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LAUDER COMMON GOOD FUND SUB-COMMITTEE TUESDAY, 14 DECEMBER 2021

A MEETING of the LAUDER COMMON GOOD FUND SUB-COMMITTEE will be held VIA
MICROSOFT TEAMS on TUESDAY, 14 DECEMBER 2021 at 2.00 pm

J. J. WILKINSON,
Clerk to the Council,

7 December 2021

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	Minute. (Pages 3 - 4) Consider Minute of Meeting held on 24 August 2021. (Copy attached.)	2 mins
5.	Monitoring Report for Six Months to 30 September 2021 (Pages 5 - 16) Consider Report by Finance and Corporate Governance. (Copy attached.)	10 mins
6.	Consultation on Heritable and Moveable Asset Registers for former Burgh of Lauder (Pages 17 - 28) Consider Report by Principal Solicitor. (Copy attached.)	15 mins
7.	Any Other Items Previously Circulated.	
8.	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 D. Parker, J. Linehan, T. Miers and
Community Councillor A. Smith

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**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, 24 August 2021 at 2.00 p.m.

Present:- Councillors D. Parker (Chairman), T. Miers, Community Councillor A. Smith
Apologies:- Councillor J. Linehan
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 15 June 2021.

DECISION

NOTED the Minute for signature by the Chairman.

2. **BUDGET MONITORING REPORTS FOR 3 MONTHS TO 30 JUNE 2021**

There had been circulated copies of a report by the Executive Director Finance and Regulatory detailing income and expenditure for the Lauder Common Good Fund for the 3 months to 30 June 2021. Appendix 1 to the report provided projected income and expenditure position for 2021-22. This showed a projected surplus for the year of £2,684. Appendix 2 to the report provided a projected balance sheet value as at 31 March 2022. This showed a decrease in projected reserves of £23,649. Appendix 3(a) and 3(b) provided a breakdown of the property portfolio which showed projected rental income, net return for 2021-22, actual property income to 30 June 2021 and actual property expenditure to 30 June 2022. Appendix 4 provided a breakdown of the property portfolio showing projected property valuations at 31 March 2022. Appendix 5 detailed the value of the funds invested with Aegon Asset Management Investment Fund to 30 June 2021. The Pensions and Investments Manager highlighted the main points of the report and commented on the return from Aegon being better than had been anticipated and that expenditure on Woodland Planting would commence in 2021-22.

DECISION

AGREED to:-

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

3. **GENERAL PROPERTY UPDATE**

- 3.1 The Estates Surveyor provided a verbal general property update. Fly-tipping of asbestos was reported on the Stow Road. Specialist contractors were called to dispose of the waste which cost £2350 plus VAT. Enquiries were being made to determine liability of the costs of disposal.
- 3.2 With reference to paragraph 4.2 of the Minute of 15 June 2021, discussions continued with the interested party regarding the grazing let. The water pump was to be replaced with a hand-held pump for the benefit of ponies. A small section of additional fencing on riverside was required and a quote for the cost had been requested.
- 3.3 Ms Stewart advised that although Lauder Public Hall had been built by the Council it sat on Common Good land. The hall had been leased to Live Borders until 2036 and they had submitted a request to sublet Lauder Public Hall to the Lauder Leisure Centre on a short-term basis with a view to a long-term let. Members discussed whether the sublet may constitute a change of use for the facility. Members were notified that caveats could be put in place and for additional details to be submitted regarding longer term use of the hall. It was noted that Live Borders could sublet the facility subject to landlord's consent within reason. Members agreed that Ms Stewart request further information regarding the proposed use of the hall from Live Borders before a short-term lease was agreed. It was further agreed that the decision whether or not to agree to the short-term lease be delegated to the Estates Surveyor in consultation with the Members of the Sub-Committee.

DECISION

(a) NOTED the update.

(b) AGREED to delegate authority to the Estates Surveyor in consultation with sub-committee members regarding the possible short-term sub-lease of Lauder Public Hall.

