

# SCOTTISH BORDERS COUNCIL BERWICKSHIRE AREA FORUM

MINUTES of Meeting of the  
BERWICKSHIRE AREA FORUM held in  
Council Chamber, Newtown Street, Duns on  
Thursday, 1 December 2016 at 6.30 pm

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- Present:- Councillors M. J. Cook (Chairman), J. A. Fullarton and J. Greenwell.  
Community Councils:- Ayton – John Slater; Cockburnspath and Cove – Pauline Hood; Coldingham – Rhona Goldie; Coldstream and District – Martin Brims; Edrom, Allanton & Whitsome – Trixie Collin; Foulden, Mordington and Lamberton – Howard Doherty; Gavinton, Fogo and Polwarth – Keith Dickinson; Gordon and Westruther – Trevor Jones; Lammermuir – Mark Rowley; Reston and Auchencrow – Barrie Forrest; Swinton and Ladykirk – James Brown.
- Apologies:- Councillors D. Moffat, J. Campbell and F. Renton.  
Station Manager M. Acton, Scottish Fire and Rescue Service; Mr J. Alexander, Scottish Ambulance Service; Ms T. Wintrup, Health and Social Care Integration Partnership.  
Community Councils:- Burnmouth; Duns; Hutton and Paxton.
- In Attendance:- Inspector John Scott, Police Scotland; Mr A Pattinson, NHS Borders; Democratic Services Officer (P Bolton).

1. **WELCOME AND INTRODUCTIONS**

The Chairman welcomed those present to the meeting.

2. **ORDER OF BUSINESS**

The Chairman varied the order of business as shown on the Agenda and the Minute reflects the order in which the items were considered at the meeting.

**DECISION  
NOTED.**

3. **MINUTE**

There had been circulated copies of the Minute of 1 September 2016.

**DECISION  
APPROVED the Minute for signature by the Chairman.**

4. **BERWICKSHIRE FLAG - MATTER ARISING FROM MINUTE OF 13 DECEMBER 2015**

With reference to paragraph 11 of the Minute of the meeting of 2 June 2016, the Chairman provided a verbal update on progress made for the development and flying of a Berwickshire flag on the north side of the Scotland/England border at Lamberton Toll. He explained that following email correspondence with officers at Northumberland Community Council (NCC), this matter was presented at its Area Committee North on 14 November 2016. Confirmation had now been received that the Area Committee was supportive of the proposal “that a degree of co-operation and co-ordination in our flag flying would be something that NCC would welcome and support.” The Chairman awaited an extract of the Minute of that meeting of 14 November and once received, would include it in his representation to Transport Scotland requesting authority to fly “other flags” in addition to a Saltire at Lamberton Toll.

## **DECISION**

(a) **NOTED.**

(b) **AGREED that following receipt of the extract of the meeting of the Northumberland Area Committee North, the Chairman would make a submission to Transport Scotland in respect of flying flags on the north side of the Scotland/England Border at Lamberton Toll.**

### **5. LOCAL DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE ON HOUSING**

The Chairman welcomed Mr Charles Johnston, Principal Officer Plans and Research to the meeting to give a presentation on the Council's response to the requirement from Scottish Government to propose sites to meet housing requirement. Mr Johnston explained that, following an examination report, a shortfall of 916 units had been identified in the Scottish Borders. The Reporter's recommendations had been incorporated in the Local Development Plan adopted by SBC in May 2016. There had been a total of 165 sites assessed which comprised those identified in the Local Development Plan and locations put forward by third parties. As a result of detailed assessment of potential sites and consultation with internal and external parties, a number of "preferred" and "alternative" sites had been identified and SBC subsequently approved draft Supplementary Guidance identifying proposed sites on 10 November 2016. A public consultation would take place from 5 December 2016 to 30 January 2017 and would provide an opportunity for comments to be submitted on the draft document. It was acknowledged that for those Community Councils that met less than monthly, the consultation period could be rather short. Mr Johnston confirmed that in such situations, an explanation along with comments submitted would be considered. He went on to explain the next steps following the consultation and it was noted that the findings and conclusions would be presented to SBC Elected Members during the summer of 2017. The presentation listed the identified sites within Berwickshire, giving details of the indicative capacity of each along with any particular site requirements. Mr Johnston explained that some sites had been categorised as "alternative" to provide other options should any of the preferred sites be removed or withdrawn. It was noted that there were 3 preferred sites across Berwickshire, namely Ayton (6 units); Coldstream (100 units); and Reston (38 units) with a further 3 alternative sites at Greenlaw (65 units); Reston (78 units) and Duns (100 units). Mr Johnston advised that the full draft Supplementary Guidance and further information was available on the Council's website and comments/responses to the public consultation could be submitted by email ([localplan@scotborders.gov.uk](mailto:localplan@scotborders.gov.uk)) or in writing to the Planning Policy and Access Team at Council Headquarters. Mr Johnston then answered specific questions about the sites identified within Berwickshire. The Chairman thanked Mr Johnston for his presentation.

