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JEDBURGH COMMON GOOD SUB-COMMITTEE WEDNESDAY, 8TH DECEMBER, 2021

A MEETING of the JEDBURGH COMMON GOOD SUB-COMMITTEE will be held in the VIA MICROSOFT TEAMS on WEDNESDAY, 8TH DECEMBER, 2021 at 1.00 PM. Arrangements are in place to stream the meeting for public viewing. A link will be provided on the Council's website before the meeting.

J. J. WILKINSON,
Clerk to the Council,

1 December 2021

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declaration of Interests.	
4.	Consultation on Heritable and Moveable Asset Registers for former Burgh of Jedburgh (Pages 3 - 26) Consider report by Principal Solicitor. (Copy attached.)	15 mins
5.	Any Other Items Previously Circulated.	
6.	Any Other Items which the Chairman Decides are Urgent.	

NOTES

1. Timings given above are only indicative and not intended to inhibit Members' discussions.
2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Membership of Committee:- Councillors J. Brown (Chairman), S. Scott, S. Hamilton and Community Councillor J. Taylor

Please direct any enquiries to Fiona Henderson Tele: 01835 826502
E-mail: fhenderson@scotborders.gov.uk

Consultation on Heritable and Moveable Asset Registers for former Burgh of Jedburgh

Report by Principal Solicitor

Jedburgh Common Good Fund Sub Committee

8 December 2021

1 PURPOSE AND SUMMARY

- 1.1 This report is to seek approval of the draft Common Good Registers for the former Burgh of Jedburgh and to advise on the next steps in the process for consultation and publication under the Community Empowerment (Scotland) Act 2015.**
- 1.2 Under the Community Empowerment (Scotland) Act 2015 the Council is required to establish and maintain a register of property which is held by the authority as part of the Common Good ("a Common Good Register"). Before establishing a Common Good Register, the Act requires The Council to publish a list of property that it proposes to include in the Register and consult the public on this list.
- 1.3 Council approved the process for compliance with the Community Empowerment (Scotland) Act 2015 on 31 January 2019, and since that date work has been ongoing in consolidating all information held in respect of heritable and moveable Common Good assets.
- 1.4 From the work carried out, a draft list of assets considered to be a complete list of heritable and moveable assets held by the Jedburgh Common Good has been prepared, and is produced at the appendix to this report.

2 RECOMMENDATIONS

2.1 I recommend that the Sub-Committee:-

- (a) Approves the contents of the draft list of heritable and moveable property assets held by the Council within the former Burgh of Jedburgh;**
- (b) Approves the publishing of the draft list to be made available for public consultation for a period of at least twelve weeks;**
- (c) Notes that following the period of consultation all comments will be brought to the Common Good Fund Sub-Committee for their consideration.**

3 BACKGROUND

- 3.1 Under the Community Empowerment (Scotland) Act 2015 the Council is required to establish and maintain a register of property which is held by the authority as part of the Common Good ("a Common Good Register"). Before establishing a Common Good Register, the Act requires the Council to publish a list of property that it proposes to include in the Register and consult the public on this list.
- 3.2 Common Good property is property which was owned by the Common Good funds of the former Burghs of Scotland. On the abolition of the Burgh system in 1975, Common Good funds were preserved, and the assets which formed part of these funds remained so. In order to identify which assets form part of the Common Good today, consideration needs to be given to the date and method of acquisition; the use and purpose of the asset; and the historical treatment of the asset in the Council's accounts.
- 3.3 In respect of Jedburgh this information has been prepared through: consolidating the original inventory held by the Scottish Borders Council; collaboration and consultation with the Jedburgh Common Good Fund Sub Committee; collaboration and consultation with Live Borders in relation to potential items held by them; reference to Minutes of Burgh meetings; reference to original title deeds; and reference to the historical minute books from the Heritage Hub in Hawick.
- 3.4 From the work described above, a draft list has been prepared, which is contained at the appendix to the Report.

4. CONSULTATION

- 4.1 This report seeks approval of the draft asset list annexed. Following such approval, the list will be published on Citizen Space, together with a consultation survey. The survey will seek representations on (i) whether a proposed asset should be included as part of the Common Good; or (ii) whether there should be other assets included in the Common Good asset list.
- 4.2 The intention is to publish the consultation survey before the end of December 2021. In addition to the electronic survey, the proposed lists of Common Good assets will be published on the Council's website and paper copies shall be made available, free of charge, on request. Notification advising of the publication of the lists and the consultation period will be made on the Council's website and social media. Further, the Council will make all of the Community Councils and other community bodies aware of the publication of the proposed Common Good Asset lists and will invite those community bodies and the public to make representations in respect of these lists.
- 4.3 The statutory minimum period for consultation is twelve weeks. However, it is suggested to extend this period until the start of April 2022.
- 4.4 After the consultation period, the Council will publish all representations received. The Common Good Fund Sub-Committee will then reconvene to consider any representations made, and to agree the finalised Asset Register. The finalised Asset Register will then be published within six months from the end of the consultation period.

