

SCOTTISH BORDERS COUNCIL
PEEBLES COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Council Offices,
Rosetta Road, Peebles on Wednesday, 8 May
2013 at 5.00 p.m.

Present:- Councillors W. Archibald (Chairman), C. Bhatia, S. Bell, G. Logan.
Apologies:- Councillors N. Buckingham, G. Garvie.
In Attendance:- Legal and Licensing Services Manager, Senior Financial Analyst (A. Mitchell), Head of Property and Facilities Management (A. Drummond-Hunt), Estates Manager (N. Hastie), Democratic Services Officer (K. Mason).

Members of the Public:- 7.

ORDER OF BUSINESS

1. 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.

MINUTE

2. The Minute of Meeting of Peebles Common Good Fund Sub-Committee of 6 March 2013 had been circulated.

**DECISION
NOTED.**

DRAINAGE AND FLOODLIGHT WORKS AT HAYLODGE PARK, PEEBLES

3. There had been circulated copies of a report by the Head of Corporate Governance providing an update on the proposed drainage and floodlight works at Haylodge Park. The report sought approval for a Deed of Dedication to be granted to Sport Scotland in order to secure grant funding from them. The report explained that the condition of Haylodge Park had deteriorated and major works were required to improve its surface and its ability to be used for various annual events. Peebles Rugby Club, in consultation with Scottish Borders Council, had drawn up a plan for improvement works to the drainage, grass surface, entrance areas and floodlighting. An application for funding had been made to Sport Scotland but they required some security of tenure by way of a Deed of Dedication from Peebles Common Good Sub Committee. In addition, Peebles Rugby Club would be granted seasons bookings for the rugby pitches commensurate with the anticipated life expectancy of the new drains. Any seasons bookings would be subject to the Agricultural show, the Beltane Festival, the Highland Games and any other public event the Council may wish to hold on the pitches. In the event of damage to the pitch surfaces, the organisers of the event would be required to bear the cost of restoration. The Legal and Licensing Services Manager presented information on the requirement for a Deed of Dedication. Detailed discussions took place in relation to the wording of the Deed of Dedication and the Legal and Licensing Services Manager undertook to amend the Deed of Dedication in accordance with Members' requests. Thereafter the revised Deed of Dedication would be forwarded to Members for their approval with delegated powers being granted to the Chairman in consultation with the Legal and Licensing Services Manager to grant a Deed of Dedication (as amended) to Sport Scotland in order for drainage and other works on Haylodge Park to proceed as outlined in the report.

**DECISION
AGREED that**

- (a) **an amended Deed of Dedication be forwarded by the Legal and Licensing Services Manager to Members for their approval; and**
- (b) **delegated powers be granted to the Chairman in consultation with the Legal and Licensing Services Manager to grant a Deed of Dedication (as amended) to Sport Scotland in order for drainage and other works on Haylodge Park to proceed as outlined in the report.**

LEASE OF OLD CORN EXCHANGE, HIGH STREET PEEBLES

4. With reference to paragraph 3 of the Minute of 6 March 2013, there had been circulated copies of a report by the Estates Manager presenting drawings showing options for subdividing the Old Corn Exchange. Option A was for the formation of a toilet in the corridor between the front shop and rear premises occupied by Tweed Youth Action Group (formerly Ish'uze) in the sum of £17,820. Option B was for the provision of extra space for storage by forming a toilet in the area currently occupied by Tweed Youth Action Group in the sum of £26,580. The Estates Manager answered Members' questions relating to both Options, and the requirement to renegotiate with Tweed Youth Action Group the lease of the part of the building currently occupied by them.

DECISION AGREED

- (a) **that the Estates Manager progress Option A in relation to the formation of a toilet in the corridor between the front shop and rear premises occupied by Tweed Youth Action Group in the sum of £17,820 and that this would be financed from revenue reserves.**
- (b) **that the Estates Manager renegotiate with Tweed Youth Action Group the lease for the part of the property occupied by the Group.**

USE OF OLD CORN EXCHANGE, HIGH STREET, PEEBLES AS POP UP SHOP

5. Members were advised by the Estates Manager that British Heart Foundation had requested use of the window of the Old Corn Exchange for the promotion of a wedding dress sale from 25 – 26 May, 2013, the fee for which would be £150.00. A further request for use of the premises had been received for 15 – 16 June, 2013 from Peebles High School, for use as a booksale, for which there would be no charge.