## **DECISION**

**NOTED the presentation.**

### **6. COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

6.1 The Chairman welcomed Clare Malster, SBC's Strategic Community Engagement Officer to the meeting to give a presentation on the Community Empowerment (Scotland) Act 2015. In her introduction Ms Malster explained that although the Act had received Royal Assent on 24 July 2015 it had been recognised that further regulations and guidance would be required for most parts of the legislation. Ms Malster advised that the Act comprised 11 parts in total but that she would highlight a few sections which would have immediate relevance to local communities. Part 2 related to Community Planning and more specifically, local organisations working to benefit the local community. This would be done through joint working, agreeing joint policies and making sure that all partners knew what the others was doing. A number of Community Planning Partners had a statutory duty in terms of Community Planning, namely Scottish Fire and Rescue Service, Police Scotland, NHS Borders, Scottish Enterprise and Scottish Borders Council. The

Local Outcomes Improvement Plan (LOIP) which replaced Single Outcome Agreements under the new Act, would include the outcomes for the Scottish Borders which had been identified as priority areas for the Community Planning Partnership. Appropriate community groups must be consulted when developing the LOIP and subject to approval of the Scottish Parliament, the legislation would come into force on 20 December 2016.

- 6.2 In addition to the LOIP, Locality Plans would focus on smaller areas ie the Area Forum regions and again appropriate community groups would be consulted during development of the Plans which would be published by the end of October 2017. Part 3 of the Act dealt with Participation Requests which were requests from the community that asked for them to be involved in a process that would improve an outcome which they would specify. It was noted that that all Participation Requests would be reported to the Scottish Government. Community Right to Buy had existed for some time and had now been extended under Part 4 of the Act. Communities with populations over 10,000 would now be able to use Community Right to Buy, thus enabling more community groups to purchase land in this way. Part 5 of the Act dealt with Asset Transfer Requests. The definition of an asset was land or buildings owned by public authorities and under the Act, public authorities would be required to publish a register of their assets. Groups which met the criteria would then be able to make a request for the transfer of ownership of such assets. Requests to lease any land or building owned by a public authority could be made by groups that met the relevant criteria, ie they had a written constitution; were open to all members of that community; were community-led; comprised mostly of members from that community; was for the benefit of the served community; and used surplus funds/assets within the community. Subject to approval of the Scottish Parliament, the legislation would come into force on 23 January 2017. It was noted that SBC currently published its Register of Assets on the Council website and that it was not required to include roads and sewage works. The presentation also included a list of public organisations to which Asset Transfer requests could be made. With regard to Common Good property, Part 8 of the Act states that all Councils would have to create and publish a list of all common good property and would be required to consult with Community Councils and other community groups before selling or changing the use of any common good property. Part 9 of the Act covered allotments, the way in which applications for use could be made and set the standard size for each unit to be 250 square metres. Public decision making was covered in Part 10 of the Act and laid down that Scottish Ministers would have the power to require that public authorities, such as Scottish Borders Council, promoted and supported the involvement of the community in the decisions and activities of the organisation. At the present time, Ministers had not set out exactly what this would mean but reserved the right to do so at a later date. In response to a question about guidance or regulations for pricing Asset Transfers, Ms Malster advised that the public authority could determine this to be a notional amount if this was deemed appropriate. Ms Malster also clarified that for the purpose of the Act, "Community" could apply to Berwickshire as a whole, as well as much smaller communities within the area. The Council's website at [scotborders.gov.uk/communityempowerment](http://scotborders.gov.uk/communityempowerment) contained a wide range of information on the new Act, including links to further data and to other organisations. Communities and individuals were encouraged to access this information or to contact the Community Engagement Team at [communityengagement@scotborders.gov.uk](mailto:communityengagement@scotborders.gov.uk) or 01835 826626. The Chairman thanked Ms Malster for her attendance and suggested that further detail would be presented to the Forum at a later date.

