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INNERLEITHEN COMMON GOOD FUND SUB-COMMITTEE TO BE HELD ON THURSDAY, 27 OCTOBER, 2016

Please find attached Item No. 4(a) for the above meeting

	<p>(a) Innerleithen Common Good Agreement of Assets – consider. (Copy of extract of asset register considered by Scottish Borders Council on 31 March 2016 attached.)</p>	<p>(Pages 1 - 2) 15 mins</p>
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1	fldUPRN	Function	Estb Name	Address	Department	Change?	Reason	Title by which Acquired	Deeds Location
2	IN002/01	CULTURAL FACILITY	INNERLEITHEN LIBRARY	BUCCLEUCH STREET	E&LLL		Site acquired by Burgh Council 1904. Obligation to erect a Public Library, Lecture Room and Keeper's House and thereafter use only for that purpose, or as a self-contained dwelling house (or two). No reference to Libraries legislation in deed. No common good dedication either. See Minutes for further details. Ground at rear sold by BRC 1989	Feu Disp by curator bonis of Alexander Horsburgh Esq. of Horsburgh to Provost etc of Innerleithen recorded GRS (Peebles) 16th March 1904	HQ Pigeon 146
3	IN002/02	COMMUNITY FACILITY	LIBRARY COMMUNITY CENTRE	BUCCLEUCH STREET	E&LLL		Ditto	Ditto	Ditto
4	IN003/02	CULTURAL FACILITY	ST RONANS COMMUNITY WING	ST RONANS ROAD	E&LLL	No	Not owned by Burgh Council in 1975. Acquired by Peebles County Council 1952/1953	1. Disp by Provost etc of Innerleithen to Peebles County Council recorded GRS (Peebles) 26th November 1952 2. Disp by James B. Currie to Peebles County Council recorded GRS (Peebles) 22nd October 1953	HQ Pigeon 146
5	IN003/03	SCHOOLS	ST RONANS PRIMARY SCHOOL	ST RONANS ROAD	E&LLL	No	Ditto.	Ditto	Ditto
6	IN003/04	SCHOOLS	ST RONANS NURSEY SCHOOL	ST RONANS ROAD	E&LLL	No	Ditto	Ditto	Ditto
7	IN004/01	INDUSTRIAL	UNIT 1 LEITHEN WORKSHOPS	LEITHEN ROAD	PED	No	Not owned by Burgh Council in 1975. Formerly the Leithenside Primary School. First acquired 1880 by Parish School Board. Superiority acquired by Peebles County Council 1956	1. Feu Disp by Stevenson Macadam to School Board of Parish of Innerleithen recorded GRS (Peebles) 24th November 1880. 2. Disp. By James G L Brown to Peebles County Council recorded GRS (Peebles) 3rd July 1956	HQ Pigeon 147
8	IN004/02	INDUSTRIAL	UNIT 2 LEITHEN WORKSHOPS	LEITHEN ROAD	PED	No	Ditto	Ditto	Ditto
9	IN004/03	INDUSTRIAL	UNIT 3 LEITHEN WORKSHOPS	LEITHEN ROAD	PED	No	Ditto	Ditto	Ditto
10	IN004/04	INDUSTRIAL	UNIT 4 LEITHEN WORKSHOPS	LEITHEN ROAD	PED	No	Ditto	Ditto	Ditto
11	IN004/05	INDUSTRIAL	UNIT 5 LEITHEN WORKSHOPS	LEITHEN ROAD	PED	No	Ditto	Ditto	Ditto
12	IN006/01	PUBLIC CAR PARKS	TRAQUAIR ROAD CAR PARK	TRAQUAIR ROAD	TS		NOTHING FOUND		
13	IN006/02	PUBLIC CAR PARKS	LEITHEN RD CAR PARK	LEITHEN ROAD	TS	No	Acquired by Burgh Council 1974. Deed confirms Council was exercising powers under Road Traffic Regulations Act 1967	Disp by Peebles Building Society with consent to Provost etc of Innerleithen, recorded GRS (Peebles) 12th December 1974	HQ Pigeon 367
14	IN007/01	DAY CENTRE	INNERLEITHEN FAMILY SUPPORT CENTRE ST RONANS BUNGALOW	MAXWELL STREET	SW	No	Not owned by Burgh Council 1975. See 15 below.	See 15 below	HQ Pigeon 593
15	IN007/02	ELDERLY PERSONS HOME	ST RONANS RHE	MAXWELL STREET	SW	No	Not owned by Burgh Council 1975. Acquired jointly by County Councils of Peebles, Midlothian and East Lothian on behalf of the joint Social Work Committee for said Counties 1970/71	1. Disp by The Peeblesshire Savings Investment and Building Society to County Councils of Counties of Midlothian, East Lothian and Peebles recorded GRS (Peebles) 14th October 1970 2. Disp by Peebles County Council to County Councils of Counties of Midlothian, East Lothian and Peebles recorded GRS (Peebles) 2nd December 1971	HQ Pigeon 593
