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## INNERLEITHEN COMMON GOOD FUND SUB-COMMITTEE WEDNESDAY, 15TH DECEMBER, 2021

A MEETING of the INNERLEITHEN COMMON GOOD FUND SUB-COMMITTEE will be held VIA MICROSOFT TEAMS on WEDNESDAY, 15 DECEMBER 2021 at 9.30 am.

J. J. WILKINSON,  
Clerk to the Council,

8 December 2021

<b>BUSINESS</b>		
1.	<b>Apologies for Absence</b>	
2.	<b>Order of Business</b>	
3.	<b>Declarations of Interest</b>	
4.	<b>Minute (Pages 3 - 6)</b> Consider Minute of Meeting held on 3 June 2021. (Copy attached).	2 mins
5.	<b>Consultation on Heritable and Moveable Asset Registers for Former Burgh of Innerleithen (Pages 7 - 28)</b> Consider report by Principal Solicitor. (Copy attached.)	15 mins
6.	<b>Any Other Items Previously Circulated</b>	
7.	<b>Any Other Items which the Chairman Decides are Urgent</b>	

### 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 R. Tatler (Chairman), S. Bell, S. Haslam and Community Councillor M. Douglas

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Please direct any enquiries to Declan Hall Tel: 01835 826556  
Email:- Declan.Hall@scotborders.gov.uk

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**SCOTTISH BORDERS COUNCIL  
INNERLEITHEN COMMON GOOD FUND SUB COMMITTEE**

MINUTE of Meeting of the INNERLEITHEN  
COMMON GOOD FUND SUB-COMMITTEE  
conducted remotely by Microsoft Teams Live  
Event on Thursday, 3 June 2021 at 3.00 pm.

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Present:- Councillors R. Tatler (Chairman) and S. Bell.

Apologies:- Councillors S. Haslam and Community Councillor M. Douglas

In Attendance:- Treasury Business Partner (S. Halliday), Solicitor (G. Sellar), Estates  
Surveyor (T. Hill), Democratic Services Officer (F. Walling).  
R. McGinn (Innerleithen Community Trust). B. Lamb and D. McKearney (Live  
Borders).

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1. **MINUTE**

The Minute of Meeting of the Innerleithen Common Good Fund Sub-Committee held on 10 December 2020 had been circulated.

**DECISION**

**APPROVED the Minute for signature by the Chairman.**

2. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2021 AND PROPOSED BUDGET FOR FINANCIAL YEAR 2021/22**

There had been circulated copies of a report by the Executive Director, Finance & Regulatory providing details of the assets held by the Innerleithen Common Good Fund as at 31 March 2021, a full year revenue out-turn for 2020/21 and projected balance sheet values as at 31 March 2022. Detail on income and expenditure for the year to 31 March 2021 was provided in Appendix 1 to the report. Appendix 2 provided actual balance sheet values as at 31 March 2021, which showed a decrease in the reserves of £31,230 which would be off-set by a corresponding contribution from the Revaluation Reserve at the end of the financial year. The report explained that all fixed assets of the Common Good Fund were revalued every five years as part of the Council's rolling programme. The fixed assets had been revalued at 1 April 2019. Appendix 3 to the report showed the actual value of the individual properties at 31 March 2021, actual depreciation charges for 2020/21 and projected values at 31 March 2022.

**DECISION**

(a) **NOTED within the appendices to the report:-**

- (i) **the actual income and expenditure for 2020/21 in Appendix 1;**
- (ii) **the final balance sheet value as at 31 March 2021 in Appendix 2; and**
- (iii) **the summary of the property portfolio in Appendix 3.**

(b) **AGREED the proposed budget for 2021/22 as shown in Appendix 1.**

3. **INNERLEITHEN MEMORIAL HALL**

With reference to paragraph 3 of the Minute of 10 December 2020, the Chairman welcomed Mr Ross McGinn to the meeting, representing the Innerleithen Community

