

## DENHOLM & DISTRICT COMMUNITY COUNCIL

### MINUTES OF A MEETING HELD IN THE VILLAGE HALL ON WEDNESDAY 20 MARCH 2024

#### Present:

Community Councillor G Crew	Chair
Community Councillor L Ferguson	
Community Councillor C Nicol	
Community Councillor M Richardson	
Community Councillor S Passmore	Treasurer
Community Councillor D Ploughman	
Community Councillor W Roberts	Secretary

#### In attendance:

Councillor S Marshall	SBC
Councillor C Ramage	SBC
Councillor N Richards	SBC
5 members of the public	

Item	Subject/Discussion	Action
1.	<b>Apologies for Absence.</b> CCs D Hutchings.	
2.	<b>Declaration of Interests.</b> Chair called for any declaration of interest, either in general or when related to a specific item under discussion.	<b>All</b>
3.	<b>Minutes of the Last Meeting held 21 Feb 24.</b> The minutes were proposed by CC Ploughman and seconded by CC Passmore. Approved.	
4.	<b>Matters Arising.</b> Sec addressed the outstanding action points from the last meeting:	
a.	<b>Village Hall Defibrillator (Item 4b).</b> Project was still on-going.	<b>Ferguson</b>
b.	<b>Treasurer's Report and Foundation Scotland Update (Item 6).</b> The Foundation Scotland (FS) 2023 allocation was still awaited.	
c.	<b>Denholm School (Item 7b).</b> Cllr Ramage confirmed that SBC had indicated the Head teacher position would remain. However, the likelihood of a reduction in teacher numbers remained as pupil numbers fell.	
d.	<b>Denholm Church Clock (Item 7c).</b> Cllr Marshall reported that SBC had confirmed that they no longer regarded the clock as their responsibility. Chair reported that the church had agreed to fund the immediate repairs, but still sought help with the ongoing maintenance costs. Treasurer had approached FS but their response was awaited.	
e.	<b>Lower Dean Tree Felling (Item 11).</b> Chair reported she had been informed that the tree felling licence had been applied for. Treasurer was awaiting the application for FS funding for the new signage which would be required once felling was complete.	
f.	<b>Denholm Post Office (Item 16a).</b> Chair reported that the afternoon gathering on Saturday 16 Mar to thank CC Lynn Ferguson and husband Gordon for their service to the community had been a resounding	

success, with a substantial turn-out. All agreed it had been a great success, and CC Ferguson expressed her appreciation for the event.

- g. **Youth Club (Item 16f).** Treasurer was awaiting the application for funds.
5. **Police Report.** Chair had circulated the MMWR for January to members. Sec highlighted the alarmingly high rate of Anti-Social Behaviour recorded in the report.
6. **Treasurer's Report and Foundation Scotland Update.** Treasurer presented her report. Details of recent activity in the three accounts are summarised in the attached annex. The Foundation Scotland 2023 allocation of funds was still awaited. There were no outstanding invoices.
7. **Correspondence.** Chair had distributed received correspondence. She reported a number of items:
- a. **Renewables in Proportion - Scottish Borders Council Area.** Chair read out an email from the Chair of Leitholm Eccles and Birgham Community Council, expressing their concerns over the impact of projected renewable energy installations, including battery storage infrastructure, seeking support from other CCs and proposing a meeting to discuss the issues.
- b. **Consultation on Cancer Journey Service.** Chair informed members of the consultation, responses due by 31 Mar 24.
8. **Planning Applications.**
- a. **Briery Yards, Hornshole - Appeal.** Sec was pleased to report that the appeal had been successful and planning approval would be forthcoming in due course.
- b. **24/00150/FUL - Text House, Main Street, Denholm - Extension.** Sec had submitted the CCs' support for the application, which it was hoped would be approved.
- c. **24/00299/FUL – New dwellinghouse, Newhouses Farm.** No objections were raised. Sec to respond to SBC.
- Sec reported he had attended a presentation by the SBC Planning Office on Thursday 29 Feb 24, which had been very informative. It was disturbing to hear the extent of cut-backs in department staffing and the high workload they faced.
9. **Teviotdale & Liddesdale Area Partnership.**
- a. **D&DCC Representation.** CC Ferguson had agreed to represent the CC at the Partnership meetings, for which Chair expressed her thanks.
- b. **Area Partnership Pot A and Pot B.** Cllr Ramage indicated the next meeting of the full Partnership was on Tuesday 26 Mar 24 in the Hawick Lesser Town Hall at 6.00pm. This would be a "live" meeting.
10. **D&DCC Membership.** Chair explained she was still awaiting advice from SBC regarding the position of inviting additional Co-opted members to the CC, in view of the current reduced membership. Cllr Marshall offered to pursue the matter.
11. **CC Insurance Cover/Renewal.** Treasurer reviewed an email from SBC stating that insurance renewal would now be reviewed every 3 years, rather than annually. It also indicated that resilience equipment held by the CC would be replaced by SBC free of charge and did not need to be listed for insurance cover.