DECISION

NOTED and APPROVED the applications for use of the premises as follows:-

- (a) **British Heart Foundation – 25 – 26 May 2013 – promotion of wedding dress sale at a fee of £150.00; and**
- (b) **Peebles High School – 15 – 16 June 2013 – book sale – no charge.**

APPLICATIONS FOR FINANCIAL ASSISTANCE

6. Prior to consideration of the undernoted applications for Financial Assistance, a report was tabled by the Senior Financial Analyst presenting information on grants from the Common Good Fund for the period from 1 April 2003 to date. It was noted that the applications being considered at the meeting totalled more than had been granted in the last 12 months. The sum of £5,000 had also been carried forward and was committed to the Eastgate Theatre.

- (a) **Scottish Borders Council Museums and Galleries Service**

With reference to paragraph 2(c) of the Minute of Meeting of 6 March 2013 there had been circulated copies of a briefing note from the Curator of Tweeddale Museum advising that she had carried out initial enquiries as to the status of the paintings. The majority of the collection was in the Chambers Institution building when Tweeddale District Council put in staff to make an inventory of contents of the museum in that property in 1982-84. Evidence as to the history of the contents was

not immediate and whilst it may be contained in the minute books, there are six volumes and the Service did not have the resources to carry out that research at the present moment. However, between 1859 and 1982 a collection was formed for the education/benefit of the people of Peebles and was housed in the Chambers Institution. In addition a small number of paintings held within the collection were donated to Peeblesshire County Council, Tweeddale District Council and Scottish Borders Council and these were included among the ones requiring work. Further clarification of the ownership of the collection would require more work which, within the time frame of the wider grant application which it was hoped to submit, was not feasible. The application to the Esmee Fairbairn Collection Trust represented a unique opportunity to access funding to carry out essential work on these paintings which would allow the display and interpretation of this historic collection for the benefit of the people of Peebles and enhance public access to the local heritage regardless of the ownership of the collection. The grant applied to the Common Good Fund would allow preliminary work to go ahead to prepare an application for this funding. Members were minded not to support the application. The current financial constraints of the Common Good Fund were also discussed by the Sub-Committee.

DECISION

AGREED that the application in the sum of £7,000 from Scottish Borders Council Museums and Galleries Service be refused.

Cuddy Action Group

- (b) There had been circulated copies of an application for financial assistance from the Cuddy Action Group in the sum of £3,000 towards the funding of a trial 6 months project which would encourage people to allow the Group to copy photographs and share their memories of these and other photographs already in their possession. During the discussions which took place, although mindful of the excellent work carried out by the Group over many years, Members did not accept such a project would be of benefit to the inhabitants of Peebles and so accord with the principles of Common Good. The current financial constraints of the Common Good Fund were also discussed by the Sub-Committee.

DECISION

AGREED that the application in the sum of £3,000 from Cuddy Action Group be refused.

Peebles Christmas Lights Association

- (c) There had been circulated copies of an application for financial assistance from the Peebles Christmas Lights Association in the sum of (a) £1,353.60 plus VAT for Phase 2 of their Chambers Institution Project, and (b) £2,222.42 plus VAT to have the Peebles Town Crest made as a feature. During discussions which took place Members were mindful that Peebles Christmas Lights Association had previously been granted financial assistance totalling £19,750 over a number of years. It was noted that at a meeting of the Peebles Common Good Fund Working Group of 14 July 2011 a grant had been approved for £3,000 and this was recorded in the Minutes as being the final grant to the Peebles Christmas Lights Association. The current financial constraints of the Common Good Fund were also discussed by the Sub-Committee.

DECISION

AGREED that the application for financial assistance in the sum of £ 3,576.02 plus VAT be refused.

