

SCOTTISH BORDERS COUNCIL
HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the HAWICK COMMON
 GOOD FUND SUB-COMMITTEE held in the
 Lesser Hall, Hawick on 19 November 2013 at
 4.00 p.m.

Present:- Councillors Z. Elliot (Chairman), A. Cranston, S. Marshall, D. Paterson, G
 Turnbull, R. Smith; Community Councillor Mrs A. Knight (Burnfoot Community
 Council and Mr D. Nuttall (Hawick Community Council).

In Attendance:- Legal & Licensing Services Manager (A. Isles), Senior Financial Analyst (A.
 Mitchell), Estates Surveyor, Property Officer, Democratic Services Officer (J.
 Turnbull).

MINUTES

1. There had been circulated copies of the Minute of the Meeting held on 18 June 2013.

DECISION

APPROVED the Minute for signature by the Chairman.

DECLARATION OF INTEREST

Mrs A Knight, Burnfoot Community Council, declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the room during the discussion.

REQUEST FOR FINANCIAL ASSISTANCE
CONNECTING CLASSROOMS GROUP

2. With reference to paragraph 3 of the Minute of 18 June 2013 and paragraph 3 of the Minute of 22 August 2013, there had been circulated copies of an application from Connecting Classrooms Group for financial assistance of £1,000.00 towards travel and subsistence costs for five pupils to visit a school in Sierra Leone in October. Links with this school had existed since 2007. As requested by the Sub-Committee, the School had sent details of their financial position as at 8 November 2013 which identified that there was a £500.00 shortfall in their funding requirements.

DECISION

AGREED to award a grant of £500.00 to Hawick High School for the Connecting Classroom Group visit to Sierra Leone.

DISCUSSION ON COMMON HAUGH

3. Councillor Turnbull informed the Sub-Committee that he had been researching the Common Haugh Car Park. He had been able to determine that the former Borders Regional Council had agreed to maintain the car park and that Hawick Common Good would collect all rentals. He had been trying to ascertain if, since reorganisation, a lease had been agreed with Scottish Borders Council (SBC) but had been unable to determine if this was the case. Following a meeting Ward Councillors had on site with Mr Richardson from the Roads Division, he stated there was repair work to be carried out at the exit (Bell Mouth) which was estimated to be in the region of £5,000 to £7,000. The Legal and Licensing Services Manager confirmed that there had never been a lease agreed between the Regional and District as no consensus had been reached. Scottish Borders Council in having the car park listed on the adopted list accepted the car park for public liability insurance but as had been advised at earlier meetings in terms of the Asset Manager's Inspection Policy there was deemed no requirement for repairs at the present time; this was in line with the policy for all SBC car parks. The Chairman referred to the meeting with the Roads Engineer who had

agreed that the Council would pay towards the repairs (approximately £2,500), with Hawick Common Good Fund to pay the remainder. The Sub-Committee agreed that the matter should be deferred for further consideration at a special meeting to be arranged for 12 December 2013 at the Council Headquarters for clarification on the extent of the adopted car park and the location of the areas of land which required to have works carried out. The Roads Engineer would be asked to prepare a report and plan for the meeting and be asked to attend to answer questions from Members.

DECISION

AGREED:-

- (i) **To defer consideration of the Common Haugh Car Park until the Meeting of the 12 December 2013; and**
- (ii) **To request that the Road Engineer prepared a report for consideration at the meeting, to include detailed costings for the works and a plan.**