16	IN007/03	AGRICULTURAL	ST RONANS GRAZINGS	MAXWELL STREET	SW	No	Not owned by Burgh Council 1975. Acquired jointly by County Councils of Peebles, Midlothian and East Lothian on behalf of the joint Social Work Committee for said Counties 1970	Disp by The Peeblesshire Savings Investment and Building Society to County Councils of Counties of Midlothian, East Lothian and Peebles recorded GRS (Peebles) 14th October 1970	HQ Pigeon 593
17	IN011/01	PARKS & OPEN SPACES	VICTORIA PARK	HALL STREET	TS	No	Purchased by Burgh Council 1948 for an annual feuduty of £42.15.8. There is no common good dedication in the narrative or dispositive clauses of the Feu Contract. The title conditions include obligations to use in all time coming as a public park for recreation and for the benefit of the residents of Innerleithen, There is no additional information to be found in the minutes to indicate the intended status of this property. The fact that only an annual feuduty as opposed to a full purchase price was payable, and the existence of the title condition mentioned above, might suggest common good. However, the purchase was completed after the Local Government (Scotland) Act 1947 had come into force and - taking account of the additional fact that the majority of the park had been held under leases continuously since 1911 - it is felt, on balance, that the purchase ought to be regarded as having been effected under section 156 of the 1947 Act - acquisition by agreement for a statutory council function - and thus that the park is not common good.	Feu Contract between Francis J C Maxwell-Stuart with consent and Provost etc of Innerleithen recorded GRS (Peebles) 9th July 1948	Gala Box
18	IN011/02	COMMUNITY FACILITY	VICTORIA PARK - PAVILION	HALL STREET	TS	No	Ditto	Ditto	Ditto
19	IN011/03	COMMERCIAL	VICTORIA PARK - SPORTS GROUND	HALL STREET	TS	No	Ditto	Ditto	Ditto
20	IN011/04	COMMUNITY FACILITY	VICTORIA PARK - TENNIS COURTS	HALL STREET	TS	No	Ditto	Ditto	Ditto
21	IN011/05	PARKS & OPEN SPACES	VICTORIA PARK PLAY AREA	VICTORIA PARK	TS	No	Ditto	Ditto	Ditto
22	IN011/08	ALLOTMENTS	MILLER STREET ALLOTMENTS	MILLER STREET	TS	No	Acquired with 9/11/13 Miller Street by Burgh Council 1956. Deed indicates that the purchase was effected under the Housing (Scotland) Act 1950. Tenant's interest in Lease of this property acquired 1966, property (i.e. Landlord's interest) acquired 1972, by Town Council. No Common Good dedication and acquired post 1947 Act for a statutory purpose	Disp. By Trustees of late William D. Adams to Provost etc. of Innerleithen recorded GRS (Peebles) 14th May 1956	Gala Box
23	IN012/01	CULTURAL FACILITY	ST RONANS WELLS	WELLS BRAE	E&LLL	No	Ditto	Feu Disp by Peebles Building Society and Peter D.J.C. Maxwell-Stuart to Provost etc. of Innerleithen recorded GRS (Peebles) 15th February 1973	
24	IN012/03	RESIDENTIAL	ST RONANS WELLS HOUSE	WELLS BRAE	TS	No	Ditto	Ditto	
25	IN013/01	MISCELLANEOUS	INNERLEITHEN CHURCHYARD STORE	LEITHEN ROAD	TS		NOTHING FOUND		
26	IN013/02	CEMETERY	INNERLEITHEN CEMETERY	LEITHEN ROAD	TS		NOTHING FOUND		

