

SCOTTISH BORDERS COUNCIL

HAWICK COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Special Meeting of HAWICK
COMMON GOOD FUND SUB-COMMITTEE
held via Microsoft Teams on Wednesday, 15
December 2021 at 2.00 p.m.

Present:- Councillors G. Turnbull (Chairman), W. McAteer, S. Marshall, C. Ramage,
N. Richards, Mr J. Campbell (Hawick CC).

Apologies:- Councillor D. Paterson

In Attendance:- Pensions and Investments Manager, Estates Strategy Manager, Managing
Solicitor, Property Officer (F. Scott), Democratic Services Team Leader,
Democratic Services Officers (W. Mohieddeen).

1. CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR FORMER BURGH OF HAWICK

1.1 There had been circulated copies of a report by Principal Solicitor seeking approval of the draft Common Good Registers for the former Burgh of Eyemouth and to advise on the next steps in the process for consultation and publication under the Community Empowerment (Scotland) Act 2015. Following such approval, the list would be published on Citizen Space, together with a consultation survey. The intention was to publish the consultation survey before the end of December 2021. In addition to the electronic survey, the proposed lists of Common Good assets were to be published on the Council's website and paper copies were to be made available, free of charge, on request. Notification advising of the publication of the lists and the consultation period were to be made on the Council's website and social media. The Council was to make all of the Community Councils and other community bodies aware of the publication of the proposed Common Good Asset lists and invite those community bodies and the public to make representations in respect of these lists. The statutory minimum period for consultation was twelve weeks. However, it was suggested to extend this period until the start of April 2022. After the consultation period, the Council was to publish all representations received. The Common Good Fund Sub-Committee would then reconvene to consider any representations made, and to agree the finalised Asset Register. The finalised Asset Register would then be published within six months from the end of the consultation period. It was possible that following this process, further assets may be identified as being Common Good, and where that was the case, the Council would update the Common Good Asset Registers. The Registers would similarly be updated if existing property was disposed of or reclassified. The Council would also ensure that the Common Good Asset Registers were reviewed on a regular basis, and at least every five years.

1.2 The Principal Solicitor highlighted changes to the Common Good asset register to that which had been reported in previous Financial Monitoring Reports. The additional assets to the Hawick Common Good register were Buccleuch Bowling Club, Cross Wynd Car Park, Backbraes Woodland and the Common Haugh Public Toilet. In the case of the Common Haugh Public Toilet, it had previously been noted that the land on which this asset sits was Common Good land. However, it had not previously been noted that the building itself was a Common Good asset. In recognising now the principle of law that land and buildings could be owned separately, this building should properly be classified as part of the Common Good. In the case of the Cross Wynd Car Park, Buccleuch and Hawick Bowling Club (including Henderson Gardens) and Backbraes Woodland, these

assets had not previously been identified as forming part of the Common Good. However, the bowling club was gifted to the Burgh by the Duke of Buccleuch in 1919 “for the benefit and enjoyment of the inhabitants of the said burgh for all time to come” and therefore should be classified as Common Good. The Cross Wynd Car Park sat on the same site as the Lothian Street Store and should similarly be classified as Common Good, and Backbraes (or Linnwood as it was otherwise known) was acquired by the Burgh in 1930 and also appeared to have been a Common Good asset.

- 1.3 Members welcomed the clarity provided by the listing of the Common Goods assets into a register. It was recognised that this was mandated by the Scottish Government but would provide clear information to the public. Members discussed the implications for specific assets and the division of liabilities between the Common Good Fund and the Council.
- 1.4 Mr Scott enquired as to the status of Hornshole as a recent acquisition of the Common Good. Ms MacLeod advised that Hornshole would be added to the consultation. Councillor McAteer enquired as to the status of the painting of the old town hall that was located in the existing town hall and sought clarity regarding additional liabilities for Hawick Common Good Fund Sub-Committee arising from any new assets. Ms McLeod advised she hoped to be able to report back in June although this would be dependent on the volume of responses received.

DECISION

AGREED to:

- (a) **Approve the contents of the draft list of heritable and moveable property assets held by the Council within the former Burgh of Hawick;**
- (b) **Approve the publishing of the draft list to be made available for public consultation for a period of at least twelve weeks;**
- (c) **Note that following the period of consultation all comments will be brought to the Common Good Fund Sub-Committee for their consideration;**
- (d) **Note that the Section 95 Officer will amend the Common Good accounts to include the additional assets identified as Common Good.**

2. URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman 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 make an early decision or to keep Members informed.

3. PROPERTY UPDATE

- 3.1 Mr Scott advised Members that Common Good property had been impacted by Storm Arwen. Homes at Pilmuir and St Leonard’s were without power for four days. A large number of trees had been blown over and a tree surgeon had been approached to ensure any works required would be completed in time for Hawick Common Riding. A window had been blown in at St Leonard’s Hut which needed repairs and the Volunteer Park stand roof was also in need of repairs. Slates had been damaged at Williestruther Cottage. Mr Scott was unsure at present what costs might need to be met by the Common Good Fund as the Council were to make a claim via the Bellwin Scheme.
- 3.2 In reference to paragraph 10 of the Minute of the Meeting held on 23 November 2021, Mr Scott presented a draft proof of the warning sign to be erected at Williestruther Loch. It was clarified that two signs were to be erected on site. Members discussed the design of the sign, noting that being coloured in dark green would bring consistency with the identity of Hawick.

DECISION

AGREED to:

- (a) Approve the wording of the Williestruther Loch warning signs; and**
- (b) That the signs be coloured in dark green.**

The meeting concluded at 2.30 pm.