## **DECISION**

**NOTED the presentation.**

## **7. PENSION WISE**

The Chairman welcomed Mr Iain Heard to the meeting to inform Members on Pension Wise. Mr Heard, a Pension Wise Guidance Specialist, emphasised that Pension Wise provided guidance rather than advice and went on to explain that it was a free and impartial government service which had been set up to help people to understand what

their options were in respect of defined contribution pensions (DCPs.) He advised that Pension Wise was established at the end of March 2015, to be in place in advance of the pension reforms and new freedoms which took effect in April of that year. A number of agencies were involved in Pension Wise – the Department of Work and Pensions (DWP), Citizens' Advice, the Pensions Advisory Service (TPAS) and the Financial Conduct Authority (FCA) – and the service was available to those individuals nearing and over 50 years of age with a DCP. Guidance sessions were arranged on a request basis and individuals received a letter summarising the discussion. Users of Pension Wise were happy with the service and satisfaction rates were currently in excess of 90%. Access to Pension Wise was provided online at [www.pensionwise.gov.uk](http://www.pensionwise.gov.uk); by telephone to 0800 138 3944; and face to face by contacting one of the six local Citizens' Advice Bureau. In response to questions, Mr Heard advised that guidance sessions could be set up for groups but confidentiality requirements determined that individual circumstances would not be discussed in such a setting. Pension Wise was not remitted to give guidance on State Pension issues however CAB staff might be able to offer advice in some circumstances. The Chairman thanked Mr Heard for his presentation on what could be a complicated subject.

#### **DECISION**

**NOTED the presentation.**

#### **8. DISABLED PERSONS PARKING PLACES**

There had been circulated copies of a report by the Chief Officer Roads on proposed amendments to The Scottish Borders Council (Disabled Persons Parking Places) Order 2015. The report explained that the proposed amendment had undergone statutory consultation and details were included at Appendix A of the report. One comment had been received from Duns Community Council in respect of the two disabled parking spaces in Glebe Park, as detailed in Appendix B of the report. Ms Elliot advised that in this case, both of the original applicants referred to were still "qualifying persons" under the Act. Ms Elliot clarified a number of points raised by Members and confirmed that there were three spaces which were no longer required, namely one each at Winterfield Gardens, Duns; Queen's Road, Eyemouth; and The Avenue, Eyemouth. Information that assisted in maintaining up to date records of Disabled Parking Spaces was welcomed from local communities. The Chairman thanked Ms Elliot for her attendance.

#### **DECISION**

**APPROVED the amendment of disabled parking spaces in the Berwickshire Area as detailed in Appendix A (as amended by removals) to The Scottish Borders Council (Disabled Persons Parking Places) Order 2015 as appended to this Minute.**

#### **9. POLICE SCOTLAND**

There were circulated copies of the Police Scotland report for the period up to 30 November 2016. Inspector Scott advised that local Police Officers continued to carry out dedicated parking patrols to both enforce legislation and discourage inconsiderate parking. Road checks would increase in the lead up to Christmas in an effort to deter drink drivers and advice relating to inter driving would be available as necessary. During the current reporting period, there had been 11 drugs-related offences with 6 of these incidents resulting in the recovery of controlled drugs. Rural crime continued to cause concern among local communities and following attendance at a recent awareness day, local Police Officers had received training in data-tagging for plant and agricultural vehicles (not including quad bikes.) Further information was available from the local Community Police Office and online at [enquiries@cesarscheme.org](mailto:enquiries@cesarscheme.org) A Rural Crime Prevention Day was scheduled at Harbro near Duns on 2 December and would include general security advice as well as information on keeping horse tack secure. The report also provided information on how intelligence could be used to apprehend individuals involved in hare coursing across the Scottish Borders and on keeping safe throughout the festive season. The Chairman thanked Inspector Scott for his attendance.