(d) Peebles Rugby Football Club

There had been circulated copies of an application for financial assistance from Peebles Rugby Football Club (PRFC) in the sum of £20,000 towards the installation of a comprehensive drainage system and upgrading of the existing two pitches at Haylodge Park as well as upgrading the surfaces to the central entrance to the park. The works were over engineered for rugby purposes in order to accommodate other users of Haylodge Park such as the Peebles Agricultural Show. Letters of support for the application were tabled from Peebles March Riding & Beltane Queen Festival, Peeblesshire Agricultural Society, The Royal Burgh of Peebles Highland Games Association and Scottish Rugby. In referring to a letter of comfort which had been sent to PRFC, the Head of Property and Facilities Management advised that although the project was supported by the Council in principle, the letter of comfort did not constitute a formal guarantee of funding. Mr G. Brown, President of PRFC was present at the meeting and answered questions from Members relating to the application.

DECISION

(a) AGREED

- (i) to grant Peebles Rugby Football Club up to the sum of £20,000 with funding from the Common Good Fund being released in the last tranche of funding; and**
- (ii) if the maximum of £20,000 was required the sum of £2,000 from the Common Good Fund would be paid from reserves.**

(b) NOTED that no further applications for financial assistance would be considered in the current financial year.

(e) Peeblesshire Youth Trust

There had been circulated copies of an application for financial assistance from Peeblesshire Youth Trust (PYT) in the sum of £10,000 to help towards running the cost of the Trust. During 2012/13 the Trust secured funding from eight funders and had raised over £12,500 with their own fundraising. Members noted that £18,500 had been paid in grant funding over a number of years to Peeblesshire Youth Trust and considered, it was not the purpose of the Common Good Fund to provide core funding. The Chairman of the Peeblesshire Youth Trust was present and explained that the purpose of the grant was to fund another member of staff. He advised of further fundraising efforts being undertaken by the Group. Although not relying on the Common Good Fund he asked if the Trust could come back to the Sub-Committee with an application for future funding. Members considered that it might be useful to have a joint meeting with similar groups in the town to discuss how Councillors could best support youth organisations in the Peebles.

DECISION

(a) AGREED that the application for financial assistance in the sum of £ 10,000 be refused.

(b) NOTED that it might be beneficial for a joint meeting with similar groups in the town to discuss how Councillors could best support youth organisations in Peebles.

PEEBLES BURGH SILVER BAND – LEASE

7. Continued to a future meeting.

MILLENNIUM FOUNTAIN

8. Continued to a future meeting.

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 the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 6 and 8 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

Minute

1. The Working Group noted the private section of the Minute of Meeting of 6 March 2013.

The meeting concluded at 6.20 p.m.

Millennium Fountain

Report by Head of Corporate Governance

Peebles Common Good Fund Sub Committee

24 June 2013

1 PURPOSE AND SUMMARY

- 1.1 **This report is brought to the Sub Committee at their request to allow them to consider matters relating to the Common Good Fund Asset known as the Millennium Fountain which is presently sited on the public footpath outside the Eastgate Theatre, Peebles.**
- 1.2 The fountain was gifted to the Common Good Fund by the Rotary Club of Peebles to mark the Millennium. The Club had raised the funds from public donations and had commissioned the Art Work from Beltane Studios, Peebles. It was originally designed to be sited within a building with water and power supplies to allow running water to be a feature of the work.
- 1.3 There have been a number of maintenance issues with the fountain and there is no water flow at present. The Common Good have sought support for these costs from the Rotary but they declined. They then requested the Local Authority to take the fountain on as a general asset but were advised that it not wish to take this on given the maintenance liability. It is now necessary for the Sub Committee to consider if they wish to authorise the reinstatement of the water flow by purchasing and installing a new water pump and have other works carried out at the cost of the fund of £650. The fountain does attract donations from the public of around £50 per annum which requires to be collected by council staff and processed appropriately.

