

Please find attached the public Committee Minutes respect Item 6 on the agenda for the above meeting

6.	<p>Committee Minutes (Pages 1 - 74)</p> <p>Consider Minutes of the following Committees:-</p> <ul style="list-style-type: none"> (a) Tweeddale Area Forum 2 March 2016 (b) Civic Government Licensing 18 March 2016 (c) Executive 22 March 2016 (d) Pension Fund 23 March 2016 (e) Pension Board 23 March 2016 (f) Scrutiny 24 March 2016 (g) Planning & Building Standards 28 March 2016 (h) Audit & Risk Committee 21 March 2016 (i) Peebles Common Good Fund 31 March 2016 (j) Executive 19 April 2016 (k) Teviot & Liddesdale Area Forum 19 April 2016 (l) Planning & Building Standards 25 April 2016 <p>(Please see separate Supplement containing the public Committee Minutes.)</p>	5 mins
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(a)	Tweeddale Area Forum	2 March 2016
(b)	Civic Government Licensing	18 March 2016
(c)	Executive	22 March 2016
(d)	Pension Fund	23 March 2016
(e)	Pension Board	23 March 2016
(f)	Scrutiny	24 March 2016
(g)	Planning & Building Standards	28 March 2016
(h)	Audit & Risk Committee	21 March 2016
(i)	Peebles Common Good Fund	31 March 2016
(j)	Executive	19 April 2016
(k)	Teviot & Liddesdale Area Forum	19 April 2016
(l)	Planning & Building Standards	25 April 2016

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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 March 2016 at 6.30 p.m.

Present:- Councillors W. Archibald (Chairman), S. Bell K. Cockburn, G. Garvie, G. Logan.
Community Councillors R. Howard, G. Hughes, C. Lewin, G. Parker, R. Tatler, J. Taylor, G. Tulloch.

Apology:- Councillor C. Bhatia.

In Attendance:- Infrastructure Manager (C. Ovens) for para 4, Flood and Coastal Management Team Leader (D. Morrison) for para 4, Strategic Community Engagement Officer (C. Malster) for para 8, Team Leader Road Safety and Traffic Management (J. McQuillin) for para 9, Inspector Mike Bennett (Police Scotland) for para 12, Keith Langley (Fire and Rescue Service) for para 5, Democratic Services Officer (K. Mason).

Members of the Public:- Approximately 50.

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. EASTGATE THEATRE AND ARTS CENTRE, PEEBLES

The Chairman invited Captain Sir David Younger KCVO to present information on the Eastgate Theatre and Arts Centre, Peebles. Sir David explained that Education Scotland in partnership with Creative Scotland undertook three reviews of Creative Place Award winners in late 2015. In Peebles, HM Inspectors found that the Creative Place Award was a catalyst for extending the arts and culture and that the Eastgate Theatre provided strong and effective leadership as a creative hub for the Community. He advised this was a remarkable achievement for a relatively small community and took the opportunity to thank Scottish Borders Council for the arts grants made to the Theatre over the last 10 years. He was disappointed to be losing a direct relationship with the Council because of the transfer to Scottish Border Sport and Leisure Trust. He was confident that the good working relationships between the Council, the Trust and the Eastgate Board would continue. He paid tribute to Caroline Adam and her staff at the Eastgate Theatre and asked that Community Councillors “bang the drum” on behalf of the Theatre and encourage people to attend events there.

3. MINUTE

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

**DECISION
NOTED.**

3.2 With reference to paragraph 2 of the Minute, Councillor Cockburn advised that the name of the Community Councillor representing Manor, Stobo and Lyne Community Council on the Tweeddale Area Forum Sub-Committee – A72 Action Group had still to be confirmed. It was anticipated that the first meeting of the Sub-Committee would be convened within the next few weeks.

**DECISION
NOTED.**

**4. PRESENTATION – SCOTTISH WATER RESERVOIR MANAGEMENT AND
CATCHMENT INFORMATION**

Mr Bill Elliot, Regional Community Team Manager, South of Scotland and Mr Dougie Scott, Reservoir Engineer were present to give a presentation on the operation of Scottish Water Resources in the Tweed Catchment Upstream of Peebles. Ms Angela Foss, Unit Manager, Scottish Environmental Protection Agency (SEPA) was also present. Mr Elliot explained that Talla Reservoir (along with Megget) provided the main supply for the Edinburgh region with up to 70MI/d being abstracted from Talla Reservoir, Approximately 100MI/d was supplied from Megget Reservoir to provide the total required volume. The water from Talla was now used to supply the new Glencorse Water Treatment Works. Talla Reservoir was located in a remote upland catchment, dominated by forestry and open moorland in the headwaters of the River Tweed. The outflow from Talla Reservoir, Talla Water, met the River Tweed at Tweedsmuir, approximately 2km downstream. Talla Reservoir was operated in conjunction with Fruid Reservoir which provided additional supply and also compensation flows to the Tweed. The outflow from Fruid Reservoir, Fruid Water, discharged to the Tweed 2km upstream of Talla Water, Fruid provided a compensation flow both for itself and also for Talla by means of the supply aqueduct which could discharge into Talla Reservoir and also to the base of the Talla impoundment. There were two other Scottish Water reservoirs in the catchments above Peebles, namely West Water and Baddinsgill. Scottish Water held licences under the Controlled Activities Regulations for all 4 reservoirs and these stipulated a release of water, a compensation flow, which must be released every day. This was to ensure that water remained in the rivers when the reservoirs were not spilling. These were also supplemented by requests by SEPA for additional releases at various points in the year, often when needed by fisheries. All 6 Tweeddale Councillors had visited Talla Reservoir when the operation of the same had been explained to them, and now considered that Talla Reservoir did not cause the flooding in Peebles and elsewhere on 30 December 2016. Mr Scott answered questions in relation to the differences in the operation between Talla Reservoir and St Mary's Loch. It was noted during the discussion which took place that Scottish Water's website gave a clear indication of which body was responsible for drains, gullies etc. Community Councillor Tulloch suggested that so as to reach out to the community that Scottish Water could have open days to show members of the public how flooding was mitigated by Scottish Water. Mr Graham Lumb flood victim suggested that those affected by the flood might have the same opportunity as SBC Councillors to visit the Reservoir and that this could be facilitated through Mr John Swanson, Peebles Resilience Group. Mr Elliot indicated visits would not be possible owing to strict health and safety issues. He explained a dedicated model was available on the website showing how reservoirs operated. Councillor Archibald suggested that Scottish Water invite the Chairs of Community Councils to Talla Reservoir. Angela Foss, SEPA explained that SEPA did not undertake work in rivers but provided advice and guidance; she advised that she was happy to meet with local landowners to discuss gravel extraction from river beds. In referring to flood risks Mr Morrison advised that the local authority had a duty to assess all bodies of water with the aim of reducing flood risks. He referred to the development of a risk management plan first published on 22 June 2015 and of a study taking place over the next 6 years to 2022. There was no data on gravel removal but this could be taken up when the study was being carried out as part of the management plan. Peebles, Innerleithen and Walkerburn were ranked number one for a national study. Community Councillor Hughes expressed various concerns and

hoped there would be a higher level of co-operation between the Council and Scottish Water in future studies.

DECISION

NOTED and thanked Messrs Elliot and Scott for their informative presentation and thanked Ms Foss for her attendance.

5. SCOTTISH FIRE & RESCUE SERVICE

Mr Keith Langley, Scottish Fire and Rescue Service presented information on response and resilience activities since the last meeting on 2 December 2015. He also updated Members with information relation to Storms Desmond and Frank. He advised that all stations were participating in the British Heart Foundation Initiative – Call Push Rescue. This was launched on 16 October 2015 – 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. Members commended the Scottish Fire and Rescue Service for their participation in CPR training and the Out of Hospital Cardiac Arrest project.

DECISION

NOTED.

6. URGENT ITEM

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.

7. CHAMBERS INSTITUTION TRUST

Una Richards, Director and Audrey Dakin, Project Officer, Scottish Historic Buildings Trust (SHBT) were present. Una Richards advised that the consultation process in respect of the Chambers Institution, Peebles had been concluded. A paper had been previously circulated advising that 208 questionnaire responses had been submitted, a further 173 additional people attended the stakeholder workshops, giving an overall total of 381 people involved in the consultation. Una Richards went on to advise that the Community consultation results had fed into a proposed updated Vision for the building in the following terms: “local people wanted the Chambers Institution to maintain and enhance its role as the cultural heart of the Community and for it to be attractive, welcoming, well-cared for, accessible and affordable. The key uses of the building were identified as: library, museum, art gallery and meeting spaces, and the quiet contemplative courtyard setting for the War Memorial.” She recommended that the updated Vision for the building be adopted as it summarised the Community’s aspirations for the building and identified the uses that the community had highlighted as critical to be housed in the building. It was further recommended that a re-ordering exercise was undertaken for the Chambers Institution. This should include the appointment of a design team to prepare a number of sketch schemes to explore the architectural feasibility of delivering the ideas for the building put forward by the Community. The sketch schemes should be the subject of a further Community consultation to determine a final scheme. The final scheme should be costed and a viability appraisal prepared for it. This would provide a realistic roadmap to deliver a 21st century vision for the building.

DECISION

NOTED.

8. **PRESENTATION – HOUSEHOLD SURVEY REPORT 2015**

The Chairman introduced Clare Malster, the Council's Strategic Community Engagement Officer, to give a presentation on the results of the recent Household Survey. Ms Malster explained that the biennial survey had been undertaken in 2015 in partnership with the Scottish Fire and Rescue Service, Borders Sport and Leisure Trust, four Registered Social Landlords and Transport Scotland. There had been 2,445 paper surveys returned and 261 responses completed on-line. This was regarded as a good level of response. Ms Malster summarised the results of the survey and compared the findings from the Tweeddale Area with the results from other Area Forum areas, results also being analysed by Ward where appropriate. Comparative figures from the 2013 Household Survey were included. She also referred to relevant projects within the Council's Transformation Programme which were addressing some of the issues identified in the Survey. Overall the vast majority of respondents from the Tweeddale area said they would rate Scottish Borders Council 'excellent' or 'good' (66%). With regard to waste and recycling services 77% in the Tweeddale area were satisfied overall with kerbside waste and recycling collection services, 66% satisfied with the service offered at Community Recycling Centres and 55% satisfied with the council communications/information on waste and recycling services. With regard to roads only 18% were satisfied with the speed of repair to local roads. The top five neighbourhood problems identified in the Tweeddale area were the same as those identified in other areas namely: parking problems (47%); rubbish and litter (31%); anti-social driving including speeding (42%); unwanted callers at the door (23%); and people using or dealing drugs (17%). However 95% rated their neighbourhood as a good place to live. Copies of the full Household Survey report were available at the meeting and Ms Malster advised that the report could also be viewed on the Scottish Borders Council website. Community Councillor Howard asked for clarification on the cost of the food waste collection service. Community Councillor Lewin asked whether it was possible to produce the statistical information sub-divided into Community Councillor areas. Ms Malster advised she would investigate the queries and respond directly to the Community Councillors.

DECISION

- (a) **NOTED and thanked Ms Malster for her informative presentation.**
- (b) **AGREED that Ms Malster would respond to Community Councillors in relation to questions raised regarding (a) clarification on the cost of the Food Waste collection service; and (b) the possibility of producing the statistical information provided sub-divided into Community Council areas.**

9. **SPEED LIMIT REVIEW 2015/16**

There had been circulated copies of a report by the Service Director Commercial Services proposing to extend existing speed limits in Peebles and to introduce a 50 mps speed limit from Peebles to Glentress to take account of a recent region-wide Speed Limit Review. The report explained that in 2015 a Speed Limit review was carried out throughout the Scottish Borders Region by Officers from the Council and the Police. The review was carried out in accordance with Government guidance and the resulting recommendations reduced speed limits on parts of the network which were currently covered by the National Speed limit. A total of 11 lengths of road were agreed to be recommended to be subject to adjusted statutory speed limit. Three of these sites were in the Tweeddale area, from Peebles to Glentress, and at Bonnington Road and Kingsmeadows Road within Peebles. All the sections of the road in question were currently subject to the National Speed Limit.

DECISION

AGREED to approve the amendment to The Scottish Borders Council (The Borders Regional Council) (Restricted Roads) Order 1985 and the creation of The Scottish Borders Council (Various Roads) (50 mph Speed Limit) Order to allow:-

- (a) **the introduction of a 50 mph speed limit on the A72 from Peebles to Glentress;**
- (b) **the extension of the existing 30 mph speed limit on the D66/1 Bonnington Road in Peebles; and**
- (c) **the extension of the existing 30 mph speed limit on the B7062 Kingsmeadows Road in Peebles.**

10. OPEN QUESTIONS

Mr Betts, Peebles Resident raised questions about road pot holes and drainage issues relating to Hay Lodge Park. The Neighbourhood Area Manager (Tweeddale) advised the Council had increased its capacity by 50% in relation to draining machines and this would ensure that the water was flowing better. Jet patching on roads was carried out in a timeous way commensurate with available resources.

**DECISION
NOTED.**

11. COMMUNITY COUNCIL SPOTLIGHT

Community Councillors Tulloch and Hughes referred to the poor condition of the Shiplaw Road and Stobo Straight respectively and the Neighbourhood Area Manager (Tweeddale) advised that repairs were scheduled to be carried out before the end of April 2016.

**DECISION
NOTED.**

12. POLICE SCOTLAND

Inspector Bennett, Police Scotland advised that between 17 December 2015 and 12 January 2016 - 24 sheep were stolen from Thripland Farm. Officers were being tasked to carry out patrols to engage with dog walkers, providing advice and guidance as appropriate paying particular attention to local areas including Cademuir where an initiative was run by Police and landowner previously. SelectaDNA, was still currently being rolled out to not just Farmers but also any establishment in possession of vehicles or machinery, such as Glendinning groundwork's in Walkerburn were they garaged such equipment. He had discussed complaints about "boy racers" in Peebles with Inspector Latto from traffic as the numbers/activity seemed to have increased recently. Arrangements would be made for an initiative to be carried out in the coming weeks, utilising both speed detection equipment and marked and unmarked vehicles. PC Shona Furness, the School Link Officer had been completing 'Conviction' presentations to the S6 at Peebles High School raising awareness of violent extremism and the issues police and partner agencies have tackling it. She continued to deliver Internet Safety with the Primary Schools and the High School and with parents to encourage safe and responsible use of the Internet. Inspector Bennett referred to thefts of money in Innerleithen and break-ins in the West Linton Area. 43 Parking tickets had been issued. Police Scotland had participated in a number of SAGs, which had been co-ordinated by Scottish Borders Council and involved event organisers. The

meetings had provided a forum for discussing and advising on public safety at the events aimed at helping organisers with the planning, and management of an event and to encourage cooperation and coordination between all relevant agencies. Inspector Bennett advised that four Police Officers covered both Tweeddale Wards which meant occasionally it was not possible for Police Officers to attend Community Council meetings. He should be contacted if Community Councils had any complaints or other issues he would pass these to the appropriate Officers for them to action. The Chairman advised that Community Councils appreciated the Newsletter which was issued by Inspector Bennett.

