

Public Document Pack

SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 31 March, 2016 at 10.00 a.m.

Present:- Councillors G. H. T. Garvie (Convener), J. Brown (Vice Convener), S. Aitchison, W. Archibald, M. Ballantyne, S. Bell, K. Cockburn, M. J. Cook, V. M. Davidson, G. Edgar, J. A. Fullarton, I. Gillespie, J. Greenwell, B Herd, G. Logan, S. Marshall, W. McAteer, J. G. Mitchell, D. Moffat, A. J. Nicol, D. Parker, D. Paterson, F. Renton, S. Scott, R. Smith, R. Stewart, G. Turnbull and B White

Apologies:- Councillors C. Bhatia, J. Campbell, S. Mountford, J. Torrance and T. Weatherston

Absent:- Councillors A. Cranston

In Attendance:- Depute Chief Executive (People), Depute Chief Executive (Place), Corporate Transformation and Services Director, Service Director Regulatory Services, Chief Financial Officer, Chief Social Work Officer, Chief HR Officer, Clerk to the Council, Principal Solicitor (H. MacLeod).

1. **CONVENER'S REMARKS.**

The Convener congratulated the following:-

- Betty and Ian Falconer who had been approved foster carers since 2000, had fostered 103 children and had been awarded the Broons Award for "Best Foster Carers". This was a national award and they had been selected from over 1000 entries.
- The Borders Care and Repair Team, who in partnership with the Council had been awarded the "Third Sector Partnership" Award at the Holyrood Magazine's annual 2015 Scottish Public Service Awards. The Team offered a "one stop shop" for the delivery of housing adaptations for older and vulnerable residents throughout the Borders.
- The Galashiels Transport Interchange had been named the Town Centre Regeneration Project of the Year at the Scottish Property Awards. One of the key elements of the award was the involvement of a Community Stakeholder Group.
- Bob Burgess who was retiring from journalism after 49 years service in the Borders.

DECISION

AGREED that congratulations be passed to all those concerned.

2. **MINUTES**

The Minutes of the Meetings held on 25 February and 10 March 2016 were considered.

DECISION

AGREED that the Minutes be approved and signed by the Convener.

3. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Health & Social Care Integration Joint Board	2 February 2016
Police, Fire & Rescue and Safer Communities Board	12 February 2016
Local Review Body	15 February 2016
Executive	16 February 2016
LLP Strategic Governance Group	16 February 2016
Hawick Common Good Fund	16 February 2016

Teviot & Liddesdale Area Forum	16 February 2016
Selkirk Common Good Fund	17 February 2016
Scrutiny	18 February 2016
Galashiels Common Good Fund	18 February 2016
Eildon Area Forum	18 February 2016
Civic Government Licensing	19 February 2016
Lauder Common Good Fund	23 February 2016
Planning & Building Standards	29 February 2016
Petitions & Deputations	1 March 2016
Peebles Common Good Fund	2 March 2016
Community Planning Strategic Board	3 March 2016
Executive	8 March 2016
LLP Strategic Governance Group	15 March 2016
Teviot & Liddesdale Area Forum	15 March 2016

DECISION

APPROVED the Minutes listed above subject to paragraph 4 below.

4. COMMITTEE MINUTE RECOMMENDATION

With reference to paragraph 6 of the Executive Committee Minute of 8 March 2016, regarding the governance of developer contributions in respect of the affordable housing policy it was recommended that the Chief Financial Officer be given delegated powers to allocate Affordable Housing Policy developer contributions to assist delivery of affordable housing projects.

DECISION

AGREED that the following addition to the powers delegated to the Chief Financial Officer be incorporated into the Scheme of Delegation “To authorise the allocation of Affordable Housing Policy funding collected by the Council to assist delivery of individual projects”.

5. OPEN QUESTIONS

The questions submitted by Councillors McAteer, Marshall, Logan, Scott, Fullarton and Cockburn were answered.

DECISION

NOTED the replies as detailed in Appendix I to this Minute.

MEMBER

Councillor Ballantyne joined the meeting.

