

**SCOTTISH BORDERS COUNCIL**  
**HAWICK COMMON GOOD FUND SUB-COMMITTEE**

MINUTES of Meeting of the HAWICK  
COMMON GOOD FUND SUB-COMMITTEE  
held in Lesser Hall, Town Hall, Hawick on  
Tuesday, 17 November, 2015 at 4.00 pm

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Present:- Councillors S Marshall (Chairman), A Cranston, W McAteer, D Paterson,  
R. Smith, Mrs A Knight and Mr J Little.

Apologies:- Councillors G Turnbull.

In Attendance:- Managing Solicitor (R Kirk), Corporate Finance Manager (L Mirley), Estates  
Officer (J Morison), Property Officer (F Scott), Democratic Services Officer (J  
Turnbull)

Members of  
Pubic:- 5

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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**

There had been circulated copies of the Minute of the Meeting held on 16 September 2015.

**DECISION**

**APPROVED the Minute for signature by the Chairman.**

3. **URGENT ITEM**

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 keep Members informed / make an early decision.

4. **FINANCIAL ASSISTANCE**

There had been circulated copies of an application from Hawick Reivers' Association requesting financial assistance of £2,500 towards the overall running cost of Hawick Reivers' Festival. Scottish Borders Council's (SBC) Funding and Project Officer had advised that the Community Grant scheme was not applicable for annual contributions and that support grants would normally be made as a stop gap to support groups. SBC's Events Team were keen to support the Association and would liaise with them to look at business planning, marketing and promotion and, in particular, to advise them of how best they could make promotional links to the Borders Railway. The Chairman of the Association was in attendance and advised that the Festival was highly valued by the community. The majority of the attractions they provided were free to the public and the Festival encouraged involvement by all ages. The Association were considering an enhanced marketing strategy in the hope of attracting visitors to the town via the Borders Railway. They were also seeking funding from Awards for All towards equipment. Members discussed the application and agreed to award £2,500.00 to Hawick Reivers' Association. The Chairman of the Association thanked the Sub-Committee for the contribution which was much appreciated.

## **DECISION**

**AGREED to award a grant of £2,500.00 to Hawick Reivers' Association towards the running cost of Hawick Reivers' Festival.**

## **MEMBER**

Councillor Cranston joined the meeting during consideration of the above report.

### **5. MONITORING REPORT FOR SIX MONTHS TO 30 SEPTEMBER 2015**

There had been circulated a report by the Chief Financial Officer providing details of income and expenditure for the Hawick Common Good Fund for the six months to 30 September 2015, full year projected out-turn for 2015/16 and projected balance sheet valued to 31 March 2016. Appendix 1 to the report provided a projected Income and Expenditure position. This showed a projected deficit of £37,442 for the year. A reduction to the £40,660 deficit reported in August 2015, due to increased rental income, was detailed in section 4.2 of the report. Appendix 2, to the report, provided a projected Balance Sheet to 31 March 2016. It showed a projected decrease in the reserves of £80,235 due to the projected reduction in revenue reserve and the revaluation reserve. Appendix 3 provided a breakdown of the property portfolio showing actual Income and Expenditure to 30 September 2015. Appendix 4 showed the value of the Newton Fund. Ms Mirley advised that the recent presentation by the Newton Fund had been well attended by Members. Investment in this Fund showed a slight negative return of -0.78% over the quarter, in comparison to equity markets which fell by 6% in the same period. This highlighted that Newton continued to plan to protect the Fund. With reference to paragraph 4(ii) of the minute of 18 August 2015, Ms Mirley advised that the further grant, delegated to the Chief Financial Officer and the Chairman, for the Remembrance Garden at Wilton Cemetery had been £190.00. The unallocated budget, with the deduction of the grant above was now £12,710.00. The projected closing balance at 31 March 2015 would be approximately £97,000.00.