**DECISION
NOTED.**

The meeting concluded at 8.35 p.m.

SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in COMMITTEE ROOMS 2 AND 3,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Friday, 18 March 2016 at
11.00 a.m.

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

Apologies:- Councillor R. Stewart.

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader,
Licensing Standards and Enforcement Officers (Mr I Tunnah and Mr M.
Wynne), Democratic Services Officer (F Henderson), P.C. P. Robertson,
Inspector M. Bennett - Police Scotland.

1. **MINUTE**

The Minute of the Meeting of 19 February 2016 had been circulated.

DECISION

APPROVED and signed by the Chairman.

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of lists detailing the Civic Government and
Miscellaneous Licences issued under delegated powers between 11 February – 9 March
2016.

DECISION

NOTED.

3. **PRIVATE LANDLORD REGISTRATION GOVERNANCE**

There had been circulated copies of a report by the Service Director Regulatory Services
which proposed that the Civic Government Licensing Committee decide cases where
Officers recommend that a private sector landlord was refused registration, or should be
removed from the Private Landlord Register. The report outlined Part 8 of the Antisocial
Behaviour etc (Scotland) Act 2004 which required private landlords, their agents and
properties to be listed on a public register. As a result of staff turnover and service re-
structuring it had been identified that new arrangements required to be put in place by the
Council to deal with any cases where Officers recommend that a private sector landlord
was refused registration or removal from the Private Landlord Register. In the event that
any landlord registration appeals arose there was existing statutory provision that these
could be considered by the Sheriff Court. The Service Director Regulatory Services was
present at the meeting and answered members questions and advised members that the
powers be used carefully and as a last resort in line with the advice from the Scottish
Government that Councils employ a 'light touch' in landlord registration matters, and
Officers had been routinely dealing with such matters since the Scheme was introduced.

DECISION

- * (a) **AGREED TO RECOMMEND to Council the addition to the remit of
the Civic Government Licensing Committee to decide cases where
Officers recommend that a private sector landlord be refused registration,
or that a private sector landlord be removed from the Private Landlord**

Register and that this addition be incorporated into the scheme of administration.

- (b) AGREED that a briefing be undertaken for Members of the Civic Government Licensing Committee on the legal aspects and social work implications of refusing a private sector landlord registration or removing a private sector landlord from the Private Landlord Register.**

SUMMARY OF PRIVATE BUSINESS

LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS – MARCIN KRAJEWSKI

1. The Committee considered a request for the suspension of a Taxi Driver Licence.

MINUTE

2. The Private section of the Minute of 19 February 2016 had been circulated.

The meeting concluded at 11.30 a.m.

SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Tuesday, 22nd March, 2016 at 10.00 am

Present:- Councillors J. G. Mitchell, S. Aitchison, S. Bell, C. Bhatia, J. Brown, M. J. Cook, V. M. Davidson, G. Edgar, J. G. Mitchell, D. Paterson, F. Renton and R. Smith.

Also Present:- Councillor I. Gillespie.

Apologies:- Councillors D. Parker and D. Moffat

In Attendance:- Chief Executive, Depute Chief Executive (People), Chief Financial Officer, Corporate Transformation and Services Director, Chief Legal Officer, Democratic Services Team Leader, Democratic Services Officer (P Bolson).

CHAIRMAN

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

1. PRIVATE BUSINESS DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this minute on the grounds that it involved the likely disclosure of exempt information as defined in the relevant paragraphs of part 1 of schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

2. INTEGRATED SPORT AND CULTURE TRUST - MEMBER TRUSTEE LIAISON GROUP

Members considered a report by the Corporate Transformation and Services Director.

The meeting moved into Public Business to consider the following items.

PUBLIC BUSINESS

3. MINUTE

There had been circulated copies of the Minute of the meeting of the Executive Committee of 8 March 2016.

DECISION

APPROVED for signature by the Chairman.

4. SCRUTINY RECOMMENDATION - PRIVATE WATER SUPPLIES

4.1 There had been circulated copies of a Minute extract from the Scrutiny Committee meeting of 22 March 2016. This related to a request submitted to the Scrutiny Committee by Councillor Bhatia as follows – "*Protection of Private Water Supplies – in relation to Planning e.g. when a planning application is granted which requires an additional private supply or taking water from an existing private supply, how do existing householders ensure that their supply is protected? This may be purely a civil matter or the Council may have a role. This is further exacerbated with large forestry/windfarm applications.*" Councillor Bhatia provided some background to the request. She explained that members of the public had raised concerns with her regarding protection of Private Water Supplies within their communities and that she had therefore asked for Scrutiny Committee to

consider the matter. Councillor Bhatia advised that the information provided by Mr Carson and Mr Barker to the Scrutiny Committee had been extensive and very informative. Members noted that there were measures and conditions which would be applied in specific situations, as detailed in the Minute extract, and that the discussion at Scrutiny Committee had further raised the profile of Private Water Supplies and the areas of concern on this issue.

- 4.2 Discussion followed in relation to the impact of tree removal on surrounding land and water levels and Members' concerns were noted. Councillor Smith, as Chairman of Planning and Building Standards Committee, agreed that this matter also be discussed at the meeting of that Committee on 25 April 2016.

DECISION

AGREED to endorse the recommendations from the Scrutiny Committee that:-

- (a) **Officers from Regulatory Services work with the Council's Communications Team to progress a public awareness campaign –**
- (i) **giving information about grants/conditions available for the improvement of private water supplies;**
 - (i) **encouraging people with private water supplies not on the Private Water Supplies Register to send in their details to allow a more complete mapping of properties/source locations not currently on the Register;**
 - (iii) **placing information on the Council's website;**
 - (iv) **attending Area Fora meetings; and**
 - (v) **involving Community Councils asking for their assistance by providing a map of known properties/sources within their area and requesting them to populate these maps further using local knowledge.**
- (b) **the Director of Regulatory Services continue to ensure sufficient staff resources were available to meet the Council's statutory needs for private water supplies.**

5. FINAL REVENUE VIREMENTS AND EARMARKED BALANCES 2015/16

With reference to paragraph 4 of the Minute of 16 February 2016, there had been circulated copies of a report by the Chief Financial Officer seeking approval for final budget virements and earmarked balances for 2015/16 which had been identified during the monitoring process of the General Fund Revenue Budget at the end of January 2016. Mr Robertson explained that routine virements were detailed in Appendix 1 to the report and they supplemented the virements approved by the Executive Committee during the financial year. They reflected a range of virements to address projected pressures within Services from budget available from other Services; devolved budget from the Centre to DSM school budgets; future year budget adjustments required to finalised the Social Care budget to be delegated to the Integrated Joint Board; and technical accounting adjustments. Appendix 2 contained the earmarked balances and identified that budget would be required to be carried forward to support work scheduled for 2016/17. These earmarked balances supplemented those already approved by the Executive Committee during the financial year to date. The report explained when earmarking was required, namely where projects or initiatives were scheduled for completion during 2016/17; for schools DSM budget as per the approved DSM Scheme; to support the achievement of Financial Plan savings during 2016/17; and to support Corporate Transformation, including ICT, in 2016/17. Officers provided clarification, as requested by Members, in relation to a number of virements. With regard to the Advanced Young Drivers' course offered via Safer Communities, the Depute Chief Executive People advised that there had been a less than anticipated take-up of this opportunity and confirmed that additional ways in which to promote the course and engage with the target audience were being investigated.

**DECISION
APPROVED:-**

- (a) the virements detailed in Appendix 1 to the report; and
- (b) the earmarked balances detailed in Appendix 2 to the report.

6. **SCOTLAND ROUTE STUDY FOR THE RAIL NETWORK**

There had been circulated copies of a report by the Service Director Regulatory Services providing information to Members on the current consultation exercise being undertaken by Network Rail on potential future infrastructure provision on the Scottish Rail Network between 2019 and 2029 and outlined the proposed response from Scottish Borders Council to this consultation. This response had been separated into three key elements, namely Borders Rail; Borders Rail extension; and New Rail Stations. The report provided details under each heading and highlighted aspects of potential development with particular interest to the Scottish Borders. The publication of the final Scotland Route Study document was expected in July 2016. Discussion followed and Members raised a number of questions. Toilet availability at unmanned stations was mentioned and Mr Johnstone, Lead Officer for Access and Transport advised that this was a decision for the operator to make but confirmed that officers continued to discuss this matter with a view to improving the facilities. With reference to the extension of the line and in particular the blueprint and scoping study, Members were advised that officers were working on this as an area of priority. In response to a question about the frequency of trains which stopped at Stow Station, Mr Johnstone advised that this was an operational matter for Network Rail and could be influenced by demand. Members congratulated officers on the report and hoped that what had been achieved so far would be the basis for further success.

DECISION

APPROVED the consultation response from Scottish Borders Council in relation to the Scotland Route Study produced by Network Rail.

ADJOURNMENT

The meeting was adjourned at 10.55am and reconvened at 11.15am

8. **EDUCATION BUSINESS**

Present:- Mrs J Aitchison, Ms A Ferahi, Mr G Jarvie, Mr D Moore, Mr J Walsh.
Apologies:- Mr G Donald.

CHAIRMAN

Councillor Aitchison chaired the meeting for consideration of the Education Business. He welcomed Mrs Aitchison, Ms Ferahi, Mr Jarvie, Mr Moore and Mr Walsh to this section of the Executive meeting

7. **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.

MEMBER

Councillor Edgar left the meeting during consideration of the following item of business

8. **DEVELOPING THE YOUNG WORKFORCE - IMPLEMENTATION AND IMPACT 2015 - 2016**

8.1 The Chairman welcomed Mr Campbell Wilson, Head Teacher at Peebles High School who was in attendance to make a presentation on how the school was working towards

the Developing the Young Workforce agenda. Mr Wilson provided some statistics as background to his presentation, advising that in 2014, 427 young people had actively sought Jobseekers Allowance. In 2015, that figure had dropped to 198 young people. Mr Wilson went on to explain that, since 2010, Peebles High School had been one of the highest attaining schools in the country with a number of its pupils attaining 5 Highers or more however, this was not matched by the number of positive destinations for those pupils. He explained that not all young people wished to go on to university or other further education immediately after leaving school. The challenge for the school and the Council was to increase the number of positive destinations, identifying other Work Based Learning routes available to pupils to achieve their goals and finding workplaces which could provide positive experiences for around 250 young people each year. Included in Mr Wilson's presentation were interviews with young people who had opted not to go to university straight from school. One pupil had joined a local legal firm which could eventually lead to a position as a Paralegal, professional Cashier or a Law Society Solicitor. Another pupil had undertaken a work placement in a local charity shop and was currently developing skills in all aspects of retail business.

- 8.2 Mr Wilson explained that the school and the pupils worked together to identify the best route for achieving a positive destination for each individual then discussions were scheduled with partners to put in place the Work Based Learning opportunities. The Service Director Children and Young People advised Members that a further report and Business Plan would be presented to the Executive Committee in due course. She went on to emphasise the importance of information exchanges between local communities and schools and asked that Members help by sharing the information about Work Based Learning within their local areas and passing any messages from the community back to the school/department. Ms Manson also advised that further information on the Work Based Learning opportunities available in each area would be collated and circulated to Members. Courses such as Accessing Housing were made available to pupils during their senior stage at school and discussion followed in relation to developing and utilising partnerships nationally/outwith the area. Funding from the Scottish Government had made provision for the creation of a Developing the Young Workforce officer post. This position had now been filled for over two months and a range of work was in progress, including identifying and sharing Best Practice. Mr Wilson advised that the number of pupils taking a gap year before deciding on their future destination had increased. He acknowledged that further work was now required to help young people make it a valuable experience as part of planning for their futures after the gap year. The Chairman thanked Mr Wilson for an extremely interesting and informative presentation.

DECISION

NOTED the report.

MEMBERS

Councillor Brown left the meeting prior to consideration of the following item of business and Councillor Bell left the meeting during consideration of the following item of business.

9. INTEGRATED CHILDREN AND YOUNG PEOPLE'S PLAN 2015 - 2018

There had been circulated copies of a report by the Service Director Children and Young People which presented the Integrated Children and Young People's Plan 2015 – 2018. The Plan set out the strategic priorities for integrating Children and Young People's Services across partner agencies in the Scottish Borders. These partner agencies included the Council, NHS Borders, Police Scotland, Scottish Children's Reporter Administrator and the Third Sector. The Plan summarised the progress made during the period of the previous Plan and highlighted the priorities and key actions going forward in the next three years. A wide consultation had been undertaken which included key stakeholders, young people and their families and the wider public. The Plan set out a vision that all children and young people in the Scottish Borders would achieve their unique potential, and identified the main key priorities arising from this exercise were:

keeping children and young people safe; improving health and reducing health inequalities; improving the wellbeing and life challenges for the most vulnerable children and young people; raising attainment and achievement for all learners; and increasing participation and engagement. A high level action plan was linked to each key priority as set out in the Plan. Ms Manson advised Members that a version of the Plan would be made available in a simplified format for ease of reference. In referring to Early Years Centres and their locations, Ms Manson advised Members that a report would be presented to the Education Executive Committee and that this would provide details of the strategic direction of the Council in respect of the Integrated Children and Young People's Plan. Ms Manson explained that it was important for the success of the Plan to ensure that all stakeholders participated in the consultation process and ongoing work to implement the Plan. With regard to the statistics used in the Plan to demonstrate Areas of Deprivation, Ms Manson clarified that the figures were those for 2012 and that any significant changes would be monitored.

DECISION

NOTED the Integrated Children and Young People's Plan 2015 – 2018.

The meeting concluded at 12.30 pm

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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 Wednesday, 23
March, 2016 at 10.00 am

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

Apologies:- Ms R Black, Mr P Smith.

In Attendance:- Corporate Finance Manager, Capital & Investment Manager, HR
Shared Services Manager, Chief Officer Audit & Risk, Democratic
Services Officer (J Turnbull).