6. REVIEW OF HERITABLE ASSETS IN FORMER BURGH OF INNERLEITHEN

There had been circulated copies of a report by Service Director Regulatory Services on the outcome of the work done to review the Heritable Property Assets held by the Council within the former Burgh of Innerleithen to ensure that the correct listing was recorded with the Accounts and Registers of the Council and seeking approval for the establishment of a Sub-Committee of Council for the Innerleithen Common Good Fund. The report explained that the Council’s Legal Services had been reviewing the titles for all Assets held by the Council in all former Burghs to ensure that the Asset Registers were correct in relation to Common Good matters. The Legal Officers had been supported by Estates Officers and Financial Officers in this work which required examination of the former Burgh accounts as well as minutes. This work had identified that the Memorial Hall, Innerleithen which was currently held on the General Account, required to be recorded as a Common Good asset. This asset was donated to the Burgh Council in 1919 and the donation included a declaration that the subjects were to be held for be hoof of (i.e. in trust for) the community of Innerleithen. The Council’s current Scheme of Administration did not provide for a Sub-Committee to administer a Common Good Fund for the former Burgh of Innerleithen as at 1996 no assets were identified as being Common Good. As

these were amendments to the existing Register, the Chief Financial Officer would now put in place measures to amend the Register and the annual accounts accordingly. The Service Director advised that the word "Royal" should be removed from paragraph 3.4 of the report and that the description of the asset should also include the offices and clock associated with the hall. An additional recommendation "(c) that the Innerleithen Common Good Fund Sub-Committee would at an early opportunity review the list of assets in Appendix 1 to the report and confirm its agreement with officers that these had been correctly identified. Any re-allocation of assets to the Common Good as a result of this review would be agreed with the Section 95 Officer. The local Members welcomed the creation of an Innerleithen Common Good Fund.

DECISION

AGREED:-

- (a) to note the amendment of the Council's Asset Register showing the Memorial Hall, Innerleithen, together with offices and clock, as a Common Good Asset;**
- (b) to approve the establishment of a Sub-Committee of Council for the Innerleithen Common Good Fund, as detailed in Appendix 2 to the report, for inclusion in the Council's Scheme of Administration; and**
- (c) that the Innerleithen Common Good Fund Sub-Committee would at an early opportunity review the list of assets in Appendix 1 to the report and confirm its agreement with officers that these had been correctly identified. Any re-allocation of assets to the Common Good as a result of this review would be agreed with the Section 95 Officer.**

7. CULTURAL SERVICES TRANSFER - LEASE OF COMMON GOOD ASSETS

There had been circulated copies of a report by Service Director Regulatory Services seeking the formal approval of the Trustees of the Hawick, Kelso, Galashiels, Selkirk, Jedburgh Common Good funds and the Innerleithen Common Good fund, as established in paragraph 6 above, to lease various common good properties to Borders Sport and Leisure Trust (BSLT) in respect of the culture trust transfer. The report explained that the Council intended to transfer its Cultural Services to BSLT (to be renamed Live Borders) from 1 April 2016. To enable BSLT to carry out Scottish Borders Council's (SBC) Cultural Services, it was proposed that SBC grant to BSLT leases of the premises from which these services were currently operated. Several of these premises were held on the Council's Common Good account. SBC currently occupied these sites on an informal basis. However, in order to allow BSLT to operate the same services from these premises, it would be advisable for a lease to be granted by SBC (as Trustees of the Common Good funds) to BSLT. Each of the premises concerned would continue to be used for the existing purpose and would continue to be owned by SBC, in trust for the relevant Common Good. In response to a question on existing letting arrangements with organisations, assurances were given that these would continue and would be reviewed annually as part of the charging policy. Arrangements for the maintenance of the buildings had also been put in place. Any moveable assets stored within the properties would remain there and continue as Common Good assets.

