

# Public Document Pack



## HAWICK COMMON GOOD FUND SUB-COMMITTEE TUESDAY, 22 NOVEMBER 2022

A MEETING of the HAWICK COMMON GOOD FUND SUB-COMMITTEE will be held VIA  
MICROSOFT TEAMS on TUESDAY, 22 NOVEMBER 2022 at 5.00 PM

All attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days.

J. J. WILKINSON,  
Clerk to the Council,

15 November 2022

<b>BUSINESS</b>		
1.	<b>Apologies for Absence</b>	
2.	<b>Order of Business</b>	
3.	<b>Declaration of Interest</b>	
4.	<b>Minute</b> (Pages 3 - 8) (a) Consider Minute of the Meeting held on 25 August 2022 for approval and signature by the Chairman. (Copy attached.) (b) Consider Minute of the Special Meeting held on 12 September 2022 for approval and signature by the Chairman. (Copy attached.)	2 mins
5.	<b>Applications for financial assistance</b>	10 mins
	(a) <b>Burnfoot Community Council</b> (Pages 9 - 14) Consider application for financial assistance from Burnfoot Community Council. (Copy attached.)	
	(b) <b>Silverbuthall Community Development Trust</b> (Pages 15 - 50) Consider application for financial assistance from Silverbuthall Community Development Trust. (Copy attached.)	
6.	<b>Application for use of Common Haugh Car Park</b> (Pages 51 - 52) Consider application for use of Common Haugh Car Park from K. Stuart Family Fun Fair. (Copy attached.)	10 mins

7.	<b>Monitoring Report for Six Months to 30 September 2022</b> (Pages 53 - 66) Consider report by Acting Chief Financial Officer. (Copy attached.)	10 mins
8.	<b>Any Other Items Previously Circulated</b>	
9.	<b>Any Other Items the Chair Decides are Urgent</b>	
10.	<b>Private Business</b> Before proceeding with the private business, the following motion should be approved:-  “That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”	
11.	<b>Minute</b> (Pages 67 - 72) (a) Consider Private Section of the Minute of the Meeting held on 25 August 2022. (Copy attached.)  (b) Consider Private Section of the Minute of the Special Meeting held on 12 September 2022. (Copy attached.)	2 mins
12.	<b>Hawick Moor Racecourse and Buildings</b> Consider update from Estates Strategy Manager.	10 mins
13.	<b>Common Good Leases</b> Consider update from Estates Strategy Manager.	5 mins
14.	<b>Property Update</b> Consider update from Property Officer.	10 mins

#### NOTES

- Timings given above are only indicative and not intended to inhibit Members' discussions.**
- 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. Cox, S. Marshall, W. McAteer, C. Ramage, N. Richards, A. Smart

---

Please direct any enquiries to William Mohieddeen  
Tel: 01835 826504; Email: [william.mohieddeen@scotborders.gov.uk](mailto:william.mohieddeen@scotborders.gov.uk)

---

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

MINUTES of Meeting of the HAWICK  
COMMON GOOD FUND SUB-COMMITTEE  
held via Microsoft Teams on Thursday, 25  
August 2022 at 10.00 am

- Present:- Councillors C. Ramage (Chairman), J. Cox, W. McAteer, N. Richards, A. Smart; Mr J. Campbell (Hawick CC) and Mr W. Fletcher (Burnfoot CC).
- Apologies:- Councillors S. Marshall.
- In Attendance:- Chief Legal Officer, Pension and Investment Manager, Estates Strategy Manager, Property Officer (S. Drummond), and Democratic Services Officer (W. Mohieddeen).

**CHAIR'S REMARKS**

The Chair started the meeting and welcomed Mr Steven Drummond, Property Officer to the Sub-Committee. The Chair advised that the public business in this meeting was being livestreamed for public view and also recorded. By participating in the meeting, attendees have given consent for this. The recording would be available through the link to the event livestream on the Council website for public viewing for 180 days afterwards. The recording would then be automatically deleted after this time. Everyone was reminded that the Council did not allow any other recording of the meeting than this one.

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 7 June 2022 and the Minute of the Special Meeting held on 27 July 2022.

**DECISION  
AGREED**

- (a) **To approve the Minute of the Meeting held on 7 June 2022 for signature by the Chair; and,**
- (b) **To approve the Special Minute of the Meeting held on 27 July 2022 for signature by the Chair.**

2. **APPLICATION FOR FINANCIAL ASSISTANCE – FUTURE HAWICK**

There had been circulated copies of an application for financial assistance from Future Hawick for £5,000 for assistance with wage costs for Hawick Welcome Hosts for the last five weeks of the project. The Chair invited Derick Tait, Treasurer of Future Hawick to present the application and answered questions from Members. Mr Tait advised that the Welcome Hosts project had gone well and that they were approaching 3,000 visitors welcomed to the town and there had been over 400 campervans since starting. Future Hawick had opened a visitor information centre which had been received positively in attracting visitors and people local to Hawick. Six hosts had been employed and assistance was sought for funding the hosts for the last four weeks of the season. In response to questions from Members, Mr Tait advised that a report on the Welcome Hosts would be compiled following the conclusion of the project and that funding sources were normally sought however circumstances had led the group to apply to the common good fund.

## **DECISION**

**AGREED to award Future Hawick a grant of £5,000 for assistance with wage costs for Hawick Welcome Hosts.**

### **3. APPLICATION FOR FINANCIAL ASSISTANCE – HAWICK HONORARY PROVOST’S COUNCIL**

There had been circulated copies of an application for financial assistance from Hawick Honorary Provost’s Council (HHPC) for £2,500 to support the carrying out of civic duties in Hawick included the funding of outside catering and presents for those being recognised for what they have achieved or contributed to their community. As Councillors Cox, Ramage, Richards, McAteer were members of the Hawick Honorary Provost’s Council, quorum would not be achieved after Members declared their interest. It was therefore noted that the application would be referred to Scottish Borders Council for a decision to be made. In response to questions from Councillor Smart, Councillor McAteer advised that awards conveyed by the Hawick Honorary Provost’s Council were typically a medal or glass figure with an engraving to recognise those that make a contribution to the community. The HHPC also would participate in the Colour Bussing during Hawick Common Riding and would provide catering for the Ex-Service parade. Further activities included welcoming of groups from other countries. It was advised that funding was applied for from the Hawick Common Good Fund Sub-Committee as the HHPC for activities that supported the people of Hawick and that there were no plans for other fundraising.

### **4. APPLICATION FOR FINANCIAL ASSISTANCE – HAWICK COMMUNITY COUNCIL AND HAWICK ARCHAEOLOGICAL SOCIETY**

There had been circulated an application for financial from Hawick Community Council and Hawick Archaeological Society for £5,000 for a commemorative plaque and educational materials to mark the anniversary of a speech by American former slave, social reformer and abolitionist Frederick Douglass in Myrselawgreen, Hawick. The Chair invited Evelyn Jackson of Hawick Archaeological Society to present the application. Members expressed support for the application and noted the educational aspect of the activities and the appropriateness of the plaque to commemorate the speech Frederick Douglass gave.

## **DECISION**

**AGREED to award a grant of £5,000 to Hawick Archaeological Society and Hawick Community Council.**

### **5. HIRE OF HAWICK COMMON HAUGH MOTORHOME PARKING AREA**

A request had been made to the Hawick Common Good Fund Sub-Committee for exclusive use of the Hawick Common Haugh motorhome parking area on 29 December 2022 – 2 January 2023 and 24 March 2023 – 28 March 2023 by the Motorhome Fun Club. The Chair invited Derick Tait to present on behalf of the group their request for exclusive use of the area. Mr Tait advised the Motorhome Fun Club were a group of campervanners from the Central Belt that were regular visitors to Hawick, visiting two or three times per year, numbering between 15 to 20 campervans per visit, and that they were requesting exclusive use of the motorhome parking area and were prepared to pay for the section being reserved to their group. The Chair advised that Kenny Stuart funfairs usually apply for use of the Common Haugh during the March dates. In response to questions from Members, the Estates Strategy Manager advised that there may be some logistics considerations of cordoning the motorhome area during the Christmas holiday when some officers may not be available and that the Kenny Stuart funfair usually occupies over one third of the Common Haugh and that they normally operate until 10.00 pm each day. The Estates Strategy Manager advised that normally spaces wouldn’t have a cost and that charges would cover the cost of the service of cordoning the area as the Car Park Order stated that there was no car park levy. Mr Tait advised that the group normally all paid £10 elsewhere to cover

services including placing barriers in sites they occupy. The Estates Strategy Manager advised it would be appropriate to raise a nominal charge to cover the costs associated with services for cordoning the motorhome parking area. Mr Tait clarified that the group paid £10 per campervan elsewhere which the Estates Strategy Manager indicated could cover arrangements that would need to be made without costs to the Council.

#### **DECISION**

##### **AGREED to:**

- (a) Make arrangements for the Motorhome Fun Club to have exclusive, cordoned-off use of the motorhome parking area of the Common Haugh on 29 December 2022 – 2 January 2023 and 24 March 2023 – 28 March 2023; and,**
- (b) To raise a charge at the value of £10 per motorhome to cover the costs associated with cordoning the motorhome parking area for use by the Motorhome Fun Club.**

#### **6. MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2022**

There had been circulated copies of a report by Acting Chief Executive that provided details of the income and expenditure for the Hawick Common Good Fund for the three months to 30 June 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 projected income and expenditure position for 2022-23 which showed a projected surplus of £85,459 for the year. Appendix 2 provided a projected balance sheet value as at 31 March 2023 which showed a projected increase in reserves of £21,118. Appendix 3a of the report provided a breakdown of the property portfolio which showed projected rental income and projected net return for 2022-23 and actual property income to 30 June 2022. Appendix 3b of the report provided a breakdown of the property portfolio which showed projected property expenditure for 2022-23 and actual property expenditure to 30 June 2022. Appendix 4 of the report provided a breakdown of the property portfolio which showed projected property valuations at 31 March 2023. Appendix 5 of the report showed the value of the Aegon Asset Management Investment Fund to 30 June 2022.

#### **DECISION**

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

#### **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 an early decision or to keep Members informed.

## **DECLARATION OF INTEREST**

Councillors Ramage and McAteer, and Mr William Fletcher, declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion. Councillor Cox assumed the Chair.

### **7. CORRESPONDENCE FROM HAWICK COMMON RIDING COMMITTEE**

There had been circulated copies of a letter from Hawick Common Riding Committee that expressed concern at the condition of the buildings at Hawick Moor and requested to initiate discussion on addressing their concerns. The Chief Legal Officer advised that the Estates Strategy Manager brings a report to the next meeting of the Sub-Committee to discuss the content raised in the letter.

#### **DECISION**

**AGREED to request a report be brought to the next meeting of the Sub-Committee advising on the contents of the letter received from Hawick Common Riding Committee.**

### **8. 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 2 of Part I of Schedule 7A to the Act.**

### **9. MINUTE**

Members considered the Private Section of the Minute of the Meeting held on 7 June 2022 and the Private Section of the Special Meeting held on 27 July 2022.

### **10. COMMON HAUGH SLUICE**

Members considered an update from the Estates Strategy Manager on the Common Haugh Sluice.

### **11. VOLUNTEER PARK STAND**

Members considered an update from the Estates Strategy Manager on the Volunteer Park Stand.

### **12. PROPERTY UPDATE**

Members considered an update on Common Good property from the Estates Strategy Manager and the Property Officer.

*The meeting concluded at 5.40 pm.*

# SCOTTISH BORDERS COUNCIL HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Special Meeting of the HAWICK  
COMMON GOOD FUND SUB-COMMITTEE  
held via Microsoft Teams on Monday, 12  
September 2022 at 9.00 am

-----

- Present:- Councillors C. Ramage (Chair), J. Cox, W. McAteer, N. Richards; Mr W. Fletcher (Burnfoot CC).
- Apologies:- Councillor A. Smart.
- In Attendance:- Principal Solicitor, Pension and Investment Manager, Property Maintenance and Building Services Manager, Estates Strategy Manager, Property Officer (S. Drummond), and Democratic Services Officer (W. Mohieddeen).

## 1. **MINUTE**

With reference to paragraph one of the Minute of the Meeting held on 15 December 2021, there had been circulated copies of a report by Principal Solicitor that advised on the outcome of the recent consultation under the Community Empowerment (Scotland) Act 2015, and to seek approval of the final Common Good Register for Hawick. The Hawick Common Good Fund Sub-Committee approved a draft asset register of Common Good property, required by the Community Empowerment (Scotland) Act 2015, and agreed to the commencement of the public consultation on the register. The consultation ran from December 2021 to 31 March 2022. There were 65 responses to the consultation, seven of which related to Hawick. The majority of comments approved the draft register, however, substantive comments and officers' responses were set out in Appendix 1 of the report. The proposed final register was presented in Appendix 2 of the report. The Principal Solicitor summarised the report and answered Members' questions, and explained that consultation responses were likely to have been brief as the Hawick Common Good asset register had been well developed over time. Requests received for additions to the register related to Common Riding flags which the Principal Solicitor advised that the flags may be appropriate to add to the register however these may have to be considered on an individual basis and it may not be appropriate to add items to the register that were not in the control of Scottish Borders Council. The asset register would be considered an open register where items may be added when further information arises about the provenance or responsibility of assets, or whether assets are recommended to be disposed.

## **DECISION**

- (a) NOTED the consultation responses and officers' comments thereon, as set out in Appendix 1 to the report;**
- (b) AGREED**
  - (i) to approve the contents of the final list of heritable and moveable property assets held by the Council within the former Burgh of Hawick, as set out in Appendix 2 to the report; and,**

- (ii) **to recommend to Council the said final asset list for publication as a completed Common Good Register for Hawick.**

**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 an early decision or to keep Members informed.

2. **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.**

3. **PILMUIR FARM COTTAGE**

Members considered an update from Property Officer and Estates Strategy Manager on Pilmuir Farm Cottage.