Trust and Memorial Hall User Group and also Mr Ben Lamb and Mr David McKearney from Live Borders. Mr McGinn explained that the User Group had continued to meet regularly, on a remote basis, to keep contact and maintain continuity in terms of planned improvements to the hall. However, apart from the installation of the cooker there were no further developments to report. As requested at the last meeting, the Estates Surveyor, Tricia Hill, had arranged for the electrics to be checked and the User Group confirmed there were no ongoing issues with the electrics. Mr Lamb reported that the partnership between Live Borders, the Innerleithen Community Trust and Scottish Borders Council had been working well over the past 12 months. Mr McKearney explained that, in terms of tenancy of the office space, all 6 available rooms had now been taken. It was clear that there was a lot of interest and demand in the area. Going forward attention was being given to the availability of space on the ground floor to meet the demand. With regard to the condition of some of the rooms, it was noted that there had originally been an undertaking from the Council to investigate whether funding could be sourced to take forward works to refurbish the rooms in preparation for handover to Live Borders for letting as office space. Members agreed that re-decoration should be carried out as soon as possible. Mr Lamb confirmed that Live Borders were happy to continue to invest in the hall and to share the cost of refurbishment. After further discussion it was agreed that Mr McKearney and team would move quickly to draw up a list of requirements and costs to carry out necessary improvement to the décor. Mr Lamb would then liaise with Ms Hill about how this would be funded. In order for the work to be implemented as soon as possible Members agreed to delegate to Mr Lamb and Miss Hill, in consultation with the Chairman, the authority to work up a proposal including funding to implement the work required, noting that no work should commence until funding was in place.

#### **DECISION**

- (a) NOTED the update in relation to tenancy of office space within the Memorial Hall; and**
- (b) AGREED:-**
  - (i) in principle to improve the décor within the Memorial Hall foyer and available space to prepare rooms for letting;**
  - (ii) that Live Borders get quotes for the redecoration work and that the Estates Surveyor discuss obtaining funding from SBC to support this work; and**
  - (iii) to delegate the decision to identify funding and then implement the work to the Service Director Assets & Infrastructure, in consultation with Live Borders and the Chairman.**

#### **4. WAR MEMORIAL AND GARDEN**

With reference to paragraph 4 of the Minute of 10 December 2020, Mr McGinn reported that the Innerleithen Community Trust had, at the end of January, pulled together a working group made up of local organisations and groups who had an interest in the Memorial Garden. The services of a landscape architect had been obtained and following a meeting on site a professional sketch was prepared and quotes requested from local contractors. Funding options were also being looked at. Although it was unlikely that the work could be done during this centenary year Mr McGinn was hopeful that the design and estimated costs could be brought to the next meeting in August. Members welcomed the proposal to improve the War Memorial and garden to enhance the visual impact of the hall as well as respecting the war dead. Mr McGinn added that an information board may be included in the garden as an offer to write a history of the hall and site had been received.

#### **DECISION**

**NOTED the progress in relation to the plan to improve the garden adjacent to the Innerleithen Memorial Hall and that more detailed proposals would be brought to the next meeting.**

*The meeting concluded at 3.25 pm*

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## **Consultation on Heritable and Moveable Asset Registers for former Burgh of Innerleithen**

### **Report by Principal Solicitor**

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## **Innerleithen Common Good Fund Sub Committee**

**15 December 2021**

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### **1 PURPOSE AND SUMMARY**

- 1.1 This report is to seek approval of the draft Common Good Registers for the former Burgh of Innerleithen 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 Innerleithen 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 Innerleithen;**
  - (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;**

- (d) Notes that the Section 95 Officer will amend the Common Good accounts to include the additional asset identified as Common Good, as indicated at paragraph 3.4 of this report.**

### **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 Innerleithen this information has been prepared through: consolidating the original inventory held by the Scottish Borders Council; collaboration and consultation with the Innerleithen Common Good Fund Sub Committee; collaboration and consultation with Live Borders in relation to potential items held within their collections; 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. The assets contained on the list reflect the assets contained in previous Financial Monitoring Reports, with one addition. It has been identified that Damside Park at The Strand should properly be classified as part of the Common Good. This area of ground was donated to the Burgh Council in 1947 to be used for amenity purposes for the benefit of the inhabitants of Innerleithen.
- .