DECISION

AGREED that to allow the continuation of existing services on behalf of SBC, approval be given:-

- (a) on behalf of the Trustees of the Selkirk Common Good Fund to grant a 20 year lease to BSLT of subjects at the Victoria Hall and Sir Walter Scott's Courtroom;**
- (b) on behalf of the Trustees of the Hawick Common Good Fund to grant a 20 year lease to BSLT of subjects at the Hawick Town Hall;**

- (c) on behalf of the Trustees of the Galashiels Common Good Fund to grant a 20 year lease to BSLT of subjects at Old Gala House;
- (d) on behalf of the Trustees of the Innerleithen Common Good Fund to grant a 20 year lease to BSLT of subjects at the Memorial Hall;
- (e) on behalf of the Trustees of the Kelso Common Good Fund to grant a 20 year lease to BSLT of subjects at the Tait Hall; and
- (f) on behalf of the Trustees of the Jedburgh Common Good Fund to grant a 20 year lease to BSLT of subjects at Jedburgh Castle Jail and the Mary Queen of Scots House.

8. **TITLE TO DRUMELZIER VILLAGE HALL**

There had been circulated copies of a report by the Service Director Regulatory Services on the position regarding the title and ownership of the Drumelzier Village Hall to ensure that the Council's heritable property assets register was correct and to recommend actions that the Council should take. The report explained that the Drumelzier Village Hall title was derived from a Feu Charter by the Chairman, the Minister of the Parish of Drumelzier and the Treasurer as Trustees for the Drumelzier Recreation Hall Association in favour of the Convenor of the County Council of the County of Peebles, the County Councillor for Broughton South and the Clerk to the County Council of Peebles as Trustees for the Association. These positions no longer existed as a result of Council reorganisation. No evidence had been found to suggest that there had been any formal change to these positions and therefore it had been determined that the nearest appropriate current Trustees should be the statutory successors to the above roles. The statutory successors would therefore be the Convenor of Scottish Borders Council, the Chief Executive of the Scottish Borders Council and the Scottish Borders Council Councillors for the ward of Tweeddale West. The Council's heritable property assets register did not currently include the Hall and as the Hall was in the name of Council Trustees the Council's heritable property assets register would be updated to include it. It was noted that the community were supportive of the proposals.

**DECISION
AGREED:-**

- (a) to acknowledge and agree that title to the Drumelzier Village Hall was in the name of the Convenor of Scottish Borders Council, the Chief Executive of the Scottish Borders Council and the Scottish Borders Council Councillors for the ward of Tweeddale West as Trustees for the Drumelzier Recreation Hall Association;
- (b) that the Hall be added to the Council's heritable property assets register; and
- (c) to note that the Section 95 Officer would amend the asset register in accordance with these recommendations.

9. **INTEGRATED CULTURE AND SPORT TRUST PENSION FUND CONSIDERATION**

There had been circulated copies of a report by the Chief Executive on the position being recommended in relation to future pension liabilities of staff affected by the transfer of Cultural Services to Borders Sport and Leisure Trust (BSLT). The report proposed that when the Council transferred Culture Services staff to BSLT they would maintain their membership in the Local Government Pension Scheme through admitted body status. The admissions agreement would ensure that future members of staff employed by BSLT would have access to the Scheme, after completion of five years' service as per the eligibility criteria applied to current new employees of BSLT. Barnett Waddingham, the Pension Fund's actuary had provided a projected level for a bond of £2.937m, to reflect

the pension fund liabilities of those staff transferring to BSLT and existing BSLT scheme members as at 10 August 2015. This represented the current level of risk facing the Pension Fund in the event of a premature termination of the Trust's membership of the Scheme and the Council would carry this risk. It was proposed that the Trust Scheme had an employers' contribution rate of 18% of pensionable pay and that the Council would underwrite the risk of premature termination of BSLT's admission agreement. The underlying position had not fundamentally changed from the current position whereby the Council effectively underwrote the risk associated with unfunded pension fund liabilities for all staff and those employed at present by BSLT. It was not proposed that the Trust be required to establish a bond.