*The meeting concluded at 9.24 am.*



## Common Good Fund: Application Form for 2021/22\*

\*Please note this is a fund of last resort – you will need to demonstrate to the Common Good Fund Committee that you have tried to secure funding from other sources.

<b>Applicant Group/Organisation:</b>	BURNFOOT COMMUNITY COUNCIL
<b>Name of your project:</b>	WILTON CEMETERY MEMORIAL GARDEN
<b>The name of the Common Good Fund that you are applying to:</b>	HAWICK

### What does your organisation do and who does it support? If appropriate. (max. 100 words)

Tell us what your group does, the activities it undertakes and in what way it benefits the community.

We are a voluntary organisation comprising 12 members and we undertake projects within the Burnfoot area of Hawick. This area of Hawick is recognised as a specific area of deprivation and our major aim is to provide services within the community for the benefit of all residents. We hold regular events throughout the year such as Burnfoot Carnival, Santa's tour around Burnfoot on Christmas Eve and Cornet's night at the local school.

### Summarise what you want to use this funding for (max. 100 words)

(i.e. will it increase access, improve quality of life etc.)

The project involves the formation of a quiet peaceful remembrance garden within Wilton Cemetery with commemorative bricks laid along each side of the path in the garden. Benches and gently sloping mounds with wild flowers and shrubs will provide a sheltered environment for people to pay their respects.

### Summarise how the outcomes of the project will be measured/evaluated (max. 100 words)

This is a new project and the success of this is unidentifiable at this time however attendance in the garden will be monitored as the project and facility is operable. Letters of support have been provided by Hawick Councillors (these can be provided if required) and a recent survey which is being carried out on social media shows that 42% of those who have voted so far are in support of the Remembrance Garden.

### Tell us how your activity/project will make a difference to your organisation and how it will benefit the residents of the current/former Burgh (max. 200 words)

Tell us what activities you plan to carry out and how you will deliver it.

There is now a trend for cremations in the community as opposed to burials, particularly with the provision of the Borders Crematorium which was completed in 2012, hence why this project was suggested to provide people with a substitute remembrance as opposed to an actual grave. This project is not only for the residents of Burnfoot, but is also for the wider community of Hawick, who will all benefit from it. It will be the first remembrance garden to be built in Hawick and will bring the community of Burnfoot and Hawick together.

**Tell us how your project will be sustainable in the future (max. 100 words)**

This will provide the residents of Hawick with a place to go within the town to pay their respects and lay a commemorative brick to loved ones who have passed away. Our town is crying out for this type of facility and it will allow the residents of Hawick to stay within the town which will reduce the environmental impact on fuel and cars. This type of facility is not only sustainable but will grow with the ever increasing number of cremations which are being carried out.

**Expenditure: Please tell us how much money you need for the entire activity/project (you may be asked to provide up to 3 quotes to support your application)**

Item of Expenditure	Cost (£)
Supply and Lay Tarmac	3,576.00
Supply and Lay Seeds and Plants	1,000.00
<b>Total Expenditure</b>	<b>4,576.00</b>
<b>How much would you like from the Common Good Fund?</b>	<b>4,576.00</b>
<b>Please supply a copy of your signed &amp; dated Annual Accounts or Projected Financial Plan</b>	<b>Attached</b>

**Have you received funding in the last 5 years from Scottish Borders Council or any other external funders? If so, please detail the fund name, the amount and the purpose of the grant.**

Fund	Amount	Purpose
Community Fund Pot A	£7,566.50	Ground works for Memorial Garden
Community Fund Pot B	£5,000.00	Ground works for Memorial Garden

**Tell us about your own fundraising or how you have secured other funding for this project.**

	Amount	Purpose
National Lottery Fund	£9,364.80	Memorial Brick Edging and Benches x 2 (application submitted and awaiting outcome)
Fundraising Activities which include Disco, Bake Sale, Coffee Morning, Raffle	£1,082.40	Bench x 1 for the Memorial Garden
Community Fund Pot A & B	£12,566.50	Ground works for Memorial Garden
Donations received to date	£10,021.31	Ground works for Memorial Garden

Individual/Group/Organisation details:	
Contact Name:	Mandy McGuigan
Position in Group/Org: (if appropriate)	Treasurer
Home Address:	
Post Code:	
Telephone Number:	
Email Address:	
Date:	2 <sup>nd</sup> November 2022
Signature:	<i>Mandy McGuigan</i>

Equalities
Do you have an Equal Opportunities Policy or Equality Statement?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p><b>Explain how your project complies with the obligations contained in the Equality Act 2010</b></p> <p>Access to this area will be available to everyone and will treat people equally and in the same way and be diverse in all aspects of the differences between people including age, disability, gender, gender reassignment, marital status, race, poverty, religion, health, pregnancy, maternity or sexual orientation.</p>

Public Protection
Does your idea/project involve work with children, young people under the age of 18 or vulnerable adults?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes what public protection policies do you have in place and how often are these reviewed? Please provide a copy of these or give full details below.
Write here...

## Permissions

Does your project involve work to a building or land? Yes  No

If yes do you have the following? (please tick relevant)

A lease agreement (Date of lease \_\_\_\_\_ and duration \_\_\_\_\_ years)

Written permission of owner

Planning permission (Reference No. \_\_\_\_\_ )

## Common Good Funds

Common Good Funds in Scotland originated in the 15th century and are the assets and income of some of the current/former Burghs. They can represent a substantial portfolio of land, property, some moveable items and investments and by law continue to exist for the benefit of the inhabitants of the former Burghs to which they relate. Scottish Borders Council is the owner of these Funds and each Fund has a sub-committee comprising the relevant local Councillors who make the decisions on the management of the Fund's assets and approval of any requests for funding (up to a limit of £20,000 above which full Council approval is required).

If you are successful in being awarded Common Good Funds, you will be asked to complete a monitoring & evaluation form when your project is complete or within 1 year of receiving funding. Future applications will not be considered until this has been received and the Common Good Fund Sub-Committee are satisfied with the evaluation you have provided.

This completed form and supporting documents should be submitted to William Mohieddeen, Democratic Services Officer, Scottish Borders Council, Council Headquarters, Newtown St Boswells, TD6 0SA; Email: [william.mohieddeen@scotborders.gov.uk](mailto:william.mohieddeen@scotborders.gov.uk); Telephone: 01835 826504

**BURNFOOT COMMUNITY COUNCIL**  
**Receipts & Payments Accounts**  
**For the period ending 31st March 2022**

	General Funds	Designated Funds	Total 2022	Total 2021
<b>Receipts</b>				
<b>Grants</b>				
Scottish Borders Council	990.00	0.00	990.00	1,980
Carnival	0.00	0.00	0.00	2,750
Garden of Remembrance	0.00	0.00	0.00	0
<b>Other Activity</b>				
COVID grant	0.00	0.00	0.00	2,000
<b>Fund Raising</b>				
Carnival	0.00	150.00	150.00	0
Garden of Remembrance	0.00	0.00	0.00	0
Santa Night	23.40	0.00	23.40	0
	<u>1,013.40</u>	<u>150.00</u>	<u>1,163.40</u>	<u>6730</u>
<b>Payments</b>				
<b>Fundraising Expenses</b>				
Carnival Expenses	0.00	0.00	0.00	0
Santa Night	241.29	0.00	241.29	0
Garden of Remembrance	0.00	28.80	28.80	0
Lotteries/Entertainment Licence	0.00	0.00	0.00	20
COVID Grant	0.00	0.00	0.00	2,203
Hi Teas	774.00	0.00	774.00	0
<b>Repairs &amp; Costs</b>				
Other Costs	0.00	0.00	0.00	15
<b>Administration Costs</b>				
Photocopying	30.00	0.00	30.00	0
Wreaths	128.00	0.00	128.00	100
Stationery	0.00	0.00	0.00	37
Other Costs	20.00	0.00	20.00	50
Room Hire	80.00	0.00	80.00	0
<b>Committee Costs</b>				
Secretaries Expenses	34.27	0.00	34.27	0
Treasurers Expenses	0.00	0.00	0.00	0
Association of Community Councils	0.00	0.00	0.00	0
Independent Examination of Accounts	50.00	0.00	50.00	50
	<u>1,357.56</u>	<u>28.80</u>	<u>1,386.36</u>	<u>2475</u>
<b>Surplus/(Deficit)</b>	<u>-344.16</u>	<u>121.20</u>	<u>-222.96</u>	<u>4,255</u>

Statement of Balances 31st March 2022	General Funds	Designated Funds Garden of Remembrance	Carnival	Total 2022	Total 2021
Opening Balances	2,816.83	9,050.11	8,800.52	20,667.46	16,412.49
Surplus/(Deficit)	-344.16	-28.80	150.00	-222.96	4,255
Transfer between Funds	-1,000.00	1,000.00			
<b>Closing Balance 31st March 22</b>	<u>1,472.67</u>	<u>10,021.31</u>	<u>8,950.52</u>	<u>20,444.50</u>	<u>20,667</u>

The a forgoing statement has been made up of information received from the treasurer and chairperson for the Burnfoot Community Council. An audit has not been carried out, no assumptions have been made by myself as to the expenditure or allocation of the same.



## Common Good Fund: Application Form for 2021/22\*

\*Please note this is a fund of last resort – you will need to demonstrate to the Common Good Fund Committee that you have tried to secure funding from other sources.

<b>Applicant Group/Organisation:</b>	Silverbuthall Community Development Trust
<b>Name of your project:</b>	Teviot Orchard
<b>The name of the Common Good Fund that you are applying to:</b>	Hawick

**What does your organisation do and who does it support? If appropriate. (max. 100 words)**

The Trust has been founded by local people to pursue projects which promote sustainability, the environment and community wellbeing. Our objects are described in our articles of Association. The community of Silverbuthall is defined by a group of postcode areas to the west of Dovemount Place and Wilton Hill.

*The Company's main Purpose is consistent with furthering the achievement of sustainable development. The Company's Purposes are:*

*To provide or advance the accessibility of recreational facilities, and/or organising recreational activities, which will be available to members of the Community and public at large with the object of improving the conditions of life of the Community.*

*Advancement of citizenship or Community development, including rural or urban regeneration.*

*To advance educational opportunities in the Community relating to environment, culture, heritage and/or history.*

*To advance environmental protection or improvement including preservation, sustainable development and conservation of the natural environment, the maintenance, improvement or provision of environmental amenities for the Community and/or the preservation of buildings or sites of architectural, historic or other importance to the Community.*

**Summarise what you want to use this funding for (max. 100 words)**

For two years Silverbuthall Trust working with A Greener Hawick, has been researching the ownership and routes to acquiring the former Wilton South and St Margaret's Church site which lies between Commercial Road and Laing Terrace. We will shortly be applying to the Scottish Land Fund for finance to take forward our plans for this site but as a community organisation we need to seek the views of the community on the proposals. Broadly, these are to provide a managed community space with leased parking to ensure long term sustainability. Chargepoints supported by solar power, a heat network, Wheelie-bin store and e-bike loan/hire scheme are also proposed.

**Summarise how the outcomes of the project will be measured/evaluated (max. 100 words)**

Some outcomes are intangible – improvement to the front wall and visibility of an active community space enhancing the attitude to the town of travellers along the A7; a more acceptable environment for residents in Laing Terrace and Station Buildings for example.

Others are longer term and measurable. The sensitive (this is a conservation area) installation of PV panels could be extended to directly benefit surrounding households; a ground-/water-source powered heat network will assist with decarbonisation of local households—measured by the take-up of energy conservation grants and connections to the network; the number of e-bike loans and hires from the associated project; reduction in costs to the Local Authority of weed control; removal of wheelie bins from the A7 pavement. All of these results will be required to be measured as conditions of the grant funding which is currently under discussion with a number of national funders.

**Tell us how your activity/project will make a difference to your organisation and how it will benefit the residents of the current/former Burgh** (max. 200 words)

The former church site has been a blot on the Commercial Road landscaper for thirty years or more, since the closure of the church. It has cost the public purse upward of a quarter of a million pounds in more ways than one. Refurbished and brought back into use for the community it will:

- **generate enough income to maintain and improve it for many years to come**
- **provide much needed off-road parking**
- **facilitate the move to electric vehicles**
- **provide a bin store off Commercial Road**
- **create a welcome off-street space for community interaction**
- **interpret the former use of the site through multimedia channels**
- **enable the development of a green heat network**
- **grow in containers food plants that may be grown at home**

These uses are not an exhaustive list because the community will decide how it wishes its property to be used into the future.

**Tell us how your project will be sustainable in the future** (max. 100 words)

The very simple phase 1 of the project will generate income from leased parking spaces, which will be more than adequate to maintain the community space. Each further element will be measured for sustainability in its own right but the initial proposition will not be at risk from any extension.

---

It should be explained that this initial consultation is essential to unlock the Phase One funding from Scottish Land Fund. The funding to undertake further, detailed consultation and the necessary ballot which will precede an application for a ministerial order under the Land Reform Act have been secured. Specific amounts for acquisition and development costs will be determined by the feasibility study but have all been the subject of discussion with the named organisations whose criteria we meet for the funding required.

**Expenditure: Please tell us how much money you need for the entire activity/project (you may be asked to provide up to 3 quotes to support your application)**



<b>Item of Expenditure</b>	<b>Cost (£)</b>
<b>Village Poll</b>	5820
Village Poll (Managed Servers and Hosting)	720
Poll Design and Incidental Administration (Telephone, Postage etc)	460
<b>Total Expenditure</b>	7000
<b>How much would you like from the Common Good Fund?</b>	7000
<b>Please supply a copy of your signed &amp; dated Annual Accounts or Projected Financial Plan</b>	Plan attached.

