
MOVEABLE ASSETS INVENTORY

Report by Depute Chief Executive

HAWICK COMMON GOOD FUND SUB-COMMITTEE

20 June 2017

1 PURPOSE AND SUMMARY

- 1.1 Following concern that there were potential omissions in the Hawick Common Good Moveable Asset Register, the Council's (now Live Borders) Museum Service agreed to undertake a review of heritage collections and some civic collections held by Scottish Borders Council to see if any items held in Hawick Museum and Hawick Town Hall should be reclassified as belonging to Hawick Common Good.**
- 1.2 This report concludes the work started in 2015 to produce a current definitive list of all items that should be agreed as constituting the Hawick Common Good Moveable Assets Inventory. The Inventory being recommended for approval has been reached by consolidating the following:
- The original inventory held by SBC.
 - Recommendations presented to the Hawick Common Good Sub-Committee on 25 May 2015 and 15 November 2016 regarding the potential Common Good ownership of heritage objects held in Hawick Museum and Hawick Town Hall.
 - The outcome of a consultation exercise requested by the Hawick Common Good Sub-Committee held with a number of Hawick organisations and undertaken in the period December 2016 and February 2017.
 - Additional research undertaken in the period February to June 2017.
- 1.3 While it is believed that the inventory presented herein for approval (see Appendix 2) is correct at the time of writing, should any evidence arise to suggest further items might be considered as Common Good this information will be communicated to the Hawick Common Good Fund Sub-Committee for a decision on ownership.
- 1.4 The report further recommends that in order for the Hawick Common Good Fund Sub-Committee to consider new additions to the Moveable Assets Inventory, Council Officers should be requested to prepare a set of guidelines that lists the necessary criteria for acceptance as Common Good.

2 RECOMMENDATIONS

2.1 I recommend that the Sub Committee:-

- (a) Notes the suggested reclassification of those moveable items listed herein and in Appendix 2 as assets belonging to Hawick Common Good;**
- (b) Makes a recommendation to Council to add the said moveable items to the Hawick Common Good Moveable Assets Inventory.**
- (c) Agrees to commission a valuation report on the items so listed in this report.**

3 BACKGROUND

3.1 In 2015, the Hawick Common Good Sub-Committee questioned the accuracy of the inventory of Common Good Moveable Assets which only listed three items:

- Provost's Chain
- Robes
- Paintings in Town Hall

There was no further detail to expand this list and searches of Council records did not produce any alternative inventories.

3.2 The Common Good consists of the funds and assets belonging to a particular Burgh. In order to assess whether or not an item acquired prior to 1975 should be properly considered to be owned by the Common Good, Officers have sought evidence of the nature of the acquisition and then applied the legal tests in order to determine whether the item is Common Good. There is a presumption against donation, which means that unless there is clear evidence that the item has been donated, we should assume that the item has only been loaned to the Council. In the event that there is evidence of purchase or donation, we must then consider whether the item was acquired in furtherance of the Council's statutory powers (such as to provide a museum or library service). If the item was acquired for a statutory purpose, it does not form part of the Common Good. Conversely, if the evidence points to the item being donated specifically for the people of the Burgh, the item should properly be classified as Common Good. This intention may be indicated through the express words of the donor, or assumed from the nature of the gift. For example, there are certain items which are so closely associated with a Burgh that they can be assumed to form part of the Common Good (such as Burgh regalia or flags). As Burghs were abolished in 1975, any items acquired by the Council subsequent to this time will only form part of the Common Good if they are items such as regalia which is intrinsically associated with the history of the former Burgh, or items which were donated expressly for the benefit of the inhabitants of the former Burgh only.

3.3 Since 2015, Officers have undertaken considerable research into the possible Common Good ownership of a number of items held in Hawick Museum and Hawick Town Hall. Recommendations were subsequently made to the Hawick Common Good Sub-Committee regarding a more comprehensive list in May 2015 and November 2016 but before finally approving this list the Sub-Committee requested that Officers undertook a consultation exercise with a number of Hawick organisations. Over the winter of 2016-17, Officers contacted Hawick Archaeology Society, Hawick Callants Club, 1514 Club, Ex Cornets, Ancient Order of Mosstroopers and Hawick Common Riding Committee and the exercise cumulated in a meeting on 21 February 2017. As a result of this exercise some further suggestions as to possible additions to the inventory were suggested. Some of these suggestions were deemed worthy of further investigation and it was agreed that further research would be undertaken. A consolidated list of all items already accepted as being Common Good or now being recommended for acceptance as Common Good can be found in Appendix 2.

