

# **SCOTTISH BORDERS COUNCIL**

## **LAUDER COMMON GOOD FUND SUB-COMMITTEE**

MINUTE of Meeting of the LAUDER  
COMMON GOOD FUND SUB-COMMITTEE  
held remotely via Microsoft Teams on  
Tuesday, 14 December 2021 at 2.00 p.m.

Present:- Councillors D. Parker (Chairman), J. Linehan, T. Miers, Community  
Councillor A. Smith  
In Attendance:- Pension & Investments Manager, Principal Solicitor (H. MacLeod),  
Estates Surveyor (J. Stewart), Democratic Services Team Leader,  
Democratic Services Officer (W. Mohieddeen).

### **1. MINUTE.**

There had been circulated copies of the Minute of the Meeting held on Tuesday 14 December 2021.

### **DECISION**

**AGREED to approve the Minute for signature by the Chairman.**

### **2. MONITORING REPORT FOR SIX MONTHS TO 30 SEPTEMBER 2021**

There had been circulated copies of the report by the Director Finance and Corporate Governance that detailed the income and expenditure for the Lauder Common Good Fund for six months to 30 September 2021. Appendix 1 to the report provided the projected income and expenditure position for 2021-22 which showed a projected surplus of £2,684 for the year. Appendix 2 provided a projected balance sheet value as at 31 March 2022 which showed a projected decrease in reserves of £23,649. Appendix 3 (a) provided a breakdown of the property portfolio showing projected rental income and projected net return for 2021-22 and actual property income to 30 September 2021. Appendix 3 (b) provided a breakdown of the property portfolio showing projected property expenditure for 2021-22 and actual property expenditure to 30 September 2021. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2022. Appendix 5 showed the value of the Aegon Asset Management Investment Fund to 30 September 2021. The Pensions and Investments Manager summarised the main points of the report and advised that the investment with Aegon Asset Management was performing at a return of 4.5%, below the target of 5%.

### **DECISION**

**AGREED to:**

- (a) Note the projected income and expenditure for 2021/22 in Appendix 1;**
- (b) Note the projected balance sheet value as at 31 March 2022 in Appendix 2;**
- (c) Note the summary of the property portfolio in Appendices 3 and 4; and**
- (d) Note the current position of the Aegon Asset Management Investment Fund in Appendix 5.**

### **3. CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR FORMER BURGH OF LAUDER**

- 3.1** There had been circulated copies of a report by Principal Solicitor seeking approval of the draft Common Good Registers for the former Burgh of Lauder and to advise on the next steps in the process for consultation and publication under the Community Empowerment

(Scotland) Act 2015. Following such approval, the list would be published on Citizen Space, together with a consultation survey. The intention was to publish the consultation survey before the end of December 2021. In addition to the electronic survey, the proposed lists of Common Good assets were to be published on the Council's website and paper copies were to be made available, free of charge, on request. Notification advising of the publication of the lists and the consultation period were to be made on the Council's website and social media. The Council was to make all of the Community Councils and other community bodies aware of the publication of the proposed Common Good Asset lists and invite those community bodies and the public to make representations in respect of these lists. The statutory minimum period for consultation was twelve weeks. However, it was suggested to extend this period until the start of April 2022. After the consultation period, the Council was to publish all representations received. The Common Good Fund Sub-Committee would then reconvene to consider any representations made, and to agree the finalised Asset Register. The finalised Asset Register would then be published within six months from the end of the consultation period. It was possible that following this process, further assets may be identified as being Common Good, and where that was the case, the Council would update the Common Good Asset Registers. The Registers would similarly be updated if existing property was disposed of or reclassified. The Council would also ensure that the Common Good Asset Registers were reviewed on a regular basis, and at least every five years.

- 3.2 The assets contained in the list reflected the assets contained in previous Financial Monitoring Reports, with the addition of the Public Hall and Public Conveniences and the Lauder Pavilion. It had previously been noted that the land at these locations was Common Good land. However, it had not previously been noted that the buildings were themselves Common Good assets. In recognising the principle of law that land and buildings could not be owned separately, these buildings should properly be classified as part of the Common Good.
- 3.3 Members discussed moveable assets that were stored by the Bank of Scotland in Galashiels noting that there may be a charge for accessing artefacts. Common Good assets were moved to Bank of Scotland Galashiels upon the closure of Bank of Scotland Lauder. Mr Smith advised they had requested for Common Good assets to be stored in a safe by Scottish Borders Council.