<b>Have you received funding in the last 5 years from Scottish Borders Council or any other external funders? If so, please detail the fund name, the amount and the purpose of the grant.</b>		
<b>Fund</b>	<b>Amount</b>	<b>Purpose</b>
NO		

<b>Tell us about your own fundraising or how you have secured other funding for this project.</b>		
	<b>Amount</b>	<b>Purpose</b>
Scottish Land Fund	c£20 000	Feasibility Study and business plan
Scottish Government	c£3 000	Green Shoots Fund via A Greener Hawick
Ballot	£4000	Green Shoots Fund via A Greener Hawick
National Lottery, Vallencia and Fallago Landfill Funds	To be determined	Development costs
LES—CARES	To be determined	Energy developments
EST	c£ 25 000	e-bike acquisition
Paths for All	<£50,000	Staffing costs for e-bike management and further research.

Individual/Group/Organisation details:	
Contact Name:	Andy Maybury
Position in Group/Org: (if appropriate)	Director
Home Address:	
Post Code:	
Telephone Number:	
Email Address:	
Date:	4 November 2022
Signature:	

Equalities
Do you have an Equal Opportunities Policy or Equality Statement?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p><b>Explain how your project complies with the obligations contained in the Equality Act 2010</b></p> <p>The project does not discriminate against any protected section of the community. Indeed, as a community space it will be available to all.</p>

Public Protection
Does your idea/project involve work with children, young people under the age of 18 or vulnerable adults?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes what public protection policies do you have in place and how often are these reviewed? Please provide a copy of these or give full details below.

## Permissions

Does your project involve work to a building or land? Yes  No

If yes do you have the following? (please tick relevant)

- A lease agreement (Date of lease \_\_\_\_\_ and duration \_\_\_\_\_ years)
- Written permission of owner
- Planning permission (Reference No. \_\_\_\_\_ )

## Common Good Funds

Common Good Funds in Scotland originated in the 15th century and are the assets and income of some of the current/former Burghs. They can represent a substantial portfolio of land, property, some moveable items and investments and by law continue to exist for the benefit of the inhabitants of the former Burghs to which they relate. Scottish Borders Council is the owner of these Funds and each Fund has a sub-committee comprising the relevant local Councillors who make the decisions on the management of the Fund's assets and approval of any requests for funding (up to a limit of £20,000 above which full Council approval is required).

If you are successful in being awarded Common Good Funds, you will be asked to complete a monitoring & evaluation form when your project is complete or within 1 year of receiving funding. Future applications will not be considered until this has been received and the Common Good Fund Sub-Committee are satisfied with the evaluation you have provided.

This completed form and supporting documents should be submitted to William Mohieddeen, Democratic Services Officer, Scottish Borders Council, Council Headquarters, Newtown St Boswells, TD6 0SA; Email: [william.mohieddeen@scotborders.gov.uk](mailto:william.mohieddeen@scotborders.gov.uk); Telephone: 01835 826504

This page is intentionally left blank

# SILVERBUTHALL FINANCIAL PLAN

Silverbuthall Community Development Trust Limited has been set up as a company limited by guarantee to enable the residents of Silverbuthall to undertake projects for the benefit of their neighbourhood and the wider community. Founded by three local residents which now has a board of five and a rising membership of over twenty local residents. The initial setup was supported and funded by A Greener Hawick. Since our foundation in 2021 we have worked with A Greener Hawick to develop a plan to acquire the former Wilton South and St Margaret's Church site for the community. This plan is a substitute for accounts as we are in our first year of operation.

The acquisition plan has advanced to the point where we have all the necessary legal and legislative issues in hand which will enable an application to Scottish Ministers for a compulsory purchase order for the site. This has involved extensive overseas research, the negotiation of legal reports and academic opinions and a search for the present owner. All concluded successfully.

Bids have been obtained from several local architects for the preparation of plans and applications for planning consent, specialist reports and a financial plan. Additional specialist and technical support has been provided by Local Energy Scotland, Development Trusts Association Scotland Community Land Scotland and other national organisations. A Greener Hawick obtained funding on our behalf and in-kind professional help valued at around £15,000 to enable this progress.

Our next step and the first to be taken independently by Silverbuthall Community Development Trust will be to apply for Stage One funding from Scottish Land Fund which has been under discussion with that organisation during the whole period of the project. This is to enable an in-depth feasibility study to be produced which is necessary to prove the sustainability of the project. That application, supported by South of Scotland Enterprise, is in preparation.

We also require a professional valuation of the site and a community consultation to submit with the application. The former will be funded from the grants already obtained by A Greener Hawick for the purpose (£2000). Further funding already obtained will also support the professionally managed independent ballot required for the application to Scottish Ministers (£4000).

Completion of the feasibility stage will enable applications for acquisition and development funding to be made to several large funders, including National Lottery, Valencia Fund and Fallago Fund with whom discussions are at an advanced stage. Indicative levels of funding will enable the ballot to proceed and an offer to acquire the property to be made which if unsuccessful for any reason will trigger the application to Scottish Ministers.

The missing element is community consultation, an essential step without which the project cannot proceed. While researching the best way to conduct this A Greener Hawick found a tried and tested Scottish Borders system entitled Village Poll. The initial set up costs include a three year licence to use the system and three polls, of which this will be the first, which will enable Silverbuthall Trust and A Greener Hawick as our partner to identify the projects in Hawick which can be taken forward as a basis for Community Wealth Creation. A Greener Hawick is partnering us on this to enable the later polls to cover the whole town and will be an essential tool and part of the Partners contribution to the creation of a successful Place Plan for Hawick.



A GREENER HAWICK

# VILLAGE POLL PROPOSAL

7 Nov 2022  
Gardner Puzelli Media Ltd

V1.0

## FUNCTIONALITY

### CORE

#### Coding Standards:

Gardner Puzelli Media Ltd. (the Supplier) produce standard compliant, performant and maintainable code for every project.

We use a mix of proprietary and open-source web technologies always paying attention to use the “best tools for the job” in order to create websites that are fast, reliable and accessible across a variety of devices and platforms.

We insist on building ‘mobile-up’, not ‘desktop-down’.

#### We Support :

Latest 2 versions of any browser (desktop and mobile) with more than 2% market share at release time

### FUNCTIONALITY: What can the USER do?

#### Register Online:

- Register securely online
- Forgot password request

#### Edit Profile:

- Personal profile and preferences
- Change password

#### View map:

- View Hotspots & details on list
- View Hotspots & details via map

#### Vote:

- Vote from suggestions assigned to each Hotspots. Colour-coded voting ‘flags’ based on voting category.
- Prioritize votes via scale of 1-5
- View users own Hotspots

#### Comment:

- Leave a comment against a Hotspot and view all users comments

#### Contact:

- Contact admin for general enquiries



**FUNCTIONALITY: What can the ADMINISTRATORS do?****View & Action Notifications:**

- Alert system for all reported comments. Delete comments / block user.

**Create/Edit Hotspots:**

- Create new Hotspot by selecting geo-locale point on map.
- Create Hotspot name & description, upload image or video.
- Edit existing Hotspots with same on-screen controls. The location of Hotspots with either existing votes or comments cannot be edited.
- Unpublish Hotspot, removing from map and listings.

**View Hotspot 'Vote' Data:**

- Open overlay to view total votes per Hotspot by voting suggestions
- Filters to show gender / age group
- .xls or .csv download

**Central User List:**

- Repository listing all users, showing status and any alerts against user
- Open Search Users tool.
- Filter users by all fields (Surname / Name / Gender)
- Edit user details. Change user status to block access to map.

## Development costs

	TOTAL COSTS
<b>1) Environment development, including:</b> <b>Consultation, Planning &amp; Set-up</b> <ul style="list-style-type: none"> <li>• Consultation: up to 4hrs online strategy meetings x 3 polls</li> <li>• Planning: up to 4hrs online meetings to review Hotspot choices &amp; voting suggestions x 3 polls</li> <li>• 1st poll set-up: up to 50 Hotspots created &amp; populated</li> <li>• 2nd poll set-up: up to 50 Hotspots created &amp; populated</li> <li>• 3rd poll set-up: up to 50 Hotspots created &amp; populated</li> </ul> <b>Pre-launch Marketing (Prior to each of 3 polls)</b> <ul style="list-style-type: none"> <li>• Content messaging for multi-channel campaigns</li> <li>• A5 leaflet, A2/A3 poster design</li> <li>• Facebook banner &amp; photo-post graphic design</li> </ul> <b>Live Marketing (During live periods of first 3 polls)</b> <ul style="list-style-type: none"> <li>• Weekly e-newsletter blast to registered users</li> <li>• Weekly Facebook photo-post graphics</li> </ul>	<b>£5,880 GBP</b>

Server costs

	TOTAL COSTS
<b>Managed Servers&amp; Hosting (p/a)</b> 1 x 2GB RAM, 40GB storage http server	<b>£720 GBP</b>

Early Adopters Licensing Incentive

Early Adopters will hold a broadcast license to operate all software products developed to deliver the project at **no charge other than annual server costs for the period of two years**. From year three onwards, licensing costs would be £1800 per year.

Non-essential maintenance and Hotspot population/marketing of further polls **are not included** in the license and would come under tiered Support Packages if further consultation/Hotspot population/admin or marketing support were required. (Ref. [Support Packages](#))

Servers may require upscaling, **accruing additional cost**, if traffic load exceeds predicted volumes resulting in excessive unacceptable load times. Each server upgrade would **double quoted server costs**, however the Supplier would only realistically foresee one potential future upgrade based on catchment population and maximum potential traffic.

## PACKAGES & COSTS PER NEW POLL DURING LICENSE PERIOD

### Additional Polls Package Costs

	BASE	STANDARD	PREMIUM	ENTERPRISE
<b>• POLL SET-UP AND POPULATION</b>				
New poll set up configuration	YES	YES	YES	YES
Hotspot creation & population	No	Up to 30	Up to 50	Up to 75
<b>• CONSULTATION</b>				
Consultation	1 hr	2 hrs	2 x 2hrs	2 x 2hrs
Customer Support Availability during live Poll	1 day p/w 12pm-5pm	1 day p/w 12pm-5pm	2 day p/w 9am-5pm	3 day p/w 9am-5pm
<b>• MARKETING</b>				
Pre-poll: Facebook banner & photo post graphic	No	No	YES	YES
Pre-poll: print design (A5 double-side Flyers / A3 Posters)	No	No	YES	YES
During poll: weekly Facebook photo-post graphics ( 1 month max duration)	No	No	YES	YES
During poll: mass mail campaign	No	No	No	YES
Post poll: Facebook photo-post graphics	No	No	YES	YES
Post poll: mass mail campaign	No	No	No	YES
<b>ADDITIONAL POLL COST</b>	<b>£252</b>	<b>£504</b>	<b>£672</b>	<b>£840</b>

This page is intentionally left blank

THE COMPANIES ACT 2006

*Company limited by guarantee  
and not having a share capital*

**ARTICLES of ASSOCIATION**

**of**

**Silverbuthall Community  
Development Trust Ltd**

THE COMPANIES ACT 2006

Company limited by guarantee and not having a share capital

**ARTICLES of ASSOCIATION**

of

**Siverbuthall Community Development Trust Ltd**

	<b>NAME</b>
1	The name of the company is "Silverbuthall Community Development Trust Ltd" (" <b>the Company</b> ").
	<b>REGISTERED OFFICE</b>
2	The Registered Office of the Company is situated in Scotland.
	<p>In these Articles of Association, the following definitions apply throughout:</p> <p><b>"Act"</b> means the Companies Act 2006 and every statutory modification and re-enactment thereof for the time being in force.</p> <p><b>"AGM"</b> means an Annual General Meeting.</p> <p><b>"Article(s)"</b> means any Article or these Articles of Association.</p> <p><b>"Board"</b> means the Board of Directors.</p> <p><b>"Charity"</b> means a body entered in the Scottish Charity Register as defined under section 106 of the Charities and Trustee Investment (Scotland) Act 2005.</p> <p><b>"Circulation Date"</b> means the date on which copies of the written resolution are sent to the Ordinary Members, as defined in Article 8.1</p> <p><b>"Clear Days"</b> means a period excluding the day when notice is given and the day of the meeting.</p> <p><b>"Community"</b> means the community area described in Article 4.</p> <p><b>"Company"</b> means the company to which these Articles relate.</p> <p><b>"Director(s)"</b> means the director(s) for the time being of the Company.</p> <p><b>"GM"</b> means a General Meeting. All General Meetings, other than AGMs, shall be called General Meetings. <b>"Individual"</b> means a human/person.</p> <p><b>"Land Reform Act 2003"</b> means the Land Reform (Scotland) Act 2003 and every statutory modification or re-enactment thereof for the time being in force.</p> <p><b>"Land Reform Act 2016"</b> means the Land Reform (Scotland) Act 2016 and every statutory modification or re-enactment thereof for the time being in force.</p> <p><b>"Members"</b> mean those individuals or organisations who have joined the company.</p> <p><b>"Organisation"</b> means any incorporated or unincorporated association, society, federation, partnership, corporate body, agency, undertaking, local authority, union, co-operative, trust or other organisation (not being an individual person).</p> <p><b>"OSCR"</b> means the Office of the Scottish Charity Regulator.</p> <p><b>"Property"</b> means any property, assets or rights, heritable or moveable, wherever situated in the world, belonging to the Company.</p> <p><b>"Subscribers"</b> means those Ordinary Members, as defined in Article 8.1, who have subscribed the Memorandum of Association.</p> <p><b>"Them", "Their" or "They"</b> means an individual or an organisation.</p> <p><b>"The 2005 Act"</b> means the Charities and Trustee Investment (Scotland) Act 2005 and every statutory modification or re-enactment thereof for the time being in force.</p> <p><b>"Written" or "in Writing"</b> shall, for the purposes of this constitution include electronic communication including email.</p>

