

SCOTTISH BORDERS COUNCIL
SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTE of MEETING of the SELKIRK COMMON
GOOD FUND SUB COMMITTEE held in
Committee Room 2, Council Headquarters,
Newtown St Boswells on Wednesday 11 June
2014 at 3.00 p.m.

Present: Councillors G. Edgar (Chairman), M. Ballantyne, V. Davidson
Community Councillor T. Combe.

In attendance: Solicitor (J. Webster), Senior Financial Analyst (A. Mitchell), Estates Surveyor
(J. Morison), Property Officer (T. Holmes), Democratic Services Officer
(F. Walling).

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.

MINUTES

2. There had been circulated copies of the Minutes of 25 February 2014 and of the Special meeting of 23 April 2014.

DECISION

APPROVED the minutes for signature by the Chairman.

3. With regard to paragraph 4 of the Minute of 23 April 2014 Project Manager, Graeme McMurdo, updated Members with regard to the 'Bannerfield Active' project. He advised that tenders for the work were due back by 24 June 2014. Included in the Invitation to Tender was a request for bidders to suggest how an additional £5,000 could be spent on play equipment. Mr McMurdo confirmed that the types of equipment to include in the play park had been decided but it had been left to bidders to suggest and detail designs in the tender which could be compared against the wishes of local children. Proposals would also be compared and checked by the Parks and Open Spaces section to ensure value for money. Members agreed to the principle of contributing £5,000 specifically towards play equipment for the project subject to the provision of further information in the form of a play equipment budget.

DECISION

AGREED:-

- (a) **to contribute £5,000 towards play equipment as part of the 'Bannerfield Active' project; and**
 - (b) **that the play equipment budget and details of the equipment to be purchased would be circulated by email for approval by Members before the payment was implemented.**
4. With reference to paragraph 2 of the Minute of 23 April 2014, Mr McMurdo gave an update in relation to the proposed 2G pitch at Pringle Park, Selkirk. It was hoped that planning permission would be obtained in the near future. However as tenders were not yet out he did not expect work to begin before early 2015.

DECISION

NOTED

PROPERTY UPDATE

5. Property Officer, Mr Tom Holmes, reported that work on the Court House Coffee Shop had been completed. The tenant was pleased with the work and planned to re-open in time for the Common Riding later in the week. Roof work on farm buildings at Linglie Farm, which was grant funded, had commenced. Members were given information about the circumstances around which the work had been temporarily halted. A quote for replacement windows at Linglie Farmhouse and cottages had been accepted and the company would liaise with the tenant in respect of the timing of the work. Discussion continued on quotes received for work needed on farm buildings at Smedheugh, the total of the quotes for individual sheds being £14k. Members were aware that work was required on a number of properties owned by the Common Good. The Estate officer was asked to present, for the next meeting, a schedule of works needed. The schedule should include a quote for the ridge, only, on the straw shed at Smedheugh; a list of jobs for which quotes have already been obtained with an indication of priorities; and a list of work required on other property.

DECISION

- (a) **NOTED the update.**
- (b) **AGREED that a schedule be prepared by the Estates Surveyor for presentation at the next meeting to include:-**
- (i) **a quote for a ridge on the roof of the straw shed at Smedheugh;**
 - (ii) **a list of property repairs for which quotes have been obtained with an indication of priorities; and**
 - (iii) **a list of work required on other Common Good property.**

