

**SCOTTISH BORDERS COUNCIL**  
**SELKIRK COMMON GOOD FUND SUB COMMITTEE**

MINUTE of SPECIAL MEETING of the  
SELKIRK COMMON GOOD FUND  
SUB COMMITTEE held in Committee  
Room 1, Council Headquarters,  
Newtown St Boswells on Tuesday,  
2 December 2014 at 3.00 p.m.

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Present: Councillors G. Edgar (Chairman), M. Ballantyne (para 3),  
V. Davidson. Community Councillor T. Combe.  
In attendance: Solicitor (J. Webster), Property Manager (S. Mawson), Estates  
Surveyor (J. Morison), Democratic Services Officer (F. Walling).

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**FARM PROPERTY SURVEY AND WORKS SCHEDULE UPDATE**

1. With reference to paragraph 6 of the Minute of 29 October 2014, there had been circulated copies of a briefing note with a prioritised list of urgent repairs for each of the three farm properties, and cost details for each. Further information was also given about the landlord's legal responsibilities, in respect of each property, as had been requested.

**Smedheugh**

2. A quote had been received for renewal of the bathroom in the farmhouse to include renewal of the bath, shower, basin and toilet, a refitted ceiling, renewed lights and extractor fan, floor vinyl and repainting. After a lengthy discussion Members agreed that in addition to this quote to raise the bathroom condition to a high standard two further estimates should be obtained as follows:-

- (a) to bring the bathroom up to its previous standard;
- (b) to carry out essential work only, including renewal of extractor fan to help solve the problems of damp.

Should the decision be made to fund just the minimal work in the bathroom at this time it was suggested the tenant be given the opportunity to pay for further work to be carried out at the same time should he so wish. This could be potentially recorded as tenant's improvements. Members agreed to the necessary work being carried out to the fireplace to check the chimney lining and renew the fireplace mantle but asked officers to check whether the latter was covered by insurance. Members also agreed to proceed with electrical testing in the farm buildings.

**MEMBER**

Councillor Ballantyne joined the meeting during the above discussion.

3. Officers were asked to obtain a quote to renew/make secure the gable end in the storage shed and obtain quotes in the next financial year to make other sheds wind and watertight. Having discussed the lease with legal services the Estates Surveyor confirmed that the landlord was responsible for providing such buildings and other fixed equipment as would enable the tenant to maintain efficient production and for replacing all fixed equipment when it was at the end of its life.

**DECISION**

**AGREED that in respect of Smedheugh:-**

- (a) officers obtain additional quotes as described above for work on the bathroom and report these back to the next meeting for a decision;**
- (b) to proceed with the work on the fireplace as detailed but to check whether the work to the mantle may be covered by insurance; and**
- (c) to proceed with electrical testing in the farm buildings.**
- (d) to obtain a quote to renew/make secure the gable end in the storage shed and obtain quotes in the next financial year to make other sheds wind and watertight.**

**Linglie**

- 4. The briefing note advised that under Section 5 of the Agricultural Holdings (Scotland) Act 1991, the landlord will during the tenancy effect such replacement or renewal of the buildings or other fixed equipment as may be rendered necessary by natural decay or by fair wear and tear. This advice was given by specialist legal advisers, Gillespie MacAndrew, in July 2009. Members agreed to work being carried out to test the electric supply to the farmhouse and steading and to upgrade the sockets in the steading to residual current device. It was also agreed that discussions be held next year on the refurbishment of the cottages at Linglie.

**DECISION**

**AGREED that in respect of Linglie:-**

- (a) to proceed with electrical work as detailed in the briefing note; and**
- (b) that discussions be held on the refurbishment of the cottages in the next financial year.**

**South Common**

- 5. The Estates Surveyor explained that in November 2009 further advice was taken from Gillespie MacAndrew regarding the responsibilities of the Common Good at South Common. This came about following the tenant's request to replace the old steading buildings with a new shed. The advice was the same as that at Linglie i.e. under Section 5 of the AHSA 1991 the landlord will during the tenancy effect such replacement or renewal of the buildings or other fixed equipment as may be rendered necessary by natural decay or by fair wear and tear. With regard to urgent works required at South Common Members agreed to the renewal of windows and two doors in the farmhouse and for field drainage renewal to be carried out. It was also agreed that the farmhouse be re-wired during the next financial year.

**DECISION**

**AGREED that in respect of South Common:-**

- (a) to proceed with renewal of ten windows and two doors in the farmhouse;**
- (b) to proceed with the renewal of 400 metres of blocked/broken field drainage; and**
- (c) to rewire the farmhouse in the next financial year.**

**URGENT BUSINESS**

6. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the items dealt with in the following paragraphs should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.
7. The Property Manager reported that a leak which had led to water running below the door into the Scott's Courtroom Café had been repaired. He also advised that urgent repairs to the stonework of the tower would be carried out in the New Year.

**DECISION  
NOTED**

8. In response to a Member's query about the basis of the lease of the Green Shed, in particular in respect of consent for type of usage, Jane Webster, Solicitor, agreed to circulate to Members a copy of the lease for information.

**DECISION  
NOTED**

**URGENT BUSINESS**

9. Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with under private business should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

**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 6 and 8 of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

**Farm Property Works Schedule**

1. Members approved quotes received for works to be carried out on the three farms.

*The meeting concluded at 4.50 p.m.*