
CULTURAL SERVICES TRANSFER – LEASE OF COMMON GOOD ASSETS

Report by Service Director – Regulatory Services

SCOTTISH BORDERS COUNCIL

31 March 2016

1 PURPOSE AND SUMMARY

- 1.1 This report seeks formal approval of the Trustees of the Hawick, Kelso, Galashiels, Selkirk, Jedburgh Common Good funds and the Innerleithen Common Good fund (to be established) to lease various common good properties to Borders Sport and Leisure Trust (BSLT) in respect of the culture trust transfer.**
- 1.2 The Council intends to transfer its Cultural Services to BSLT (to be renamed Live Borders) from 1 April 2016. To enable BSLT to carry out Scottish Borders Council's (SBC) Cultural Services, it is proposed that SBC will grant to BSLT leases of the premises from which these services are currently operated. Several of these premises, which are detailed below, sit on the Council's Common Good account. SBC currently occupies these sites on an informal basis. However, in order to allow BSLT to operate the same services from these premises, it would be advisable for a lease to be granted by SBC (as Trustees of the Common Good funds) to BSLT.
- 1.3 Each of the premises concerned will continue to be used for the existing purpose and will continue to be owned by SBC, in trust for the relevant Common Good.

2 RECOMMENDATIONS

- 2.1 I recommend, to allow the continuation of existing services on behalf of SBC, that approval is given:-**
 - (a) on behalf of the Trustees of the Selkirk Common Good Fund to grant a 20 year lease to BSLT of subjects at the Victoria Hall and Sir Walter Scott's Courtroom;**
 - (b) on behalf of the Trustees of the Hawick Common Good Fund to grant a 20 year lease to BSLT of subjects at the Hawick Town Hall;**
 - (c) on behalf of the Trustees of the Galashiels Common Good Fund to grant a 20 year lease to BSLT of subjects at Old Gala House;**

- (d) on behalf of the Trustees of the Innerleithen Common Good Fund (to be established) to grant a 20 year lease to BSLT of subjects at the Memorial Hall;**
- (e) on behalf of the Trustees of the Kelso Common Good Fund to grant a 20 year lease to BSLT of subjects at the Tait Hall;**
- (f) on behalf of the Trustees of the Jedburgh Common Good Fund to grant a 20 year lease to BSLT of subjects at Jedburgh Castle Jail and the Mary Queen of Scots House.**

3 USE OF COMMON GOOD ASSETS

- 3.1 SBC currently operates Public Hall and Museum premises in Hawick (Hawick Town Hall), Kelso (Tait Hall), Galashiels (Old Gala House), Selkirk (Victoria Hall and Sir Walter Scott's Courtroom) and Jedburgh (Jedburgh Castle Jail and Mary Queen of Scots House) which belong to the Common Good funds of those Burghs. The Trustees of the respective Common Good Funds are the Councillors of SBC. SBC occupies these premises for the purpose of providing a Public Hall or Museum facility.
- 3.2 In addition, the Memorial Hall in Innerleithen is operated by SBC. This is the only Common Good Asset in Innerleithen and has not yet been formally recognised as such. However, a report has been brought to Council recommending the amendment of the Council's Asset Register to reflect the common good status of this asset and the establishment of a Common Good Sub-Committee for Innerleithen.

4 SBC TRANSFER OF CULTURAL SERVICES TO BSLT

- 4.1 It is intended that from 1 April 2016 the Council will transfer its Cultural Services to the operation of BSLT. This includes the management and running of the Halls and Museums mentioned above. In order to regulate this occupation, a formal lease of each such premises should be granted.

5 LEASE OF COMMON GOOD HALLS AND MUSEUMS

- 5.1 In order to transfer the operation of these premises to BSLT and therefore ensure that these facilities are run in the same way as other Public Halls and Museums in the Borders, the Council requires to lease the premises to BSLT.
- 5.2 This report is therefore recommending that the Council, as Trustees of the various Common Good Funds mentioned, consents to the granting of a lease of each of the said premises to BSLT.

6 IMPLICATIONS

6.1 Financial

There are no costs attached to any of the recommendations contained in this report.

6.2 Risk and Mitigations

- (a) The risk of allowing a third party to operate from these premises is significantly reduced by the existence of the Service Provision Agreement between SBC and BSLT which will govern the terms of the transfer of services.
- (b) The risk of the condition of the premises deteriorating is reduced by virtue of the fact that SBC will continue to maintain the premises.
- (c) The risk of the Common Good Funds not agreeing to lease the premises is that the services currently operated from these premises

would come under threat, as there would be no appropriate department within SBC which could manage them.

6.3 Equalities

An Equalities Impact Assessment has been carried out on the proposal to transfer Cultural Services to BSLT (to which this proposal relates) and it is anticipated that there are no adverse equality implications.

6.4 Acting Sustainably

There are no economic, social or environmental effects in accepting or rejecting the recommendation.

6.5 Carbon Management

There are no effects on carbon emissions in accepting or rejecting the recommendation.

6.6 Rural Proofing

This is not a new policy matter.

6.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes required to the Council Schemes of Administration or Delegation.

7 CONSULTATION

7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

Approved by

Brian Frater

Service Director Regulatory Services

Signature

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