### **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 <a href="mailto:hannah.macleod@scotborders.gov.uk">hannah.macleod@scotborders.gov.uk</a>

**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. Hannah MacLeod can also give information on other language translations as well as providing additional copies.

Contact us at Hannah MacLeod, Principal Solicitor, Council Headquarters, Newtown St Boswells , 01835 835216 or email [hannah.macleod@scotborders.gov.uk](mailto:hannah.macleod@scotborders.gov.uk)

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## BURGH OF INNERLEITHEN

LAND			
Name of Asset	Location	Description	Plan
Memorial Hall, including the clock, offices and War Memorial	Leithen Road, Innerleithen, EH44 6HU	<p>This property was originally acquired by the Innerleithen Burgh Council by donation from Henry Ballantyne in 1919. The title contains a declaration that the land is "for behoof of the community of the said Burgh" and a 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".</p> <p>The Memorial Hall is currently operated by Live Borders.</p>	 IN014-03 Memorial Hall Offices (Upper Flc  IN014-01 Memorial Hall Site (2020).pdf  IN014-02 Memorial Hall Office Site Plan (2  IN018-01 Innerleithen War Men  IN018-02 Memorial Hall Clock Location Pl.
Damside Play Ara	Bond Street, Innerleithen	The play area is situated on land donated to the Burgh Council in 1919 from Henry Ballantyne, on which the Memorial Hall was built.	 IN023-01 Damside Play Area Location Pla
Damside Park	The Strand, Innerleithen	This area of ground was donated to the Burgh Council in 1947 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.	 IN024-01 Damside Park Site Plan (2019).1
ART AND ARTEFACTS			
Name of asset	Location	Description	
Provost's chain and medal	St Ronans Wells Visitor Centre	Gold chain and medal used for ceremonial purposes.	