DECISION

AGREED:-

- (a) that staff who were to be employed by BSLT from 1 April 2016, who were currently members of the Council's Pension Scheme, would remain members of the Pension Scheme following the integration of staff with the Trust;**
- (b) to note that BSLT had applied to the Pension Fund for amendment to their admission agreement to cover those employed in Cultural Services;**
- (c) that future members of staff employed by the Trust would also be covered by the admission agreement following the serving of the five year eligibility period in line with existing BSLT employees; and**
- (d) that the transfer of staff to BSLT would not require any additional guarantor or bond arrangements for the Trust and that the Council would underwrite any Admission Agreement premature termination risk.**

MEMBER

Councillor Paterson joined the meeting during consideration of the following item of business.

10. CHILD PROTECTION COMMITTEE ANNUAL REPORT 2014-15

There had been circulated copies of a report by the Chief Social Work Officer on the activities of the Child Protection Committee during the period August 2014 to July 2015 aimed at protecting children and young people in the Scottish Borders from abuse and neglect. Mr Duncan McAulay, independent Chairman of the Committee, was present at the meeting and highlighted the main activities carried out during the year. There had been a reduction in the number of children registered and this had been verified by an independent review commissioned to check that procedures were robust. Work had focussed on engaging with young people and ensuring that they knew where to get help if required. Child Sexual Exploitation has been a key area and a new course was introduced during this period with 84 professionals attending and a local action plan was to be issued. The views of children and families were important to SBCPC in order to inform and improve child protection practices so a number of activities had been carried out in this area. Significant Case Reviews were the multi-agency process for establishing the facts of a situation where a child had died or been significantly harmed, within a child protection context, in order to learn lessons with and make improvements to service: 48 such national reviews had been examined and multi-agency discussions held where considered relevant. The main concerns identified at the Case Conferences were detailed in the report. Domestic Abuse had risen since last year (8%-21%) and emotional abuse had fallen (52%-20%). Both Parental alcohol (25%-8.5%) and Drugs (25%-10%) misuse statistics had fallen. Parental Mental Health problems had risen slightly (8.3%-10%) and physical abuse had also risen from (1%-6%). Neglect issues had fallen (19%-7%). In many cases children had more than one concern identified. There were no Child

Sexual Exploitation concerns raised. Mr McAulay and Ms Torrance answered Members' questions and the importance of early intervention was highlighted.

**DECISION
AGREED:-**

- (a) to endorse the content of the Child Protection Committee Annual Report; and
- (b) that the report be published on the Council's website and distributed to interested parties.

11. **ADULT PROTECTION COMMITTEE ANNUAL REPORT 2014-15**

There had been circulated copies of a report by the Chief Social Work Officer on the continuing progress in Scottish Borders in the development of an interagency approach to the support and protection of adults who were at risk of harm, as defined in the Adult Support & Protection (Scotland) Act 2007. Mr Jim Wilson, Independent Chairman of the Committee, was present at the meeting and highlighted the main aspects of the annual report. There was an overall increase in protection concerns with 1432 referrals received where there was an initial report of an adult at risk of harm compared with a total of 1253 during the previous year. Following initial enquiries this progressed to 169 Adult Protection concerns being investigated where it was known or believed that an adult was at risk as defined by the Adult Support and Protection (Scotland) Act 2007. A significant number of the other concerns were signposted to other services for support. A review of Adult Protection activity during the period showed that the majority of concerns related to older people and those adults who had a learning disability. Financial Harm followed by Physical Harm were the highest types of harm reported. Positive work had been carried out with Trading Standards on protection from Financial Harm and awareness raising in this area continued. The importance of partnership working, self-evaluation and staff training was emphasised, which in turn ensured processes and practices in place were working.

**DECISION
AGREED:-**

- (a) to endorse the content of the Adult Protection Committee Annual Report; and
- (b) that the report be published on the Council's website and distributed to interested parties.

12. **EARLY RETIREMENT/VOLUNTARY SEVERANCE**

There had been circulated copies of a report by the Chief Executive seeking approval for 10 members of staff who had requested early retirement and voluntary severance, including a member of staff who had two contracts. If all 11 applications were approved, a total one-off cost of £350,245 would be incurred. In total, £228,318 of direct recurring employee cost savings would be delivered each year. The average payback period for all staff was 1.4 years.