3.1	Words importing the singular number only shall include the plural number, and <i>vice versa</i> ; and words importing the masculine gender only shall include the feminine gender.
3.2	These Articles supersede any model Articles and any regulations pertaining thereto. Subject as aforesaid, any words or expressions defined in the Act shall, if not inconsistent with the subject or context, bear the same meanings in the Articles.
3.3	The two schedules to these Articles are deemed to form an integral part of these Articles.
	<b>DEFINITION OF COMMUNITY AND PURPOSES</b>
4	The Company has been formed for the public benefit of the Community of Silverbuthall as defined by the postcode units listed in Schedule 3 (“ <b>the Community</b> ”), with the Purposes listed in the Sub-articles hereto (“ <b>the Purposes</b> ”), to be exercised following the principles of sustainable development (where sustainable development means development which meets the needs of the present without compromising the ability of future generations to meet their own needs).
	<b>PURPOSES</b>
4.1	The Company’s main Purpose is consistent with furthering the achievement of sustainable development. The Company’s Purposes are:
4.1.1	To provide or advance the accessibility of recreational facilities, and/or organising recreational activities, which will be available to members of the Community and public at large with the object of improving the conditions of life of the Community.
4.1.2	Advancement of citizenship or Community development, including rural or urban regeneration.
4.1.3	To advance educational opportunities in the Community relating to environment, culture, heritage and/or history.
4.1.4	To advance environmental protection or improvement including preservation, sustainable development and conservation of the natural environment, the maintenance, improvement or provision of environmental amenities for the Community and/or the preservation of buildings or sites of architectural, historic or other importance to the Community.
	<b>POWERS</b>
5	The Company shall have powers to do anything which is calculated to further its Purposes or is conducive or incidental to doing so, as expressed in <b>Schedule 1</b> annexed to these Articles.
	<b>GENERAL STRUCTURE OF THE COMPANY</b>
6	The structure of the Company comprises:
6.1	<b>Members</b> – comprising: a) Ordinary Members (who have the right to attend the AGM and any GM and have important powers under these Articles and the Act, who elect natural persons to serve as Directors and take decisions in relation to any changes to these Articles), and; b) Associate Members and Junior Members; and
6.2	<b>Directors</b> – comprising a) Elected Directors; b) Appointed Directors; and c) Co-Opted Directors  who hold regular meetings between each AGM, set the strategy and policy of the Company, generally control and supervise the activities of the Company and, in particular, are responsible for monitoring its financial position and, where there are no employees appointed, are responsible also for the day-to-day management of the Company.
	<b>MEMBERSHIP</b>

7	The Members shall consist of the Subscribers and such other Members as are admitted to membership in terms of these Articles.
8	Membership of the Company is open to:
8.1	<p><b>Ordinary Members:</b> those individuals aged 16 and over who:</p> <ul style="list-style-type: none"> <li>a) are resident in the Community;</li> <li>b) are entitled to vote at a local government election in a polling district that includes the Community or part of it; and</li> <li>c) support the Purposes.</li> </ul>
8.2	<p><b>Associate Members:</b> those individuals <u>and organisations</u> who:</p> <ul style="list-style-type: none"> <li>a) are not entitled to vote at a local government election in a polling district that includes the Community or part of it</li> <li>b) and support the Purposes.</li> </ul> <p>Associate Members are neither eligible to stand for election to the Board nor to vote at any AGM or GM.</p> <p>Each member which is an Organisation shall appoint one named authorised representative (who is an individual person) to represent and act for such member at all AGMs and GMs. Any change in the appointment of an authorised representative may be made at any time by the appointing member, but only by written notice to the Company. Such notice will take effect upon its receipt by the Company.</p>
8.3	<p><b>Junior Members:</b> those individuals who:</p> <ul style="list-style-type: none"> <li>a) are aged between 12 and 15 and</li> <li>b) support the Purposes.</li> </ul> <p>Junior Members are neither eligible to become Directors on the Board nor can they vote at any AGM or GM.</p>
8.4	Declaring that, if an Member ceases to comply with any of these criteria at Article <b>8.1, 8.2 and 8.3</b> they will be obliged to inform the Company and will thereafter be reclassified in terms of either Article <b>8.1, 8.2 or 8.3</b> and that if the Company becomes aware of this itself it will so reclassify the Member and notify them accordingly.
	<b>CONDITIONS OF MEMBERSHIP</b>
9	The following conditions apply to membership:
9.1	The Company shall have not fewer than 10 Members at any time;
9.2	at least three quarters of the Members of the Company are members of the Community; and
9.3	In the event that the number of Members falls below 10 or that at least three quarters of the Members do not consist of members of the Community, the Board may not conduct any business other than to ensure the admission of sufficient Ordinary Members to achieve the minimum number and/or maintain the majority.
10	Any individual or organisation who wishes to become a Member shall in such written form as the Board prescribes. submit a written application for membership (in the case of an incorporated organisation, the application must be submitted by an appropriate officer of that body).
10.1	The Board shall promptly consider applications for membership, from time to time, determining if the terms of <b>Article 8</b> apply and into which category of membership each applicant shall belong, and immediately thereafter shall approve any valid application provided the applicant is not excluded by virtue of <b>Article 9</b> or has previously been a Member of the Company and continues to be excluded from membership by virtue of <b>Article 15</b> , and inform the applicant of the Board's decision



11	The Board shall maintain a Register of Members, which shall be open for inspection by both the Board and Members and with the express prior written approval of the Director or employee concerned, by members of the public. The Register of Members shall set out the name and postal address of each Member, the relative category of membership and the date of the Member's appointment and cessation.
	<b>MEMBERSHIP SUBSCRIPTIONS</b>
12	The Ordinary Members may (if applicable) at any or each AGM, fix the annual subscriptions (and, if relevant, different rates thereof for different categories of membership) or may delegate the fixing of such subscriptions to the board of directors
13	Members shall be required to pay the appropriate annual membership subscription, where fixed. Only those Members who have paid their current subscription, where fixed, are entitled to take part in and vote at the AGM or any GM.
14	Any individual or organisation which ceases to be a Member (for whatever reason) shall not be entitled to any refund of membership subscription.
	<b>CESSATION OF MEMBERSHIP</b>
15	A Member shall cease to be a Member if:
15.1	They send written notice of resignation to the Company; or
15.2	being an individual, they become insolvent or apparently insolvent or makes any arrangement with his or her creditors;
15.3	being an organisation, it goes into receivership, goes into liquidation, dissolves or otherwise ceases to exist (the right of membership not being transmissible assignment);
15.4	the annual subscription due remains outstanding for more than six calendar months (and provided that the Member in question has been given at least one written reminder) and if the Board chooses to expel that Member from membership;
15.5	a resolution that a Member be expelled is passed by a majority of at least 75% of the Ordinary Members present (including proxy) and voting at a GM, of which not less than 21 days' previous notice specifying the intention to propose such resolution and the grounds on which it is proposed shall have been sent to all Directors, all Members and the Company Secretary and also to the Member whose removal is in question, such Member being entitled to be heard at that meeting prior to the resolution being put to a vote; or
15.6	being an individual, he or she dies (the right of membership not being transmissible).
15.7	they cease to meet the membership criteria set out in Article 8.
	<b>ANNUAL GENERAL MEETINGS (AGMs - MEETINGS OF MEMBERS)</b>
16	The Board shall convene an AGM in each year, at such time as it may determine, although the first AGM need not be held in the first year provided that it be held within 18 months after the date of incorporation of the Company. Thereafter, not more than 15 months shall elapse between one AGM and the holding of the next.
17	The business of each AGM shall include: <ul style="list-style-type: none"> <li>a) the report by the Chairman on the activities of the Company</li> <li>b) the election of Directors;</li> <li>c) fixing of annual subscriptions (if applicable);</li> <li>d) consideration of the accounts of the Company;</li> <li>e) the report of the auditor (if applicable); and</li> <li>f) the appointment of the auditor (if applicable).</li> </ul>
	<b>THE PROVISIONS WITH REGARD TO GENERAL MEETINGS (GMs - MEETINGS OF MEMBERS)</b>

18.	The following clauses apply with regard to GMs:
18.1	The Board may convene a GM whenever it thinks fit.
18.2	The Board must convene a GM within 28 days of a valid requisition. To be valid, such requisition must be signed by not less than 5% of the Ordinary Members, must state the general nature of business to be dealt with at the meeting and must be delivered to the Registered Office. The requisition may consist of several documents in like form each signed by one or more signees to the requisition.
19	Subject to the terms of Articles <b>71, 72 and 73</b> , the provisions regarding notice of a GM are as follows:
19.1	14 Clear days' notice at the least shall be given of every GM to each Member, Director, the Company Secretary and the auditor;
19.2	The notice shall specify the place, the day and the hour of the GM, the general nature of any business and the full text of any special resolutions proposed in terms of <b>Article 26</b> ;
19.3	The accidental omission to give notice of a General Meeting to, or the non-receipt of such notice by, any person entitled to receive notice thereof in terms of Article 19.1, shall not invalidate any resolution passed at or proceedings of any GM.
	<b>CHAIRMAN OF MEETINGS (AGMs and GMs)</b>
20	The Chairman of the Company, whom failing the Vice-Chairman of the Company (if any), shall act as Chairman of each AGM and GM. If neither the Chairman nor the Vice-Chairman is present or willing to act as Chairman of the meeting within 15 minutes after the time at which the AGM and GM in question was due to commence, the Directors present shall elect from among themselves one of the Elected Directors who will act as Chairman of that meeting.
	<b>QUORUM AT GENERAL MEETINGS (AGM &amp; GM)</b>
21	The quorum for a General Meeting shall be the greater of (a) 8 Ordinary Members or (b) 10% of the Ordinary Members, in either event being present in person or represented by proxy. No business shall be dealt with at any AGM or GM unless a quorum is present.
22	If a quorum is not present within 15 minutes after the time at which the AGM or GM was due to commence or if, during an AGM or GM, a quorum ceases to be present, the AGM or GM shall stand adjourned to such time, date and place as may be fixed by the Chairman of the meeting.
23	The Board may make any arrangements in advance of any AGM or GM to allow Members to fully participate in such AGM or GM so long as all those participating in the meeting can clearly comprehend each other; a Member participating by any such means other than in person shall be deemed to be present in person at the AGM or GM.
	<b>VOTING AT MEETINGS (AGM and GM)</b>
24	The Chairman of the meeting shall endeavour to achieve consensus wherever possible but, if necessary, questions arising shall be decided by being put to the vote.
25	The provisions regarding voting are as follows:
25.1	<ul style="list-style-type: none"> <li>a) each Ordinary Member shall have one vote, to be exercised in person or by proxy, by a show of hands;</li> <li>b) unless a secret ballot is demanded by the Chairman of the meeting, or by at least two Ordinary Members present or represented by proxy and entitled to vote, in which case a secret ballot must be demanded only before any show of hands takes place and shall be taken immediately at the same meeting;</li> </ul>

	<p>c) this secret ballot shall be conducted in such a manner as the Chairman of the meeting may direct and the result of which shall be declared at the same meeting at which the ballot was demanded;</p> <p>d) in that event, the Chairman of the meeting shall appoint and instruct tellers, who may cast their own personal votes if Ordinary Members.</p>
25.2	Associate and Junior Members shall have no vote.
25.3	Whilst actual attendance by Ordinary Members is to be encouraged at AGMs and GMs, any Ordinary Member shall be entitled to complete one form of proxy to appoint a proxy to attend an AGM and GM on his or her behalf, in respect of which the following apply:
25.3.1	a proxy need not be a Member;
25.3.2	a proxy appointed to attend and vote at any meeting instead of an Ordinary Member shall have the same right as the Ordinary Member who appointed him or her to speak at the meeting and to vote thereat;
25.3.3	the form appointing the proxy shall be in terms of <b>Schedule 2</b> annexed to these Articles;
25.3.4	the form appointing a proxy and the power of attorney or other authority (if any) under which it is signed, or a certified copy thereof, shall be lodged at the Registered Office not less than 48 hours before the time of the meeting at which the proxy is to be used; and
25.3.5	no form of proxy shall be valid more than 12 months from the date it was granted.
25.4	In the event of an equal number of votes for and against any resolution, whether by show of hands or secret ballot, the Chairman of the meeting shall have a vote in his/her capacity as an Ordinary Member of the Company
26	<p>At any AGM or GM, a resolution put to the vote of the meeting shall be voted upon by a simple majority of the Ordinary Members who are present or represented by proxy and voting thereon, except for decisions relating to all special resolutions including but not limited to:</p> <p>a) to alter the name of the Company;</p> <p>b) to amend the Purposes;</p> <p>c) to amend these Articles (subject to <b>Article 75</b>)</p> <p>d) to wind up of the Company in terms of Articles <b>76.1 to 76.4</b>; or</p> <p>e) all other special resolutions.</p> <p>Special resolutions shall require to be decided upon by not less than 75% of the Ordinary Members present and voting thereon (no account therefore being taken of Members who abstain from voting or who are absent from the meeting).</p>
27	Ordinary and special resolutions may be passed in writing, rather than at an AGM or GM, provided that the terms of this Article are followed:
27.1	An ordinary resolution in writing signed by or on behalf of a simple majority of all the Ordinary Members shall be as valid and effective as if the same had been passed at an AGM or GM duly convened and held, provided that the terms of this Article are followed.
27.2	A special resolution in writing signed by or on behalf of not less than 75% of all the Ordinary Members shall be as valid and effective as if the same had been passed at an AGM or GM duly convened and held, provided that it states that it is a special resolution and the terms of this Article are followed.
27.3	Written resolutions may not be used either for the removal of a Director prior to the expiration of his or her term of office, or for the removal of an independent financial examiner or auditor prior to the expiration of his or her term of office.
27.4	Any written resolution must be issued in hard copy (by hand or by post) or in electronic form (by fax or e-mail), or by means of a website at the same time, to all Ordinary Members on the Circulation Date
27.5	Where such a written resolution is proposed by Ordinary Members, the following shall apply: (a) the resolution must be requested by not less than 5% of the Ordinary Members (“the Members request”);