4. **FORESTRY UPDATE**

The Estates Surveyor provided a verbal forestry update. Members heard that the community woodland land transfer had been documented by the Scottish Government and a final signature document was pending from Michael Middlemiss on behalf of the Lauderhill Sheep Company. A contract had been signed with Scottish Forestry to be implemented in October. There was a contingency for gorse mulching to address a fire hazard which would have an additional cost of £26,800.

DECISION

NOTED the update.

The meeting concluded at 2.20 p.m.



MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2021

Report by Director, Finance & Corporate Governance

LAUDER COMMON GOOD FUND SUB-COMMITTEE

14 December 2021

1 PURPOSE AND SUMMARY

- 1.1 This report provides the details of the income and expenditure for the Lauder Common Good Fund for six months to 30 September 2021, a full year projected out-turn for 2021/22, and projected balance sheet values as at 31 March 2022.**
- 1.2 Appendix 1 provides the projected income and expenditure position for 2021/22. This shows a projected surplus of £2,684 for the year.
- 1.3 Appendix 2 provides a projected balance sheet value as at 31 March 2022. It shows a projected decrease in reserves of £23,649.
- 1.4 Appendix 3a provides 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.
- 1.5 Appendix 3b provides a breakdown of the property portfolio showing projected property expenditure for 2021/22 and actual property expenditure to 30 September 2021.
- 1.6 Appendix 4 provides a breakdown of the property portfolio showing projected property valuations at 31 March 2022.
- 1.7 Appendix 5 shows the value of the Aegon Asset Management Investment Fund to 30 September 2021.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Common Good Fund Sub-Committee:**
 - (a) Notes the projected income and expenditure for 2021/22 in Appendix 1;**
 - (b) Notes the projected balance sheet value as at 31 March 2022 in Appendix 2;**
 - (c) Notes the summary of the property portfolio in Appendices 3 and 4; and**
 - (d) Notes the current position of the Aegon Asset Management Investment Fund in Appendix 5.**

3 BACKGROUND

3.1 This report provides the Committee with financial information for the period to 30 September 2021 and projections to 31 March 2022. The report also contains a projected balance sheet for the Common Good Fund as at 31 March 2022.

4 FINANCIAL POSITION 2021/22

4.1 Appendix 1 provides details on income and expenditure for the 2021/22 financial year. The projected net position for the year is a surplus of £2,684.

4.2 Income & Expenditure – Property Income

(a) Rental income for 2021/22 is shown in Appendices 1 & 3a, with Appendix 3a detailing the actual annual rental income by individual property. Actual income is reported on a cash basis until the year end with quarter 4 reports incorporating any annual adjustments for prepayments and accruals.

4.3 Income & Expenditure – Non-Property Related Income

(a) The projected outturn position shows an amount of £200 relating to interest receivable on cash held by SBC. Also included are dividends from the Common Good Funds investment in Aegon Asset Management amounting to £10,350 which is currently estimated at 4.5% return. As a result of the market value dropping due to the impact of the COVID-19, this projected 4.5% return is less than the 5% target and the monthly distribution profile projections provided by Aegon. The position will be monitored closely with Aegon Asset Management.

(b) Included within other income is a rebate from Aegon Asset Management of £63 which, along with the £63 received in March 2021, has been re-invested to purchase an additional 114 units.

4.4 Income & Expenditure – Property Expenditure

(a) The property expenditure for 2021/22 is shown in Appendices 1 & 3b, with Appendix 3b detailing the projected property expenditure by individual property. Actual expenditure is reported on a cash basis until the year end with quarter 4 reports incorporating any annual adjustments for prepayments and accruals.

(b) Appendices 3a and 3b show a full breakdown of the projections for property rental and repairs for 2021/22.

(c) Following a delay in commencement from last year, Lauder Common Woodland Planting is now expected to commence in 2021/22. Projections for 2021/22 have been updated to include estimated expenditure of £151,568 funded by 2 grants – the Forestry Grant Scheme £116,575 and Carbon Grant £48,875.

(d) Lauderburn Woodland Scheme is to be funded by the Penmanshiel Grant – financial details for 2021/22 will be supplied by Estates as soon as final amounts are known.

4.5 Income & Expenditure – Grants & Other Donations

The grants and other donations approved and distributed to 31 March 2022

Grant Recipients	Approved	£
Approved and Paid to 30 September 2021		
Lauderdale Historical Society	15/06/21	1,674
Total Paid to 31 March 2022		1,674
Total Budget 2021/22		10,500
(Unallocated)/Overallocated Budget		(8,826)

4.6 Income & Expenditure – Depreciation Charge

The projected depreciation charge for the year is £26,333. This is not a cash transaction and is off-set by a corresponding contribution from the Revaluation Reserve at the end of the financial year.

4.7 Appendix 2 provides the actual balance sheet value as at 1 April 2021, the projected movement in year and a projected balance sheet as at 31 March 2022.

4.8 Balance Sheet – Fixed Assets

All fixed assets of the Common Good Fund are revalued every 5 years as part of the Council's rolling programme. The fixed assets were revalued at 1 April 2019. Appendix 4 shows the actual values of the individual properties at 1 April 2021, projected depreciation charges for 2021/22 and projected values to 31 March 2022.

4.9 Balance Sheet – Investment Fund

The fund has a 0.36% unrealised gain in market value since investment, largely due to continued volatility in investment markets. Overall, however, taking account of the income received the fund has achieved a return of 19.52% since investment in February 2018.

4.10 Balance Sheet – Cash Balance

The cash held by the fund is projected to be £28,637 at 31 March 2022 and is detailed below:

Cash Balance	£
Opening Balance at 1 April 2021	26,187
Projected surplus for year from Income & Expenditure Statement	2,684
Net movement in debtors / creditors	
Rebate Investment in Aegon	(234)
Closing Balance at 31 March 2022	28,637

4.11 Balance Sheet – Capital Reserve

The movement in the Capital Reserves include the unrealised gain for the Aegon Asset Management Fund as at 31 March 2021 but due to the nature of the markets no estimate has been made for future years' movement.

5 IMPLICATIONS

5.1 Financial

There are no further financial implications other than those explained above in Section 4.

5.2 Risk and Mitigations

There is a risk that investments in the Aegon Asset Management Fund may reduce in value due to market or investment performance. This risk cannot be fully mitigated, however, it is being managed by the selection of a Fund Manager with a clear objective of preserving capital values while aiming to produce returns in line with the benchmark.

5.3 Integrated Impact Assessment

There is no impact or relevance to Equality Duty or the Fairer Scotland Duty for this report. This is a routine financial monitoring report which forms part of the governance of the management of the Common Good Funds. Nevertheless, a light touch assessment has been conducted and this will be published on SBC's Equality and Diversity Pages of the website as in doing so, signifies that equality, diversity and socio-economic factors have duly been considered when preparing this report.

5.4 Sustainable Development Goals

Whilst there are no economic, social or environmental effects arising from the proposals contained in this report, there are, through the activities reported upon, positive impacts upon the economy through protection of employment, positive impacts upon the quality of community life and improvements in local amenities and nurturing of local talent. The potential improvement in levels of income through the use of the new investment fund will act to make the Common Good Fund more sustainable in the future.

5.5 Climate Change

There are no effects on climate change arising from the proposals contained in this report.

5.6 Rural Proofing

There are no effects on rural proofing arising from the proposals contained in this report.

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

There are no changes required to the Scheme of Administration or Scheme of Delegation arising from the proposals contained in this report.

6 CONSULTATION

- 6.1 The Chief Legal Officer (including as Monitoring Officer), the Chief Officer Audit and Risk, Director (People Performance & Change), the Clerk to the Council and Communications have been consulted and their appropriate comments have been incorporated into this report.

Approved by

David Robertson **Signature**
Director, Finance & Corporate Governance

Author(s)

Kirsty Robb	Pension and Investments Manager - Tel: 01835 825249
Sara Halliday	Treasury Business Partner - Tel: 01835 824000 Extn 5854

Background Papers:

Previous Minute Reference: Lauder Common Good Committee 24 August 2021

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. We can also give information on other language translations as well as providing additional copies.