1. PRESENTATION - CASH FLOW MODELLING

- 1.1 With reference to paragraph 4.2 (a)(ii) of the Minute of 10 December 2015, the Chairman welcomed the Pension Fund's Actuary, Alison Hamilton, Barnett Waddingham LLP, to the meeting, to give a presentation on Cashflow Modelling. A copy of the presentation was circulated at the meeting. Ms Hamilton began the presentation by advising that the Fund received contributions from the employer, employee and investment returns. The investment returns currently were not drawn down in cash but reinvested straight away by the investment managers. Outgoing payments from the Fund were pension promises and fund administration. With reference to Scottish Borders Council Pension Fund there was a funding level of 101% with a total contribution rate of 18%, which was an appropriate funding plan. Published accounting data for the retirement pension trend showed an increasing amount of pensions being paid out of the Fund. However, there was a decreasing amount of income being paid into the Fund. Ms Hamilton went on to discuss different scenarios which could affect the Pension Fund: including reduction in the 1% income yield, increased retirement age, currency hedging and a reduction in payroll. Ms Hamilton concluded by stating that the Pension Fund was in a strong position. However, there was a requirement for the Fund to consider management of cashflow prior to the next valuation in March 2017.
- 1.2 Mr Ettles added that the value of the Fund on 31 December 2015 was £554m. The key point for the Pension Fund Committee and Pension Board to note was that the Fund was maturing; the pensioner population had grown as overall proportion of liabilities and outgoing payments had increased relative to contributions. This meant that there would be a cashflow shortfall and the Committee had to consider mechanisms for managing this shortfall. Mr Ettles further advised that the three options for meeting the cashflow obligations were to: Disinvest assets in advance, this would be easy to implement and administer. Disadvantages were that the Fund might disinvest at an inopportune time and there would be dealing costs. The second option was to disinvest assets at the required time to meet the shortfall. This was the current approach and was again simple to implement and administer. Similarly to option one, assets might be sold at an inopportune time and there would again be dealing costs. The final option was to use investment income. The Fund would elect to receive income from assets in advance to meet projected shortfall. This option would be straightforward to implement and there would be

no dealing costs. The income could be taken from equities that were overweight. There was currently investment income of £12m which could meet predictable cashflow shortfall. There followed a discussion on which asset class would be the most appropriate for disinvestment. Mr Ettles highlighted LGT which had a wide variety of assets with a 2% yield, property was yielding 2.5% and the Alpha Opportunities Fund yield was 3%. Members agreed to the disinvestment of assets and discussed the different options. Ms Mirley advised that a further report would be presented to the June meeting on delegated powers, monitoring requirements and the framework to allow officers to proceed with the disinvestment if and when required.

**DECISION
AGREED:-**

- (a) to disinvestment of assets from equities; and
- (b) to request the Chief Financial Officer submit a further report to the June meeting of the Pension Fund Committee and Board on delegated powers, monitoring requirements and a framework for disinvestment.

2. MINUTE

There had been circulated copies of the Minute of the Meeting of 10 December 2015.

**DECISION:
NOTED for signature by the Chairman.**

3. RISK REGISTER UPDATE

3.1 With reference to paragraph 4 of the minute of 10 December 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.

3.2 Members asked for clarification on a number of points and were advised that the risk scoring followed the Risk Strategy which had been ratified at Council. Mr Angus advised that the outsourcing of staff would not adversely affect the Fund.

DECISION:-

- (a) **AGREED 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.**
- (b) **NOTED:-**
 - (i) **The management actions progress as contained in Appendix 1, to the report; and**
 - (ii) **No new risks had been identified since the last review.**

4. **CURRENCY HEDGE**

- 4.1 There had been circulated a report by Chief Financial Officer updating the Committee and Board on the current position of the Fund's currency hedging and reviewing the short term position of the hedge. Aon Hewitt had prepared a report for the Pension Fund Investment Sub-Committee on the 2 February 2016 which recommended changes to the current 50% passive currency hedge against the dollar and the Euro with no change in the value of the hedge against the Yen. The Sub-Committee accepted the recommendations in principle, but asked that a further report be brought back to Pension Fund Committee following a further review by Aon Hewitt and Council officers to determine the optimum hedging position following David Cameron's meeting in Brussels and the EU Referendum. Recent movements in the value of sterling against the dollar and a review of how sterling was likely to perform in the foreseeable future indicated a reduction in the Fund's passive equity hedge to 25% against the US Dollar. The hedge ratio against the other overseas currencies, including the Euro and Yen, would remain at 50%. The latest quarter resulted in a payment of £8.3m from the Fund. Due to the liquidity position of the Fund the full value of the required payment was disinvested from the global equity portfolios. Due to currency movements the Fund's equities would have increased in value by c£16.6 m over the quarter.
- 4.2 Mrs Robb advised that a conference call between officers and Aon Hewitt had highlighted a number of issues for consideration including future currency movements and Brexit. Aon Hewitt had also advised that the movement in sterling be monitored regularly, at least monthly, until the active currency hedge manager was appointed.

DECISION

(a) AGREED:-

- (i) to the reduction of hedging on the US Dollar from 50% to 25%;**
- (ii) to delegate to the Chief Financial Officer, in agreement with the Chair of Pension Fund Committee, and based on the advice of the Investment Advisory authority to amend currency hedge levels between 0% and 50%; and**
- (iii) to submit a report in June on the review of the appropriateness of the level of delegation levels as part of the general monitoring.**

(b) NOTED the current position of the currency Hedge.

5. **REVIEW OF ADDITIONAL VOLUNTARY CONTRIBUTIONS**

- 5.1 There had been circulated a report by Chief Officer Human Resources seeking approval from the Joint Pension Fund Committee and Board to commence a review of the Additional Voluntary Contribution (AVC) provision of the Fund. The current provider, Standard Life, had been used since 2002 when the last review was carried out. Due to issues being experienced with the provider, including the lack of promotion of the AVC option, it was considered an opportune time to commence a review of the provision.
- 5.2 Mr Angus, HR Shared Services Manager, was in attendance and in answer to a question advised that promotion of the AVC scheme was not mandatory but would give scheme members additional advice in relation to their retirement. Ms Mirley reminded Members that Council officers were unable to provide independent financial advice.

DECISION:-

- (a) AGREED the commencement of a review of the AVC provision in consultation with procurement.**

- (b) **NOTED that a further update would be provided to the Pension Fund Committee and Pension Board before proceeding.**

DECLARATION OF INTEREST

Having declared an interest as a member of the Borders Sports and Leisure Trust, Ms Ross left the meeting prior to consideration of the following report. Councillor Cook indicated that he would make a declaration of interest if the discussion required.

6. PROPOSED ADMISSION TO THE LOCAL GOVERNMENT PENSION SCHEME

6.1 There had been circulated a report by Chief Officer Human Resources seeking approval for the amendment of the admission agreement for Borders Sports and Leisure Trust into the Local Government Pension Scheme (LGPS) to incorporate those members transferring from Cultural Services. The current provision of Cultural Services by the Council was scheduled to transfer to Borders Sports and Leisure Trust on 1 April 2016. The Council agreed as part of the business case approved on 7 October 2015 that staff who were currently members of the Council's Pension Scheme would remain members following the integration of the Cultural Services and Borders Sports and Leisure Trust. The admission agreement needed to be updated to reflect Borders Sport and Leisure Trust eligibility criteria for future members, where employees must have completed five years' service before they were offered membership to the LGPS. This eligibility criteria would also be applied to those employees transferring who were not currently members of the Scheme and any future new employees of the Integrated Trust. A report was being presented to Council on 31 March 2016 seeking approval for the Council to underwrite the risk of Borders Sport and Leisure Trust's membership of the Pension Fund should the company cease to trade. It was noted that Borders Sport and Leisure Trust, under the terms of the service provision agreement, was precluded from varying the terms of the admission agreement without the approval of Council and the Pension Fund.

6.2 Mr Angus advised that the Pension Fund's Actuary had determined an increased employer's contribution rate of 18% considering the age profile and service of staff involved. The contribution rate had been agreed from 1 April 2016 and would apply until the next triennial valuation of the Fund in 2017 when it would be reviewed as part of the actuarial valuation process. In response to a question Mr Angus advised there would not be an adverse effect for employees transferring into the Local Government Pension Scheme.

DECISION:-

- (a) **AGREED To enter into an appropriate agreement with Borders Sports and Leisure Trust to amend the admission agreement to admit the Integrated Trust to membership of the Pension Fund on terms and conditions to the satisfaction of the Chief Executive and Chief Financial Officer.**
- (b) **NOTED that a report would be presented to Council on 31 March 2016 seeking agreement that the Council would act as guarantor in the event that the Integrated Trust ceased to operate in the future.**

MEMBER

Ms C Stewart left the Meeting following the above report.

7. LGPS POOLED INVESTMENT INFRASTRUCTURE

There had been circulated a briefing paper by Chief Financial Officer the purpose of which was to provide the Committee and Board with an update on the LGPS Pooled Investment work currently underway in England and Wales. Following an announcement by George Osborne MP in October 2015 and a consultation by Department of Communities and Local Government, smaller LGPS funds across England and Wales had been encouraged to consider pooling their investments in a drive to increase efficiencies and increase investment in infrastructure. Initial proposals had been submitted from various pools and

more detailed proposals would follow in July 2016. Reported feedback was that the exercise was time consuming, with issues around governance still to be discussed. The costs involved in transferring assets had also to be taken into account. Implementation and transfer was not expected to start until April 2018. The current review did not affect the Scottish LGPS funds; however, the Scheme Advisory Board was being briefed on a regular basis. Officers would continue to monitor the position to establish if there would be any implications for Scottish LGPS funds. Ms Mirley advised that to pre-empt the threat officers would continue to be proactive in identifying infrastructure investment opportunities and collaboration with other Scottish LGPS Funds. Further briefings would be presented to the Committee and Board.

**DECISION
NOTED.**

MEMBER

Cllr Edgar left the meeting during consideration of the above report,

8. SCHEME ADVISORY BOARD BULLETIN

There had been circulated a copy of the Scheme Advisory Board (SAB) bulletin for information. The Bulletin included information regarding the Pensions Regulator, the workplan, cessation valuations and review of regulations.

**DECISION
NOTED**

9. TRAINING OPPORTUNITIES

9.1 Mrs Robb advised that Baillie Gifford had invited five Members of the Pension Board and Pension Fund Committee to attend a Seminar. The seminar would be held on 5 and 6 October 2016 in Edinburgh and be followed by dinner. Further information would be circulated. Any members interested in attending should contact Mrs Robb.

9.2 A joint training session for Pension Board and Pension Fund members in Scotland was planned for May 2016. It was proposed that the session would take place at COSLA, Edinburgh. Further information would be circulated to Members.

**DECISION
NOTED.**

MEMBER

Councillor Mountford left the meeting following consideration of the above report.

10. ITEMS LIKELY TO BE TAKEN IN PRIVATE

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 10 December 2015.

12. **QUARTER PERFORMANCE UPDATE**
The Committee noted a report by AON Hewitt Consulting.

Note: Mr Ettles, Aon Hewitt, left the meeting.

13. **PENSION FUND APPOINTMENT SUB-GROUP**
The Committee noted the Private Minute of the meeting on 2 February 2016.

MEMBER

Councillor Edgar re-joined the Meeting prior to consideration of the following report.

14. **PROCUREMENT UPDATE**
The Committee noted a report by Chief Financial Officer.

The meeting concluded at 1.25 pm

SCOTTISH BORDERS COUNCIL
PENSION BOARD

MINUTE of Meeting of the PENSION BOARD held in COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on Wednesday 23 March at 1.30 pm.

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting of 10 December 2015.

DECISION

NOTED for signature by the Chairman.

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

The Board discussed the joint meeting of the Pension Board and Pension Fund Committee which had included reports by the Chief Financial Officer on the Risk Register and the Currency Hedge. The Chief Officer Human Resources had submitted reports on the review of additional voluntary contributions and the admission agreement with Borders Sport and Leisure Trust to admit the Integrated Trust to membership of the Pension Fund. There had also been a presentation by Alison Hamilton, the Fund's Actuary and Kenneth Ettles, the Fund's Investment Manager. The presentation had highlighted that the Pension Fund was maturing and there had been discussion on an effective way to manage this by taking cash from asset classes that were overweight. The Board also noted the future volatility of the market in terms of Brexit and the forthcoming USA Presidential Election.

The Board considered that it would have been helpful to have received the final private report on the procurement of the Investment Advisor, prior to the meeting. However, they understood the reasons for the late submission. They were advised that in the future, they could request a breakout session to debate, as a Board, any items of concern. It was also suggested that the Board have a pre-meeting prior to the joint meeting and this would be trialled prior to the June meeting.

DECISION

AGREED to arrange a pre-meeting of the Pension Board, prior to the Joint Pension Fund and Pension Board meeting in June.

The meeting concluded at 1.45 pm.

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SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTE of Meeting of the SCRUTINY
COMMITTEE held in COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Thursday, 24 March,
2016 at 10.00 am

Present:- Councillors G. Logan (Chairman), K. Cockburn, I. Gillespie, B Herd,
Apologies W. McAteer, A. J. Nicol and J. Torrance.
Councillor W Archibald and A Cranston.
Also Present:- Councillors J Greenwell and J Mitchell.
In Attendance:- Chief Financial Officer, Corporate Transformation & Services Director,
Service Director Commercial Services, Clerk to the Council, Democratic
Services Officer (J Turnbull).

1. **WELCOME**

The Chairman, Councillor Logan, welcomed Councillors Herd and McAteer as new members of the Scrutiny Committee. He also congratulated Councillor Torrance on his appointment as the new Vice-Chairman.

DECISION NOTED.

2. **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.

3. **REVIEW SUBJECTS - REQUEST FROM GREENLAW AND HUME COMMUNITY COUNCIL**

With reference to paragraph 4.2 of the Minute of 18 February 2016, the Chairman welcomed Ms S Watters, Corporate Performance and Information Manager, to give a briefing on the research required regarding a request by Greenlaw and Hume Community Council to review outsourcing successes by the Council, in particular, where the service had been outsourced to a third sector organisation. Ms Watters advised that there were a number of successful partnerships which could be considered to illustrate the way in which the Council outsourced delivery of services, particularly procurement with the Third Sector in the social care area. Members discussed how to progress the review and considered reviewing commercial outsourced services, comparisons with other local authorities and services provided through the Council's partnership with CAB. It was agreed that in the first instance, Ms Watters present a report to Scrutiny Committee on the commissioning arrangements with the voluntary and third sector. Members would then make a decision on whether they considered a full review to be appropriate and, if so, which service(s) would be the focus of their review. The Chairman thanks Ms Watters for her attendance.

DECISION

AGREED to request the Corporate Performance and Information Manager present a report to Scrutiny Committee on the Council's commissioning arrangements with the third sector and voluntary organisations.

4. **MINUTE**

There had been circulated copies of the Minute of 18 February 2016.