## **DECISION**

**(a) AGREED the projected Income and Expenditure for 2015/16 as shown in Appendix 1, to the report.**

**(b) NOTED:**

**(i) The actual projected Balance Sheet value to 31 March 2016, as shown in Appendix 2 to the report;**

**(ii) The summary of the property portfolio in Appendix 3 to the report; and**

**(iii) The current position of the investment in the Newton Fund in Appendix 4 to the report.**

### **6. COMMON HAUGH - APPLICATION FOR FAMILY FUN FAIR**

With reference to paragraph 3 of the Private Minute of 26 May 2015, an application had been received by K Stuart, Family Fun Fair, requesting permission to lease part of the Common Haugh on two weekends, in March and April 2016 for a Fun Fair. Mr Morison advised that from 2010 the Fun Fair had been granted use of the Common Haugh for two weekends in March and April. Last year he had received one complaint regarding noise. Members discussed the application and Mr Stuart, Fairground Proprietor, who was in attendance, responded to questions. It was noted that the Fun Fair would be reduced by approximately 200 square metres from last year's Fun Fair. Councillor Paterson proposed that the Lease be granted for one weekend but received no seconder. Councillor Smith proposed that the Sunday, 27 March 2016 be refused and was seconded by Councillor McAteer. The Sub-Committee agreed to grant the application but that the Sunday, 27 March date be refused.

## **DECISION**

### **AGREED**

To grant a lease of the Common Haugh, to K Stuart, Family Fun Fair, as follows:

- (a) **Thursday 24 March 2016 6.30 pm to 9.30 pm**  
**Friday 25 March 2016 6.30 pm to 10.00 pm**  
**Saturday 26 March 2016 1.00 pm to 10.00 pm**
  
- (b) **Thursday 31 March 2016 6.30 pm to 9.30 pm**  
**Friday 1 April 2016 6.30 pm to 10.00 pm**  
**Saturday 2 April 2016 1.00 pm to 10.00 pm.**

## **7. WILLIESTRUTHER RESERVOIR**

There had been circulated copies of a report by Halcrow Group Ltd on an inspection of Williestruther Reservoir, under Section 10 of the Reservoir Act 1975. The inspection was carried out on 11 August 2015. Mr Scott advised that the report had highlighted that the reservoir was in good condition and the reservoir had now been reinstated with SEPA. The next inspection would be in 10 years' time. Mr Scott confirmed that the recommendations in the report had all been completed.

## **DECISION**

**NOTED the report.**

## **8. HAWICK RACE COURSE**

There had been circulated copies of a briefing note by the Managing Solicitor in response to dog fouling complaints at Hawick Race Course. In summary, access rights had been established by the Land Reform (Scotland) Act 2003. The Act conferred a duty on local authorities to draw up core paths which were sufficient for the purpose of giving the public reasonable access. SBC had a system of core paths and one of these ran adjacent to the race course. Mr Kirk referred to the Scottish Outdoor Access Code and specifically the paragraph which stated that access rights did not apply to land which had been developed or set out for a recreational purpose such as horse racing gallops. The Committee would therefore be entitled to insist that members of the public used the core path adjacent to the race course. However, it was acknowledged that it would be problematic ensuring that this was monitored. The Committee considered the report and agreed that locking the gates would not be a viable solution. Raising public awareness of the dog fouling problem by increasing signage in the area was discussed and agreed. The cost of the signage was to be met from the Hawick Common Good Fund budget.

## **DECISION**

**AGREED to request the Property Officer:**

- (a) **arrange for additional dog fouling signage to be displayed at the Race Course, the cost of the signage to be met from the Hawick Common Good budget; and**
- (b) **present an update report to the February 2016 Hawick Common Good Fund meeting.**

## **9. PROPERTY UPDATE**

There had been circulated copies of briefing note by the Estates Officer.

### **(a) Williestruther Cottage**

The new tenants had signed the lease on 30 October 2015. They had requested consent to install a walk-in-wardrobe in the second bedroom and this had been granted.

### **(b) Woodlot at the Burgh Woodlands**

Members approved the draft advert which had been circulated with the Agenda.

