

SCOTTISH BORDERS COUNCIL SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTES of Meeting of the SELKIRK
COMMON GOOD FUND SUB COMMITTEE
held via Microsoft Teams on Wednesday, 7
December 2022 at 3.00 pm

Present:- Councillors C. Cochrane (Chair), L Douglas and E. Thornton-Nicol and
Community Councillor I. King
In Attendance:- Estates Surveyor (T. Hill), Property Officer (G. Smith), Solicitor (J. Webster),
Treasury Business Partner (S. Wilson), Democratic Services Officer (D. Hall).

1. **MINUTES.**

There had been circulated copies of the Minute of the meeting held on 31 August 2022. Community Councillor King explained that the issues referred to in the Minute related to insufficient detail with regards to concerns that he had raised in the context of Common Good owned assets and properties covered under Scottish Borders Council's insurance policy. Mr King was concerned that the policy was inadequate in the level of coverage which it provided, and stressed that he had requested that Officers provide assurances and insight into the insurance levels, particularly as they related to flooding. Regarding sustainability and the potential for Common Good owned land and property to generate income from sustainable energy sources, Community Councillor King had requested an explanation of what the Common Good, and Scottish Borders Council as a whole was undertaking to improve sustainability. A target had been set, but there appeared to be no awareness of whether the target was being met, and whether or not all of the towns in the region were undertaking work related to sustainability. The Democratic Service Officer undertook to ensure that future Minutes was sufficiently detailed on such matters of significance. There had also been circulated copies of the Minute of the Meeting held on 15 September 2022, 6 October 2022 and on 14 November 2022.

DECISION

AGREED to:-

- (a) **approve the Minute of 31 August 2022 for signature by the Chairman;**
- (b) **approve the Minute of 15 September 2022 for signature by the Chairman;**
- (c) **approve the Minute of 6 October 2022 for signature by the Chairman; and**
- (d) **approve the Minute of 14 November 2022 for signature by the Chairman.**

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

There had been circulated copies of a report by the Acting Chief Financial Officer which provided details of income and expenditure for the Selkirk 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. Appendix 1 to the report provided the projected income and expenditure position for 2022/23 that showed a projected surplus of £21,395 for the year, which was less than the previously reported surplus on 31 August 2022 as a result of an increase in the property repairs budget. Appendix 2 to the report provided a projected balance sheet value as at 31 March 2023, which showed a projected decrease in reserves of £229,958. 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 was provided in Appendix 3a, and a breakdown of the property

portfolio showing projected property expenditure for 2022/23 and actual property expenditure to 30 September 2022 was provided in Appendix 3b. A breakdown of the property portfolio showing projected property valuations at 31 March 2023 was provided in Appendix 4. Appendix 5 showed to the value of the Aegon Asset Management Investment Fund to 30 September 2022. The Treasury Business Partner, Ms Sara Wilson, presented the report and highlighted that the Aegon Investment Management Fund unit price had continued to increase over the Quarter following the previously reported fall. The investment in the Fund continued to be monitored, and the 5% target of returns had been met. In response to a question regarding the projected depreciation charge for Selkirk swimming pool, Ms Wilson explained that the pool was Common Good owned and would continue to be present in SBC accounts as there was no lease in place between the Common Good and LiveBorders. All of the depreciation charges outlined in Appendix 4 to the report would be met by release from the revaluation reserve, which resulted in nil effect. The process represented an accounting rather than a monetary transaction. In response to a question regarding the presence of Victoria Hall in the report, Ms Wilson confirmed that it had been included in the report.

DECISION

- (a) AGREED the projected income and expenditure for 2022/23 in Appendix 1 to 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 to the report;**
 - (ii) the summary of the property portfolio in Appendices 3 and 4 to the report; and**
 - (iii) the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.**

3. PROPERTY UPDATE

The Estates Surveyor, Ms Hill explained that Go Wild Scotland had requested access through Victoria Park in order to install an accessible footpath. Agreement was in place for the work to begin. Communications would be sent out via social media and LiveBorders to ensure that local residents understood what work was taking place, and that access to the park would be restricted whilst the work was carried out.