3.4 Review of Work undertaken since February 2017

At the meeting with Hawick groups in February, Live Borders Museum Service agreed to undertake the following:

- Further research on Common Riding Flags
- Check Museum Collection for Hawick Provost portraits and ownership
- Complete ownership investigation on remaining items as per the list circulated at the consultation meeting.

It was also agreed that further work on reviewing the material in the cells below the Town Hall should be undertaken.

3.5 Common Riding Flags

Research suggests that seven of the flags, all Burgh flags, were originally commissioned/paid for by Hawick Town Council (the first being recorded in the 1707 Town Council Minute Book) for the benefit of the town and could therefore be construed as Common Good. One other was commissioned by Hawick Common Riding Committee which although subsequently donated to the Museum by that organisation should also be considered as Common Good. It is therefore recommended that the following eight flags should be reclassified as being owned by Hawick Common Good Fund and be added to the Common Good Moveable Assets Inventory.

- Hawick Common Riding Flag from Hexham (1908)
- Hawick Common Riding Flag, 1832 (red, gold and blue)
- Hawick Common Riding flag with date 1707 (oldest known existing Common Riding flag)
- Hawick Common Riding flag, 1865 (red and blue, on wooden pole with metal finial)
- Hawick Common Riding Flag
- Hawick Common Riding Flag, mounted on thick paper
- Hawick Common Riding Flag, 1903, blue and gold
- Hawick Common Riding Flag,- blue and gold swallow tail

3.6 Hawick Provosts Portraits

Following a further check of the Hawick Museum collection it is recommended that the following portrait be reclassified as being owned by Hawick Common Good Fund and be added to the Common Good Moveable Assets Inventory

- Provost Fischer, by James Tait

3.7 Other Work

As agreed at the Consultation meeting on 21 February 2017 it is recommended that the following three watercolours by Tom Scott and the painting by Lionel Edwards should be reclassified as being owned by Hawick Common Good Fund and be added to the Common Good Moveable Assets Inventory.

- Rainbow over St Mary's Loch, 1916; watercolour by Tom Scott
- A Reivers Ride, 1900; watercolour by Tom Scott
- River Tweed near Walkerburn; watercolour by Tom Scott
- The Common Riding, an old Borders Custom, by Lionel Edwards

3.8 Investigation into material held in cells at Hawick Town Hall

At the Sub Committee meeting on 21 February it was recommended that a search of the Hawick Town Hall cells should be undertaken to:

- Produce an inventory of material stored and
- ascertain if they contain any archives that may provide evidence of possible Common Good ownership.

This work has been undertaken by Robert Payne, Hawick Town Hall Caretaker and the full inventory is attached as Appendix 1. This work has uncovered a number of additional items that should be reclassified as being owned by Hawick Common Good Fund and be added to the Common Good Moveable Assets Inventory. These items are.

- painting of Hawick Common Riding, donated by Sonny Murray (Lesley Fraser war memorial)
- framed large portrait of ex town Councillor and Bailey Helen Scott
- framed photo's of Hawick Provosts 1861 – 1968
- (George Wilson, 1861 – 1868; George Hardie Fraser, 1868 – 1871; John Nichol, 1871 – 1874; Edward Wilson, 1874 – 1875; Robert Ewen, 1875 – 1878, Robert Fraser Watson, 1878 – 1887; Robert Milligan, 1887 – 1890; George Hogg, 1890 – 1893; Walter Scott Barrie, 1893 – 1896; Robert Mitchell, 1896 – 1902; John Melrose, 1902 – 1919, George Heron Wilson, 1919 – 1922; James Renwick, 1922 – 1928; William Scott Nichol, 1928 – 1931; David Fisher, 1931 – 1938; John Chapman Gray Landles, 1938 – 1940; Thomas Burns Mclagan, 1940 – 1945; George Fraser 1945 – 1958; David Atkinson, 1958 – 1962; James A. Henderson, 1962 – 1968; David Atkinson, 1968 – 1975)

3.9 Correction to Report of 15 November 2016

The report of 15 November 2016 incorrectly recommended that the following three items be considered as Common Good.

