



*Community Council  
of the  
Royal Burgh of Peebles and District*

**Minutes of the 280th Meeting of the Community Council  
held on Thursday 11th February 2021 at 7.00pm via Zoom.**

Present: L.Turnbull, S. Rae, A.Snoddy, L.Hayworth, P.Maudsley, M.Bruce, O.Olesheva, G.Mackie, L.Marriott-Dowding, G.Ramsay, A.Mackenzie, S.Hamilton, E. Rae, J.Shearer, S.Watson, Cllr.Tatler, Cllr.Chapman, Cllr. Bell, Cllr.Small, Cllr.Haslam.

Apologies: S.Montgomery, C.Forsyth, Cllr. Anderson

Attended by Steve Dube, Hillary Scott of the Peeblesshire News, Lyndale Bale and Jackie Couchman of Innerleithen Community Council.

**Minutes of previous meeting:** circulated. Proposed by P.Maudsley, seconded by M.Bruce.

**Matters arising-**

**Children's Cemetery:** The Chairman thanked A.Mackenzie and Emma Brown for their continued progress with the project. The proposed design was circulated prior to the meeting. A.Mackenzie was asked if they would remain as circular designs or are they going to be 'trees'? He confirmed they will be circular, with one placed at either end of the graveyard but instead of being fixed to the wall they will be mounted on concrete bases to make them more secure. The design is a provisional draft which can be changed if necessary. The size will be clarified once Emma Brown has spoken to the manufacturers. Most Community Councillors liked the design. The question was asked whether the two different metals proposed could live in harmony or will one cause the other to erode? The leaves could be brass or a similar metal that will weather with time. The finished installations would seem to be climbable, so would that be acceptable to SBC? A.MacKenzie will go back to Emma and say we like what we see, and look forward to seeing a more complete design regarding mountings and more information about the metals to be used

**Public toilets** – The Chairman was pleased to report that two cubicles are now open, one of which is a disabled facility which can be accessed with a radar key. Either cubicle can be unlocked by coin payment with a cashless system on one door. The pilot project started on 1st February and will continue through to July,

**Taxi Ranks** – The Chairman said that this is a controversial issue with many views on what should be done to resolve the issue. He asked each of the Community Councillors at the meeting for their suggestions. They included drivers radioing other drivers to tell them when a space becomes available in the rank outside the Post Office. However it was pointed out that they tend to use mobile phones rather than radios, and there is a concern that drivers leaving the rank would call other drivers from the company they work for, rather than the next in line. Most of the congestion and parking issues in Peebles are a result of lack of enforcement of parking rules. It was suggested that analysis could be done to see how well the loading bay is used. L.Turnbull proposed passing the issue back to SBC to resolve. However Cllr. Haslam said that SBC has looked into the matter on numerous occasions, and that someone is always going to be disappointed with whatever solution is decided upon. Two other ideas were tabled: would it be possible to take 6 feet from the Park Hotel grounds and use that space for the overflow taxi rank, or alternatively move the bus stop into the East Station Car Park, as this also causes congestion. The latter has been proposed before but Ian Carruthers of Peebles

Post Office gave representation at that time that this could damage his business. S.Watson said that the situation has changed since then, due to the increase in the number of taxis serving the town. It was pointed out that there are public toilets in the carpark which could be a positive note for people getting on and off buses. L.Turnbull and G.Ramsay will speak with Hilary Scott from the Peebleshire News to publicise the issue in order to get more community feedback. It was also proposed that the SBC licensing department is contacted to see what the limit is for taxis in a town the size of Peebles, though when this was done previously we were told there is no limit to the number.

**Social Media Policy** – Prior to the meeting S.Rae had circulated the Social Media Policy which is needed as we are now using more social media platforms. For example It was felt there ought to be a policy to guide everybody with what is appropriate to post on facebook. He had received feedback which will be incorporated into the policy. It is a 'live 'document which can be amended quickly as and when new circumstances arise. The policy does not apply to Community Councillors 'use of private social media. P.Maudsley proposed adoption of the revised policy and L.Hayworth seconded it. The policy was unanimously supported and will become effective with immediate effect. S.Rae will circulate to all members once complete.

**Community Council Review Scheme** - This is a review by SBC of how Community Councils work across the Borders and is a statutory requirement. P.Maudsley attended the Tweeddale meeting on behalf of PCC. Each area has one delegate and an opportunity for a second delegate to act as a substitute should the original delegate be unavailable. P.Maudsley has volunteered to be the Tweeddale substitute (*note: the Tweeddale representative is James Taylor of Eddleston CC*) but we need that to be agreed by the other Tweeddale Community Councils. L.Turnbull has written to them all and received three responses. L.Turnbull will talk with P.Maudsley and Cllr.Tatler later about taking the matter forward.

