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SCOTTISH BORDERS COUNCIL SCRUTINY COMMITTEE

MINUTES of Meeting of the SCRUTINY
COMMITTEE held in COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Thursday, 26 January
2017 at 10.00 am

Present:- Councillors G. Turnbull (Chairman), W. Archibald, K. Cockburn, A. Cranston,
I. Gillespie, B Herd, A. J. Nicol and J. Torrance.

Apologies:- Councillor W McAteer.

In Attendance:- Communities & Partnership Manager, Network Manager, Asset Manager,
Lead Roads Planning Officer, South of Scotland Timber Transport Manager,
Clerk to the Council, Democratic Services Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of 24 November 2016

DECISION

AGREED the Minute.

2. **THE IMPACT OF THIRD PARTY USE ON THE LOCAL AUTHORITY'S ROAD NETWORK**

2.1 With reference to paragraph 5 of the Minute of 24 November 2016, the Chairman welcomed Mr James England, South of Scotland Timber Transport Officer; Mr Brian Young, Network Manager, Scottish Borders Council (SBC); Mr David Richardson, Asset Manager (SBC); and Mr Derek Inglis, Lead Roads Planning Officer (SBC), who were present to give a presentation to Members on the impact of third party use on the road network. Mr England began the presentation by advising that his role was to enable timber to reach markets with the minimum impact on communities, public roads and the environment. He provided an independent point of contact between the forestry industry, local authorities and communities to improve communication and support conflict resolution. Mr England advised that commercial forestry covered 14% of Scotland and 18.5% of the Scottish Borders, which was the highest concentration in the UK. The forestry industry contributed significantly to the rural economy employing 25,000 people in Scotland, of which 3,000 were employed in the South of Scotland. Forests planted in the 1970s were now maturing and therefore timber production had increased; 7.4 m tonnes had been produced in 2014 which meant a substantial increase in timber traffic on the road network. Consequently, this brought challenges for harvesting and moving loads to the timber processing facilities which were located out with the Scottish Borders.

2.2 The majority of planting was in remote areas with poor access through narrow, rural roads which were inherently weak and not suitable for heavy timber vehicles. Mr England referred to the Scottish Borders Woodland Strategy (2005), the objective of which was to address the issues associated with regional timber transport infrastructure. One of the key actions contained in the Strategy was to work with the forestry industry and partners to develop internal haul roads in order to remove timber traffic from the most unsuitable minor roads. There was also a National Timber Transport Forum. Its Partnering Charter was to support the many benefits of forestry by ensuring that timber industries could access and market the UK's timber resource in a sustainable way. At the same time the Forum sought to minimise the impact of timber transport on the public road network, on local communities and the environment. There were also 11 Regional Transport Groups – one of which was the Scottish Borders Timber Transport Group, which included SBC

officers, Councillors, Police and hauliers. Mr England did attend Community Council meetings to make presentations and discuss any local issues.

