

SCOTTISH BORDERS COUNCIL
PEEBLES COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Council Offices,
Rosetta Road, Peebles 2 December 2015 at
5.30 p.m.

Present:- Councillors W. Archibald (Chairman), C. Bhatia, K. Cockburn, G.
Garvie. Community Councillor L Hayworth.
Apologies:- Councillors S. Bell, G. Logan.
In Attendance:- Chief Financial Officer, Solicitor (G. Nelson), Estates Officer (J.
Morison), Democratic Services Officer (K. Mason).

Members of the Public:- 2.

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 Meeting of Peebles Common Good Fund Sub-Committee of 27 August 2015 had been circulated.

**DECISION
NOTED.**

- 2.1 With reference to paragraph 2 of the minute, Members were reminded that a briefing note dated 1 September 2015 had been submitted to them by Mr G. Nelson, Solicitor advising that at the meeting of the Peebles Common Good Fund Sub-Committee held on 27 May 2015 an application had been made by Tweeddale Rovers AFC in respect of the pavilion at Kerfield Park, Peebles. With their application they included background information regarding how the club had built the Pavilion in the early 1960s then handed it over to the Town Council at a small ceremony at the Council Chambers prior to the monthly Town Council meeting. This appeared to contradict other information in the application which seemed to indicate that the Pavilion was owned and run by the Club. Members had asked Estates and Legal to seek to clarify the ownership of the Pavilion. Mr Nelson advised that having checked Council titles it was confirmed that Kerfield Park, Peebles was owned by the Council and that this included the area on which the Pavilion was built. There was no evidence in the records held by the Council to indicate that a formal sale had been made of the Pavilion site to the Club or anyone else. The official legal position was therefore that the Pavilion was owned by the Council. However, the Pavilion had been occupied and maintained by the Club throughout its life, in a similar way as if they legally owned it. In terms of the current 2007 lease the Council leased the land and the Club was entirely responsible for the maintenance of the Pavilion. The current lease was valid until 2028. Applications by the Club, during the current lease, to the Common Good Fund regarding maintenance of the Pavilion therefore legitimately related to a responsibility that the Club and not the Council currently had. Any change to the official legal position of ownership of the Pavilion at Kerfield Park, Peebles would be a matter for the Council to consider. Community Councillor L. Hayworth asked whether the pavilion should lie on the Common Good register, rather than being listed as a general Scottish Borders Council asset, as it had been handed over to the Town Council in the early 1960s. The Solicitor advised that if the Pavilion was judged to be a Common Good Asset it would not be appropriate for the Common Good to give funding to the tenant to maintain it. However the Solicitor advised that it remained his

opinion that the Pavilion for the reasons stated in his note is a Council rather than a Common Good owned asset.

**DECISION
NOTED.**

- 2.2 With reference to paragraph 3 of the Minute, the Estates Officer advised that Scottish Borders Council had received money from Scottish Gas Networks as a contribution towards costs of landscaping of the garden area of Dovecot Court, Peebles but the work had not yet been carried out. Fiona Rowan, Friends of Dovecot would advise him on the Housing Associations plans/proposals.

**DECISION
NOTED.**

- 2.3 With reference to paragraph 4(b)(ii) an informal meeting with members of the Peebles Hendaye Twinning Association had been held prior to this meeting.

**DECISION
NOTED.**

3. MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2015

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the 6 months to 30 September 2015 and full year projected out-turn for 2015/16 and projected balance sheet values to 31 March 2016. Appendix 1 to the report provided a projected Income and Expenditure position which showed a projected surplus of £9,362 for the year. Appendix 2 to the report provided a projected Balance Sheet to 31 March 2016 showing a projected decrease in the reserves of £37,079. Appendix 3 to the report provided a breakdown of the property portfolio showing actual Income and Expenditure to 30 September 2015. Appendix 4 to the report showed the value of the Newton Fund to 30 September 2015. A question was raised in respect of accounting procedures, in particular, in relation to Peebles Burgh Silver Band and the setting of the grants budget, and the Chief Financial Officer undertook to provide additional information to the Members. It was subsequently confirmed that although the grant to the Band had been approved in 2014/15 this was not accrued and therefore stood to be paid in the 2015/16 accounts. The grants budget in the current year would require to be amended accordingly to reflect the outstanding grant payment.

**DECISION
AGREED**

- (a) **the projected Income and Expenditure for 2015/16 detailed in Appendix 1 to the report;**
- (b) **to note the projected Balance Sheet value to 31 March 2016 detailed in Appendix 2 to the report;**
- (c) **to note the summary of the property portfolio detailed in Appendix 3 to the report;**
- (d) **to note the current position of the investment in the Newtown Fund detailed in Appendix 4 to the report; and**
- (e) **that the Chief Financial Officer provide additional information in respect of accounting procedures, in particular in relation to Peebles Burgh Silver Band and the setting of the grants budget.**

4. MANAGEMENT OF VENLAW COMMUNITY WOODLAND, PEEBLES

There had been circulated copies of a report by the Service Director Commercial Services on the management agreement with Borders Forest Trust for the Venlaw Community Woodland. The report explained that since 2005 the Borders Forest Trust had had a management agreement for Venlaw Community Woodland. The management of the woodland had been carried out on the Trust's behalf by the Venlaw Community Woodland Management Group. The Venlaw Community Woodland Management Group had lost members willing to be actively involved in the management and was no longer able to carry out the woodland management. Borders Forest Trust stated that it was not in a position to continue to manage the woodland and requested that the management agreement be terminated. Members discussed the termination request and the importance of a suitable budget being set aside in the Common Good Fund for the management of Venlaw Community Woodland, if the request was granted.

DECISION

AGREED to authorise the termination of the Venlaw Community Woodland Management Agreement with Borders Forest Trust effective from 15 February 2016.

5. APPLICATION FOR FINANCIAL ASSISTANCE – PEEBLES MURAL PROJECT

With reference to paragraph 5(c) of the Minute of 7 May 2014, there had been circulated copies of an application for financial assistance from the Community Council of the Royal Burgh of Peebles seeking financial assistance in the sum of £400 to complete the funding of the Peebles Mural, including the costs associated with the official unveiling. The Democratic Services Officer advised that at a meeting of the Peebles Common Good Fund Sub-Committee held on 7 May 2014 the sum of £1,870 had been granted towards the Peebles Mural Project. It was noted the accounts which accompanied the application related to the Royal Burgh of Peebles and District and were not specific to the mural project. It was further noted that the Community Council had acted as a vehicle on behalf of the Peebles Mural Project and that the mural was not a Community Council project. Members agreed, in principle, to grant the application subject to receipt of accounts relating to the Peebles Mural project which met with the approval of the Chief Financial Officer.

DECISION

AGREED in principle to grant the sum of £400 to Peebles Mural Project subject to the receipt of satisfactory accounts and the approval thereof by the Chief Financial Officer.

6. 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.

7. PAVILION, TWEED GREEN, PEEBLES

The Estates Officer advised that repairs to felt and paintwork were required to the Pavilion, Tweed Green, Peebles. The work would cost no more than £300.

DECISION

AGREED to authorise felt and paintwork repairs to the Pavilion, Tweed Green, Peebles up to the sum of £300.

The meeting concluded at 6.25 p.m.