

**SCOTTISH BORDERS COUNCIL
LAUDER COMMON GOOD FUND SUB-COMMITTEE**

MINUTES of Meeting of the LAUDER
COMMON GOOD FUND SUB-COMMITTEE
held in via Microsoft Teams on Wednesday,
29 June 2022 at 2.30 pm

Present:- Councillors J. Linehan, D. Parker, J. PatonDay and Mr A. Smith (Lauderdale CC)

In Attendance:- Principal Solicitor (H. MacLeod), Treasury Business Partner (S. Wilson),
Estates Surveyor (J. Stewart), Democratic Services Officer (W. Mohieddeen).

1. **CHAIRMAN**

Councillor Linehan, seconded by Councillor PatonDay, moved that Councillor Parker be appointed as Chairman. There being no other nominations, Councillor Parker was unanimously appointed as Chairman and took the Chair.

DECISION

AGREED that Councillor Parker be appointed as Chairman.

2. **VICE CHAIRMAN**

Councillor Linehan, seconded by Councillor Parker, moved that Councillor PatonDay be appointed as Vice Chairman. There being no other nominations, Councillor PatonDay was unanimously appointed as Vice Chairman.

DECISION

AGREED that Councillor PatonDay be appointed as Vice Chairman.

3. **ORDER OF BUSINESS.**

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.

4. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 8 March 2022.

DECISION

AGREED to approve the Minute for signature by the Chairman.

5. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2022**

There had been circulated copies of a report by Director Finance and Corporate Governance which provided details of the income and expenditure for the Lauder Common Good Fund for the year 2021-22 including balance sheet values as at 31 March 2022, a full year projected out-turn for 2022-23, and projected balance sheet values as at 31 March 2023. Appendix 1 of the report provided the actual income and expenditure for 2021-22 which showed a deficit of £17,510 for the year, which was higher than the deficit figure reported at the 8 March 2022 meeting, due to an increase in the Repairs and Maintenance spend, as well as a delay in the Woodland Schemes. Appendix 2 of the report provided an actual balance sheet value as at 31 March 2022 which showed an increase in the reserves of £446,948, mainly due to the re-classification of assets exercise carried out by Estates & Legal, partially off-set by the annual release from Revaluation Reserve. Appendix 3a of the report provided a breakdown of the property portfolio which

showed actual rental income and net return for 2021-22. Appendix 3b provided a breakdown of the property portfolio which showed actual property expenditure for 2021-22. Appendix 4 provided a breakdown of the property portfolio which showed actual property valuations at 31 March 2022. Appendix 5 of the report showed the value of the Aegon Asset Management Investment Fund to 31 March 2022.

DECISION

- (a) **NOTED the actual income and expenditure for 2021-22 in Appendix 1 of the report;**
- (b) **AGREED the projected income and expenditure for 2022-23 in Appendix 1 as the revised budget for 2022/23 of the report;**
- (c) **NOTED the final balance sheet value as at 31 March 2022, and projected balance sheet value as at 31 March 2023 in Appendix 2 of the report;**
- (d) **NOTED the summary of the property portfolio in Appendices 3 and 4 of the report; and,**
- (e) **NOTED the current position of the Aegon Asset Management Investment Fund in Appendix 5 of the report.**

6. APPLICATION FOR FINANCIAL ASSISTANCE - LAUDER COMMON RIDING COMMITTEE

There had been circulated copies of an application for financial assistance from Lauder Common Riding Committee.

DECISION

AGREED to award a grant of £1,121.40 to Lauder Common Riding Committee

7. APPLICATION FOR FINANCIAL ASSISTANCE - LAUDER LARDER COMMUNITY FOODBANK

There had been circulated copies of an application for financial assistance from Lauder Larder Community Foodbank. The Chairman had noted advice from officers that funding was available to assist the applicant and that the application may be referred to the Communities and Partnership Team for alternative Council budgets to be considered. The Sub-Committee agreed that after alternative budgets are considered for the applicant, should there be any remaining shortfall in funds requested then the application would be welcomed to be resubmitted for consideration

DECISION

AGREED to refer the application to Community Grants and welcome a resubmission of the application should there be any shortfall in funds requested.

8. CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR FORMER BURGH OF LAUDER

- 8.1 There had been circulated a paper by Principal Solicitor which advised on the outcome of the consultation under the Community Empowerment (Scotland) Act 2015, and sought approval of the final Common Good Register for Lauder. Under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good ("a Common Good Register"). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and to consult the public on the list. The Lauder Common Good Sub-Committee approved the draft asset register in December 2021 and agreed to the commencement of the public consultation. The consultation ran from December 2021 to 31 March 2022. The Sub Committee was required to consider any responses received to the consultation,

and approve the final register to be recommended to Council for publication.

- 8.2 The Principal Solicitor advised that there were 65 responses to the consultation and 2 of these responses related to Lauder. The responses confirmed the draft registers and did not provide any comment. This was considered to show how advanced Lauder was with its common good register. The Sub-Committee was asked to note the draft register and to recommend to Council the register be finalised and published. Following approval by the Sub-Committee, the Principal Solicitor advised that Council will consider publication of finalised registers for all Common Good registers in the Scottish Borders and that the full Scottish Borders Common Good Asset Register was to be published by the end of September 2022. If any further assets were identified as being Common Good, or if existing property was disposed of or reclassified, the Council would update the Common Good Asset Registers. The Council would also ensure that the Common Good Asset Registers be reviewed on a regular basis, and at least every five years.
- 8.3 Mr Smith advised that the Provost robes were held in the Town Hall. The Principal Solicitor agreed that the register would be updated.

DECISION

- (a) **NOTED the completion of the consultation and the responses received, as set out in this Report;**
- (b) **AGREED to approve the contents of the final list of heritable and moveable property assets held by the Council within the former Burgh of Lauder, as set out in Appendix 1;**
- (c) **AGREED to recommend to Council the said final asset list for publication as a completed Common Good Register for Lauder; and,**
- (d) **AGREED to update the register to state that the Provost robes were held in the Town Hall.**

9. APPLICATION FOR ADMISSION OF A NEW BURGESS

There had been circulated copies of a report by Director Finance and Corporate Governance that proposed that the Lauder Common Good Fund Sub-Committee grant a burgess ticket to Mr Robert Elliot Landells. The Principal Solicitor explained that a request had been submitted by Mr Robert Elliot Landells, a resident of Lauder that he be granted a Burgess Ticket in respect of the former Royal Burgh of Lauder. Mr Landells held the title to a Burgess Acre, called 'Captain's Acre' registered in the Land Register of Scotland under title number BER 9056, and evidence of this ownership had been produced. All Burgesses other than Honorary were required to be resident in Lauder and to own one of the Burgess Acres. Burgess Tickets entitled individuals to exercise control over the grazing rights on Lauder Common, part of Lauder Common Good. The Principal Solicitor advised that the other Burgesses were consulted as per custom and requested that the Sub-Committee agrees to grant the request.

DECISION

AGREED to:

- (a) **grant the request for a Burgess Ticket to Mr Robert Elliot Landells; and,**
 - (b) **to instruct the Chief Legal Officer to issue the appropriate Burgess Ticket.**
10. **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 Paragraph 9 of Part I of Schedule 7A to the Act.

11. GENERAL PROPERTY UPDATE

Members considered the update by Estates Surveyor.

The meeting concluded at 3.45 pm.