	<p>(b) the Members' request may be made in hard copy (by hand or by post) or in electronic form (by fax or by e-mail);</p> <p>(c) the Members' request must identify the resolution to be put to Members and the Board can reject such resolutions, but must provide reasons for doing so to the Members requesting the resolution;</p> <p>(d) the Members' request can include an accompanying statement (not exceeding 1,000 words) which they can require the Company to issue with the written resolution to all Ordinary Members;</p> <p>(e) within 21 days, the Company must circulate the resolution and any accompanying statement, along with the express statements referred to in <b>Article 27.6</b> hereof; and</p> <p>(f) the expenses of the company in complying with the request to circulate the written resolution <u>must</u> be paid by the members who requested the circulation of the resolution unless the company resolves otherwise</p>
27.6	<p>Where such a written resolution is circulated by the Board, on the request of the Members, it must include the following express statements:</p> <p>(a) an explanation to the eligible Members how to signify their agreement to the resolution;</p> <p>(b) how it can be sent back by them, and whether in hard copy (by hand or by post) and/or in electronic form (by fax or by e-mail);</p> <p>(c) clarification that a failure to reply will be deemed to be a vote against the resolution in question; and</p> <p>(d) the date by which the resolution must be passed if it is not to lapse (that is, the date which is 28 days after the Circulation Date).</p>
27.7	Any such written resolution may consist of several documents in the same form, each signed by or on behalf of one or more Ordinary Members.
27.8	Once an Ordinary Member has signed and returned a written resolution in agreement thereto, his or her agreement is irrevocable.
	<b>MEETING ADJOURNMENT (AGM and GM)</b>
28	The Chairman of the AGM or GM may, with the consent of a majority of the Ordinary Members present (or by proxy) and voting thereat, adjourn the meeting to such time, date and place as he or she may determine.
	<b>COMPANY MANAGEMENT</b>
29	The affairs, Property and funds of the Company shall be directed and managed by the Board. The Board may exercise all such powers of the Company, and may on behalf of the Company do all acts as may be exercised and done by the Company, other than those required to be exercised or done by the Ordinary Members in an AGM or GM, and subject always to these Articles and to the provisions of the Act.
	<b>APPOINTMENT OF DIRECTORS</b>
30	The number of Directors shall be not less than three. Unless otherwise determined by special resolution at a General Meeting (but not retrospectively) the number of Directors shall not be more than nine.
	<b>Interim Board</b>
31	Upon incorporation of the Company, the following applies with regard to the Interim Board:
31.1	The Subscribers and any one or more individual persons whom they choose to co-opt as Co-opted Directors in terms of <b>Article 36</b> , shall comprise the Interim Board (a majority of Directors on the Interim Board must be Ordinary Members).
31.2	The Interim Board shall remain in office until the first GM of the Company, to be held as soon as practicable after incorporation, at which time each Director on the Interim Board shall retire, but any Subscriber who is a Director on the Interim Board shall, if he/she wishes, remain

	eligible for election thereat (without the period of office between the date of incorporation and the first GM counting as a term of office for the purposes of <b>Article 34.4</b> ).
32	Employees of the Company may not be nominated as or become Directors.
	<b>Composition of the Board</b>
33	From and after the first GM of the Company, the Board shall comprise the following persons (a majority of whom shall always be Elected Directors), namely:
33.1	up to five individual persons elected as Directors by the Ordinary Members in terms of <b>Article 34</b> (“the Elected Directors”), who must themselves be Ordinary Members;
33.2	up to <u>two</u> individual persons appointed by A Greener Hawick in terms of <b>Article 35</b> (“the Appointed Directors”); and
33.3	up to two individual persons co-opted in terms of <b>Article 36</b> (“the Co-opted Directors”), so as to ensure a spread of skills and experience within the Board;
33.4	who shall meet as often as necessary to despatch all business of the Company as specified in the Articles and particularly with reference to the restrictions in the quorum for Board meetings specified in <b>Articles 45 and 46</b> .
	<b>Elected Directors</b>
34	At the first GM held in terms of Articles <b>31.2 and 33</b> , the Ordinary Members shall elect up to five Elected Directors, in respect of which the following shall apply:
34.1	provided that the first GM in terms of <b>Article 31.2</b> is held before the first AGM, there shall be no change in or election of Directors at the first AGM (except to the extent of filling any vacancies in the Board left over after the first GM or caused by any retirements since);
34.2	at the second and each subsequent AGM, one-third of the Elected Directors (or the nearest number upwards) shall retire from office;
34.3	a retiring Elected Director shall retain office until the close or adjournment of the meeting;
34.4	a retiring Director shall be eligible for re-election after one term of office, but no Director can serve more than two consecutive terms of office, without at least one year out of office before being eligible again;
34.5	if no other Director(s) has or have decided or agreed to retire, the Elected Directors to retire at each AGM shall be those who have been longest in office since their last election but, as between persons who were elected or last re-elected Directors on the same day, the one or ones to retire shall (unless they otherwise agree amongst themselves) be determined by lot;
34.6	nomination of any Elected Director, who shall himself or herself be (or be eligible to become) an Ordinary Member, shall be in writing by not less than any two Ordinary Members delivered to the Registered Office not less than 7 days prior to the date of the AGM in question and wherein the nominee shall confirm his or her willingness to act as an Elected Director if elected; and
34.7	election of any Elected Director shall be by vote of the Ordinary Members, each Ordinary Member having one vote for each vacancy in the Elected Directors on the Board.
	<b>Appointed Directors</b>
35	Subject to <b>Article 33.2</b> , up to two individuals may be appointed by A Greener Hawick, 5 West Stewart Place TD9 8BH, or its successors, in respect of which the following shall apply:
35.1	On receipt of the notice for each AGM of the Company, including the first General Meeting held after incorporation, the said A Greener Hawick (or its successors) shall intimate the Director(s) being appointed by it at the AGM, by written notice delivered to the Registered Office not less than 2 days before the start of the meeting, failing which any Director(s) previously appointed by it shall remain in office; and

35.2	A Greener Hawick (or its successors) may appoint or remove its appointed Director(s) at any time, by written notice to that effect delivered to the Registered Office not less than 2 days before the change is to take effect.
	<b>Co-opted Directors</b>
36	Subject to <b>Article 33.3</b> , up to two individuals may be co-opted from time to time by the Board itself, as follows:
36.1	subject to <b>Article 36.3</b> , a Co-opted Director shall serve until the next AGM after his or her co-option;
36.2	a Co-opted Director can be re-co-opted at such next AGM;
36.3	a Co-opted Director can be removed from office at any time by a simple majority of the Board; and
36.4	for the avoidance of doubt, a Co-opted Director may participate fully in and vote at all Board meetings which he or she attends.
	<b>VACANCY</b>
37	The Board may from time to time fill any casual vacancy arising as a result of the retiral (or deemed retiral for any reason) of any Elected Director from or after the date of such retiral or deemed retiral until the next AGM.
37.1	Annually after each AGM, the Board will co-opt a Co-opted Director from the Ordinary Members, who is aged between 16 and 25 years, with the specific role of representing the interests of young people in the Community.
	<b>REGISTER OF DIRECTORS</b>
38	The Board shall ensure that a Register of Directors is maintained which shall be open for inspection by both the Board and Members and, with the express prior written approval of the Director or employee concerned, by members of the public, which sets out the full details of each Director as required for all registration purposes under the Act, including the date and type of appointment and the date of retiral
	<b>RETIRAL OF DIRECTORS</b>
39	A Director shall retire or be deemed to retire if:
39.1	being an Elected Director, he or she ceases to be an Ordinary Member in terms of either <b>Articles 8.1 or 15</b> ;
39.2	he or she becomes prohibited from being either (i) a charity trustee by virtue of section 69(2) of the 2005 Act or (ii) a director of a limited company by reason of any rule of law, including any order made under the Company Directors Disqualification Act 1986, and every statutory modification and re-enactment thereof for the time being in force; or
39.3	in terms of section 66(5) of the 2005 Act, he or she is considered by the Board to have been in serious or persistent breach of either or both of the duties listed in sections 66(1) and 66(2) of the 2005 Act; or
39.4	he or she is employed by or holds any office of profit under the Company (except where the provisions of <b>Article 41.4.2</b> apply); or
39.5	he or she becomes incapable for medical reasons of fulfilling the duties of a Director and such incapacity, as certified (if necessary) by two medical practitioners, is expected to continue for a period of more than six months from the date or later date of such certification; or
39.6	he or she is absent (without good reason, in the opinion of the Board) from more than three consecutive meetings of the Board, and the Board resolves to remove him or her from office; or
39.7	by written notice to the Registered Office, he or she resigns as a Director.
	<b>CHAIRMAN AND VICE-CHAIRMAN</b>

40	The Board shall meet as soon as practicable immediately after each AGM (or after a resignation of the Chairman or Vice-Chairman) to appoint a Chairman, and if desired a Vice-Chairman, from the Elected Directors (both of whom must be Ordinary Members).
	<b>CONSTRAINTS ON PAYMENTS/BENEFITS TO MEMBERS AND DIRECTORS</b>
41.1	The income and property of the Company shall be applied solely towards promoting the Purposes and do not belong to the Members. Any surplus income or assets of the Company are to be applied for the benefit of the Community.
41.2	No part of the income or property of the Company shall be paid or transferred (directly or indirectly) to the Members of the Company, or to any other individual, whether by way of dividend, bonus or otherwise, except in the circumstances provided for in <b>Article 41.4</b> .
41.3	No Director shall be appointed as a paid employee of the Company.
41.4	No benefit (whether in money or in kind) shall be given by the Company to any Member or Director except the possibility of:
41.4.1	repayment of out-of-pocket expenses to Directors (subject to prior agreement by the Board); or
41.4.2	reasonable remuneration to any member or Director in return for specific services actually rendered to the Company (not being of a management nature normally carried out by a director of a company); or
41.4.3	payment of interest at a rate not exceeding the commercial rate on money lent to the Company by any member or Director; or
41.4.4	payment of rent at a rate not exceeding the open market rent for property let to the Company by any member or Director; or
41.4.5	the purchase of property from any member or Director provided that such purchase is at or below market value or the sale of property to any member or Director provided that such sale is at or above market value; or
41.4.6	payment by way of any indemnity, where appropriate;
	and in any such event the terms of <b>Articles 42 to 44</b> shall specifically apply.
	<b>PERSONAL INTERESTS &amp; CONFLICTS OF INTEREST</b>
42	Any Director who has a personal interest in any prospective or actual contract or other arrangement with the Company must declare that interest either generally to the Board or specifically at any relevant meetings. A personal interest includes not only the interest of the Director or employee in question, but also his or her partner, close relative or business associate, or:  (a) any firm of which they are a partner or employee; (b) or any limited company of which they are a director, or (c) employee or shareholder of more than 5% of the equity or voting power. <b>or</b> (d) any limited liability partnership of which they are a member, <b>or</b> (e) any Scottish charitable incorporated organisation of which they are a charity trustee, <b>or</b> (f) any registered society or unincorporated association of which they are a management committee member (or any other party who/which is deemed to be connected with them for the purposes of the Act),  has a personal interest in that arrangement.
43	Additionally, the Board may resolve at any time to require all Directors to deliver a notice of relevant interests to the Registered Office, as they arise and at least annually. In that event, the Board shall determine from time to time what interests shall be relevant interests and shall ensure that a Register of Notices of Relevant Interests is maintained, which shall be open for inspection by both the Board and Members and, with the express prior written approval of the Director or employee concerned, by members of the public.

44	Whenever a Director finds that there is a personal interest, as defined in <b>Article 42</b> , he or she has a duty to declare this to the Board during the meeting in question. It will be up to the Chairman of the meeting in question to determine:
44.1	whether the potential or real conflict simply be noted in the Minutes of any relevant meeting,
44.2	whether the Director in question, whilst being permitted to remain in the meeting in question, must not partake in discussions or decisions relating to such matter, or
44.3	whether the Director in question should be required to be absent during that particular element of the meeting and, in terms of <b>Article 46</b> , where a Director leaves, or is required to leave, the meeting he or she no longer forms part of the quorum thereat.
	<b>QUORUM AT BOARD MEETINGS</b>
45	The quorum for Board meetings shall be not less than 50% of all the Directors, provided that the Elected Directors are always in the majority at any Board meeting. No business shall be dealt with at a Board meeting unless such a quorum is present.
46	A Director shall not be counted in the quorum at a meeting (or at least the relevant part thereof) in relation to a resolution on which, whether because of personal interest or otherwise, he or she is not entitled to vote in terms of <b>Article 44.2 and 44.3</b>
	<b>MEETINGS OF THE BOARD OF DIRECTORS</b>
47	Meetings of the Board may take place in person or by telephone conference call, video conference call or by any other collective electronic means approved from time to time by the Board.
48	7 Clear Days' notice in writing shall be given of any meeting of the Board at which a decision in relation to any of the matters referred to in <b>Article 26</b> is to be made, which notice shall be accompanied by an agenda and any papers relevant to the matter to be decided.
48.1	All other Board meetings shall require not less than 7 Clear Days' prior notice, unless all Directors agree unanimously in writing to dispense with such notice on any specific occasion.
49	A Director may, and on the request of a Director the Company Secretary shall, summon a meeting of the Board by notice served upon all Directors, to take place at a reasonably convenient time and date.
50	The Chairman, whom failing the Vice-Chairman (if any), shall be entitled to preside as Chairman of all Board meetings at which he or she is present. If at any meeting neither the Chairman nor the Vice-Chairman is present and willing to act as Chairman of the meeting within 15 minutes after the time appointed for holding the meeting, the remaining Directors may appoint one of the Elected Directors to be Chairman of the Board meeting, which failing the meeting shall be adjourned until a time and date when the Chairman or Vice-Chairman will be available.
51	The Chairman of the Board meeting shall endeavour to achieve consensus wherever possible but, if necessary, questions arising shall be decided by being put to the vote, each Director present and entitled to vote, having one vote. In the event of an equal number of votes for and against any resolution at a Board meeting, the Chairman of the meeting shall have a casting vote as well as a deliberative vote.
52	The Board may delegate any of its powers to sub-committees, each consisting of not less than one Director and such other person or persons as it thinks fit or which it delegates to the sub-committee to appoint. Any sub-committee so formed shall, in the exercise of the powers so delegated, conform to any remit and regulations imposed on it by the Board. The meetings and proceedings of any such sub-committee shall be governed by the provisions of these Articles for regulating the meetings and proceedings of the Board so far as applicable and so far as the same shall not be superseded by any regulations made by the Board. Such sub-committee shall regularly and promptly circulate, or ensure the regular and prompt circulation of, the minutes of its meetings to all Directors.
53	The Board shall cause minutes to be made of all appointments of officers made by it and of the proceedings of all AGMs, GMs, Board meetings and of sub-committee meetings, including the names of those present, and all business transacted at such meetings and any such minutes of



	any meeting, if purporting to be signed after approval, either by the Chairman of such meeting, or by the Chairman of the next succeeding meeting, shall be sufficient evidence without any further proof of the facts therein stated.
53.1	Subject to <b>Article 53.2</b> , the Company, upon request of any person for a copy of any minutes must, if the request is reasonable, give the person within 28 days of the request a copy of the requested minutes.
53.2	Where such a request is received under <b>Article 53.1</b> the company: (a) may withhold information contained in the minutes, and (b) if it does so, must inform the person requesting a copy of the minutes of its reason for doing so.
54	No alteration of the Articles and no direction given by special resolution shall invalidate any prior act of the Board which would have been valid if that alteration had not been made or that direction had not been given.
55	A resolution in writing (whether one single document signed by all or a sufficient majority of the Elected Directors, or all or a sufficient majority of the Members of any sub-committee), whether in one or several documents in the same form each signed by one or more Directors or Members of any relative sub-committee as appropriate, shall be as valid and effectual as if it had been passed at a meeting of the Board or of such sub-committee duly convened and constituted.
56	The Board may act notwithstanding any vacancy in it, but where the number of Directors falls below the minimum number specified in <b>Article 30</b> , it may not conduct any business other than to appoint sufficient Directors to match or exceed that minimum.
57	The Board may invite or allow any person to attend and speak, but not to vote, at any meeting of the Board or of its sub-committees.
58	The Board may from time to time promulgate, review and amend any ancillary regulations, guidelines and/or policies, subordinate at all times to these Articles, as it deems necessary and appropriate to provide additional explanation, guidance and governance to Members/Directors.
	<b>COMPANY SECRETARY, MINUTE SECRETARY, TREASURER AND PRINCIPAL OFFICER</b>
59	The Board shall appoint a Company Secretary for such term and upon such conditions as it may think fit. The Company Secretary may be removed by the Board at any time. Whilst in post, the Company Secretary may be required to attend (but shall have no vote at (if not an Elected Director) Board meetings during his or her tenure as Company Secretary, except any part or parts thereof dealing with his or her employment or remuneration, or any other matter which the Board wishes to keep confidential to itself.
60	The Board may appoint a Minute Secretary, for the purposes of <b>Article 53</b> , for such term, at such remuneration (if any), and upon such conditions as it may think fit. The Minute Secretary may be removed by the Board at any time. Whilst in post, the Minute Secretary may be required to attend (but shall have no vote at (if not an Elected Director) Board meetings during his or her tenure as Minute Secretary, except any part or parts thereof dealing with his or her employment or remuneration, or any other matter which the Board wishes to keep confidential to itself.
61	The Board may appoint a Treasurer for such term and upon such conditions as it may think fit. The Treasurer may be removed by the Board at any time. Whilst in post, the Treasurer may be required to attend (but shall have no vote at (if not an Elected Director) Board meetings during his or her tenure as Treasurer, except any part or parts thereof dealing with his or her employment or remuneration, or any other matter which the Board wishes to keep confidential to itself.
62	The Board may appoint a Principal Officer of the Company on such terms (including a decision on the most appropriate job title) and conditions as it may think fit. Whilst in post, the Principal Officer may be required to attend (but shall have no vote at (if not an Elected Director) Board meetings during his or her tenure as Principal Officer, except any part or parts thereof dealing with his or her employment or remuneration, or any other matter which the Board wishes to keep confidential to itself.

	<b>HONORARY PATRON(S)</b>
	<b>FINANCES</b>
64	The banking account or accounts of the Company shall be kept in such bank or building society and/or banks or building societies as the Board shall from time to time by resolution determine.
65	All cheques and other negotiable instruments, and all receipts for monies paid to the Company, shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, in such manner as the Board shall from time to time by resolution determine.
66	The Board shall manage all funds and assets of the Company and direct that they are applied towards achieving the Purposes.
	<b>ACCOUNTS</b>
67	The Board shall cause accounting records to be kept for the company in accordance with the requirements of the Act and other relevant regulations.
68	The accounting records shall be maintained by the Treasurer (if there is one) and overseen by the Principal Officer (if there is one), or otherwise by, or as determined by, the Board. Such records shall be kept at such place or places as the Board thinks fit and shall always be open to the inspection of the Directors.
69	The Board shall ensure that an audit of the accounts is carried out by an auditor in line with all statutory requirements and any auditor's report, if applicable, be sent to Members in accordance with <b>Article 70</b> .An audit (within the meaning of the Act) shall not be required in a case where the Company is exempt under the Act.
70	At each AGM, the Board shall provide the Members with a copy of the accounts for the period since the last preceding accounting reference date (or, in the case of the first account, since the incorporation of the Company). The accounts shall be accompanied by proper reports of the Board. Copies of such accounts and auditor's reports, if applicable under <b>Article 69</b> , shall, not less than 21 Clear Days before the date of the AGM, be delivered or sent to all Members, Directors, the Company Secretary and the auditor, or otherwise be available for inspection on the website of the Company (with all Members, Directors, the Company Secretary and the auditor being made aware that they are so available for inspection there).
	<b>NOTICES</b>
71	A notice may be served by the Company upon any Member, either personally or by sending it by post, fax, e-mail or other appropriate electronic means, addressed to such member at his or her or its address as appearing in the Register of Members or as last notified by them to the Company
72	Any notice, whether served by post or otherwise, shall be deemed to have been served on the day after the day on which it was issued. .
73	The business of the Company and all its correspondence with and notification to or from Members may be conducted equally validly and effectively if transmitted by fax, e-mail or other appropriate electronic means (except where a Member specifically requests all such correspondence and notification by post) or otherwise if publicised on the website of the Company (where the Company has advised each member of this and has taken due steps to notify by other reasonable means all other Members who state that they do not have access to the Internet).
	<b>INDEMNITY</b>
74	Subject to the terms of the Act and without prejudice to any other indemnity, the Directors, or member of any sub-committee, the Company Secretary, Treasurer and all employees of the Company shall be indemnified out of the funds of the Company against:  (a) any liability incurred by that person in connection with any negligence, default, breach of duty or breach of trust in relation to the Company; (b) ) any other liability incurred by that director as an officer of the Company

74.1	This article does not authorise any indemnity which would be prohibited or rendered void by any provision of the Companies Acts or by any other rule of law.
	<b>ALTERATION TO THE ARTICLES</b>
75	Any alteration to these Articles should comply with the following conditions:
75.1	Upon the decision of not less than 75% of the Ordinary Members present and voting at a General Meeting called specifically (but not necessarily exclusively) for the purpose in terms of <b>Article 26</b> ;
75.2	any changes to the Purposes are subject to written consent being obtained from the OSCR (and its successors) in terms of section 16 of the 2005 Act;
75.3	notify the Office of the Scottish Charity Regulator (and its successors) of any other changes to the Articles not covered under <b>Article 75.2</b> (i.e. not related to Purposes) in terms of Section 17 of the 2005 Act; and
75.4	notify the Scottish Ministers of any alterations to the Articles.
	<b>DISSOLUTION</b>
76.1	The winding-up of the Company may take place only on the decision of not less than 75% of its Ordinary Members who are present and voting at a General Meeting called specifically (but not necessarily exclusively) for the purpose.
76.2	<p>If, on the winding-up of the Company, any property remains, after satisfaction of all its debts and liabilities, such property (including any land acquired by it in terms of the Land Reform Act 2003 or Land Reform Act 2016) shall be given or transferred to such other:</p> <ul style="list-style-type: none"> <li>(a) community body or bodies;</li> <li>(b) crofting community body or bodies;</li> <li>(c) Part 3A community body or bodies; or</li> <li>(d) Part 5 community body or bodies</li> </ul> <p>as may be:</p> <ul style="list-style-type: none"> <li>(I) determined by not less than 75% of the Ordinary Members of the Company who are present and voting at a General Meeting called specifically (but not necessarily exclusively) for the purpose; and</li> <li>(II) approved by the Office of the Scottish Charity Regulator (and its successors);</li> <li>(III) approved thereafter by the Scottish Ministers</li> </ul> <p>under declaration that, if the Company is a Charity at or before the time of its winding up, then the community body or bodies or crofting community body or bodies or Part 3A community body or bodies or Part 5 community body or bodies referred to above must also be a Charity or charities.</p>
76.3	Or if no such community body or bodies or Part 3A community body or bodies or crofting community body or bodies or Part 5 community body or bodies is determined by the Ordinary Members and approved by Scottish Ministers in terms of Article 76.2, such property referred to in Article 76.2 shall, be transferred to the Scottish Ministers or, to such Charity or Charities as the Scottish Ministers may direct.
76.4	<p>In Article 76:</p> <ul style="list-style-type: none"> <li>a) “community body” has meaning ascribed to it under Section 34 of the Land Reform Act 2003</li> <li>b) “crofting community body” has meaning ascribed to it under Section 71 of the Land Reform Act 2003</li> </ul>

	<p>c) "Charity" has the meaning ascribed to it in under Section 34(8) of the Land Reform Act 2003</p> <p>d) "Part 3A community Body" has the meaning ascribed to it under Section 97D of the Land Reform Act 2003.</p> <p>"Part 5 community body" has the meaning ascribed to it under Section 49 of the Land Reform Act 2016.</p>
	<b>e) LIMIT OF LIABILITY</b>
77.1	The liability of all Members is limited.
77.2	Every member of the Company undertakes to contribute such amount as may be required (not exceeding £1) to the property of the Company if it should be wound up whilst he, she or it is a Member or within one year after he, she or it ceases to be a member (for whatever reason), for payment of its debts and liabilities contracted before he, she or it ceases to be a member, and of the costs, charges and expenses of winding up.

<b>Schedule 1 Powers Available to the Company</b>	
1	Further to Article 5, the Company shall have the following powers, but only in furtherance of the Purposes and declaring that the order in which these Powers are listed or the terms of the sub-headings are of no significance in terms of their respective priority which shall be deemed to be equal, namely:
	<b>General</b>
2.1	To encourage and develop a spirit of voluntary or other commitment by, or co-operation with, individuals, unincorporated associations, societies, federations, partnerships, corporate bodies, agencies, undertakings, local authorities, unions, co-operatives, trusts and others and any groups or groupings thereof willing to assist the Company to achieve the Purposes.
2.2	To promote and carry out research, surveys and investigations and to promote, develop and manage initiatives, projects and programmes.
2.3	To provide advice, consultancy, training, tuition, expertise and assistance.
2.4	To prepare, organise, promote and implement training courses, exhibitions, lectures, seminars, conferences, events and workshops, to collect, collate, disseminate and exchange information and to prepare, produce, edit, publish, exhibit and distribute articles, pamphlets, books and other publications, tapes, motion and still pictures, music and drama and other materials, all in any medium.
	<b>Property</b>
3.1	To register an interest in land and to exercise the right to buy land under Part 2 or Part 3A of the Land Reform Act 2003 or Part 5 of the Land Reform Act 2016.
3.2	To purchase, take on lease, hire, or otherwise acquire any property suitable for the Company.
3.3	To construct, convert, improve, develop, conserve, maintain, alter and demolish any buildings or erections whether of a permanent or temporary nature, and manage and operate or arrange for the professional or other appropriate management and operation of the Company's property.
3.4	To sell, let, hire, license, give in exchange and otherwise dispose of all or any part of the property of the Company.
3.5	To establish and administer a building fund or funds or guarantee fund or funds or endowment fund or funds.
	<b>Employment</b>
4.1	To employ, contract with, train and pay such staff (whether employed or self-employed) as are considered appropriate for the proper conduct of the activities of the Company.
	<b>Funding and Financial</b>
5.1	To take such steps as may be deemed appropriate for the purpose of raising funds for the activities of the Company.
5.2	To accept subscriptions, grants, donations, gifts, legacies and endowments of all kinds, either absolutely or conditionally or in trust.
5.3	To borrow or raise money for the Purposes and to give security in support of any such borrowings by the Company and/or in support of any obligations undertaken by the Company.
5.4	To set aside funds not immediately required as a reserve or for specific Purposes.
5.5	To invest any funds which are not immediately required for the activities of the Company in such investments as may be considered appropriate, which may be held in the name of a nominee Company under the instructions of the Board, and to dispose of, and vary, such investments.
5.6	To make grants or loans of money and to give guarantees.
	<b>Development</b>

6.1	To establish, manage and/or support any other charity, and to make donations for any charitable purpose falling within the Purposes.
6.2	To establish, operate and administer and/or otherwise acquire any separate trading company or association, whether charitable or not.
6.3	To enter into any arrangement with any organisation, government or authority which may be advantageous for the purposes and/or activities of the Company and to enter into any arrangement for co-operation, mutual assistance, or sharing profit with any charitable organisation.
6.4	To enter into contracts to provide services to or on behalf of others.
	<b>Insurance and Protection</b>
7.1	To effect insurance of all kinds (which may include indemnity insurance in respect of Directors and employees).
7.2	To oppose, or object to, any application or proceedings which may prejudice the interests of the Company.
	<b>Ancillary</b>
8.1	To pay the costs of forming the Company and its subsequent development.
8.2	To carry out the Purposes as principal, agent, contractor, trustee or in any other capacity.
8.3	To do anything which may be incidental or conducive to the Purposes so long as these are charitable.

