
**DRAFT REPORT ON THE RESPONSE TO OUTLINE PROPOSAL
FROM THE JEDBURGH LEGACY GROUP SCOTTISH BORDERS
COUNCIL ON JEDBURGH TOWN HALL LIBRARY AND OTHER
SERVICES**

Report by Service Director, Customer & Communities

EXECUTIVE COMMITTEE

15 September 2020

1 PURPOSE AND SUMMARY

- 1.1 **The aim of this report is to make Elected Members aware of the outline proposal to Scottish Borders Council by the Jedburgh Legacy Group for an asset transfer, which would allow the group to take over and operate Jedburgh Town Hall, Library building, public toilets and other services (see Appendix 1).**
- 1.2 The response detailed within this paper outlines a positive way forward in progressing this proposal under the Community Asset Transfer process within the Community Empowerment (Scotland) Act 2015
- 1.3 The outline proposal (see Appendix 1) from the Jedburgh Legacy Group is an ambitious one that involves taking over the running of an enlarged Town Hall, Library building and public toilets. It also includes the maintenance of play parks, grassed areas, flower beds and hedges. The outline proposal sees the running, and potentially ownership, of these facilities passing over to a new body, Jedburgh Town Services. The bodies to be involved in operating Jedburgh Town Services are Jedburgh Community Council, Jedburgh Community Trust, Jedburgh Leisure Facilities Trust, Jedburgh Alliance, Jedburgh and District News Group (incorporating the Jedburgh Marketing and Tourism Group) and Jedburgh Horticultural Society.
- 1.4 It is considered that the outline proposal should initially be progressed using Scottish Borders Council's established process for dealing with applications by Community Groups under Community Empowerment Act (Scotland) 2015 legislation – i.e. an "expression of interest" prior to a formal Asset Transfer Request.
- 1.5 A brief overview and analysis of the outline proposal is given in Section 5 below. The proposal is aligned with Scottish Borders Council's draft 5-year Strategic Property Framework, with the preferred solution for the Town Hall and Library building being an asset transfer to the community. This strategic fit is welcomed and supported where it complements other local

services and assets.

- 1.6 A Multi-disciplinary Officer Group should be established to support the Jedburgh Legacy Group on developing the outline proposal into a formal Asset Transfer Request. The principles, processes, timescales and financial implications for carrying out this work are set out in Section 6 of the report.

2 RECOMMENDATIONS

2.1 It is recommended that Executive Committee agrees:

- (a) That the outline proposal from the Jedburgh Legacy Group should be progressed using Scottish Borders Council's established process under the Community Empowerment Act (Scotland) 2015 legislation.**
- (b) An Inter-agency Officer Group be established to assess, and offer to work with the Jedburgh Legacy Group on the outline proposal.**

3 BACKGROUND

- 3.1 The Jedburgh outline proposal needs to be considered in the context of the:
- (a) Significant economic issues facing the town a result of job losses in its two major companies and the economic pressures on other businesses in the town.
 - (b) Investments being made in the town by Scottish Borders Council and other partners in both business and new community facilities.
- 3.2 Over the last decade Jedburgh has experienced significant economic challenges particularly in relation to the decline of its town centre and the need to attract more business investment into the town. These issues have become a more acute as a result of the Covid-19 pandemic which has led to significant job losses in its main companies and more economic pressures on businesses, particularly in the town centre.
- 3.3 Despite these challenges, the town has major strengths and opportunities that need to be maximised. These relate to its attractive location within a rural setting, historic assets, strong community and place loyalty, business base, its proximity and gateway to large urban populations in Northern England and in Central Scotland, and the international airports in Newcastle and Edinburgh.
- 3.4 To support the town, significant public investments have and are being undertaken by Scottish Borders Council and other partners. These include:
- (a) The £35m investment in the new intergenerational Campus for Jedburgh which has involved Jedburgh Grammar School and its two primaries schools being co-located into one new fit for purpose education and community campus along with provision for new community facilities and activities. This highly innovative approach to educational and community provision will provide a strong foundation for securing the future of education and public services in the town as well as responding to future educational and community needs.
 - (b) A Jedburgh Conservation Area Regeneration Scheme (CARS) with funding of just over £1million from Historic Environment Scotland (HES) and Scottish Borders Council to support town centre regeneration. This project is underway with the appointment of a part-time Project Manager.
 - (c) The £450,000 investment in the Jedburgh (Skiprunning Burn) Flood Protection Scheme in 2014.
 - (d) £1.8m to support the corner building redevelopment in the town centre.
 - (e) £900,000 from the Scottish Government Town Centre Fund to support the restoration and sustainable re-use by the community of the A listed Port House, in Exchange Street. This project is also supported by other external funding, including Jedburgh CARS, the

Architectural Heritage Fund and Fallago Environment Fund.

- (f) £100,000 from the Scottish Government Town Centre Fund to provide additional support for the repair of the Jedburgh Abbey Ramparts retaining wall, alongside support from Jedburgh CARS and Scottish Borders Council.
- (g) £35,000 from the Scottish Government Town Centre Fund to deliver a Jedburgh Shopfront Improvement Grant Scheme.

