

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 Wednesday, 20
January 2021 at 5.00 pm

Present:- Councillor G Turnbull (Chairman), W McAteer, S Marshall, D Paterson,
C Ramage, N Richards. Mr J Campbell (Hawick CC) Mr W Fletcher (Burnfoot
CC)

In Attendance:- Principal Solicitor (para 1 -3, Cultural Services Manager (para 1-3), Estates
Strategy Manager (N Curtis), Managing Solicitor (R Kirk), Pensions and
Investment Manager, Project Manager (R Warrington), Democratic Services
Officer (J Turnbull).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 8 December 2020.

DECISION

APPROVED the Minutes of the meetings held on 8 December 2020 for signature by the Chairman.

2. **PROPOSED DONATION OF ARTWORK TO THE NATIONAL GALLERIES OF SCOTLAND**

2.1 With reference to paragraph 12.6 of the Private Minute of 8 December 2020, there had been circulated a briefing note by the Principal Solicitor, Hannah MacLeod. Mrs MacLeod advised that the Sub-Committee had approved, in principle, a proposal to donate a portrait of the Earl of Minto by George Chimmery to the National Galleries of Scotland. This was because the painting needed restoration, there was no suitable hanging space in Hawick because of its significant size, the cost of insurance and the preference for retaining the painting within public ownership in terms of the Museum Association Code of Ethics. A statutory consultation process had now been undertaken and twenty responses received, 13 of which were in support of the proposed donation. Of the seven objections, three wished for the painting to be sold and the proceeds to go to Hawick Common Good and the others suggested that the painting should be hung in Hawick. Mr Brown added that he had contacted the National Galleries of Scotland and once the restoration work had been completed it was their intention to display the painting.

2.2 In response to questions, Mrs MacLeod advised that as the proposal was to donate the painting to the National Galleries of Scotland it was on this basis that they would incur the restoration expense. The painting had been stored at the National Galleries for the past 50 years and had only recently been recognised as belonging to Hawick Common Good. Common Good assets could be sold if not considered inalienable. Mr Brown advised that restoration costs would be in the region of £5k to £8k, the painting had been valued by Christies at £30k - £50k. However, this would depend on being able to secure a buyer. Mr Brown reminded the Sub-Committee that the National Galleries of Scotland had asked for the painting to be returned to Hawick or donated to them. If the Sub-Committee decided to retain the painting, it would need to be returned to Hawick and there was no suitable location to store the painting and its condition could deteriorate further. Mr Brown further advised that while paintings were often loaned for specific exhibitions, it was unusual for a museum to look after exhibits that they did not own themselves on a long term basis.

- 2.3 Following a discussion it was agreed to request that Mr Brown ask the National Galleries of Scotland if they would retain the painting on loan, if the cost of the restoration was funded by Hawick Common Good. If the National Galleries of Scotland were unable to undertake the restoration work to ascertain if this could be undertaken by a private restorer up to the value of £10k. If this was feasible, to enquire if the National Galleries of Scotland would retain the painting for display on loan, with an appropriate inscription. Once the outcome of discussions with the National Galleries of Scotland was known to update the Sub-Committee.

**DECISION
AGREED**

- (a) **To request that the Cultural Services Manager ask the National Galleries of Scotland if they would retain the painting on loan, if the restoration works was funded by Hawick Common Good;**
 - (b) **If the National Galleries of Scotland were unable to undertake the restoration to ascertain if the works could be undertaken by a private restorer up to the value of £10k;**
 - (c) **If the restoration work was to be undertaken by a private restorer to enquire if the National Galleries of Scotland would retain the painting on loan; and**
 - (d) **To request an update at the next appropriate meeting.**
3. **FINANCIAL ASSISTANCE**

With reference to paragraph 2.2 of the Minute of 8 December 2020. It was noted that Hawick Common Good had agreed to fund 50% of the costs of the Hawick Recreation Association heating costs, when costs were quantified. The Council were unable to fund the other 50% and the applicant was to seek funding for the other 50% from alternative sources. Mr Girvan from Hawick Recreation Association was in attendance and explained that he had been in discussion with the Locality Development Co-ordinator and was progressing an application to the Community Fund, for 40% of the costs, the Hawick Recreation Association would fund 10%. Mr Girvan confirmed that 50% of the costs remained at £7,374.00. In response to a question Mr Kirk advised that the doctrine of tacit relocation applied and the lease to the Association continued on an annual basis. Mr Girvan added that he was in discussion with the Property Officer regarding renewal of the Lease. Following discussion, the Sub-Committee agreed that the ring fenced funding of £7,374.00 was to be paid to Hawick Recreation Association when the outcome of their Community Fund application was known.

**DECISION
NOTED**

- (a) **The update on progress with the application to the Community Fund; and**
 - (b) **That the £7,374.00 ring-fenced for the project to be paid to Hawick Recreation Association when the outcome of the Community Fund application was known**
4. **FACILITY FOR CAMPERVANS AT THE COMMON HAUGH**
- With reference to paragraph 8 of the Minute of 8 December 2020, the Estates Strategy Manager, Mr Curtis, shared a plan showing the proposed location for the sluice facility. Mr Curtis explained that initial discussions with the Council's architect had advised that if the Sub-Committee agreed, the Property Officer could investigate if there was a foul water drain located in the manhole. If so, a sluice facility could be located to the left of the WC block. The architects had also advised that an application to Scottish Water would be required and that they considered some form of compound to be appropriate, with a charging mechanism to use the facilities. Costs of the work were yet to be quantified but if the Sub-Committee agreed to progress these could be advised at the next meeting together with any planning considerations for providing the facility. It was noted that Future Hawick had agreed a contribution towards the works. In response to a question

Ms Warrington advised that there would be eight spaces reserved for campervans on the left hand side near the exit of the Common Haugh.

DECISION

AGREED

- (a) To request that the Property Officer investigate the manhole at the Common Haugh for foul water drainage; and
- (b) To request costs for the proposed works be brought back to the next meeting

5. **PRIVATE BUSINESS**

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

SUMMARY OF PRIVATE BUSINESS

6. **PRIVATE MINUTE**

Members approved the Private Minute of Hawick Common Good Fund Sub Committee held on 8 December 2020.

The meeting concluded at 6.35 pm