2 CONSIDERATIONS

- 2.1 **I recommend that the Sub Committee consider what actions they wish to take if any in relation to the Millennium Fountain.**

3 THE MILLENNIUM FOUNTAIN

- 3.1 The Rotary Club of Peebles set up a subscription to raise funds for a suitable memorial to the Millennium in 2000. With the funds raised they commissioned a fountain of leaping salmon in bronze from the local studio, Beltane. The work was then gifted to the Common Good Fund. The Council, on behalf of the Fund, assisted in locating the sculpture in 2006 on the public footpath outside the Eastgate Theatre, Peebles which had opened following conversion works.
- 3.2 Whilst at first the electric pump ensured that the water flowed in the fountain as intended by the artist who designed the art work, this has failed to work and now the water lies in the well of the fountain. At their meeting on 10 March 2011 the then Peebles Common Good Fund Working Group, on hearing that the repair costs were in the region of £500, agreed to approach the Rotary Club to see if they would fund the repairs as the Fund had no direct budget for such repairs to this item. The Club intimated that they were not in a position to fund these repair costs.
- 3.3 At their meeting on 9 June 2011 the Working Group further considered the Fountain, and resolved to invite the Council as local authority to take over the structure, but it declined.
- 3.4 Following discussion, a proposal was made to ask that the Fountain be placed in the sensory garden to be created at the new housing development at Dovecot Road, Peebles notwithstanding there was a view that to place the Fountain within these private grounds would restrict public enjoyment. However, at the meeting on 8 September 2011 it was reported that the landlord, Eildon Housing Association declined the proposal. It was then agreed that the siting remained unchanged and there be no water running through the Fountain meantime.
- 3.5 The Chairman has had discussions with the Council's property officer for the Peebles area about the poor state of the Fountain and it was agreed that the matter be considered at a future meeting. The risk of further damage to pumps remains given the outside siting of the Fountain.
- 3.6 The Fountain does attract donations of around £50 per annum from the public by way of coins thrown in. The Council's staff collects this regularly on behalf of the Common Good and the funds are banked and credited to the Fund.
- 3.7 Unrelated to the pump/power supply, costs of £306 have already been expended by the Fund in relation to works to the Fountain (included in the Finance Outturn report 2011/12 considered by the Working Group on 9 August 2012).
- 3.8 The proposed cost of reinstatement of the power supply to the Fountain is £620. These works include the supply and fitting of a larger two piece fibreglass tank and also fitting drainage outlets to make drainage and cleaning easier. Further stone cleaning has already been carried out this financial year at a cost of £30.
- 3.9 The electricity costs are met at present by the Eastgate Theatre as there is no separate supply.

4 IMPLICATIONS

4.1 Financial

If the Sub Committee wish to have the pump repaired the costs will require

to come from the Fund's property maintenance budget. It is not known how often such repairs will be required.

4.2 **Risk and Mitigations**

If the Sub Committee take no steps to repair the pump the Fountain will not operate as the artist intended when he created the work. There is a risk of adverse publicity in relation to this position which is countered by the decision not to repair, saving a potential repeated cost to the Fund in respect of an Asset which they were gifted by the Rotary Club.

4.3 **Equalities**

There are no equalities implications in considering this matter

4.4 **Acting Sustainably**

There are no economic, social or environmental effects of doing or not doing what is proposed.

4.5 **Carbon Management**

There is no impact on the Council's carbon emissions of doing or not doing what is proposed and evaluate any impact and/or mitigation efforts.

4.6 **Rural Proofing**

This is not a policy matter.

4.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes required to the Council's Schemes of Administration or Delegation.

5 **CONSULTATION**

- 5.1 The Chief Financial Officer, the Head of Corporate Governance, the Head of Audit and Risk, the Head of Strategic Policy, the Clerk to the Council have been consulted. Any comments received will be incorporated in the final report.

Approved by

Head of Corporate Governance

Signature

Author(s)

Name	Designation and Contact Number
Anne Isles	Legal and Licensing Services Manager, 01835 825002

Background Papers: Nil

Previous Minute Reference: 26 November 2012

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Anne Isles can also give information on other language translations as well as providing additional copies.

Contact us at Anne Isles, Legal and Democratic Services, Scottish Borders Council, Newtown St Boswells, TD6 0SA, 01835 825002, aisles@scotborders.gov.uk