**DECISION
AGREED to approve the 11 current proposed applications as detailed in the appendix to the report with the associated costs being met from the voluntary severance/early retirement budget for 2016/17 of £350,245.**

13. **PETITIONS AND DEPUTATIONS COMMITTEE**

There had been circulated copies of a report by the Chief Executive providing an update on the work of the Petitions and Deputations Committee and proposed an amendment to the process for acceptance of a petition. The report explained that since its formation, the Petitions and Deputations Committee had considered 12 petitions. There had, however, been a number of petitions which had not been admissible due to the petition relating to a

decision made by the Council or a committee during the preceding six months. Officers had considered whether the six month rule could be relaxed in some way and any consequences of so doing. In this regard, Officers did not consider it appropriate for any decisions of full Council to be the subject of a petition within 6 months of that decision as such decisions were taken by all 34 Councillors. However, it might be appropriate to consider amending the process regarding petitions which is linked to decisions of the Executive Committee within this 6 month time period. It was therefore proposed that the process for submission of petitions be amended to include the following: "that the Chief Executive, in consultation with the Chairman of the Petitions and Deputations Committee, had the discretion to allow consideration of a petition which was linked to a decision of the Executive Committee taken within the preceding 6 months as long as a delay would not prejudice the best interests of the Council". Details of the amended petitions process was appended to the report. It was further suggested that the new process be trialled until the end of the current Council's term of office in May 2017. It was noted that if the amendment to the Petitions process was accepted this would require an amendment to Standing Order No. 26.

DECISION

AGREED:-

- (a) to commend the work to date of the Petitions and Deputations Committee;
- (b) to approve the new Petitions and Deputations process as detailed in the Appendix to the report;
- (c) to approve the amendment of Standing Order No. 26 as follows:-

"Any motion or amendment to rescind or amend any decision which has been passed within the preceding six months, and any motion or amendment to the same effect as any motion or amendment which has been negated within the preceding six months, shall not be in order unless notice thereof has been duly given and has been specified in the notice calling the meeting. The notice of motion or amendment shall bear the signature of the member who proposes the motion and also signatures of at least six other members. When any such motion or amendment has been disposed of by the Council, it shall not be competent for any member to propose a similar motion or amendment within a further period of six months. In the event of there being any doubt as to the motion or amendment being a similar one, the question shall be decided by the Chairman. The only exception to this will be if the subject of a petition linked to a decision of the Executive Committee is referred to Council from the Petitions and Deputations Committee."

- (d) that the new petitions process be trialled until the end of the current term of office of the Council in May 2017.

14. AMENDMENT TO 2015/16 CALENDAR OF MEETINGS

The Clerk to the Council advised that following the setting of the date for the EU Referendum as 23 June 2016 it was necessary to change the dates of meetings on and around that day. An amended calendar of meetings for that period had been circulated.

DECISION

AGREED to approve the amended Calendar of meeting for May and June 2016, as contained in Appendix II to this Minute.

15. BORDERS SPORT & LEISURE TRUST BOARD MEMBERS

It was noted that following the changes to Borders Sport & Leisure Trust it was necessary to appoint a non-Executive Committee Member to serve on their Board. Councillor

Garvie, seconded by Councillor Nicol, moved that Councillor White be appointed and this was unanimously approved.

DECISION

AGREED that Councillor White be appointed to the Border Sport and Leisure Trust Board.

16. **ANY OTHER ITEMS WHICH THE CONVENER DECIDES ARE URGENT**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener 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.

17. **REPRESENTATIVES ON OUTSIDE BODIES**

Councillor Cook advised that he was currently appointed as the Council's representative on the Eyemouth Harbour Trust but due to COSLA commitments was unable to attend their meetings so Councillor Campbell attended in his place. It was therefore proposed that Councillor Campbell be officially appointed as the Council's representative on the Eyemouth Harbour Trust and that Councillor Cook take her place on the St Abbs and Eyemouth Voluntary Marine Reserve. This request was unanimously approved.