PHONE MAST SITE AT LINGLIE FARM

6. With reference to paragraph 7 of the Minute of 23 April 2014, Solicitor, Ms Webster, circulated at the meeting a briefing update with regard to the lease for the mast site at Linglie Farm. She advised that negotiations regarding the draft lease had been ongoing between the tenant (Everything Everywhere) and the Council's legal section for some time but that matters had been stalled in relation to the level of indemnity by the tenant. The existing lease stated that the tenant would keep the owner fully and effectually indemnified against all actions or proceedings etc brought against the owner due to the tenant's negligence. The proposed lease limited their indemnity in relation to the landlord to a maximum of £5m and stated that the maximum liability in relation to the subject matter of the lease was also limited to £5m for both parties. Clarification had been sought from the tenant's agent, who had advised that this appeared to be industry standard and that they were not in a position to change. However the Council's insurance officer had advised that any limitation to the indemnity or liability was against Council policy. It was noted that there had been no insurance claims in respect of the current lease for the mast site since the original lease was set up with Orange in 1997, and that under the new lease the tenant was obliged to maintain the apparatus and premises in a good and safe state of repair and condition throughout the period of the lease. Members were reminded that a new 20 year lease gave security of income and removed the threat of the lease being terminated in the short term. Mr Morison confirmed that the tenant had a risk assessment in place in relation to the mast site and that the site carried no specific identified risks. Members discussed the situation and were aware that to proceed with limited indemnity would be against current Council policy. However, given the low level of risk to the Council and bearing in mind that the level of indemnity within the new lease was apparently industry standard, Members agreed to recommend to Council that the tenant's position be accepted.

DECISION

- * **AGREED to recommend that, in respect of the lease of the phone mast site at Linglie Farm, Council accepts a limitation in the level of the lessee's indemnity in relation to the liability of the Council as landowner, to a maximum of £5m.**

CULTURAL SERVICES REVIEW

7. Members had a brief discussion on possible implications to the future management of the Victoria Hall of the proposals relating to the Cultural Services Review. It was noted that there should not be any change assuming the proposed Trust continued with the maintenance agreement currently in place with the Council. However it was considered appropriate to delay further discussion until after the full report to Council on the Review which was due in October. In the meantime the Senior Financial Analyst was asked to extract and circulate to Members of the Sub Committee the running costs and income for the Victoria Hall over the past three years.

DECISION**AGREED:-**

- (a) **to continue consideration of the implications to the Common Good of the Cultural Services Review at a future meeting of the Sub Committee once full details of the proposals were available; and**
- (b) **that details of the running costs and income for the Victoria Hall over the past three years be circulated to Members of the Sub Committee.**

APPLICATION FOR FINANCIAL ASSISTANCE

8. There had been circulated copies of an application from The Haining Charitable Trust for a contribution of £4,000 towards the preparation of a Landscape and Management Plan for the Haining Estate. Members were given time to read an additional document circulated at the meeting, pertaining to the conservation Management Plan for The Haining designed landscape. It was outlined in the application that, on the death of the former owner of the Haining, the house and grounds were bequeathed to a trust – The Haining Charitable Trust – to utilise the estate as a cultural and recreational amenity for the good of the people of Selkirkshire and the wider public. The Trustees were progressing to make The Haining available to the community as a public amenity, including an art gallery in the main house, artisan studios in the old coach house, a restaurant and garden structures. It was explained that a contribution from the Common Good would in turn release other funding already pledged from Historic Scotland and the Heritage Lottery Fund. Members discussed the application at length. Members were supportive of the plans for The Haining and recognised the estate's significant potential as a public amenity for the good of the community and as a tourist attraction. However Members were reluctant to contribute to the initiative at this development stage having also noted the apparent strength of the Trust's accounts. Councillor Davidson moved that a contribution of £1,000 be given towards the project but her motion was not seconded. The application was therefore declined but Members agreed that this should not preclude the Trust from applying for financial assistance at a future stage when implementation and development of the plans might more directly involve the people of Selkirk.

DECISION

DECIDED not to give a grant to The Haining Charitable Trust towards the preparation of a Landscape Management Plan.

URGENT BUSINESS

9. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in paragraph 10 should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

FINANCIAL MONITORING

10. In response to a Member's question regarding the Selkirk Common Good Fund 2013/14 accounts the Senior Financial Analyst advised that he would circulate the accounts to Members when finalised.

**DECISION
NOTED**

The meeting concluded at 4.35 pm.