

**SCOTTISH BORDERS COUNCIL**  
**KELSO COMMON GOOD FUND SUB-COMMITTEE**

MINUTE of MEETING of the KELSO COMMON  
GOOD FUND SUB-COMMITTEE held in The Board  
Room, Jedburgh Grammar School, Jedburgh on  
Wednesday, 13 September 2017 at 5.30 p.m.  
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Present:- Councillors T. Weatherston (Chairman), S. Mountford, E. Robson and  
Community Councillor D. Weatherston.  
In Attendance:- Capital and Investments Manager (Kirsty Robb), Solicitor (Karen Scrymgeour),  
Democratic Services and Elections Officer (F. Henderson).  
Members of the Public:- 0.  
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**1.0 MINUTE**

- 1.1 There had been circulated copies of the Minute of the Kelso Common Good Fund Sub-Committee held on 21 June 2017.

**DECISION**

**AGREED to note the Minutes for signature by the Chairman.**

**2.0 PINNACLE WOODLANDS**

- 2.1 With reference to paragraph 3 of the Minute of 21 June 2017, there had been circulated copies of the title, a copy extract of the Kelso Town Council Park and Cemetery Committee Minute of 20 June 1974, and a copy of a flowchart which detailed the process for Disposal, appropriation and alienation of Common Good property. Councillor Weatherston explained that Kelso Common Good appeared to have inherited the piece of ground delineated in red on the plan and the Common Good was maintaining the woodland from the Common Good Budget. The Solicitor explained that a triangle piece of ground at Pinnaclehill escarpment had been gifted to the Town Council by Mr Breusdtedt to facilitate an entrance being constructed into the woodland. M & J Ballantyne had offered the Town Council an area including the Bronze Age burial ground on condition that the Town Council erected a ranch-type fence along the boundary of the property to be disposed. The Minute went on to advise that *'As this proposal was rather different from the arrangements made at the escarpment, it could not be expected that the whole of the land be handed over free of charge, and suggested that if the money could not be found from the Park Department Estimates, that this might be an opportunity to invest some of the Common Good in what would undoubtedly be an beneficial acquisition'*. The Solicitor advised that there was a presumption in favour of land belonging to the Common Good if it was bought in the name of the Burgh. In this case the land was purchased in the name of the Provost, Magistrates and Councillors for the Burgh of Kelso prior to May 1975. Further, as there was nothing contained in the title which indicated that the purchase of the ground was for a statutory purpose, it was determined that Pinnaclehill Woodland belonged to the Kelso Common Good. As the land was considered to form part of the Kelso Common Good it was classed as inalienable and in terms of disposal, the Common Good would need to apply to the court to determine if the land could be disposed of.

**DECISION**

**NOTED that as the area in question was considered to belong to the Kelso Common Good, it would be responsible for its future maintenance.**

**3.0 MONITORING REPORT FOR 3 MONTHS TO 30 JUNE 2017**

- 3.1 There had been circulated copies of a report by the Chief Financial Officer which provided the income and expenditure for the Kelso Common Good for the three months to 30 June 2017 and full year projected out-turn for 2017/18 and projected balance sheet values as at 31 March 2018. Appendix I provided the projected income and expenditure position for 2017/18 which showed a

surplus of £847. Appendix 2 provided the balance sheet value to 31 March 2018 and showed a decrease in reserves of £41,653. Appendix 3 provided a breakdown of the property portfolio showing projected depreciation charges and actual property expenditure to 30 June 2017. Appendix 4 showed the value of the Newton Fund to 30 June 2017. The Capital and Investments Manager advised that KPMG Investment Managers had been instructed to review the Newton Fund to ensure that they were meeting objectives and the indications were that there are more attractive options available within the market which would provide an improved performance. While the Performance Strategy was right, the investment managers may require to be changed. The Fund continues to be monitored very closely and a report would be presented to full Council to seek approval to undertake a procurement exercise in line with the previously approved Scottish Borders Council Common Good and Trusts Investment Strategy.

## **DECISION**

- (a) AGREED the projected income and expenditure for 2017/18 as shown in Appendix 1 to the report.**
- (b) NOTED:-**
  - (i) The projected balance sheet value as at 31 March 2018 in Appendix 2 of the report;**
  - (ii) the summary of the property portfolio in Appendix 3 of the report;**
  - (iii) the current position of the investment in the Newton Fund contained in Appendix 4 of the report.**

*The meeting closed at 5.40 p.m.*