- 2.3 Mr England went on to explain the route classification for timber transportation. A/B routes were classified as Agreed Routes which could be used for timber transportation without restriction e.g. A7 trunk road. Consultation Routes were B roads and minor roads, which had been recognised as being key to timber extraction but which were not up to Agreed Route standard. Consultation with the Local Authority was required before these routes could be used. Roads classified as Severely Restricted Routes would not normally be used and consultation with the Local Authority was required to achieve an agreed management regime to avoid land locking of timber. Finally, excluded routes should not be used for timber transport. Roads were continually assessed as they improved and categories changed. Mr England referred to the Tread Softly campaign, which had introduced initiatives such as a central tyre inflation system to lessen the impact on roads and also a convoy system. He highlighted John Miller Limited, as a responsible timber haulier, who had introduced vehicle tracking, central tyre inflation, on-board weighing, vehicle tracking with speed logged and had limited their fleet's speed to a maximum of 52 mph.
- 2.4 Mr England concluded his presentation by advising that timber transportation was being debated this week by the Scottish Government, their aspiration being the extraction of 10 million tonnes of timber each year by 2035. The National Timber Transport Forum was lobbying the government for a long term investment plan for C and Unclassified roads and intervention to ensure that the road network could meet the increasing demands of the industry. In his role as Timber Transport Officer he would continue to investigate funding streams, produce revised Codes of Practice for timber haulage, deal with complaints and listen to the views of communities and examine solutions.
- 2.5 A number of questions were raised by Members. In terms of speeding, Mr England advised that he could tackle issues relating to speeding but he required haulier details if possible or, if not, the colour of the vehicle, along with the location and time of day. With regard to plans for upgrading roads in the Borders, he advised that this was carried out on a continual basis, particularly when there was new planting; presently an internal route for Craik Forest was being investigated. The Timber Transport Fund could contribute 50% towards a road upgrade and this would be increasing to 80%. Mr Young added that the Timber Transport Fund was a challenge fund and SBC was required to bid with other authorities. At the moment SBC had to match 50% and meet certain criteria.
- 2.6 With regard to the transportation of timber via rail, Mr England advised that the required infrastructure was not in place, and Network Rail was not prepared to pursue this. Mr Young added that unless the railhead could be located at the source of timber extraction, the timber would be doubled handled, which was neither feasible nor cost effective. A freight rail service had been proposed in the mid-1990s when discussing a possible rail link from Hawick to Carlisle, but initial investigations had found difficulties with the route through Ministry of Defence land and consideration had changed to a passenger service as the more viable option.
- 2.7 With regard to windfarm traffic, Mr Inglis advised that this was easier to manage as it was for a short term event with knowledge of the number of vehicles involved. Windfarm traffic was also covered by planning conditions and legal agreements. The windfarm contractor, financed and arranged a road condition survey to determine the condition of the road prior to and following the windfarm installation, and arranged for any maintenance to be carried out as a consequence of any damage caused to the road. Part of the planning process also covered the timing of windfarm transportation so as not to clash with peak times e.g. school transportation. The issue with timber extraction was that it happened decades after initial planting took place.

- 2.8 There was a discussion on what other initiatives were in place or could be introduced. Planning conditions could be attached to forestry development, but only if it was for new planting, when landowners could be asked for a contribution to develop roads in advance e.g. to install passing places. The current timber extraction operations related to trees planted in the 1970s when the impact of extraction had not been a major consideration. Timber traffic was also viewed as normal traffic and, on existing roads, with other large vehicles such as milk transport and farm traffic, it would be difficult to prove any damage had been caused by timber transportation. Dumfries and Galloway Council had recently tried to receive compensation for damage to their road network and had not succeeded as they were unable to prove the damage was caused by timber transportation. The length of the road network made it impractical to monitor routes to ascertain which vehicles were causing damage. Mr Young added that SBC had tried to challenge in the past, but had been unsuccessful as it was considered that timber transport had as much right to use the public road network as any other vehicle as they paid road tax. Mr England did work with hauliers to try to find a resolution if there were particular difficulties with routes. Members discussed the possibility of a bond being issued with the licence for timber extraction. However, it was noted that the forestry industry had been struggling over the past few years and this could possibly prohibit landowners from planting. Members also enquired if advisory signs could be used such as weight restrictions on roads but those would apply to any HGV, not just for timber lorries. Officer advised that Traffic Regulation Orders would need to be implemented, and there was an objection process, and, unless the sign was for something tangible e.g. weak structure of a bridge, it would not be feasible.
- 2.9 To conclude the discussion, Members and Officers were in agreement that timber transportation should be reviewed annually by the appropriate committee. It was also agreed that the Scottish Government should consider the impact of timber transport on the road network and introduce a long term investment plan to enable maintenance and improvement of the road infrastructure.

