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PETITIONS AND DEPUTATIONS COMMITTEE THURSDAY, 10 DECEMBER, 2015

A MEETING of the PETITIONS AND DEPUTATIONS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on THURSDAY, 10 DECEMBER 2015 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

3 December 2015

BUSINESS		
1.	Apologies for Absence	
2.	Order of Business	
3.	Declarations of Interest	
4.	Minute (Pages 1 - 4) Minute of Meeting of 1 October 2015 to be approved and signed by the Chairman (copy attached)	2 mins
5.	The Petitions Procedure (Pages 5 - 6) Note meeting procedure (copy of extract from the Scottish Borders Council Petitions Procedure attached)	2 mins
6.	120 Bus Service	30 mins
	(a) Petition (Pages 7 - 12) Copy attached of petition submission form A file containing the original petition and total list of signatures will be available for inspection prior to and at the meeting	
	(b) Briefing Note by Service Director Commercial Services (Pages 13 - 14) (copy attached)	
7.	Petition considered inadmissible (Pages 15 - 16) Consider Briefing Note by Clerk to the Council (copy attached)	2 mins

8.	Any Other Items previously circulated	
9.	Any Other Items which the Chairman decides are urgent	

NOTES

- 1. Timings given above are only indicative and not intended to inhibit Members' discussions.**
- 2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee:- Councillors A. J. Nicol (Chairman), S. Bell, D. Parker, D. Paterson, J. Torrance and T. Weatherston

Please direct any enquiries to Fiona Walling 01835 826504
Email:- fwalling@scotborders.gov.uk

**SCOTTISH BORDERS COUNCIL
PETITIONS AND DEPUTATIONS COMMITTEE**

MINUTE of Meeting of the PETITIONS AND DEPUTATIONS COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Thursday, 1 October, 2015 at 10.00 am

- Present:- Councillors A. J. Nicol (Chairman), S. Bell, J. Greenwell, D. Parker, D. Paterson, J. Torrance and T. Weatherston
- Also present:- Councillors S. Aitchison, M. Ballantyne, G. Logan, S. Marshall, W. McAteer, B. White.
- In Attendance:- Corporate Transformation & Services Director, Clerk to the Council, Democratic Services Officer (F. Walling).
- Petitioner:- Mr B. McCrow

1. THE PETITIONS PROCEDURE

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

**DECISION
NOTED.**

PETITION: THE GREAT TAPESTRY OF SCOTLAND BUILDING

- 2.1 The Chairman welcomed the Principal Petitioner, Mr Brian McCrow, to the meeting and asked for a round of introductions from Members of the Committee and officers. There had been circulated copies of a petition entitled The Great Tapestry of Scotland building. There had also been circulated copies of a Briefing Note by the Corporate Transformation and Services Director accompanied by relevant reports to Council of 29 May 2014 and 18 December 2014 and minutes of those meetings. The petition, which contained in excess of 4,000 signatures, stated "We believe that the decision made by Scottish Borders Council to fund a building in Tweedbank to house the Great Tapestry of Scotland is an unacceptable use of our Council budget at a time when essential services are being cut. As residents and tax payers of Scottish Borders Council, we therefore request our elected members to overturn the decision to spend £3.5m in this manner". A file containing all the signatures and names making up the petition was available to view at the meeting. Although this petition had been delivered to the Council by Mr McCrow on 2 March of this year Mr McCrow had been advised that it was not in the correct format, under the terms of the Council's Petitions Procedure and was invited to resubmit. The Chairman confirmed that the petition currently before the Committee had been received on 17 September 2015 and had been correctly compiled and submitted.
- 2.2. On the invitation of the Chairman, Mr McCrow addressed the Committee. He explained that at the beginning of February 2015 he had been compelled to raise a petition in response to the Council's proposal to allocate £3.5m to support the construction of a building at Tweedbank to house the Great Tapestry of Scotland. The majority of signatures, which included names from an online petition through Change.org, had been obtained over a 4-week period. A sample of comments from the on-line petition had also been included with the papers circulated. Mr McCrow said that he supported the Tapestry