DECISION

NOTED for signature by the Chairman.

5. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 3.10(b) of the Minute of 18 February 2016, Councillor Cockburn, intimated that Officers had not contacted Mr Taylor to share the information he had gathered regarding private water supplies. The Chairman requested that this be pursued.

DECISION

AGREED that the Clerk to the Council contact the relevant Officers from Regulatory Service and confirm to Members when they had contacted Mr Taylor to share the information he had gathered during his research.

6. **EQUALITIES LEGISLATION IN RELATION TO GRANTS TO LOCAL FESTIVALS**

6.1 With reference to paragraph 4.4 of the Minute of 24 March, there had been circulated a briefing note by the Funding and Project Officer advising on the various changes to the delivery of the Local Festival Grant Scheme (the Scheme) following its review in 2014. In particular, the briefing note outlined the new requirements of the Scheme relating to equalities. The Chairman welcomed Ms Robertson, Funding and Project Officer, and Ms Doyle, Corporate Equality and Diversity Officer, to the meeting. Ms Robertson explained that up until 2015 there had been no control measures or reporting mechanisms for Community Grants. Following a review of the Scheme in 2014, the Executive Committee of 10 March 2015 approved funding for an allocation based Local Festival Grant scheme. Currently 29 local festivals were part of the Scheme and each one received a pre-determined annual grant towards certain festival costs. Ms Robertson advised that as this was an allocation based scheme there was no application form, although Festival Committees had to provide certain information. Funding decisions were made by the Executive Committee on a three yearly basis.

6.2 Ms Robertson further advised that although the Executive Committee had approved funding to 2017/18, it had been noted that there were a number of risks and mitigations which required further action as the three year funding progressed. The risks included: no grant contract stipulating the purpose of the award; legislation changes that might affect the operation of Festival Committees and compliance with the Equalities Act 2010 (Specific Duties) (Scotland) Regulations 2012. Ms Robertson explained that to mitigate these risks all Festival Committee constitutions were now held and had been reviewed by SBC. Festival Committees had also to supply a copy of their Equalities Policy, where they existed and if there was no Equalities Policy in place they were required to sign a pre-prepared Equalities Statement, a copy of which had been circulated with the briefing note. Of the 29 Festival Committees, 13 had an Equalities Policy and the others had signed the statement. Contracts had also been introduced stipulating the purpose of the grant. Prior to a grant release, a monitoring form was required with evidence on grant spend. From 2016/17 this would include feedback on how the grant spend complied with equalities. To assist Festival Committees, guidance notes had been drafted for issue with 2016/17 grants, which included signposting in relation to The Equalities Act and the potential impacts on the voluntary sector. All of these control measures would reduce the Council's risk and ensure that grants were for the specific purpose of wider, unrestricted community participation, ensuring equality of access to the funded element.

6.3 Members asked for clarification on a number of points. Ms Robertson advised that The Bridge would be progressing training for Festival Committees this year, particularly in relation to governance and equalities. Ms Robertson continued that the Council viewed the voluntary sector as being independent; however, there was a duty to ensure that they

were complying with equalities policy. Ms Robertson clarified that it was a legal requirement that each organisation complied with the legislation. By providing their Equalities Policy or signing the Equalities Statement each organisation had intimated that they were doing so. In relation to Festivals holding fee reserves, Ms Robertson advised that this was an allocated grant scheme irrespective of financial circumstances. However, there was no evidence of underspend on grants; analysis of the monitoring reports would clarify if this was the case.

- 6.4 In response to a question regarding male and female ceremonial roles, the Clerk to the Council advised that these were historical appointments detailed in the organisations' constitutions. These could be specifically male or female as long as the event itself was open to everyone and there were no exclusions. Ms Doyle confirmed that the legislation allowed for this. Ms Robertson concluded by stating that the Executive Committee had agreed to three year funding to the Festival Committees in order that there were no adverse effects on any of the existing Festivals. In 2017/18 the scheme would be reviewed again. The Chairman thanked Ms Robertson and Ms Doyle for their contribution.

DECISION NOTED.

7. RE-TRUNKING PARTS OF A7 AND TRUNKING OF A72

- 7.1 With reference to paragraph 3.8(b) of the Minute of 28 January 2016, the Chairman welcomed Mr Andrew Drummond-Hunt, Service Director Commercial Services, and Mr David Richardson, Asset Manager. There had also been circulated a briefing note by Mr Drummond-Hunt giving the potential costs of re-trunking the A7 north of Galashiels and the trunking of the A72 Galashiels – Peebles – Blyth Bridge routes. It also considered the impact that this would have on the funding of the remainder of the road network and the work stream for SBc Contracts and Neighbourhood Services. Scrutiny had requested that officers investigated the impact that re-trunking and trunking of the above roads would have with an understanding that by transferring these roads to Transport Scotland they would receive a higher standard of roads maintenance and a greater number of road improvement schemes would be undertaken. Consideration had been given to the financial impact of any transfer of these 86 km roads (3% of the current Borders roads network) to Transport Scotland, including the possible pro-rata reduction in funding for the balance of the Council's 2865 km of roads. This would result in a roads budget reduction for the Council of around £220k per annum or 6% for the remainder of the Borders roads network. For this financial reason alone, Officers felt that it was not therefore a viable proposition to lobby for any change in the current status of the roads network. It was also unlikely that Transport Scotland would agree to the trunking of the A7 North of Galashiels and the trunking of A72 Galashiels – Peebles – Blyth Bridge routes.
- 7.2 In answer to a question regarding utilising capital funding for roads maintenance, Mr Richardson advised that the capital budget was not allocated to specific road programs but prioritised according to the condition of the road infrastructure. Costs for the amount of spend on specific roads using revenue budget was not easily identifiable as the costs included drainage works, hedge cutting etc across a number of roads. However, the amount spent on surface treatment could be researched and reported back if required. Mr Drummond-Hunt added that funds were allocated dependent on the condition of the road asset at a particular time; if more was spent on one road, then other roads would receive less roads maintenance as a consequence.
- 7.3 In responding to a question regarding the de-trunking the A7, Mr Richardson further advised that this was when the Melrose By-pass had been completed, and clarified that essentially a trunk road linked major cities. Trunking a road did not necessarily mean that the road was maintained to a higher standard. Mr Drummond-Hunt added that there were issues in engaging Amey to respond to complaints regarding the maintenance and repairs to trunked roads. Regarding the damage to the A7, Mr Richardson stated that presently

there was a compensation claim with the contractor for the excessive damage to the roads infrastructure, caused by the volume of traffic and heavy plant machinery during the construction of the Borders Railway.

- 7.4 Discussion followed and it was agreed that the Asset Manager and Clerk to the Council liaise with regard to the amount of surface treatment works spend on the roads infrastructure. Mr Richardson highlighted, that in relation to the A7, the figure would be distorted as there had been no surface treatment works carried out during the construction of the Borders Railway and this was noted. It was agreed that a further report detailing the costs for individual roads, where available, would be brought to a future meeting of Scrutiny Committee. Scrutiny Committee also requested that Councillor Cockburn liaise with Councillors Smith and Turnbull outwith the meeting to establish if there were any recommendations from the Timber Transport conference which could be considered by Scrutiny Committee at the next meeting. The Chairman thanked Mr Drummond-Hunt and Mr Richardson for their contribution.

DECISION

AGREED that the Asset Manager and Clerk to the Council liaise regarding a further report to Scrutiny Committee identifying the revenue and capital costs of works to individual roads in the roads infrastructure.

8. SCRUTINY REVIEWS - UPDATE ON SUBJECTS INCLUDED IN THE FUTURE SCRUTINY REVIEW PROGRAMME

- 8.1 With reference to paragraph 4 of the Minute of 18 February 2016, 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 the subject was appropriate for consideration
- 8.2 The Clerk to the Council advised that the Great Tapestry of Scotland Working Group was scrutinising the process through which the decision was taken to site the Great Tapestry of Scotland in a new-build at Tweedbank. Members noted that there were two reviews scheduled for the April meeting: Support for Highly Able Learners in Schools and School Transport and Escorts. In June there would be presentations on the Bridges Assets by the Service Director Assets and Infrastructure. There would also be a presentation by the Communities and Partnership Manager on the planning and management of community consultations. This review would also include the processes by which the Council canvassed the views of local communities and whether this could be improved upon. It was noted that further reviews on outsourcing and home schooling were also planned for future meetings.
- 8.3 Councillor Cockburn requested a review on how the asymmetric week was working. Scrutiny agreed and requested that this review be presented at the August meeting. Councillor Torrance asked if there could be a review on Social Work's Duty Hub. This was accepted and the Clerk to the Council would contact the Chief Social Work Officer to arrange a presentation if possible for the June meeting of Scrutiny. Councillor Nicol clarified that his request for a review on the remarketing of goods for recycling was to include all recycling centres.

DECISION

NOTED the proposed list of subjects for review by Scrutiny Committee as amended on 24 March 2016 and appended to this Minute.

SUMMARY OF PRIVATE BUSINESS

9. TRANSPORT INTERCHANGE IN GALASHIELS

The Committee noted a presentation by Mr Ewan Doyle, Project Management Team Leader, Mr Rob Dickson, Corporate Transformation and Services Director and Mr David Robertson, Chief Financial Officer.

PUBLIC BUSINESS

10. DATE OF NEXT MEETING

The next meeting of the Scrutiny Committee would take place on Thursday, 28 April 2016.

**DECISION
NOTED.**

The meeting concluded at 11.50 am

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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 28 March 2016 at 10.00 a.m.

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 29 February 2016.

DECISION

APPROVED for signature by the Chairman.

2. **DECLARATION OF INTEREST**

Councillor Fullarton declared an interest in application **14/00417/S36** in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

3. **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.

4. **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 North of Upper Stewarton (Kilrubie Wind Farm Development), Eddleston, Peebles**
- **Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick**

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

- (i) Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping on land and buildings at Wilton Mills 31-32 Commercial Road, Hawick – 15/00100/FUL**
- (ii) External alterations and erection of 4 No flagpoles at Office West Grove, Waverely Road, Melrose - 15/01354/FUL**

(iii) **Erection of dwellinghouse and detached garage/annex on land West of Whistlefield, Darnick**

(c) **there remained one review on which a decision was still awaited in respect of land south of Camphouse Farmhouse, Camptown, Jedburgh**

(d) **There remained 3 Section 36 appeals outstanding in respect of:**

- **Land North of Nether Monynut Cottage (Aikengall (IIa)), Cockburnspath**
- **Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston**
- **(Whitelaw Brae Wind farm), Land South East of Glenbreck House, Tweedsmuir.**

5. 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.

6. SCOTTISH BORDERS DESIGN AWARDS

The Chairman drew Members' attention to the fact that 2016 was the year of Innovation, Architecture and Design and that entries were being sought for the Scottish Borders Design Awards. The Design Awards, last held in 2013, were organised by Planning and Regulatory Services and were intended to recognise and promote examples of recent good design in the region. There were four categories: New Build – residential; New Build – non-residential; Placemaking – new developments that contributed to creating a sense of place; and work to existing buildings – including conversions and extensions. Entries were invited from owners, developers, agents and designers and these must be submitted by the closing date of 29 April 2016.

**DECISION
NOTED**

7. PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

1. MINUTE

The Committee considered the private section of the Minute of 29 February 2016.

The meeting concluded at 13.05 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/00417/S36	Erection of No. 7 wind turbines 100m -110m high to tip	Long Park Wind Farm, Bow Farm, Stow

Decision: Agreed to object to the application for the following reasons:

1. The proposed development would be contrary to Policies G1, BE4 and D4 of the Scottish Borders 2011 Local Plan, in that the development would unacceptably harm the Borders landscape due to:

- (i) the siting of turbines T23 and T25 on ground at a higher level than adjacent turbines, and closer to the edge of containing topography and landform, so that the overall wind farm would have an unbalanced and more prominent appearance, with increased visibility and less visual coherence of the wind farm noticeable from a range of vantage points and with two specified new turbines that relate poorly to the remainder of the development, so that it detracts from the underlying character of the landscape; and
- (ii) the siting of turbines T23 and T25 in such a manner that they interact with and harm the setting of Stow Conservation Area, in particular as witnessed on approach from the north on the A7 where elements of the conservation village are seen with tree-covered hills as backdrop, above which the turbines project substantially.

2. The proposed development would be contrary to Policies G1, D4, BE4 and H2 of the Scottish Borders 2011 Local Plan, in that the development would give rise to unacceptable visual and residential amenity effects due to:

- (i) the increased level of visibility of the development and lack of good topographical containment of turbines T23 and T25 from a range of viewpoints including the Borders Railway and the A7 Trunk Road/Tourist Route;
- (ii) harmful and inappropriate visual impacts of the development in relation to properties at Allanshaws, in particular arising from turbines T26 and T27; and upon the residential amenity of Stow village due to the siting and prominence of T23 and T25 which are not well served by topography and landform, and which strongly interact with the residential setting/core of the village and the Conservation Area, from within which the new turbines would be visible above topography that currently provides screening to existing turbines; and
- (iii) the lack of certainty in relation to potential noise impacts on noise sensitive receptors including private residences.

15/01424/FUL and 16/00064/FUL	Erection of dwellinghouse with integral garage and erection of dwellinghouse With detached garage on Plots 6 & 7	Land North East of Romano House, Romano Bridge
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NOTE

Councillor Catriona Bhatia and Mr William Bealey spoke against the applications.

Application 15/01424/FUL

Decision: APPROVED subject to the following conditions and informative:

- 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. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.

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

3. 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.

4. No development shall commence until detailed drawings, showing which trees are to be retained on the site are submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

5. No development shall commence until the trees to be retained on the site have been protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

6. The verge crossing serving the site must be completed to the Council's satisfaction using a block paved construction to the specification shown below:
 - 80mm thick approved block paving laid on 30mm sharp sand laid on 100mm DBM binder course laid on 250 type 1 sub-base.

This work must be carried out by a contractor first approved by the Council. The gradient of the parking/driveway must be not greater than 1 in 15 and the parking for a minimum of two vehicles must be provided prior to occupation of the dwelling and retained thereafter in perpetuity.

Reason: To ensure that adequate parking is provided within the site in the interests of road safety

7. A pre-construction and post-construction survey of the route along Halmyre Loan shall be undertaken and submitted to the local planning authority. Any remedial works identified as a result of the construction vehicles using this route, will require to be rectified by the developer within an agreed timescale. This includes any emergency remedial works.

Reason: To ensure that a suitable standard of access is maintained to the locality in the interests of road safety

8. The details of all boundary walls and/or fences to be submitted to and approved by the planning authority before development is commenced.

Reason: To safeguard the visual amenity of the area.

9. Notwithstanding the information submitted with the application, the means of water supply and of both surface water and foul drainage to be submitted to and approved by the planning authority before development commences.

Reason: To ensure that the site is adequately serviced.

Informative

The landscape proposals should incorporate the areas of planting shown in the plan submitted by the Council's landscape architect dated 15 February 2016.

Application 16/00064/FUL

Decision: APPROVED subject to the following conditions and informative:

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

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

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

3. 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.

4. No development shall commence until detailed drawings, showing which trees are to be retained on the site are submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

5. No development shall commence until the trees to be retained on the site have been protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

6. Before any development commences on site a revised plan of the parking and turning area shall be submitted to the local planning authority for approval. This plan needs to demonstrate that there is an adequate turning area to ensure vehicles can manoeuvre satisfactorily in order to re-join the road in a forward gear.

Reason: To ensure that adequate parking is provided within the site in the interests of road safety

7. A pre-construction and post-construction survey of the route along Halmyre Loan shall be undertaken and submitted to the local planning authority. Any remedial works identified as a result of the construction vehicles using this route, will require to be rectified by the developer within an agreed timescale. This includes any emergency remedial works.

Reason: To ensure that a suitable standard of access is maintained to the locality in the interests of road safety

8. The details of all boundary walls and/or fences to be submitted to and approved by the planning authority before development is commenced.

Reason: To safeguard the visual amenity of the area.

9. Notwithstanding the information submitted with the application, the means of water supply and of both surface water and foul drainage to be submitted to and approved by the planning authority before development commences.

Reason: To ensure that the site is adequately serviced.

10. The verge crossing serving the site must be completed to the Council's satisfaction using a block paved construction to the specification shown below:

- 80mm thick approved block paving laid on 30mm sharp sand laid on 100mm DBM binder course laid on 250 type 1 sub-base.

This work must be carried out by a contractor first approved by the Council. The gradient of the parking/driveway must be not greater than 1 in 15 and the parking for a minimum of two vehicles must be provided prior to occupation of the dwelling and retained thereafter in perpetuity.

Reason: To ensure that adequate parking is provided within the site in the interests of road safety.

11. Proposals for a revised design of detached garage shall be submitted for the approval of the planning authority prior to the development commencing and, once approved, the garage shall be developed in accordance with the approved plans. The garage to be a single storey building and shall not include any accommodation within the roof space.
Reason: To ensure a satisfactory layout and relationship with adjoining properties within the development.

Informative

The landscape proposals should incorporate the areas of planting shown in the plan submitted by the Council's landscape architect dated 15 February 2016.

16/00024/FUL

Erection of wind turbine 28.8m high to tip (renewal and amendment to previous consent 12/00950/FUL)

Land North West of Deanfoot Farmhouse, West Linton

NOTE

Mr Paul Aitken spoke against the application.

Decision: APPROVED subject to the following conditions:

1. At wind speeds not exceeding 10m/s at rotor centre height, the wind turbine noise level at each noise sensitive property shall not exceed the levels in table 1

Table 1

Location		Wind speed at rotor height in m/s averaged over 10 minute periods. Sound pressure levels in dB LA90, 10mins									
Property Name	Map ref	4	5	6	7	8	9	10	11	12	
Cottage Farm	315280 652836	19	20	21	25	29	33	36	38	40	
Linton Grange	315355 652453	15	17	18	21	26	30	32	34	36	
5 Dryburn Brae	315424 652378	15	16	17	21	25	30	32	34	36	
6 Dryburn Brae	315467 652310	14	16	17	20	25	29	31	33	35	

Reason: To protect the residential amenity of local residents

2. At the request of the Planning Authority, following a complaint to Scottish Borders Council relating to noise immissions from the wind turbines, the wind turbine operator shall shut down the turbine not later than 24 hours after receipt of the request and at his own expense employ an independent consultant, approved by the Planning Authority, to assess the level of noise emissions from the wind turbines (inclusive of existing background noise). The background noise level shall also be measured without the wind turbine operating. The noise of the turbine alone can then be calculated by logarithmic subtraction. If requested by the

Planning Authority the assessment of noise immissions shall include an investigation of amplitude modulation in a manner agreed with the Authority.

Reason: To protect the residential amenity of local residents

3. Should the wind turbine sound pressure level exceed the level specified in the above conditions the turbine shall cease operation until such time as it has been demonstrated to the Planning Authority that the sound pressure level, referred to in condition 1, can be achieved.

Reason: To protect the residential amenity of local residents

4. The development shall be removed, and the land restored to its former condition, within 20 years of the date of this planning permission, unless further planning permission in this regard is obtained.

Reason: To enable the planning authority to reconsider the planning position in the light of updated policy, and having regard to the nature of the development, which is likely to require to be upgraded as technology advances.

5. No development shall commence until the developer has provided the Planning Authority with the date of commencement of construction; the date of completion of construction; the maximum height of construction equipment; the latitude and longitude of the turbine.

Reason: To allow the records of Defence Estates Safeguarding to be amended and updated

6. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

Reasons:

(i) To maintain safety for both the trunk road traffic and the traffic moving to and from the development

(ii) To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

7. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

16/00021/PPP

Erection of two dwellinghouses

**Land East of
8 Talisman Place,
Peebles**

NOTE

Mr K Simpson spoke against the application.

Mr Tim Ferguson, Ferguson Planning, spoke in favour of the application.

Decision: APPROVED subject to the following conditions and informatives and to a legal agreement:

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.

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 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. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored – including trees within and immediately adjoining the eastern site boundary, to be identified by tree survey, and beech hedging surrounding the site.
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works including replacement and under-storey tree planting at the site entrance and within the plots.
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.
 Reason: To ensure the satisfactory form, layout and assimilation of the development.

4. The trees and hedges on and adjoining this site, which are identified to be protected, shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees and hedges, together with such other measures as are necessary to protect them from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed. Once completed, the trees and hedges to be retained thereafter in perpetuity.
Reason: To ensure that adequate precautions are taken to protect trees and hedges during building operations.

5. The development to make provision for two off street parking spaces (excluding garage) and a vehicular turning area for each plot within the site, to be provided before occupation of the associated dwellinghouses and retained thereafter in perpetuity.
Reason: In the interests of road safety.

6. The first application for Approval of Matters Specified as Conditions to include schemes for junction and roadway improvements at the junction of Kingsmeadows Gardens and Kingsmeadows Road and for the site access from Kingsmeadows Gardens. Once the improvements and details are approved, the works then to be completed in accordance with the programme agreed under the schemes.
Reason: In the interests of road safety.

7. 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.

8. The ridgelines of the proposed dwellinghouses to be no higher than the highest of the ridgelines of Kingsmeadows Stables that immediately adjoin the application site and White Cottage.

Reason: To safeguard the character of adjoining listed buildings and the residential amenity of the occupants

Informatives

1. It is recommended that the designs for both plots are submitted together and consist of similar or complimentary scale, layout and finishes, based upon two L-shaped designs forming a U-shaped overall built footprint with the open part of the U-shape facing north.
2. Please be aware that the owner of White Cottage claims that the development site contains drains and a septic tank used by that property.

**16/00013/LBC and
16/00015/FUL**

Replacement Windows

**149, High Street
Galashiels**

Application 16/00013/LBC

Decision: APPROVED subject to the following conditions:

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

Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The kitchen window shall be replaced with a vertically sliding sash window which matches the glazing pattern and external colour of the existing window, and the bedroom window shall be replaced with a tilt-and-turn window which matches the glazing pattern and external colour of the existing window. The existing windows, including boxes, shall be removed in their entirety prior to installation of the replacement windows, which shall be fitted into the opening to the same extent as the existing windows

Reason: To safeguard the special architectural and historic interest of the Listed Building

Application 16/00015/FUL

Decision: APPROVED subject to the following conditions:

1. The kitchen window shall be replaced with a vertically sliding sash window which matches the glazing pattern and external colour of the existing window, and the bedroom window shall be replaced with a tilt-and-turn window which matches the glazing pattern and external colour of the existing window. The existing windows, including boxes, shall be removed in their entirety prior to installation of the replacement windows, which shall be fitted into the opening to the same extent as the existing windows

Reason: To safeguard the character and appearance of the Conservation Area

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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 Tuesday, 29th March, 2016 at 2.00 pm

Present:- Councillors M. Ballantyne (Chair), I. Gillespie, A. J. Nicol and B White (Vice-Chairman); Mr M. Middlemiss.
Apologies:- Councillors J. Campbell and S. Scott; Mr P. McGinley and Mr H. Walpole.
In Attendance:- Depute Chief Executive Place, Chief Financial Officer, Chief Officer Audit and Risk, Democratic Services Officer (P Bolson); Mr M. Swann – KPMG.

1. MINUTE

- 1.1 There had been circulated copies of the Minute of 18 January 2016.

DECISION

APPROVED for signature by the Chairman.

- 1.2 With reference to the recommendation in paragraph 6(b) of the Minute, Mr Swann was asked to follow this matter up and report to the next meeting of the Audit and Risk Committee.

DECISION

NOTED.

2. RISK MANAGEMENT IN SERVICES

The Service Director Regulatory Services, Mr Brian Frater, was in attendance to brief the Committee on the strategic risks facing the various sections within Regulatory Services and to explain the internal controls and governance in place to manage and mitigate those risks. Hand-outs were distributed at the meeting to supplement the presentation. Mr Frater explained that he currently managed eight areas of the service, namely Assessor and Electoral Registration; Audit and Risk; Health and Safety; Housing Strategy and Services; Legal and Licensing; Passenger Transport; Planning and Related Services; and Regulatory Services (which included Environmental Health and Trading Standards). In his role, Mr Frater was also the Council's Senior Information Risk Owner (SIRO) and the Monitoring Officer. Risk Registers for each of the services were developed through the Business Planning Process and were owned by Service Managers within that service. The Registers were reviewed by the Service Director and Management Team and when necessary, risks were escalated to the Corporate Management Team (CMT). Mr Frater referred to the key overarching issues facing Regulatory Services, namely financial pressures; unpredictability of the economy; increased demands and expectations; Government policies and legislation; and new operating models such as SB Cares and other ALEOs, Trusts etc. A number of key risks were identified for internal facing services and these were listed as health and safety non-compliance; legislative failure; data breach (both in how the organisation handled data and in respect of ALEOs); and breaches of the Councillors' Code of Conduct. Risks challenging the outward facing services related to failure to demonstrate continuous improvement, and in some cases this could include a Penalty Clause imposed by the Government; failure to monitor and enforce in areas such as dog control, food premises and private water supplies; and failure to inspect and maintain bridges and structures. In terms of managing these risks, Mr Frater explained that this was achieved by effective project/programme and change management which was applied across the Council within the business planning process. Appropriate and effective training was delivered to support this process and self-evaluation, peer review, inspections and both internal and external scrutinisation also played an important role.

Regular monitoring of performance measures was also carried out to ensure that risk was being managed effectively. Mr Frater responded to Members' questions in relation to how the Risk Register was monitored, the way in which consistency of approach was delivered and the positive manner in which training had become embedded within services. He advised that there were circumstances when a level of tolerance of risk was necessary and this was considered as part of the process to deliver efficiencies. The Chairman thanked Mr Frater for his presentation.

DECISION

NOTED the presentation.

3. INTERNAL AUDIT WORK 2015/16 TO FEBRUARY 2016

- 3.1 With reference to paragraph 4 of the Minute of 18 January 2016, 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, 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 January to 29 February 2016, a total of six final internal audit reports had been issued. There were 4 recommendations made (0 Priority 1 High Risk, 3 Priority 2 Medium Risk, and 1 Priority 3 Low Risk) specific to two 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 objectives, 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. Ms Stacey advised that in addition to the Internal Audit work currently in progress, the Chief Officer Audit and Risk had also been appointed as the Chief Internal Auditor for the Health and Social Care Integration Joint Board (IJB) and would be working with the Board and its partners to support its governance.
- 3.2 With regard to the review of Financial Governance – Creditors Payments, Ms Stacey explained that the purpose of this was to ensure that payment processes at a Service level for both Proactis and non-Proactis source systems were accurate and appropriately authorised. During the Audit, management had initiated a project to replace the core Financial and HR Systems by 2017. Ms Stacey informed Members that an interim audit report had noted a lack of clarity and highlighted some inconsistency within the financial systems in relation to delegation levels of authority for approving and payment of orders and invoices. These issues would be addressed by 31 March 2016. Some control weaknesses had been identified within the existing systems scheduled for replacement. The recommendations therefore focussed on the scope of the project, the inclusion of work to address these issues during the development process and the assurance that appropriate guidance and corporate policies were in place to support the new systems. Ms Stacey advised that the Management response stated that there had to be a significant culture change around the recognition and application of financial governance across the organisation and the new system in order to resolve the weaknesses.
- 3.3 A review of the Council's Information Governance had been undertaken to examine the framework, roles and responsibilities, policy development and implementation in place. Following the establishment of the Information Governance Group (IGG) and the development of the Information Governance Improvement Plan (IGIP), there had been fewer than anticipated meetings of the Group and subsequent concern that insight gained during the development of the governance framework would be lost. It had been noted that the IGG had met regularly since February 2015, the Service Director Regulatory Services now fulfilled the role of Senior Information Risk Owner (SIRO) and the Interim Project Manager post, to work alongside the Information Management Team, had been filled since January 2016. Significant progress had been made since the beginning of the year and Ms Stacey reported that there would be an Internal Audit project assurance presence on the Project Board.

- 3.4 Ms Stacey advised that two recommendations were still outstanding from the review on Data Security and Information Management dated 4 April 2014, namely that processes were required for the holding of records in line with the Council's retention schedule; and the introduction of housekeeping processes to provide assurance that all physical personal data records were identified and stored appropriately. Further, additional recommendations had been made. A central repository for Data Sharing Agreements with other government agencies should be established alongside guidance on who could sign these documents, development of processes to ensure that the undertakings within the agreements were being fulfilled and the implementation of regular reviews of any outstanding actions. A review of the Council's Information Policy and Strategy should be undertaken which would then be used to prepare a structured programme of work for the IGG and would include clarification of the roles and responsibilities of the members. Officers responded to Members' questions relating to current processes for robust Information Governance and financial controls.

DECISION

- (a) **NOTED the final reports issued in the period from 1 January to 29 February 2016 to deliver the Internal Audit Annual Plan 2015/16; and**
- (b) **ACKNOWLEDGED that it was satisfied with the recommended audit actions agreed by management.**

MEMBER

Councillor Gillespie left the meeting during consideration of the following item of business.

4. MAJOR CAPITAL INVESTMENT IN COUNCILS - FOLLOW UP

- 4.1 There had been circulated copies of a follow up report by Audit Scotland on major capital investment by Councils across Scotland. It was explained that the previous audit report published in 2013 had made a number of recommendations and the current follow up report assessed the extent to which Councils had improved their performance in respect of managing their capital investment programme and projects and summarised the actions taken by Councils between 2012/13 and 2014/15. Generally the report recognised the improvements that had been made to date and those still in progress to further develop Council strategies and plans. However, it was also recognised that additional work was required in a number of areas, as detailed in the report and appendices. With reference to the report before the Committee, cognisance was taken of actions implemented to strengthen monitoring of capital investment programmes, the use of Accounts Commission checklists and the application of lessons learned to new capital projects.
- 4.2 A number of recommendations were made in the report before Committee, namely that Councils should: ensure that business cases complied with good practice and that these were monitored and reviewed for all capital projects; carry out regular post-project evaluations to establish whether planned benefits had been realised; plan for key stage project reviews to provide assurance on progress and early identification of potential problems; and sharing lessons learned both within the organisation and with other Councils. Members noted the position within Scottish Borders Council and the areas for improvement as stated for Capital Projects within the Appendix to item 3 Internal Audit Work 2015/16 to February 2016. The report also identified the requirement to provide Elected Members with regular and accurate information to enable them to undertake their scrutiny role and the report went on to detail the ways in which Councils should develop their capital monitoring reporting for this purpose. Again, Members noted that there were a number of sound examples of good practice across SBC. Discussion followed and officers replied to Members' questions. The Chief Financial Officer advised that the Administration Finance and Resources Working Group (AFRWG) also had a role in terms of monitoring the funding of capital investment programmes. The Council's flood

protection planning was given as a sound example of the effectiveness of monitoring and tracking of processes and it was acknowledged that information about how these internal controls were applied could be better communicated to the general public.

DECISION

NOTED the report.

5. INTERNAL AUDIT CHARTER

With reference to paragraph 10 of the Minute of 23 March 2015, there had been circulated copies of a report by the Chief Officer Audit and Risk, presenting Members with the updated Internal Audit Charter for approval. Ms Stacey advised Members that the Charter had been amended to include improvement actions identified in the PSIAS self-assessment in 2015/16; the external quality assessment carried out by Renfrewshire Council as reported to the Committee in November 2015; and corporate management changes that had affected the Audit and Risk service.

DECISION

AGREED to approve the updated Internal Audit Charter.

6. INTERNAL AUDIT STRATEGY AND INTERNAL AUDIT ANNUAL PLAN 2016/17

There had been circulated copies of a report by the Chief Officer Audit and Risk seeking approval for the Internal Audit Strategy and Internal Audit Plan 2016/17 to enable the preparation of the annual internal audit opinion on the adequacy of the Council's overall control environment. Ms Stacey explained that the Internal Audit function followed the professional standards as set out in the Public Sector Internal Audit Standards (PSIAS) and required the establishment of risk-based plans to determine the priorities of internal audit activity and that these plans were capable of reflecting the changing risks and priorities within the organisation. The Internal Audit function also included the requirement to provide senior management and Elected Members with independent and objective assurance on internal control, risk management and governance to support and improve the Council's operation. The Internal Audit Strategy was laid out in Appendix 1 to the report and the Internal Audit Annual Plan 2016/17 was detailed in Appendix 2. Ms Stacey explained that Internal Audit's programme of work would be scheduled in detail from the Annual Plan, with further input from Management in terms of timing and scope. Members questioned the savings for Audit and Risk when more work has been taken on by Internal Audit in respect of SB Cares and the Health and Social Care Integration Joint Board. Future Internal Audit Annual Plans would give consideration to these issues and to how improved delivery methods would potentially reduce the level of risk and change the way in which the Internal Audit service was provided. Members were assured that a transparent internal audit requirement would be built into any Service Level Agreement with ALEOs.

DECISION

AGREED to approve the Internal Audit Strategy and Internal Audit Annual Plan 2016/17.

7. EXTERNAL AUDIT SCOTTISH BORDERS PENSION FUND AUDIT STRATEGY 2015/16

There had been circulated copies of a report by KPMG, the Council's external auditor which summarised the role of KPMG, the scope and purpose of the work to be undertaken and significant audit risks and other focus areas for consideration. Mr Swann, KPMG's Engagement Manager summarised the findings contained in the report, advising that Materiality had been set at £470k (2% benchmark). Three areas of significant audit risk were listed in the report: fraud risk from management override of controls; fraud risk from income recognition; the valuation of investments. The report noted that the majority of investments were currently held in listed securities and that further verification of these investments would be carried out to provide maximum assurance of their valuations. Mr

Swann answered a question in relation to the Valuation of Assets, explaining that there were various levels of valuation which could be used.

DECISION

NOTED the report.

8. EXTERNAL AUDIT INTERIM MANAGEMENT REPORT 2015/16

There had been circulated copies of an interim management report and audit status summary for the year ending 31 March 2016 by KPMG. The report provided an update of the results of the control framework testing, overarching governance and systems controls, along with KPMG's assessment of the key risks and other focus areas for the year. Four recommendations had been made in respect of minor observations and these related to organisational policies, bank reconciliations, journal authorisation and Financial Information System (FIS) new user forms. Management actions had been agreed in all cases and Members were advised that the Council's Financial Regulations and associated policies and procedures would be reviewed and updated as part of the project to implement the new Business World ERP system. Mr Swann answered a question with reference to Health and Social Care Integration, and explained that there was a requirement for the Integration Joint Board to provide audited accounts. This was likely to take effect from the date that Parliament approved the Scheme of Integration. Further information would be presented to the Committee in due course.

DECISION

NOTED the report.

9. PROCUREMENT IN COUNCILS - IMPACT REPORT

There had been circulated copies of a report by the Accounts Commission which was published in February 2016 that explains how its audit report on "Procurement in Councils" published in April 2014 has been used by stakeholders including the Scottish Parliament, Scotland Excel and Councils. The report detailed the aims, objectives, key messages and recommendations from the original audit. Discussion followed and Mr Swann confirmed that the regulations governing procurement within Councils had become increasingly complex, advising that Scottish Borders Council had continued to remain compliant. A Procurement Workshop facilitated for Elected Members in September 2015 had been well received but it was noted that a number of Members had been unable to attend at that time. It was therefore intended to repeat the workshop to give all Members an opportunity to attend.

DECISION

NOTED the report.

10. OVERVIEW OF LOCAL GOVERNMENT IN SCOTLAND 2016

There had been circulated copies of a report by the Accounts Commission published in March 2016, presenting an overview of local government in Scotland in 2016 which draws on the findings from local government audit work in 2015, including audits of 2014/15 financial statements, Best Value, Community Planning and performance. The Chief Financial Officer summarised the report, advising that this was generally very positive whilst recognising the challenges facing Councils. The report contained a number of key messages. These were that: Members would be faced with increasingly difficult decisions to make about how to spend reducing budgets; Councils would need to re-evaluate options for changes in service delivery; customer satisfaction had declined in some areas of service delivery and Councils would need to consider ways to improve ratings in the face of further budget reductions; the impact of workforce reductions and the potential loss of knowledge and skills would have to be considered; the Council and partners would need to respond to the Community Empowerment (Scotland) Act 2015, involve local communities more in the decision-making and delivery of services to meet local needs; and the skills and knowledge that Members needed to fulfil their increasingly complex role required regular updating to ensure that they were able to challenge and scrutinise

decisions and performance. A general discussion followed and Members noted that the establishment of SB Cares was included in the report as an example of a new ALEO.

DECISION

NOTED the report.

11. HEALTH & SOCIAL CARE INTEGRATION

- 11.1 There had been circulated copies of reports by the Accounts Commission on 'Health and Social Care Integration' and 'Changing Models of Health and Social Care' which were published in December 2015 and March 2016 respectively. The former report detailed the key messages and recommendations and noted that this was the first of three planned audits of this major reform programme. This report noted that all integration authorities would be operational by the statutory deadline of 1 April 2016 and the required governance and management arrangements would be in place by this deadline. Significant risks had been identified and these would need to be addressed to ensure the effective delivery of health and care services in the future. Difficulties in agreeing budgets and uncertainty about longer term funding meant that strategic plans, with clear targets and timescales, had not yet been finalised. Other risks were contained in this report, including the different terms and conditions of service for Council and NHS staff and the recruitment and retention of GPs and care staff. The latter report assessed how NHS boards, councils and partnerships might deliver services differently in the future to meet the needs of the population. This report highlighted examples of some of the new approaches to providing health and social care aimed at shifting the balance of care from hospitals to more homely and community-based settings. It also considered some of the main challenges to delivering the transformational change needed to deliver the Scottish Government's 2020 Vision for health and social care and actions required to address them.

DECISION

NOTED the reports.

- 11.2 There had been circulated copies of a report by the Health and Social Care Partnership Integration Joint Board Chief Financial Officer, Mr Paul McMenamin, updating Members on the progress made within the Health and Social Care Integration (H&SCI) programme to date. The report outlined the outcome of a compliance assessment of the work undertaken within the Scottish Borders against the legislative provisions within The Public Bodies (Joint Working) Scotland Act 2014 and the subsequent recommended best practice guidance issued by the Scottish Government/Integrated Resources Advisory Group (IRAG). Mr McMenamin explained that the shadow year for the Integration Joint Board (IJB) was approaching its end and the assessment of progress was to provide assurance over the appropriateness and comprehensiveness of the work undertaken to date and to identify where further work was required. The report explained that the IJB would comply with the public sector good practice governance and its Scheme of Integration set out the detail of the arrangement between Scottish Borders Council and NHS Borders. Mr McMenamin advised that there were areas of work outstanding and these, along with the work completed and in progress, were detailed in Appendix 1 to the report. All required arrangements will have been approved/established during the first year of operation of the IJB. Members noted that £793k of savings were still to be identified in the Financial Plan for 2016/17. In terms of assurance of efficiency of resources, robust governance arrangements were in place and Members were advised that, as the newly appointed Chief Internal Auditor to the Board, Ms Stacey would be looking at the development of an Assurance Framework for the IJB. A detailed updated Action Plan was attached at Appendix 2 to the report.
- 11.3 Members requested further information about the Council's role and responsibilities and those of the Audit and Risk Committee. Mr McMenamin explained that an Annual Report would be submitted to the Council, NHS Borders and the IJB. He further advised that work was ongoing to establish robust outcomes and measurement tools for the IJB. In terms of

the Audit and Risk Committee, it was noted that further clarification was required. The Chairman of the Council's Audit and Risk Committee would therefore write to the Chair of the NHS Borders Audit Committee to further clarify the roles and responsibilities of each organisation and therefore avoid the potential for duplication of assurance reporting. The Chairman thanked Mr McMenemy for his attendance and comprehensive report.

DECISION

NOTED:-

- (i) **the progress made to date in the development and implementation of the key financial arrangements following recommended best practice and compliance with legislation which required to be in place prior to 1 April 2016; and**
- (ii) **the plan of actions for the remaining work which required to be completed and approved before and beyond 1 April 2016.**

The meeting concluded at 4.50 pm

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SCOTTISH BORDERS COUNCIL

PEEBLES COMMON GOOD FUND SUB COMMITTEE

MINUTES of Meeting of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in Council Headquarters, Newtown St
Boswells, Melrose on Thursday, 31 March,
2016 at 2.00 pm

Present:- Councillors W. Archibald (Chairman), G. Logan (Vice-Chairman) and S. Bell
Community Councillor L. Hayworth.

Apologies:- Councillors C. Bhatia, K. Cockburn and G. H. T. Garvie

In Attendance:- Solicitor (G. Nelson), Estates Manager (N. Hastie), Team Leader, Road
Safety & Traffic Management (J. McQuillin), Democratic Services Officer (F.
Walling).

Members of the Public :- None

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 2 March 2015 had been circulated. With reference to paragraph 5 (b) of the Minute, Councillor Bell proposed and it was agreed that the words ' and discuss other options' be added to the end of the decision, to reflect the discussion.

DECISION

NOTED the Minute subject to the above amendment.

3. **CATERING VAN SITE IN KINGSMEADOWS CAR PARK, PEEBLES.**

With reference to paragraph 4 of the Minute of Peebles Common Good Fund Sub-Committee of 2 March 2016, there had been re-circulated copies of a report by the Service Director Commercial Services advising of a request to site a catering van in the Kingsmeadows Car Park, Peebles and recommending that the request be refused due to the Traffic Regulation Order in place which prohibited trading in the car park. The report advised that the solum of the Kingsmeadows Car Park was a Common Good asset and rental income from the car park went to the Common Good fund. The car park was subject to a Traffic Regulation Order (TRO) which prohibited trading in or near the parking spaces. A catering van trader had requested to use the car park for the sale of food and drink which would be contrary to the TRO. The Team Leader Road Safety & Traffic Management quoted from the TRO, made in 1976, and advised that this prohibited trading over the whole area of the car park. The reason for the TRO was not apparent. Mr McQuillin added that it was possible to add an amendment to the TRO to permit trading by changing the articles. Such a procedure would require full public consultation and approval by the Tweeddale Area Forum. Members noted that there were also TROs in place which affected other areas of Peebles and that it would be useful to receive information to enable a full review of these.

DECISION

AGREED to refuse to authorise the granting of a ground lease for a catering van in the Kingsmeadows Car Park, Peebles due to the Traffic Regulation Order that prohibits trading in the car park

4. APPLICATION FOR FINANCIAL ASSISTANCE

With reference to paragraph 5(b) of the Minute of Peebles Common Good Fund Sub-Committee of 2 March 2016, there had been re-circulated copies of an application for financial assistance from the Lieutenancy of Tweeddale in the sum of £1,350 towards providing every child in primary education in the 3 Peebles Primary Schools with a specially designed £1 coin to mark The Queen's 90th Birthday. The Lord-Lieutenant of Tweeddale, Professor Sir Hew Strachan, was present at the meeting to give further information. The Lord Lieutenant explained that, since submitting the application, he had ascertained that the Mint were in fact producing specially designed £5 crown coins to mark the event rather than £1 coins. This increased the cost of the project to in excess of £4,000, but at present the Lieutenancy would still fund half the cost for coins for all the Peebles Primary School pupils. Another option apparent from the discussions with the Mint was that, as the design of the current £1 coin was to be replaced in 2017 there would be a very limited production of £1 coins in 2016. The 2016 coins were therefore likely to have a collector's value but would not be of a specific design for The Queen's 90th Birthday. The Lord Lieutenant went on to update Members on responses he had received from Community Councils in the Tweeddale area in respect of events planned to celebrate the occasion. Members discussed the application and how they felt the Common Good Fund should contribute towards celebration of the event. After lengthy deliberation they agreed not to contribute towards the provision of coins. It was instead felt that it would be appropriate to plant a tree, or group of trees, in Victoria Park and install a plaque made by a local stonemason to commemorate the occasion. It was noted that there was already a tree in the park planted for Queen Victoria. It was agreed that the Common Good Fund should contribute up to £1500 for this project and that the details be agreed with the Neighbourhood Services and the Council's Tree Officer. Members expressed the wish that the Lord Lieutenant would carry out the planting at what could be an organised celebratory event on 12 June involving local children. The Lord Lieutenant indicated his agreement with the proposal and confirmed that he would alert the Deputy Lieutenants about what would be required on 12 June. The involvement of Peebles Community Council in the event would also be sought.

DECISION

AGREED that in respect of commemoration of The Queen's 90th Birthday:-

- (a) not to contribute towards the purchase of commemorative £5 coins for pupils in the three Peebles Primary Schools;**
- (b) to grant up to £1500 for the planting of a tree(s) in Victoria Park and provision of a plaque ; and**
- (c) that details of the tree planting and organisation of a celebratory event be agreed with officers in Neighbourhood Services and in liaison with the Lord Lieutenancy.**

5. 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.

5.1 PLANNING APPLICATION

Mr Hayworth drew Members' attention to concern about proposed removal of trees associated with a planning application submitted by the Tennis Club. Mr Hastie indicated

that the Planning Authority and the Estate Management Section were aware of the details relating to the application.

**DECISION
NOTED**

6. **PRIVATE BUSINESS
DECISION**

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

SUMMARY OF PRIVATE BUSINESS

7. **MINUTE**

The private section of the Peebles Common Good Fund Sub-Committee Minute of 2 March 2016 was noted.

The meeting concluded at 3.00 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, TD6 0SA on Tuesday, 19 April, 2016 at 10.00 am.

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- Present:- Councillors D. Parker (Chairman), S. Aitchison (during Para 2), S. Bell, C. Bhatia, J. Brown, M. J. Cook, V. Davidson, G. Edgar, J. Mitchell, D. Moffat, D. Paterson (during Para. 2), F. Renton, R. Smith.
- Also Present:- Councillors G. Garvie, I. Gillespie, A. Nicol.
- In Attendance:- Chief Executive, Depute Chief Executive (People), Corporate Transformation and Services Director, Service Director Regulatory Services, Service Director Assets and Infrastructure, Chief Financial Officer, Clerk to the Council, Democratic Services Officer (K. Mason).

1. **MINUTE**

The Minute of meeting of the Executive Committee of 22 March 2016 had been circulated.

DECISION

APPROVED for signature by the Chairman.

2. **BELLWIN 2**

With reference to paragraph 10 of the Minute of the Executive Committee of 16 February 2016, there had been circulated copies of a report by the Depute Chief Executive – Place providing an update on the extent of damage caused by recent winter storms and the measures being taken and required to rectify this damage in a timely fashion that fitted with the Government's Bellwin Scheme. The report was a follow-up to the report taken to Executive on 16 February following the major flooding events caused by storms Desmond, Frank and other flooding in 2015/16. The report outlined the work which had been done to date in responding to the initial aftermath of storm damage and actions taken to date and also outlined the extent of remedial work still needing to be undertaken and the measures which would be required to support completion of these works within the Bellwin timeframe. A technical opinion was given on the merits of localised river gravel removal and dredging as measures to alleviate flooding risks. It was important to note that under the Bellwin Scheme the Local Authority (LA) had to meet the first portion of costs equivalent to 0.2% of the LA's total net revenue budget. In the case of Scottish Borders Council, this equated to £508k that would have to be met from reserves with the Bellwin Scheme picking up all eligible costs beyond this level. The main points of the report were highlighted by means of a powerpoint presentation by the Infrastructure Manager and the Project Manager Team Leader. They explained that the removal of gravel in localised areas could in some instances be used to manage flood risk but evidence indicated that localised gravel removal had very little impact on reducing flood levels. Enquiries had been received from a number of areas on the dredging of watercourses. The Council had computerised models for Hawick and previous experience to draw on in forming a view as to the likely effectiveness of water course dredging. While dredging appeared a straight forward solution to flooding, evidence indicated that it did not work on large rivers moving at pace, such as many of the Borders' rivers and would only help if carried out on a regular basis. During a flood event when a river was fast flowing, the water would move material downstream and deposit it in any deeper dredged sections, filling the section back to its original level very quickly. An example was given of dredging which had reduced a river bed by 1m and this had only

lasted one month before returning to the original level. Removal of gravel would not reduce the flood risk to Hawick. A presentation on flooding in Hawick was due to be made at that evening's Area Forum meeting. The Chief Financial Officer highlighted the terms of the Bellwin Scheme and of the importance of making legitimate claims only for emergency works as a result of flooding/storm damage. In discussing repairs to the wall at the Hawick Post Office depot, the Project Manager Team Leader referred to the recommendation to advance £150k of capital from the Hawick Flood Protection Project from 2018/19 into 2016/17 to deal promptly with these repairs. Members were reassured by the Chief Executive that the ownership of the depot wall and any liability on adjoining owners would be checked by Legal Services. Members were supportive of actions to be taken to find the remaining £77,535.98 for priority one schemes. The Chief Financial Officer advised that officers could look at the 2018/19 flood allocation and advance funding from there if there was no consequential impact on other projects. In response to a request by Members, Officers advised that unfortunately they did not have the same level of detail/flood modelling for other towns as they did for Hawick but could make available the information they did have for other towns at the other Area Fora.

DECISION

- (a) **NOTED the**
- (i) **extent and costs of works undertaken to date in response to the three major flooding weather events;**
 - (ii) **scale and extent of works that remained to be done to re-instate a wide range of damaged Borders infrastructure;**
 - (iii) **progress made to date on remedial works under the Bellwin Scheme;**
 - (iv) **recommendations made with regard to river gravel removal and dredging; and**
 - (v) **list of Short Term measures recommended for implementation in Hawick.**
- (b) **AGREED to advance £150k of capital from the Hawick Flood relief project into 2016/17 to deal with repairs to the Hawick Post Office boundary wall.**

MEMBERS

Councillors Aitchison and Paterson joined the meeting during discussion of the above item.

3. BORDERS RAILWAY BLUE PRINT – DELIVERY OF ACTION PLAN

With reference to paragraph 8 of the Minute of Council of 2 April 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director providing an update on the delivery of the Borders Railway Blueprint and the Council's current financial contribution to key projects. The report explained that 'Borders Railway Maximising the Impact: A Blueprint for the Future' was launched in November 2014 by the First Minister. It aimed to maximise the economic benefits of the new Borders Railway connection by helping to stimulate business growth, generate employment and boost visitor numbers. The Borders Railway provided a once in a generation opportunity to support economic growth and development in the region, making the Scottish Borders a more accessible and more attractive place to do business, to visit, to live and to work. The development of the Blueprint was led by Scottish Enterprise in partnership with the Scottish Government, Transport Scotland, VisitScotland, Abellio ScoRail, and the City of Edinburgh, Midlothian and Scottish Borders Councils. The project was an exemplar of partnership working across the public sector in the city-region area and at a national level. Since the launch, work had focused on developing the Action Plan to deliver the key investments and commitments made by partners in the Blueprint. The Action Plan (Annex 1) outlined project delivery across three strategic themes: Great Places for Working and

Investing, Great Communities for Living and Learning, and Great Destinations to Visit. The Financial Summary (Annex 2a PRIVATE) outlined the project costs and partner budget contributions across the Programme. The Programme Manager, Borders Railway Blueprint was present, and referred to the "Hop on Hop off" Tourist Bus Service which commenced September 2015 and it was noted that Midlothian were carrying out a similar pilot. Good signage was in place at Tweedbank and if there were any gaps these would be investigated. First Bus was examining their timetables again. Members asked whether it would be possible to extend the Steam Train journeys into October but the Corporate Transformation and Services Director advised unfortunately this was not possible for commercial reasons so it was important to maximise the promotion of the experience in September to enable the economic development to continue. In response to a query, Officers undertook to check the signposting for the middle part of the cycle link from Tweedbank Train Station to Selkirk. Councillor Paterson advised that a public meeting was being held on 10 May 2016 in Newcastleton in relation to extending the railway from Tweedbank to Carlisle via Newcastleton,

DECISION

(a) **NOTED the significant progress made in developing the Borders Railway Blueprint Action Plan.**

(b) **AGREED that further reports on implementation of the Borders Railway Blueprint Action Plan would form part of the Executive Committee's regular quarterly monitoring of the Council's Corporate Transformation Skills.**

4. PRIVATE BUSINESS

DECISION

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

SUMMARY OF PRIVATE BUSINESS

5. MINUTE

The Committee approved the private Minute of 22 March 2016.

6. BORDERS RAILWAY BLUEPRINT

The Committee noted a report on the Borders Railway Blueprint.

The meeting concluded at 11.20 am

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SCOTTISH BORDERS COUNCIL
TEVIOT AND LIDDESDALE AREA FORUM

MINUTES of Meeting of the TEVIOT AND
LIDDESDALE AREA FORUM held in Lesser
Hall, Town Hall, Hawick on Tuesday, 19th
April, 2016 at 6.30 pm

Present:- Councillors G Turnbull (Chairman), A Cranston, W McAteer, S Marshall,
R Smith. Community Councillors: Mr M Grieve (Burnfoot), Mr C Knox
(Hawick), Mr C Griffiths (Hobkirk).

Apologies:- Councillor D Paterson, Mr W Roberts (Denholm Community Council), Mrs M
Short (Hawick Community Council), Mr T Stevenson (Upper Teviotdale &
Bothwick Water),

In Attendance:- Inspector Carol Wood (Police Scotland), Station Commander Russell Bell
(Scottish Fire & Rescue Service), Neighbourhood Area Manager (Mr F
Dunlop), Democratic Services Officer (J Turnbull).

Members of the Public:- 4 in attendance.

1. PRESENTATION

- 1.1 Scottish Borders Council (SBC) officers: Colin Ovens, Infrastructure Manager, Ewan Doyle, Project Management Team Leader, Duncan Morrison, Flood and Coastal Management Team Leader and David Richardson, Asset Manager were in attendance at the meeting to give a presentation on the Bellwin Scheme, particularly in relation to Hawick. Ruth Ellis and Angela Floss, representing the Scottish Environment Protection Agency (SEPA), were also present to answer questions.
- 1.2 Mr Ovens began the presentation by referring to the recent storms: Desmond, Frank and the flooding in 2015/16 which had been widespread across the Scottish Borders and had caused extensive damage to buildings, bridges, road, drainage channels and embankments, particularly in Hawick, Jedburgh and Peebles. Responding to the initial aftermath of storm damage, SBC had implemented a programme of repairs to infrastructure. Mr Ovens explained that damage which could be claimed from the Bellwin scheme was prescriptive and related to recovery and emergency works following immediate storms. Within the Bellwin timeframe, repairs to roads were required to be completed by 30 June 2016 and to bridges and river banks by 30 September 2016. Mr Ovens went on to explain that officers met weekly to discuss the programme of works which was in excess of 300 plus projects, 50% of which had been completed at a cost of £2m. The final spend was anticipated to be in excess of £4m.
- 1.3 Mr Doyle continued that the Hawick Flood Protection Strategy was a three phased strategy: the short term strategy was measures to increase the level of protection to 1 in 10 year. The medium term strategy was the Hawick Flood Protection project to deliver direct 1 in 75 year defences within the town. The longer term strategy was upstream management to increase the level of protection created by the medium term, phase two, direct defences. Mr Doyle further advised that the Executive Committee had that day, agreed to deliver stability improvements to the wall at the Post Office Sorting Office as a priority. The Executive Committee had also recommended that the Chief Financial Officer consider accelerating funding from 2017/18 to 2016/17 to deliver the remainder of the Priority 1 works including, 1 in 10 protection to the Common Haugh Car Park; increase the length of 1 in 10 kerb protection at Mansfield Road; 1 in 10 protection in Laidlaw Terrace and formation of a 1 in 10 ramp footpath at Glebe Mill.

- 1.4 Members expressed their concern over the level of gravel on riverbeds and the possibility of localised gravel removal as a measure to alleviate flooding risks. Mr Doyle advised that this was not a practical solution. The Council had carried out analysis of gravel removal and also historical mapping of Hawick had indicated that dredging the riverbed had little impact on reducing flood risk, particularly on large rivers moving at pace, which could move and deposit materials downstream. Any dredged sections being filled to their original levels very quickly. Analysis had also been carried out on a model which showed that removal of 1 metre of gravel over a 3.5 km length of the Teviot through Hawick would result in only an 11cm difference in flood level. Mr Doyle also presented a number of historical photographs and maps, from 1824 to 2005, to highlight that there had always been gravel deposits at key areas through the centre of the town. There had also been suggestion that the removal of gravel had stopped flood risk historically, so photographs of the 1903, 1924, 1928 and 1955 floods were shown to the Forum to help demonstrate that the removal of gravel does not directly reduce flood risk. Mr Doyle concluded that removal of gravel had its place when it was directly linked with scouring of adjacent embankments or infrastructure.
- 1.5 The Chairman advised that at a recent site meeting, the Chairman of SEPA had indicated that he would look favourably on gravel removal. Ms Ellis and Ms Foss advised that it was clear from the discussion that flood risk management of gravel removal had not been proven and that any work undertaken would not deliver flood risk management benefits. However, if other bodies put forward proposals SEPA would consider.
- 1.6 In answer to a question enquiring if the fish ladder at the Cauld could be cleared, Mr Doyle advised that other bodies such as the River Tweed Commission, could remove gravel if they acquired the relevant permissions from SEPA. Regarding the vegetated large islands near the Lawson Bridge and Burgh Cottages which were affecting the dynamics of the river, Mr Ovens advised that if this was deemed to cause a risk of flooding then SBC would promote works. However, in respect of removal of vegetation on river embankments it was considered that this would make little difference to flood risk.
- 1.7 In respect of works to Duke Street, Mr Richardson advised that this was to replace a damaged sewer syphon which transferred sewage under the river. Scottish Water had undertaken an intrusive investigation of the damaged syphon and declared it unusable and were redesigning a new piece of infrastructure which was almost completed. Work to interface with the new flood protection scheme still required to be undertaken. The Mansfield Road works, to repair the old mill lade, was an intricate piece of work which they had not envisaged would be so difficult. However, the works were due to be completed by end of May 2016. Mr Richardson intimated that he would be happy to discuss with Members, outwith the meeting, any areas of concern that they felt should be added to the list of projects. He would also circulate to Members a list of projects under the Bellwin scheme. The Chairman thanked all officers for their attendance and the presentation.