3.5 The outline proposal arose out of the public engagement event held in June 2019. The event, held in Jedburgh Town Hall and attended by over 180 people, showcased plans for the new Campus with a focus on the community aspects of the new facility. Proposals for the rationalisation of associated legacy properties were also presented – i.e. the Town Hall, Library building and the Grammar School site. Attendees were asked to give views on the future use of the buildings and who should be involved in a feasibility study for the legacy buildings.

3.6 Following the event, a feasibility study was commissioned to look at options for the legacy properties, taking on board the views of the public obtained from the June engagement event. In the same period, a petition was raised by a local group against proposals for relocating the Library to the Campus and closing the Library building. The petition resulted in a representation being made to the Scottish Borders Council's Audit and Scrutiny Committee in December 2019, which agreed that there should be further engagement with the community in the form of a survey on local views on the future of the Library. The community-led survey was held in early 2020 and extended to enable more people to respond. The results of the Community Survey have yet to be published, but these community views will form an important part of the Community Asset Transfer process.

3.7 In February and March 2020, two meetings were held with representatives from key Community Groups (based on names put forward at the engagement event) to discuss the draft feasibility study. The representatives at the meetings form the Jedburgh Legacy Group. Since then the outline proposal has been developed and has now been submitted to the Council for consideration in principle.

4 THE OUTLINE PROPOSAL - SUMMARY

4.1 The outline proposal (see Appendix 1) from the Jedburgh Legacy Group involves initially, the asset transfer from the Scottish Borders Council of:

- (a) Jedburgh Town Hall (including a proposed extension).
- (b) The Library/Contact Centre building.
- (c) Two Public Toilets at the Main Car Park and Glebe.

Also, the maintenance of green spaces in the town (flower beds, grass-cutting, hedge-cutting and play parks). The outline proposal sees the running, and potentially the ownership, of these facilities passing over to a new body, Jedburgh Town Services.

- 4.2 The theme behind the outline proposal is tourism, recognising Jedburgh's heritage and position as a gateway town to Scotland and the Borders; ensuring that there is an attractive environment for both visitors and local residents; that people are encouraged to stop and visit with associated economic benefits arising from spend and events. The outline proposal also highlights the morale boost and capacity building benefits within the community that could be expected from the successful realisation of the project.
- 4.3 The Jedburgh Legacy Group, submitting the proposal comprises 11 community organisations. There are 4 main bodies that will be involved in the Jedburgh Town Services are Jedburgh Community Council, Jedburgh Community Trust, Jedburgh Leisure Facilities Trust and Jedburgh Alliance. Associated bodies include, Jedburgh and District News Group (incorporating the Jedburgh Marketing and Tourism Group) and Jedburgh Horticultural Society. Each group has a remit, competence and experience that would support the development and potential delivery of the outline proposal.

5 RESPONSE TO THE OUTLINE PROPOSAL

- 5.1 It is proposed that the outline proposal will be considered as a request for a potential asset transfer using Scottish Borders Council's established process for dealing with applications by Community Groups under the Community Empowerment (Scotland) Act 2015. Progressing the proposal from the Jedburgh Legacy Group through the Community Asset Transfer request process affords the Group a level of protection through the requirement to form a specified recognised body and includes a right to request a review and subsequent appeal if they do not agree with the decision that has been made by in relation to the Community Asset Transfer request.
- 5.2 The outline proposal should be seen an expression of interest and at pre-application stage. The Council's Community Asset Transfer process is set out in Appendix 2 and this shows the parameters of this pre-application stage before a formal Community Asset Transfer request is made and timescales are invoked. Once a formal request is received, the Council must publish the request and allow 4 weeks for views to be given. Thereafter the Council has 6 months to make a decision. If the Council agrees to an asset transfer, then both parties work together to agree the final contract.
- 5.3 The Council has previously given an undertaking that any expressions of interest regarding legacy buildings in Jedburgh will be accepted until August 2121, after which the Council will then proceed to consider alternative disposal options.
- 5.4 The outline proposal is ambitious, challenging and complex. In Scottish Borders Council's draft 5-year Strategic Property Framework, the preferred solution for the Town Hall and Library building has been an asset transfer to the community and therefore this strategic fit is welcomed and supported where it complements other assets and services in the community. From an initial assessment of the proposal, it is Officers' views that there are a number of areas that need to be considerably/significantly strengthened in preparation of a formal business

case being submitted.

