORUM held in Lesser
Hall, Town Hall, Hawick on Tuesday, 19
January, 2016 at 6.30 pm.

Present:- Councillors G Turnbull (Chairman), A Cranston, W McAteer, S Marshall,
D Paterson, R Smith, Community Councillors: Mr M Grieve (Burnfoot), Ms G
Crew, (Denholm) Mr C Griffiths (Hobkirk), Mrs M Short (Hawick), Mr T
Stevenson (Upper Teviotdale & Borthwick Water).

Apologies:- Station Manager Mr R Bell, (Scottish Fire and Rescue Service), Community
Councillor Mr W Roberts (Denholm).

In Attendance:- Inspector Carol Wood (Police Scotland), Sergeant R Noble (Police Scotland),
Neighbourhood Area Manager (Mr F Dunlop), Democratic Services Officer (J
Turnbull).

Members of the Public:- 13 in attendance

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. **WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Turnbull, welcomed those present to the Area Forum. With regard to the temporary closure of Sandbed Post Office, Councillor Turnbull reported that Mr Douglas Scott, Senior Policy Advisor, Scottish Borders Council, had been in contact with Linda Bonar, the Post Office's Public Affairs Manager. Ms Bonar had advised that the Sandbed Post Office would close on 29 January 2016, for refurbishment and reopen on 22 February 2016. The Post Office was unable to provide a temporary post office owing to the length of time required to install a dedicated IT line into a building. The mobile service was also unavailable as it was being used in other areas and was not capable of providing a larger branch service. The nearest post office, with the same range of functions, was in Jedburgh. The Post Office was investigating provision of a bus service to Jedburgh three days each week. The Burnfoot Post Office would also be able to provide local post office services. The Forum expressed their disappointment at the short timescale the Post Office had provided for advising of the temporary closure and the lack of replacement facility during the refurbishment period. The closure would cause hardship and inconvenience, especially to elderly, disabled residents. It was noted the Sandbed Post Office had temporarily closed in 2005 and a replacement had been set up in a much shorter time period. Hawick Town Hall staff had also indicated that they would be able to accommodate a temporary post office. It was agreed that a meeting be arranged with Ms Bonar and Councillors as soon as possible to discuss further. The Chairman went on to notify that the report on the one-way system would be presented at the February meeting. This was due to a staff changeover and postponement of the survey due to the recent floods. The Chairman concluded by informing that grants were available for flood affected residents, businesses and community groups. A flat rate grant of £1,500 was available to anyone affected by flooding. An additional £3,000 was available for businesses severely impacted by the flooding which affected their ability to trade. Applications forms were available from Contact Centres or from Scottish Borders Council's website.

DECISION

AGREED that a meeting be arranged, at the earliest opportunity, with the Post Office to discuss the temporary closure of Sandbed Post Office.

3. MINUTE

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

- 3.1 With reference to paragraph 11.3 of the minute, Mrs Drew, Denholm Community Council, intimated that the meeting with Ms Jane Bower, South of Scotland National Park, had not taken place.

DECISION

AGREED to approve the Minute.

4. WARD BOUNDARIES

The Chairman welcomed John Lamont MSP, who was present at the meeting to take part in the ward boundary discussion. Councillor McAteer notified that a meeting had taken place with the Scottish Government Minister for Local Government and Community Empowerment, Marco Baigi, to discuss the Boundary Commission's proposals. At the meeting, concerns had been raised regarding: parts of Burnfoot being in an area of deprivation - the bottom 5% percentile of the entire country; Hawick being in an isolated, rural area; the Boundary Commission's methodology when deciding parity and representation; and approximately 20 councils lodging objections to the Boundary Commission's proposals, with some councils now considering judicial review. The Chairman, Councillor Turnbull added that he had been in discussion with Paul Wheelhouse MSP and had highlighted the Area Forum and its excellent record for community engagement. If the Boundary Commission's proposals went ahead the Forum, in its present form, would not exist. Mr Lamont advised that the Boundary Commission had been tasked by Scottish Government to give extra representation to deprived areas without any increase in the total number of councillors. This meant that the central belt would receive additional councillors, rural areas fewer. He confirmed that his submission to the Boundary Commission had been for retention of the status quo. However, the problem was that the consultation period had ended. Historically, government ministers had never gone against the Boundary Commission's recommendations. There followed a discussion, the consensus being that the Boundary Commission's methodology had been flawed and that the status quo should remain and that six councillors be retained. The Chairman concluded the discussion by advising that Mr Wheelhouse had stated that he would prepare a letter, supporting local Members. This letter, together with a suitable motion, would be presented to Council for consideration.

DECISION

(a) NOTED that all six local members were unanimous in their wish for retention of the existing ward boundaries represented by six councillors.

(b) AGREED that once Mr Wheelhouse's letter was received, an appropriate motion from all six local councillors be presented to Council.

5. CITIZENS ADVICE

Mr Ian Heard, Pension Wise Guidance Specialist was present at the meeting to give a presentation on the Pension Wise Service which was funded by HM Treasury and delivered throughout the UK by the Citizens Advice Bureaux. Mr Heard stated that he had started in post last year and initially his role was to deliver Pension Wise Guidance sessions, this had been expanded to cover local promotion, marketing training and guidance sessions for the Roxburgh & Berwickshire, Central Borders and Peebles and more recently Dumfries & Galloway areas. Mr Heard advised that Pension Wise was a free and impartial service for defined contribution (DC) pensions to help people understand their options. Mr Heard explained that the 2014 budget, announced Pension

Freedoms with a pledge of free, impartial guidance, including face to face. These new pension rules came into effect on 6 April 2015 and Pension Wise had been launched in March 2015. The service was for people close to or over 50, who had a defined contribution pension and were close to making a retirement decision. The service was not designed to replace Financial Advisors but was in addition, to assist people in understanding the new freedoms and their options. Pension Wise Guidance sessions were approximately 45 minutes and discussed what it meant for the individual's circumstances. Online guidance was available from www.pensionwise.gov.uk; telephone appointments on **0300 330 1001** or at the local Citizens Advice Bureau. Mr Heard was currently contacting local firms to discuss the possibility of taking the service to their employees. Assistance and promotion of the Pension Wise Service from councillors and attendees at the meeting would be appreciated. The Chairman thanked Mr Heard for his informative presentation.

DECISION

NOTED the presentation.

6. SCOTTISH BORDERS HOUSEHOLD SURVEY

Ms Clare Malster, Strategic Community Engagement Officer, Scottish Borders Council, was in attendance to give a presentation on Scottish Borders Household Survey 2015. Ms Malster began by advising that the survey had been undertaken in partnership with: Scottish Fire and Rescue Service, Borders Sports & Leisure Trust (BSLT), the four regional social landlords (RSLs) and Transport Scotland. The financial cost of the survey to the Council had been £11k. Ms Malster advised that 2,445 paper surveys had been returned and 261 responses completed online. This was a 41% response rate which was the highest response rate since 2010. Ms Malster went on to highlight some of the responses from the survey, including, satisfaction with the Council overall which had reduced slightly from 2013 from 66.5% to 54.5%. However, there had been a slight increase in the percentage that considered the Council excellent from 3% to 4.1%. This highlighted the Council's transformation programme to deliver a high standard of service was being maintained. Ms Malster explained that the survey showed that satisfaction with the local bus services had remained fairly consistent. There was a piece of work going forward at the moment for the operation of an improved service. Satisfaction with the kerbside waste and recycling collection service had reduced from 92% in 2013 to 79%, with 14% dissatisfied compared to 5% in 2014. These figures reflected the removal of the green waste collection. Satisfaction with the service offered at recycling bring sites had reduced from 82% to 69%, there had been issues with the contractors emptying banks but this has been resolved. Ms Malster highlighted the top five neighbourhood problems which were: parking problems (45%), rubbish and litter (43%) anti-social driving including speeding (42%) people using or dealing drugs (25%) and people being drunk or rowdy in public places (24%). The top three priorities were in line with the Borders as a whole. Ms Malster stated that the survey result showed 75% were dissatisfied at the speed of repairs to local roads; this was consistent throughout the Borders. To conclude her presentation Ms Malster highlighted that 86% of respondents considered the neighbourhood was a good place to live which was encouraging. Inspector Wood intimated that the top five neighbourhood problems reflected those in Police Scotland's multi ward plan. Councillor Turnbull thanked Ms Malster for the informative presentation.