- 4.5 It is possible that following this process, further assets may be identified as being Common Good, and where that is the case, the Council will update the Common Good Asset Registers. The Registers will similarly be updated if existing property is disposed of or reclassified. The Council will also ensure that the Common Good Asset Registers are reviewed on a regular basis, and at least every five years.

4 IMPLICATIONS

4.1 Financial

There are no direct costs attached to implementing any of the recommendations contained in this report. However, the Council has a duty to ensure the accuracy of the Council's accounts. It is therefore important that any assets which should properly be classified as being Common Good are contained within the Common Good Registers, and therefore the Common Good Accounts.

4.2 Risk and Mitigations

The Council's primary aim is to ensure compliance with Part 8 of the Act in respect of Common Good assets. If the Council fails to comply with the duties contained in Part 8 of the Act it will be in breach of the legislation and the Council may be subject to adverse public comments and legal challenge. The risk is mitigated by considering this report and the Council carrying out the actions detailed herein.

4.3 Integrated Impact Assessment

Steps will be taken to ensure that the proposed consultation is accessible to all. These steps include the publication of the consultation in paper copy to be available at multiple locations, as well as the availability of large-type formats.

4.4 Sustainable Development Goals

There are no economic, social or environmental effects in accepting or rejecting the recommendation

4.5 Climate Change There are no effects on carbon emissions in accepting or rejecting the recommendation.

4.6 Rural Proofing

This is not a new policy matter.

4.7 Data Protection Impact Statement

The proposed consultation will involve the processing of personal data. The legal basis for this processing is the undertaking by the Council of tasks carried out in the public interest. Privacy statements outlining the use and retention of personal data provided by any responders to the consultation shall be provided at the point of data submission.

4.8 Changes to Scheme of Administration or Scheme of Delegation

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

5 CONSULTATION

- 5.1 The Director Finance & Corporate Governance, the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director People, Performance & Change, the Clerk to the Council and Corporate Communications have been consulted and comments received have been incorporated into the final report.

Approved by

Director of

Signature

Author(s)







Name	Designation and Contact Number
Hannah MacLeod	Principal Solicitor, 01835 835216 or email hannah.macleod@scotborders.gov.uk



Background Papers: Nil

Previous Minute Reference: Nil

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.