DECISION

AGREED TO RECOMMEND to the Executive Committee that:

- (a) the Leader write to the Scottish Government pressing for more funding for the road infrastructure from both Scottish Government and the Forestry Industry to both prepare the public road network for timber extraction and also rectify any resultant damage caused by timber extraction;**
- (b) the Leader write to the Scottish Government to request that the current review of 'the Future of Forestry in Scotland' should include the impact and cost of timber extraction on the road network and rural communities; and**
- (c) the impact of 3rd party use of the public road network - in the form of larger HGV vehicles - be kept under review on an annual basis by the appropriate Committee in the new Council following the election in May 2017.**

3. IMPLICATIONS OF THE COMMUNITY EMPOWERMENT ACT ON THE COUNCIL

- 3.1 With reference to paragraph 5 of the Minute of 24 November 2016, the Chairman welcomed Ms Shona Smith, SBC's Communities and Partnership Manager, to the meeting to give a presentation to Members on the implications of the Community Empowerment (Scotland) Act 2015 on the Council. In her introduction, Ms Smith advised that the Act focused on a local approach to allow communities to improve services and was rooted in tackling inequalities. Although the Act received Royal Assent on 24 July 2015, it was recognised that further regulations and guidance were required for most parts of the legislation with a timescale for operational completion of October 2016. There were 11 sections of the Act: National Outcomes, Community Planning and Asset Transfer Requests were already in force; Participation Requests would become active in March 2017. Ms Smith discussed the Community Planning part of the Act which was about the delivery of local outcomes and the involvement of community bodies at all stages of

community planning. Community Planning Partners who had a statutory duty in this regard were Scottish Fire and Rescue Service, Police Scotland, NHS Borders, Scottish Enterprise and Scottish Borders Council. Tackling inequalities was a specific focus of this part of the Act. The Local Outcome Improvement Plan (LOIP), which would replace the Single Outcome Agreement, would contain improvement outcomes across the Scottish Borders, and this was linked to Locality Plans which focussed on smaller areas. The LOIP and Locality Plans required to be published by October 2017.

- 3.2 Ms Smith then went on to discuss the Asset Transfer part of the Act which was introduced on 23 January 2017. Assets were land and buildings owned by public authorities, and these required to be published; the Council's Asset register had been published on the website and would be updated quarterly. If community bodies considered they could make better use of land and buildings currently owned by public authorities and other public bodies, the Act allowed community bodies to request to purchase, lease, manage or use such land and buildings. Such requests had to be agreed unless there were reasonable grounds for refusal. There was a short time scale for the process – from receipt of the formal request to decision - and it was highlighted that interested communities should contact the Communities Partnership Team for a discussion prior to submitting a request. The Clerk to the Council added that the request process was still to be decided but it was likely to be initially considered by officers in consultation with local Members. There was also the requirement for an appeals process to be established.
- 3.3 Ms Smith then went on to explain the Community Participation Requests part of the Act, which would likely be introduced in March 2017. Communities had the right to request to participate in improving outcomes of service delivery. For example, the community could offer volunteers to support a service or take over a service or facility. The Participation Request would need to provide an explanation of the improvement in the specified service which might arise from its participation. Again, the decision making process was tight. Participation Requests could be declined but there had to be a valid reason for doing so.
- 3.4 Ms Smith briefly referred to other parts of the Act to be implemented in the future, e.g. Community Rights to Buy Land, Allotments and Common Good Property. All Councils would have to create and publish a list of common good properties. Councils would need to consult with Community Councils and other community groups. Ms Smith ended the presentation by advising there would be a shift of funding from public bodies to community partners - the Empowering Communities fund would be launched in the Spring and would be in the region of £18m. Details of the Act and a training video were available on the Council's website. Further presentations and briefings would be given to Members and the Area Forums when other sections of the Act became live. There would also be an information pack circulated to all Members with links to various documents.
- 3.5 In answer to questions, Mr Smith advised that Area Forums would receive further presentations on the Act and all Community Councils would be invited to attend. While community bodies could make Participation Requests, they would need to state what knowledge and skill they would bring. As an example of a successful community project, Ms Smith referred to the Burnfoot Community Futures Hub. Scottish Borders Housing Association (SBHA) had offered a piece of adjacent land which could be used for an allotment. The community could grow produce on the allotment and the allotment produce could then be used by Burnfoot Community Futures Hub's café and for Joint Health Improvement community cookery lessons. Reference was also made to another community project in Galashiels: there had been two large unused greenhouses which the Criminal Justice Team had brought back into use. They worked in conjunction with the Health Service, providing food for local food banks.
- 3.6 The Chairman referred to the Council's Strategic Assessment which was published on the website. Ms Smith added that the Improvement Service had also produced a Community Improvement Tool set against 14 criteria which gave information on local areas. For example, the Tool highlighted Burnfoot and Langlee as improving communities. A link to