DECISION

NOTED.

7. NEIGHBOURHOOD SMALL SCHEMES AND QUALITY OF LIFE

With reference to the paragraph 7 of the Minute of 15 December 2015, there had been circulated copies of a report by Service Director Neighbourhood Services updating the Forum on previously approved Neighbourhood and Quality of Life Schemes. The report sought approval for regrouting of setts within the footway at High Street, Hawick; the remarking of car parking bays at Lothian Street, Hawick and the erection of a fence at Havelock Bank, Hawick. Permission was also sought from the Quality of Life Scheme to

upgrade the existing woodland walk within Newcastleton Primary School. Mr Dunlop, Neighbourhood Area Manager, advised that upgrading of the footpath at Waverley Walk, Hawick had been completed. The installation of goal posts at Green Terrace had been delayed because of the weather, however, the sockets had now been installed. Councillor Marshall reported that he had received complaints regarding mud on the Waverly Walk footpath from Chay Blyth Place to the Leisure Centre; four or five lighting columns also required repairs. Mr Dunlop would liaise with the appropriate officers and arrange for cleaning of the footpath and repairs to the lighting columns.

DECISION

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

- | | | |
|-------|---|---------------|
| (i) | Regrouting of setts within footway on High Street, Hawick | £4,050 |
| (ii) | Remark existing bays within car park, Lothian Street, Hawick | £ 750 |
| (iii) | Erection of fence at Havelock Bank, Hawick | £1,140 |

(b) **AGREED the following new Quality of Life Scheme for implementation:-
Upgrading of existing woodland walk within Newcastleton
Primary School.** **£ 900**

(c) **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.**

8. POLICE SCOTLAND

There had been circulated copies of a report by Inspector Carol Wood, Police Scotland. The report highlighted that with regard to the Drug Dealing and Misuse priority, a number of stop and searches had been carried out in December. Four individuals had been reported for possession of drugs. Two house searches had been carried out under misuse of drugs' warrants resulting in two males being charged with drug offences. The Road Safety priority showed that 16 road checks had been carried out in December, although more had been carried out due to festive and road safety campaigns. One conditional offer had been issued for failing to wear a seatbelt and one warning for the anti-social use of a vehicle. With regard to the to the Anti-Social Behaviour priority, five fixed penalty tickets had been issued. The report stated that in the next few months, community officers would continue to carry out patrols to deter youth anti-social behaviour. There would also be a joint initiative with roads policing officers to give attention to areas where concerns had been raised regarding various road traffic matters. The Chairman thanked Inspector Wood for the report.

DECISION

NOTED.

9. SCOTTISH FIRE & RESCUE SERVICE

There had been circulated, copies of a report from Mr Russell Bell, Station Manager, Hawick Fire Station, updating the Forum on Scottish Fire and Rescue activity for the month of December 2015. In Mr Bell's absence, the Chairman advised that there had been one house fire incident, at a farm steading causing two casualties. There had been one open fire, eight unwanted fire alarm signals and 33 special service incidents, including 21 relating to flooding.

DECISION

NOTED.

10. OPEN QUESTIONS

- 10.1 Councillor Smith in his role as Chairman of Planning & Building Standards Committee, reported that the Scottish Government had issued information to community councils regarding the Reporter's changes to the Local Development Plan. Scottish Borders Council were unhappy with the proposed changes. However, challenging the changes would delay the Local Development Plan for approximately a year which would affect planning applications. Councillor Smith explained that the Reporter had made extensive changes to the renewables policy and to housing allocation. In terms of housing, 916 housing plots had to be identified across the Scottish Borders. With regard to renewables, SBC had offered to review its renewables policy but this offer had been rejected. Councillor Smith had sent letters to the Chief Planner, the Chief Reporter and the Chairman of the Independent Review Panel of the Review of the Planning System to express concern at the lack of consultation and the outcome of the process. A response was awaited.
- 10.2 Councillor Marshall advised that the sewage works at Duke Street had been reinstated. The contractors were carrying out investigation works for a new sewage pipework.
- 10.3 Community Councillor Grieve referred to the Hawick News office being relocated and asked if councillors were campaigning against the move. Councillor McAteer advised that he had written to the Chief Executive of the newspaper but had not had a response.

DECISION

NOTED the reports.

11. COMMUNITY COUNCIL SPOTLIGHT

- 11.1 Mr Robson from Upper Teviot and Borthwick Water stated that the community were concerned at the poor condition of the roads, many of which were in a dangerous condition. He advised that as many as 40 timber vehicles could use the road in a day and funding needed to be sourced elsewhere for maintenance. Mr Robson also advised that the Community Council had investigated the provision of a defibrillator for the community, but the cost had been prohibitive. Councillor Paterson advised that a community grant might be available to cover the cost.
- 11.2 Mr Griffiths, Hobkirk Community Council, stated that the Community Council were concerned at the proposals for wind turbines in the area. Mrs Crew added that Denholm and District Community Council were also concerned and stated that the public needed to be made aware of the impact the wind turbines would have on their communities. Community councils needed to meet together to discuss. The Chairman advised that the Scottish Borders Community Council Network (SBCNN) should be contacted to facilitate a joint meeting. Local MSPs should also be involved and invited to deliver an election address to the Forum. The clerk was asked to check if this would be appropriate.

MEMBER

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

- 11.3 Mrs Short, Hawick Community Council, advised that their recent petition regarding the 120 Bus Service had been received favourably by the Petitions and Deputations Committee. With regard to Christmas lights testing, a community grant application had been submitted. Mrs Short notified that they had also received an anonymous donation of £1k from a retired gentleman towards the light testing. This was an extremely kind gesture and much appreciated.
- 11.4 Mr Grieve, Burnfoot Community Council, advised that a landscape architect was now involved in the Remembrance Garden project. Plans were also ongoing for the Carnival. A meeting of Burnfoot Community Partnership would be held next Thursday.
- 11.5 Mrs Crew, Denholm and District Community Council, advised that they encouraged support of the national park proposals.

DECISION

AGREED:-

- (i) To request an item on the agenda to discuss wind farms; and
- (ii) To request the clerk ask if appropriate for local MSPs to attend the Forum to delivery their election address.

12. DATE OF NEXT TEVIOT AND LIDDESDALE AREA FORUM MEETING

- 12.1 The Chairman concluded the meeting by advising that he had been delegated to investigate the hire of a pressure machine for cleaning streets. A meeting would be arranged with local members to discuss.
- 12.2 The next meeting of the Teviot and Liddesdale Area Forum would be held on Tuesday, 16 February 2016 at 6.30 pm in the Lesser Hall, Town Hall, Hawick.