DECISION

AGREED to request that the Asset Manager circulate a list of Bellwin scheme projects.

DECLARATION OF INTEREST

Councillor Smith declared an interest in the above discussion relating to the Post Office boundary wall and did not take part in that part of the debate.

2. MINUTE

There had been circulated copies of the Minute of the meeting held on 16 February 2016.

DECISION

AGREED to approve the Minute.

3. **MATTERS ARISING FROM THE MINUTE**

- 3.1 With reference to paragraph 5.2 of the Minute of 15 March 2016, it was noted that Police Scotland provided crime statistics to SBC. The Clerk was asked to find out if these could be circulated to the Area Forum.
- 3.2 With reference to paragraph 11 of the Minute of 15 March 2016, the Chairman advised that as the Roads Service was not specific to geographical areas. Until the business case had been developed, there was no other information that could be shared with Members than what had already been briefed to all political groups prior to the Executive on the 8 March 2016.
- 3.3 With reference to paragraph 12 of the Minute of 15 March, Councillors Smith and Turnbull would raise at a meeting on 20 May and report back to the Forum.

**DECISION
NOTED.**

4. **STREET CLEANING MACHINE**

The Chairman advised that 4earch Solutions Ltd had demonstrated their gumstopper machine on the pavement at Stampers, North Road. The machine was extremely effective at removing chewing gum. It was suggested that specific jobs be priced and be brought back to the Area Forum for consideration of funding from the Quality of Life budget.

**DECISION
NOTED.**

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

With reference to the paragraph 3 of the Minute of 18 April, there had been circulated a spreadsheet by Service Director Neighbourhood Services showing the progress of the Neighbourhood Small Schemes and Quality of Life Schemes. Mr Dunlop was in attendance at the meeting and advised that the electronic signs for The Hub, Burnfoot had been delivered and would be installed as soon as possible. The remaining budget in the Quality of Life schemes budget was £3,019 (Hawick and Hermitage) and £190 (Hawick and Denholm). Remaining in the Neighbourhood Small Schemes budget was £5,032 (Hawick and Hermitage) £4,676 (Hawick and Denholm).

**DECISION
NOTED:-**

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

6. **POLICE SCOTLAND**

- 6.1 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 properties had been searched in Hawick, as a result of these searches five people were charged with drug offences. The Road Safety priority showed that six road checks had been carried out in March. One conditional offer was issued for speeding and a warning was administered for the anti-social use of a vehicle. Four different drivers were charged with driving without insurance and one driver arrested and charged with drink driving. With regard to the Violent Crime priority, following an incident within a property in Millport, a male had been charged with assault and robbery. Inspector Wood further advised that following a disturbance in Elm Court a male had been arrested for possession of an offensive weapon and breach of the peace. Police had also attended an altercation in the

High Street and a female was charged with serious assault. Police Scotland continued to monitor closely all anti-social behaviour incidents and a number of individuals were at various stages of the process. Police Scotland worked in partnership with Scottish Borders Council and Registered Social Landlords in dealing with those people who cause a nuisance for their neighbours and in the wider community. During March one fixed penalty ticket was issued and four recorded police warnings were administered.

- 6.2 Inspector Wood further advised that following an incident, two 14 year old youths had been charged with reckless discharge of a firearm. A report on the circumstances had been sent to the Children's Reporter. The Air Weapons and Licensing (Scotland) Act 2015 came into effect on 1st July 2016 at which time the public would begin to apply for licences. Enforcement for this act would commence on 1st January 2017. This legislation would tighten up on processes and be similar to current firearms legislation. These new procedures should assist in reckless incidents, reducing and introducing stricter controls for the possession of air weapons and dealing with offences that occurred.
- 6.3 Inspector Wood concluded her report by advising that a public survey entitled 'Your View Counts' was launched on 7 April. Information on this could be found on the Police Scotland website. The survey would take about 15 minutes to complete and she encouraged all members of the public to participate as it would help inform policing priorities throughout the country for the year ahead. The web address was www.scotland.police.uk/yourviewcounts. The Chairman thanked Inspector Wood for her informative report.

**DECISION
NOTED.**

7. **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 March. The report detailed that there had been one house fire, three open fires, two special service incidents and seven unwanted fire signals. Mr Bell advised that the Chief Officer of the Scottish Fire and Rescue Service, Mr Alasdair Bell had visited Hawick Station along with Mr Paul Wheelhouse MSP. The purpose of the visit was to thank Hawick crews for their endeavours during the recent floods. Also in attendance was Mr Wight, the 'Out of Hospital Cardiac Arrest' trial being pivotal in saving Mr Wight's life following his cardiac arrest in January. The Chairman thanked for Mr Bell for his informative presentation.

**DECISION
NOTED.**

8. **OPEN QUESTIONS**

There were no open questions.

9. **COMMUNITY COUNCIL SPOTLIGHT**

- 9.1 Mr Grieve, Burnfoot Community Council, advised that work was still ongoing with the Garden of Remembrance. The Carnival Committee met regularly and had raised over £200 at Sainsbury's. Mr Grieve further advised that the Community Council had arranged a litter pick the previous weekend. On the 12 May 2016 they would be taking part in the Coronet's night.
- 9.2 Mr Griffiths, Hobkirk Community Council stated that defibrillator was now in place, four volunteers would be delivering training. Potholes were still an issue and becoming more apparent. The Community Council would be meeting about the abundance of wind farm applications in the area.

- 9.3 Mr Knox, Hawick Community Council, advised that there had been an enthusiastic band of volunteers for their annual spring clean. The Community Council would again be taking part in the Flora Gateway Competition. Mr Knox continued that they were hosting a hustings session on the 25 April for the Scottish Parliamentary election. Mr Knox further advised that an energy sub group had been established to investigate the possibility of harnessing water from the River Teviot
- 9.4 Mr Griffiths, Hobkirk Community Council, advised that they were developing a community website. They were carrying out an enquiry into the flooding incident.

DECISION

NOTED the reports.

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

The next meeting of the Teviot and Liddesdale Area Forum would be held on Tuesday, 17 May 2016 at 6.30 pm in Lesser Hall, Town Hall, Hawick.

The meeting concluded at 8.20 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 25 April 2016 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.
Apology:- Councillor J. Campbell.
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 28 March 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.

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

- (i) Erection of dwellinghouse on Land North East of The Cottage, Lauder Barns, Lauder – 15/01323/FUL;**
- (ii) Replacement windows at 5 East High Street, Lauder – 15/01484/FUL; and**
- (iii) Erection of dwellinghouse at Builders Yard, Land South West of 76 St Andrew Street, Galashiels – 15/01557/FUL.**

(b) there remained four reviews outstanding:-

- (i) Land South of Camphouse Farmhouse, Camptown, Jedburgh;**
- (ii) Office West Grove, Waverley Road, Melrose;**

- (iii) **Land and Buildings at Wilton Mills, 31-32 Commercial Road, Hawick**
 - (iv) **Land West of Whistlefield, Darnick.**
- (c) **there remained three appeals outstanding in respect of:**
 - (i) **Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge;**
 - (ii) **Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick;**
 - (iii) **Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles.**
- (d) **there remained 3 Section 36 Appeals Outstanding in respect of:**
 - (i) **Land North of Nether Monynut Cottage (Aikengall (IIa)), Cockburnspath;**
 - (ii) **Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston; and**
 - (iii) **(Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir.**

The meeting concluded at 12.30 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/00848/PPP	Erection of 19 holiday lodges with Proposed access and land treatment	Land North West of Whitemuir Hall, Selkirk

DECISION: Refused, for the following reason:

The proposed development is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been established that there is sufficient economic justification to establish a case for the development that would outweigh concerns over the harm to the amenity and the character of the scenic landscape and surrounding Whitemuirhall Loch, which is sensitive to change and which contributes to the attractiveness of the area.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00187/FUL	External redecoration and installation Of extraction Flue	Dean Park, Peebles

DECISION: Approved subject to the following conditions:-

1. The flue not to be installed until further details are provided of the colour and surface finish for the approval of the Planning Authority and, once approved, the flue to be installed in accordance with the approved details.
Reason: To safeguard the amenity of the Conservation Area and surrounding properties.
2. The flue hereby approved under this consent shall be the only external flue installed on the premises.
Reason: The implementation of the previously approved flue would be unnecessary and lead to a cluttered arrangement.
3. Any noise emitted by the flue or machinery attached thereto 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 the flue or machinery attached thereto should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2. The flue and machinery attached thereto 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. The flue or machinery attached thereto shall be installed and maintained to the specification of the Planning Authority in accordance with the DEFRA guidance document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems"
Reason: To protect the residential amenity of nearby properties.

Applicant Informative

The applicant should be aware that the roof may contain asbestos and that all statutory precautions are undertaken when carrying out any works to the roof to insert the approved flue. Guidance on asbestos

should be viewed on the Health and Safety Executive website and all relevant precautions and mitigation followed.

NOTE

Councillor Bhatia spoke against the application

Mr James Ker, spoke on behalf of the Residents of Dean Park and Northgate against the application

Mr Sam Coe, Agent for the Applicant and Mr Bruce Skirving, Building Owner spoke in favour of the application.

Reference
15/01270/PPP

Nature of Development
Erection of dwellinghouse

Location
**Land at Public
Conveniences
Craik, Hawick**

Decision: Approved subject to the following conditions:

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.
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. The dwellinghouse to be sited outwith the area outlined in blue on Drawing Number: 15/01270/PPP#2000.
Reason: To ensure that the dwellinghouse is sited outwith the area of the site that is at risk of flooding.
4. No development should commence until that the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.
5. The means of surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be implemented in accordance with the approved details.
Reason: To ensure that the site is adequately serviced.
6. No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.
Reason: To ensure that the development does not have a detrimental effect on public health.
7. Parking and turning for a minimum of two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.

Reason: To ensure adequate off-street parking is provided, in the interests of road safety.

8. The existing access from the public road must be utilised to serve this dwellinghouse, as shown in blue on Drawing Number 2014-034. No direct vehicular access to be provided over the bridge to the north of the site from Forest Road.

Reason: It has not been demonstrated that the existing bridge is suitable for the loadings associated with a dwellinghouse.

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

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- ii. location of new trees, shrubs, hedges and grassed areas
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iv. programme for completion and subsequent maintenance of all existing and proposed planting.

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

10. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be completed in accordance with the approved details.

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

11. The right of way through the site to be kept open and free from obstruction or encroachment during the construction of the dwellinghouse and thereafter.

Reason: To ensure the right of way remains open and free from obstruction.

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

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

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

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

Informatives

Water Supply

In respect of condition 4, as the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

Private Drainage

In respect of condition 6, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

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

To discharge condition 6 relating to the private drainage arrangements, the applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/01217/FUL	Works to amend ground levels and plot Finished floor levels (revision to planning Permission 12/00803/FUL)	Phase 2, Land North and North East of Easter Langlee Farmhouse, Galashiels

DECISION: Approved subject to the following conditions and informative note:

1. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until 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 Headquarters, 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.

2. Surface water shall be managed during the construction period in a manner which maintains pre-development greenfield run-off rates and the surface water drainage scheme for the housing development approved under 12/00803/FUL shall be implemented and operated to maintain existing greenfield run-off levels having accounted for the changes in levels approved under this consent
Reason: To ensure that the level changes approved under this consent do not lead to run-off from the site onto neighbouring property and to ensure the approved housing development itself is adequately serviced by a surface water drainage scheme as required under 12/00803/FUL and which accounts for the approved changes in levels.
3. Retaining wall material specifications and planting of retaining walls shall be as approved under the principal planning consent 12/00803/FUL; retaining walls shall not exceed the heights specified on the approved plan; and no additional retaining walls shall be erected unless otherwise agreed with the Planning Authority
Reason: To tally the varied retaining wall requirements with the specifications and landscaping required under the principal planning consent.
4. No ground level changes are approved within the tree buffers required under planning consent 12/00803/FUL. Tree buffers shall be protected in accordance with the measures approved under Condition 5 of that consent
Reason: To ensure trees of public amenity value are protected during the works

Informatives

1. The Notes for Condition 1 should be completed 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. This consent approves changes in levels within the area of the application site, subject to conditions directly related to the physical consequences of the level changes. The housing development on the site is, however, otherwise bound by the schedule of conditions applied to it by planning consent reference 12/00803/FUL, including on and off site planting. If levels need adjusted to allow tree protection fencing (as covered by Condition 4), the applicant should establish with the Planning Authority whether or not such changes are non-material.

3. If levels on the remainder of the original development site (under 12/00803/FUL) need adjusted to tie in with the levels approved here, the applicant must establish with the Planning Authority whether or not such level changes fall within the scope of the original planning consent.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/01525/FUL	Change of Use and alterations to form two dwellinghouses	2 Soonhope Farm Cottage, Peebles

DECISION: Approved subject to the following conditions and informatives, notification to the Scottish Ministers and to a Legal Agreement:

1. Further details of the colour of all external timber doors, windows and cladding and the profile/pattern of astragals to be submitted for the approval of the Planning Authority before the development is commenced and, once approved, to be implemented in accordance with the approved details.
Reason: To safeguard the character of the building and the amenity of the area.
2. A curtilage plan of the southern forecourt of the premises indicating parking spaces and fuel/waste storage areas to be submitted for the approval of the Planning Authority before the development is commenced and, once approved, to be implemented in accordance with the approved details.
Reason: In the interests of road safety.
3. Further details of the style and extent of boundary fencing to be submitted for the approval of the Planning Authority before the development is commenced and, once approved, to be implemented in accordance with the approved details.
Reason: To safeguard the character of the building and the amenity of the area.
4. 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 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

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.

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).

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.

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.

5. If works are to commence during the breeding bird season (March-August), supplementary surveys for breeding birds and a mitigation plan will be required to be submitted for the approval of the Planning Authority. Before development on the site begins, a scheme for the protection of birds shall be submitted to and approved in writing by the planning authority. Any works shall, thereafter, be carried out in accordance with the approved scheme.

Reason: To safeguard potential ecological interests at the site.

Informatives

1. It is recommended that you consider the formation of a passing place/localised widening on the access road leading to the site, in a position and of a specification firstly agreed with the Planning Authority. Please contact the Roads Planning Service who would be happy to meet and discuss the details.

2. The Council's Flood Protection Officer advises the following:

I would recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

As access and egress to the development may also be affected by flood waters, should approval be given, I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188.

3. The Council's Environmental Health Officer advises that 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/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

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

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

4. The Council's Ecology Officer advises the following:

If bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by SNH and /or a suitably qualified ecologist. The developer and all contractors should be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:
http://www.bats.org.uk/pages/bats_and_buildings.html
http://www.bats.org.uk/pages/existing_buildings.html