Sec

Ferguson

Marshall

12. **Denholm Placemaking Project.** CC Hutchings was on holiday. No progress to report on the matter to date.

13. **Denholm Website Proposal (Item 7b and 7c).** Sec reported that, following further discussions with Mrs Currie, she had decided she was not in a position to manage the proposed website to include all the various village organisations. Until someone was willing to take on this task, the current situation would continue.

14. **EV Charging Points.** CC Ploughman reported that there had been no further progress with Scottish Power, and he had been reluctant to push them. He was waiting to hear from the Feuars that they had submitted their documentation (on the land they administer on behalf of the Village), to Land Register Scotland, and had informed Scottish Power that they had done so. Once this had been done, SP lawyers could verify ownership of the land that has been designated for the EV chargers. The whole project could then be moved forward.

The meeting expressed their frustration and dissatisfaction with the Feuars' lack of adequate input. It was decided that Chair should write formally to the Chair of Feuars urging immediate action to resolve the problem. Sec to draft.

**Sec  
Chair**

15. **Small Grants Scheme.** Cllr Marshall repeated that the SBC budget for 2024/25 had now been agreed, and allocation of funds to the SGS was anticipated.

**Marshall**

16. **Wind Farms Update.** Chair summarised the current situation.

a. **Pines Burn.** The blades were still being transported and it was unlikely this operation would be finished by the currently posted completion date of 31 Mar 24.

**All**

b. **Teviot.** A date for a community benefit meeting was awaited. There had recently transpired a new issue regarding the eventual routing for connecting the Teviot windfarm to the national grid.

17. **AOB.**

a. **Policeman "Bob" Figure.** Sec had installed the figure on the corner opposite the Post Office, and it would be moved shortly. Chair had been asked if it could be loaned to Lanton CC. Cllr Marshall advised there should not be a problem, and the meeting agreed.

**Chair**

b. **Litter Pick.** Chair proposed a Denholm area litter pick, and the meeting agreed. A Saturday in May would be selected.

**Chair**

c. **A68 Closure.** SBC had advised of a planned closure of the A68 between Carter Bar and Ramshope Farm, Byrness from 20 to 31 May 24. This was likely to lead to very significant traffic along diversion routes via the A69 to Carlisle and the A7 to Hawick (and in reverse). Chair to forward the notification to Cllr Marshall.

**Chair**

d. **Borders National Park.** Chair has attended a meeting at Hermitage Hall for a presentation on the proposed Borders NP to the Scottish minister.

e. **Potholes.** All members complained about the number and state of potholes throughout the area; CC Ploughman highlighted ones on the Hassendean Road. Cllr Marshall would report that one, and encouraged everyone to report potholes, but all recognised the extent of the problem and the lack of resources available to SBC for repairs.

**Marshall  
All**

- f. **Monument Lights.** Chair reported that only one light was now working at the monument of The Green. Cllr Marshall offered to pursue. **Marshall**
- g. **Village Planter.** The brick wall surrounding the Denholm Village sign at the western entrance needs to be rebuilt. Cllr Marshall offered to pursue with SBC. **Marshall**
- h. **Street Light.** CC Nicol reported that light No 5 on Riverside Drive was on 24 hrs/day. Cllr Marshall reported there was a problem generally with LED street lights, which SBC were as yet unable to resolve. Cllr Ramage offered to report this instance. **Ramage**
- i. **Thanks.** Chair thanked everyone for their help on Saturday at the afternoon tea event.

Chair invited comments from members of the public in attendance.

- j. **Concerns Regarding The Feuars.** Mr Lee Baines informed the CC of issues he and others were experiencing in their dealings with the Denholm Feuars and Householders Council (commonly referred to as "The Feuars"). His comments were echoed by Ms Iona Cranston and Ms Angie Scott, also in attendance. Some CC members also expressed similar frustrations in their dealings with the Feuars.

Mr Baines summarised his comments and these are attached as an Annex to these minutes.

Mr Baines also informed the meeting that he had been invited to a Feuars' meeting on Monday 25 Mar 24 at 7.00pm.