The meeting concluded at 9.00 pm.

SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTE of Meeting of the SCRUTINY COMMITTEE held in COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on Thursday, 28 January, 2016 at 10.15 am

Present:- Councillors G Logan (Chairman), W Archibald, K Cockburn, I Gillespie, S Mountford, A Nicol and J Torrance.
Apologies:- Councillors A Cranston, S Mountford.
Also Present:- Councillors M Ballantyne, G Edgar.
In Attendance:- Clerk to the Council, Service Director Commercial Services, Clerk to the Council, Democratic Services Officer (J Turnbull).

1. MINUTE

There had been circulated copies of the Minute of 26 November 2015.

DECISION

NOTED for signature by the Chairman.

2. SCRUTINY WORKING GROUP

2.1 With reference to paragraph 2(c) of the Minute of 26 November 2015, the Clerk to the Council advised that Councillor Garvie had resigned from the Working Group. Councillor Cockburn, seconded by Councillor Logan, moved that Councillor Mountford be appointed to the Scrutiny Working Group as a replacement Member.

2.2 Councillor Torrance, seconded by Councillor Gillespie, moved as an amendment that there be no replacement for Councillor Garvie on the Working Group.

VOTE

On a show of hands Members voted as follows

Motion - 3 votes.

Amendment - 3 votes.

The Chairman had the casting vote and voted in favour of the motion. The motion was accordingly carried.

DECISION

DECIDED to appoint Councillor S Mountford to the Scrutiny Working Group. The Working Group would be: Councillors Cockburn, Gillespie, Mountford and Campbell (Co-opted).

3. MAINTENANCE OF ROADS

3.1 With reference to paragraph 5 of the Minute of 26 November 2015, there had been circulated copies of a report by the Service Director Neighbourhood Services and Service Director Commercial Services which was in response to a question submitted to the Scrutiny Committee by Ettrick and Yarrow Community Council: *To review the extent to which the Scottish Borders Council's (SBC) budget for road repairs and maintenance was sufficient to meet need and the not unreasonable expectation that roads would be*

maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for rural roads was arrived at and whether more should be allocated.

- 3.2 The Chairman welcomed Mr Drummond-Hunt, Service Director Neighbourhood Services, to the meeting. Mr Drummond-Hunt began by giving the background to the allocation of resources nationally and the competing interests for limited funding, and how the standards and level of service were determined across the Scottish Borders. He advised that the Council faced significant budget pressures, with a very constrained roads budget which officers tried to maximise to get the most out of it and prioritise what was best for the roads network. The Roads Asset Management Plan (RAMP) was a key document in delivering road services, providing technical detail and operation standards. The RAMP gave a list of works required but the budget was not sufficient to cover all that was required. Mr Drummond-Hunt advised that the Council's carriageway assets totalled 2,968 km and these lengths of roads were classified into A, B, C and U in rural and urban areas. He explained that allocation of funds was not based on road length, but on need. Priority was given to A and B class roads which carried the bulk of traffic and were generally high speed, covering large topographical areas which could be the subject of serious accident sites. Classification C and U were lower priority and generally lower speed, so the standard of repair did not require to be as high but the roads were still safe. He went on to explain the Road Condition Indicator (RCI), a survey which collected condition measures including longitudinal profile, lane rutting, texture of surface and cracking. The results from the RCI were used to prioritise SBC's road repair programme. The RCI Results Table 2014-16, detailed in the report, showed that 46.3% of the Council's roads required repairs at the moment. Best practice suggested that this should be around 30%, which would probably be achievable in an urban authority as they would have a much smaller road network. It was anticipated that there would be a gradual increase in road repair requirement over the next five years should current funding levels continue. In 2015/16, there was £3m in the capital budget for roads, with approximately £2.5m allocated to the rural road network and £0.5m to the urban road network. To recover the position to best practice level, would require significant investment of £80-£90m over the next five years. A review of Roads Services was currently being carried out to ensure the Council achieved the most from the budgets and resources available, maximising productivity, efficiency, and performance by bringing together the permanent and temporary maintenance sections to improve the condition of the roads within the Scottish Borders. Concluding, Mr Drummond-Hunt acknowledged that while there was evidence that the condition of roads was deteriorating, he emphasised the road network remained safe and helped support the economic development of the region.
- 3.3 In answer to questions, Mr Drummond-Hunt intimated that one of the measures used to determine priority was serious accidents and incidents. Officers also used a 10% sample of statistical analysis. Mr Colin Ovens, Infrastructure Manager, joined the meeting and clarified that the sampling of roads was carried out on a rota basis. He further advised that SBC was pursuing a compensation claim for reinstatement of roads that had been affected by lorries using lesser road to avoid railway works.
- 3.4 Miss Harrison, Etrick and Yarrow Community Council, was in attendance and stated that benchmarking against other local authorities failed to be addressed in the report. Out of 32 Scottish authorities SBC had come 28th, and 6th out of 8 rural authorities. Miss Harrison suggested that SBC should investigate how other authorities were achieving better results - were they investing more or spending more wisely? In terms of how money was spent, as a lay person she thought patching works appeared to be throwing money away and did not appear to be a good use of the public pound. Drainage also appeared to be a problem and again this needed to be investigated. There was a clear trend that B, C and U roads were receiving cheaper repairs and consequently becoming worse over a period of time. Miss Harrison continued that forestry was forecast to increase fourfold over the next few years and would have a high impact on rural roads; this should be brought in as criteria for budget spend. Finally, Miss Harrison stated that

the Ettrick and Yarrow community was trying to diversify and promote tourism, including cycling, and visitors to the area would expect certain standards of roads.

- 3.5 Mr Ovens responded that a report was presented to Council on an annual basis which showed funding, how the funding was allocated, and included option models to address roads maintenance. Through the Council capital programme Officers put forward a programme of works and while there had been some increases in funding over the last few years, this was not enough to address the deterioration, but Officers continued to lobby for additional funding. Mr Drummond-Hunt added that SBC's investment in roads was reflected in the condition of roads in the area. Compared to other local authorities, SBC had one of the lowest rates of investment in the roads network. However, if more funding was allocated to roads maintenance, there would be a consequential reduction in funding to other Council services, such as social care or education. It was a difficult balancing act and a matter of serious discussion and debate for Members. With respect to the recent floods, Mr Drummond-Hunt explained that the Council was making a claim for assistance with the damage caused across the area through the Bellwin Scheme. The claim was based on repairs carried out and officers were currently assessing this. In terms of maximising manpower and machinery resources, Mr Ovens advised that presently repairs were mainly reactive, with some temporary and the preference was for permanent repairs. The current roads review was looking at materials, workforce, plant and equipment and considering a planned programme of works, to ensure works were 'First time right'. However, this could mean that repairs were more expensive resulting in not as many deficiencies being remedied, although recurrence would also not be an issue. The RCI calculation took into account average weather conditions in its model and not extreme weather.
- 3.6 In response to a question about SBc Contracts, Mr Drummond-Hunt advised that it was a successful company and the main sub-contractor for Amey for trunk roads. Half of SBc Contracts business came from external clients and half through civil engineering, but these latter contracts were not as profitable as previously due to competition so there was not as much money coming back into the Council. On a positive, SBc Contracts was looking to increase contracts from the private sector and was in demand from house builders, Universities, care homes, etc for infrastructure contracts in the Lothians. SBc Contracts was a valuable organisation for SBC and its success needed to be exploited as much as possible. Members then discussed the options for surface treatment and patching and when individual repairs were best made or a wider road treatment carried out. Mr Ovens explained that texture, skid resistance and fabric of the road had also to be considered when determining the method of repair.
- 3.7 Councillor Edgar, Executive Member for Roads and Infrastructure, was in attendance and advised that roads were needed to access everything from schools, to shops, tourism to emergency services. The Scottish Borders had 3,000 km of roads to maintain along with bridges, signs, etc. While Scottish Government granted £7m to the Council within the GAE for the roads network, it was up to Members, as policy makers, to allocate funding and, with competing pressures elsewhere on the budget, had determined only to spend half of that. Officers were dealing with maintenance of the road network as best they could within the budget available. The roads network should be considered the most important part of the area's infrastructure. Councillor Edgar concluded by requesting that Scrutiny Members carefully consider if the present budget met the requirement of the roads network.
- 3.8 Councillor Cockburn asked that Scrutiny Committee consider a recommendation to the Executive Committee to continue to consider ways of further increasing investment in roads and the related infrastructure. He also requested that the Council consider further negotiations with the government for trunk status of A roads be pursued, specifically the A72 and A7. Further negotiation with the timber industry on the impact of timber lorries on roads should also be considered. However, while officers had tried hard to negotiate with the timber industry, any timber routes devised were voluntary and not legally enforceable.

