

SCOTTISH BORDERS COUNCIL

GALASHIELS COMMON GOOD FUND SUB COMMITTEE

MINUTES of Meeting of the GALASHIELS
COMMON GOOD FUND SUB COMMITTEE
held via Microsoft Teams on Thursday, 8
September 2022 at 10.00 am

Present:- Councillors H. Steel (Chairman), N. Mackinnon, F. Sinclair, and Community
Councillor R. Kenney
Apologies:- Councillor E. Jardine.
In Attendance:- Principal Solicitor, Managing Solicitor – People and Court, Estates Surveyor
(J. Stewart), Pensions and Investments Manager, Democratic Services
Officer (D. Hall).

1. ORDER OF BUSINESS.

The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

2. MINUTE.

The Minute of the Meeting of the Galashiels Common Good Fund Sub-Committee held on 30 June 2022 had been circulated. The Managing Solicitor advised that her job title, “Managing Solicitor – People and Court” had not been accurately recorded in the attendance list of the Minute, and it was agreed to amend the Minute accordingly

DECISION

NOTED for signature by the Chairman as amended

3. CONSULTATION ON HERITABLE AND MOVEABLE ASSET REGISTERS FOR FORMER BURGH OF GALASHIELS

There had been circulated copies of a report by the Principal Solicitor which advised on the outcome of the recent consultation under the Community Empowerment (Scotland) Act 2015, and sought approval of the final Common Good Register for Galashiels. Under the Community Empowerment (Scotland) Act 2015 the Council was required to establish and maintain a register of property which was held by the authority as part of the Common Good (a “Common Good Register”). Before establishing a Common Good Register, the Act required the Council to publish a list of property that it proposed to include in the Register and consult the public on the list. The Galashiels Common Good Fund Sub-Committee approved the draft asset register in December 2021 and agreed to the commencement of the public consultation. The consultation ran from December 2021 to 31 March 2022. The Sub-Committee was required to consider the responses received to the consultation and approve the final register to be recommended to the Council for publication. The Principal Solicitor, Mrs Hannah Macleod, presented the report and responded to Members questions. The consultation had received 65 substantive responses, of which 12 related to Galashiels. The comments by legal, finance and estates to responses were set out in appendix 1 to the report. The Principal Solicitor explained that the Register would be reviewed on at least a five yearly basis, and that if new information or evidence was discovered it could be considered at any point. In response to a question regarding the land ownership of Scott Park, the Principal Solicitor confirmed that the consultation process involved examining assets on an individual case-by-case basis, and that where land had been acquired for statutory purposes it would not form part of the Common Good’s assets. The land at Scott Park had been acquired for a statutory purpose and the legal opinion of a QC had been sought on the matter, whom had agreed with Scottish Borders Council’s legal department’s opinion that the asset was owned by Scottish Borders Council, and not the Common Good. There was a set date at which land was defined as Common Good owned or not, specifically 1 May 1976. In

response to a question regarding whether the change of use of land had the potential to affect ownership, Mrs Macleod explained that title burdens, that is restrictions on land defined within title deeds which required the owner to either do, or refrain from doing something, was a complex area, but that following the extinction of the feudal land system in Scotland, those type of burdens were no longer legally enforceable. Mrs Macleod explained that burdens in general were only enforceable in the form of a neighbour burden, which was not the circumstances regarding Scott Park.

**DECISION
AGREED:-**

- (a) to note the consultation responses and officers' comments thereon, as set out at Appendix 1 to the report;**
- (b) to approve the contents of the final list of heritable and moveable property assets held by the Council within the former Burgh of Galashiels, as set out in Appendix 2 to the report; and**
- *(c) to recommend to Council the final asset list for publication as a completed Good Register for Galashiels.**

4. PROPERTY UPDATE

The Estates Surveyor provided an update on Common Good property matters. Discussions had been held with the woodland consultant regarding the extraction of the woodland on Ladhope hill. The consultant had explained that the work was not immediately necessary, and recommended to review the price of timber at the end of the first financial quarter of next year. A timeline would then be discussed in principle with the golf club, followed by formal talks and a discussion on the practicalities of extraction. Following discussions with the Penmanshiel Fund it had been confirmed that financial assistance would not be available should a loss be incurred by the Common Good due to the woodland extraction. The Fund could only assist in the planting of new trees. Regarding road repairs to the golf club road, the works had been instructed but had been delayed due to resourcing issues within SBContracts. The Estates Surveyor had received assurance that the works would commence within weeks. In response to a question regarding the need to upgrade the Haliburton Place recreation area, The Estates Surveyor undertook to discuss the matter with colleagues in Neighbourhood Services.

**DECISION
NOTED the update.**

5. MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2022

There had been circulated copies of a report by Acting Chief Executive which provided the details of income and expenditure for the Galashiels Common Good Fund for the three months to 30 June 2022, a full year projected out-turn for 2022/23, and projected balance sheet values as at 31 March 2023. Appendix 1 to the report provided the project income and expenditure position for 2022/23, which showed a projected surplus of £1,174. A projected balance sheet value as at 31 March 2023 was shown in Appendix 2 to the report, with a projected decrease in reserves of £53,135. Appendix 3a to the report provided a breakdown of the property portfolio which showed projected rental income and projected net return for 2022/23 and actual property income to 30 June 2022, whereas Appendix 3b to the report provided a breakdown of the property portfolio which showed projected property expenditure for 2022/23 and actual property expenditure to 30 June 2023. A breakdown of the property portfolio showing projected property valuations at 31 March 2023 was provided in Appendix 4 to the report. Appendix 5 to the report showed the value of the Aegon Asset Management Investment Fund to 30 June 2022. The Pensions and Investments Manager presented the report, highlighted that the grants budget of £500 remained unallocated and that the investment with the Aegon Asset Management Investment Fund was progressing on target.

AGREED:-

- (a) the projected income and expenditure for 2022/23 in Appendix 1 to the report as the revised budget for 2022/23;
- (b) to note the projected balance sheet value as at 31 March 2023 in Appendix 2 to the report;
- (c) to note the summary of the property portfolio in appendices 3 and 4 to the report; and
- (d) to note the current position of the Aegon Asset Management Investment Fund in Appendix 5 to the report.

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

SUMMARY OF PRIVATE BUSINESS

7. **MINUTE**

The Sub-Committee approved the private section of the Minute of the Meeting held on 30 June 2022.

The meeting concluded at 10.30 am