

# Public Document Pack



## AUDIT AND SCRUTINY COMMITTEE THURSDAY, 1 NOVEMBER 2018

A MEETING of the AUDIT AND SCRUTINY COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on THURSDAY, 1 NOVEMBER 2018 at 10.00 am

J. J. WILKINSON,  
Clerk to the Council,

25 October 2018

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<b>Minute.</b> (Pages 3 - 10)  Minute of Meeting of the Audit and Scrutiny Committee held on 24 September 2018 to be approved and signed by the Chairman. (Copy attached.)	5 mins
5.	<b>Cove Car Park Petition</b>	30 mins
	(a) <b>Petitions Procedure</b> (Pages 11 - 12) (Copy attached)	
	(b) <b>Petition</b> (Pages 13 - 30)  (i) Petition (Copy attached) (ii) Petition Statement and Further Information (Copy attached)	
	(c) <b>Briefing by Service Director Assets &amp; Infrastructure</b> (Pages 31 - 34) (Copy attached)	
6.	<b>Broadband Review</b>  Review of Broadband Improvements in the Scottish Borders – Presentation and discussion on Broadband technologies and their deployment in the Scottish Borders.	15 mins
7.	<b>Any Other Items Previously Circulated.</b>	

8.	<b>Any Other Items which the Chairman Decides are Urgent.</b>	
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**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.**

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**Membership of Committee:-** Councillors S. Bell (Chairman), H. Anderson, K. Chapman, J. A. Fullarton, S. Hamilton (Vice-Chairman), N. Richards, H. Scott, S. Scott and E. Thornton-Nicol

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Please direct any enquiries to Eileen Graham 01835 826585  
Email: [egraham@scotborders.gov.uk](mailto:egraham@scotborders.gov.uk)

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**SCOTTISH BORDERS COUNCIL  
AUDIT AND SCRUTINY COMMITTEE**

MINUTES of Meeting of the AUDIT AND SCRUTINY COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells on Monday, 24 September 2018 at 10.15 am

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Present:- Councillors S Hamilton (Chairman), H Anderson, N Richards, H Scott, S Scott E Thornton-Nicol and Mr M Middlemiss.  
Apologies:- Councillor S Bell, Councillor J Fullarton  
In Attendance:- Chief Financial Officer, Chief Officer Audit and Risk, Clerk to the Council (paras. 1-3), Chief Officer Roads (para 4), Corporate Risk Officer (para 5), Corporate Fraud & Compliance Officer (para 9), Democratic Services Officer (J Turnbull).  
Ms G Woolman, Mr A Haseeb and Mr G Samson - Audit Scotland.

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present to the meeting and introductions were made.

**SCRUTINY BUSINESS**

2. **MINUTES**

There had been circulated copies of the Minutes of 23 August 2018 and 3 September 2018.

**DECISION**

**APPROVED for signature by the Chairman.**

3. **SCRUTINY WORK PROGRAMME 2018/19**

With reference to paragraph 8 of the Minute of 7 June 2018, there had been circulated copies of the Scrutiny Work Programme with suggestions for future Scrutiny reviews to be approved by Council. The Clerk to the Council, Ms Wilkinson, advised that Item No. 5 'Information provided to Members in reports', would be removed from the Programme as this would be included in the Review of the Scheme of Administration which would be subject to a report to full Council. The Committee requested that Item No. 1 the review on 'Councillors' role in staff matters' also included training given to officers and the monitoring of decisions of staff disciplinary hearings and employment tribunals. Members also discussed whether Item No. 3 'The Impact of Brexit' should be considered by the Audit & Scrutiny Committee or whether this would be better considered at full Council.

VOTE

*Councillor Scott, seconded by Councillor Richards, moved that Item No. 3, 'Impact of Brexit on the Scottish Borders' be removed from the Scrutiny Work Programme.*

*Councillor Anderson, seconded by Councillor Thornton-Nicol, moved that it remain on the Scrutiny Work Programme.*

*On a show of hands Members voted as follows:*

Motion - 3  
Amendment - 2

*The Motion was accordingly carried.*

**DECISION**

**(a) AGREED:**

**(i) the Scrutiny Work Programme 2018/19 as detailed in the Appendix to this Minute; and**

**\* (ii) to recommend approval to Council of the Scrutiny Work programme as detailed in the Appendix to the Minute.**

**(b) NOTED that additional items could be added to the Scrutiny Work Programme as appropriate.**

**AUDIT BUSINESS**

**4. ACTION TRACKER**

With reference to paragraph 3 of the Minute of 26 June 2018, there had been circulated copies of the Action Tracker for the Audit and Scrutiny Committee. With regard to the actions concerning the Fleet Management Workforce Plan, the Chief Officer Roads, Mr Girdler, was in attendance to give an update. Mr Girdler advised that a new Manager had recently been appointed who would oversee the transformational programme for the Council's fleet. Mr Girdler explained that there were still vacancies for mechanics within the Service, it being difficult to attract and retain suitable candidates owing to the disparity between the Council's remuneration and that offered by the external market. Existing staff would therefore continue to receive overtime payments until suitable appointments had been made. The Chief Officer Audit & Risk, Ms Stacey, added that Fleet Management was a key component for delivery of services across the entirety of the Council's business. It was noted that a report on progress would be presented to the November meeting.