coming to the Borders but was against the Council spending this amount of money on the new building and that this was a poor use of public funds. He believed that although Scottish Borders Council was usually responsive to the needs of the local community in this case the decision appeared to have by-passed the community and the Council had not responded to views being expressed through the media. Mr McCrow criticised the feasibility study, alleging that there had been no serious investigation of alternative and cheaper sites; no polling of prospective visitors; the design of the signature building would cost twice the square footage cost of, say, the Abbotsford visitor centre; and that the risk of the project was seen to be too high versus the poor level of anticipated profits in the longer term. He criticised the choice of location between a housing area and industrial space, emphasising that there was a lack of parking space; inadequate stopping area for coaches; no other facilities or attractions within walking distance; and that it may not be able to attract public funding. Mr McCrow believed that to meet conditions recommended by the Council's Planning Officer - should the building obtain planning consent - would cause the estimated budget to increase. He also referred to the proposal to charge for entry to see the Tapestry noting that the Tapestry Trustees Charter stated that it should be available for viewing by the public at no cost. Mr McCrow asked elected Members to overturn the decision, but if they did not do so he asked, as a minimum, for the Council to: review the basis of the feasibility study; undertake polling surveys of prospective visitors to test their willingness to pay for a return rail ticket plus entrance fee; review the financial case; review the risk factors; conduct public consultations to obtain views on the business case and willingness to pay for this building over the next 30 years; and to consider alternative sites in the Borders e.g. Galashiels based Scottish Centre of Textiles. Mr McCrow also requested that the case be referred to another Council or to the Scottish Ministers for independent appraisal. In conclusion he expressed the hope that the views of the petitioners would be respected.

- 2.3 Before putting their questions to Mr McCrow, Members of the Committee thanked him for his statement, congratulated him on his presentation and welcomed the opportunity of a full and robust debate of the issue. Initial questioning queried the basis of the petition and exactly what was being requested. Members welcomed Mr McCrow's confirmation of his own view, that he did want the Great Tapestry of Scotland to be permanently housed for display in the Borders, it being noted that it was specifically the location and cost of the building to which he objected. However it was put to him that within the statement and from the individual comments placed on the on-line petition there were a wide variety of different reasons given for adding names to the petition. There were at least 6 separate issues raised which were not all consistent with Mr McCrow's support for the Tapestry coming to the Borders but not the location. Mr McCrow was asked about the original basis on which the petition was raised and to weight the different issues to enable a judgement on the petition to be made. In response Mr McCrow clarified that the issue was the decision to fund the building in Tweedbank and that the belief was the Tapestry could be housed cheaper elsewhere in the Borders in a multi-use building. However he confirmed that he had included in his statement issues raised in the comments added on-line after the petition had first been raised. He personally believed that anything that attracted tourists to the Borders should be encouraged, giving the Heart of Hawick project as a good example. In response to a question as to whether he was aware of any alternative building to house the Tapestry at a reduced cost or whether he carried out any investigation himself, Mr McCrow said he was not in possession of that information but that he believed there had been just a desk study carried out. He would like to see a full investigation of all the alternatives. Further questions were asked about the basis of Mr McCrow's doubt that tourist numbers would be sufficient to support the enterprise based on the fact that 320,000 people had already viewed the Tapestry and also his view of 'value added' of such a project to the Borders' economy. Reference was also made to the Aim Up project at Innerleithen and the Heart of Hawick project. Mr McCrow pointed out that there had apparently been no market testing to show that, rather than gaining free entry to view the Tapestry, as had been the case, visitors would be prepared to pay for travel to Tweedbank plus the cost of entry to the attraction. With regard to the concept of 'value added' he maintained that the project should be looked at solely in terms of its own

viability in terms of future profit and loss. He believed that any element of 'value added' to the wider local economy was difficult to prove in business terms.