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**ESTATE MANAGEMENT**

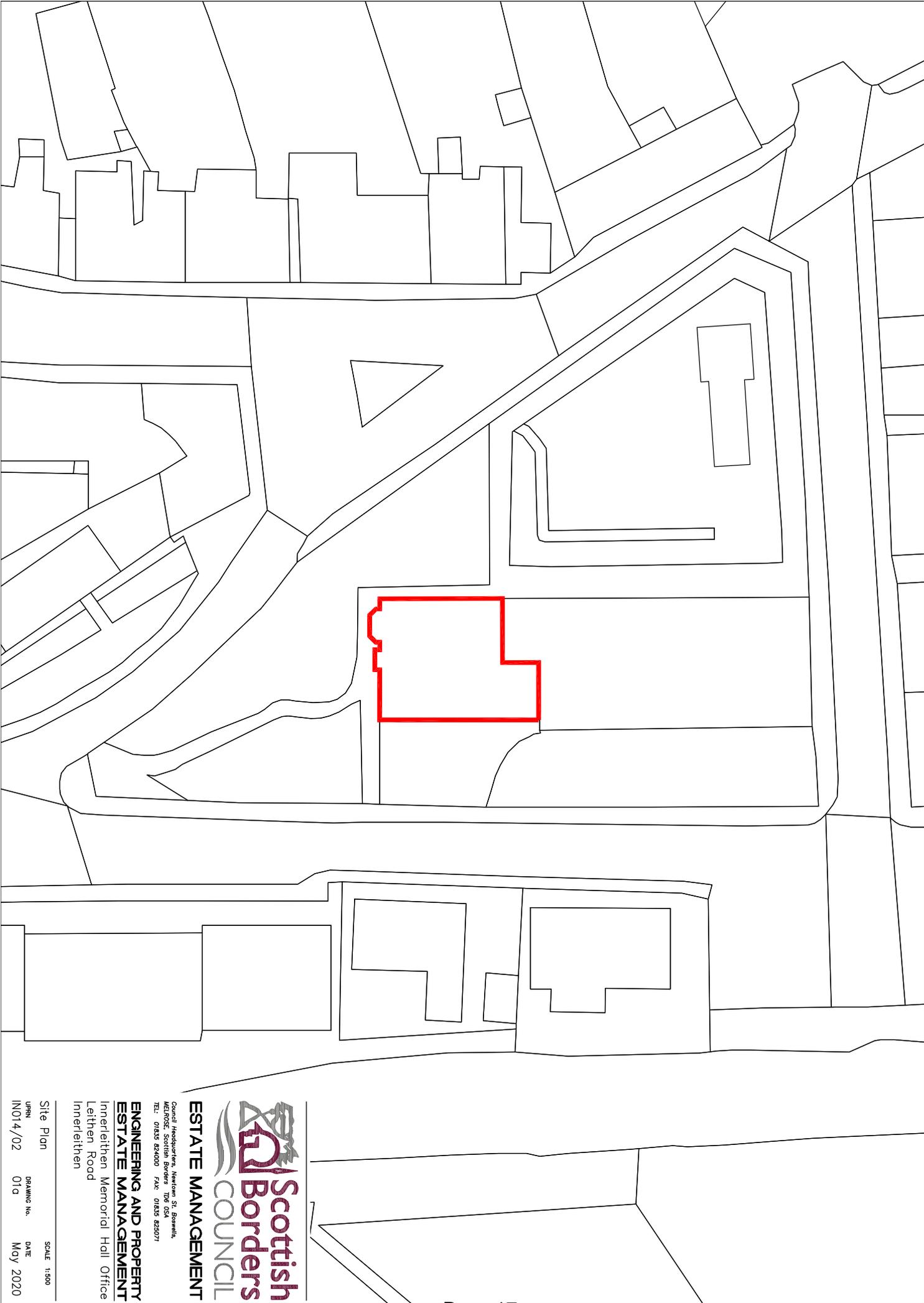
Council Headquarters, Newtown St. Boswells,  
MELROSE, Scottish Borders TD6 0SA  
TEL: 01835 824000 FAX: 01835 825071

