

SCOTTISH BORDERS COUNCIL

SELKIRK COMMON GOOD FUND SUB COMMITTEE

MINUTES of Meeting of the SELKIRK
COMMON GOOD FUND SUB COMMITTEE
held Via Microsoft Teams on Wednesday, 29
November 2023 at 3.00 pm

Present:- Councillors C. Cochrane (Chair), L. Douglas, E. Thornton-Nicol and Mr I. King
(Selkirk and District CC).

In Attendance:- Estates Surveyors (T. Hill and A. Watson), Property Officer (G. Smith),
Managing Solicitor (R. Kirk), Statutory Reporting and Treasury Business
Partner (K. Robertson) and Democratic Services Officer (W. Mohieddeen).

1. **MINUTE AND ACTION TRACKER**

1.1 There had been circulated copies of the Minute and Action Tracker of the Meeting held on 13 September 2023.

1.2 With reference to paragraph 2 of the Minute of the Meeting held on 15 June 2022, Councillor Thornton-Nicol enquired about the progress of insurance arrangements of artefacts. The Statutory Reporting and Treasury Business Partner advised that due to staffing changes there had not been progress made on the action tracker and that they would enquire on the matter with the Director Finance and Procurement. Other items on the Action Tracker associated with finance would be taken forward for the next meeting. The Managing Solicitor advised that officers had contacted insurers and aimed for a report on the matter to be completed before Christmas 2023. Mr King noted that the insurance of artefacts had been a long running concern and that photographic evidence was sought for what each asset description applied to.

DECISION

(a) **AGREED to approve the Minute for signature by the Chair; and,**

(b) **NOTED the action tracker.**

2. **MONITORING REPORT FOR 6 MONTHS TO 30 SEPTEMBER 2023**

There had been circulated copies of a report by Director Finance and Procurement that provides the details of the income and expenditure for the Selkirk Common Good Fund for the six months to 30 September 2023, a full year projected out-turn for 2023-24, and projected balance sheet values at 31 March 2024. Appendix 1 of the report provided the projected income and expenditure position for 2023-24 which showed a projected deficit of £2,763 for the year. Appendix 2 of the report provided a projected balance sheet value as at 31 March 2024 which showed a projected decrease in reserves of £142,039. Appendix 3a of the report provided a breakdown of the property portfolio which showed projected rental income and projected net return for 2023-24 and actual property income to 30 September 2023. Appendix 3b of the report provided a breakdown of the property portfolio which showed projected property expenditure for 2023-24 and actual property expenditure to 30 September 2023. Appendix 4 of the report provided a breakdown of the property portfolio which showed projected property valuations at 31 March 2024. Appendix 5 of the report showed the value of the Aegon Asset Management Investment Fund to 30 September 2023. Councillor Cochrane raised the valuation of the Courthouse coffee shop following works that had been undertaken which the Statutory Reporting and Treasury Business Partner advised they would liaise with Estates to determine.

DECISION

(a) NOTED:

- (i) the actual income and expenditure for 2023-24 in Appendix 1 of the report;**
- (ii) the projected balance sheet value as at 31 March 2024 in Appendix 2 of the report;**
- (iii) the summary of the property portfolio in Appendices 3 and 4 of the report;**
- (iv) and the current position of the Aegon Asset Management Investment Fund in Appendix 5 of the report; and,**

(b) AGREED that the Statutory Reporting and Treasury Business Partner would liaise with Estates to determine the impact of works to the Courthouse coffee shop on its value.

3. CHARITABLE DE-REGISTRATION OF SBC COMMON GOOD FUNDS

There had been circulated copies of a report by Acting Chief Financial Officer that was tabled at the 30 March 2023 meeting of Scottish Borders Council that provided Members of the intention by the Office of the Scottish Charity Regulator (OSCR) to remove the SBC Common Good Funds, charity number SC031538, from the Scottish Charity Register (the Register). The 12 Common Good Funds (Coldstream, Duns, Eyemouth, Galashiels, Hawick, Innerleithen, Jedburgh, Kelso, Lauder, Melrose, Peebles and Selkirk) were registered with the Office of the Scottish Charity Regulator (OSCR) as 1 registered charity, registration number SC031538. A letter received from OSCR in December 2022 was attached at Appendix 1. This provided advance notification of the intention to remove the SBC Common Good Funds, registration number SC031538, from the Register, and outlined: the reason for the decision, the process by which the Charity would be removed from the Register and the effect of removal. OSCR concluded that: Scottish Borders Common Good was not a 'body' with a constitution distinct and separate from the Council that was capable of being entered in the Register, that the Charity does not meet the charity test because it did not have purposes that consist only of one or more of the charitable purposes in section 7(2) of the 2005 Act 3, and because it had been concluded that the Charity did not have wholly charitable purposes an assessment of public benefit had not been carried out. The Council's Chief Legal Officer and Acting Chief Financial Officer agreed with OSCR's conclusions that this was the correct approach. Following deregistration, annual accounts would not be prepared, audited and submitted to OSCR. The Common Good funds would instead be consolidated within the Council's statutory accounts. Outturn reports would continue to be presented to Common Good fund Committees setting out the annual income and expenditure associated with each fund and assets they held on their balances sheet at 31 March each year. Separate records would still be maintained for each Common Good funds and current monitoring arrangements would continue. The Democratic Services Officer advised that while this report had been tabled at a meeting of Scottish Borders Council and its recommendations agreed by Members, it was considered good practice for the report to be submitted for noting at each Common Good Fund Committee. Mr King suggested that Scottish Borders Council may consider contacting all town with a Common Good to inform communities of the charitable de-registration. Members concurred that the consideration of the charitable de-registration was in the public record and that the matter of Common Good Funds having received the report on the decision by OSCR followed the report having been considered by Scottish Borders Council.

DECISION

NOTED the report.

4. **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.

5. **MINUTE**

Members considered the Private Section of the Minute of the Meeting held on 13 September 2023.

6. **LINGLIE FARM RELINQUISHMENT**

Members considered a report by Director Infrastructure and Environment.

7. **PROPERTY**

Members considered an update on Common Good property.

The meeting concluded at 4.20 pm.