the Improvement Service Community Improvement Tool would be sent out to Members' for their information. With regard to communities accessing funding, Ms Smith explained that mapping had shown that it was more affluent areas that applied for funding and more support was needed to help vulnerable communities with the application process. A number of funds were in place such as Empowering Communities, Aspiring Communities and Community Choices. Scottish Government needed to publicise the schemes. Smaller rural communities appeared to engage with the application process better than larger urban communities who did not have the same cohesion.

- 3.7 Members discussed a number of options regarding local governance, including the possibility of setting up town councils again; a lack of interest in the public participating in community councils, partly because they did not have a budget and if they had access to funding this might encourage more interest in community projects. There was also discussion on natural communities and how they could work alone or in tandem with others, depending on the projects being considered.

DECISION

AGREED:

- (a) **To note the progress being made with the ongoing implementation of the Community Empowerment Act;**
- (b) **a pack on Community Empowerment be sent out to all Members with links to further information which Members could distribute to local community bodies; and**
- (c) **that further briefings be made to all Members in due course as the remaining sections of the Community Empowerment Act were enacted.**

4. SCRUTINY REVIEWS

With reference to paragraph 5 of the Minute of 24 November 2016, there had been circulated copies of the updated list of subjects which the Scrutiny Committee had been asked to review and which included the source of the request, the stage the process had reached and the date, if identified, of the Scrutiny meeting at which the information would be presented. The Clerk to the Council advised that for the February meeting there would be a presentation on the Police, Fire & Rescue and Safer Communities Board; a briefing on Artificial Sports Pitches and a private briefing on Home Schooling. For the March meeting there was scheduled a presentation on the Health and Social Care Integrated Joint Board. There would also be an item on the Agenda to consider the Scrutiny Action Tracker, which would detail outcomes of actions from the Committee and also if any items required to be forwarded to 2017/2018 Committee year.

DECISION

AGREED the list of subject for review by Scrutiny Committee as amended and appended to this Minute at Appendix 1.

5. DATE OF NEXT MEETING

The next meeting of the Scrutiny Committee would take place on Thursday, 16 February 2017.

DECISION

NOTED.

The meeting concluded at 12.20 pm

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Scrutiny Committee – Review Subjects 2016/17

Timetabled for Scrutiny Meetings

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
1(a)	Police, Fire & Rescue and Safer Communities Board – a general update with emphasis on how the Board had progressed its business programmes to date; and details of key decisions made by the Board.	Douglas Scott	16 February 2017
2(a) Councillor Archibald	Artificial sports pitches. Briefing paper to be brought forward on existing artificial pitches in the Scottish Borders, to include information on the use costs, benefits and issues of these facilities.	Presentation from Rob Dickson, Corporate Transformation and Services Director.	16 February 2017
3(a)	Home Schooling. To consider the requirement for a change in the law to ensure health assessments for home schooled children are carried out. Also to investigate parents undertaking an examination to ensure that they were adequate educators for primary secondary school education. me Schooling	Private briefing from Donna Manson, Service Director Children and Young People	16 February 2017
4(a)	Scrutiny Committee Action Tracker	Jenny Wilkinson, Clerk to the Council	23 March 2017
5(a)	Health and Social Care Integrated Joint Board – to include: a general update with emphasis on how the Board had progress its business programmes to date; and information relating to key issues that the Health and Social Care Integration Joint Board had identified.	Elaine Torrance.	23 March 2017.