27	IN014/01	CULTURAL FACILITY	INNERLEITHEN MEMORIAL HALL	LEITHEN ROAD	E&LLL	Yes - CG	Acquired by Burgh Council by donation from Henry Ballantyne in 1919. Deed contains common good declaration - ("for behoof of the community of the said Burgh") and statement of intent that it is "for the purposes of a Town Hall and other Buildings as a Memorial in Innerleithen for those who have fallen in the War". Construction of Hall funded by public subscription and associated papers (Memorial for Opinion of Counsel) indicate that it was not the intention that the property be maintained from the rates.	Disp by executors of late Robert C Smail and others, with consent of Henry Ballantyne, in favour of the Provost etc of the Burgh of Innerleithen, recorded GRS (Peebles) 22nd May 1919	Gala Box
28	IN014/02	CORPORATE OFFICES	MEMORIAL HALL OFFICE	LEITHEN ROAD	CORP RES	Yes - CG	Ditto	Ditto	Ditto
29	IN014/03	COMMERCIAL	MEMORIAL HALL OFFICES (UPPER FLOOR)	LEITHEN ROAD	CORP RES	Yes - CG	Ditto	Ditto	Ditto
30	IN015/01	COMMERCIAL	INNERLEITHEN CARAVAN PARK	MONTGOMERY STREET	PED	No	This property is held on a title which also included the housing land now comprised in Ballantyne Street, Plora Crescent, Mathiesons Street and the eastern part of Montgomery Street. The whole site was acquired by the Burgh Council in 1951. The deed indicates that the purchase was effected under the Housing (Scotland) Act 1950.	Disp by James B. Currie to Peebles County Council recorded GRS (Peebles) 23rd November 1951 Disp by the Hon Henry Maxwell Stuart of Traquair to Parochial Board of the Parish of Innerleithen recorded GRS (Peebles) 9th June 1879	Gala box
31	IN017/01	MISCELLANEOUS	TRAQUAIR ROAD CEMETERY STORE	TRAQUAIR ROAD	TS		Erected on part of original cemetery. See 36 below.		
32	IN018/01	MONUMENTS & MEMORIALS	INNERLEITHEN WAR MEMORIAL	DROVERS WAY	TS	No	No separate title found. Presumed to have been regarded as 'street furniture'		
33	IN018/02	MONUMENTS & MEMORIALS	INNERLEITHEN MEMORIAL HALL CLOCK	LEITHEN ROAD	CORP RES	Yes - CG	See 27 above for details of title.	See 27 above	Gala Box
34	IN019/01	PUBLIC CONVENIENCES	HALL STREET TOILET	HALL STREET	TS		Held on Victoria Park title. See 17 above	See 17 above	Gala Box
35	IN019/02	PUBLIC CONVENIENCES	HALL STREET TOILET	HALL STREET	TS		Ditto	See 17 above	Gala Box
36	IN020/01	CEMETERY	TRAQUAIR ROAD CEMETERY	TRAQUAIR ROAD	TS	No	Original cemetery acquired by Parochial Board of Parish of Innerleithen 1879. Land for northern extension purchased by Town Council 1952, under Burial Grounds (Scotland) Act 1955	1. Disp by the Hon Henry Maxwell Stuart of Traquair to Parochial Board of the Parish of Innerleithen recorded GRS (Peebles) 9th June 1879 2. Disp by Francis J C Maxwell Stuart of Traquair to Provost etc of Innerleithen recorded GRS (Peebles) 16th Oct 1952	Gala box
		AMENITY LAND	STRAND/DAMSIDE AMENITY LAND	STRAND		Yes - CG	Acquired by Burgh Council by donation (nominal feuduty of £1 per annum) in 1947. Deed narrates to be used for amenity purposes for benefit of inhabitants of Innerleithen - to be laid out with flower beds, shrubberies or other decorative plots and planted with suitable trees. There is also a title condition prohibiting the erection of buildings. No further information to be found from minutes. This acquisition pre-dated the coming into effect of the Local Government (Scotland) Act 1947. This property may therefore be considered part of the common good.	Feu Contract between Francis J C Maxwell-Stuart with consent and Provost etc of Innerleithen recorded GRS (Peebles) 20th June 1947	