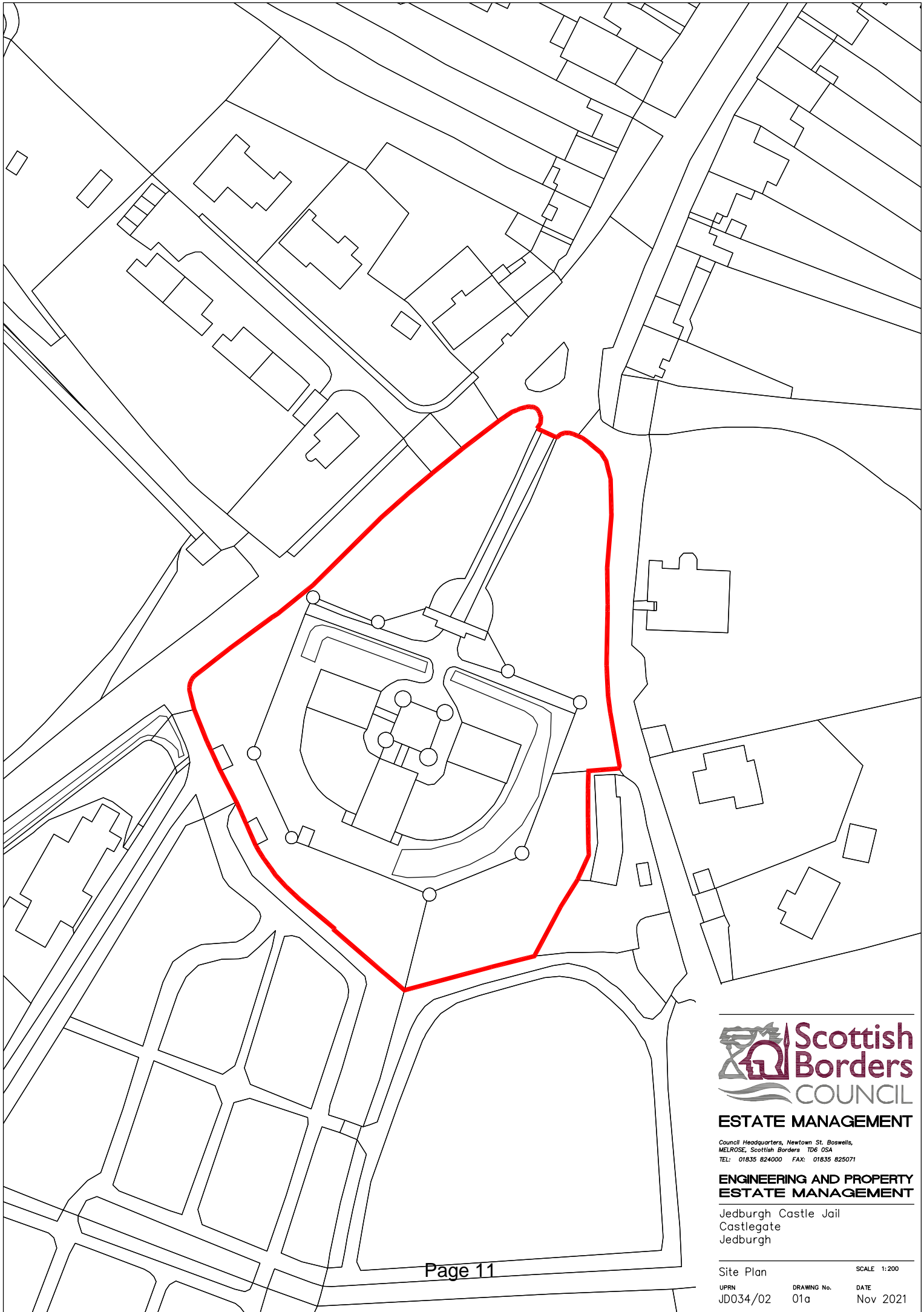
ROYAL BURGH OF JEDBURGH

LAND			
Name of Asset	Location	Description	Plan
Jedburgh Castle Jail	Castlegate, Jedburgh, TD8 6QE	Jail purchased by Police Commissioners in 1901 in terms of Prisons Scotland Act 1877. Has historically been listed as a common good asset. Currently the museum is operated by Live Borders.	 JD034-02 Castle Jail Site Plan (2021).pdf
Mary Queen of Scots House	Queen Street, Jedburgh, TD8 6EN	Acquired by the Burgh of Jedburgh in 1929 for £1450. No purpose stated in the titles. Currently the museum is operated by Live Borders.	 JD034-03 Mary Queen of Scots House
Murrays Green Park and car park	Abbey Place, Jedburgh, TD8 6BE	The Burgh of Jedburgh acquired the park in 1879, for behoof of the members of the Town Council and the whole community, for use for fairs and cattle markets (or other public purpose).	 JD034-05 Murray Green Park Site Plan ( JD034-08 Land at Murrays Green Car Pa
Dounehill (Dunshill)	Howdenburn Drive, Jedburgh, TD8 6NP	Part of field of Douneshill or Dunhill extending to 11 acres (4 hectares) was bequeathed by Mr Skead in 1930. The terms of the Will state that the bequest was made on the condition that the land be used as a park or field or to build houses of a nature in keeping with existing properties. In 1981 a transfer of 2 acres was authorised by the Court of Session by decree dated 29.4.1971 under the proviso that the proceeds of sale of any of the plots go to common good fund.	 JD034-06 Dounehill (Dunshill) Site Plan (2  JD034-11 Dounehill (Dunshill) Play Park Si

Ramparts	Abbey Place, Jedburgh, TD8 6BE	Historically considered a common good asset.	 JD034-07 Ramparts Site Plan (2020).pdf
Market Cross/Jubilee Fountain	Market Place, Jedburgh	The fountain was erected in 1890 to celebrate the 1887 Diamond Jubilee of Queen Victoria. Historically considered a common good asset.	 JD033-02 Jubilee Fountain Location Pla
ART AND ARTEFACTS			
Name of asset	Location	Description	
Portrait Sir D Brewster	tbc		
Marble Bust Sir D Brewster	Ex Callant's Room, County Buildings, Jedburgh		
Gold Chains	Jedburgh contact centre		
Miscellaneous Relics –	Mary Queen of Scots House		
Lady Provost Brooch	Jedburgh contact centre		
George Tinline Plates (2)	Ex Callant's Room,		
Provost's Gold Chain	Jedburgh contact centre		
Provost's robes	Ex Callant's Room		
Small Bust Sir John Tinline	tbc		
Framed copy of Burgh Charter	Jedburgh Castle Jail		

Casket containing Burgess	Jedburgh Castle Jail		
Tapestry	Mary Queen of Scots House		
COMMON GOOD FUND			
Name of Asset	Location	Description	
Jedburgh Common Good Fund	N/A	Fund set up for the benefit of the inhabitants of Jedburgh. The value of the fund as at 1 April 2021 was £1,026,159.	