**DECISION**  
**NOTED the report.**

10. **SCOTTISH FIRE AND RESCUE SERVICE**

There had been circulated copies of a report by the Scottish Fire and Rescue Service (SFRS) informing the Forum of SFRS activity since 1 September 2016. The Chairman reported that due to unforeseen circumstances, Station Manager Acton was unable to attend the meeting to present the report. In summary, there had been 8 occurrences of fires in houses/buildings with no casualties recorded; 8 open fire incidents with no casualties; 7 Special Service incidents again with no casualties; and 32 non-deliberate unwanted fire alarm signals. The report went on to inform Members of activity which had occurred and which was currently taking place in Berwickshire and the measures being taken to address issues identified within the area. The winter Thematic Action Plan was now underway, the focus of which was festive fire safety; electric blankets; portable heaters; and candles. The report also provided an update on the recruitment and retention of firefighters and it was noted that vacancies for Retained Duty Firefighters currently existed in Duns (3), Eyemouth (4) and Coldstream (3).

**DECISION**  
**NOTED the report.**

11. **NHS BORDERS**

The Chairman welcomed Mr Alasdair Pattinson, General Manager - Primary & Community Services to the meeting. Mr Pattinson explained the current situation in respect of medical cover at Duns Community Hospital. He advised that notification had been received from the local GP practice of the non-renewal of the contract for coverage of the 18 beds within the hospital. NHS Borders now provided an enhanced medical cover directly. Members noted that development sessions were currently taking place in respect of the NHS Borders Locality Plan and would include: Clinical Strategy in the Borders; Winter Planning; Joint Integration Service for Older People; and GP Contracts and Services. Following on from the discussion, the Chairman advised the Forum of recent communication with Mr John Raine, Chairman of the Board of NHS Borders in relation to representation at Berwickshire Area Forum, noting that Board meetings coincided with those of the Forum. Mr Raine had indicated that he would look to resolve this issue as we moved into 2017 and the Chairman would update the Forum in due course.

**NOTED.**

12. **OPEN QUESTIONS**

12.1 A1

A request was made for representatives from Transport Scotland and Amey to be invited back to a meeting of the Forum to provide an update on progress and completion of work previously discussed. The Chairman would investigate the possibility and report back to the Forum as appropriate.

**DECISION**

**AGREED that an approach be made to Transport Scotland and Amey regarding the possibility of representatives from each agency attending a meeting of the Berwickshire Area Forum to provide an update on progress and completion of work previously discussed.**

12.2 SBConnect

Scottish Borders Council produced a regular information publication called SBConnect which was delivered to every household in the Scottish Borders. It was noted that Berwickshire did not have a high profile within SBConnect and discussion followed in respect of how this could be addressed. It was agreed that this matter would be referred to a future meeting of the Berwickshire Area Forum.

**DECISION**

**AGREED** that his matter be referred to a future meeting of the Berwickshire Area Forum.

12.3 Cheviot Pilot

SBC Elected Members were asked if there had been a progress report from the Cheviot Pilot and if it was in the public domain. The Chairman intimated that he was unaware of any report at this time. Following discussion, the Forum noted its support for Berwickshire participating in any further trial.

**DECISION**

**NOTED.**

13. **COMMUNITY SPOTLIGHT**

Broadband Provision in Berwickshire

It was noted that Broadband provision in Berwickshire was still a matter for concern and this was not expected to be resolved into 2018. Further information about the Scottish Government Scheme was available on the web. There continued to be serious under-delivering of services and the discussion which followed raised questions relating to the way in which BT organised and delivered the service.

**DECISION**

**NOTED:-**

- (a) **the concerns raised; and**
- (b) **that further updates would be presented to the Berwickshire Area Forum in due course.**

14. **FUTURE AGENDA ITEMS**

Items for future Agendas were discussed and reference was made to paragraphs 11.1; 12.1, 12.2; and 13 of this Minute. The items now listed for future meetings were:-

- (a) NHS Borders Locality Plan;
- (b) update on progress and completion of work on A1;
- (c) raising the profile of Berwickshire within SBConnect; and
- (d) Broadband Provision in Berwickshire.

**DECISION**

**NOTED.**

15. **DATES OF FUTURE MEETINGS**

Future meetings of the Berwickshire Area Forum were scheduled for:-

2 March 2017;  
15 June 2017.

**DECISION**

**NOTED.**

***The meeting concluded at 8.45 pm***