2.4 In response to the petition Mr Rob Dickson, Corporate Transformation & Services Director, set out the background context and process in respect of decisions made by the Council regarding the Great Tapestry of Scotland. When this matter was first considered by full Council in May 2014, initial work had been completed in respect of a possible permanent location for the Tapestry with Tweedbank being the most likely viable option. Following agreement by Council, Jura Consultants were appointed to prepare a detailed business case. Work was also undertaken at that time to consider alternative locations but this was with the knowledge that the Trustees wanted the Tapestry displayed very close to a significant public transport link, and that Tweedbank was the preferred location. The subsequent report to Council in December 2014 not only informed Members of the outputs following the feasibility design proposals and detailed Business Case prepared by Jura Consultants but also drew attention to the significance of the ambitions contained in the 'Borders Railway, Maximising the Impact: a Blueprint for the future' that was announced by the then first Minister in November 2014. Working with Midlothian and City of Edinburgh Councils, alongside the Scottish Government, Scottish Enterprise, Transport Scotland and VisitScotland, Scottish Borders Council had to rise to the challenge to deliver a range of initiatives that would maximise the economic impact from the Borders Railway, the Blueprint being backed with £10m Scottish Government funding. The Blueprint confirmed the important role that the development of a permanent home for the Tapestry in the Scottish Borders could play in achieving the ambitions set out in that document. The railway and tapestry were emphatically linked and, as part of the Blueprint, Scottish Government had intimated that it would provide £2.5m towards the cost of construction of the Tapestry building.

2.5 Questions were put to the Director by Members and by Mr McCrow. In response to the question of how the Council would be able to charge for entry to view the Tapestry under the Trustees Charter, Mr Dickson explained that discussions were ongoing with the current Trustees on the principle of a new Trust being established with different Articles of Association within which charging would be permitted. There would also be an option on the proposed lease that a commercial rent could be paid to the Council once the project was in a profit-making position. Initial work had indicated that these proposals would be acceptable to the Charity Commission. It was also confirmed that it would be for the Trustees to take into account and assess the views of the stitchers of the Tapestry. With regard to the point raised by Mr McCrow about a planning condition recommended by the Council's Planning Officer, Mr Dickson advised that this related to the Tweedbank Business Park project and as such did not have implications on the budget for the Tapestry building. On the question of whether visitors would travel out of their own locality to view the Tapestry, bearing in mind it had already been seen by 320,000, Mr Dickson emphasised that Jura Consultants were widely experienced and familiar with this type of project. The consultants had no doubt that this would be a major tourist and visitor attraction. They viewed the attraction as being of international as well as national significance. In that context they had no doubt that visitors would travel from Edinburgh and further afield and did not conclude that people would not wish to, nor pay, to see it more than once. On the question of 'value added' of tourism related projects, Mr Dickson emphasised that even more important than the sustainable business case of the project was its link to the Blueprint under the theme 'Great Destinations to Visit'. An outline economic impact appraisal had been undertaken to assess the likely economic benefit of the project. There were several questions about which alternative buildings had been considered by the Council to house the Tapestry and about the cost of the new building. Mr Dickson advised that a range of options for alternative locations had been looked at, but this had been carried out with the knowledge that the Trustees were not content with the Tapestry being located a significant distance from the railway. A number of options in Galashiels had been explored and two, the Transport Interchange and old Post Office building, were looked at further. He went on to give details of why both these options were ruled out due to the costs for the adaptation of each significantly exceeding the estimate

for the building at Tweedbank. He pointed out that generally the costs of conversion of an existing building were higher than those of a new build and he believed that the estimate for the proposed building was a robust figure and value for money.