**Schedule 2  
Form of Proxy**

The form appointing the Proxy in terms of Article 25.3.3 shall be in the following terms, adapted as appropriate:

**Silverbuthall Community Development Trust Ltd**

I.....,  
of.....,  
being an Ordinary Member of the above Company hereby  
appoint.....,  
of .....,  
and, failing him or her, .....,  
of.....,  
as my proxy to vote for me on my behalf at the (Annual General/General) meeting of  
the Company to be held on..... and at any adjournment thereof.

This form is to be used in favour of/against the resolution.

Signed.....day of .....

*Signature of Member appointing proxy* .....

**Schedule 3  
The Community**

TD9 7JY TD9 7JZ TD9 7JT TD9 7BY TD9 7JS TD9 8BQ TD9 8BH TD9 7BB TD9 7BG TD9  
7BA TD9 7AY TD9 7BE TD9 7AX TD9 7AF TD9 7AB TD9 7AD TD9 8AZ TD9 7AA TD9  
7EN TD9 7AE





E: CRTB@gov.scot

(by email)

**Silverbuthall Community Development Trust  
Ltd**

Our ref: ZLA/15/1

21 July 2021

Dear Silverbuthall Community Development Trust Ltd

## **SUSTAINABLE DEVELOPMENT CONFIRMATION NOTICE**

I am writing to confirm that, under section 34(4) (Part 2 – Community Right to Buy) and section 97D(6) (Part 3A - Community Right to Buy Abandoned, Neglected or Detrimental Land) of the Land Reform (Scotland) Act 2003 and section 49(7) (Part 5 – Right to Buy Land to Further Sustainable Development) of the Land Reform (Scotland) Act 2016, Scottish Ministers are satisfied that the main purpose of your community body, Silverbuthall Community Development Trust Ltd, is consistent with furthering the achievement of sustainable development.

If Silverbuthall Community Development Trust Ltd wish to pursue a Part 2 or Part 3A Community Right to Buy or a Part 5 Right to Buy, we would recommend you contact us to discuss the process or procedures relating to submitting an application. We can be contacted using the details at the top or bottom of the page.

### **Please also note:**

- If an application under Community Right to Buy (Part 2) has been submitted for consideration, then section 35(A1) & (A2) of the Act would apply.
- If an application under Community Right to Buy is successfully registered or land bought through the Act remains in the community body ownership, section 35(1) of the Act applies if you amend your governing documents. Scottish Ministers, through the Scottish Government, Community Land Team (or its successors) should be notified of any such changes.
- Equally, if the community do not have a registered interest, section 35(1) of the Act applies if you amend your governing documents. Scottish Ministers, through the

Scottish Government, Community Land Team (or its successors) should be notified of any such changes.

- If the community have bought land under Community Right to Buy Abandoned, Neglected or Detrimental Land (Part 3A), or any part of land which remains in its ownership, section 97E(1) of the Act shall apply if you amend your governing documents. Scottish Ministers, through the Scottish Government, Community Land Team (or its successors) should be notified of any such changes.
- If the community body have bought land under the Right to Buy Land to Further Sustainable Development (Part 5), or any part of land which remains in its ownership, section 50(1) of the Land Reform (Scotland) Act 2016 applies if you amend your governing document. Scottish Ministers, through the Scottish Government, Community Land Team (or its successors) should be notified of any such changes.
- You should also ensure you comply with your governing document at all times.
- ***The Scottish Government Community Land Team shall collect, process and retain information provided to them in line with General Data Protection Regulations (GDPR). You should also ensure that the information that your community company collects and retains is processed in line with GDPR.***

Yours sincerely

Kyle Anderson  
On behalf of Scottish Ministers



HAWICK COMMON GOOD FUND  
APPLICATION FOR USE OF COMMON HAUGH

<b>Applicant Details</b> Name and Address of Applicant/Organisation:  Telephone No:	K Stuart Family Fun Fair  <div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>
<b>Activities</b> Please supply a brief description of the activities proposed:	FAMILY FUN FAIR
<b>Dates &amp; Times Requested</b> Please indicate the dates and times it will be used:	COMING 14 SUN 19 <sup>TH</sup> MARCH - TILL SUN 2 <sup>ND</sup> OPEN
<b>Other information</b> If you have other information which you feel is relevant to this application please provide details including details of any previous use:	DATES AND TIME TO BE THE SAME AS 2022  THURS 23 <sup>RD</sup> 6.00-9.30 FRI 24 <sup>TH</sup> 6.00-10.00 SAT 25 1.00pm-10.00 SUN 26 1.30-4.30  THURS 30 <sup>TH</sup> 6.00-9.30 FRI 31 <sup>ST</sup> 6.00-10.00 SAT 1 <sup>ST</sup> 1.00-10.00
<b>Declaration</b> I hereby make the application as set out above and certify that the information I have provided is accurate  Signed: <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> Position Held: Date: 1-11-22  This completed form and any supporting details should be submitted to Judith Turnbull Democratic Services Officer, Scottish Borders Council, Newtown St Boswells, TD6 0SA. Telephone 01835 826556	

This page is intentionally left blank

---

**MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2022**

**Report by Acting Chief Financial Officer**

---

**HAWICK COMMON GOOD FUND SUB-COMMITTEE**

**22 November 2022**

---

**1 PURPOSE AND SUMMARY**

- 1.1 This report provides the details of the income and expenditure for the Hawick Common Good Fund for the six months to 30 September 2022, a full year projected out-turn for 2022/23, and projected balance sheet values as at 31 March 2023.**
- 1.2 Appendix 1 provides the projected income and expenditure position for 2022/23. This shows a projected surplus of £55,459 for the year, which is less than the previously reported surplus on 25 August 2022, as a result of an increase in the property repairs budget.
- 1.3 Appendix 2 provides a projected balance sheet value as at 31 March 2023. It shows a projected decrease in reserves of £8,882.
- 1.4 Appendix 3a provides a breakdown of the property portfolio showing projected rental income and projected net return for 2022/23 and actual property income to 30 September 2022.
- 1.5 Appendix 3b provides a breakdown of the property portfolio showing projected property expenditure for 2022/23 and actual property expenditure to 30 September 2022.
- 1.6 Appendix 4 provides a breakdown of the property portfolio showing projected property valuations at 31 March 2023.
- 1.7 Appendix 5 shows the value of the Aegon Asset Management Investment Fund to 30 September 2022.

**2 RECOMMENDATIONS**

- 2.1 It is recommended that the Common Good Fund Sub-Committee:**
  - (a) Agrees the projected income and expenditure for 2022/23 in Appendix 1 as the revised budget for 2022/23;**
  - (b) Notes the projected balance sheet value as at 31 March 2023 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 2022 and projections to 31 March 2023. The report also contains a projected balance sheet for the Common Good Fund as at 31 March 2023.

### **4 FINANCIAL POSITION 2022/23**

4.1 Appendix 1 provides details on income and expenditure for the 2022/23 financial year. The projected net position for the year is a surplus of £55,459.

#### **4.2 Income & Expenditure –Property Income**

(a) Rental income for 2022/23 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 £550 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 £21,113 with the projection for 2022/23 returning to 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 £107 which, along with the £114 received in March 2022, has been re-invested to purchase an additional 218 units.

#### **4.4 Income & Expenditure – Property Expenditure**

- (a) The property expenditure for 2022/23 is shown in Appendices 1 & 3b, with Appendix 3b detailing the actual 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) The projected property expenditure for 2022/23 has been increased by £30,000 to cover agreed works to Pilmuir Farm Cottage, bringing the property up to standard and including the installation of a replacement kitchen.
- (c) Appendices 3a and 3b show a full breakdown of the projections for property rental and repairs for 2022/23. These will be revised as further information is received.

#### 4.5 Income & Expenditure – Grants & Other Donations

The grants and other donations approved and distributed to 31 March 2023 are shown below:

<b>Grant Recipients</b>	<b>Approved</b>	<b>£</b>
<b>Approved and Paid to 30 September 2022</b>		
Hawick Ex-Service Association	29/03/22	1,082
Hawick Golf Club (multi-year award, final Sep 22)	28/05/19	4,600
<b>Total Paid to 31 March 2023</b>		<b>5,682</b>
<b>Approved but not yet paid</b>		
Hawick Salvation Army hire of Hall for Xmas Service (recurring annual payment)	19/03/19	200
Future Hawick	25/08/22	5,000
Hawick Community Council & Hawick Archaeological Society	25/08/22	5,000
Hawick Honorary Provosts' Council	29/09/22	2,500
<b>Total Grants Approved not paid</b>		<b>12,700</b>
<b>2022/23 Budget</b>		<b>46,000</b>
<b><i>(Unallocated)/Overallocated Budget</i></b>		<b><i>(27,618)</i></b>

#### 4.6 Income & Expenditure – Central Support Service Charge

The proposed charge for 2022/23 is currently estimated using a 2% uplift on the 2021/22 charge, however this is subject to change pending confirmation of the agreed pay award for 2022/23. A full Service Charge Review will be carried out in 2023/24.

#### 4.7 Income & Expenditure – Depreciation Charge

The projected depreciation charge for the year is £64,341. 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.

4.8 Appendix 2 provides the actual balance sheet value as at 1 April 2022, the projected movement in year and a projected balance sheet as at 31 March 2023.

#### 4.9 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, with interim review. A full revaluation was carried out at 1 April 2019, with an interim review at 31 March 2022. Appendix 4 shows the actual values of the individual properties at 1 April 2022, projected depreciation charges for 2022/23 and projected values at 31 March 2023; any amendments required following completion of the 2021/22 annual audit will be incorporated into the 9 month monitoring report.

#### 4.10 Balance Sheet – Investment Fund

The fund has a 16.12% unrealised loss 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 5.84% since investment in February 2018.

#### 4.11 Balance Sheet – Cash Balance

The cash held by the fund is projected to be £194,328 at 31 March 2023 and is detailed below:

<b>Cash Balance</b>	<b>£</b>
<b>Opening Balance at 1 April 2022</b>	<b>139,331</b>
Projected surplus for year from Income & Expenditure Statement	55,459
Net cash movement in Debtors/Creditors	0
Rebate Investment in Aegon Asset Management	(462)
<b>Projected Closing Balance at 31 March 2023</b>	<b>194,328</b>

#### 4.12 Balance Sheet – Capital Reserve

The movement in the Capital Reserves include the unrealised gain for the Aegon Asset Management Fund as at 31 March 2022, but due to the nature of the markets no estimate has been made for the 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 their 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

**Suzy Douglas**  
Acting Chief Financial Officer

Signature .....

### Author(s)

Sara Wilson	Treasury Business Partner - Tel: 01835 825155
-------------	---

### Background Papers:

**Previous Minute Reference:** Hawick Common Good Committee 25 August 2022

**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 & Investments, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.  
Tel: 01835 824000

Fax: 01835 825166

Email: [t&cteam@scotborders.gov.uk](mailto:t&cteam@scotborders.gov.uk)

## PROJECTED INCOME AND EXPENDITURE 2022/23

	Actuals at 30/09/22	Full Year Approved Budget 2022/23	Full Year Projected Out-turn 2022/23	Full Year Projected Over/ (Under) Spend 2022/23	Para Ref	Comments
	£	£	£	£		
<b>Property Income</b>						
Rental Income	(96,303)	(100,831)	(100,831)		4.2	
<b>Non-Property Related Income</b>						
Interest on Cash deposited with Council	0	(550)	(550)		4.3	
Investment Fund – Dividends Rec'd	(11,109)	(21,113)	(21,113)		4.3	Est 5% return
Other Income	(107)	(450)	(450)		4.3	
Piñnuir Servitude	(63,644)	(75,000)	(75,000)		4.3	
<b>Total Income</b>	<b>(171,163)</b>	<b>(197,944)</b>	<b>(197,944)</b>			
<b>Property Costs Detailed in App'x 3b</b>	<b>82,700</b>	<b>54,100</b>	<b>84,100</b>	<b>30,000</b>	4.4	
<b>Grants &amp; Other Donations</b>	<b>5,682</b>	<b>46,000</b>	<b>46,000</b>		4.5	3 year average
<b>Central Support Service Charge</b>	<b>0</b>	<b>12,385</b>	<b>12,385</b>		4.6	Subject to review
<b>Depreciation</b>						
Depreciation Charge	0	64,341	64,341		4.7	
Contribution from Revaluation Reserve	0	(64,341)	(64,341)		4.7	
<b>Net impact of Depreciation on Revenue Reserve</b>	<b>0</b>	<b>0</b>	<b>0</b>			
<b>Total Net (Surplus)/Deficit for year</b>	<b>(82,781)</b>	<b>(85,459)</b>	<b>(55,459)</b>	<b>30,000</b>		

## PROJECTED BALANCE SHEET VALUE AS AT 31 MARCH 2023

	Opening Balance at 01/04/22	Projected Movement in Year	Projected Closing Balance at 31/03/23
	£	£	£
<b>Fixed Assets</b>			
Land & Buildings	4,163,827	(64,341)	4,099,486
Heritable Assets	3,000	0	3,000
Feu Duties	18	0	18
<b>Total Fixed Assets</b>	<b>4,166,845</b>	<b>(64,341)</b>	<b>4,102,504</b>
<b>Capital in Investment Funds</b>			
Investment Fund Book Value	457,165	462	457,627
Unrealised Gains/(Loss)	3,141	0	3,141
<b>Market Value</b>	<b>460,306</b>	<b>462</b>	<b>460,768</b>
<b>Current Assets</b>			
Debtors	22,155	0	22,155
Cash deposited with SBC	139,331	54,997	194,328
<b>Total Current Assets</b>	<b>161,486</b>	<b>54,997</b>	<b>216,483</b>
<b>Current Liabilities</b>			
Creditors	(745)	0	(745)
Receipts in Advance	(11,167)	0	(11,167)
<b>Total Current Liabilities</b>	<b>(11,912)</b>	<b>0</b>	<b>(11,912)</b>
<b>Net Assets</b>	<b>4,776,725</b>	<b>(8,882)</b>	<b>4,767,843</b>
<b>Funded by:</b>			
<b>Reserves</b>			
Revenue Reserve	(147,568)	(55,459)	(203,027)
Capital Reserve	(598,147)	0	(598,147)
Revaluation Reserve	(4,031,010)	64,341	(3,966,669)
<b>Total Reserves</b>	<b>(4,776,725)</b>	<b>8,882</b>	<b>(4,767,843)</b>