- 5.5 Any business case submitted will need to demonstrate how the project, which will rely heavily on grant-funding, will be financially sustainable. The main source of proposed funding is from the Community Choices 1% Framework Agreement for which process and guidance is still to be published. Income generation which will be critical for long term sustainability, is still to be developed and does not feature proportionally in the outline proposal so far. It is critical to an acceptable business case being submitted for asset transfer and to funders. This would appear to be the biggest challenge in creating a sustainable business case, particularly given the low starting point in terms of usage in both the Library and the Town Hall, and the commercial competition with other facilities such as the Campus, Port House and other community venues such as the Rugby Club.
- 5.6 Regarding these challenges, the outline proposal does not refer to these in-scope assets, including the new Community Campus. There is a need to look at the potential synergies with, and the impact on/competition with/duplication of the community offering at the new Campus and other community facilities.
- 5.7 As part of the due diligence process around this proposal, the Council must consider the wider financial implications for the Council as a whole, as well as the specific financial arrangements of the business case. There are some overarching finance principles from a Council perspective which are relevant for any other communities proposing to take a similar approach going forward. These are detailed below:
- (a) The Council will work with communities in line with the guidance included in the Community Empowerment (Scotland) Act 2015.
 - (b) The Council will work with communities in line with the guidance for Community Groups on asset transfer under the Act developed by the Scottish Government and Scottish Borders Council's own Community Asset Transfer Policy.
 - (c) The funding allocated to Communities to deliver agreed services will not equate to 1% of Scottish Borders Council's budget as proposed in the Jedburgh Town Services proposal, as this is not the intention of the Participatory Budgeting approach.
 - (d) Instead the Council will work with Community Groups to develop a business model considering existing Council investment, level of service provision and objectives going forward along with external funding opportunities.
 - (e) This agreed business model would result in an agreed financial envelope provided by the Council. This funding will not be subject to indexation each year. It should also be noted that maintenance and repair of capital assets going forward will not be a burden for the Council.
- 5.8 To assess the outline proposal properly and effectively there is a need for appropriate governance and support. The outline proposal crosses a number of Council service and organisational remits. It is considered that

the Council needs to establish a Multi-disciplinary Team to offer to work with the Jedburgh Legacy Group to further explore the potential of the community taking over these assets.

5.9 This Group would be led by the Service Director Customer & Communities, who would act as Project Executive and comprise officers from:

- a) Communities & Partnership
- b) Communications
- c) Legal Services
- d) Planning and Development
- e) Neighbourhood Services
- f) Roads and Public Transport
- g) Economic Development
- h) Estates
- i) Financial Services

Officials from external organisations such as South of Scotland Enterprise, Visit Scotland, Registered Social Landlords and Live Borders would be invited to attend meetings of the group as and when appropriate.

5.10 It is proposed that this project team would offer to work iteratively with the Jedburgh Legacy Group in the further development of the outline proposal to progress a business case for Community Asset Transfer.

6 IMPLICATIONS

6.1 Financial

The financial implications for the Council are outlined in Section 5.7 above. Any proposal agreed with the local community will be made following a full and detailed analysis of the financial implications for the Council, as well as the specific financial arrangements of any agreement.

6.2 Risk and Mitigations

- (a) Supporting the proposal as outlined above requires dedicated and sustained resource and the options to put this in place are being examined by Officers.
- (b) If we do not support the Outline Proposal, there is a danger that resistance from the local community translates into political resistance that prevents property rationalisation.
- (c) That we fail to comply with our duty under the Community Empowerment (Scotland) Act 2015.
- (d) If the proposal fails to progress, it is likely that the Council will be portrayed as the reason for this failure. This will be mitigated by transparency and communications during the process under the Community Empowerment (Scotland) Act 2015.
- (e) Related to the above, the costs of the proposals may mean that anticipated savings are not achieved within the expected

timescales, and if the financial request to the Council within the business case is deemed unaffordable and unsustainable, it is likely that the Council will be blamed for any failure to progress the asset transfer.

- (f) There is a significant issue in that the proposal competes with the investment already made in the new Campus (detracting from the community offering at the Campus, taking away potential income or, if the Campus successfully takes business that might otherwise have gone to the Town Hall) the Council ends up with the blame for the failure of the asset transfer proposal.
- (g) All of the above could be mitigated through involvement in the development of the proposal – which needs to be an iterative process (i.e. we offer to work with the community to build the business case– rather than wait for the business case to be submitted and then respond.)

6.3 Equalities

As per the Asset Transfer guidance, the views of all stakeholders will need to be reflected/represented in the development of the proposal.

6.4 Acting Sustainably

The framework seeks to ensure that properties provision, in future, is on a more sustainable footing.

6.5 Carbon Management

Reducing our property footprint and targeting our investment in a reduced set of properties should enable a corresponding reduction in our carbon footprint.

6.6 Rural Proofing

The framework seeks to ensure that services are maintained or improved across existing communities through investment in a reduced number of properties.

6.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

7 CONSULTATION

- 7.1 The Executive Director (Finance & Regulatory), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and their comments have been incorporated into this report.

Approved by

Jenni Craig
Service Director, Customer & Communities **Signature.....**

Author(s)

Name	Designation and Contact Number
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James Lamb	Portfolio Manager
Douglas Scott	Senior Policy Advisor
Shona Smith	Communities & Partnerships Manager

Background Papers:

Previous Minute Reference:

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