## **DECISION**

### **AGREED to:**

- (a) Approve the contents of the draft list of heritable and moveable property assets held by the Council within the former Royal Burgh of Lauder;**
- (b) Approve the publishing of the draft list to be made available for public consultation for a period of at least twelve weeks;**
- (c) Note that following the period of consultation all comments will be brought to the Common Good Fund Sub-Committee for their consideration;**
- (d) Note that the Section 95 Officer will amend the Common Good accounts to include the additional assets identified as Common Good, as indicated at paragraph 3.4 of the report; and,**
- (e) Enquire what assets are held by Bank of Scotland Galashiels for retrieval to be held in safe by Scottish Borders Council.**

## **4. URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at

the meeting as a matter of urgency, in view of the need to make early decisions and to keep Members informed.

**5. PROPERTY UPDATE**

5.1 The Estates Surveyor provided a Property Update for Members.

**5.2 Lauder Football Club**

SB Contracts had estimated £4,440.50 to remove the final area of concrete pavement and replace it with tarmac as the final stage of works. Three new benches would be installed by the football club. Members were happy to approve this spend from the Lauder Common Good Fund.

**5.3 Storm Arwen**

Ms Stewart was liaising with woodland contractors for work on key areas with Michael Middlemiss. Mr Middlemiss represented Lauder Hill Sheep Company and had taken immediate action necessary for their business which was estimated at £300 to £400. There was an underbudget on fencing which would allow Mr Middlemiss to proceed with the necessary works. There may be additional costs but this wouldn't be clarified following assessment by the forestry contractor, some of which might be offset by the value of the wood. The Estates Surveyor advised there may be an opportunity to harvest or to replant with trees or other plants.

**5.4 Tree Planting**

Ms Stewart advised that the planting by Tweed Forum would not be impacted by Storm Arwen. With regard to The Queen's Green Canopy Project, the provision of trees from the Crown, had been confirmed for March 2022. It was noted that the planting at Lauder Burn was on track.

**5.5 Asbestos on Stow Road**

With reference to paragraph 3.1 of the Minute of 24 August 2021, Ms Stewart reported SB Contracts had paid for the collection of asbestos due to its proximity to the road so there would be no impact on the Common Good Fund Budget.

**5.6 Whitlaw Farm**

It was noted that Tricia Hill, Estates Surveyor was liaising with the owner of Whitlaw Farm regarding their felling proposals.

**5.7 Lauder Public Hall**

With reference to paragraph 3.3 of the Minute of 24 August 2021, it was noted that there had been no further feedback from Live Borders on progressing with a sublease. Councillor Parker and Mr Smith advised that there had been a change of personnel in the Leisure Centre Committee and they were unlikely to pursue proposals for the Public Hall.

**5.8 Lauder Town Hall Electrics**

Ms Stewart advised that Jonathon Jones, Property Officer had visited the hall and had advised that the electrics could be changed but the cost would fall to the Common Good Fund. In response to a request by Mr Smith for 2 LED lights, Ms Stewart advised that these could be provided. It was agreed to delegate authority to Ms Stewart in consultation with Members to install these lights subject to the provision of costings.

**5.9 Lauder Golf Club**

Members agreed to delegate authority to Ms Stewart in consultation with Members for the installation of a kissing gate at Lauder Golf Club.

**5.10 Lauder Cycling Club**

With reference to paragraph 7 of the Minute of 2 February 2021, Ms Stewart advised that there had been further contact regarding a lease of land adjacent to the fire station. She had been trying to get the Cycling Club to provide a plan and it was noted that planning

permission would be required to approve proposed use of land for a cycling track and a public consultation would also need to be undertaken.

**5.11 Lauder Common Shootings**

Ms Stewart advised that the shootings on Lauder Common were currently leased for £12,000 per annum. The current tenant had asked for rent reduction due to a lack of business from the pandemic. Members agreed to refuse the request, review the lease situation and report to the Sub-Committee at a later date.

**DECISION**

**AGREED to:**

- (a) NOTED the update.**
- (b) AGREED to:**
  - (i) accept the estimate from SBContracts £4,440.50 for the final stage of works at Lauder Football Club;**
  - (ii) delegate authority to the Estates Surveyor in consultation with Members to install 2 LED lights at Lauder Town Hall subject to the provision of costings;**
  - (iii) delegate authority to Ms Stewart in consultation with Members for the installation of a kissing gate at Lauder Golf Club; and**
  - (iv) refuse a rent reduction for the Shootings on Lauder Common, and to review the lease situation at a future meeting.**

*The meeting concluded at 3.30 pm.*