**ENGINEERING AND PROPERTY  
ESTATE MANAGEMENT**

Innerleithen Memorial Hall  
Leithen Road  
Innerleithen

Site Plan	SCALE 1:500
UPRN IN014/01	DRAWING No. 04
	DATE May 2020

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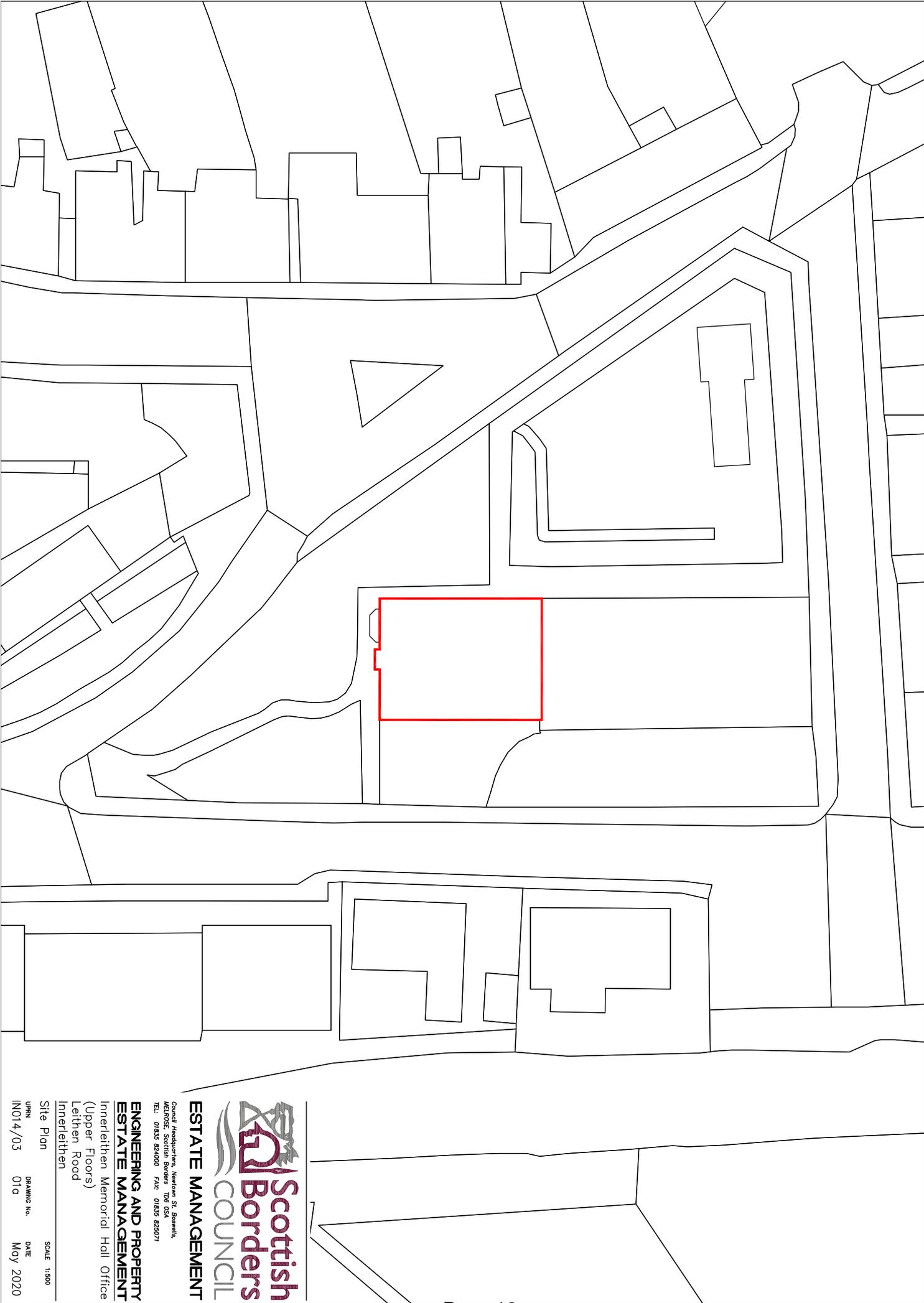


**ESTATE MANAGEMENT**  
Council Headquarters, Market St, Broomhall,  
Melrose, Scottish Borders TD5 0SA  
TEL: 01835 824000 FAX: 01835 825071

**ENGINEERING AND PROPERTY  
ESTATE MANAGEMENT**  
Innerleithen Memorial Hall Office  
Leithen Road  
Innerleithen

Site Plan SCALE: 1:500  
UPRN: IN014/02 DRAWING No.: 01a DATE: May 2020

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**Scottish Borders**  
COUNCIL