DECISION

AGREED the following amendments to appointments to outside bodies:-

(a) **Eyemouth Harbour Trust – Councillor Campbell**

(b) **St Abbs and Eyemouth Voluntary Marine Reserve – Councillor Cook**

18. **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix III to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

19. **MINUTES**

The private sections of the Council Minutes of 25 February and 10 March 2016 were approved.

20. **COMMITTEE MINUTES**

The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.

21. **SB CARES BUSINESS PLAN**

Members noted progress and approved the 2016/17 Business Plan.

22. **VOLUNTEER PARK, HAWICK**

Members approved a joint report by the Corporate Transformation & Services Director and Service Director Commercial Services.

The meeting concluded at 11.55 am

**SCOTTISH BORDERS COUNCIL
31 MARCH 2016
APPENDIX I**

Question from Councillor McAteer

The Executive Member for Community Safety

In light of recent police reports identifying individuals being charged with being concerned in the supply of class 1 dangerous drugs, namely heroin, in the Hawick, area can Councillor Moffat detail what formal drugs awareness programmes or arrangements are in place to educate the young and vulnerable in the Scottish Borders. Does the current trend require us to revisit existing associated education and enforcements arrangements and what reassurance can we provide local residents including parents and children that the police and authorities are in control of this worrying development?

Reply from Councillor Moffat

I welcome the recent activity in Hawick and other Borders towns by Police Scotland as part of their local priority to tackle substance misuse which features in the majority of current Police Multi Member Ward plans.

I understand Local Police officers supported by Specialist Police resources will continue to act proactively to target those supplying controlled drugs on an intelligence led basis.

Scottish Borders Council continues to provide specific drugs education in schools as part on the wider Wellbeing agenda.

This is supported, by Police Scotland via the six Locality Integration Officers in Scottish Borders and the Divisional Police Drugs and Alcohol Officer.

The Locality Integration Officers support schools through any emerging issues as well as delivering inputs at larger scale multi agency events such as Crucial Crew (P7 age) and Safe T (S5 age).

The Divisional Police Drugs and Alcohol Officer directly supports the Scottish Borders Alcohol and Drugs Partnership and the Scottish Borders Council's Education Service to review the ongoing educational policy on drugs matters and is also able to respond to any emerging issues.

In addition, a multi-agency Drugs Trends Monitoring Group is held regularly within the Borders General Hospital where the latest trends and issues are discussed and appropriate actions identified including any educational requirements.

Question from Councillor Marshall

The Executive Member for Roads and Infrastructure

Can the Executive Member for roads and infrastructure provide the following information concerning the responsible roads network across the Scottish Borders:

- a) How many claims have been made against the council with regard to damage caused to vehicles as a result of pot-holes or similar road defects
- b) How many applicants were successful
- c) How long on average is it taking for each claim to be processed end to end
- d) How many rejected claims are subjected to appeal and ultimately successful
- e) What are the current costs to the council and what are the projected costs by the end of the financial year 2015/2016.
- f) How do the costs for 2015/16 compare to 2014/15

Reply from Councillor Cook on behalf of Councillor Edgar

In response to the question I have examined figures for financial year 2014/15 and 2015/15 and have used your numbering in my reply: -

- a) 136 claims were made in 2014/15 and to date 82 have been made in 2015/16
- b) 25 applicants were successful in 2014/15 and to date 6 applicants have been successful in 2015/16
- c) This information is not held by the Council and we have asked our insurers, Zurich, if they can provide any data on this matter.
- d) This information is not held by the Council and we have asked our insurers, Zurich, if they can provide any data on this matter.
- e) Costs in 2014/15 were £5,656 and projected costs for 2015/16 are £2,100.39
- f) See per previous point.

The figures above exclude the recent court settlement associated with the bridge at Broughton.

Supplementary

Councillor Marshall asked if Councillor Cook agreed that given the horrendous condition of the Borders roads that we could not keep giving reassurances to the public while just doing “sticking plaster” repairs. Councillor Cook stated that this was a misguided statement and did not accept this position and that the Council made every effort and had provided additional money within the budget. It was important that the public provide details of any potholes so that repairs could be made.

