

SCOTTISH BORDERS COUNCIL DUNS COMMON GOOD FUND SUB-COMMITTEE

MINUTES of Meeting of the DUNS COMMON GOOD FUND SUB-COMMITTEE held in the Bunker Room, Council Offices, Newtown Street, Duns on Thursday, 3 September, 2015 at 5.10 pm

Present:- Councillors F. Renton (Chairman), J. Greenwell and D. Moffat
Community Councillor A Affleck (from Item 3).
In Attendance:- Corporate Finance Manager (L Mirley), Principal Solicitor (H MacLeod),
Democratic Services Officer (P Bolson).
Members of the Public:- 0

1. **MINUTE**

There had been circulated copies of the Minute of the Duns Common Good Fund Sub-Committee of 5 March 2015.

DECISION

AGREED to note the Minute.

2. **MONITORING REPORT FOR 12 MONTHS TO 31 MARCH 2015**

There had been circulated copies of a report by the Chief Financial Officer which provided the year end outturn for the Duns Common Good Fund for 2014/15 including balance sheet values at 31 March 2015 and the proposed budget for 2015/16. Appendix 1 gave the details of the actual income and expenditure for 2014/15, showing a deficit of £3,095 with a projected deficit of £3,494 for 2015/16. Appendix 2 gave the balance sheet value as at 31 March 2015 and this showed a decrease in the Reserves of £4,290 which was due to the deficit for the year. The outcome of the investigations into ownership and responsibility for 10 South Street had yet to be considered and there had therefore been no investment into the Newton Fund at this juncture. Appendix 3 provided a breakdown of the property portfolio showing the effect of revaluation. It was noted that the only property currently listed was that at 10 South Street, Duns. The matter of insurance of the property at 10 South Street was raised and Members were informed that this would be covered under the Scottish Borders Council block insurance policy.

DECISION

(a) NOTED:-

- (i) the actual income and expenditure position for 2014/15 as detailed in Appendix 1;**
- (ii) the final balance sheet value to 31 March 2015 as detailed in Appendix 2; and**
- (iii) the summary of the property portfolio as detailed in Appendix 3.**

(b) AGREED the proposed budget for 2015/16 as shown in Appendix 1.

3. **10 SOUTH STREET, DUNS**

There had been circulated copies of a report by the Service Director Regulatory Services, updating Members on the progress of work being undertaken by Legal Services in relation to the property at 10 South Street, Duns. The report detailed the recent communications with the Queens and Lord Treasurer's Remembrancer (QLTR) in respect of ascertaining title to the said property and highlighted risks involved with the subjects. The report gave the background to this property and explained how the Council had reached the current position. The QLTR had instructed Scottish Borders Council to carry out a number of

steps to establish the provenance of the title to these subjects. None of the searches had been successful and as a result, the QLTR had now confirmed that she considered the subjects "ownerless", despite Duns Common Good Fund's usage over the past 75 years. In effect, this meant that the Council could not formalise title to the subjects and could not, therefore, make arrangements to sell the property. The QLTR advised that she was willing to take over the subjects with a view to selling them for the Crown. No proceeds would pass to the Common Good Fund and there were conditions attached to this offer, one of which was that the Council or Common Good Fund would be responsible for the cost of a survey of the property. It was noted that the cost of such a survey would be repaid to either the Council or the Common Good Fund on the sale of the property. It was noted that the QLTR had stated her preference to act with the agreement of all involved parties and would be reluctant to take title to the subjects unless the community and the Common Good Fund were in agreement with this course of action. Discussion followed and Mrs MacLeod responded to questions from Members. The QLTR's decision was made under new legislation and there was no recourse to reclaim any money that the Common Good Fund had already spent on the property at 10 South Street. Mrs MacLeod explained that there was a gap in the records for the property and it was during that gap that ownership changed, leaving no evidence of title. It was possible that the QLTR could decide not to take over the property. Her decision would be based on the survey she received and it was noted that, should she decide not to take over the property, the expectation was that the Council would then be permitted to record title. Mrs MacLeod stated that she would seek confirmation from the QLTR on this point. Mrs MacLeod would also liaise with Mr James Morison in Estates to ascertain what previous surveys had been carried out and it was agreed that the most recent document would be offered to the QLTR at this stage. Members were aware that the QLTR could request that either an updated survey was provided or that a new survey was carried out prior to any decision being reached. Further discussion followed regarding the physical state of the property and whether it would be necessary for Enforcement measures to be used in order to make the property safe.

DECISION

(a) NOTED the report.

(b) AGREED that Legal Services :-

- (i) would be instructed to accept the Queens and Lord Treasurer's Remembrancer's offer to take title of the subjects known as 10 South Street, Duns; and**
- (ii) would offer the Queens and Lord Treasurer's Remembrancer the most recent survey of the property at 10 South Street, Duns; or**
- (iii) that an updated survey of the property at 10 South Street, Duns be provided to the Queens and Lord Treasurer's Remembrancer should this be required; or**
- (iv) that a new survey of the property at 10 South Street, Duns be provided to the Queens and Lord Treasurer's Remembrancer should this be required.**

4. REVIEW OF HERITABLE ASSETS IN THE FORMER BURGH OF DUNS

There had been circulated copies of a report by the Service Director Regulatory Services which gave details of the outcome of a review of heritable property assets held by the Council within the former Burgh of Duns. This work was undertaken to ensure that the correct listing was recorded with the Accounts and Registers of the Council and to ensure that the Asset Register was correct in relation to Common Good matters. The Appendix to the report gave the reasoning behind the designations of the Burgh assets and the report highlighted one asset which was currently listed on the General Account but which

should be recorded as a Common Good asset, namely the Showground Car Park (The Square) (DN010/02). Discussion followed regarding this asset and Members were informed that it was part of an adopted road and of no financial value. With reference to questions raised by Members, Mrs MacLeod would investigate further the status of the Town House building and also confirmed that 10a and 10b Station Court, and the Volunteer Hall were rented by the Council, as stated on the Asset Register. It was noted that the Public Park Former Toilet (DN015/01) had been demolished therefore this entry would be amended in due course. Members were also advised that a re-evaluation of all the Council's road assets was due to take place during the next 12 months and that the Duns Common Good Fund Sub-Committee would be updated when this exercise had been completed.

DECISION

(a) NOTED the report.

(b) AGREED:-

- (i) that the Showground Car Park be recorded as an asset of Duns Common Good Fund;**
- (ii) that further investigation be undertaken to ascertain the current status of the property known as The Townhouse, Market Square, Duns; and**
- (iii) that the Asset Register would be amended by the Section 95 Officer as detailed in the Minute.**

5. CHARITIES TRUST FUNDS

Ms Mirley informed Members that the recently formed Charities Trusts Sub-Committees were now included in Scottish Borders Council's Scheme of Administration. Members would be asked for their views as to the format and content of future reports in respect of the Berwickshire Charities Trusts Fund which would be presented to Duns Common Good Fund Sub-Committee. Guidance would also be provided in respect of accessing available money within the Berwickshire Charities Trusts Fund.

DECISION

NOTED.

The meeting concluded at 5.40 pm