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ESTATE MANAGEMENT

Council Headquarters, Newtown St. Boswells,
MELROSE, Scottish Borders TD6 0SA
TEL: 01835 824000 FAX: 01835 825071

**ENGINEERING AND PROPERTY
ESTATE MANAGEMENT**

Jedburgh Castle Jail
Castlegate
Jedburgh

Site Plan

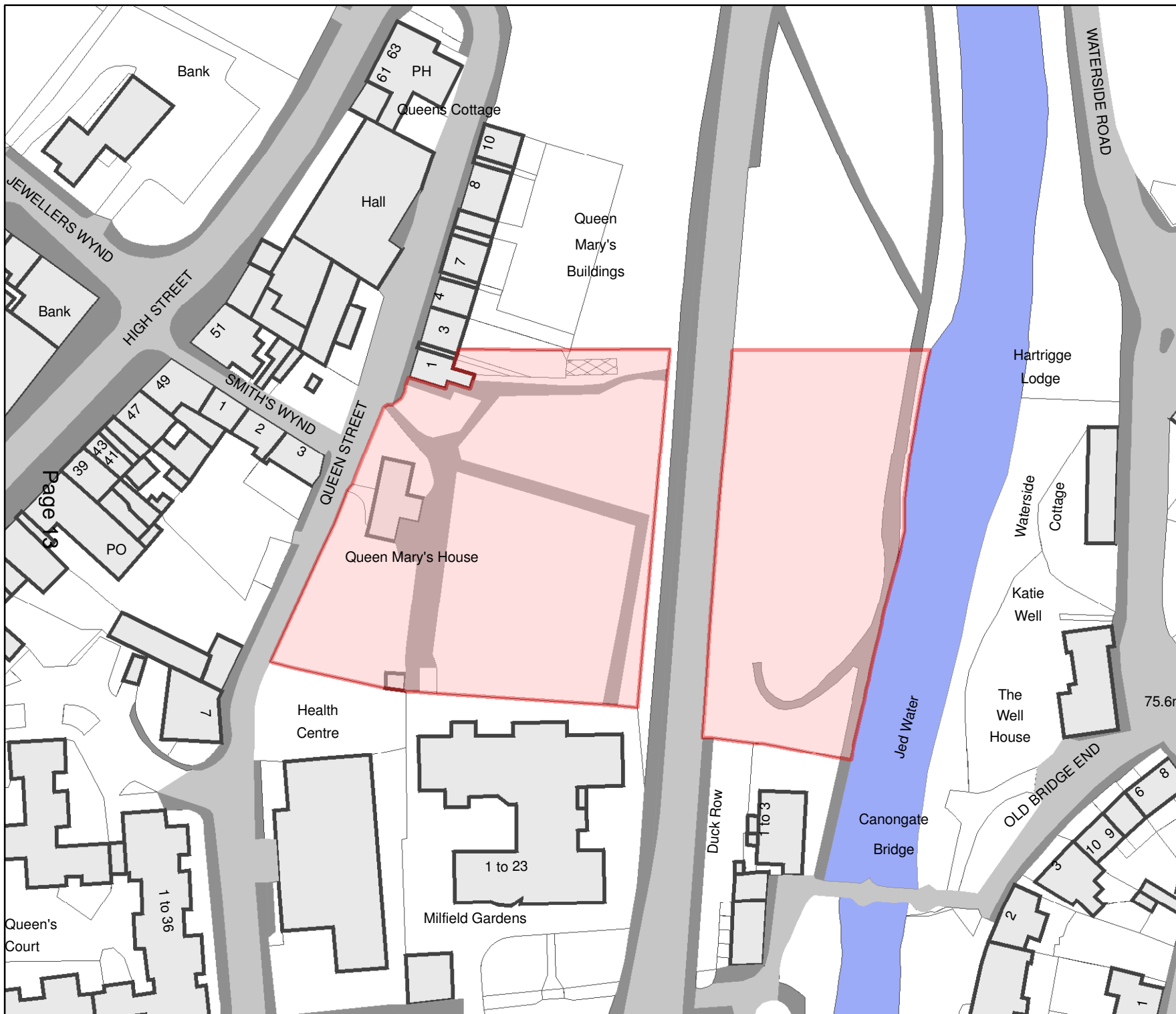
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DATE
Nov 2021

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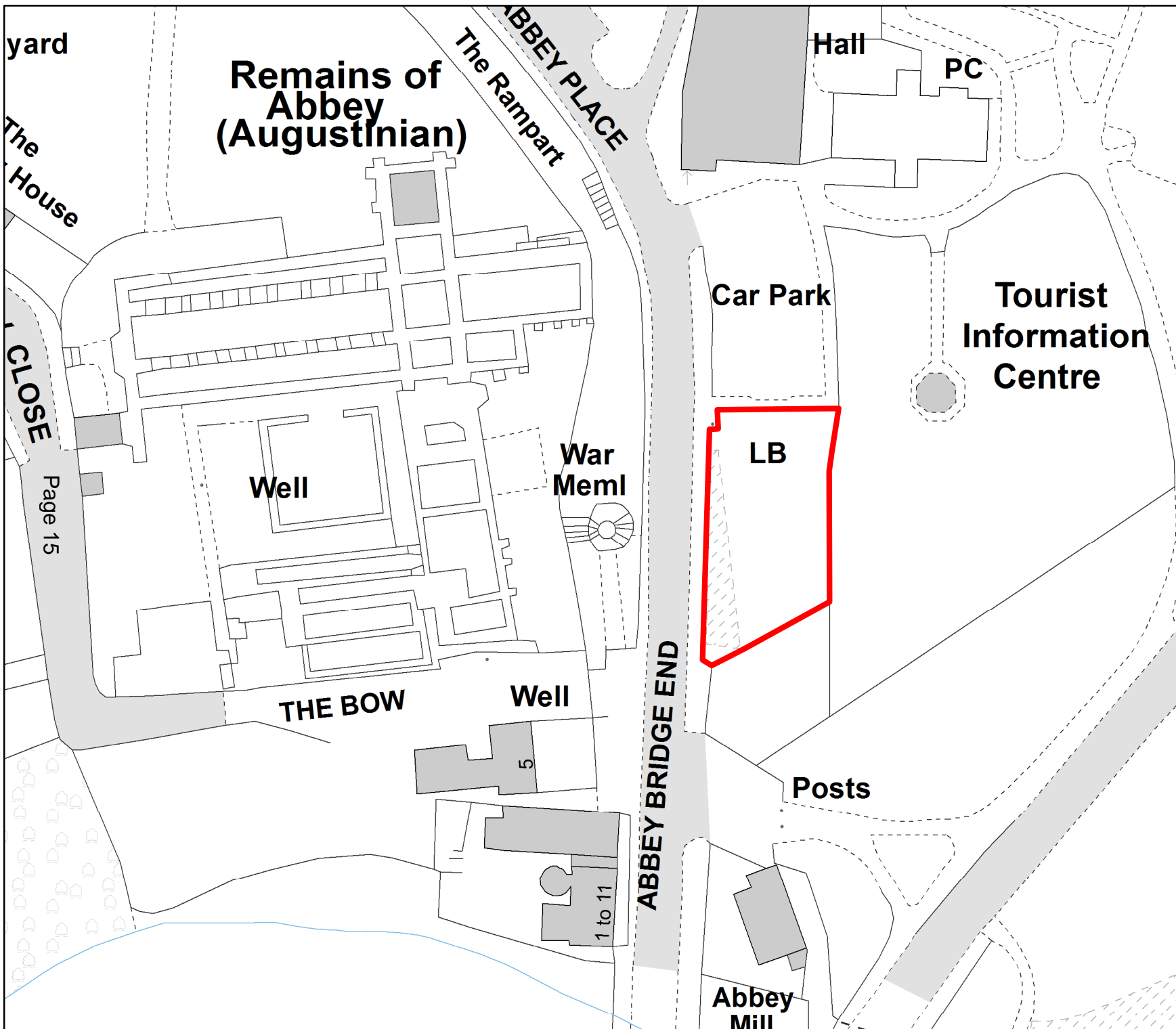
**Mary Queen of
Scots House
Queen Street
Jedburgh**