- 2.6 Members considered the information which had been presented. Again the difficulty of assessing what was being asked in the petition was referred to, due to the wide range of opinions, priorities and reasons for signing evident in the comments that accompanied the on-line petition. However, Members respected and expressed sympathy with the views put forward. It was recognised that in making recommendations to Council relating to the proposed Tapestry building officers had made a judgement on both the viability of the project and on the potential 'value-added' in terms of increased footfall and economic activity. Members' discussion focused on this 'value-added' potential and expressed the view that the Council sometimes needed to act with imagination and vision. Comparisons were made with other specific projects in Scotland and in the Scottish Borders where there had initially been significant opposition but where the Council's decision to invest had subsequently been proved to be correct in terms of return on investment as reflected by positive economic impact and local regeneration. It was noted that the Scottish Government had looked at the Business Case and pledged £2.5m towards the cost. There was further discussion about alternative buildings and locations which had been suggested within the petition e.g. NGT building in Selkirk, ex-Post Office in Galashiels, ex-Borders College site in Galashiels. Details were given on why each had been judged to be unsuitable, either due to location away from the railway link, excessive size, excessive cost of conversion or where use may have jeopardised alternative planned development and inward investment. In general Members expressed the view that there had been a considerable amount of work carried out in relation to this project and that it should now proceed.
- 2.7 Councillor Torrance, seconded by Councillor Weatherston, moved that the issue raised did not require further action. Councillor Paterson moved as an amendment that the petition be referred to Council for consideration, but his amendment received no seconder and therefore fell. Councillor Paterson requested that his dissent be recorded. The Chairman thanked Mr McCrow and the Committee members for their attendance.

DECISION

- (a) **NOTED the petition requesting Members to overturn the decision to fund a building in Tweedbank to house the Great Tapestry of Scotland.**
- (b) **AGREED that the issue raised did not require further action.**

ADJOURNEMENT

The meeting was adjourned for 5 minutes at 11.50 am.

3. **PETITION: 120 BUS SERVICE**
There had been circulated copies of a petition, submitted to the Council on 19 August 2015, entitled "120 Bus Petition". As there was no-one in attendance to present the petition this was deferred to a future meeting.

DECISION

AGREED to defer consideration of the 120 bus service petition to a future meeting.

The meeting concluded at 12.00 pm

Extract from the Scottish Borders Council Petitions Procedure

15. The procedure at the meeting, for each petition considered, shall be as follows:
- (i) the meeting shall be in public unless the subject matter of the petition would be deemed to be confidential under the terms of Section 7A of the Local Government (Scotland) Act 1973;
 - (ii) the principal petitioner, or named deputy, shall give a statement in explanation of the petition;
 - (iii) there will be an opportunity for Members of the Committee to ask questions of the petitioner or their named deputy;
 - (iv) there will be an opportunity for any Director(s), Executive Member(s) and Community Planning Partner representative(s) present to ask questions of the petitioner or their named deputy;
 - (v) a response to the petition may be heard from a Director, Executive Member and/or Community Planning Partner representative present at the meeting;
 - (vi) there will be an opportunity for Members of the Committee to ask questions of any Director, Executive Member(s) and Community Planning Partner representative(s) present at the meeting;
 - (vii) there will be an opportunity for the petitioner or their named deputy to ask questions of any Elected Member, Director or Community Planning Partner representative present at the meeting;
 - (viii) Members of the Committee shall then discuss the information available and consider their findings. The Committee may defer a decision should further information be required.

Note: any contribution on behalf of the petition from a second or other speaker(s) shall be at the discretion of the Chairman. The public will not be allowed to speak at the meeting unless invited to do so by the Chairman.

16. The Petitions Committee shall agree to one of the following:-
- (i) refer the petition to another Committee or Director, with or without a recommendation or comment. That Committee or Director shall then make the final decision which could include taking no further action;

- (ii) refer the petition to the relevant Community Planning Partner, with or without a recommendation or comment, if appropriate;
 - (iii) that the issue(s) raised do not merit or do not require further action.
- 17. The decision of the Petitions Committee, and any reason for that decision, shall be recorded in the Minute of the Meeting and a copy of the Minute shall be sent to the principal petitioner by Democratic Services staff. Where the petition is referred to a Director or another body, the responsibility for communicating the final outcome of the petition is also referred. Updates on these outcomes will be provided to the Petitions Committee.
- 18. There will be no right of appeal in response to a final decision made in response to a petition.