**PROPERTY PORTFOLIO PERFORMANCE FOR 2022/23**

**(Actual income to 30 September 2022 and projections to 31 March 2023)**

Rental Income – Land & Buildings	2022/23			
	Approv'd Budget	Project'd Budget	Actuals as at 30/09/22	Project'd Net (Return) /Loss
	£	£	£	£
<b>General</b>				
Cross Wynd Car Park	0	0	0	0
Moat Park	0	0	0	0
Moat Park Playground	0	0	0	0
Buccleuch Bowling Club	0	0	0	0
Hawick Bowling Club	0	0	0	0
Henderson Gardens	0	0	0	0
Hawick Golf Course	(4,630)	<b>(4,630)</b>	(4,660)	(4,630)
Acreknowe Reservoir (Part)	0	0	0	0
Williestruther Loch/Path	(400)	<b>(400)</b>	(300)	(400)
Williestruther Cottage	(6,500)	<b>(6,500)</b>	(3,792)	(6,300)
Lothian Street Store	(2,550)	<b>(2,550)</b>	(2,685)	(2,550)
Common Haugh Car Park	(7,269)	<b>(7,269)</b>	(8,049)	(7,269)
Underhaugh	0	0	0	0
Hawick Moor Racecourse & Bldgs	(700)	<b>(700)</b>	(1,050)	(700)
Hawick Moor Shootings	(300)	<b>(300)</b>	0	(300)
Woodend Grazings (West)	0	0	0	0
Millpath Stables	0	0	0	500
Ca'Knowe Monument	0	0	0	0
Volunteer Park & Stand	(1,750)	<b>(1,750)</b>	(1,058)	(1,750)
Hawick Burgh Woodlands	0	0	0	0
Woodend Grazings (East)	(195)	<b>(195)</b>	(215)	(195)
Hawick Golf Club Sub Stn Site	(75)	<b>(75)</b>	0	(75)
Hawick 3G Pitch	0	0	0	0
Site (Part of Tennis Court)	0	0	0	0
Hornshole	0	0	0	0
Haggis Ha/Burnflat Wall	0	0	0	0
Backbraes Woodlands	0	0	0	0
100 Stairs and Adjacent Land	0	0	0	0
Property Expenditure General	0	0	0	30,000
<b>General Sub Total</b>	<b>(24,369)</b>	<b>(24,369)</b>	<b>(21,809)</b>	<b>6,331</b>
<b>Pilmuir</b>				
Pilmuir Farm	(45,000)	<b>(45,000)</b>	(40,750)	(29,600)
Pilmuir Farm Cottage	(5,290)	<b>(5,290)</b>	(9,600)	29,710
<b>Pilmuir Sub Total</b>	<b>(50,290)</b>	<b>(50,290)</b>	<b>(50,350)</b>	<b>110</b>
<b>St Leonards</b>				
St Leonards Farmhouse Buildings	(9,600)	<b>(9,600)</b>	(6,773)	(6,600)
St Leonards Cottage & Park	(8,472)	<b>(8,472)</b>	(11,296)	(8,472)
St Leonards Hut	0	0	0	0
St Leonards Grazings	(7,500)	<b>(7,500)</b>	(5,625)	(7,500)
St Leonards Horse Gallop	(600)	<b>(600)</b>	(450)	(600)
<b>St Leonards Sub Total</b>	<b>(26,172)</b>	<b>(26,172)</b>	<b>(24,144)</b>	<b>(23,172)</b>
<b>Total</b>	<b>(100,831)</b>	<b>(100,831)</b>	<b>(96,303)</b>	<b>(16,731)</b>

**PROPERTY PORTFOLIO PERFORMANCE FOR 2022/23**  
**(Actual expenditure to 30 September 2022)**

Property Expenditure – Land & Buildings	2022/23				
	Approv'd Budget	Project'd Budget	Actual (Repair & Maint)	Actual (Other)	Actual Total
	£	£	£	£	£
<b>General</b>					
Cross Wynd Car Park	0	0	0	0	0
Moat Park	0	0	0	0	0
Moat Park Playground	0	0	0	0	0
Buccleuch Bowling Club	0	0	0	0	0
Hawick Bowling Club	0	0	0	0	0
Henderson Gardens	0	0	0	0	0
Hawick Golf Course	0	0	0	0	0
Acreknowe Reservoir (Part)	0	0	1,711	0	1,711
Williestruther Loch/Path	0	0	1,515	0	1,515
Williestruther Cottage	200	200	4,523	0	4,523
Lothian Street Store	0	0	0	(31)	(31)
Common Haugh Car Park	0	0	79	347	426
Underhaugh	0	0	0	0	0
Hawick Moor Racecourse & Bldgs	0	0	15,675	2	15,677
Hawick Moor Shootings	0	0	0	0	0
Woodend Grazings (West)	0	0	0	0	0
Millpath Stables	500	500	875	(196)	679
Ca'Knowe Monument	0	0	0	0	0
Volunteer Park & Stand	0	0	0	0	0
Hawick Burgh Woodlands	0	0	560	0	560
Woodend Grazings (East)	0	0	0	0	0
Hawick Golf Club Sub Stn Site	0	0	0	0	0
Hawick 3G Pitch	0	0	0	0	0
Site (Part of Tennis Court)	0	0	0	0	0
Hornshole	0	0	0	0	0
Haggis Ha/Burnflat Wall	0	0	0	0	0
100 Stairs and Adjacent Land	0	0	0	0	0
Property Expenditure General	30,000	30,000	1,921	0	1,921
<b>General Sub Total</b>	<b>30,700</b>	<b>30,700</b>	<b>26,859</b>	<b>122</b>	<b>26,981</b>
<b>Pilmuir</b>					
Pilmuir Farm	15,400	15,400	48,697	0	48,697
Pilmuir Farm Cottage	5,000	35,000	0	0	0
<b>Pilmuir Sub Total</b>	<b>20,400</b>	<b>50,400</b>	<b>48,697</b>	<b>0</b>	<b>48,697</b>
<b>St Leonards</b>					
St Leonards Farmhouse Buildings	3,000	3,000	1,054	0	1,054
St Leonards Cottage & Park	0	0	3,410	0	3,410
St Leonards Hut	0	0	2,564	(6)	2,558
St Leonards Grazings	0	0	0	0	0
St Leonards Horse Gallop	0	0	0	0	0
<b>St Leonards Sub Total</b>	<b>3,000</b>	<b>3,000</b>	<b>7,028</b>	<b>(6)</b>	<b>7,022</b>
<b>Total</b>	<b>54,100</b>	<b>84,100</b>	<b>82,584</b>	<b>116</b>	<b>82,700</b>

**PROPERTY PORTFOLIO VALUATION FOR 2022/23**  
**(Projected property valuation to 31 March 2023)**

<b>Fixed Assets – Land &amp; Buildings</b>	<b>Net Book Value at 01/04/22</b>	<b>Project'd Depn Charge 2022/23</b>	<b>Project'd Net Book Value at 31/03/23</b>
	<b>£</b>	<b>£</b>	<b>£</b>
<b>General</b>			
Cross Wynd Car Park	0	0	0
Moat Park	0	0	0
Moat Park Playground	0	0	0
Buccleuch Bowling Club	15,000	0	15,000
Hawick Bowling Club	15,000	0	15,000
Henderson Gardens	0	0	0
Hawick Golf Course	66,000	0	66,000
Acreknowe Reservoir (Part)	0	0	0
Williestruther Loch/Path	5,700	0	5,700
Williestruther Cottage	181,998	(6,000)	175,998
Lothian Street Store	16,379	(540)	15,839
Common Haugh Car Park & WCs	98,500	0	98,500
Underhaugh	0	0	0
Hawick Moor Racecourse & Bldgs	43,100	(2,300)	40,800
Hawick Moor Shootings	1,500	0	1,500
Woodend Grazings (West)	2,000	0	2,000
Millpath Stables	25,925	(1,025)	24,900
Ca'Knowe Monument	0	0	0
Volunteer Park & Stand	277,328	(28,225)	249,103
Hawick Burgh Woodlands	318,000	0	318,000
Woodend Grazings (East)	1,500	0	1,500
Hawick Golf Club Sub Stn Site	750	0	750
Hawick 3G Pitch	82,500	0	82,500
Site (Part of Tennis Court)	1,000	0	1,000
Hornshole	0	0	0
Haggis Ha/Burnflat Wall	0	0	0
Backbraes Woodlands	7,400	0	7,400
100 Stairs and Adjacent Land	0	0	0
<b>General Sub Total</b>	<b>1,159,580</b>	<b>(38,090)</b>	<b>1,121,490</b>
<b>Pilmuir</b>			
Pilmuir Farm	1,976,998	(7,667)	1,969,331
Pilmuir Farm Cottage	184,574	(5,142)	179,432
<b>Pilmuir Sub Total</b>	<b>2,161,572</b>	<b>(12,809)</b>	<b>2,148,763</b>
<b>St Leonards</b>			
St Leonards Farmhouse Buildings	264,974	(6,675)	258,299
St Leonards Cottage & Park	199,697	(6,767)	192,930
St Leonards Hut	3,000	0	3,000
St Leonards Grazings	355,000	0	355,000
St Leonards Horse Gallop	20,000	0	20,000
<b>St Leonards Sub Total</b>	<b>842,671</b>	<b>(13,442)</b>	<b>829,229</b>
<b>Total</b>	<b>4,163,823</b>	<b>(64,341)</b>	<b>4,099,482</b>

Fixed Assets – Moveable Assets	Projected Net Book Value at 31/03/23  £
<p>Feu Duty Redemptions</p> <p>Hizzie Leathers</p> <p>James Wilson Statue</p> <p>Arts &amp; Artefacts – held in locations below:</p> <p><u>Hawick Town Hall</u></p> <p>Misc:</p> <p>Official Robes (4), Provost’s Chain (2), Plaque with Hawick Town Crest, Gavel &amp; Base (2), Inkwell, Bell, Framed Charter, Deative Bowl, Framed Print of Steve Hyslop.</p> <p>Artworks:</p> <p>Provost Robert Fraser Watson 1878-1887</p> <p>Provost John Melrose 1902-1919</p> <p>Provost David Fisher 1931- 1938</p> <p>Provost David Aitkinson M.B.E, 1958-1962 &amp; 1968-1975</p> <p>Provost Robert Milligan, 1887-1890</p> <p>Provost John Nichol, 1871-1874</p> <p>Provost George Wilson 1861-1868</p> <p>Bailie Helen Scott</p> <p>“Border Reiver”</p> <p>“The Common Riding, an old Borders Custom”</p> <p>“Covenanters ”</p> <p>Common Riding Scene</p> <p>Hawick Town Hall</p> <p>Collection of framed photographs of Hawick Provosts (1861 – 1975)</p> <p>Collection of framed photographs of Hawick Honorary Provosts (1975 onwards)</p> <p><u>Live Borders</u></p> <p>Artworks:</p> <p>Hawick Common Riding, 1846</p> <p>Hawick from Wester Braid Road</p> <p>Common Riding Procession at Tower Knowe, 1890</p> <p>Thomas Purdom</p> <p>Hawick from Crumhaughhill</p> <p>Deuchars Hill, Yarrow</p> <p>Hermans Law</p> <p>Return to Hawick from Hornshole 1514</p> <p>River Tweed near Walkerburn</p> <p>A Reivers Ride, 1900</p> <p>Rainbow over St Mary’s Loch, 1916</p> <p>Harbour Lights; Harvest Scene; Borders Scene; Neidpath Castle; Minto Crags</p> <p><u>Hawick Museum</u></p> <p>Hawick Common Riding Flags (8)</p> <p><u>Other Artworks</u></p> <p>Portrait of Sir Gilbert Elliot, 4th Earl of Minto</p>	<p>18</p> <p>3,000</p> <p>0</p> <p>0</p>
<b>Total</b>	<b>3,018</b>



**INVESTMENTS EXTERNALLY MANAGED**

<b>Cost of Investment</b>	<b>Units</b>	<b>£</b>
Aegon Asset Management Investment (February 2018)	420,634	455,420
Aegon Fund Rebate (2018-2019)	430	465
Aegon Fund Rebate (2019-2020)	349	389
Aegon Fund Rebate (2020-2021)	426	429
Aegon Fund Rebate (2021-2022)	421	462
Aegon Fund Rebate (2022-2023)	218	221
<b>Total Invested to 30 September 2022</b>	<b>422,478</b>	<b>457,386</b>

<b>Value of Investment</b>	<b>£</b>
31 March 2018	453,948
31 March 2019	459,044
31 March 2020	387,110
31 March 2021	460,311
31 March 2022	460,306
30 June 2022	409,442
30 September 2022	383,694
<b>Unrealised Gain/(Loss) on Investment</b>	<b>(73,692)</b>

<b>Return on Investment from inception</b>	<b>Capital Return %</b>	<b>Total Return %</b>
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
to 31 December 2021	+3.93	+25.02
to 31 March 2022	+0.68	+22.56
to 30 June 2022	-10.46	+10.70
30 September 2022	-16.12	+5.84

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank