
TITLE TO DRUMELZIER VILLAGE HALL

Report by Service Director Regulatory Services

SCOTTISH BORDERS COUNCIL

31 March 2016

1 PURPOSE AND SUMMARY

- 1.1 This report advises the Council of the position regarding the title and ownership of the Drumelzier Village Hall to ensure that the Council's heritable property assets register is correct and to recommend actions that the Council should take.**
- 1.2 The Drumelzier Village Hall title is derived from a Feu Charter by the Chairman, the Minister of the Parish of Drumelzier and the Treasurer as Trustees for the Drumelzier Recreation Hall Association in favour of the Convenor of the County Council of the County of Peebles, the County Councillor for Broughton South and the Clerk to the County Council of Peebles as Trustees for the Association. These positions no longer exist as a result of Council reorganisation.
- 1.3 No evidence has been found to suggest that there has been any formal change to these positions and therefore it has been determined that the nearest appropriate current Trustees should be the statutory successors to the above roles. The statutory successors would therefore be the Convenor of Scottish Borders Council, the Chief Executive of the Scottish Borders Council and the Scottish Borders Council Councillors for the ward of Tweeddale West.
- 1.4 The Council's heritable property assets register does not currently include the Hall. As the Hall is in the name of Council Trustees the Council's heritable property assets register should be updated to include it.

2 RECOMMENDATIONS

I recommend that the Council:-

- (i) acknowledges and agrees that title to the Drumelzier Village Hall is in the name of the Convenor of Scottish Borders Council, the Chief Executive of the Scottish Borders Council and the Scottish Borders Council Councillors for the ward of Tweeddale West as Trustees for the Drumelzier Recreation Hall Association;**
- (ii) agrees that the Hall should be added to the Council's heritable property assets register; and**
- (iii) notes that the Section 95 Officer will amend the asset register in accordance with these recommendations.**

3 BACKGROUND

- 3.1 The Drumelzier Village Hall title is derived from a Feu Charter by the Chairman, the Minister of the Parish of Drumelzier and the Treasurer as Trustees for the Drumelzier Recreation Hall Association in favour of the Convenor of the County Council of the County of Peebles, the County Councillor for Broughton South and the Clerk to the County Council of Peebles as Trustees for the Association.
- 3.2 Councillor Bhatia contacted the Council looking for confirmation of who the current Trustees of the Association are. As the original Trustee positions no longer exist as a result of Council reorganisation, an examination of the titles to the Hall and an excerpt from a meeting of Tweeddale District Council in 1980 established that the current Trustees would be the Convenor of Scottish Borders Council, the Chief Executive of the Scottish Borders Council and the Scottish Borders Council Councillors for the ward of Tweeddale West.
- 3.3 It is not anticipated that many decisions will be required as the Hall is currently run by a Management Committee, but should decisions be required, the Trustees or their nominees will meet as the Drumelzier Recreation Hall Association to consider such matters.

4 IMPLICATIONS

4.1 Financial

A change in accounting will be required to show that the Hall is an asset administered by the Council. There is currently a management committee for the Hall who deal with the day to day running of the Hall including maintaining and repairing the Hall. The costs of running the Hall will continue to be incurred by the Trust and accordingly there should be no financial implication for the Council.

4.2 Risk and Mitigations

The Council's primary aim is to have accurate asset registers. If the Council fails to amend the asset register to take account of the findings of this report it will be in breach of the accounts rules and the Council may be subject to adverse public comments and legal challenge. The risk is mitigated by considering this report and the necessary changes to the asset register being carried out.

4.2 Equalities

It is anticipated that there will be no adverse equality implications.

4.4 Acting Sustainably

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

4.5 Carbon Management

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

4.6 Rural Proofing

It is anticipated that there are no adverse effects on the rural area in accepting or rejecting the recommendation.

4.7 Changes to Scheme of Administration or Scheme of Delegation

No alterations are required to the Council's Scheme of Administration.

5 CONSULTATION

5.1 The Chief Financial Officer, the Chief Legal Officer, the Chief Officer Human Resources, the Chief Officer Audit and Risk, and the Clerk to the Council have been consulted and their comments have been incorporated into this report.

Approved by

Service Director Regulatory Services

Signature

Author(s)

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