Reference (official use)



Petitions – submission form

If you wish to submit a petition for consideration by the Petitions Committee, please complete the form below. You are advised to refer to the Guidance Questions and Answer sheet provided.

Details of Principal Petitioner

Please enter the name and contact details of the person raising the petition. *The Principal Petitioner must be on the Register of Electors for the Scottish Borders Council area.*

Name:	MARION SHORT AS CHAIR OF HCC
Address:	16 HIGHLAND HILL BANK
	HAWICK
Postcode:	TD9 9RY
Telephone no:	- - - - -
Email:	-

Title of Petition and Petition Statement

Please enter the title of the Petition and a statement to cover the main subject of the Petition or the action you would like the Council to take.

Title: 120 Bus Petition

Statement (no more than 250 words):

See attached separate sheet

Further information.

Please enter below any measures already taken, or persons/organisations approached to attempt to resolve the issues. Attach additional sheets to this form if required but please note that this information must be limited to no more than 4 sides of A4 paper.

Action has been co-ordinated with other Community Councils raising similar petitions and also with Elected Councillors and local MSP. A Facebook/Twitter petition has also been raised by Burnfoot CC.

Presentation of petition to the Committee.

Please indicate below if you would like the opportunity to make a statement at the meeting of the Petitions Committee when your petition is considered. Whether or not you will be invited to do so will be at the discretion of the Chairman.

~~*I do/~~do not~~ wish the opportunity to make a brief statement about the petition.~~

~~*I would like my deputy named below to make a statement on my behalf.~~

~~Name of deputy FRENCH WIGHT~~

~~Contact details~~

~~Signature of deputy.....~~

* please delete as appropriate

Signature of Principal Petitioner.

If you are satisfied your petition meets all the requirements as stated in the Guidance Questions and Answers please add your signature and date below.

Signature of Principal Petitioner.....

Date..... 21/07/2015

Accompanying signatures.

Your petition must be accompanied by at least 10 signatures in total, from persons aged 16 and over, resident in the Scottish Borders. The signatures must be from a minimum of 3 separate addresses.

Please be aware that if the petition is on the agenda for a meeting of the Petitions Committee the names and addresses, but not signatures, of all signatories will be published on the Council website.

	Name	Address	Signature
1	Ely. Adams	11 WILTON HILL TERRACE HAWICK	
2	Emma Little	5, LANGLANDS RD HAWICK	
3	K. O'NEILL	6A WILTON HILL TERRACE HAWICK	
4	JAN ROBERTSON	4 LANGLANDS RD HAWICK	
5	COMBEON KNOX	27A WELLSBANE PARK HAWICK	
6	J. TURNBULL	14 ELM GROVE HAWICK	
7	Wilson George	11A GREEN TERRACE	
8	Marian Shutt	16 HERSCHELL BANK HAWICK	

9	M. H Ford	12 Slitrig Gues. HAWICK.	
10	BRIAN FORD	12 SLITRIG CROSSLY	

Attach additional sheets of signatures if you wish.

Please submit this form and any additional sheets to:-
 Clerk to the Council, Scottish Borders Council, Council Headquarters, Newtown
 St Boswells, Melrose, TD6 OSA,
 or email to:
committeepapers@scotborders.gov.uk

Additional sheets of signatures
 were submitted

HCC was made aware of the withdrawal of this bus service and on the basis of public concerns in this and surrounding communities that the withdrawal of the service would result in no public transport connection for locals, tourists and those in employment in neighbouring towns, it was decided to raise this petition to seek support for the continuation of the service and there is scope for compromise on the service which would have to be negotiated. Hawick suffers enough isolation at present with the new railway only reaching Galashiels and this would only compound the isolation. Those who travel to work would have to make the decision to keep working with time added to their day or give up their employment.

Would people in Kelso or Jedburgh who originally wanted to come to Hawick but are faced with travelling via Galashiels not just then stay there rather than extend their travelling time and therefore Hawick loses out on visitors. The withdrawal of the service particularly affects Denholm but in Hawick itself for those residents who live on the perimeter of the town in the Weensland area, they rely on this service as local transport.