The timber companies also considered they had as much right to drive on public roads as other users as they paid taxes in the same way. Mr Drummond-Hunt further explained that re-trunking of A roads would remove them from the roads network and subsequently could reduce the funding received from Scottish Government. Councillor Nicol suggested that Scrutiny Committee receive a further report on the implications on the capital and revenue budget of trunking the A72 and A7, the potential effects on the capital programme and SBc Contracts.

DECISION

AGREED:

- # (a) to recommend that the Executive Committee continue to consider ways of further increasing investment in roads and related infrastructure; and
- (b) to request that the Service Director Commercial Services bring back a report to the March 2016 meeting of Scrutiny on the potential implications for the capital and revenue budgets of the re-trunking of the A72 and A7, along with the potential impact on the capital programme and SBc Contracts.

4. MEMBERSHIP OF SCRUTINY COMMITTEE

4.1 With reference to paragraph 15 of the Scottish Borders Council meeting of 17 December 2015, the Clerk to the Council advised that Council had decided to take no further action in respect of Councillor Logan's motion until the matter had been discussed in full by Scrutiny Committee.

4.2 Councillor Logan, seconded by Councillor Cockburn, had moved the Motion in the following terms:

"That Scrutiny Committee agree to recommend amendment of the Council's Scheme of Administration to allow the addition of three non-voting external members on the Scrutiny Committee and that these additional members will also be eligible to be non-voting members of a Scrutiny Working Group"

4.3 Councillor Logan spoke to his Motion, explaining that he considered it would be beneficial to Scrutiny to receive external members' views when carrying out reviews. He considered there would be demand from those who were interested in Scrutiny and they would bring a different set of skills to the Committee. Councillor Cockburn added that while Scrutiny was a good, strong Committee, having external members would bring an alternative perspective which would help inform debate, and make the Committee stronger still.

4.4 Councillor Nicol advised that, whilst it was beneficial to have independent members on Committees, Scrutiny Committee dealt with many different subjects, so it would therefore be beneficial to ask specific experts to attend Scrutiny Committees and working group meetings, when appropriate. Councillor Nicol, seconded by Councillor Gillespie, moved as an amendment that there be no additional non-voting members on Scrutiny Committee.

VOTE

On a show of hands Members voted as follows

Motion - 2 votes
Amendment - 4 votes.

The amendment was accordingly carried.

DECISION

- * **DECIDED to RECOMMEND that there be no additional non-voting members appointed to the Scrutiny Committee.**

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

- 5.1 With reference to paragraph 5 of the Minute of 26 November 2015, there had been circulated an updated list of subjects which 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 they subject was appropriate for consideration. Councillor Gillespie asked that following the recent news of the tragic death of a young boy who had been Home Schooled, that Scrutiny Committee review Home Schooling further - in particular, to consider a change in the law to ensure that health assessments for home schooled children were carried out. The review should also assess parents to ensure that they were adequate educators for primary and secondary education. Members unanimously agreed that Home Schooling be reviewed. Councillor Torrance also requested an update on the previous recommendation to the Executive Committee on Home Schooling.
- 5.2 Members also discussed whether the Scrutiny Committee should look at the current ICT review. The Chief Executive, who had joined the meeting at this point, clarified that a full Members' seminar on the ICT review was planned prior to a report being considered by full Council. Meetings were being held with CGI and details were still being finalised. A report on the ICT Review was due to be considered at Corporate Management Team's meeting the following week, after which a full seminar for all Members was planned, with individual briefings for political groups also arranged if required. As well as this seminar, prior to that there would also be a development workshop for all Members on understanding technology, to ensure that they were conversant with the various IT aspects and issues facing the Council. Following discussion, Members agreed not to look at the ICT review at this time. Officers were also delegated to manage the timetable for reviews as appropriate.

DECISION

AGREED:

- (a) **To note the proposed list of subject for review by Scrutiny Committee;**
 - (b) **that the Clerk to the Council provide an update at the next meeting on the previous recommendation to the Executive Committee on Home Schooling;**
 - (c) **not to look at the ICT Review at this time; and**
 - (d) **to note that the Chief Executive was arranging a seminar and development workshop for Members prior to the report on the ICT Review being considered by full Council.**
6. **DATE OF NEXT MEETING**
The next meeting of the Scrutiny Committee would take place on Thursday, 18 February 2016.

SUMMARY OF PRIVATE BUSINESS

7. **PRIVATE MINUTE**

The Committee noted the private section of the Minute of 26 November 2016.

The meeting concluded at 12.10 pm.

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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 1 February 2016 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Campbell, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford.
Apology:- Councillor B. White.
In Attendance:- Chief Planning Officer, Development Standards Manager, Principal Roads Planning Officer, Solicitor (G Nelson), Environmental Health Officer (M R Fitzgerald), Democratic Services Team Leader, Democratic Services Officer (F Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 11 January 2016.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee. Following consideration of the applications the Chairman advised that Mary Rose Fitzgerald was leaving the Council to move to a new post and thanked her for advice to the Committee.

DECISION

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

3. **APPEALS AND REVIEWS**

There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

3.1 The Chairman requested an update from Mr Nelson with regard to Wind Farm Development appeals and Mr Nelson advised that the situation was very fluid and reported as follows:-

- **Hag Law, Romanno Bridge and Cloich, Peebles** - expected that the Reporters report would be sent to Scottish Ministers by mid February 2016 and that a decision from Scottish Ministers could be made within approximately 3 months thereafter (mid May 2016);
- **Land West of Muircleugh Farmhouse, Lauder** - expected to be completed mid February 2016 and a decision within 3 months;
- **Aikengall 2A** – decision expected May 2016
- **Kilrubie, Eddleston, Peebles** – Appeal just received and at an early stage.

The Chairman then asked that Members of the Committee receive a note giving a brief overview of the position in respect of all wind farm applications and potential applications, including a location map.

DECISION

(a) **NOTED** that:-

(i) an appeal had been received in respect of the erection of windfarm comprising 7 No wind turbines up to 115m high to tip, access tracks, sub-station and ancillary works on Land North of Upper Stewarton, (Kilrubic Wind Farm Development), Eddleston, Peebles.

(ii) A review request had been received in respect of the Erection of a dwellinghouse on Land West of Craigerne Coachhouse, Edderston Road, Peebles – 15/01034/FUL

(iii) there remained two appeals outstanding in respect of:

- Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge
- Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick.

(b) **AGREED** that a briefing paper be prepared and circulated to Committee Members, detailing Wind Farm Development applications received, those in the process of scoping together with a map pinpointing proposed sites referred to in the applications and identifying wind farm developments already approved.

PUBLIC SPEAKING AT MEETINGS PROTOCOL

4. There had been circulated copies of the Public Speaking at meetings Protocol with recommended amendments in terms of the content of the presentation which allowed speakers to make reference to a maximum of two visual aids (photomontages, photographs, maps, plans, etc) that had been lodged properly with the Council in respect of the application being considered and a minimum of 8 days in advance of the Committee.

*

DECISION

AGREED TO RECOMMEND that the suggested amendments be incorporated into the Public Speaking at meeting Protocol as detailed in Appendix II to this Minute.

5. SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN: EXAMINATION REPORT

With reference to paragraph 5 of the Minute of 11 January 2016, there had been circulated copies of the reply received from the Chief Reporter. The Chairman proposed that the discussion of this matter be taken in private and this was unanimously agreed.

DECISION

AGREED.

PRIVATE BUSINESS

6. 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 III to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

7. SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN: EXAMINATION REPORT

The Committee considered a reply from the Chief Reporter and agreed that the matter be considered at the next meeting, once all responses had been received.

The meeting concluded at 12.15 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/01173/FUL	Erection of poultry building and associated works	Hutton Hall Barns Hutton

DECISION: Approved subject to the following conditions and informatives:

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.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, in unless agreed in writing by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details

3 Any noise emitted by plant and machinery used on the premises shall not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

The Unit shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties

4 No development shall commence until a Badger Protection Plan, to include measures as set out in Informative 1 of this consent, shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter, the works shall be carried out in accordance with the approved scheme.

Reason: In the interests of preserving biodiversity

5 No clearance/disturbance of habitats which could be used by breeding birds, such as arable field, field margins and boundary features, shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding birds will be required if any habitat clearance is to commence during the breeding bird season.

Reason: In the interests of preserving biodiversity

6 No development shall commence until the full details of the finalised drainage scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate protection of the water environment from surface water runoff

7 A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.

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

8 No development shall commence until the new access is formed at the location detailed in Site Plan Drawing 001E 15/12/2015 to the dimensions and specifications detailed in Informative No4 of this permission.

Reason: In the interest of road safety.

9 Prior to the development becoming operational at least two new passing places shall be provided at agreed locations between the application site and the B6460 in accordance with a scheme of details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of road safety.

10 All planting, seeding or turfing comprised in the approved details of landscaping Drawing 001E 15/12/2015 shall be carried out in the first planting and seeding seasons following the operation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

11 The development shall be operated and managed in accordance with the MacLean Eggs Ltd Operational Plan 18/12/2015 unless otherwise agreed in writing by the Planning Authority.

Reason: To protect the amenity of nearby residential properties.

Informatives

1 In line with the requirements of Condition No 4, the Badger Protection Plan should detail the measures to protect badgers foraging and commuting across the site (including covering trenches and open pipes overnight/ providing a means of escape, safe storage of chemicals and oils, timing of works and sensitive security lighting away from woodland).

2 In line with the requirements of Condition No 6, the design of this SUDS scheme should include measures to protect badger (including appropriate fencing).

3 There is a low potential for encountering buried archaeology during excavations. Should buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity be discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

4 In line with the requirements of Condition No 8, the new access shall be sited and formed to the following dimensions and specifications:

- The new access to be located where the existing passing place is.
- The new access to have 5.5m throat width with minimum 8m radii.
- Visibility splays of 2.4m by 90m to be provided in either direction
- The first 5m of the new access to be surfaced to the specification:

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

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary. There should be no unauthorised advertising signing, and the lay-by must be kept tidy and litter free.

5 Details of SEPA regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. For further advice for a specific regulatory matter, contact a member of the operations team in the local SEPA office (tel: 01896 754797).

6 The site is not at risk from a flood event with a return period of 1 in 200 years. The applicant should be made aware that flooding can occur from other sources including run off from surrounding land.

NOTE: Site visit held on Monday, 25 January 2016.

VOTE

Councillor Brown, seconded by Councillor Mountford, moved that the application be approved on the terms recommended by the officer and with an amendment to condition 9.

Councillor Fullarton, seconded by Councillor Gillespie, moved as an amendment that the application be refused in terms of Policies NE5, NE3 and R1.

On a show of hands Members voted as follows:-

<i>Motion</i>	<i>-</i>	<i>5 Votes</i>
<i>Amendment</i>	<i>-</i>	<i>3 Votes</i>

The Motion was accordingly carried.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/01395/FUL	Erection of Dwellinghouse	Land West of 123 Forest Road, Selkirk

DECISION: Approved subject to a legal agreement addressing contributions (towards Education & Lifelong Learning and Waverley), and the following conditions and informatives:

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 buildings 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. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To retain effective control over the development which is on a sloping site.
3. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the Planning Authority. Thereafter no development shall take place except in strict accordance with those details.
Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.
4. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment and foul water drainage has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

5. The external section of the flue above the roof slope to be painted a matt black colour before the flue is installed and thereafter so retained in perpetuity.
Reason: To safeguard the visual amenity of the surrounding area.
6. No development shall take place until a Construction Method Plan has been submitted to and approved in writing by the Planning Authority. Thereafter, construction of the development hereby approved shall only take place in strict accordance with the Method Plan so approved.
Reason: To ensure that the construction of the development takes place with minimum off-site disruption, particularly in relation to the use of the public road and footpath adjacent to the site.

Informatives

1. The Environmental Health Service of the Council advises, with regards the proposed flue, as follows:

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission. 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](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.
- The use of waste wood requires and Exemption to be granted by the Scottish Environmental Pollution Agency.
- Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

2. As noted above, flues can give rise to smoke and odour complaints which may be actionable under Environmental Health legislation. Appropriate precautions should therefore be taken to avoid problems arising in this case. Any adjustments to the flue in terms of location, height or size (from that approved under this consent) that may be needed to address potential nuisance issues may require a fresh planning application. Prior to considering any changes, the applicant should consult the Planning Authority.

NOTE

Mr S Davidson, agent for the applicant, spoke in support of the application.

APPENDIX II

Public Speaking at Meetings Protocol

Planning and Building Standards Committee

Introduction

Scottish Borders Council will permit public presentations on planning applications in the circumstances and subject to the limitations set out below.

The opportunity to make a verbal presentation applies only to applications that are determined by the Planning and Building Standards Committee. Separate arrangements apply to applications that are determined by Council and applications that are subject to review by the Local Review Body.

1. Speakers

Public speaking at the Planning and Building Standards Committee is at the discretion of the Chairman of the Committee. However, under normal circumstances the following Groups will be allowed to make verbal representations in respect of each planning application:

- Up to 3 objectors, who have already provided written representations during the course of the application process (Group 1)
- Up to 3 supporters, including the applicant or his/her agent who have already provided written representations during the course of the application process (Group 2).
- Any Member of the Council representing the Ward within which the application lies (Group 3).

Only one speaker per household will be permitted.

2. Registration

Parties will be advised of the opportunity to speak through acknowledgement of application and acknowledgement of representation letters.

Any supporter or objector who may wish to speak at Committee is required to register that interest in writing with the Planning case officer. Anyone registering such an interest will subsequently be notified when a particular application is due to be considered by Committee. Notification will normally be given one week before the date of the meeting. Parties will then be asked to re-affirm their wish to speak at the meeting to the Committee Clerk no later than 12.00 noon on the working day preceding the meeting.

Any Member, who is not a member of the Committee, wishing to speak at the Committee should register that request with the Committee Clerk no later than 12.00 noon on the working day preceding the meeting.

Where more than the permitted number of speakers have expressed an interest in speaking it is for parties to decide in advance of the Committee meeting who should

speak. If agreement cannot be reached it shall be at the sole discretion of the Chairman to decide who should speak.

3. Time Allocation

Each Group of speakers (Group 1, Group 2 and Group 3) will be allowed up to six minutes in which to make their representations. Groups will be encouraged to nominate one speaker. Where this is not possible it will be for each group of speakers to decide in advance how the permitted time is allocated between individual speakers.

The allocation of time should be notified to the Committee Clerk prior to the commencement of the meeting. The allocation of time will be monitored by the Committee Clerk, and will be strictly enforced.

4. Content of Presentations

Presentations should focus on matters that have already been raised in writing. Presentations should not introduce new matters. Speakers should ensure that their statement relates only to relevant planning policies and material considerations directly related to the application under consideration. Speakers will give their presentations to the Committee from a lectern in the Council Chamber. During presentations reference can be made to a maximum of 2 visual aids (photomontages, photographs, maps, plans, etc) that have been lodged properly with the Council in respect of the application being considered and a minimum of 8 days in advance of the Committee. No other audio visual material or handouts will be permitted.

Guidance on what does and does not constitute a material planning consideration is available at the undernoted link.

<http://www.scotland.gov.uk/Publications/2009/07/03153034/11>

The Chairman may intervene to curb irrelevant or inappropriate comments, repetition of points made by an earlier speaker, or deviation from the matter being discussed. Direct comments or criticisms of a personal nature against any individual involved in the planning process will not be permitted.

5. Questions

There shall be no questioning or cross examination of any parties other than by the Committee Chairman who may question a speaker in order to clarify points he/she has made. At the conclusion of their presentation parties shall return to the public gallery and shall take no further part in the Committee proceedings.

6. Order of Speakers

Following a brief introduction of the item by the Chairman of Committee the order of speaking shall be as follows:

- Elected Member(s) who are not members of the Committee.
- Parties objecting to the application.
- Parties supporting the application.

Officers will present the item and their recommendation at the conclusion of the oral presentations following which the Members of the Committee will debate and determine the application.

7. Deferred Items

If an item has been deferred for a site visit or other reason, parties will not normally be invited to make further presentations unless the proposed development has changed significantly, and a further round of consultation has taken place.

8. Behaviour at Planning and Building Standards Committee Meetings

All those in attendance at Committee meetings must be aware that the purpose of the meeting is for Members of the Committee to make decisions on planning applications. Public Speaking procedures are intended solely to assist this process within the guidance set out above.

Any unreasonable or disruptive behaviour will lead to the removal of those persons from the Chamber and/or the suspension of the meeting.

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, 2 February, 2016 at
12.30 pm

Present:- Councillors S Aitchison (Chairman – Education Business), S Bell (Chairman – Economic Development Business)(from para 2.2), D Parker, (Chairman – Other Business), C Bhatia, J Brown, M J Cook, V Davidson, G Edgar, J Mitchell, D Moffat, D Paterson, R Smith.

Also Present:- Councillors I Gillespie, S Mountford, A Nicol, B White.

Apologies:- Councillor F Renton

In Attendance:- Chief Financial Officer, Service Director Children & Young People, Chief Officer Economic Development, Corporate Transformation and Services Director, Clerk to the Council, Democratic Services Officer (F. Walling).

EDUCATION BUSINESS

Present:- Mrs J Aitchison, Ms A Ferahi, Mr D Moore, Mr J Walsh.

Apologies:- Mr G Donald, Mr G Jarvie, Miss E Page.

CHAIRMAN

Councillor Aitchison chaired the meeting for consideration of the Education Business. He welcomed Mrs Aitchison, Ms Ferahi, Mr Moore and Mr Walsh to this section of the Executive meeting and passed on apologies on behalf of Mr Donald, Mr Jarvie and Miss Page.

1. SCHOOL ESTATE - PRE-CONSULTATION AND REVIEW

- 1.1 With reference to paragraph 6 of the Minute of 20 January 2015, there had been circulated copies of a report by the Service Director Children and Young People providing an update on the proposed review of the school estate and seeking agreement to the content of the proposed pre-consultation with communities across the Scottish Borders. The report referred to the principles agreed by the Executive Committee (Education) which would guide a review of the school estate. The pre-consultation would seek to engage with all stakeholders to gather information and views regarding the quality and issues within the current school estate provision. The consultation would also seek views as to what the Council's future school estates provision should aspire to look like. The Council would analyse the feedback and information gathered from the pre-consultation and consider both the information from the public and the Council's own data in analysing the existing school estate. This information would then be used to identify a way forward as to how the school estate would be improved. The report further explained that Scottish Borders Council had produced a Small Schools Policy in 2007 which was attached as an Appendix. The Policy had been produced prior to the Schools (Consultation) (Scotland) Act 2010 and had never been fully implemented, nor had it ever been formally revoked or withdrawn. In light of the change in the statutory framework together with the introduction of the Curriculum for Excellence, this Policy was no longer considered to be relevant or compliant with the 2010 Act. It was therefore recommended that it should now, for the avoidance of confusion, be formally withdrawn.

- 1.2 The Service Director Children and Young People gave Members further information about the pre-consultation and review process by way of a powerpoint presentation. She stressed that the proposed pre-consultation would be carried out on an informal basis by engaging with communities, gathering information and sharing ideas before any formal process under the Schools (Consultation) (Scotland) Act 2010 was undertaken. The aim was to achieve a full, fair and rigorous consultation providing high quality and accurate information and documentation whilst ensuring high standards of transparency. There would be no pre-conceived ideas. The review would identify and consider a full range of possible options such as: status quo; catchment reviews; new build requirements; merger proposals; school closure and re-location of catchment; school re-design within a catchment area e.g. 2 – 18 years, 2- 8 years or 8-18 years campus; and any alternative proposals which may be presented during consultation. The pre-consultation would give the opportunity for all stakeholders to give feedback and there would be open pre-consultation events held in each of the 9 secondary schools in March 2016. There was also an imminent meeting with Parent Council representatives which could also result in further suggestions for engagement. The Service Director answered Members' questions which were in particular about the wording and content of the information provided as a basis for the pre-consultation, managing expectations and concerns, and catchment areas. The most important factor for consideration was the education of children and the best experience that could be achieved for them, and any future proposals would be based primarily on that. She gave assurance that the new build projects which were currently in the final stages of procurement would have sufficient flexibility to be able to take into account the conclusions of the review. In response to questions about placing requests and whether the Council could intervene at an early stage, where placing requests were having significant effects on school roles, she advised that Headteachers had the responsibility to promote their own schools and approach parents of prospective pupils in the catchment area on a one to one basis. Ultimately, however, the Council had a duty to respond to parents' placement requests. In conclusion Members were advised that the findings of the pre-consultation would be reported to Council on 19 May 2016 with a further report on proposals for the school estate being presented in August 2016.