Contact us at Pension & Investment Team, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.

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**LAUDER COMMON GOOD FUND
PROJECTED INCOME AND EXPENDITURE 2021/22**

APPENDIX 1

	Actuals at 30/09/21	Full Year Approved Budget 2021/22	Full Year Projected Out-turn 2021/22	Full Year Projected Over/ (Under) Spend 2021/22	Para Ref	Commentary
	£	£	£	£		
Property Income						
Rental Income	(4,045)	(10,765)	(10,765)		4.2	
Non-Property Related Income						
Interest on Cash deposited with Council	0	(200)	(200)			
Income from Other Bodies	(63)	(270)	(270)		4.3	
Investment Fund – Dividends Rec'd	(5,245)	(10,350)	(10,350)		4.3	
Misc income	0	0	0			
Lauder Common Woodland Grant	0	(165,450)	(165,450)		4.4	
Lauderburn Woodland	0	0	0		4.4	
Total Income	(9,353)	(187,035)	(187,035)			
Property Costs – General	4,808	11,350	11,350		4.4	
Woodland Schemes						
Lauder Common Woodland	6,245	151,568	151,568		4.4	
Lauderburn Woodland	0	0	0		4.4	
Grants & Other Donations	1,674	10,500	10,500		4.5	
Central Support Service Charge	10,933	10,933	10,933			
Depreciation						
Depreciation Charge	0	26,333	26,333		4.6	
Contribution from Revaluation Reserve	0	(26,333)	(26,333)		4.6	
Net impact of Depreciation on Revenue Reserve	0	0	0	0		
Total Net (Surplus)/Deficit for year	14,307	(2,684)	(2,684)	0		

PROJECTED BALANCE SHEET VALUE AS AT 31 MARCH 2022

	Opening Balance at 01/04/21	Projected Movement in Year	Projected Closing Balance at 31/03/22
	£	£	£
Fixed Assets			
Land & Buildings	1,267,683	(26,333)	1,241,350
Heritable Assets	0	0	0
Total Fixed Assets	1,267,683	(26,333)	1,241,350
Capital in Investment Funds			
Investment Fund Book Value	249,271	234	249,505
Unrealised Gains/(Loss)	1,970	0	1,970
Market Value	251,241	234	251,475
Long Term Debtors	0	0	0
Current Assets			
Debtors	9,046	0	9,046
Cash deposited with SBC	26,187	2,450	28,637
Total Current Assets	35,233	2,450	37,683
Current Liabilities			
Creditors	0	0	0
Receipts in Advance	(591)	0	(591)
Total Current Liabilities	(591)	0	(591)
Net Assets	1,553,566	(23,649)	1,529,917
Funded by:			
Reserves			
Revenue Reserve	(28,912)	(2,684)	(31,596)
Capital Reserve	(258,620)	0	(258,620)
Revaluation Reserve	(1,266,034)	26,333	(1,239,701)
Total Reserves	(1,553,566)	23,649	(1,529,917)

PROPERTY PORTFOLIO PERFORMANCE FOR 2021/22
(Actual income to 30 September 2021 and projections to 31 March 2022)