Reviews Completed 2015/16

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
1(c) Lib Dem Group	Implications of the Community Empowerment Act on the Council – <i>“there may be multiple implications of the Community Empowerment Act e.g. disposal of assets either SBC or Common Good, the transfer of local services to community groups who wish to take them on, future provision of allotments etc.”</i>	Presentation from Shona Smith, Communities & Partnership Manager.	26 January 2017 Completed.
2(c) Scrutiny	The impact of third party use on the Local Authority’s road network, e.g. timber transportation and wind turbine transportation.	Brian Young, Network Manager, David Richardson, Asset Manager, Derek Inglis, Lead Roads Planning Officer and James England, South of Scotland Timber Transport Officer.	26 January 2017 Completed.
3(c)	Drugs and Alcohol Strategy	Elaine Torrance, Chief Social Worker; Tim Patterson, Joint Director of Public Health, Fiona Doig.	24 November 2016 Completed.
4(c)	Policies and Procedures for Protective Marking of Documents and Management of Information.	Information Governance Board to make presentation.	24 November 2016 Completed.
5(c) Councillor Nicol	Review of Bridges Assets. The review should include the condition of bridges on the register and the processes for inspection and maintenance	Presentation by Martin Joyce, Service Director Assets & Infrastructure	27 October 2016. Completed.
6(c) Councillor Torrance	Social Work Duty Hub	Graeme Dobson, Project Manager, Les Grant, Customer Services Manager	27 October 2016. Completed.

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
7(c) Councillor Nicol	Recycling Centres. Update on remarketing of goods for recycling at Community Recycling Centres, including how other authorities approached this.	Presentation by Jenni Craig, Service Director Neighbourhood Services and Ross Sharp-Dent, Waste Manager.	22 September 2016. Completed.
8(c) Councillor Cockburn	Asymmetric Week	Presentation by Donna Manson, Service Director Children & Young People, Ms M Strong, Chief Officer Education & Lifelong Learning; Mr P Fagan & Ms A M Bready, Headteachers.	22 September 2016. Completed.
9(c) Ettrick and Yarrow Community Council	Great Tapestry of Scotland Working Group – Report	Report by Scrutiny Committee Working Group, presented by Councillor Mountford	18 August 2016. Completed.
10(c) Greenlaw and Hume Community Council	To consider outsourcing success stories from this Council and elsewhere in Scotland in particular where the service has been outsourced to a third sector organisation	Presentation by Kathryn Dickson, Procurement & Payment Services Manager.	18 August 2016. Completed.
11(c) Royal Burgh of Peebles & District Community Council	This issue relates to how (and under what circumstances) community consultation is designed, planned and managed and how the processes by which Council canvasses the views of local communities can be facilitated and improved upon. In particular, use the example of the process that led to the decision by the Council's Executive Committee to agree that Victoria Park, Peebles is the preferred location for a 3G pitch.	Presentation from Rob Dickson, Corporate Transformation and Services Director.	Removed. (Paragraph 2.2 of the minute of 18 August 2016 refers).
12(c) Councillor Torrance	School Transport and Escorts	Presentation by Dona Manson, Service Director Children and Young People.	28 April 2016 Completed.

13(c) Scrutiny Committee	Following the review on road repairs maintenance, presented to the January meeting of Scrutiny Committee. There was a further report to the March meeting on the implications on the capital and revenue budgets of the trunk status of the A72 and A7. Scrutiny Committee requested a further report identifying the revenue and capital costs of works to individual roads in the roads infrastructure.	Report from Asset Manager.	28 April 2016. Completed.
14(c) Councillor Logan	Support for Highly Able Learners in Schools	Presentation by Donna Manson, Service Director Children & Young People.	28 April 2016. Completed.
15(c) Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels – to include subsidy arrangements and departure charges.	None	24 March 2016. Completed.
16(c) Councillor Archibald	Equalities Legislation. Consideration on the Council's up to date grant application form and information on how legislation is applied to local festivals, in particular where the Council awards grants.	None.	24 March 2016. Completed.
17(c) Councillor Bhatia	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.”	Recommendation to be considered by Executive Committee on 22 March 2016.	18 February 2016. Completed.
18(c) Etrick and Yarrow CC Allocation of budgets for rural maintenance and repairs.	To review extent to which the SBC budget for road repairs and maintenance is sufficient to meet need and the not unreasonable expectation that roads will be maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for rural roads is arrived and whether more should be allocated.	Recommendation considered by Executive Committee on 8 March 2016 – accepted.	28 January 2016. Completed.