JD034/03

Area: 6927 sq m o.t

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Park

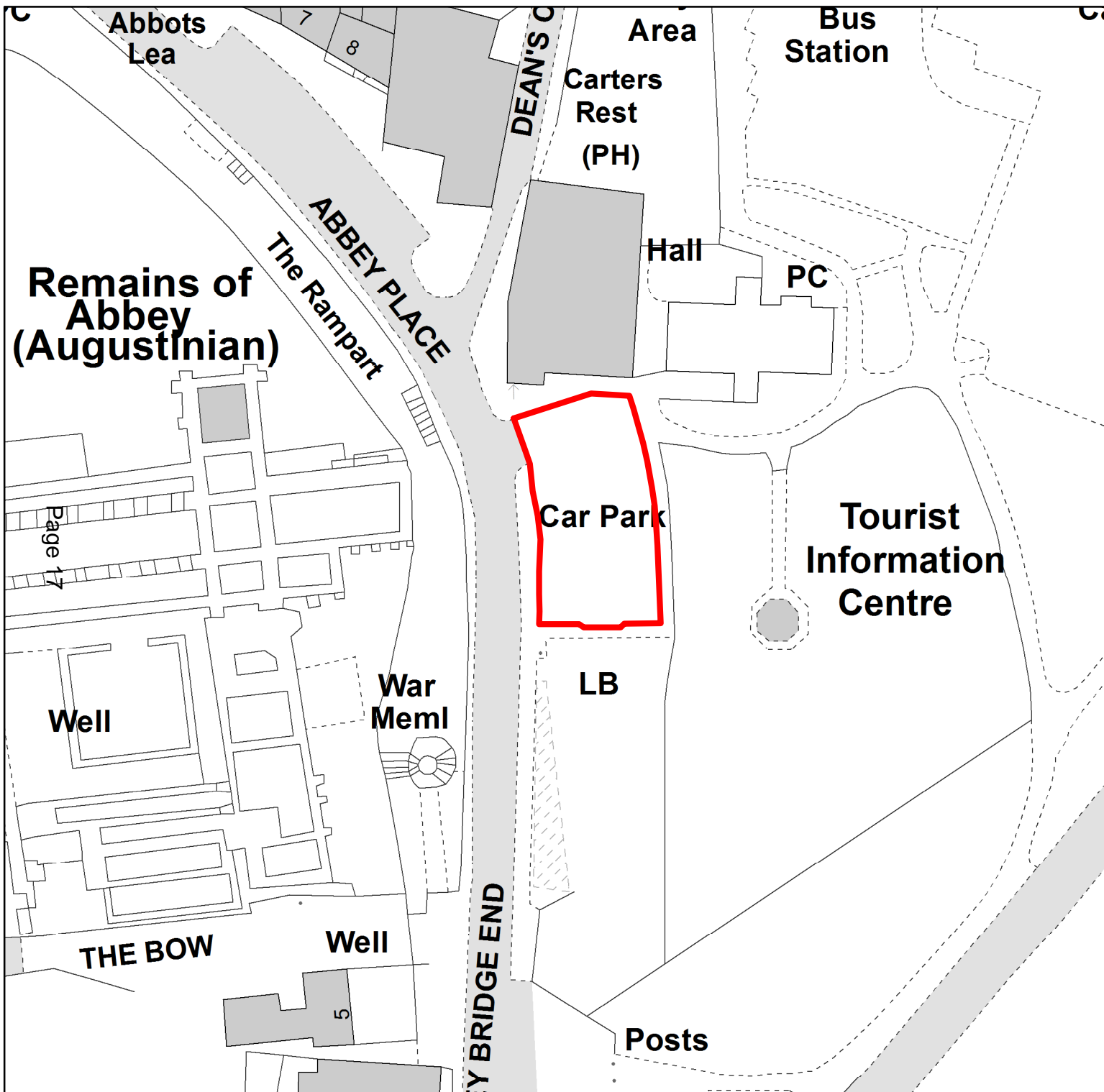
**Murray Green Park
Abbey Place
Jedburgh**

Area: 600.3 sq m o.t.

UPRN: JD034/05

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Site

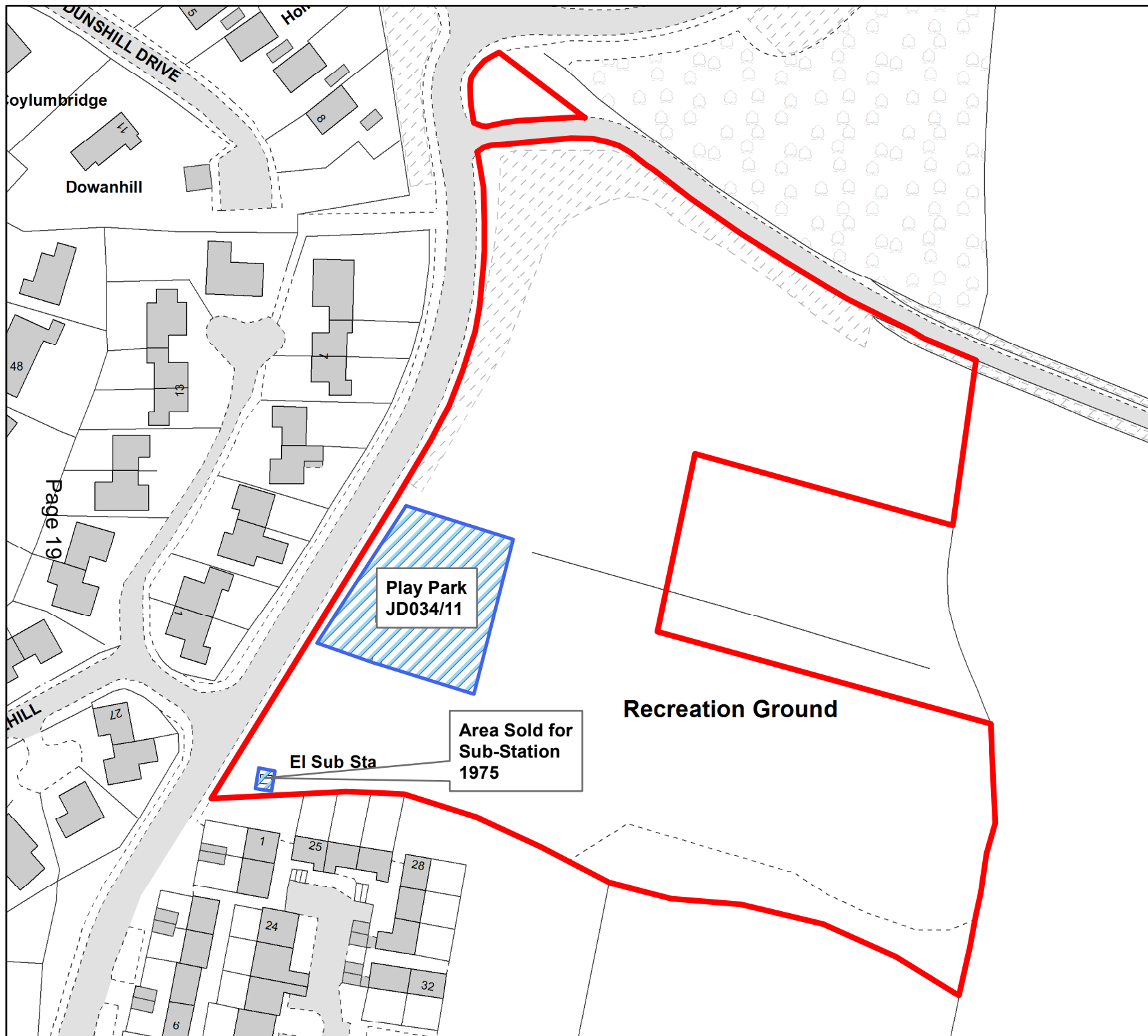
**Land at Murrays Green Car Park
Abbey place
Jedburgh**

Area: 505.06 sq m o.t.

UPRN: JD034/08

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Park

**Dounehill (Dunshill)
Howdenburn Drive
Jedburgh**

Area: 18,797.39 sq m o.t.

UPRN: JD034/06

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Play Park

Dounehill (Dunshill) Play Park
Howdenburn Drive
Jedburgh

Area: 1,291.44 sq m o.t.

UPRN: JD034/11

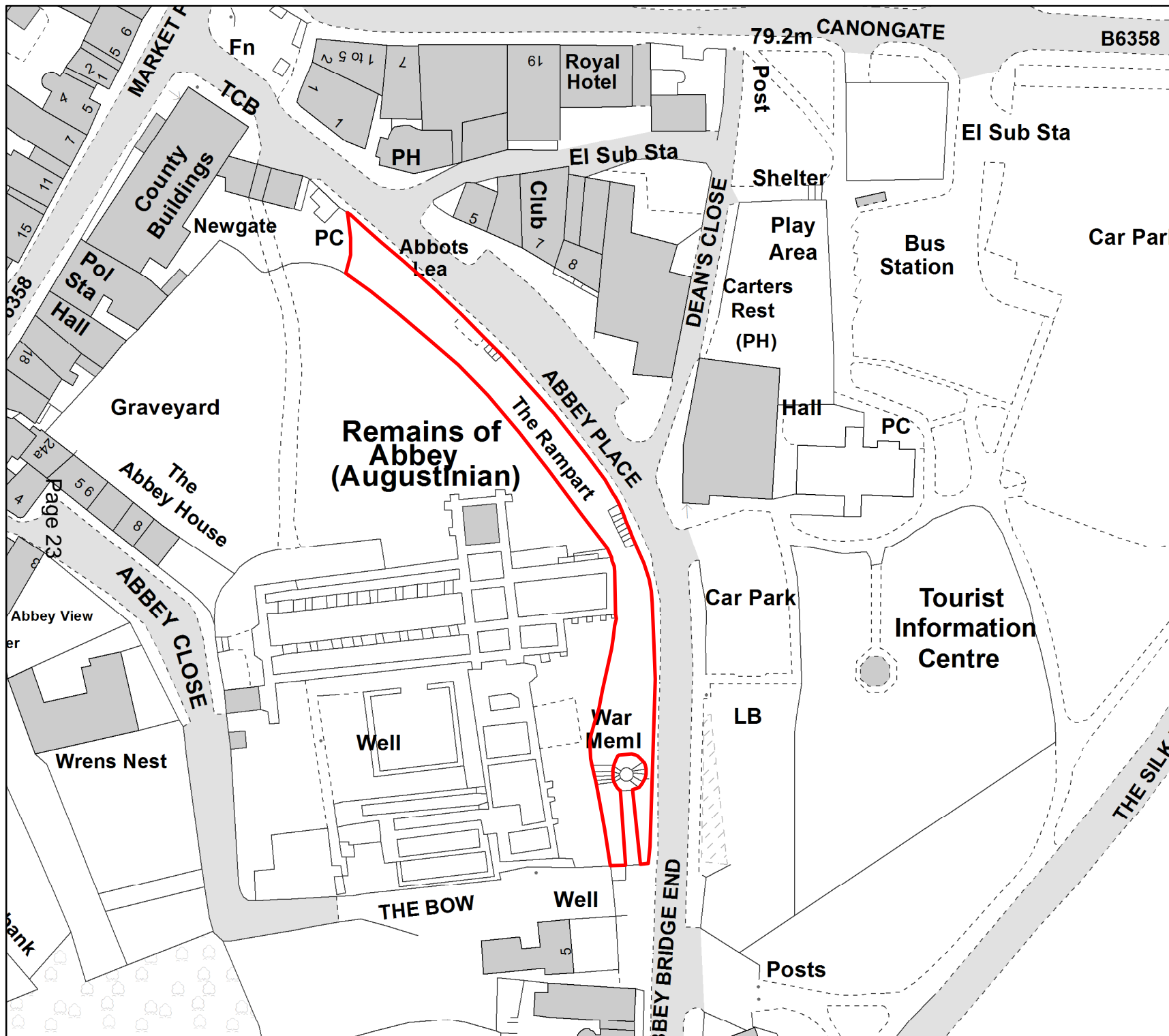
Park
JD034/06

Recreation