Rental Income – Land & Buildings	2021/22			
	Approved Budget 2021/22	Projected Budget 2021/22	Actuals as at 30/09/21	Projected Net (Return) /Loss £
	£	£	£	
Lauder Cemetery	0	0	0	0
Croft Road Play Area (East Side)	0	0	0	0
Lauder War Memorial	0	0	0	0
Old Castleriggs Grazings	(390)	(390)	(430)	(390)
Raiths Acre & Chesters Acre	(235)	(235)	(155)	(235)
Lauder Golf Course	0	0	0	0
Lauder Town Hall	0	0	0	0
Lauder Common Farm	(8,550)	(8,550)	(1,393)	(8,550)
Lauder Common Farm Shootings	(1,200)	(1,200)	(1,637)	(1,200)
Lauder Common Plantations	0	0	0	0
Land Refuse Tip (1) Grazings	0	0	0	500
Land Refuse Tip (2) Grazings	0	0	0	500
Calfward Park Grazings	(390)	(390)	(430)	360
Burnmill Woodland	0	0	0	0
Lauder Library (Old Jail)	0	0	0	0
Old Castleriggs Recreation Grnd	0	0	0	0
Land at Lauder Village Hall	0	0	0	0
Land at Lauder Public Toilets	0	0	0	0
Pavilion Site	0	0	0	0
Lauder Play Park	0	0	0	0
Lauder Recreation Park	0	0	0	0
Lauder Hill	0	0	0	4,500
Lauder Burn Woodland	0	0	0	2,000
Property Expenditure (General)	0	0	0	3,100
Total	(10,765)	(10,765)	(4,045)	585

PROPERTY PORTFOLIO PERFORMANCE FOR 2020/21
(Actual expenditure to 30 September 2021)

Property Expenditure – Land & Buildings	2021/22			
	Approv'd Budget	Actual (Repair & Maint)	Actual (Other)	Actual Total
	£	£	£	£
Lauder Cemetery	0	0	0	0
Croft Road Play Area (East Side)	0	0	0	0
Lauder War Memorial	0	0	0	0
Old Castleriggs Grazings	0	0	0	0
Raiths Acre & Chesters Acre	0	0	0	0
Lauder Golf Course	0	0	0	0
Lauder Town Hall	0	0	247	247
Lauder Common Farm	0	0	1,000	1,000
Lauder Common Farm Shootings	0	0	0	0
Lauder Common Plantations	0	0	0	0
Land Refuse Tip (1) Grazings	500	625	0	625
Land Refuse Tip (2) Grazings	500	625	0	625
Calfward Park Grazings	750	0	0	0
Burnmill Woodland	0	0	0	0
Lauder Library (Old Jail)	0	0	(170)	(170)
Old Castleriggs Recreation Grnd	0	0	0	0
Land at Lauder Village Hall	0	0	0	0
Land at Lauder Public Toilets	0	0	0	0
Pavilion Site	0	0	0	0
Lauder Play Park	0	2,481	0	2,481
Lauder Recreation Park	0	0	0	0
Lauder Hill	4,500	0	0	0
Lauder Burn Woodland	2,000	0	0	0
Property Expenditure (General)	3,100	0	0	0
Total	11,350	3,731	1,077	4,808

PROPERTY PORTFOLIO VALUATION FOR 2021/22
(Projected property valuation to 31 March 2022)

Fixed Assets – Land & Buildings	Net Book Value at 01/04/21	Project'd Depn Charge 2021/22	Project'd Net Book Value at 31/03/22
	£	£	£
Lauder Cemetery	0	0	0
Croft Road Play Area (East Side)	0	0	0
Lauder War Memorial	0	0	0
Old Castleriggs Grazings	8,000	0	8,000
Raiths Acre & Chesters Acre	12,000	0	12,000
Lauder Golf Course	75,300	0	75,300
Lauder Town Hall	43,220	17,040	26,180
Lauder Common Farm	1,049,733	2,633	1,047,100
Lauder Common Farm Shootings	6,000	0	6,000
Lauder Common Plantations	16,000	0	16,000
Land Refuse Tip (1) Grazings	1,500	0	1,500
Land Refuse Tip (2) Grazings	1,750	0	1,750
Calfward Park Grazings	7,000	0	7,000
Burnmill Woodland	3,700	0	3,700
Lauder Library (Old Jail)	23,680	6,660	17,020
Old Castleriggs Recreation Grnd	0	0	0
Land at Lauder Village Hall	15,500	0	15,500
Land at Lauder Public Toilets	800	0	800
Pavilion Site	3,500	0	3,500
Lauder Play Park	0	0	0
Lauder Recreation Park	0	0	0
Lauder Hill	0	0	0
Lauder Hill Woodland	0	0	0
Property Expenditure (General)	0	0	0
Total	1,267,683	26,333	1,241,350