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date.
19(c) Graeme Donald	Religious Observance Policy } These were } presented together at }	None – briefing session	29 October 2015. Completed.
20(c) Scrutiny Committee	Faith Schools } the same meeting. }	None – briefing session.	29 October 2015. Completed.
21(c) Councillor Turnbull	Fees for taxi licensing – the amount paid to outside bodies in administering taxi licensing and how the fees for a licence in the Borders compare with those of neighbouring authorities.	Information emailed to Cllr Turnbull from Licensing Team Leader on 5/10/15. Cllr Turnbull does to wish to pursue further.	14 October 2015. Completed.
22(c) Scrutiny Committee	Attainment levels in Schools in Deprived Areas.	None – briefing session.	24 September 2015. Completed.
23(c) Scrutiny Committee	Mainstream Schools and Children with Complex Additional Support Needs	None – briefing session.	24 September 2015. Completed.
24(c) Scrutiny Committee	Funding available to Community Councils	Presentation from Clare Malster, Strategic Community Engagement Officer	11 June 2015. Completed.
25(c) Scrutiny Committee	Presentations on Planning Enforcement and Building Inspection Regime.	Presentation from Alan Gueldner, Lead Enforcement and Mr James Whiteford, Lead Building Standards Surveyor.	11 June 2015. Completed.
26(c) Scrutiny Committee	Procurement Control of contractors policy/repairs & maintenance framework agreement procurement project.	Presentation by Kathryn Dickson, Procurement and Payment Services Manager, Graham Cresswell, Health & Safety Manager; Ray Cherry, Senior Architect; Stuart Mawson, Property Manager.	28 May 2015. Completed.
27(c) Scrutiny Committee	Use of Small Schemes and Quality of Life Funding by Area Fora.	Report by Jenni Craig, Service Director Neighbourhood Services.	26 March 2015. Completed.

Reviews Completed 2014/2015

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date
1(d) Scrutiny Committee	Funding Available to Community Council	Clare Malster, Strategic Community Engagement Officer. Jean Robertson, Funding and Project Officer.	11 June 2015. Completed.
2(d)	Presentation on Planning Enforcement and the Building Inspection Regime	Alan Gueldner, Lead Officer Enforcement and James Whitford, Lead Building Standards Surveyor	11 June 2015 Completed.
3(d)	Use of Small Scheme and Quality of Life Funding by Area Fora	Report from Jenni Craig, Service Director Neighbourhood Services. Craig Blackie Neighbourhood Area Manager(Eildon)	26 March 2015 Completed.
4(d)	Procurement – Control of Contractors Policy/Repairs & Maintenance Framework Agreement Procurement Project	Kathryn Dickson, Procurement and Payment Services Manager, Graham Cresswell, Health and Safety Manager, Ray Cherry, Senior Architect, Stuart Mawson.	28 May 2016 Completed

Reviews Completed 2012/2013

Source	Issue/Description	Stage	Scrutiny Committee Meeting Date.
1(e)	The Scrutinising Function within the new Scheme of Administration	Councillor Parker	Completed.
2(e)	Food Safety	Brian Frater, Head of Planning & Regulatory Services; Gwen Robertson, Principal Officer Food/Health and Safety, and Anne Dalziel, Enforcement Officer, Anne Dalziel.	4 October 2012. Completed.
3(e)	Procurement	David Robertson, Chief Financial Officer, Sandra Blacklock; Category Manager – Construction, Transport and Environment, Ewan Forrest, Category Manager – Corporate Indirects, Ewan Forrest and Charles Revolta, Solicitor.	4 October 2012. Completed.
4(e)	The Scrutinising Function within the new Scheme of Administration	Councillor Parker	4 October 2012 Completed.
5(e)	The Welfare Reform Act and Its Impact	Presentation from Jenni Craig, Head of Customer Services and David Cressey, Head of Housing & Community Justice	13 September 2012 Completed.
6(e)	Tourism Development in the Scottish Borders Area	Paula McDonald, Regional Director – VisitScotland, Vicki Miller, Head of Local marketing, VisitScotland, Ms Catherine Maxwell-Stewart, Chairman Scottish Borders Tourism Partnership, Richard Sweetnam, Economic Development Manager.	22 March 2012 Completed.