MONITORING REPORT FOR 6 MONTHS TO END SEPTEMBER 2013 AND INVESTMENT LEVEL DETERMINATION

4. There had been circulated copies of a report by the Chief Financial Officer which reported that on 29 August the Council had approved the formation of an Investment Fund in accordance with the approved Single Investment Strategy for Common Good and Trust Funds. Common Good Sub-Committees had to determine the level of funding which they wished to transfer into this new Investment Fund. The investment fund was most suitable for funds to be held on a medium to long term basis so sufficient funds should be retained in the SBC Loans Fund for immediate use. Appendix 7 to the report set out the funds which were available for investment and the funds which the Sub-Committee might consider needed to be retained for current activities in the short term. Due to higher than initially anticipated work on properties, total expenditure was projected to be £23,070 in excess of the approved budget for 2013/14 and income was projected to be £525 less than budgeted due, in the main, to minor adjustments to rent and interest outturn projections. To make budget provision for this a budget virement was proposed as set out in Appendix 6 to the report. The report set out details of transactions for the six months to 30 September 2013, the projections of the annual outturn with variances from the current budget, virement to address a required budget change and the projected effect on Revenue and Capital Reserves at 31 March 2014. It also provided information to enable the Sub-Committee to recommend a level of funding to transfer into the New Investment Fund. Members reported that they had reduced the amount of Grants from £33,000.00 as shown in the report to £20,000.00; and that Hawick Rugby Football Club had received £1,000.00 and did not require any further grant relating to the application.

DECISION

APPROVED:-

- (i) **The financial performance for 2013/14 as shown in Appendix 2 to the report;**
- (ii) **The key figures in Appendix 1 to the report, subject to the alternation of the total grants budget to £20,000.00;**
- (iii) **The Grants Analysis provided in Appendix 3 to the report, subject to the deletion of £1,000.00 provision of underwriting costs for Hawick Rugby Club;**
- (iv) **The projected balances on Revenue and Capital Reserves as shown in Appendix 4 to the report, subject to the alteration of net expenditure from £33,926.00 to £20,926.00;**
- (v) **The performance of the Property Portfolio as shown in Appendix 5 to the report.**

- * **AGREED to RECOMMEND that the sum of £350,000.00 be the level of funding transferred to the New Investment following consideration of the content of Appendix 7 to the report.**

LEASE OF VOLUNTEER PARK AND STAND TO BILL McLAREN PARK LTD

5. There had been circulated copies of a report by Head of Corporate Governance which sought to obtain the views of the Hawick Common Good Fund Sub-Committee regarding a request to indicate support to Bill McLaren Park Ltd for the development of a 3G playing pitch on land currently leased to the Volunteer Park Sports Committee. The Bill McLaren Foundation through its company, Bill McLaren Park Ltd, should it be successful in raising sufficient funding to undertake major improvements to the sporting facilities at the Volunteer Park, proposed to take on a lease of the park and stand in order to proceed with its development and to thereafter manage it for the benefit of the sporting fraternity and wider community. In this event the current lease to the Volunteer Park Sports Committee would be terminated to allow the development to proceed. The proposed improvements included the development of a new 3G synthetic pitch on the Volunteer Park as part of a sports centre for Hawick that would also include facilities at the neighbouring Buccleuch Park. The Volunteer Park Sports Committee was understood to have been consulted on the proposals by the Bill McLaren Foundation and was believed to be supportive of them. Members discussed the report it was felt that there should be a guarantee that existing user groups would be protected. The Legal and Licensing Services Manager reassured Members that the commitment they gave would be for a non-worsening situation with regard to user groups.

DECISION

AGREED to authorise the Head of Corporate Governance to issue a letter (or letters) confirming their support in principle of grant funding applications the Bill McLaren Foundation (or Bill McLaren Park Ltd) might make in respect of their proposed development at the Volunteer Park, Hawick.

WHITLAW WOOD HOUSE

6. Councillor Smith informed the Group that he had met with the owner of Whitlaw Wood House who had asked for confirmation of their right of access. The owner was having problems with surface water, specifically over the Winter when the water was freezing and which hindered access up the track. The owner had asked whether it would be possible to dig a shallow ditch and soak away on the right hand side of the track, at the Golf Course verge, to mitigate the surface water problem. The Legal and Licensing Services Manager advised that Scottish Borders Council would not contest the right of access but that no outright grant had been made and any rights were not supported by any duty to maintain access to the house other than the common law position of non impediment. Members had discussed the matter at a meeting on 16 April 2013 and then resolved to take no action following advice from the Flood Prevention Programme Manager. To allow the owner to investigate further his proposed actions, Members considered that a porosity test should be carried out on the land where he proposed to site the soak away at his cost and that the owner of Whitlaw Wood House be required to indemnify the Common Good should any work be carried out for all actions following from such works. The Sub-Committee would consider again when the outcome of the porosity test was known.

