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SCOTTISH BORDERS COUNCIL

MINUTE of Meeting of the SCOTTISH COUNCIL held in via Microsoft Teams on Thursday, 25th March, 2021 at 10.00 am

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, C. Cochrane, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, J. Linehan, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston

Apologies:- Councillors K. Chapman

In Attendance:- Chief Executive, Executive Director (Corporate Improvement & Economy), Executive Director (Finance and Regulatory), Service Director Assets & Infrastructure, Service Director Customer & Communities, Service Director HR & Communications, Service Director Young People, Engagement & Inclusion, Chief Legal Officer, Clerk to the Council.

1. **CONVENER'S REMARKS.**

The Convener welcomed Netta Meadows who had just taken up post as Chief Executive with the Council on 22 March 2021.

DECISION NOTED.

2. **MINUTE**

The Minute of the Meeting held on 25 February 2021 was considered.

DECISION

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

3. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

(a) Tweeddale Area Partnership	19 January 2021
(b) Hawick Common Good Fund	20 January 2021
(c) Cheviot Area Partnership	27 January 2021
(d) Selkirk Common Good Fund	10 February 2021
(e) Audit & Scrutiny	15 February 2021
(f) Civic Government Licensing	19 February 2021
(g) William Hill Trust	23 February 2021
(h) Lauder Common Good Fund	23 February 2021
(i) Planning & Building Standards	1 March 2021
(j) Pension Board	4 March 2021
(k) Sustainable Development	5 March 2021
(l) Executive	16 March 2021

DECISION

APPROVED the Minutes listed above subject to paragraph 4 below.

4. **COMMITTEE RECOMMENDATION**

There had been circulated copies of the recommendation from the Executive Committee meeting held on 16 March 2021 seeking approval of the finalised Food Growing Strategy.

DECISION

AGREED to approve the recommendation to approve the finalised Food Growing Strategy and Action Plan for adoption including an additional section outlining the potential benefits from collective management of Council-owned allotments by plot holders.

5. REVIEW OF COMMUNITY FUND 2021/2022

With reference to paragraph 9 of the Minute of 27 August 2020, there had been circulated copies of a report by the Service Director Customer and Communities presenting the findings of the recent review of the Community Fund and proposes a number of changes to the fund for 2021/22. The report explained that at its meeting on 27 August 2020, Council agreed that each Area Partnership establish a mechanism to review the findings of the Scottish Community Development Centre (SCDC) Report on the Community Fund and to make recommendations for further public consultation within each locality. The report proposed a number of immediate changes to the Community Fund to take effect from 1 April 2021, and that a report was brought back to Council on the outcomes of these changes after one year of operation, with further recommendations as appropriate. The Council was continuing to respond to the current Covid-19 pandemic and working with communities through the Community Assistance Hubs. The learning from this work would be taken into account and how ongoing arrangements evolved. It was acknowledged that one size did not fit all and that the proposed changes would allow flexibility. The need for uniform scrutiny and evaluations across all Area Partnerships was important and training and support would be offered. Members commented on the operation of the fund in their areas and the need to involve groups in addition to community councils. Councillor Rowley proposed the addition of a further recommendation “to agree that, from April 2021, the current evaluation regime for applications is extended to any body/organisation which receives a grant award from any part of the Community Fund” and this was unanimously accepted.

DECISION

AGREED:-

- (a) to continue to ring fence grants made to Community Councils, Village Halls and Festival Grants within the Community Fund for 2021/22;**
- (b) the changes to the Community Fund detailed in the report, to come into effect on 1 April 2021, with a review after one year of operation;**
- (c) to receive a further report on the outcome of these changes after one year of operation, and to make further recommendations as appropriate;**
- (d) to note that in parallel to these changes, the review of Area Partnerships will continue to progress and the thinking around future models will evolve;**
- (e) to note the Community Fund budget as detailed in the report;**
- (f) to note the development and next steps for the Community Fund as detailed in the report; and**
- (g) that, from April 2021, the current evaluation regime for applications was extended to any body/organisation which received a grant award from any part of the Community Fund.**

6. FIT FOR 2024: REVIEW OF AREA PARTNERSHIPS - OUTCOMES AND NEXT STEPS

6.1 With reference to paragraph 7 of the Minute of 27 August 2020, there had been circulated copies of a report by the Service Director Customer and Communities presenting the

outcomes of each Area Partnership's review in relation to the report from the Scottish Community Development Centre (SCDC). The report explained that at its meeting on 27 August 2020, Council agreed that each Area Partnership establish a mechanism to review the findings of the SCDC Report regarding the future of Area Partnerships and to make recommendations for further public consultation within each locality. It was agreed that arrangements in each locality were to be developed at a grass roots level using a bottom up approach. The report presented proposals for wider public consultation and supported the empowerment of each Area Partnership to discuss, agree and implement further improvement mechanisms within each of their localities. The report also proposed the requirement to build community capacity in order to support the further development of Area Partnerships. The Council was continuing to respond to the current Covid-19 pandemic and working with communities through the Community Assistance Hubs. The learning from this work would be taken into account in regards to how ongoing arrangements evolve. Appendix A to the report detailed the approach suggested by each of the Area Partnerships. There were a number common proposals including:-

- The majority would like to see Area Partnerships remain a committee of the Council, although some see this as an interim position until further capacity can be built to take on more of the Area Partnership functions in the future.
- A consideration to be given for all Committee Members to have equal voting rights or the flexibility to establish a separate entity or body at a future date which focuses on strategic issues.
- A revision and refreshment of Locality Plans & Action Plans to ensure that they are fit for purpose and reflect local needs and demands.
- The flexibility to set up sub-groups or sub-committees in the future that could take on specific tasks or projects.
- A desire to become more involved in setting the Area Partnership Agendas and to include other partners and agencies in relation to service updates.
- Being consulted on the appointment of Area Partnership Chairs, and the flexibility of rotating Chairs or sharing Chairing responsibilities in the future.
- The flexibility to hold Area Partnerships on different days and times and promotion of Area Partnerships to a wider audience.

It was proposed that public consultation was undertaken on all of the above within each locality from April-June 2021. This would include as wide engagement as possible with Community Councils, Community Planning and other third sector partners, access groups, other key organisations and stakeholders. A report would then be brought back to Council which would detail the outcomes of the consultation for further discussion. Alongside the consultation, officers would give further consideration to the proposals and how these could be implemented given the types of models in operation in other areas.

- 6.2 Members discussed the report and highlighted the need to involve greater numbers of people in Area Partnerships from more areas of the community. Some Area Partnerships were more successful than others and it was felt that unless they could demonstrate value to communities people would not take part.

**DECISION
AGREED:-**

- (a) to note the emerging common proposals from the recent review by each Area Partnership as detailed in the report and the ongoing evolution of the current arrangements in line with community empowerment and the findings of the SCDC report;**
- (b) that the outcomes of the review were taken forward for local public consultation in each locality to be held from April – June 2021, with a further report being brought back to Council in the autumn;**

- (c) **to note that community capacity building requirements would be needed to fully support the further involvement of Area Partnerships within each locality; and**
- (d) **to note that digital requirements would be needed to fully support the further involvement of Area Partnerships within each locality, and that these would be addressed through the Council's Digital Strategy.**

DECLARATIONS OF INTEREST

Councillors H. Anderson, Moffat, Paterson and Tatler declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion.

7. COVID DISCRETIONARY FUND

With reference to paragraph 6 of Executive Committee held on 19 January 2021, there had been circulated copies of a report by the Executive Director, Finance and Regulatory providing an update on the Borders Discretionary Support Fund and a proposed methodology for delivering this funding to local businesses. The report explained that the Council was initially provided with a grant of £672,021 from Scottish Government to administer a COVID-19 Local Authority Discretionary Fund. This funding package was subsequently increased from £672,021 to £3,100,000. The key aim of the fund, agreed by Executive on 19 January 2020 was to help mitigate the short-term financial challenges that were currently being experienced by local businesses that had not been able to access support from Scottish Government since October 2020. The application process for the fund was available on line during the month of February, with approximately 500 applications received through an on-line application process. A methodology and suggested funding allocation based on need and the number of eligible applicants had been developed by officers to try to distribute the funding in a fair and reasonable manner to businesses throughout the Scottish Borders. In doing so officers had placed emphasis on the range of support available to businesses, the need to ensure the support provided to each business was material enough to make a difference and also as far as possible to ensure the funding provided recognised the relative size of businesses. The intention was to fully expend the one off funding available. Subject to approval it was intended to initiate payments to businesses by the end of March. Members welcomed the report and supported the approach to try and make payment where possible.

DECISION

AGREED:-

- (a) **the methodology and funding allocations proposed to distribute the funding for the Borders Discretionary Support Fund as set out in the report;**
- (b) **to note that based on current information and subject to final checks 447 local Borders based businesses would benefit from the discretionary fund; and**
- (c) **to note that a final report would be brought back to Executive by the end of May 2021 setting out the final numbers and types of businesses assisted by the Borders Discretionary Support Fund.**

8. CONSULTATION ON NEW POWERS TO LICENSE SEXUAL ENTERTAINMENT VENUES

With reference to paragraph 15 of the Minute of 27 August 2021, there had been circulated copies of a report by the Executive Director, Finance and Regulatory on the responses received to the Stage 1 consultation on whether the Council should resolve to licence sexual entertainment venues (SEV's) in the Scottish Borders area. At its meeting on 27 August 2020, Council agreed that a Stage 1 consultation on whether the Council should resolve to licence SEV's should be carried out and instructed the Executive Director Finance and Regulatory Services to do so. Following the conclusion of the stage

1 consultation on 14 February 2021, 80 responses had been received and these responses were detailed in Appendix 1 to the report. The responses received to the stage 1 consultation were overwhelmingly in favour of the Council adopting a Resolution to licence SEV's and it was therefore recommended that Council do so. Thereafter Council would need to prepare a SEV Policy Statement and a further stage 2 consultation would be required on the content of that policy. Members welcomed the report and looked forward to the policy being in place.

DECISION

AGREED to:-

- (a) adopt a resolution to licence SEV's; and
- (b) instruct the Executive Director Finance and Regulatory Services to prepare a draft SEV Policy Statement and to subsequently report to Council on the content of that Draft prior to the stage 2 consultation.

9. **OPEN QUESTIONS**

The question submitted by Councillor Laing was answered.

DECISION

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

MEMBER

Councillor H. Scott left the meeting.

10. **PRIVATE BUSINESS**

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 II 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

11. **MINUTE**

The private section of the Council Minute of 25 February 2021 was approved.

12. **COMMITTEE MINUTES**

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

The meeting concluded at 11.55 am

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**SCOTTISH BORDERS COUNCIL
25 MARCH 2021
APPENDIX I**

OPEN QUESTION

Question from Councillor Laing

To Executive Member for Enhancing the Built Environment and Natural Heritage

Planning conditions that are unenforced can lead to a loss of trust by communities in the decision-making and consultation process, to the extent that they are asking “What’s the point?” when it comes to expressing their views.

Can the Executive Member comment on this issue and give council some reassurance that enforcement of planning conditions becomes more robust?

Just as an example - although I am not asking you to comment on this specifically – there have been a lot of complaints about an unenforced planning condition in Ayton.

Reply from Councillor Mountford

The Council issues approximately 1000 planning decision notices a year that contain planning conditions, with permissions having between one and perhaps 30 or more conditions attached depending upon the complexity of the proposal. The responsibility for complying with these conditions rests completely with the developer undertaking the works and, in the bulk of cases, developers meet their obligations fully and satisfactorily.

I recognise, though, that there are occasions where developers may fail to meet that obligation, whether inadvertently or otherwise.

Where that happens, the Council has a robust system in place for pursuing all breaches of planning control and works without warrant. The Council’s Enforcement Service comprises a team leader and two enforcement officers to cover the whole of the Scottish Borders.

On average, the team receives 250 new cases each year involving both breaches of planning control and works without a warrant, among the other responsibilities they look after. The majority of these issues are dealt with successfully by the team and in doing so we rely on ongoing engagement with the public to highlight any concerns they may have with respect to non-compliance with planning conditions, unauthorised development, or works without a building warrant.

I want to reassure Cllr Laing that that we take our enforcement responsibilities seriously and will always undertake to investigate breaches where they are brought to our team’s attention. Enforcement staff will be happy, I am sure, for Cllr Laing to discuss the individual case to which she refers and to consider any steps necessary to address any concerns that have been raised.

Supplementary

Councillor Laing felt there was no mechanism for communities to raise such problems and asked that the Planning Working Group look at putting a process in place for the community when conditions remained unenforced. Councillor Mountford advised that he would be happy to look at that.

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