El Sub Sta

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Monument

**Ramparts
Abbey Place
Jedburgh**

Area: 1,093.18 sq m o.t.

UPRN: JD034/07

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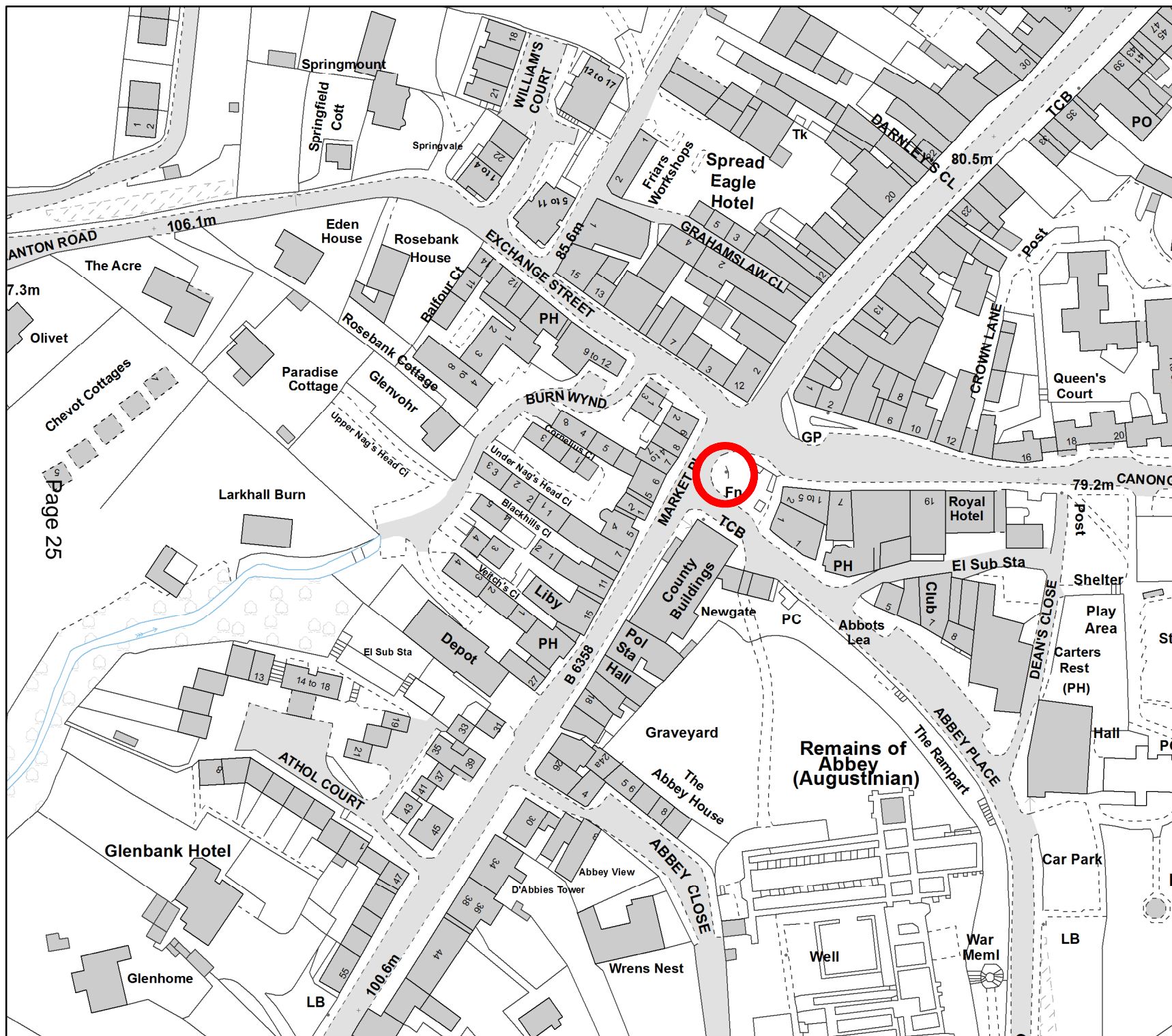
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Monument

Jubilee Fountain Market Place Jedburgh

UPRN: JD033/02



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