**Chairman's report** - We would like to acknowledge the passing of Colonel Adrian Sprot. He was a great man around the town who did a lot for Peebles. He always had a kind word to say to everyone and he will be missed. We send our condolences to the family. Flowers have been sent to Caitlin Ramsay thanking her for her service to the Community Council. Whilst walking along the high street I bumped into the carer of John McOwan who was going to be 100 years old on 6th February. Because of Covid-19 he was not going to receive the usual greetings from either the Lord Lieutenant or the Queen so his carer was encouraging organisations in Peebles to send him cards to mark the occasion. I sent a card on behalf of the Community Council.

### **Chambers Institution Trust.**

Over the past few months we have been asking for lay representation on the Chambers Institution Trust. The issue was briefly discussed by the Trustees at their meeting on 27th January; I was an observer to this meeting along with others.

Prior to the meeting I read a note from an SBC solicitor to the Trustees regarding lay membership; the report in my view was inaccurate in a number of places. The note by the SBC solicitor is open to question; where the solicitor referred to a possible legal challenge to lay membership it was in relation to library committees and not a separate legal entity like this trust, as confirmed by Lawyers acting for Trustees who said, "the Trust must show that it exists as a separate body from SBC".

The solicitor's comments were not questioned by any of the Trustees and it was decided by them that there should be no lay representation on the Trust.

This flies in the face of a number of things:

- The original bequest stipulated that there would be lay representation and this was reiterated in legislation from 1911.
- There have been lay members as recently as 2014.
- The emphasis of current Scottish Govt. policy is for increased community empowerment, consultation and engagement.

- The legal advice is clear: “The Trust must show that it exists as a separate body from SBC”.

In relation to the management of the building, there are a number of things to consider:

- Since 2016 there have been only 13 meetings of the Trust, this is less than three per year.
- An SBC officer said at the last meeting that, “perhaps we have not been investing in the building as much as we could and should have”.
- We have received complaints from users of the Burgh Hall regarding the state of the electrics, the meeting was told that there has been no testing of the electrical systems.
- Live Borders is responsible for the management of the buildings; that some of these issues have not been addressed must call into question their ability to manage these premises.
- Comment was made by an officer when asked about how much had been spent over the past 15 years, that he did not know and he added, “a lot of the spend was paid for by the Trust when it had its own finance”. This raises questions as to the financial position of the Trust and whether Trust accounts have been ring fenced as mentioned in the solicitors note.
- There remains a potential for conflict of interest; as Trustees, SBC Councillors on behalf of the Trust determine the rents to be paid by SBC as tenants in part of the building. This potential conflict of interest was noted by the SBC solicitor in her note.

The issue of charitable status has not been addressed. There are obvious benefits to being a charity. The reasons why this option was dismissed in 2014 remain obscure. Being a charity would allow the Trust to access a variety of funding options to improve the buildings, enhancing the offer to users.

Some Trustees seem to think that lay members have nothing to contribute; they must reflect and consider what it is that they, as Councillors, bring to any debate apart from their own wisdom and knowledge. This is precisely what lay members would provide as well as some independence of mind.

There is little doubt that the original Trust Deeds envisaged and required lay representation. This was further bolstered by the 1911 legislation that required lay representation. This Act has not been repealed, therefore the provision remains a legislative requirement and requires there to be lay members on the board of Trustees. The question arises, why are existing Trustees so against having lay members?

Lay members can bring a degree of independence to all management processes. Current Trustees should immediately consider how they will address these matters and what process they should adopt to appoint lay members. As Councillor Bell said in his article in the current Peebles Life, “Resources should be going into building strong, capable and representative community bodies.” I agree. This is why lay membership is so important and must be addressed quickly so that we can build a strong dynamic Trust that will benefit the whole of Tweeddale. P.Maudsley commented that with regard to maintenance of the electrics in the Burgh Hall, and as a retired Health and Safety Officer, he found the lack of oversight concerning.

Cllr. Chapman responded in his role as Chairman of the Chambers Institution Trust. He said that at the last meeting of CIT the Trustees requested SBC Officers to ask Live Borders to ensure that checks on the electricity are carried out. The request by PCC for lay members on the Board of Trustees was discussed at the last CIT meeting. After taking legal advice the Trustees decided to maintain the status quo. This does not preclude residents of Peebleshire engaging with the work that the CIT is doing. The next meeting of CIT is on 24<sup>th</sup> February at 6pm and Cllr Chapman would encourage observers. The Paige and Park report which came out in 2016 presented the Board with various options going forward. We will undertake a process of engagement with the community and with the stakeholders. Not only do we want the asset of the Chambers Institution to be fit for purpose now, but also for the future. The decision not to have lay members is not to deny the community a voice. Meetings are public. Anyone can contact the Trustees. The role of a Trustee is very clear in law, and Trustees have and can hold SBC to account.

The Chairman thanked Cllr Chapman for his response but said he was still not clear why the Trust are so reluctant to permit lay members which is a requirement under the 1911 Act and is also required under the terms of the original Deed of Trust. Cllr Chapman replied that this is a disputed consideration. There have been a number of

interpretations over the years including from external Counsel and that it was concluded that lay membership was not legally required. There has been discussion by the current Board of Trustees who concluded, unanimously, that the current structure was sufficient.

E.Rae commented that she feels that the management of the Chambers Institution has become so over 'bureaucratized' that it seems to no longer have anything to do with the people of Peebles.

Cllr.Bell said that there has been a misunderstanding regarding Agenda item 5 on the recent paper by a solicitor drawn up at the request of the Trustees. It was incidental to that Agenda item that the subject of lay membership arose. There was a discussion about the possibility of lay membership and it was decided against. He would like to refute the implied allegations of the ability of SBC Officers and the Trustees to manage the premises and wants to clearly state that the officers and Trustees are managing it properly. Cllr Bell would like to reassure PCC and the public that there is clear identification of the funds attributable to the Chambers Institution Trust. It is not in the gift of the six SBC Councillors for Tweeddale to appoint extra Trustees. We are Trustees ex officio because SBC decided to keep things simple, rather than appoint all the SBC Councillors in the Scottish Borders. Cllr Bell asked the SBC solicitor at the recent CIT meeting what powers the Trustees had in relationship to appointing further Trustees and was advised it would have to be authorised by the full Council. Cllr Bell said his comments in the recent Peebles Life Magazine referred specifically to Community Councils. There are differences in the responsibilities of Community Councils and the responsibilities of a Board of Trustees. The dilemma is that the Trust is responsible for managing the asset on behalf of the people of Peebleshire, not just Peebles. There are other interested parties too, such as the different tenants of the buildings. There should be some thought given at a Community Council meeting about what lay membership would add to the Trust.

L.Turnbull said he had never suggested that lay membership would be confined to residents of Peebles because he knows the Chambers Institution Trust was left for the people of Peebleshire. He suggested that lay members could include someone from Peebles Community Council, someone from another Tweeddale Community Council, and possibly members of other organisations around the town who use the facilities. It would make the Trust more balanced because – without suggesting there is any conflict of interest - SBC are the tenants, and the persons responsible for setting the rents are the Trustees who are SBC Councillors. If you have a wider, more balanced set of Trustees, any suggestions of conflict can be eradicated. He added that lay members can bring all sorts of experience to the table.

Cllr Bell responded that it is not wrong to ask the question, which is why he has tabled it.

P.Maudsley has looked at the Minutes of the CIT meetings since March 2016. The three meetings in 2016 dealt with presentation of the consultation report and the way ahead. Nothing else: no finance, no health and safety. One meeting was only 10 minutes long. Finance was referred to in the 2018 Minute when a Finance Report was asked for. At the two subsequent meetings it was reported that the Finance Report was not complete. It is reported in the 2019 Minutes that there was a tour of the building to assess upgrade and maintenance requirements. Lots of residents have a great deal of expertise and would be asking about, for example, the health and safety situation, the finances - how much money exists, where does the money come from and how is it being spent?

Cllr.Tatler - At the Memorial Hall in Innerleithen, which is run in a similar way to the Burgh Hall, representatives who use the hall give feedback to Live Borders about what needs to be done. Their Community Trust is also involved. He is slightly offended at what has been said both as a Trustee and as a resident of Peebles. There is a wide representation on the Board of Trustees from across Tweeddale. They act independently and only in the best interest of the CIT.

L.Turnbull said that the perception is that if you have Councillors who are Trustees and then they also determine the rent for SBC you may favour SBC.

S.Rae said there is a potential for a conflict of interest and is puzzled why the CIT wouldn't want a wider representation on the Board.

Cllr.Chapman said the Trust is very open to communication engagement and dialogue. The CIT can always be contacted. The community has representation and a voice through the Trustees.

Cllr.Haslam said that Councillors are governed by a strict Code of Conduct (stricter than that for MPs and MSPs) and any concerns should be addressed to the Chief Legal Officer. With regards to Health and Safety, after the Peebles High School fire the Burgh Hall was gone over with a fine tooth comb before it was made available for use by the school. There were lots of appliances plugged in, and there were no issues with the electrics or the toilets.

