

**SCOTTISH BORDERS COUNCIL**  
**10 NOVEMBER 2016**  
**APPENDIX I**

**Question from Councillor Logan**

To the Executive Member for Economic Development

With reference to your assertion at the last Council meeting that there were other Councils interested in housing the Great Tapestry of Scotland, should we be concerned that the delays in coming to a final decision by this Council may result in the Borders losing out on the opportunity to house the tapestry?

Reply from Councillor Bell

At this time, there is no risk that the Tapestry will be lost to the Borders. Scottish Borders Council has had an ongoing dialogue with the Trustees throughout the progress of the project. The Trustees are satisfied that the project should reach a conclusion in the Scottish Borders before they consider any alternatives.

Although there have been alternative offers seeking to secure the Tapestry for other locations in Scotland, these have been made on the basis that other parties would seek to pursue housing the Tapestry if the ongoing discussions in the Scottish Borders do not secure a successful outcome.

Supplementary

In the absence of Councillor Logan, Councillor Cockburn asked if that, in private, Members could be advised who the other interested Councils might be and Councillor Bell agreed to provide further information once the meeting had gone into private session.

**Question from Councillor Turnbull**

To the Executive Member for Planning and Environment

What powers do the Council have to ensure action is taken to improve town centre properties, both retail and housing, and to improve the appearance of town centres, especially when property owners are unwilling to carry out repairs and basic maintenance?

Reply from Councillor Smith

The available powers in relation to the visual appearance of a building are contained within the Town and Country Planning (Scotland) Act 1997 as amended. The powers to address repairs and maintenance are contained within the Building (Scotland) Act 2003 as amended.

If a building poses a danger the Council have authority under Section 29/30 of the Act to take appropriate action to make the building safe.

In situations where a building does not pose a danger but is in need of repair and or maintenance Section 28 of the Act allows the Council to become involved. This section however is discretionary and a decision to take action has to be balanced against the financial risk to the Council if costs can't be recovered.

If the visual appearance of a property or building is having a detrimental effect on the amenity of the area or street scape, Section 179 of the Town and Country Planning Act 1997 (Proper maintenance of Land) would be the appropriate power. This section is also discretionary and can again expose the Council to financial risk if costs can't be recovered.

Supplementary

Councillor Turnbull acknowledged that there were data protection issues in terms of the Council naming owners of property in poor condition and asked what assistance the Council could give responsible property owners. Councillor Smith confirmed he was sympathetic to this problem but the powers had generally only been used in respect of waste ground and although they could be used in respect of property the bar in respect of poor condition was set high and it would be a difficult path to follow.

### **Question from Councillor Cockburn**

#### To the Executive Member for Roads and Infrastructure

In April 2014 I asked you if you agreed that our Council should approach Midlothian Council and suggest that our two Councils should join forces and carry out a new review of the signage and the general layout of the junction at Leadburn. You replied that Midlothian Council carried out significant amendments to the junction in April 2012, and were undertaking before and after studies of driver behaviour and accidents at the junction.

Please could you tell me if Midlothian Council have supplied this Council with the results of their before and after studies?

On the 12<sup>th</sup> November 2015 you replied:

“I am advised that the results of the study have not been supplied to date as the studies are still ongoing. Midlothian Council is however happy to share their findings to date and speeds and accident data are being forwarded to SBC officers. Midlothian Council have also confirmed that they are still actively considering additional measures at the junction.”

I understand that this junction is the responsibility of Midlothian Council so any pressure to carry out improvements should be put on them, but can you tell me if Midlothian Council have shared their findings to date, and if the speeds and accident data was indeed forwarded to SBC officers? Please could you also tell me if you know what additional measures Midlothian Council are actively considering at the junction?

#### Reply from Councillor Edgar

The information promised by Midlothian Council was indeed supplied shortly following the Council meeting in November 2015. That information was forwarded to Democratic Services for circulation to all Councillors with a covering note from myself on 23 November 2015. As far as I am aware that circulation took place.

In addition to that a further email was forwarded to the 3 local ward members in May this year advising of some additional lining improvements that Midlothian Council were undertaking to improve visibility for vehicles emerging from the A6094 and A701. It is understood that this was further extended to include rumble strips and these are now present on all four approaches to the junction. This additional work has allowed temporary “New Road Layout Ahead” signs to be put in place as well. I am sure Midlothian Council will be continuing to monitor closely the impact that these additional measures have.

#### Supplementary

Councillor Cockburn did not recall receiving the information and asked that the Council continue to pressure Midlothian Council to carry out improvements and keep local Members informed. Councillor Edgar confirmed that this would be the case. It was further confirmed that the information from Midlothian Council would be re-circulated to Members.