DECISION

NOTED the update.

DECLARATION OF INTEREST

Community Councillor King declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the meeting during the discussion below.

4. SELKIRK REGENERATION

- 4.1** With reference to paragraph 8 of the Private section of the Minute of the meeting held on 31 August 2022, there had been circulated copies of a letter from Selkirk Regeneration which outlined their proposal to develop a solar array on Selkirk Common Good land to provide benefits to the wider Selkirk community. The Chair welcomed Mr David Bethune of Selkirk Regeneration to the meeting. Two of the four identified site options had been determined as economically viable, with the potential to generate significant income for the Common Good and benefit for the community by providing low cost renewable energy to businesses. Representatives from Selkirk Regeneration had met with members of Scottish Borders Council's Planning Department, whom had raised a number of issues which would require consideration, such as road access, archaeological and economic

aspects, and visibility. None of the issues raised were considered to be insurmountable or overly problematic for the project. Selkirk Regeneration therefore proposed that a feasibility study be carried out on option one, land above and below the A707 road, and option two, land between Linglie Farm and Ettrick. The feasibility study would address all planning aspects and implications, and would include community consultation, provide a robust business plan for the development and ongoing maintenance of the array, possible phasing of the development, and propose a structure for the management of the facility. Mr Bethune explained that a grant was needed to fund the feasibility study, and that agreement from the landowner was required in order to apply for that grant.

- 4.2 Members were fully supportive of the proposal and encouraged the feasibility study to be undertaken as a matter of urgency. The Solicitor, Ms Webster explained that matters which would be discussed in private had the potential to impact upon the project. Ms Webster suggested that a letter could be provided to Selkirk Regeneration which would agree in principle to the study, with appropriate legal conditions attached. The letter would allow Selkirk Regeneration to demonstrate to the Scottish Government that they had the agreement in principle from the landowner in order to apply for a CARES loan. The letter would be drafted in such a way as to not be legally binding on the Common Good. Members agreed to provide the approval in principle. The Solicitor would investigate the appropriate legal conditions required and prepare the letter outlining approval in principle for the feasibility study.

**DECISION
AGREED:-**

- (a) **to approve in principle a feasibility study into the development of a solar array on Selkirk Common Good land by Selkirk Regeneration; and**
- (b) **that the Solicitor would write a formal letter to Selkirk Regeneration which would provide notification of the approval in principle and outline the appropriate legal conditions that the approval was subject to.**

MEMBER

Community Councillor King re-joined the meeting.

5. URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chair 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 keep Members informed.

5.1 Selkirk Hill Management Group

The Chair advised that she had received a letter from the Selkirk Hill Management Group which requested that the Selkirk Common Good Fund Sub-Committee pay a previously agreed annual grant to the Selkirk Hill Management Group. Community Councillor King explained that the sum of money had been paid for a considerable period of time on a yearly basis in order to allow the group to maintain the Common Good owned land of Selkirk Hill. It was unanimously agreed that a decision on the funding would be deferred to allow Officers sufficient time to investigate and provide clarity on the funding arrangements.

DECISION

AGREED that a discussion on the Selkirk Hill Management Group Maintenance fee would take place at the next meeting of the Selkirk Common Good Fund Sub-Committee.

**6. 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 the appropriate paragraphs of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

7. MINUTES

The Private section of the Minutes of the Meetings held on 31 August 2022, 6 October 2022 and 14 November 2022 were approved.

8. PROPERTY

The Sub-Committee received an update on private matters relating to Common Good owned property and approved various maintenance works.

9. APPLICATION FOR FINANCIAL ASSISTANCE

The Sub-Committee considered an application for financial assistance from the Haining Charitable Trust and agreed not to grant funding.

The meeting concluded at 4.55 pm