**Fixed Assets –
Moveable Assets**

Charter
Snuff Mull
Certificate of Matriculation, Royal Burgh of Lauder 1938
Burgess Roll (2)
Map of Burges Acres, Royal Burgh of Lauder 1803
Set of Imperial Weight and Measures
Brass Yard Stick 1824
Burgh of Lauder Seal
Provosts Chain
Provosts Robes
Silver Punch Ladle o/w Toddy Ladle 1831

INVESTMENTS EXTERNALLY MANAGED

Cost of Investment	Units	£
Aegon Capital Investment (February 2018)	229,584	248,572
Aegon Fund Rebate – (2018-2019)	235	254
Aegon Fund Rebate – (2019-2020)	190	211
Aegon Fund Rebate – (2020-2021)	234	234
Aegon Fund Rebate – (2021-2022)	114	126
Total Invested to 30 September 2021	230,357	249,397

Value of Investment	£
31 March 2018	248,572
31 March 2019	250,549
31 March 2020	211,287
31 March 2021	251,241
30 June 2021	252,086
30 September 2021	250,306
Increase/(Decrease) from Total Cash Invested	909

Return on Investment from inception	Capital Return %	Total Return %
to 31 March 2018	-0.30	
to 31 March 2019	+3.86	+9.41
to 31 March 2020	-15.16	-5.98
to 30 June 2020	-8.52	+2.76
to 30 September 2020	-7.91	+4.83
to 31 December 2020	-0.61	+14.09
to 31 March 2021	+0.78	+16.84
to 30 June 2021	+1.10	+18.71
to 30 September 2021	+0.36	+19.52

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

Report by Principal Solicitor

Lauder Common Good Fund Sub Committee

14 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 Lauder 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 Lauder 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 Royal Burgh of Lauder;**
 - (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 assets 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 Lauder this information has been prepared through: consolidating the original inventory held by the Scottish Borders Council; collaboration and consultation with the Lauder Common Good Fund Sub Committee and :Lauder Community Council; 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 the addition of the Public Hall and Public Conveniences, and the Lauder Pavilion. It has previously been noted that the land at these locations was Common Good land. However, it has not previously been noted that the buildings were themselves Common Good assets. In recognising the principle of law that land and buildings cannot be owned separately, these buildings should properly be classified as part of the Common Good.

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, and the Clerk to the Council 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. 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

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ROYAL BURGH OF LAUDER

LAND			
Name of Asset	Location	Description	Plan
Lauder Old Cemetery	East High Street, Lauder	Old Lauder Cemetery believed to have been acquired under the Burgh Charter and therefore is Common Good.	 LD013-02 Lauder Cemetery (Old) Site Plan
Lauder Recreation Park and Pavillion	Croft Road, Lauder	The play park was acquired in 1929, with the price paid from the Common Good Account	 LD017-22 Recreation Park Site Plan (2019),  LD017-20 Pavilion Site - Site Plan (2019)  LD017-21 Play Park Site Plan (2019).pdf
Old Castlerigg Recreation Ground	Manse Road, Lauder	This is the southern part of the public park acquired by bequest from George J Fleming in 1970.	 LD017-16 Old Castlerigg Recreation
Old Castlerigg grazings	Burnmill, Lauder	This is the grazing area adjacent to the public park. The land was acquired by bequest from George J. Fleming in 1970.	 LD017-02 Old Castlerigg Grazings
Lauder War Memorial	Stow Road, Lauder	The war memorial is sited on the ancient burgh road which is believed to be Common Good held under the Burgh Charter.	 LD016-03 Lauder War Memorial Site Plan
Burnmill Woodland	Burnmillhaugh, Burnmill, Lauder	This site appears to have been included in ancient titles and, in particular, a 1728	 LD017-03 Burnmill Haugh Site Plan (2009)

		Instrument of Sasine in favour of the Town of Lauder (in respect of "Parson's Croft").	
Raiths Acre & Chesters Acre	Galashiels Road, Lauder	Raith's Acre was acquired by the Lauder Town Council in 1781 and. Chesters Hill was acquired in 1815.	 LD017-04 Raiths Acre & Chesters Acre
Lauder Golf Course	Galashiels Road, Lauder	Part of the Burgh Charter and therefore Common Good.	 LD017-05 Lauder Golf Course Site Plan
Lauder Town Hall	Market Place, Lauder	Part of the Burgh Charter and therefore Common Good.	 LD017-06 Town Hall Site Plan (2009).pdf
Lauder Common Farm	Lauder Common	Part of the Burgh Charter and therefore Common Good.	 LD017-07 Lauder Common Farm Site A
Lauder Common Farm Shootings	Lauder Common	Part of the Burgh Charter and therefore Common Good.	
Lauder Common Plantations	Lauder Common	Part of the Burgh Charter and therefore Common Good.	 LD017-09 Lauder Common plantations
Refuse Tip (1) Grazing	Galashiels Road, Lauder	Part of the Burgh Charter and therefore Common Good.	 LD017-10 Land Refuse Tip Grazings (1)
Refuse Tip (2) Grazing	Galashiels Road, Lauder	Part of the Burgh Charter and therefore Common Good.	 LD017-11 Land Refuse Tip Grazings (2)
Calfward Park Grazings	Galashiels Road, Lauder	Part of the Burgh Charter and therefore Common Good.	 LD017-12 Calfward Park Grazings Site Pla
Burnmill Piggery Grazings	Galashiels Road, Lauder	Part of the Burgh Charter and therefore Common Good.	 LD017-14 Burnmill Area Site Plan (2009).i

Lauder Old Jail	Mid Row, Lauder	Part of the Burgh Charter and therefore Common Good.	 LD017-15 Old Jail (Registers) Site Plan.p
Lauder Village Hall and WC	The Avenue, Lauder	The site upon which the hall is built appears to be part of the Burgh Charter and so is deemed to be Common Good.	 LD017-19 Land at Lauder Public Toilets :  LD017-18 Land at Lauder Village Hall Sit
ART AND ARTEFACTS			
Name of asset	Location	Description	
Charter	Thirlestane Castle	The original charter of King Janes IV to the Royal Burgh of Lauder	
Snuff Mull	Thirlestane Castle	Presented to the Burgh of Lauder by Francis Dunshood in 1802. Formed from a mounted kudo horn, engine turned lid, and four tools. Inscribed "From the Cape of Good Hope"	
Certificate of Matriculation, Royal Burgh of Lauder 1938	Galashiels Town Hall	Applications for Parish charity 1737 - 1899	
Burgess Roll (2)	Galashiels Town Hall	Register of the Entries of Burgess of the Royal Burgh of Laude 1829 - 1850	
Map of Burgess Acres, Royal Burgh of Lauder 1803	Galashiels Town Hall		

Set of Imperial Weight and Measures	Thirlestane Castle	Bushel, ½ bushel, peck, gallon, quart, pint, ½ pint, gill, ½ gill; all supplied to the Burgh of Lauder, made by J & R Warner, London; and the following weights: 56lb, 28lb, 14lb, 7lb, 4lb, 2lb, 1lb, 8oz, 4oz, 2oz, 8dwts, 4dwts	
Brass Yard Stick 1824	Thirlestane Castle		
Burgh of Lauder Seal	Stored by Bank of Scotland		
Provosts Chain	Stored by Bank of Scotland		
Provosts Robes			
Silver Punch Ladle o/w Toddy Ladle 1831	Thirlestane Castle	George III silver punch ladle WK, London 1831, inscribed with names of Burgh council officials, including Baillie James Shaw	
Burgh Standard, 1912	Lauder town hall		
COMMON GOOD FUND			
Name of Asset	Location	Description	
Lauder Common Good Fund	N/A	Fund set up for the benefit of the inhabitants of Lauder. Balance of fund as at 1 April 2021 was £285,883.	

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