I am resident in a Borders town which possesses a Common Good Fund (CGF) and have been a Community (CC) Councillor since 1980, chairing it twice. As a founding member of Selkirk Regeneration Company (SRC) which started as a group in 2005, I am nevertheless no longer a CC member and have ceased temporarily to be a director of the SRC.

Over many years I have studied and been engaged in all matters to do with CGFs, both our own and those elsewhere. Many dialogues with regard to Selkirk’s CGF have taken place over these years with Scottish Borders Council but have had largely unsuccessful outcomes. The Section of this bill dealing with CGFs will play a major part in restoring the local status and community relevance of CGFs, largely address the legal shortcomings and sloppiness of previous legislation and will markedly improve hitherto unsatisfactory outcomes in LA administration of CGFs.

However, there are still some items that could be modified or added to the bill which, I suggest, will help avoid dubiety and circumvent potential future conflict.

In general terms, the greatest risk to the integrity of CGFs arises from the activities or inactivity of local authorities (LAs). Insufficient time and effort has been spent in the past to administer CGFs in most Scottish LA areas in order to carry out the duties imposed on them since the Local Government (Scotland) Act 1973. In addition, councillors elected to an LA area are beset by the conflict of interest between their duty to the local authority and the duty of trusteeship of SGFs prescribed by the act.

I shall not comment other than superficially on the implications of the proposed bill with respect to matters outwith the Common Good but I will add my wholehearted approval to measures to enable the return to Scots people of control and ownership of the land that was originally theirs in common ownership.

I hope my comments will be perused and endorsed, at least in part, by both the Selkirk Community Council and the SRC who will be circulated with these comments.

Comments on Part 6 ‘Common Good’

Para 63:
Sub-sections 1 – 8 are clear and commendable.
However (ref note 276 & 277) it would be unfortunate to miss an opportunity to define and clarify that LAs own only the ‘title’ to CGFs, and that burgh inhabitants are the ‘beneficial’ owners as in Trust Law. I have had 2 QC
opinions, one endorsing the other, that the distinction is important and efforts
should be made to undo the damage of the wrong assertion, often quoted by LAs,
on p1 of Ferguson’s book ‘Common Good Law’ that LAs own CGFs “outright”. They don’t.

Para 64:
Sub-sections 1 & 2 are good.

Para 65:
Sub sections are commendable except 3 and 6;
under 3, LAs should be held to publish widely, not “at their discretion” and
under 6, there should be wider representation of communities on bodies
administering CGFs¹ with voting powers and a limited veto power². (ref paras

Para 66:
Disposal is still governed by the limitations imposed by Section 75 of the 1973
act which along with observations in notes 281 & 282 should safeguard CGFs
from depredation. This continued legal safeguard could be clearly stated in the
act to avoid confusion and reassure CGF ‘owning’ communities.

It is noted that it is anticipated (Financial Memo.) that the costs to LAs of bringing
the currently inadequate CGF registers up-to-date will not generate an additional
cost to LAs. That is unrealistic given the work that will be involved in correcting the
neglect of decades of LA failure to compile adequate and accurate registers.

¹ The rationale of having local community representation equal to that of the LA on
the management of CGFs is to restore local involvement and awareness of CGFs,
which is one of the main aims of the act - and:
   a) to secure protection of CGFs for the future;
   b) to compensate for the proprietorial ineligibility and lack of knowledge of
      some LA councillors on the administration of local CGFs;
   c) to improve management efficiency and financial viability of CGFs;
   d) to re-create an attractive receptacle for bequests;
   e) to reduce some of the administrative burden on LAs by voluntary work.

² A simple measure to help restore some control to local CGF ‘owners’ over their
CGF would be to institute a limited veto – say 2 years bar on proposed change of use
or disposal of GCF property. A veto operated by a majority of the community
representatives on the CGF management group, reversible at any time during the 2
year period by the veto being withdrawn by those who exercised it, if discussions led to a proposal that was satisfactory to the community.

One final point is that there should be much tighter scrutiny on how LAs spend CGF money. We have several examples of profligacy here in Selkirk eg. £718.00 spent by the LA in fruitlessly trying to draw up a simple lease for £50.00 pa. Such incompetence is intolerable and local CGF beneficiaries have had no say in the matter and no powers to prevent such occurrences of CGF raiding. For this reason, a clause/amendment subjecting charges proposed by LAs on CGFs to independent assessment, before they are debited, would stop this nefarious practice.

As far as Section 6 of the Act is concerned generally, the suggestions in \(^1\) \& \(^2\) above would go a long way to restoring community empowerment to the local CGF administration consequent upon its removal in 1975. The same principle is embodied in the referendum.

**Dr Lindsay D Neil MB ChB DA**

Ref: responses (attached) 31/1/2013 & 21/1/2014 (2)
Consultation on the Community Empowerment (Scotland) Bill

Response Questionnaire

Chapter 3 - Proposals with draft legislation

Please read the draft Bill provisions before you answer these questions. You do not need to answer all the questions in this questionnaire, only answer the questions that you have an interest in. Separate questionnaires are provided for each chapter of the consultation paper.

Please make sure you also return the Respondent Information Form with your response, so that we know how to handle it.

3.1 Community Right to Request Rights in Relation to Property

Please read Part 1 of the draft Bill (Annex C pages 1 to 9) before you answer these questions:

Q1 Do you agree with the definition of community body at section 1?  
Yes □

Do you have any changes to suggest?

Yes;
There are other community bodies besides Community Councils which fulfil the criteria of LA (S) Act 2003, Annex C Part 2, 15,4 ; Draft CE(S) Bill, Ch 3, Part1,1,5 a-f or Part 2, 11,2.  
There is no clear indication as to how such bodies can play a part, apply to play a part or be approved to play a part. The mechanism for this should be made clear.

Q2 Do you agree with the list of public bodies to be covered in this Part at Schedule 1 (Annex C page 21)?
What other bodies should be added, or removed?

Any representative body which fulfils the criteria as above. Most Community Councils do not fulfil all the criteria eg enabling them to submit a CRTB request. Some CBs in the same locality do. This needs clarification.

Q3 What do you think would be reasonable timescales for dealing with requests, making an offer and concluding a contract, in relation to sections 5(6), 6(2)(c) and 6(6)?

The ones proposed seem reasonable and conform with the CRTB regulations.

Q4 Do you agree that community bodies should have a right of appeal to Ministers as set out in section 8?

Yes

Are there other appeal or review procedures that you feel would be more appropriate?

Under Annex C, Part 1, 8, 2 (b);

It appears that a body wishing to appeal a decision by a Local Authority is debarred from doing so. The reason given is that LAs are democratically accountable. However it is wrong to say that (para 30) a Local Authority is democratically accountable to the (local) electorate in this context for 3 reasons:

a) Since the imposition of arrangements for unitary authorities in the LA etc (S) Act 1994, the majority of councillors responsible for eg. the common Good are from outwith the constituency area pertaining to the Common Good Fund. Thus the beneficial owners of the CG have no opportunity to exercise democracy if they can’t vote on the councillors taking decisions on their CG property.

b) In practice, most of the decisions pertaining to Common Good are made by unelected officers of the Local Authority, endorsed by councillors but not
acting under direct scrutiny of elected councillors.

c) There is an inevitable conflict of interest where councillors try to balance local community interests with their Local Authority duties. This conflict is irreconcilable so Local Authorities should remain answerable by appeal by local bodies where disputes arise.

Therefore, 8.2 (b) should be deleted as most appeals would result from a dispute between a spuriously democratic Local Authority and a community body.

A sheriff court would be unbiased and acceptable route to resolving disputes and the result of its determination could be made binding on all parties.

Under Annex C, Ch 3, Part 1, 10:2

It would be fairer if a ‘decline’ to consider a new request were treated as a refusal thus allowing an appeal. Why should a public authority have the discretion to refuse to consider an appeal simply because they refused a previous one?

(Accepted that the grounds for appeal must be materially different from those of the original appeal)

Q5 What form of appeal or review processes, internal or external, would be appropriate in relation to decisions made by local authorities and by Scottish Ministers?

The reinstatement of judicial requirements as laid down in LA (S) Act 1973, Part 4, 75, 2.

As regards the disposal of Common Good assets, the removal in the draft bill of a requirement to seek judicial approval for alienation of inalienable assets is a seriously retrograde step. Decades of legislation to protect Common Good property, while in need of improvement, is still essential in giving Common Good owning communities protection against overbearing local authorities and ensuring the conservation of the Common good assets.

Q6 Do you have any other comments about the wording of the draft provisions?

No, pretty clear what is proposed.
Q7 What costs and savings do you think would come about as a result of these draft provisions? Please be as specific as you can.

Delegation of powers end budgets to local bodies to administer some local services would:
- allow some limited new local employment;
- avoid some wasteful practices;
- be more responsive to local needs; better cost-targeting.
- diminish costly administration and tortuous routes to effective action;
- involve local people in better control of their own environment and avoid the cost of some area supervision.

3.2 Community Right to Request to Participate in Processes to Improve Outcomes of Service Delivery

Please read Part 2 of the draft Bill (Annex C pages 9 to 14) before you answer these questions:

Q8 Do you agree with the definition of community body at section 11? Yes +/-

Do you have any changes to suggest?

Same comment as answer to Q1. But in addition, some CBs, not necessarily CCs, have a wide range of expertise to draw on which under the present LA arrangements is wasted. It would be fair enough to establish the qualifications/expertise of individuals within it when assessing a PB for eligibility, and try to recognise and enlist this expertise in devolving some tasks presently undertaken by LAs.
Q9 Do you agree with the list of public bodies to be covered in this Part at Schedule 2 (Annex C page 21)?  

Yes +/-

What other bodies should be added, or removed?

Same as Q 2.
Q10  Do you agree with the description at section 13 of what a participation request by a community body to a public service authority should cover?  
Yes

Is there anything you would add or remove?

Couldn’t a ‘Community Body’ be recognised as such in advance, reviewable at prescribed intervals, and save applying for recognition to each public service authority? It would save time/admin costs and be far easier. It would also put the CB on an address list where matters affecting them are proposed.

Q11  Do you agree with the criteria at section 15 that a public service authority should use when deciding whether to agree or refuse a participation request?  
No

Are there any other criteria that should be considered?

A body with particular expertise in a certain area could be recognised for participation in that area of expertise alone. The system of recognition could be streamlined by recognising such a body in advance. eg local renewable energy groups.

Q12  Do you have any other comments about the wording of the draft provisions?

No
Q13 What costs and savings do you think would come about as a result of these draft provisions? Please be as specific as you can.

As in Q 11, a lot of toing and froing could be avoided by what we propose – admin costs reduced if the CB was already seen as ‘kosher’.

3.3 Increasing Transparency about Common Good

Please read Part 3 of the draft Bill (Annex C pages 14 to 16) before you answer this question:

Q14 Do you think the draft provisions will meet our goal to increase transparency about the existence, use and disposal of common good assets and to increase community involvement in decisions taken about their identification, use and disposal?

Yes, up to a point but largely No ☐

What other measures would help to achieve that?

CG= Common Good; LA= Local Authority; CGF= Common Good Fund.

The main thrust of the declaration (paras 45 -47) that defining what constitutes CGF property is likely to result in unintended outcomes is a failure to address the question. An Inner House judgement by 3 judges in the Court of Session in 2003 established clearly what the CG is. Therefore:

1. Better definition and understanding of who owns the Common Good. Counsel opinion we have obtained is that the title alone is LA owned, the beneficial owners are the populace of the burgh. Councils do not own CG outright despite being misled by p1 of Andrew Ferguson’s book. (Common Good Law, Avizandum Press)

2. Restoration in the bill of the requirement to seek judicial approval for all proposals to change the use of inalienable CG assets.

3. The discarding of the legally meaningless phrase “having regard to the interests“ of the CG beneficial owners. Substitution with a more democratic, legally tight local decision-taking method involving a local referendum if indicated. At present, LAs can do what they want, ‘have regard’ to local interests and simply disregard them.
4. Removal of the unlimited and unscrutinised charges put on CG Funds by Local Authorities, largely for services that LAs are obliged to provide under the LA(S) Act 1973 such as legal services. What they do is quite wrong and can cost a CG dear, and is a way for Local Authorities to subsidise their staff costs at a CGF’s expense. Over £20,000 has been deducted by Scottish Borders Council from Selkirk’s CGF for administration, most of it for ‘Legal Services’ in the 2 years 2011/12 & 2012/13.

5. An enforceable requirement on LAs to compile accurate and complete CG asset registers. Despite their legal obligation and the March 2007 encouragement by Scottish Government to LAs to do this, the advice has been largely ignored. This is a small area of Audit Scotland’s monitoring responsibilities but continually neglected by them.

6. The restoration of the two categories of CG assets, (heritable and moveable) and the requirement to account for each separately.

7. Inclusion of representative bodies, other than Community Councils, in decision taking of the CG fund. (see 10 below)

8. The establishment of business plans to exploit CG assets is sadly neglected by LAs. No attempt is made by LAs to enhance the assets of a CGF. The neglect should be corrected.

9. Where a LA uses CG property or any part of CG property for any purpose, a formal written lease should be mandatory even if no leasing charge is involved. The costs of drawing up such a lease should be borne by the LA, not the CGF. This would put the repair and maintenance obligation on a formal footing and avoid unnecessary charges on the CGF. (eg £728.00 legal charges to Selkirk CGF to secure a £50.00 pa lease – not yet even concluded after 5 years)

A clause to regulate this should be fitted into the bill somewhere.

10. A mechanism whereby the beneficial owners of a CGF have decision-taking rights over their own CGF is needed. This is a fundamental quality of democracy which is sadly lacking under present legislation. Local people should have a defined veto power over decisions taken by non-owners acting on behalf of the beneficial owners. There should be an equal number of local citizens, beneficiaries of the CGF, to balance elected Local Authority Councillors. They could be CC members or nominated from a local body, voted on by CC members.

11. Greater transparency is a modern expectation. Any steps to achieve this are to be welcomed. The proposed bill must include more democracy and devolved control over CGFs, giving CGFs the protection they need, or else it will fail to fulfil its intentions and will be a continual source of contention until it is improved.
3.4  Defective and Dangerous Buildings – Recovery of Expenses

Please read Part 4 of the draft Bill (Annex C pages 17 to 19) before you answer these questions:

Q15  Do you agree that the cost recovery powers in relation to dangerous and defective buildings should be improved as set out in the draft Bill?  

Yes  

Q16  Do you agree that the same improvements should apply to sections 25, 26 and 27 of the Building (Scotland) Act 2003?  

Yes  

However, where buildings or parts of them belonging to the Common Good but occupied by a local Authority are in need of repair, the local authority should be obliged to conduct the repair on a ‘repair and maintenance’ basis. This should apply whether a formal lease is in operation or not. That should be embodied in the proposed bill. Some necessary repairs are deliberately delayed by LAs resulting in much greater costs. There should be included a mechanism for an independent assessor to evaluate timescales for repairs to CG property.

The Royal Burgh of Selkirk Community Council submitted a response to the Sept. 2012 consultation on this proposed Bill. Owing to a failure on our part, the response was out of time. It is still relevant however and as we are in close liaison with the Community Council we ask that it is considered alongside this submission although neither of the authors are currently members of the Community Council having resigned in May 2013. (att. Response Jan 2013)
Consultation on the Community Empowerment (Scotland) Bill

Response Questionnaire

Chapter 4 - Detailed Policy Proposals

Please read the draft Bill provisions before you answer these questions. You do not need to answer all the questions in this questionnaire, only answer the questions that you have an interest in. Separate questionnaires are provided for each chapter of the consultation paper.

Please make sure you also return the Respondent Information Form with your response, so that we know how to handle it.

4.1 Improve and extend Community Right to Buy

Q17 The Scottish Government proposes to extend right to buy to communities in all parts of Scotland, where the Scottish Government is satisfied that it is in the public interest. Do you agree with this proposal? Yes ☐

Are there any additional measures that would help our proposals for a streamlined community right to buy to apply across Scotland?

1. Pre-recognition of Community bodies already with CRTB status.
2. Some straightforward mechanism whereby community bodies such as Community Councils, not presently in a position to entertain a CRTB, can rapidly fulfil the criteria along a smooth pathway with minimum admin. That would enable these groups to respond rapidly to emergent opportunities when they arise to the benefit of the local community and its economy.

Q18 Do you think that Ministers should have the power to extend “registrable” land” to cover land that is currently not included as “registrable land”? Yes ☐

What other land should also be considered as being “registrable”?

All sporting estates.
Any land with agricultural potential whose use is currently being squandered or its potential stifled by landowners for other purposes where national interest is involved eg food production, green energy generation.