**DECISION**

**NOTED:-**

**(a) the Action Tracker; and**

**(b) that a report on the progress of the Fleet Management Workforce Plan would be presented to the November meeting.**

**5. RISK MANAGEMENT IN SERVICES**

5.1 The Chairman welcomed Mr David Robertson, the Council's Chief Financial Officer. Mr Robertson was in attendance to give a presentation on the strategic risks within Finance, IT and Procurement. Mr Robertson began by explaining that managing risk involved: a consistent corporate process, effective project/programme management, risk workshops, self-evaluation, training, regular monitoring of strategic service, operation risk and performance measures. Risk Registers for each of the services were developed through the Business Planning Process and were owned and managed by Service Managers within that service. The Risk Registers were regularly reviewed by the Service Director and Management Team and when necessary, risks were escalated to Corporate Management Team (CMT). Mr Robertson referred to the key risks within his service, namely: uncertainty over funding levels from Scottish Government; ring fencing of resources which placed pressure on remaining areas of budget; delivery of permanent savings; increasing demand from a variety of sources e.g. care of elderly, IT transformation and security; impact of the wider economy; and, Local Government Pension Scheme reform.

- 5.2 In terms of managing risks Mr Robertson explained the risk process methodology, giving examples from various risk registers of the risk scoring system, risk factors and advising of internal controls in place around particular risks (one corporate risk for which he was responsible, and several operational risks relating to the Finance service and the IT service). Mr Robertson then responded to questions, advising that savings were scrutinised through the monitoring process linked to Service Directors. Portfolio holders were made aware of the risks within their services. Ms Stacey added that Audit and Scrutiny Committee received an annual report on the risk management arrangements across the entirety of the Council's services. There were also regular briefings to Members around the risk management policy and process which could be refreshed if the Committee considered appropriate. The Chairman thanked Mr Robertson for his presentation.

## **DECISION**

### **NOTED:-**

- (a) the presentation; and**
- (b) that portfolio holders be advised of risk management processes affecting their service areas.**

## **6. ANNUAL TREASURY MANAGEMENT REPORT (2017/18)**

- 6.1 With reference to paragraph 4 of the Minute of 25 September 2017, there had been circulated copies of a report by the Chief Financial Officer presenting the annual report of treasury management activities undertaken during the 2017/18 financial year. The report was presented to Audit and Scrutiny Committee for review as part of their scrutiny role in relation to treasury management activities in the Council. The CIPFA Code of Practice on Treasury Management in the Public Services (the Code) required an annual report on treasury management to be submitted to Council following the end of each financial year. This report highlighted the Council's treasury activity in the year ended 31 March 2018 and the performance of the Treasury function. Appendix 1 to the report comprised the annual report of treasury management activities for 2017/18 and contained an analysis of performance against targets set in relation to Prudential and Treasury Management Indicators. All of the performance comparisons reported upon were based on the revised indicators agreed as part of the mid-year report approved on 21 December 2017.
- 6.2 The Appendix to the report also showed the Council's borrowing requirement to fund the capital investment undertaken during 2017/18, how much the Council actually borrowed against the sums budgeted, and the level of external debt carried on the Council's balance sheet within approved limits. The Council had, whenever possible, deferred borrowing and used surplus cash rather than undertaking new borrowing. However, the Council had undertaken short term borrowing for cash flow purposes and additional long term borrowing for capital purposes during the year, amounting to £5m and £10m respectively. Treasury management activity had been undertaken in compliance with approved policy and the Code and the Council remained under-borrowed against its Capital Financing Requirement (CFR) as at 31 March 2018.
- 6.3 In response to questions, Mr Robertson advised that the lower than projected final capital expenditure was due to a variety of reasons including planning and SEPA issues with the Waste Transfer Station, policy changes affecting the Early Learning and Childcare block expenditure, and delays in the implementation of the Business World ERP system and the Digital Customer Access system. Other capital projects such as the Selkirk and Hawick Flood Protection Schemes had moved forward. A review of best practice around delivery of capital expenditure projects would be undertaken in the near future. With regard to the additional borrowing for capital purposes, Mr Robertson advised that this was a ten year maturity debt at a favourable rate.

## **DECISION**

**NOTED** that treasury management activity in the year to 31 March 2018 was carried out in compliance with the approved Treasury Management Strategy and Policy.

## **ADJOURNMENT**

The meeting was adjourned at 11.27 am and reconvened at 11.35 am.

### **7. EXTERNAL AUDITORS ANNUAL AUDIT REPORTS 2017/18**

#### **7.1 Scottish Borders Council Pension Fund Audit of 2017/18 Annual Report and Accounts**

With reference to paragraph 5.3 of the Minute of 25 September 2017, there had been circulated copies of a report by Audit Scotland, the Council's external auditors, in respect of Scottish Borders Council Pension Fund. Ms Woolman of Audit Scotland presented the Report, advising that there were no material adjustments to the financial statements arising from the audit. Ms Woolman explained that the Report identified that investment values provided by the Custodian did not use Fund Manager Valuations as at 31 March 2018 for some assets. The accounts had not been adjusted to reflect this difference as management had concluded that it was not material. Mr Robertson advised that the Pension Fund accepted all the recommendations made and these would be incorporated into the Performance Management system to monitor implementation. In response to questions, Mr Robertson advised that the significant increase in investment management expenses was due to an investment property transaction tax of £5m with the long lease property investment. This was a one-off charge and was expected to be recovered over the longer term. With regard to the actuarial assumption showing a funding level of 114%, Mr Robertson explained that this reflected the performance of the Pension Fund. Ms Woolman added, that this year, the discount rate was down which had reduced liability.