**DECISION
AGREED:-**

- (a) to the proposed pre-consultation on the school estate across the school communities of the Scottish Borders;**
- (b) that the outcome of the consultation be reported back to full Council on 19 May 2016;**
- (c) that the consultation include a consideration of key themes within the previously agreed principles of 'maximising educational opportunities', 'improving individual outcomes', 'sustainability', 'affordability', 'delivery of statutory educational duties', and 'future proof' within the School Estate Strategy;**
- (d) that the Service Director Children and Young People make a final check on the wording and language of the information in the paperwork going out as part of the consultation;**
- (e) that, following the pre-consultation and full Council's consideration of its outcomes, the Service Director Children and Young People prepare a set of school estate proposals to be brought back for consideration by Council in August 2016; and**
- (f) that Scottish Borders Council's Small Schools Policy, produced prior to the Schools Consultation Act 2010, be formally withdrawn.**

MEMBERS

Councillor Bell joined the meeting during the above item of business. Councillor Aitchison left the meeting after the above item and re-joined at the beginning of the Economic Development business.

OTHER BUSINESS

CHAIRMAN

Councillor Parker took the Chair.

2. MINUTE

The Minute of meeting of the Executive Committee of 19 January 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman.

3. SCOTTISH LANDFILL COMMUNITIES FUND

There had been circulated copies of a report by the Chief Executive providing an overview of the Scottish Landfill Communities Fund (SLCF) and seeking agreement for the Council's provisional involvement in the scheme for 2015/16 and 2016/17. It was explained that SLCF was a tax credit scheme, linked to Scottish Landfill Tax, which encouraged Landfill Operators to voluntarily participate in providing funding to facilitate community and environmental projects in areas affected by landfill activity. The SLCF replaced the UK scheme in Scotland on 1 April 2015. SEPA was the Regulator of the Scottish scheme and BCCF Environmental was the Approved Body registered to receive funding generated by the scheme. The Council had actively and successfully participated in the UK scheme since 1999 and it was recommended that the Council continued to facilitate a landfill community fund through participation in the new SLCF scheme. As with the previous UK scheme, 90% of the SLCF budget would be funded from the Council's Scottish Landfill Tax liability with the additional 10% funded by the Waste Services budget as normal. The Council would continue to bear this 10% cost provisionally for 2015/16 and 2016/17 and would forego the need for projects to identify a Contributing Third Party payment. The report recommended the SLCF process for 2015/16 and 2016/17 only. During 2016/17 the impact of the new scheme would be assessed, particularly in relation to the Council's 10% budget commitment and any potential for the scheme processes to benefit from the use of the SBC Community Enhancement Trust. A key change under SLCF was that, in addition to being eligible to apply for Borders funds projects could apply to any Approved Body on the SEPA register and also apply to more than one Approved Body for the same project. This change may provide additional funds to Borders projects. However it may also result in the Borders generated funds being allocated elsewhere in Scotland.

DECISION

AGREED to:-

- (a) participate in the SLCF through its Landfill Tax Liability credits for 2015/16 and 2016/17 (90% of fund);**
- (b) continue to provide the additional 10% of the fund from its Waste Services budget for 2015/16 and 2016/17; and**
- (c) consider a further report in December 2016 recommending the longer term approach to the SLCF from 2017/18 onwards.**

ECONOMIC DEVELOPMENT BUSINESS

Apologies: Mr J Clark, Mr G Henderson

CHAIRMAN

Councillor Bell chaired the meeting for consideration of the Economic Development business. He thanked Members for agreeing to re-schedule the start of the meeting to allow for a very constructive event which had taken place in Hawick that morning to discuss the situation in the town following the closure of Hawick Knitwear and other matters. He also thanked the Corporate Transformation and Services Director and Chief Officer Economic Development for organising the event which was attended by the Scottish Government Minister for Business Energy and Tourism and involved 30 businesses. This was followed by an equally useful meeting at Abbotsford involving the Minister and the Scottish Borders Tourism Partnership.

4. ECONOMIC DEVELOPMENT UPDATE

- 4.1 With reference to paragraph 4 of the Minute of 3 November 2015, there had been circulated copies of a briefing note providing an update on recent Economic Development activities. The Chief Officer Economic Development, Mr Bryan McGrath, referred to the paper and highlighted the main points. Members asked for further information about the 7stanes Community Interest Company (CIC), which would cease trading on 31 March 2016. The Chairman gave assurance that 7stanes remained a powerful brand. He explained that once Leader funding had come to an end the organisation had been unable to generate sufficient funding from other sources to make it viable in the long term. The Company would be wound up in a phased manner with any remaining funds being distributed to other charitable organisations dealing with biking. Future promotion of the 7stanes trails would be managed by Forest Enterprise Scotland (FES) who had the resources and expertise to provide full marketing support to the project. Under the Business section of the update it was reported that Scotland's Employer Recruitment Incentive (SERI) Scheme had been put on hold by the Scottish Government. However the Chairman had been advised that Scottish Government would be re-launching a refined form of the scheme with a sharper focus.
- 4.2 The report that the Scottish Borders was the pilot area for the launch of 'Pub is The Hub' in Scotland was welcomed. The 'Pub is the Hub' organisation had worked with over 500 rural licensees in England and Wales, helping them to diversify their businesses through offering a range of additional services including retail shops, lunch clubs, library services and post offices. The Scottish Government announced a £30,000 grants fund to support publicans' investment in diversification projects, the initial projects being in Etrick and Yarrow, Tweedsmuir and Newcastleton. With regard to the economic impacts (EI) of events during 2015, reported in the update, the Chief Officer Economic Development was asked how these were evaluated and whether any economic disadvantage was taken into account e.g. financial loss suffered by businesses as a consequence of road closures to support an event. Mr McGrath advised that there was some refinement in the way economic impact was measured and that there was an attempt to capture other economic effects in each evaluation.
- 4.3 In further discussion, Members expressed concern about the effect on the Borders economy of the significant delay in initial payments from Scottish Government to farmers under the new Basic Payment Scheme, which had been promised in December 2015. Due to sensitive cash flow issues in the agricultural sector this was having a serious effect, not just on farmers, but on other businesses along the supply chain. In view of the importance of the agricultural industry in the Scottish Borders it was agreed that the Council should support the efforts of the National Farmers Union, in this regard, and express its concern in a letter to the Cabinet Secretary for Rural Affairs, Food and Environment about this unsatisfactory situation. With regard to the new Scottish Borders, East Lothian and Fife Fisheries Local Action Group, which was the decision-making body for European Maritime Fisheries Fund local development applications, it was agreed that a letter be sent from the Leader to the Cabinet Secretary to express concern at the delay in the announcement on the value of funding allocated to Fisheries Local Action Groups in Scotland.