Cllr.Bell Strongly supports the contribution from Cllr.Haslam regarding the Code of Conduct. With regard to the setting of rents he sees no conflict in his position as a Trustee. Along with L.Hayworth the six SBC Councillors oversee the management of Peebles Common Good assets. Those assets are looked after by SBC. He suggests that the people of Peebleshire benefit from the relationship with SBC. Cllr Bell said the Trustees will take on board what was said this evening, and if PCC wants to make representation to the Chambers Institution Trust about any additions that should be done formally in writing, so consideration can be given by the full Council.

L.Turnbull wanted to clarify that he was not asserting that there is, or has been, any conflict of interest, but that it is important that there is no perception.

Cllr Haslam said the issue of perception should not be a concern of Community Councillors; it is for SBC Cllrs to worry about.

Cllr. Bell suggested that the PCC considers making a formal recommendation to the Chambers Institution Trust about additions that there should be to the Trust so that it can be discussed by the Trust. The Chairman agreed to consider this point and asked the Councillors to consider the points made by him in his opening statement. He confirmed that this topic would be on the agenda for the next PCC meeting.

**Police Report** - M.Bruce reported that it has been a relatively quiet month on the police front. The Police Report has been circulated and there were no comments back from anyone. Crime is down 4.5%. There was some anti-social behaviour, mostly related to breaking Covid-19 restrictions. There are still some people coming into the area for leisure or exercise, but not too many. The Community Action Team issued 17 traffic related tickets during the period of the report. M.Bruce said the police hold a PDA (Personal Digital Assistant) and if they speak to anyone regarding a traffic issue they use the PDA to check for any other offences, i.e. no MOT or insurance. Cllr.Tatler stated that on occasion the CAT team will issue parking tickets.

### **Councillors Reports**

Cllr.Tatler – At the Community Council Review Scheme meeting on 21<sup>st</sup> January it was discussed how Community Councils work, how we can broaden representation, how to make them more diverse and how we can improve the way they operate. There is still money available in the Community Fund. Organisations looking for funding should come forward before 30th March. Applications for amounts less than £1,500 can be fast tracked. There is a Tweeddale Area Partnership meeting on 30th March. He is still looking for suggestions of items to include on the agenda, and how TAP should go forward. The surface of the path by Kingsmeadows playground has been inspected by the Neighbourhood Services Team. They will get a costing to repair it. Funding may come from the SBC's Small Scheme Fund, and the work may be undertaken by individuals on a Community Payback Scheme.

Cllr Haslam – A lot of potholes are appearing on the roads. Please report them using the online tool and SBC will take note and repair them as quickly as possible. There is a major programme of resurfacing of roads underway. Resurfacing of Rosetta Road will begin in the next couple of weeks. As of 10 February, 23,000 first doses of the vaccine have been given to everyone over 80 in the Borders. Vaccination of those over 70 will be completed by the end of this week/beginning of next week, and wave three of vaccinations should be finished by early May. Vaccinations of those in waves 2 and 3 will be carried out at the Gytes, while those who have received their vaccinations in the first wave will receive their second dose at Haylodge Health Centre.

Cllr. Chapman - Wanted to thank the many members of the community for highlighting the issues of the road surface in Rosetta Road. He encourages folk to report potholes to councils by e.g. using an app called 'Fix My Street'. Speeding on March Street is still an issue with some cats being hit and killed, which has distressed a number of the residents in the area. He has organised the addition of a couple of repeater signs for the lampposts to remind drivers to drive at 20mph and that seems to have made a small difference. He is involved in ongoing conversations with Police Scotland on what enforcement measures can be taken forward. There was a significant power cut recently on 7th Feb at 9.13pm which impacted a large proportion of Borders and Midlothian for between 20 minutes and 1 hour due to a faulty transmission which Scottish Power identified. For future reference you can call 105, the emergency helpline number, to identify the fault; alternatively you can call Scottish Power on 0330 1010227. They will follow up the enquiry the next day with a phone call, text or letter giving full details of what had caused the problem.

S.Watson mentioned that mobile networks were down and landlines couldn't be used during the power cut, however it was pointed out that not all networks were affected.

Cllr. Bell - welcomed Jackie Couchman from Innerleithen Community Council. Cllr Bell and Cllr Tatler had recently suggested it might be useful for Community Councillors to observe meetings of other Community Councils.