*(Afternote: Chair has indicated that the Feuars would be offered the opportunity to respond to the points raised at the next D&DCC meeting, should they so choose.)*

**Date of Next Meeting.** D&DCC would next meet on **17 April 2024** at 7.00pm in the Village Hall. Chair closed the meeting at 8.20 pm with thanks to all who had participated. **ALL**

W A B Roberts  
Sec  
D&DCC

25 Mar 24

Annex:

### Concerns Raised by Denholm Householders about DFHC

#### Membership of D&DCC:

Mrs G Crew (Chair)  
Mrs L Ferguson  
Mr D Hutchings  
Mrs C Nicol  
Mrs S Passmore (Treasurer)  
Mr D Ploughman (Vice Chair)  
Mrs M Richardson  
Mr W Roberts (Secretary)

#### Information:

Mr S Marshall (Councillor, SBC)  
Mrs C Ramage (Councillor, SBC)  
Mr N Richards (Councillor, SBC)  
Democratic Services Team, SBC  
PC A Patterson (Police Scotland)  
Ms J Wilkinson (Clerk to SBC)  
Mr J Marshall (The Hawick Paper)  
Mrs J Currie (Denholm Facebook)

## **CONCERNS RAISED BY DENHOLM HOUSEHOLDERS DURING COMMUNITY COUNCIL MEETING HELD AT THE VILLAGE HALL 20<sup>TH</sup> MARCH 2024 ABOUT THE DENHOLM FEUARS AND HOUSEHOLDERS COUNCIL (SC042692)**

### **Issue**

1. A number of Denholm residents have raised concerns over the actions of the Denholm Feuars and Householders Council, SC042692 (referred to as 'the Feuars' in this document), which seems in direct contradiction to the purpose of a charity to act in the best interests of the whole village. Below the issues are broken down into various factors, these are just summarised for ease of reference and there is more evidence and detail available if needed.

### **Governance**

2. The Feuars own Constitution adherence seems to be poor. There is meant to be 12 council members and notice, with clear communications, given for regular meetings. The public perspective of the Feuars is that is run for the vanity of a very few rather than the benefit of the whole village. The minutes does not accurately show what has been discussed or highlight the extant of disputes or complaints made.

### **Clear communications and Open forum**

3. I have found it difficult to find out where and when there are open meetings. Some of the previous meetings have been in private homes, not exactly open forum. The latest meeting has only been found out by direct letter to myself without it being common knowledge throughout the village.

### **Land Ownership**

4. Landlord responsibilities seem to be not taken seriously. The condition of the land owned is poor and the management is negligent at best. There is no incentive for the land to be improved and therefore does not improve the look of the village.
5. Other areas, after great personal improvement, are claimed and are in dispute; in effect claiming ownership AFTER time and expense has been expended on the land. This is a direct disincentive to improving rented land, if indeed, it is meant to be rented.
6. There seems to be a disinclination to be active about the land but also a trend to prevent positive action by others, eg EV Charging points (amongst others).
7. It is unclear the extant of the land owned by the Feuars (as stated in latest lost court case) and there are no clear and unambiguous maps (as opposed to poorly hand drawn sketches) which are registered with the relevant public bodies.
8. Concerning the land dispute, a very sensible compromise position has been stated by Sheriff Patterson in the court case which has been completely ignored by the Feuars and would actually lead to benefit for the Feuars, the households in dispute and the village as a whole.

### **Legal issues**

9. As stated above there is legal dispute over the boundaries of the land owned by the Feuars. The Feuars have already lost one court case which included costs, and this has led to them taking out another court case. Question as to where the money is coming from, has this action/expenditure been voted in and are these actions in the best interests of the village? Is there an unhealthy relationship between the Feuars and its legal counsel? There is also a potential Conflict of Interest issue between conveyancing services provided to one householder and Feuars representation by their chosen law company. Having observed these legal issues from the sidelines I can see a very clear resolution, the very same as stated by Sheriff Patterson.

### **Finances**

10. There is great concern over the finances of the Feuars. A usual year for the Feuars shows a turnover of between £1000-3000 however this has risen to approx. £9000 in 2022 and £13000 in 2023. This would normally be cause for celebration however it seems this is entirely due to paying for court costs and has been directed by the donor (is this actually allowed without a vote?). This leads to additional questions about the motivations of the donor and the personal use of the Feuars to avoid tax and/or to feed the vanity of one person. This has only reduced the public perspective of the Feuars' reputation.

### **Reputation**

11. The Feuars, by their own admission (Adam Massey stated in a meeting) admit they suffer from a poor reputation and that this impacts on their ability to gain volunteers. In fact I was looking at joining the Feuars council when I moved here three years ago but, after some investigation, I found that they were not held in high regard within the village, so I stayed away. This is directly linked to their inability to gain 12 council members and also has led to, what seems like, a separation of some activities (such as the Denholm Dean) so as to disassociate from the poor reputation of the Feuars main group.

### **Summary**

12. The Denholm Feuars seems to have lost their way with over 90% of the last two years of revenue spent on legal costs. The use of legal means to enforce their will is tantamount to organisational bullying. These cases have starkly highlighted some very poor organisational practises, as stated above. The purpose of the Feuars is to use its assets for the benefit of the common weal of the village not to feed the vanity of a select few, hence why these concerns have been raised to the Denholm Community Council for their advice and guidance going forward.

L Baines

Householder Rubersvale, Eastgate, Denholm