#### **7.2 Charitable Trusts administered by Scottish Borders Council**

There had been circulated copies of a report by Audit Scotland in respect of Charitable Trusts administered by Scottish Borders Council. Mr Haseeb of Audit Scotland advised that there were no material adjustments to the financial statements. However, the cashflow statements for Common Good Funds had required a number of changes and these had been amended.

#### **7.3 Scottish Borders Council Annual Reports and Accounts 2017/18**

With reference to paragraph 5.1 of the Minute of 25 September 2017, there had been circulated copies of a report by Audit Scotland. Ms Woolman of Audit Scotland explained that there had been no material adjustments arising from the audit. There had been three significant findings from the audit of financial statements: Pension fund assets reported in the Council's balance sheet had been understated by £1m; payroll creditors' balances were unclear; and assets which had not been charged depreciation. Mr Robertson clarified that the depreciation error related to £30m which had now been corrected and had not impacted on the General Fund.

#### **7.4 Scottish Borders Cares LLP and Scottish Borders Supports LLP**

There had been circulated copies of a report by KPMG, the Council's external auditors in respect of Scottish Borders Cares LLP and Scottish Borders Supports LLP. The report advised that there were no significant matters in respect of audit differences, and stated auditor independence and non-audit fees and management representation letter contents.

## **DECISION**

**NOTED** the Annual Reports from the Council's External Auditors.

### **8. SCOTTISH BORDERS COUNCIL ANNUAL ACCOUNTS 2017/18**

**8.1** With reference to paragraph 5 of the Minute of 25 September 2017, there had been circulated copies of the Council's audited Annual Accounts for 2017/18. The audit appointment of Audit Scotland for Scottish Borders Council accounts included the requirement to provide an auditor's report for the Council as well as related charities.

The report explained that Audit Scotland had now completed the audit of the Council's Annual Accounts for 2017/18 and had given an unqualified audit opinion in all cases. In addition, Audit Scotland concurred with management's accounting treatment and judgements; and had reached positive conclusions in respect of financial sustainability, financial management, governance, transparency and value for money. Audit Scotland had identified eight recommendations for improvement requiring action and these had been accepted by management and would be enacted within the agreed timescales. The report also referred to KPMG's external audit of the Council subsidiaries SB Cares, SB Supports and Bridge Homes which were not registered charities, and advised that no issues had been raised and there were no matters to report.

- 8.2 As required under the Local Authority Accounts (Scotland) Regulations 2014, the audited Annual Accounts for Scottish Borders Council, SBC Common Good Funds, the SBC Charitable Trusts, Bridge Homes LLP, SB Supports LLP and SB Cares LLP and Scottish Borders Council's Pension Fund had been presented to the Audit and Scrutiny Committee prior to signature.

#### **DECISION**

##### **AGREED to APPROVE:**

- (a) **the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2018;**
- (b) **the Scottish Borders Council Common Good Funds' (Charity SC031538) audited Annual Accounts for the year to 31 March 2018;**
- (c) **the SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2018;**
- (d) **the SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2018;**
- (e) **the SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2018;**
- (f) **the Ormiston Trust for Institute Fund (Charity SC019162) audited Annual Accounts for the year to 31 March 2018;**
- (g) **the Scottish Borders Council Charity Funds' (Charity SC043896) audited Annual Accounts for the year to 31 March 2018;**
- (h) **the Bridge Homes LLP audited Annual Accounts for the year to 31 March 2018;**
- (i) **the SB Supports LLP audited Annual Accounts for the year to 31 March 2018;**
- (j) **the SB Cares audited Annual Accounts for the year to the 31 March 2018;**  
**and**
- (k) **the Scottish Borders Council's Pension Fund audited Annual Accounts for the year to 31 March 2018.**

#### **9. NATIONAL PERFORMANCE REPORT BY AUDIT SCOTLAND**

There had been circulated copies of the Account Commission's report (March 2018) on a significant fraud at Dundee City Council in 2016/17 for consideration of any implications for Scottish Borders Council. The report compared the Accounts Commission's findings in relation to Dundee City Council with the processes, procedures and practices at

Scottish Borders Council to provide assurance to the Committee. The Council was committed to minimising the risk of loss due to fraud, theft or corruption and would take appropriate action against those who attempted to defraud the Council, whether from within the authority or from outside. The Corporate Fraud and Compliance Officer was in attendance and advised that controls included regular meetings with counterparts in other local authorities, fraud awareness training for staff, and internal controls and monitoring arrangements.

**DECISION  
NOTED :**

- (a) the issues raised by the Audit Commission and the controls in place; and**
- (b) that the Scottish Government's Fraud Maturity model had been adopted as a means of self-assessment and that development of counter fraud measures would continue under the direction of the Corporate Fraud Steering Group in line with the Council's Corporate Fraud Policy and Strategy.**

**10. INTERNAL AUDIT WORK TO JULY 2018**

10.1 With reference to paragraph 5 of the Minute of 14 May 2018, there had been circulated copies of a report by the Chief Officer Audit and Risk which provided details of the recent work carried out by Internal Audit and the recommended audit actions agreed by management to improve internal controls and governance arrangements. The work Internal Audit had carried out during the period 2 April to 27 July 2018 was detailed in the report. During the period a total of two Final Internal Audit reports had been issued. There were two recommendations made relating to one of the reports which had been accepted by Management for implementation. An Executive Summary of the final Internal Audit reports issued, including audit objective, findings, good practice, recommendations (where appropriate) and the Chief Officer Audit and Risk's independent and objective opinion on the adequacy of the control environment and governance arrangements within each audit area, was included in Appendix 1 to the report.

10.2 The SBC Internal Audit function conformed to the professional standards as set out in Public Sector Internal Audit Standards (PSIAS) (2017) including the production of this report to communicate the results of the reviews. Information relating to the Scottish Local Authorities Chief Internal Auditors Group (SLACIAG) was shown in Appendix 2 to the report. In response to a question, Ms Stacey advised that the Carbon Reduction Programme was being led by Service Director Assets and Infrastructure.

**DECISION:**

- (a) NOTED:**
  - (i) the final assurance reports issued in the period from 2 April to 27 July 2018 associated with the delivery of the approved Internal Audit Annual Plan 2018/19; and**
  - (ii) the Internal Audit consultancy and other work undertaken in this period.**
- (b) AGREED to acknowledge the assurance provided on internal controls and governance arrangements in place for the areas covered by this Internal Audit work.**

**11. THANKS**

The Chairman thanked Audit Scotland and officers for their attendance and the comprehensive, clear reports provided to the Committee.

***The meeting concluded at 12.55 pm***

## Scrutiny Work Programme 2018/19

	Review subject	Outcome/Lead Officer
1	Councillors' Role in staff matters	Presentation giving an update on the role, guidance and training given to Councillors and Officers on staff disciplinary appeals and employment tribunals, and the monitoring of these decisions. (Lead Officer(s): Clair Hepburn, Service Director HR and Iain Davidson, Employee Relations Manager).
2	Amey – Trunk Roads Management	Presentation from Amey Scotland on trunk roads management. (Lead Officer: Martin Joyce, Service Director Assets & Infrastructure & David Girdler, Chief Officer – Roads).
3	ALEOs and Live Borders	Briefing on the performance monitoring process through the Major Contracts Governance Group. (Lead Officer: Philip Barr, Executive Director).
4	Co-wheels contact	Presentation on the Co-wheels contract (Lead Officer: David Robertson, Chief Financial Officer).

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**Scottish Borders Council  
Extract from the Audit & Scrutiny Committee Petitions Procedure**

14. 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.

15. The Audit & Scrutiny 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.
- 16. The decision of the Audit & Scrutiny 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 Audit & Scrutiny Committee.
- 17. There will be no right of appeal in response to a final decision made in response to a petition.
- 18. The usage and effectiveness of the petitions procedure shall be reviewed on an annual basis.

Reference (official use)



**Petitions – submission form**

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

<b>Details of Principal Petitioner</b>	
Please enter the name and contact details of the person raising the petition. <i>The Principal Petitioner must be on the Register of Electors for the Scottish Borders Council area.</i>	
<b>Name:</b>	Kevin Payne
<b>Address:</b>	Aikieside Cottage, 9 West End
	Cove
	Cockburnspath
<b>Postcode:</b>	TD13 5XD
<b>Telephone no:</b>	
<b>Email:</b>	

<b>Title of Petition and Petition Statement</b>	
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.	
<b>Title:</b>	Cove Car Park
<b>Statement (no more than 250 words):</b>	
We as residents of Cove, Cockburnspath, Scottish Borders hereby petition Scottish Borders Council to -	
<ol style="list-style-type: none"> <li>1. Designate ten parking spaces for residents use only</li> <li>2. Introduce a 15mph speed limit into the village</li> <li>3. Limit vehicle size into the village</li> <li>4. Erect a 'No Through Road' sign</li> </ol>	
<p>Statement</p> <p>Our tiny village of Cove has over recent years experienced increasing traffic volumes, including large motorhomes and tour buses. The only turning places are the increasingly congested car park, and residents' private drives.</p> <p>On busy days the parking situation has become so severe that villagers are wary of using their cars, finding parking on their return home increasingly difficult, and sometimes impossible. Cove has a high proportion of older residents, and the lack of parking can impact disproportionately on them in tasks such as unloading shopping. It can also act as a deterrent to family visitors. Recent reductions in local bus services, particularly at weekends, have increased car dependency among local residents.</p> <p>In the past, expensive works have been carried out to stabilise the cliff on which the village stands, and we now worry how the road will stand up to increasing traffic volumes if the traffic is not managed. The road into Cove is a single track no through road, with no pavements or passing places, and with limited parking available in the village. Yet there are no speed limit signs, no vehicle size restrictions, no indication of the 'No Through Road' status, nor any notification that parking space is limited.</p>	

**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.

Communications with SBC concerning parking.

In my time as a community councillor I have informally brought up the subject of car parking at Cove with SBC councillors at a meeting of Cockburnspath and Cove Community Council at least twice. On both occasions I have been told that it was 'not SBC's policy to have reserved places for residents in public car parks'. Mr Kevin Payne of Cove has also contacted Phillipa Gilhooly and Jim McQuillan of SBC in the last two years in connection with the subject of reserved parking and been informed that it was not SBC's policy to have reserved parking because the policy could not be enforced.

Previous concerns about air pollution because of vehicles sitting with engines idling were raised in the past by Mrs Dorothy Swanston a resident of Cove and by David Arnott a community councillor and at that time a resident of Cove. This correspondence was in 2012/13 with the then SBC councillor Mr Michael Cook and SBC officers Samantha Elliot, Jim McQuillan and Darren Silcock.

Neil F. Simpson  
Vice-chairperson, Cockburnspath and Cove Community Council.

Action taken.

In Spring 2017 residents of Cove being aware of SBC's policy and having become frustrated with the traffic and parking situation in Cove car park took it on themselves to place 'Resident Only' signs along a private boundary fence on the east side of the car park. These signs although unofficial and therefore not policed have been quite effective in keeping some spaces free for residents. Visitors on the whole seem to respect that the places are reserved so some of the frustrations of living with the traffic and parking situation has been alleviated.

On 15th July 2018 Councillor Fullerton of SBC emailed the secretary of Cockburnspath and Cove Community Council to enquire as to whether she knew anything about the signs being erected in the car park as SBC officers wanted to have them removed and needed to know who erected the signs in order to inform them that this action would be taken.

Transcripts of emails in support of this petition and photographs attached.

**Presentation of petition to the Committee.**

Please indicate below if you would like the opportunity to make a statement at the meeting of the Audit & Scrutiny 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 ..... N/A .....

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..... 1/8/18.....

**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 Audit & Scrutiny Committee the names and addresses, but not signatures, of all signatories will be published on the Council website.*

	Name	Address	Signature
1	Muonne Payne.	9, West End, Cove, TD13 5XD	
2	KEVIN PAYNE	9 WEST END, COVE, TD13 5XD	
3	REG BROWN	CLAREMONT COTTAGE TD13 5XD	
4	CHRISTINA PORTER	CLAREMONT COTTAGE TD13 5XD	
5	ADAM FISHER	BANKS COTTAGE COVE TD13 5XD	
6	Katie Warner	Banks Cottage TD13 5XD	
7	SUSAN DAVIDSON	2 EAST END COVE TD13 5XD	

8	Aili Rattray	Dunelm Cottage, Corrie	
9	Brian Rattray	' K	
10	CAROL ROBINSON	Inverbval, Cove, Cockburnspath, TD135XD	

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 0SA,  
or email to:

[committeepapers@scotborders.gov.uk](mailto:committeepapers@scotborders.gov.uk)

Accompanying signatures for Cove car park/SBC petition.

	Name	Address	Signature
11	D SWANSTON	ORWELL COTTAGE	
12	D BOUCHARD	GREENHEUGH, COVE	
13	Rachel Simpson	Kittiwake Cottage Cove	
14	Neil F. SIMPSON	KITTIWAKE COTTAGE COVE	
15	DEE KIERAN	LOBSTER POT COTTAGE 6 WEST END COVE	
16	DREW METCALFE	LOBSTER POT COTTAGE 6 WEST END COVE	
17	Anne Hawbain	Seaview Cottage	
18	EVEZYN DUNCAN	LA BISE	
19	JOHN REA	5 Coastguard Cottage	
20	DELLA REA	5 Coastguard Cottage	
21	ELIZABETH GRAY	3 COAST GUARD COTTAGES COVE	
22	PETER GRAY	3. COAST GUARD COTTAGES COVE, COCKBURN SPASH	

Accompanying signatures for Cove car park/SBC petition.

	Name	Address	Signature
23	RANDIT ANDERSON	2 COASTGUARD COTTAGE COVE, TD13 5XD	
24	ELSPEETH DAVEY	1 COASTGUARD COTTAGES COVE TD13 5XD	
25	PETER DAVEY	1 COASTGUARD COTTAGES COVE TD13 5XD	
26	Maggie Kilian	The Old Coastguard cottages Cove TD13 5XD	
27	D. Anderson	TIGH NA MARA. Cove	
28	MARION ANDERSON	TIGH NA MARA Cove	
29	John Paul Smith	ELSHAM. COVE	
30	Mathew Statham	ELSHAM. Cove	
31	Keroline Saxon	LILLARNIE COVE TD13 5XD	
32	James Graham	LILLARNIE COVE TD13 5XD	
33	Sachs Clark	Bewlie, Cove TD13 5XD	
34	KAREN Nelson	10 COVE TD13 5XD	

Accompanying signatures for Cove car park/SBC petition.

	Name	Address	Signature
35	PETER NELSON	10 COVE TD13 5XD	
36	KARA YOUNG	WAIRARE COVE	
37	MICHAEL ANDERSON	2 COASTGUARD COTTAGE	
38	RACHEL GRIFFITHS	CREEL COTTAGE, COVE	
39	BEN POLITOWSKI	CREEL COTTAGE, COVE	
40	PERSI GAVR	Seantolly Cottage, Cove	
41	ALAN COLE	Seantolly, Cove	
42			
43			
44			
45			
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# *Cockburnspath and Cove Community Council*

Chair: PM Hood, The Corn Barn, Cove, Cockburnspath, TD135YP; Secretary: K Tulloch, Callarfountain, The Square, Cockburnspath TD135XX  
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8<sup>th</sup> August 2018

Scottish Borders Council  
Audit and Scrutiny Committee

## **To whom it may concern:**

Cockburnspath and Cove Community Council strongly back the petition from residents at Cove regarding:

- Speed control
- No through road signage
- Residents' parking areas
- Limitation on size of vehicles entering the Cove (other than service/emergency vehicles)

Cove Harbour has become a massive tourist attraction in the area, and whilst in previous years, the Harbour was "protected" as a "hidden gem", now, due to social media etc it is very busy, particularly during the summer months.

Parking in Cove has always been problematic, as all twelve of the homes at the West End have no parking whatsoever. This means that the residents are reliant on spaces being available in the public car park adjacent to them.

Cove has a high proportion of older residents, who are reliant on their cars, there being no public transport, and the unofficial "residents only" signs have been highly effective in curtailing parking by visitors, thus allowing residents to off load shopping etc closer to their properties. Whilst in the past, many of the homes were of a holiday nature, having only occasional usage, this is no longer the case, with twenty-five of the thirty-three homes being permanent residences.

At many times during the summer months, residents are subjected to camper vans, tour buses and mini buses arriving and off-loading large numbers of tourists. There is not sufficient turning area for vehicles of this size – hence the desire to see "no through road" and a limitation on vehicle size. At times, not infrequently, it would be impossible for emergency vehicles to gain access close to someone's home in the event of fire, or medical emergency, purely because of the number of inappropriately parked vehicles. The current "Cove Only" signage does not clearly indicate that it is a no through road.

There is no speed restriction sign at the entrance to Cove despite it being single lane, and having a blind corner. Additionally, there is no pavement along any section of the road. The road is frequently used by local walkers and dog walkers of all ages from both Cockburnspath and Cove, and pedestrian safety is a big concern. Although there are street lights on the coastal section of the road, suggesting a speed limit of 30mph, in fact a much lower limit would be appropriate to afford protection to pedestrians and traffic. Whilst we understand that the Council's policy is not to use 20mph restrictions, these are now common place in nearby Dunbar, Haddington and East Linton, as well as widely used in Edinburgh.

It should also be noted that extensive work was done on the sea front road some time ago, at great expense, and the ever increasing amount and size of traffic is going to accelerate the deterioration of this vulnerable road, to a point where it may no longer be viable to repair it.

We would appreciate the Council's assistance with this petition.

Pauline M Hood (chair)  
Cockburnspath and Cove Community Council

## Email/leaflet sent out 26<sup>th</sup> July 2018.

Dear Neighbours.

26/07/2018

It has come to our attention that Scottish Borders Council are contemplating removing the 'Residents Only' signs from Kevin and Yvonne's fence along the east side of the car park. If you live at that end of the village you will know that the 'unofficial' signs have been quite effective during the busy periods in keeping parking places free of visitor traffic. The removal of these signs will leave residents with the possibility of going out only to find there are no spaces when they get back later. If you see the pictures attached you will see what kind of 'stramash' the car park gets into.

Our intention is to petition SBC's 'Audit and Scrutiny Committee' for official '**RESIDENTS PARKING**' signs in place of the existing. There is an official SBC petition form in which a statement and presentation has to be made by a 'Principal Petitioner' and signed and accompanied by at least 10 signatures in support. It is most likely that the residents to the East of the car park will be in favour of this but it would also be good if the rest of the village would sign in support. We would also like the council to erect a '**NO THROUGH ROAD**' sign and a '**20mph**' limit sign on the outskirts of the village.

The petition when completed will be sent to the Clerk to the Council at SBC and we will look for 100% backing from the community council as well as lobbying our local SBC councillors to support us.

Overleaf there is a list of concerns and observations about traffic and parking as well as a few pictures (email only) and would be appreciative if you have anything to add.

We will come to your door in the next week and ask if you are willing to support this petition.

Many thanks.

*Neil F. Simpson (Kittiwake Cottage Cove,†*

*Karen Nelson*

*David Bouchard*

*Community Councillors, Cockburnspath and Cove Community Council.*

**Replies to email and leaflet sent out 26/07/18 to all Cove residents.**

Hi Neil,

I'd support it. If we can also get people (i know who they are) to stop honking at my house corner! Just slow down, people. Oh, And we need to get rid of the horrible street lights. Please!

Hi Neil, and I are both Very happy to support all these initiatives re parking and access, and to add to your petition.  
Let us know if you want any other support.  
regards

Hi Neil

All in favour of keeping the the unofficial parking and getting them made legal it certainly does deter parking at busy times .but that brings it s problems as large mostly foreign camper vans etc park right at the foot of the car park making it (yesterday Friday there where 4 at two o clock when I left for the doctors ) difficult for people who have to reverse back down the car park . I've seen one or two near ones on a Sunday two weekends ago there where two cars parked right a foot blocking the road up to the houses and also proper access to the harbour road if there had been an incident at the harbour or a medical emergency at the houses.Perhaps the sign for the on overnight camping could be moved to and fixed to the finger post which is then easily seen when entering the car park as it will be lit by the light at night .

I can't remember any double yellow lines at the car park the only yellow lines where along at the Corpse which was no parking .

At one time the car park had a one way system but as usual the council in there wisdom done away with it when they redesigned the car park a few years back which allowed driving right round and out .

I would not support private ownership of the road and car park as I have been here long enough to see to much cliff slippage and if it it goes again I think it would go where you would least expect it.as there is still to many hidden drains leading of the fields and to much run off from the fields and a new road access would have to be found . Also there is the upkeep ,insurance ,electric .As I think it would fall latterly on all those who would benefit ie the East end of the village as the population changes over the future years .

Have A Nice Day

Hi Neil, Karen and David,

I'm 100% in support of the petition and am more than happy to sign.

I have concerns about the traffic situation too - my own two pence worth would be to find a way to stop people from parking directly on the track leading to our end of the village. I'm pretty sure a fire engine or ambulance wouldn't be able to pass if they were needed. It could be a concern at the house next to [redacted] and [redacted]'s too - parking there narrows the road considerably.

I'd also like to ask the council if they are going to take measures to stop massive tour buses from coming into the village and parking next to the cliff edge (there's nowhere else to park a bus!). We all know how vulnerable it is!

Thanks for taking action!

Kind regards,

All excellent points Neil - so glad you are on the case. Obviously very willing to sign a petition - presumably a single one for all Cove residents? I only ask because you left a blank form with us ... what should I do with it?!

Best,

Dear Neil,

Thank you for getting in touch about this. We would be happy to sign the petition. I attach my further thoughts.

All best wishes,

## COVE CAR PARK

Comments from Ben Tindall

Historically the whole area, the houses, the car park and the harbour was part of Dunglass Estate and the car park was once the gardens for the Estate's tenants. There are historic views of these gardens. I don't have detailed information but I presume the Estate transferred car park area to Berwickshire County Council, perhaps when they adopted the road? Essentially, the car park the houses and the harbour are all together.

Cove Harbour is the area's principal amenity and is managed by Cove Harbour Conservation Ltd to:

1. Support the fishing. Without the harbour being a working harbour much of the amenity of area is lost.
2. Preserve its character. This has involved almost 30 years work restoring the harbour and its surroundings including major work on its track and the current efforts to raise £250k for the repair of the Boyne Pier.
3. Welcome visitors who find it. This requires constant effort with regard to dog & human poo, litter, fires, etc..

With regards to the car park this means:

- We view the car park as an important part of the area; the number of people who appreciate its East Coast Fishing Disaster memorial is proof of this. It is a public facility that is a lot more than parking. This is a lot to do with use and design. The historic barometer is hidden from view by cars. The car park is used by George for his boat in winter which seems highly appropriate. It is also used by Neil for the collection of his catch and delivery of bait. Again this seems highly appropriate. The bins are overflowing. The interpretation board is out of date and SBC have not progressed the design of its replacement since 2008.
- Visitors give generous donations at the gate but a huge proportion of people don't bother giving anything. Preserving the harbour's character costs a lot more money than donations provide. Filming and Photoshoots provide occasional useful fees and these activities can fill the car park, usually with advance warning and during the day, a few times a year. In addition, the harbour has an annual crab party when we go out of our way to ask visitors not to block residents' entrances etc.. These activities help maintain the harbour. We have found visitors respectful of the resident notices and unable to park, even though they were residents of SBC. In the past the SBC looked into charging for parking at Cove to support the harbour, as at St Abbs. This would be very welcome and a good way of adding the harbour's minimal income stream.
- We are well aware that the car park is at capacity and this is another reason for the harbour not being publicised. In starting to ask for official support for the repair of the Boyne Pier we are under pressure to increase visitor numbers. Possibly against our financial interest we have no intention of doing this. We have always deliberately avoided official publicity and attempt to limit unofficial publicity too. People appreciate the harbour's unique qualities and how easily they can be spoilt.

So, with regard to suggested petition, our main suggestions are:

- Proper residents parking should be instituted, with allowances for boats/fishing. With Jean and David Arnott no longer being with us the layout should be reviewed.
- Visitors car parking should be payable (and policed), with the benefits going to the harbour. The costs for installing this should be considered as a small contribution by SBC to the major amenity in the area that they have not contributed to for now almost 30 years.

Ben Tindall

Cove Harbour Conservation Ltd

[www.CoveHarbour.co.uk](http://www.CoveHarbour.co.uk)

Hello Neil

Fully support a petition to SBC to ask for its assistance in mitigating the impact increased traffic and visitor numbers are having on Cove and its residents.

Having known Cove for more than 60 years as my Grandmother lived here and my Father grew up here and I am now resident here, I can attest that the volume of traffic is now far, far greater than ever before. The past 5 years has seen a significant increase

Cars travel too fast, there is noise pollution such as revving engines and banging car doors as well as attendant dangers for people walking. We now have mini buses, buses, and huge campervans using the road - it is a narrow road- and they take up even more of the available parking area.

So perhaps a be considerate notice would be helpful.

Residents have had to modify their behaviour because if they leave Cove by car on busy days there is no guarantee that they will be able to park on their return so they tend to remain at home.

Designated residents' parking would definitely alleviate the situation and where the "unofficial" signs are seems the ideal place for them. However there are times when these signs are ignored. So perhaps each residence could have a designated slot?

Parking charges for visitors could be considered.

A 20mph speed limit- even with speed bumps- should also be considered as well as the dead end sign to be reinstated. Also a sign that says the road is unsuitable for buses and large vehicles.

So far the unofficial signs have helped so why not let the status quo continue?

Hi Neil,

>

> I got your letter about the Cove traffic issues and I think it's got really good points. I would definitely agree with imposing a 20mph limit, with the speeds some people go down that road. Another thing I might suggest though, and I believe you've raised it before, is the car that sits outside the Coastguard Cottages - it's a dangerous place for someone to park all the time.

> On Friday John Lamont MP and Rachael Hamilton MSP are doing a surgery in Co'Path village hall at 9AM, so I thought it might be a good idea to go along and raise your concerns with them. I would come along as well, however I start work at 7:30 on Friday, so won't be able to.

>

> Thanks for pursuing this and I hope it all gets sorted,

~



Sunday 22/07/18



Sunday 22/07/18



7/18



Monday 30/07/18

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## Cove Car Park Petition

### **Statement –**

We as residents of Cove, Cockburnspath, Scottish Borders hereby petition Scottish Borders Council to –

1. Designate ten parking spaces for residents use only
2. Introduce a 15mph speed limit into the village
3. Limit vehicle size into the village
4. Erect a 'No Through Road' sign

Our tiny village of Cove has over recent years experienced increasing traffic volumes, including large motorhomes and tour buses. The only turning places are the increasingly congested car park, and residents' private drives.

On busy days the parking situation has become so severe that villagers are wary of using their cars, finding parking on their return home increasingly difficult, and sometimes impossible. Cove has a high proportion of older residents, and the lack of parking can impact disproportionately on them in tasks such as unloading shopping. It can also act as a deterrent to family visitors. Recent reductions in local bus services, particularly at weekends, have increased car dependency among local residents.

In the past, expensive works have been carried out to stabilise the cliff on which the village stands, and we now worry how the road will stand up to increasing traffic volumes if the traffic is not managed. The road into Cove is a single track no through road, with no pavements or passing places, and with limited parking available in the village. Yet there are no speed limit signs, no vehicle size restrictions, no indication of the 'No Through Road' status, nor any notification that parking space is limited.

### **Further information –**

Communications with SBC concerning parking –

In my time as a community councillor I have informally brought up the subject of car parking at Cove with SBC councillors at a meeting of Cockburnspath and Cove Community Council at least twice. On both occasions I have been told that it was 'not SBC's policy to have reserved places for residents in public car parks'. Mr Kevin Payne of Cove has also contacted Philippa Gilhooly and Jim McQuilin of SBC in the last two years in connection with the subject of reserved parking and been informed that it was not SBC's policy to have reserved parking because the policy could not be enforced.

Previous concerns about air pollution because of vehicles sitting with engines idling were raised in the past by Mrs Dorothy Swanston a resident of Cove and

by David Arnott a community councillor and at that time a resident of Cove. The correspondence was in 2012/13 with the then SBC councillor Mr Michael Cook and SBC officers Samantha Elliot, Jim McQuilin and Darren Silcock.

Neil F Simpson  
Vice-chairperson, Cockburnspath and Cove Community Council

Action taken –

In Spring 2017 residents of Cove being aware of SBC's policy and having become frustrated with the traffic and parking situation in Cove car park took it on themselves to place 'Residents Only' signs along a private boundary fence on the east side of the car park. These signs although unofficial and therefore not policed have been quite effective in keeping some spaces free for residents. Visitors on the whole seem to respect that the places are reserved so some of the frustration of living with the traffic and parking situation has been alleviated.

On 15<sup>th</sup> July 2017 Councillor Fullarton of SBC emailed the secretary of Cockburnspath and Cove Community Council to enquire as to whether she knew anything about the signs being erected in the car park as SBC officers wanted to have them removed and needed to know who erected the signs in order to inform them that this action would be taken.

Transcripts of emails in support of this petition and photographs attached.

**Council response – Service Director, Assets and Infrastructure**

Petition – Cove Car Park

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Residents Parking Area

- The Council is in the process of introducing an area-wide Traffic Regulation Order for off-street car parks in the Scottish Borders. At Cove the intention is to restrict vehicles to under 3.5 Tonnes and for the maximum stay to be 48 hours.
- This reduced period is in response to complaints about non-residents, particularly those in motor homes, parking there to the exclusion of residents. The new TRO time limit will provide the Council with power to address future problems and complaints of long-term use for camping and the like.



- The Council have no current plans to introduce residential parking schemes in the Scottish Borders. Such schemes are resource intensive and to be successful require regular enforcement that it is very unlikely could be provided.
- Designating ten spaces for residents is likely to exacerbate the pressure on the remaining spaces and increase the likelihood of vehicles being left outwith marked bays thereby restricting access and turning.

### Reduced Speed Limit

- A reduced speed limit is something that can be looked at as part of the next Scottish Borders wide speed limit review. These reviews are carried out in conjunction with Police Scotland against nationally set criteria every third year or so depending on the volume of applications. Unfortunately due to the lengthy legal process it is not practical to look at individual applications in isolation.
- Officers are unaware of any previous application for a reduced speed limit at this location.
- Current Council policy, with the exception of some historical established zones, is to restrict enforceable 20 mph limits to outside schools and on the key approaches to schools.
- There is no provision within roads legislation for a 15 mph speed limit on a public road

## Limit the size of vehicles

- There is no proposal, or rationale at this time, for the Council to promote a Traffic Regulation Order to limit the size or weight of vehicles on this route.
- There is no structural reason to limit the size of vehicles
- A sign advising that the route is unsuitable for HGVs and Buses is currently on order



## No Through Road Sign

- The sign at the top of the road into Cove has previously been amended to read Cove (only).



- In addition to this a no through road sign with "unsuitable for HGVs and Buses" is currently on order (see earlier images)

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