Question from Councillor Logan

The Executive Member for Roads and Infrastructure

Do you intend to bring a report to this Council, outlining the potential, or otherwise, of a Scottish Borders Decriminalised Parking Enforcement Scheme?

Reply from Councillor Edgar

Yes, it was the intention to bring a report to Council.

Supplementary

Councillor Logan asked that given the problems with parking the report be brought forward as soon as possible. Councillor Edgar advised that following the withdrawal of traffic wardens the decision on how to move forward with traffic management in our towns is one of the most significant ones that the Council has had to face. Following an earlier report on the subject to Council an officer / member group was set up to investigate the various options open to the Council. That group has concluded its investigations and made its recommendations. Those recommendations were discussed by Corporate Management Team and officers were asked to undertake some further work before reporting back again to APWG. This happened on 8 March when there was a full and frank discussion of the options open to the Council. Following the report earlier this month further high level discussions are to take place prior to a report coming before Council.

Question from Councillor Scott

The Executive Member for Planning and Environment

What are the Council's proposals for replanting the 150+ trees, which were subject to a TPO and which have been felled at Tweedbank?

Reply from Councillor Smith

I want to thank Cllr. Scott for this question. I recognise that comment on the removal of the trees has appeared in several of the local newspapers. However answers to this and other questions relating to the Tapestry can be found on the Council's website, in the Public Access documents related to Planning. The reference is 15/00806/FUL.

Here Cllr. Scott can find a Tree Felling Plan dated 17th July 2015, an Arboricultural Assessment dated 16th September, and a paper on Amended Landscape Softworks dated 29th September. I am happy to provide Cllr. Scott with copies of these. The Arboricultural Assessment gives the Consultant's views on 314 individual and identified trees, with his recommendation for removal or retention of each.

May I read para. 2.3.

"Little post-planting management of the trees appears to have been undertaken, with the result that many of the younger trees have become very narrow and drawn due to mutual competition for light. Much of the planted under storey has been suppressed by the larger trees with little light reaching the woodland floor during the growing season."

It is this situation which is now being addressed.

There are no proposals to replant the 150+ trees which were subject to a TPO and which have been felled. The planning authority is entitled to give permission for the felling of trees covered by a TPO. This proposal was considered and approved by the Planning and Building Standards Committee when the planning application was approved. That decision had regard to the poor condition and lack of effective management of the wooded area. Two conditions were imposed which are relevant to this question:

Condition 1 requires a landscape plan, including management scheme for the (remaining) woodland, to be submitted before development commences. Condition 9 requires that only the trees identified for removal should be removed. It also requires that the development itself then needs to abide by a tree protection plan.

Neither of these conditions has to be agreed at this stage as development has not commenced. Tree removal does not constitute a commencement of development. The project team are aware of the conditions and proposals will be submitted for agreement before development starts.

Question from Councillor Fullarton

The Executive Member for Roads and Infrastructure

Could you give an update on the Bellwin Fund Applications and the capital required to complete the repairs. A list of projected repairs would be helpful and the likely subsidy from Scottish Government.

Reply from Councillor Edgar

The storms have caused widespread damage to the Councils infrastructure and officers have determined that then scale of repairs cannot be undertaken within the 2 month post event period. . Scottish Government has agreed an extension to the timescales to the 30 June 2016 for general road and infrastructure repairs and an extension to the 30 September 2016 for works in rivers and embankments.

To date some 300+ individually identified works have now been designed and prioritised with the exception of some bridge and river works, current progress is that around 40% of the programme has been completed. A copy of the programme will be forwarded to Councillor Fullarton by my Asset Manager.

The works are being undertaken on a cost plus basis, there is no overall estimate of the cost to undertake all repairs, but a figure in in excess of £3m is our current best estimate. This Council will be responsible for funding the first £508k of these works from existing reserves.

Supplementary

Councillor Fullarton commented on the level of expenditure by Northumbria Council and suggested that we should match the level. Councillor Edgar advised that we followed the Bellwin Formula for our claim and could only apply for flood damage to roads.