DECISION

AGREED:

- (i) **To authorise the Estates Surveyor to contact the owner of Whitlaw Wood House and advise him of the decision;**
- (ii) **To request the Estates Surveyor seek agreement from the owner of Whitlaw Wood House and the Golf Club to a porosity test being carried out; and**
- (iii) **To request the Estates Surveyor report back to a future meeting of the Sub-Committee**

PROPERTY UPDATE AND SUMMARY

St Leonard's Farmhouse, Buildings

7. Members discussed the property inspection. The tenant had made improvements. The Chair requested if photographs could be provided for the next meeting.

DECISION

AGREED that the Estates Surveyor provide photographs for the next meeting of the Sub-Committee for further consideration.

Music Festival on Hawick Moor

8. Members were informed that an approach had been made to the Estates Surveyor as to the possibility of using Hawick Moor, which formed part of the leased Pilmuir Farm to hold a Music Festival in 2015. The Festival would take place over 2-3 days. Members expressed concern regarding access and safety and the impact on the current lease of the Farm.

DECISION

TO DEFER the request to hold a Music Festival in 2015 on Hawick Moor for further consideration.

Pilmuir Farmhouse

9. There was reported continued problems with damp conditions and condensation inside the farmhouse. Noting that Peter Cox had already reported on this, the Property Officer agreed to arrange for a further report and estimate and would report back to the Sub-Committee. The ongoing replacement of old fences had not yet been completed and works would continue next year. It was further reported that the tenant of the farm wished the landlord to consider repairs to the silage pit floor in the coming year.

DECISION

AGREED To request that the Property Officer:-

- (i) **arrange for a report and estimate on the recurrent damp and condensation within the farmhouse and report back to the Sub Committee; and**
- (ii) **arrange for a price for the silage pit floor to be resurfaced for the next meeting of the Sub-Committee.**

FUN FAIR IN COMMON HAUGH

10. The Estates Surveyor asked if a five year agreement might be considered from the Fun Fair to use the Common Haugh.

DECISION

NOTED that the request should be submitted on a single yearly basis.

PROPERTY INSPECTIONS

11. The Estates Surveyor and Property Officer agreed to liaise with Members of the Sub-Committee to arrange dates in the early Spring on which to carry out inspections of all leased properties of the Hawick Common Good Fund.

DECISION

NOTED.

URGENT BUSINESS

12. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item(s) dealt with in the following paragraph(s) should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed/make an early decision.

REQUESTS FOR FINANCIAL ASSISTANCE

HAWICK SAXHORN BAND

13. There had been circulated copies of an application from Hawick Saxhorn Band for financial assistance of £4,350 towards the purchase of new instruments. The band promoted community interest in brass band music by giving instruction in brass instruments to band members and by way of a variety of public performances in the community. Representatives from the Band were present at the meeting and assisted members by confirming the price of instruments they wished to buy.

DECISION

AGREED:-

- (i) To award a grant of £2,500 to Hawick Saxhorn Band towards the purchase of new instruments; and
- (ii) That the Band applies to the Community Grant Fund for funding, and that the Club could submit a further request for funding to the Hawick Common Good Fund in the event of a shortfall.

PRIVATE BUSINESS

DECISION

14. **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 the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part I of Schedule 7A of the Act.

URGENT BUSINESS

15. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item(s) dealt with in the following paragraph(s) should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed/make an early decision.

SUMMARY OF PRIVATE BUSINESS

HAWICK GOLF CLUB

1. The Sub-Committee received a verbal report regarding Hawick Golf Club.

WILLIESTRUTHER COTTAGE, HAWICK

2. The Sub-Committee considered a report from the Head of Corporate Governance.

The meeting concluded at 6.10 pm.