DECISION

- (a) **NOTED the update.**
- (b) **AGREED that letters be sent from the Leader to the Cabinet Secretary for Rural Affairs, Food and Environment to express the Council's concern in relation to:-**
- (i) **the delay in initial payments to farmers under the Basic Payment Scheme; and**
 - (ii) **the delay in the announcement of the value of funding allocated to Fisheries Local Action Groups.**
5. **HIGHLIGHTING INNOVATION - MOUNTAIN BIKING**
- Referring to the fact that 2016 had been designated Scotland's Year of Innovation, Architecture and Design, the Chairman introduced Graeme McLean, project manager for Developing Mountain Biking in Scotland (DMBinS), who was in attendance to give a short video and presentation on the innovations being developed at the Mountain Bike Centre of Scotland at Glentress. The Centre was spearheaded by a partnership between Scottish Cycling, DMBinS, Edinburgh Napier University, Borders College and Scottish Enterprise. In the video it was explained that Glentress Forest had over 300,000 visitors a year. Nationally it was estimated that mountain biking brought in over £150 million annually to the Scottish economy. The Mountain Bike Centre which was opened in June 2014 had engaged with over 100 businesses and effectively established a centre of open innovation, providing resources and expertise. The Centre provided business support, academic and research support and access to a huge number of consumers at the trail centre. Appropriate support could be given to new businesses in order to get a concept all the way from an idea to a commercialised product. The Centre also worked with established businesses to help them diversify into cycling products. There had been 25 business start-ups and the Centre had hosted 20 events. Examples were given of new businesses launched and the type of support and opportunities provided at the Centre. The Centre worked closely with Edinburgh Napier University and wanted to do more to link businesses with Scottish Universities. There were 14 academic partnerships and 10 research projects currently ongoing. A further goal was to attract international companies to Scotland, to attract inward investment and to use the facilities at Glentress to test and launch new products. Members expressed their interest in the work carried out at the Centre. Questions were asked on specific aspects and there was discussion about how this type of innovative support work for businesses could be replicated in other areas of the Borders. Other questions referred to work being carried out to develop mountain bike trails in Craik Forest and in the Ettrick and Yarrow valleys, the potential development of links with local schools, and the links with the railway. The Chairman thanked Mr McLean for the interesting presentation and for his attendance, and wished the Centre every success in the future.

DECISION

NOTED the presentation.

6. **DIGITAL SCOTLAND SUPERFAST BROADBAND ROLL-OUT UPDATE**
- With reference to paragraph 6 of the Council Minute of 26 June 2013, there had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on the progress being made in delivering the Digital Scotland Superfast Broadband (DSSB) programme in the Scottish Borders. The report explained that Scottish Borders Council had contributed strongly to the roll-out of the DSSB programme, providing £8.4m over two years to help extend the roll-out as far as possible in the Scottish Borders. To date, 70 new superfast broadband cabinets had been installed as part of the roll-out, enabling the provision of new services to over 17,500 premises in the Scottish Borders. The roll-out would continue until the end of 2017, aiming to serve

approximately 94% of all the premises in the area. The Scottish Government had also put in place the Community Broadband Scotland (CBS) programme to support those communities and locations where the DSSB roll-out would not reach. However officers were concerned about the limitations of this initiative. Although good progress was being made with the DSSB programme, there was a range of challenging issues still to be addressed in relation to providing superfast broadband services across the Scottish Borders. These issues presented a significant impediment to allowing all communities to access the Broadband services in an equitable way. The DSSB programme would cover less than 94% of premises in the Borders, which meant around 6% of premises, mainly in remoter rural areas, would not be covered by Superfast Broadband and may only have access to slower broadband services, or have no broadband access at all. There was a need for a national solution to this issue, for a programme to cover the remaining 5-6% of premises in the Scottish Borders and other areas of rural Scotland. It was proposed to raise these issues with the Scottish Government when the South of Scotland Alliance met the Deputy First Minister on 8 February 2016. In discussing the report Members raised serious concerns about the unsatisfactory situation of the apparent two levels of Broadband provision which was unacceptable to outlying areas. Attention was also drawn to apparent 'grey' areas where properties were quite proximate due to settlement pattern but which were still not within connection distances to the new superfast broadband cabinets. Members agreed with a suggestion that in remote areas the provision of radio broadband masts could perhaps be considered along with new development and included in the consideration of planning applications. It was also agreed that an updated list was required to indicate, within the DSSB programme, the numbers of premises in the Scottish Borders connected to Superfast Broadband, the number waiting for connection and the number who would not be connected. Members discussed the recommendations of the report. It was agreed the second recommendation should be strengthened but there was a division of opinion about the wording of the first:

VOTE

Councillor Bhatia, seconded by Councillor Cook, moved that the first word of the first recommendation be changed from 'Welcome' to 'Note'.

Councillor Brown, seconded by Councillor Moffat, moved as an amendment that the wording of the first recommendation be unchanged.

On a show of hands Members voted as followed:-

*Motion 5 votes
Amendment 2 votes*

The motion was accordingly carried.

DECISION

- (a) DECIDED to note the progress made on delivering the Digital Scotland Superfast Broadband programme;**
- (b) AGREED to:**
 - (i) express concern at the range of issues affecting delivery of Superfast Broadband in the rural areas of the Scottish Borders;**
 - (ii) request the South of Scotland Alliance to discuss the Superfast Broadband connectivity issues raised in this report with the Deputy First Minister at their meeting on 8 February 2016; and**

(iii) **request an updated list to be circulated to Members indicating, within the DSSB programme, the number of premises in the Scottish Borders that:-**

- (1) were connected to Superfast Broadband;**
- (2) would be connected by the end of the programme; and**
- (3) would not be connected.**

MEMBERS

Councillors Davidson and Edgar left the meeting.

7. BORDERS RAILWAY BLUEPRINT - UPDATE

With reference to paragraph 8 of the Council Minute of 2 April 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on progress in delivering the Borders Railway Blueprint and other railway related project activity. The report recognised that the new Borders Railway represented a once in a generation opportunity to provide a step-change sustainable improvement in the Scottish Borders economy, and particularly in the economies and welfare of some of the disadvantaged communities. However, there was no guarantee that such uplift would occur on its own. The Council, along with its Borders Railway Blueprint partners, was therefore implementing a comprehensive programme of activities to promote economic development through strategies for business development, inward investment and tourism, as well as promoting greater accessibility to labour markets and education and training. The programme had been developed to provide the optimal environment, to realise these positive outcomes for the Scottish Borders economy and local communities. An infographic showing overall progress was attached as an Appendix to the report. Details were given of activities taking place under the themes: great locations for working and investing; great communities for living and learning; and great destinations to visit. It was noted that usage of the railway to date was much higher than predicted. Based on these rates a conservative annual projection would be around one million passengers, in comparison with the pre-opening projection of 647,000 passengers per annum. Members welcomed the update report. In response to questions the Director advised that monitoring information on the financial investment being made by the Council and partners in delivering the Blueprint strategy would be reported on a quarterly basis, the first due to be presented in March 2016. He confirmed that the first phase of the Central Borders Business Park would commence during summer 2016. With regard to the higher than predicted use of Tweedbank, Network Rail and ScotRail were aware that the car park had been at capacity on many occasions and were expected to work closely with the Council in looking at options to address this. It was noted that the development of housing land was now a priority area to be addressed, Scottish Government having facilitated a meeting of senior planners from Scottish Borders and Midlothian Councils to discuss the strategic role of the railway in creating a new 'development corridor' for Scotland. This would also be taken forward in discussions through the South East Scotland Strategic Development Planning Authority.

DECISION

AGREED to:-

- (a) welcome the major commitment being shown by the Council and its Borders Railway Blueprint partners towards maximising the economic benefits of the new railway to the Scottish Borders; and**
- (b) request that the Corporate Transformation and Services Director submit further update reports to the Executive Committee on a regular basis to provide monitoring information on the financial investment being made by the Council and Partners in delivering the Blueprint Strategy.**

8. PRIVATE BUSINESS

**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 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 1 of schedule 7A to the Act.

9. **MINUTE**

The Committee approved the private Minute of 19 January 2016.

10. **URGENT BUSINESS - MATTER ARISING FROM THE MINUTE.**

The Committee considered a matter arising from the Minute.

The meeting concluded at 3.10 pm