- Framed Certificate with wax seal and crest of Roxburgh District Council
- 2 Trophies: Roxburgh District Council Fit for Work awards

As these items were the property of Roxburgh District Council they cannot be considered as Common Good and have been removed from the final inventory.

3.10 Care of Common Good Items – Museum Collections

The items identified in the care of the Museum Service are stored or displayed in Hawick Museum or Borders Textile Towerhouse. With the recent upgrades to the storage facilities the recommendation is that this remains the best option for storage when items are not on display.

3.11 Care of Common Good Items – Town Hall Collection

It should be noted that the responsibility and care of Common Good Civic Collections, including the items listed in the Town Hall inventory, is not the responsibility of Live Borders Museum Service. It is suggested that no action is currently required regarding the display or care of the items listed in Appendix 2 with the exception of Covenanters by Tom Scott RSA. It is suggested that this painting would be better cared for in the climate monitored store at Hawick Museum.

3.12 In previous years the cost of any necessary conservation to items now accepted as belonging to the Common Good (ie paintings and flags) was met by the Museum Service, often funded with external grant aid. Now that ownership is being recommended as passing to the Common Good the responsibility for funding any necessary conservation work will fall to the Hawick Common Good Fund.

4 Moveable Assets - Consolidated List

4.1 The consolidation of all of the work undertaken to identify what constitutes the Hawick Common Good Moveable Assets Inventory as of June 2017 is provided in Appendix 2. It is recommended that the Hawick Common Good Sub-Committee :-

- a) Notes the suggested reclassification of those moveable items listed in Appendix 2 as assets belonging to Hawick Common Good;
- b) Makes a recommendation to Council to add the said moveable items to the Hawick Common Good Moveable Assets Inventory.

4.2 It is accepted that in the future new evidence may come to light which suggests other material should also be considered as additions to this list. If this happens Officers will bring forward recommendation to the Hawick Common Good Sub-Committee.

5 IMPLICATIONS

5.1 Financial

- (a) The transfer of title of the items on the consolidated inventory of moveable assets will have implications for their care and insurance, responsibility for which will pass to the Hawick Common Good Sub-Committee.
- (b) Insurance
The Common Good paintings held in Hawick Museum should all be valued for insurance purposes. However, given the nature of the majority of the works on the Town Hall inventory it is not felt that a blanket insurance valuation would be a worthwhile exercise nor would it significantly add to the total value of assets held on the Common Good Moveable Assets Inventory. Live Borders Museum Service have undertaken to review the collection and recommended which, if any of the items should be individually valued. The cost of valuation should be in the region of £600- £800. It is not expected that this exercise will impact on the premium the Council pays for insuring works of art or heritage items.

- (c) It is recommended that the Common Good Sub-Committee request that Live Borders Museum Service arrange for the necessary insurance valuations.

5.2 Risk and Mitigations

The Council's primary aim with regard to this matter is to have accurate Asset Registers. If the Council fails to amend the Moveable Asset Register to take account of the findings of the research the Council may be subject to adverse public comments and legal challenge. The risk is mitigated by considering this report and the suggested changes to the Moveable Asset Register noted herein.

5.3 Equalities

It is not anticipated that these proposals will have any adverse equality implications.

5.4 Acting Sustainably

There are no impacts on acting sustainably.

5.5 Carbon Management

There are no impacts on the Council's carbon emissions.

5.6 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to the Scheme of Administration or Scheme of Delegation.

6. CONSULTATION

6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, Corporate Communications and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

6.2 This report has been co-authored by Officers from SBC and Live Borders.

Approved by

Philip Barr
Depute Chief Executive

Signature

Author(s)

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Background Papers:

Previous Minute Reference: HCGC, 25 May 2015; HCGC, 15 November 2016, 21 February 2017

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

Contact us at Ian Brown, Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA.