

SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on 19 May 2016 at 10.00 a.m.

Present:- Councillors G. Garvie (Convener), S. Aitchison, W. Archibald, M. Ballantyne (from para 5), S. Bell, C. Bhatia, J. Brown, J. Campbell, K. Cockburn, M. Cook, A. Cranston, J. Fullarton, I. Gillespie, J. Greenwell, B. Herd, G. Logan, W. McAteer, S. Marshall, J. Mitchell, D. Moffat, S. Mountford, A. Nicol, D. Paterson, S. Scott, R. Smith, J. Torrance, G. Turnbull, T. Weatherston.

Apologies:- Councillors G. Edgar, V. Davidson, D. Parker, F. Renton, R. Stewart, B. White.

In Attendance:- Depute Chief Executive (Place), Corporate Transformation and Services Director, Service Director Regulatory Services, Service Director Assets and Infrastructure, Chief Roads Officer, Chief Legal Officer, Clerk to the Council.

1. **CONVENER'S REMARKS**

The Convener paid tribute to all those involved in the visit of the Flying Scotsman to the Borders on Sunday.

**DECISION
NOTED.**

2. **MINUTE**

The Minute of the Meeting held on 31 March 2016 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:-

Tweeddale Area Forum	2 March 2016
Civic Government Licensing	18 March 2016
Executive	22 March 2016
Pension Fund	23 March 2016
Pension Board	23 March 2016
Scrutiny	24 March 2016
Planning & Building Standards	28 March 2016
Audit & Risk Committee	21 March 2016
Peebles Common Good Fund	31 March 2016
Executive	19 April 2016
Teviot & Liddesdale Area Forum	19 April 2016
Planning & Building Standards	25 April 2016

**DECISION
APPROVED the Minutes listed above subject to paragraph 4 below**

4. **COMMITTEE RECOMMENDATIONS**

With reference to paragraph 3 of the Minute of the Civic Government Licensing Committee of 18 March 2016, it was recommended that the remit of the Committee be amended to include making decisions on cases where officers recommended that a private sector landlord be refused registration or that they be removed from the Private Landlord Register and that this addition be incorporated into the Scheme of Administration.

DECISION

AGREED to amend the Scheme of Administration in respect of the remit of the Civic Government Licensing Committee as detailed above.

5. **OPEN QUESTIONS**

The questions submitted by Councillors Logan, Bhatia, Marshall and Greenwell were answered.

DECISION

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

MEMBER

Councillor Ballantyne joined the meeting during the above item.

6. **LOCAL CODE OF CORPORATE GOVERNANCE**

With reference to paragraph 12 of the Minute of 23 February 2012, there had been circulated copies of a report by the Chief Executive seeking approval of the revised Local Code of Corporate Governance of Scottish Borders Council. The report explained that Scottish Borders Council was responsible for ensuring that its business was conducted in accordance with the law and proper standards, and that public money was safeguarded and properly accounted for, and used economically, efficiently and effectively. Fundamentally Corporate Governance was about openness, integrity and accountability. It comprised the systems and processes, and cultures and values by which the authority was directed and controlled and through which it was accountable to, engaged with and, where appropriate, led its communities. The development of a revised Local Code of Corporate Governance for the Council, consistent with the principles and requirements of the Framework 'Delivering Good Governance in Local Government', would help to ensure proper arrangements continued to be in place to meet the Council's responsibilities. Reference was made to the use of the word "adequate" and it was agreed that this be amended. It was also noted that the reference to Chief Executive in the Appendix should be Head of Paid Service.

DECISION

AGREED to:-

- (a) **approve the revisions to the Local Code of Corporate Governance of Scottish Borders Council as contained in the Appendix to the report:**
- (b) **instruct that the Local Code of Corporate Governance be re-launched to ensure greater awareness across the Council; and**
- (c) **request that the Chief Executive, Depute Chief Executives and Service Directors consider compliance with the Code as part of their annual assurance statements on internal control and governance and implement actions to ensure full compliance to the elements of the Code.**

7. **FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 - APPROVAL OF LOCAL FLOOD RISK MANAGEMENT PLANS**

With reference to paragraph 7 of the Minute of 27 August 2015, there had been circulated copies of a report by the Chief Roads Officer seeking approval of the Local Flood Risk Management Plans for the Forth Estuary Local Plan District, the Tweed Local Plan District and the Solway Local Plan District. This approval was required to allow for publication of the Local Flood Risk Management Plans in Scotland on 22 June 2016. The report explained that the Flood Risk Management Strategies and Local Flood Risk Management Plans had been developed through collaborative partnerships between Local Authorities, SEPA and Scottish Water and provided a framework for co-ordinating actions across catchments to deal with all sources of flooding. These plans ensured long term planning around flooding and under

Section 41(2) of the Flood Risk Management (Scotland) Act 2009, Scottish Ministers must take them into account when allocating funding. This approach helped target investment to areas where there was the greatest risk of flooding and where communities could receive the greatest benefit. This would help to maximise the benefit of public investment. The Plans set out who would be responsible for delivering the action, how the action would be funded, a timetable for delivery and how it would be coordinated within a six-year cycle. Council approval of the Forth Estuary Local Flood Risk Management Plan, the Tweed Local Flood Risk Management Plan and the Solway Local Flood Risk Management Plan was required prior to the national publication date of 22 June 2016. Although the Council had an interest in only one Potentially Vulnerable Area (PVA) in both the Forth Estuary (PVA10/26 – Berwickshire Coast) and Solway (PVA14/03 – Newcastleton) Local Plan Districts there was a requirement through legislation for both plans in their entirety to be approved. Members congratulated officers on the work carried out and welcomed the Plan. Members discussed flood prevention studies for Peebles, Innerleithen and Walkerburn and noted that the Scottish Government was providing funding of £278k for studies during 2016/17. The management of reservoirs was also mentioned and the Chief Officer agreed to investigate this.

DECISION

AGREED to approve, for delivery by the Council as part of the Flood Risk Management Planning Cycle 2016 -2022, the:-

- (a) Forth Estuary Local Flood Risk Management Plan;**
- (b) Tweed Local Flood Risk Management Plan; and**
- (c) Solway Local Flood Risk Management Plan;**

for delivery by the Council as part of the Flood Risk Management Planning Cycle 2016 – 2022.

8. LOCAL DEVELOPMENT PLAN SCHEME 2016

There had been circulated copies of a report by the Service Director Regulatory Services seeking approval of the annual update of the Development Plan Scheme. The report explained that publishing a Development Plan Scheme at least annually was a statutory duty and it must include a participation statement setting out how, when and with whom the Council would consult on the various Local Development Plan stages. The proposed Development Plan Scheme 2016 was appended to the report and had been prepared to provide information on the development plan process. It set out the latest position on the Council's development plans. It was noted that the outcome of the planning review was expected soon and that this might have implications for future plans.

DECISION

AGREED:-

- (a) to approve the proposed Development Plan Scheme 2016, as detailed in Appendix 1 to the report, for publication, deposit and copying to Scottish Ministers;**
- (b) that the Development Plan Scheme be reviewed and published at least annually; and**
- (c) to authorise the Service Director Regulatory Services to make any necessary minor editing and design changes to the Development Plan Scheme prior to publishing it.**

9. ALLOWANCES PAID TO MEMBERS DURING 2015/16

There had been circulated copies of a report by the Chief Executive on the allowances paid to Members during 2015/16 and seeking approval for this information to be published on the

Council's website to meet the publicity requirements of the Local Government (Allowances and Expenses)(Scotland) Regulations 2007. The Total remuneration and expenses paid to Members in 2015/16 amounted to £778,149.99, compared with a total of £757,172.75 in 2014/15. Travel expenses total £56,452.83 in 2015/16, compared to the 2014/15 figure of £54,835.65. The cost of Telephone and ICT Expenses in 2015/16 amounted to £49,639.29 compared to £37,067.17 in 2014/15. Details in respect of the amounts for each Councillor were contained in the appendices to the report. The Clerk to the Council explained that some of the variations in amounts per Councillor for telephone/IT costs were due to not all the costs being received yet for the changeover to the SWAN network for each Councillor.

DECISION

AGREED that the information in the Appendices to the report be published on the Council's website, in order to meet the publicity requirements of the Local Government (Allowances and Expenses)(Scotland) Regulations 2007.

MEMBERS

Councillors Marshall and McAteer left the meeting.

10. 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 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 31 March 2016 was approved.

12. Committee Minutes

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

13. Urgent Business

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.

14. Tweedbank Future Development Opportunities

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

The meeting concluded at 12 noon.

SCOTTISH BORDERS COUNCIL
19 MAY 2016
APPENDIX I

Question from Councillor Logan

To the Executive Member for Economic Development

When will the report on the structure, membership and the proposed operation of the Great Tapestry of Scotland project be brought to Council for debate?

Reply from Councillor Bell

Officers currently anticipate that a report will be brought to Council in August.

Supplementary

Councillor Logan asked for confirmation of the commitment not to commence construction before the report was considered. Councillor Bell did not recall any such commitment being given but advised that, although the necessary permissions were in place, there were still a number of matters to resolve so he did not anticipate construction commencing before August.

Question from Councillor Mountford

To the Leader

What progress has been made on developing a fit-for-purpose sound amplification system for the Council Chamber?

Reply by Councillor Cook in the absence of Councillor Parker

The replacement and or refresh of the Council Chamber audio and video equipment is included within the scope of the CGI contract that commences on 1 October 2016. The final detailed specification of the equipment will be agreed with CGI to meet the required outcomes for the Chamber. Work on the Audio equipment in the Chamber is currently scheduled to commence planning in September 2016 and complete delivery by the end of the year.

Question from Councillor Bhatia

To the Executive Member for Economic Development

What effect would Britain leaving the European Union have the Borders' economy?

Reply by Councillor Bell

The Scottish Borders economy is linked to that of the wider European economy in a number of ways.

1. Borders firms export goods to the EU. Although export figures are not available at local authority level, the latest official figures for Scotland show that the annual value of exports to the EU was £7.1bn in 2014-15 while the value of imports was £5bn, a surplus of £2.1bn.

The UK as a whole has a trade deficit with the EU. To put that in context: Scottish exports to the rest of the world were worth £11.1bn and imports were worth £8.8 bn, a surplus of £2.3bn.

Leaving the EU would potentially affect the ability of exporters to trade with the Single Market and much would depend on the outcome of the UK Government's negotiations with the EU regarding trading arrangements going forward.

2. Foreign Direct Investment (FDI) is a key component of overall investment in the Scottish economy. Of the top 10 nations that were the origin of such projects in Scotland in 2014, 40% were from the US and 19.7% from the EU. Again, there is no equivalent information at local authority level.

If the UK was to leave the EU, there is a significant risk that the level of FDI would fall as businesses became unable to use the UK as a 'launch pad' into the larger EU market. This could

have an adverse impact on the ambition for inward investment in the Scottish Borders. There may also be a potential impact on the area if businesses that are currently located in the Borders decide to relocate to an EU country in order to more easily trade with the larger market area.

3 The Scottish Borders has received around £11m in EU funding during the past decade which has been used to help fund infrastructure projects, business development, and regeneration. This figure does not include payments to farmers from the Common Agricultural Policy (CAP) which amount to around €600m across Scotland.

Although it is likely that the UK as a whole would benefit from leaving CAP without the introduction of new government subsidies, the farming sector would not, particularly in less favoured areas such as the Borders. In terms of EU Structural Funds, there is uncertainty as to whether these could be replaced by a new form of regional policy that would support those areas facing the most significant economic challenges.

4. Tourism is a key sector for the Scottish Borders economy. VisitScotland reports that in 2014 overseas visitors to the Borders spent £12m of which £8m was spent by visitors from Germany, France, Netherlands, Poland, Ireland, and Spain. Clearly, the EU provides the largest market of overseas visitors to the area. It is not clear if these numbers would be maintained if we left the EU.

Finally, 5. There is free movement of people across EU member states and this has had an impact on the labour market, with a number of local businesses employing considerable numbers of EU nationals. Of the Scottish Borders population at the time of the 2011 Census, 2.5% were identified as coming from EU nations excluding Ireland; slightly above the figure for Scotland of 2.6%.

Supplementary

Councillor Bhatia asked if the Executive Member agreed that it would benefit the Borders to remain in the EU and that Councillors should support this. Councillor Bell advised that the response had been formulated by officers but confirmed that he personally considered that the evidence was clear that the Borders benefited from being in the EU and that all Councillors should make their position on the matter clear.

Question from Councillor Marshall

To the Executive Member for Planning and Environment

I am aware of a number of derelict buildings within the Scottish Borders that have been subject to emergency repairs, some of these on numerous occasions. How much has this cost the Council over the past 12 months?

Reply from Councillor Smith

Over the past 12 months the Council has pursued 80 cases involving dangerous buildings. The Council has been required to undertake emergency works in 13 of those cases at a total cost of £6,058. Respective owners have been invoiced for those works. It is anticipated a further 7 of the outstanding cases are likely to require direct action works by the Council. The cost of these works has not yet been quantified.

Councillor Marshall may wish to note that a number of premises in Hawick have required to be re-visited multiple times during this period including:

Former Armstrongs premises – 3 visits
Former N Peal building – 3 visits
Former Woodcocks building – 3 visits
Former Glenmac factory – 2 visits.

Councillor Marshall may also wish to note that the total outstanding costs for works undertaken by the Council for these 4 premises in the past 5 years is £39,338.

Supplementary

Councillor Marshall asked what the success rate was in terms of collecting money spent on these properties from the owners. Councillor Smith advised that he could obtain this information and further advised there were three methods of recovery, namely issuing invoices to the owners, placing charging orders on the buildings or using debt recovery. He also advised that the Council had limited powers in terms of which aspects of buildings they could deal with. This mainly covered the external fabric of the building but that no action could be taken in respect of fixtures and fittings. The Council could only intervene if there was a risk to the building structure.

Question from Councillor Greenwell

To the Executive Member for Roads and Infrastructure

Can the Executive Member update us on what progress the roads review is making and when we can expect a report to come to Council?

Reply from Councillor Brown in the absence of Councillor Edgar

In line with the recommendations agreed at the Executive Committee on the 8th March 2016, the business case is currently being prepared and it is anticipated that officers will bring a report to Council on the 29th June 2016.

Supplementary

Councillor Greenwell asked if it was agreed that the current regime of road repairs including potholes was not sustainable and that a more permanent solution was required and this was accepted by Councillor Brown.