Community responsibility could be considered for defined coastal areas to safeguard fishing stocks and conserve a community’s fishing livelihood. (Remember, the coastal shelf administered by the Crown Estates is actually the property of the Scottish people, not like England/Wales. The Crown Estate is simply an administrative convenience. There is no apparent reason why coastal areas should not be considered for CRTB)

It could be in parallel to or within the existing EU legislative framework which gives protection in some areas.
Q19  Do you think that there should be a compulsory power for communities to buy neglected or abandoned land in certain circumstances?  

Yes  

What should these circumstances be?  

Land sterilised by an owner/developer through not being developed within a reasonable timescale eg If building is not started within 1 year after planning permission is granted and not completed within 3 years, that development should automatically be targeted and identified as eligible for CRTB. If no plan for development is submitted by an owner, he/she should be given 18 months to submit one or the land becomes eligible for CRTB and a compulsory sale arranged. This would clear the blight of undeveloped brownfield sites.

Q20  How do you think this should work in practice? How do you think that the terms “neglected” and “abandoned” should be defined?  

Common sense, but disinterested (unbiased) valuation on derelict or abandoned sites/buildings should be undertaken at the owner’s expense, the property then advertised for auction at the valuation and any unrecovered expenses incurred recovered from the buyer’s payment, the remainder paid to the original owner. Barren unsightly sites would certainly diminish in number. Abandoned or derelict – apply Q19 criteria.

Q21  Do you think that the criteria to be met by a community body in section 38(1) of the Act are appropriate?  

Yes  

Do you think that there should be additional criteria? Please set out what changes or additions should be made to the criteria.
However, it is unlikely that there will be a need as stated in the 2003 Land Reform (Scotland) Act 38 (1) (c) to acquire the ownership of contiguous land to allow access to fishing as this is covered under the same act in Part 1, Chapter 1 allowing access to your ‘property’ in pursuit of a sport such as fishing. The DDA may also apply allowing vehicular access to disabled fishermen to access and exercise rights in a fishing lease.
Q22 Do you think that the information that is included in the Register of Community Interests in Land is appropriate?  
Yes ☐

If not, what should that information include?

Q23 How could the application form to register a community interest in land be altered to make it easier to complete (eg, should there be a word limit on the answers to particular questions)?

No other suggestions

Should the questions be more specifically directed to the requirements of sections 36(2) and 38(1) of the Act?  
No ☐

Do you have any other suggestions?

None

Q24 Do you agree that communities should be able to apply to register an interest in land in cases where land unexpectedly comes on the market and they have not considered using the community right to buy?
Yes  ☐
If so, what changes should be made to section 39 to ensure that such communities can apply to register a community interest in land?

See Q 17

Q25 Do you agree that the process to re-register a community interest should be a re-confirmation of a community interest in land?  
Yes

Q26 Do you think that the community body should be asked to show that its application is (1) still relevant, (2) has the support of its “community”, and that (3) granting it is in the public interest?  
Yes

Q27 What do you think should be the length of the statutory period for completing the right to buy, taking into account both the interests of the landowner and the community body? Please explain the reasons for your proposal.

The existing statutory periods seem reasonable but if both parties, landowner and community body have said after consultation that it should be longer, we would agree. Communities may need more time to secure financing and that should be made possible also.

Q28 Do you think that some of the tasks within the right to buy (such as valuation, ballot etc) should be rearranged and the timescales for their completion changed in order to make the best use of the time available within the right to buy? Please set out what changes you think should be made and why.

6 months should be the guideline, but extension of the time limit should be possible where it is outwith either a community’s or landowner’s power to complete proceedings within the time limit.
Q29  Do you agree that Scottish Ministers should organise the undertaking of a community body’s ballot and pay its costs?  

Yes ☐

If you disagree, please provide your reasons.

That would be desirable because most community bodies have very little money. Provided that outside scrutiny of the process is built in, any ballot could be undertaken locally more cheaply using volunteers than hiring commercial enterprises to do it.

Yes ☐

Q30  Should Scottish Ministers notify the ballot result to the landowner?  

Yes ☐

Please explain your reasons.

He has a right to know local feeling, but it should contain only the barest of detail.

Yes ☐

Q31  Do you think Ministers should develop a pro-forma for community bodies to set out their plans for the sustainable development of land and community?  

Yes ☐

Please give reasons for your view.