## **DECISION**

### **AGREED**

- (a) To approve the advertisement for publication; and**
- (b) To request a list of applicants for consideration at the February 2016 meeting of the Hawick Common Good Fund Sub-Committee.**

#### 10. **HORNSHOLE**

There had been circulated a briefing note by the Managing Solicitor regarding ownership of Hornshole. In summary, the Hornshole memorial was erected in 1901 on land gifted by Captain Palmer-Douglas. SBC had been responsible for maintenance of the Memorial and the surrounding land since November 1936. However, there were no records to show that ownership of the land was transferred to the Council and as such it probably remained with the successors of the Palmer-Douglas family. A title search could be carried out to establish the ownership of the land which would cost in the region of £400 to £500. If this identified the current owner then an approach could be made to them with a view to having the title conveyed to SBC. Further costs would be incurred in meeting legal fees in connection with the transferring of title. In the event that the current owner could not be identified then SBC could grant a title in favour of itself by way of "non Domino Disposition". The Sub-Committee could make a decision to purchase or acquire the land. If the value exceeded £20,000 the decision had to be made by Council. Mr Kirk advised that following the abolition of Burghs in 1975, the Common Good could not legally hold title to any property, therefore SBC would have to take ownership and then assign to Hawick Common Good. Councillor McAteer, circulated at the meeting, a briefing note advising that proposals from the Boundary Commission for Scotland had highlighted that Hornshole would be included in the new Jedburgh ward which was of concern to Hawick residents. Archive records had been examined and no trace of transfer of ownership had been found. There was also no trace of a legal record of Hawick Town Council owning the land. There was reference to Hawick Town Council taking custody of the memorial on 10 November 1936 and their successors had been responsible for maintenance of the site thereafter. A relative of the Palmer-Douglas family had been engaged and supported the action to safeguard the site for future generations. Owners of land bordering the site had also confirmed that the site was not part of their title deeds. Members discussed the report and requested officers identify the title of the land and report back to the next meeting.

### **MOTION**

Councillor McAteer, seconded by Councillor Marshall, moved that solicitors be instructed to proceed to secure title and ownership of the recognised 'Hornshole' land. That this ownership to be in the name of Scottish Borders Council and assigned to Hawick Common Good and secured for future generations of Hawick residents.

Councillor Paterson proposed that the Sub-Committee did not proceed with securing title for Hornshole but received no seconder.

Councillor Smith, moved as an amendment to Councillor McAteer's motion that officers proceed to identify title and then report back to the next meeting of the Sub-Committee.

Councillor McAteer agreed the amendment to his motion.

## **DECISION**

**AGREED to request officers proceed to identify title of Hornshole and report back to the next meeting of Hawick Common Good Fund Sub-Committee.**

11. **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 the Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A of the Act.

### **SUMMARY OF PRIVATE BUSINESS**

12. **MINUTE**  
Members approved the private section of the Minute of 18 August 2015.
13. **PILMUIR FARM - SILAGE CLAMP**  
The Sub-Committee considered a briefing note by the Property Officer.
14. **PROPERTY UPDATE**  
The Sub-Committee considered a briefing note and verbal report by the Estates Officer.

### **PUBLIC BUSINESS**

15. **RACE COURSE (THE MAIR) BUILDINGS**  
The Property Officer advised that the Common Riding Committee were considering replacing the buildings on the Race Course (The Mair).
- DECISION**  
**AGREED** in principle.
16. **COMMON HAUGH**  
It was reported that the road surface had broken away on entering from Albert Bridge to the Burns' Club. The Clerk was requested to report to the Asset Manager.
- DECISION**  
**AGREED** to request that the clerk report the poor road surface on entering from Albert Road to the Burns' Club to the Asset Manager.
17. **FIREPLACES**  
The Property Officer advised that he had in store two disused cast iron fireplaces and requested advice on how he should market them. It was agreed to delegate permission to the Property Officer to market the fireplaces.
- DECISION**  
**AGREED** to delegate authority to the Property Officer to market the fireplaces.
18. **DATE AND VENUE OF THE NEXT MEETING**
- DECISION**  
**NOTED** that the next meeting of the Hawick Common Good Sub-Committee be held on Tuesday, 16 February 2016 at 4.00 pm.

*The meeting concluded at 5.15 pm*