Cllr. Small - Planning. Things have been quiet in the Tweeddale area. The planning consent given for Reston Railway Station is great news for the Borders

**Treasurer's Report** - The annual grant from SBC has now been received thanks to intervention by Cllr Tatler. The Financial Report shows a balance of £892.00. Now that the grant has been received (beginning of February) the total funds are £2250. It was agreed at the last meeting to purchase a laptop and external hard drive, with relevant software, for use by the Secretary. This is being progressed, with assistance and advice from S.Rae.

**Planning Report** – P.Maudsley had circulated the Planning Report prior to the meeting. He had a couple of points to add at the meeting. The South Parks buildouts (for traffic calming purposes) will be in place by the end of March. He had canvassed all Community Councillors about the 20mph consultation. They were divided 50:50 for and against the introduction and therefore PCC are unable to take a position on the issue. The developers proposing to build 22 houses on land at Knapdale are appealing directly to the Scottish Government thereby bypassing SBC's Planning Department.

**Peebles Community Trust** - M.Bruce attended the Peebles Community Trust AGM on 2nd February. There were around 50 people in attendance which was unfortunately down on the failed attempt to hold the AGM the previous week. PCT had dealt with voting issues using a members survey which had been sent out prior to the AGM. PCT now has charitable status and a full board. L.Hayworth reported they were in a healthy financial position, and the plans for the refurbishment of the School Brae Hub are moving forward. Eshiels Woodland is hoping to allow greater access and long term sustainability. Peebles Railway Heritage Group set up a Facebook page and there are about 430 people following their progress, including many professionals from the railway industry, the length and breadth of the UK. Local traders are still doing their bit to keep the building watertight pro bono. Bonnie Peebles Plus are in a strong

position and are looking forward to successful planting in the Spring. There have been Issues with the Eddleston Water Path (EWP). Progress has stalled and PCT is awaiting discussions between the main funders and the consultant to see how the project can be pushed forward. The cost of construction will be £2 million so major funding is required. Weather and Covid restrictions have been hampering volunteer efforts along the path between Peebles and Cardrona. March Street Mill: The CRtB is being reviewed by the Scottish Government at the request of the site owners. Cllr Haslam asked for more details about the funding of EWP. L.Hayworth explained that Sustrans had to look at their overall funding, given their overspend on many of the Central Belt projects to encourage wheeling, cycling and walking projects which had been piloted in response to Covid. Sustrans remain committed to the EWP but are unsure when they will afford it. Cllr. Haslam offered to help if needed as she felt the situation was unacceptable. L.Hayworth will ask Jeremy Cunningham, project manager of the EWP to contact Cllr.Haslam.

## **AOB**

The lease for Jedderfield Farm (a Common Good asset) has become available. L.Turnbull asked why all the meetings and discussions are being held in private? Cllr.Tatler said the SBC Estates Department have been asked to advertise the farm. Tweedgreen, individuals and groups have come forward to express an interest. Tweedgreen's CRtB application has been validated. Discussions are commercially sensitive and therefore held in private. However there will be full community consultation before a final decision is reached.

S.Watson spoke about potholes and the state of the roads. He said there had been a lack of funding over a period of time Potholes are not new: many have been filled two and three times. When will SBC fill the potholes as a permanent repair? Cllr.Haslam responded that there is less money available from central government. SBC have a massive programme of long resurfacing projects, such as Rosetta Road. She is happy to share the list of which repairs will take place over the next year. There is a 3 month delay to works due to Covid and problems with old machinery, but SBC have invested in new machinery. To give some context to costs involved Cllr Haslam said that a 1% increase on Council Tax in the Borders would raise £500,000. The cost of a road repair machine is £600,000. During the current Covid crisis the spending on hand wipes for schools will be in the region of £500,000 for this year and another £500,000 next year. Difficult decisions have to be made. L.Turnbull asked Cllr Haslam to forward the list of resurfacing projects.

J.Shearer spoke about a huge pothole on the Edinburgh Road and was advised to report it to SBC. She is also concerned about the condition of Dalatho Crescent. Cllr Chapman said will get an update and let her know.

E.Rae is concerned about the lack of notification by BT Open Reach when they carry out works. This can be particularly difficult for drivers in icy weather. Cllr Tatler said that utility companies are not obliged to give notice, but that E.Rae could contact BT for that information.

C.Forsyth (unable to attend the meeting because of a lack of digital connectivity) asked via A.Snoddy about the lighting in Victoria Park. A.Snoddy will clarify the matter with him and then contact Cllr.Tatler

L.Marriott-Dowding mentioned an online quiz that Tweedale Youth Action are holding on Friday 19th February 2021 via zoom to raise funds.

Next Meeting Thursday 11th March at 7pm by Zoom.