**ESTATE MANAGEMENT**

**ENGINEERING AND PROPERTY**  
**ESTATE MANAGEMENT**

Innerleithen Memorial Hall Office  
(Upper Floors)  
Leithen Road  
Innerleithen

SCALE: 1:500

DATE: May 2020

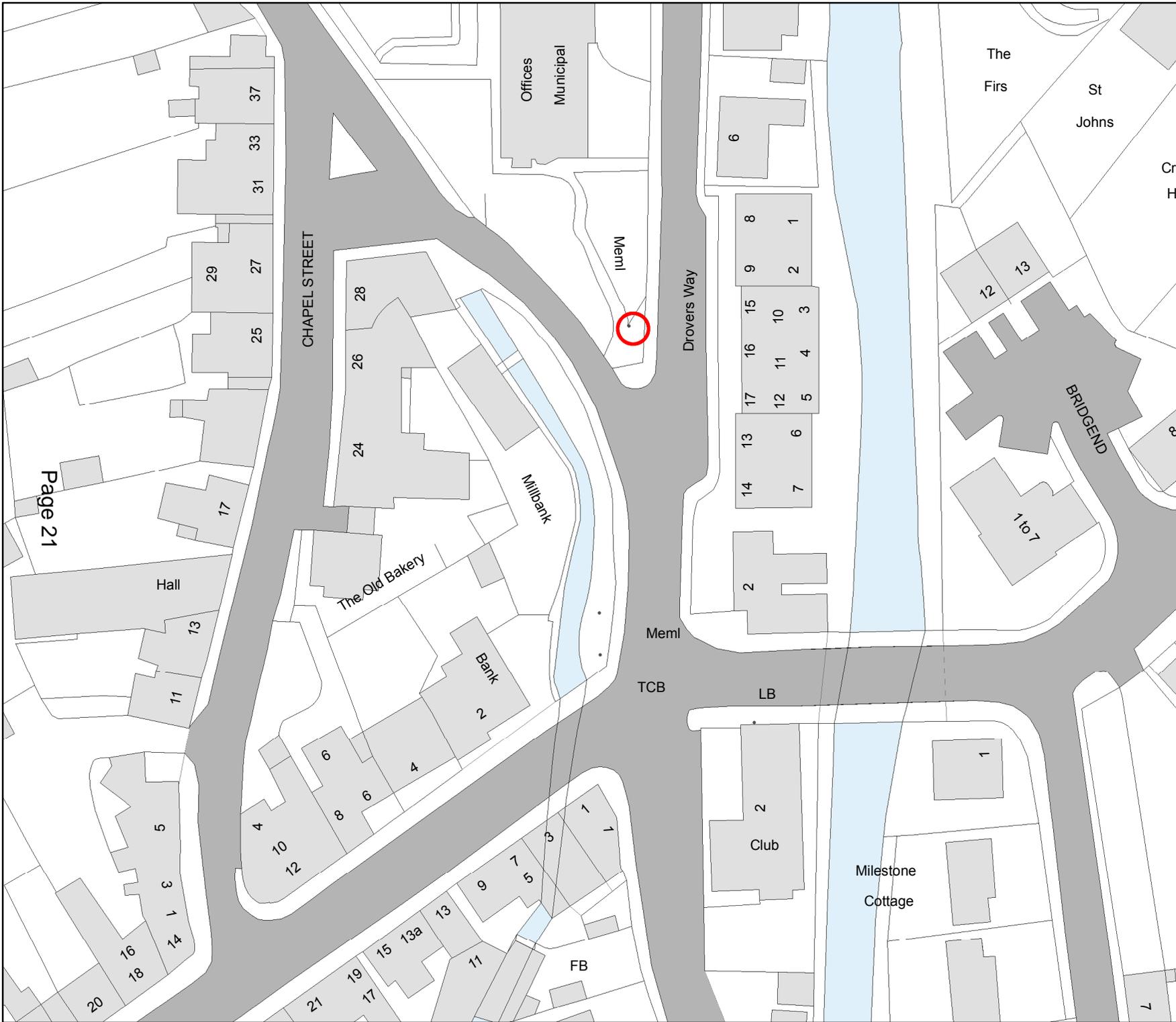
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UPRN: IN014/03

Site Plan

Council Headquarters, Market St, Broomhall,  
Midrose, Scottish Borders TD5 0SA  
TEL: 01835 824000 FAX: 01835 825071

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**War Memorial**

**Innerleithen War Memorial  
Drovers Way  
Innerleithen**

**UPRN: IN018/01**

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### Monument

**Memorial Hall Clock  
Leithen Road  
Innerleithen**

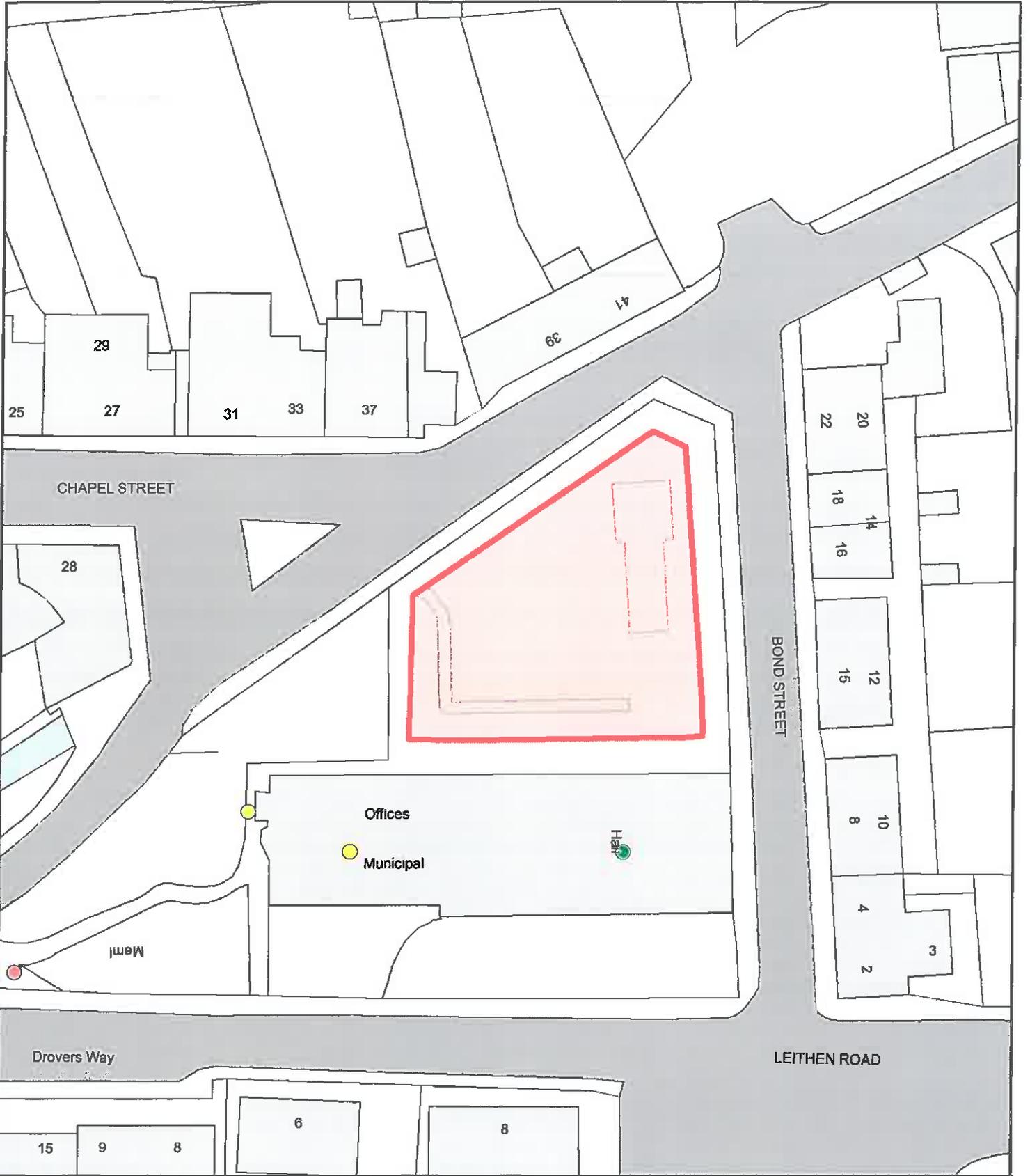
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INC23/01

**\*\*New Asset\*\***

**Play Area  
Damgate  
Innerleithen**

IN??????

**Area: 652m<sup>2</sup>**

**CoOrds:  
333196, 636869**

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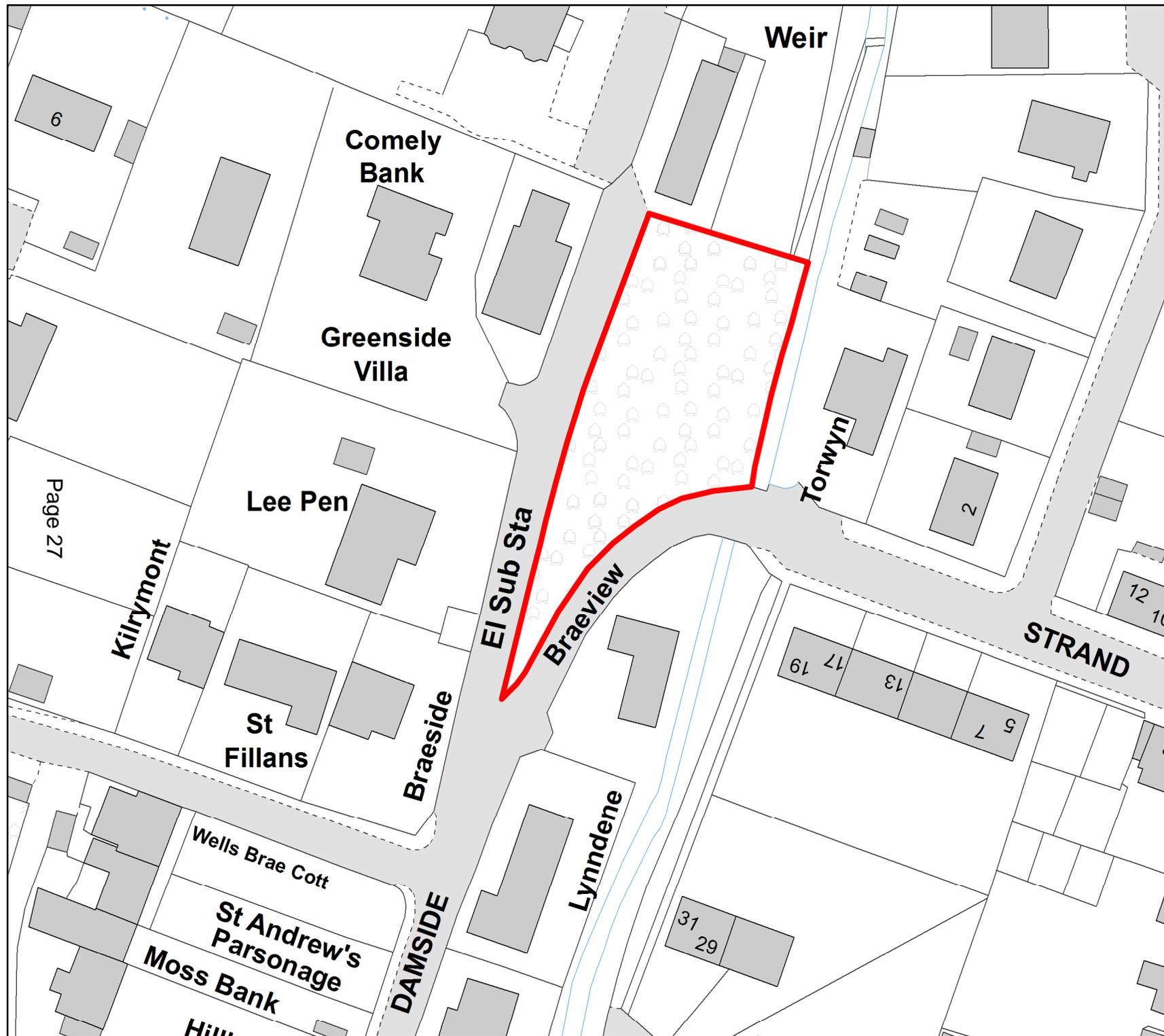


**Park**

**Damside Park  
Damside  
Innerleithen**

**Area: 1232.50 sq m o.t.**

**UPRN: IN024/01**



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