Question from Councillor Cockburn

To the Executive Member for HR & Corporate Improvement

How does the current level of staff absenteeism compare to the level of staff absenteeism of 5 and 10 years ago?

Reply from Councillor Cook

There has been a targeted approach to improving attendance levels over the last 5 years and this has seen a gradual improvement in absence levels.

The % of days lost to sickness are as follows-

2006/07 5.6%

2008/09 5.23%

2009/10 4.96%

2010/11 4.81%

2011/12 4.32%

2012/13 4.87%

2013/14 4.57%

2014/15 4.52%

2015/16 still to be calculated at year end although indication is 4.10%

SCOTTISH BORDERS COUNCIL
31 MARCH 2016
APPENDIX II

Date			Committee	Time
MON	23	MAY	CRITICAL SERVICES OVERSIGHT GROUP	2.00 p.m.
TUES	24	MAY	EXECUTIVE COMMITTEE (EDUCATION)	10.00 a.m.
TUES	24	MAY	ADMIN FINANCE & RESOURCES WG	2.00 p.m.
WED	25	MAY	CHAMBERS INSTITUTION TRUST	4.45 p.m.
WED	25	MAY	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
WED	25	MAY	TWEEDDALE AREA FORUM	6.30 p.m.
THUR	26	MAY	EMPLOYEE COUNCIL	3.00 p.m.
FRI	27	MAY		
SAT	28	MAY		
SUN	29	MAY		
MON	30	MAY	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	31	MAY	PETITIONS & DEPUTATIONS COMMITTEE	10.00 a.m.
WED	1	JUN	JCG: TEACHERS	2.00 p.m.
WED	1	JUN	JEDBURGH COMMON GOOD FUND SUB-COMMITTEE	4.30 p.m.
WED	1	JUN	KELSO COMMON GOOD FUND SUB-COMMITTEE	5.30 p.m.
WED	1	JUN	CHEVIOT AREA FORUM	6.30 p.m.
THUR	2	JUN	EDUCATION PERFORMANCE SUB-COMMITTEE	10.00 a.m.
THUR	2	JUN	BERWICKSHIRE AREA FORUM	6.30 p.m.
FRI	3	JUN		
SAT	4	JUN		
SUN	5	JUN		
MON	6	JUN	TRADING OPERATIONS SUB-COMMITTEE	2.00 p.m.
MON	6	JUN	LOCAL REVIEW BODY	10.00 a.m.
TUES	7	JUN	EXECUTIVE COMMITTEE (FINANCE/PERFORMANCE/TRANSFORMATION) followed by APWG	10.00 a.m.
TUES	7	JUN	ADMIN FINANCE & RESOURCES WG	2.00 p.m.
TUES	7	JUN	LAUDER CGF SUB-COMMITTEE	3.00 p.m.
TUES	7	JUN	LOCAL LICENSING FORUM	4.00 p.m.
WED	8	JUN	JCG: STAFF	10.00 a.m.
WED	8	JUN	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THUR	9	JUN	SCRUTINY COMMITTEE	10.00 a.m.
THUR	9	JUN	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	10	JUN	LICENSING BOARD	10.00 a.m.
FRI	10	JUN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	11	JUN		
SUN	12	JUN		
MON	13	JUN		
TUES	14	JUN		
WED	15	JUN		
THUR	16	JUN	PENSION FUND COMMITTEE	10.00 a.m.
THUR	16	JUN	PENSION BOARD COMMITTEE	following Pension Fund

FRI	17	JUN		
SAT	18	JUN		
SUN	19	JUN		
MON	20	JUN		
TUES	21	JUN		
WED	22	JUN		
THUR	23	JUN		
FRI	24	JUN		
SAT	25	JUN		
SUN	26	JUN		
MON	27	JUN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	28	JUN	AUDIT & RISK COMMITTEE	10.15 a.m.
WED	29	JUN	SCOTTISH BORDERS COUNCIL	10.00 a.m.
THUR (SH)	30	JUN		
FRI (SH)	1	JUL		