The attached petition was distributed to six outlets in Hawick requesting that the service is retained and in the short few days available has amassed hundreds of signatures which is indicative of public feeling.

It should be noted by the reader that you have to live with this situation to really appreciate the effect this withdrawal would have on people in this area.

PETITION FOR THE RETENTION OF LOCAL BUS SERVICE 120 KELSO, JEDBURGH AND HAWICK (RETURN)

Briefing Note by Service Director Commercial Services

PETITIONS AND DEPUTATIONS COMMITTEE 10 DECEMBER 2015

1 SUMMARY

- 1.1 **This briefing note advises the Petitions Committee of the background to a petition received from Teviot locality residents regarding the retention of local bus service 120. Officers recommend no further action is warranted.**
- 1.2 This bus route which runs between Hawick, Jedburgh and Kelso was operated on a commercial basis (no subsidy from the Council) by First Borders until January 2015
- 1.3 In January 2015 First Borders decided that they were no longer able to operate the route commercially. The Council stepped in and offered a temporary solution to subsidise the service with First Borders until a retender of bus services could be undertaken in the Summer of 2015. It was explained to Councillors at the time that this was a temporary solution for 6 months and budget would be found from existing resources.
- 1.4 Following the retender it became obvious that the cost of operating this route was far in excess of any available budget. It should be noted that as a commercial bus service the Council had no budget allocated for this route.
- 1.5 A restructured service 120 (re-numbered 20) was designed using a single bus operation with a reduced timetable and frequency based on passenger numbers gathered from data collected since January 2015. This revised timetable was sent out to Communities for consultation in July. Feedback was given and some minor changes were made to the timetable to try and accommodate community requests particularly around provision to Eckford, within Jedburgh and Weensland Road, Hawick.
- 1.6 The revised service has operated since 17th August 2015. Further timetable changes were introduced on 28th September 2015 – these were small frequency enhancements made largely at the Community Councils request to accommodate local traveller demand. To date there has been very little negative passenger response.

2 CONCLUSION

- 2.1 **I recommend that the Committee notes the Petition received for the retention of local bus service 120 but takes no further action.**

Approved by

Service Director Commercial Services Signature

Author(s)

Name	Designation and Contact Number
Timothy Stephenson	Strategic Transport Services Manager 01835 825182

Background Papers: Petitions Procedure

Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eitranslationrequest@scotborders.gov.uk.

**PETITION AGAINST THE SITING OF A 3G PITCH IN
VICTORIA PARK, PEEBLES**

Briefing Note by Clerk to the Council

PETITIONS AND DEPUTATIONS COMMITTEE

10 December 2015

1 SUMMARY

- 1.1 **This briefing note advises the Petitions and Deputations Committee of the non-acceptance of a petition received against the siting of a 3G Pitch in Victoria Park, Peebles.**
- 1.2 I received a petition on 26 November 2015 against the siting of a 3G Pitch in Victoria Park, Peebles. While a large number of signatures had been appended to the petition form, the part on the form where 10 signatures are required had not been completed. Having checked the Council’s committee papers, I have confirmed that the Executive Committee agreed at its meeting on 29 September 2015 that Victoria Park was the preferred location for a 3G synthetic pitch in Peebles.
- 1.3 Within the terms of the Petitions procedure agreed at Council, petitions will not be accepted which:-

‘relate to a decision made by the Council or a committee during the preceding six months’.
- 1.4 For the above reasons I therefore wrote to the Principal Petitioner on 2 December advising that the petition could not be accepted for consideration by the Petitions and Deputations Committee at this time.

2 CONCLUSION

- 2.1 **I recommend that the Committee notes the non-acceptance at this time of the Petition against the Siting of the 3G Pitch at Victoria Park, Peebles.**

Approved by

Clerk to the Council

Signature

Author(s)

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to the Council 01835 825004

Background Papers: Petitions Procedure
Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

Contact us at Jenny Wilkinson, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel: 01835 825004 Email: jjwilkinson@scotborders.gov.uk