That would be helpful as many local community bodies do not inherently have that expertise to do so themselves and it would shorten the time factor. We agree paras 92, 93 & 94.
Q32  Do you agree that community bodies should be able to define their “community” in a more flexible way by the use of either postcodes, settlement areas, localities of settlements, and electoral wards, or a mixture of these, as appropriate?

Yes and other criteria at the minister’s discretion.

Q33  Are there any other ways that a “community” could be defined?

Probably! eg particular varieties of wildlife preservation associations.

LAs could hold lists of eligible CBs using criteria defined under the proposed act but the Minister should retain the power to allow some flexibility in definition.

Q34  Do you agree that other legal entities in addition to the company limited by guarantee should be able to apply to use the community right to buy provisions? Yes.

Q35  Do you agree that SCIOs should be able to apply under the provisions? No.

Simply being a charity is not enough in itself.

Q36  What other legal entities should be able to apply under the community right to buy provisions – and why?

Other organisations can be considered on their merits but only if they can demonstrate sustainability, viability, transparency and manifest community benefit. Some charities are not subject to rigorous enough scrutiny. (See 33)
Q37  Do you agree that Ministers should only have to “approve” the changes to Articles of Association for community bodies that are actively seeking to use or are using the community right to buy?  

Yes □

Q38  Do you think that the length of a registered interest in land should remain as five years or be changed? If it should be changed, how long should it be – and what are your reasons for making that change?  

5 Years is not long enough; an increase to 10 years would be better, thus lessening the paperwork but without reducing the strength of the regulations.

Q39  Do you agree that the valuation procedure should include counter representations by the landowner and community body?  

No □

If you disagree, please give your reasons for your decision.  

It is too easy to persuade valuers to err on the side if the paymaster. A disinterested valuer is mandatory but agreed in advance and agreed by both parties to be binding. Having competing valuations is simply going to prolong the process.

Q40  Do you think that there should be a provision to deter landowners from taking the land off the market after they have triggered the right to buy?  

Yes □

Please explain your reasons.  

If embarked upon, it should be carried through otherwise communities are going to expend time and money and lose confidence in the capacity of the Act
significantly to achieve its stated aims.
Q41 Do you think that there should be greater flexibility in a community body’s level of support for a right to buy in the ballot result than is currently permitted? Yes

Q42 Do you think that the ballot result should focus on a sufficient amount of support to justify the community support to proceed with the right to buy the land? Yes

If yes, please explain how secured community support should be measured

Local ballot, overseen by LA electoral officers.

Q43 Do you agree that community bodies should be able to submit evidence to Ministers in support of their ballot result where they believe that their ballot has been affected by circumstances outwith their control? Yes

Q44 Do you think that Scottish Ministers should be able to ask community bodies for additional information relating to their right to buy “application” which Ministers would then take into account in considering their right to buy “application”? Yes

Please explain your reasons.

In a CRTB submission, communities may have left out important details which would amplify their intentions and means to succeed. It is fair enough to find out significant further information. Also, if the voting turnout was low, an opportunity to expand the application could be helpful.

Q45 Do you think that Ministers should be able to accept an application to register a community interest in land which is subject to an option agreement (on part or all
of the land)?

Yes □
Q46 If there is an option agreement in place, do you think that the landowner should be able to transfer the land as an exempt transfer while there is a registered interest over that land?

No ☐

Please explain your answer.

While the system should be flexible, no option should exist for landowners to manipulate the system to their unfair advantage. If the observance of the option makes the CRTB unviable, the whole point of a CRTB is compromised. If permissible, landowners would simply put options in place over their land to make CRTB unattractive.

Q47 Do you think that the prohibition on the landowner from taking steps to market or transfer the land to another party should apply from the day after the day on which Ministers issue the prohibition letter rather than the day when the owner/heritable creditor receives the notice?

Yes ☐, but see below ☐

Please explain your answer.

Again it diminishes the landowner’s ability to manipulate the system to his/her unfair advantage. Why not make it from the day and hour on which the decision is taken? That would preclude fiddling.

Q48 Do you agree that public holidays should be excluded from the statutory timescales to register a community interest in land and the right to buy?

Yes ☐

Q49 Do you agree that where a landowner makes an “exempt” transfer, this should be notified to Scottish Ministers?
If you disagree, please provide reasons for your decision.
Q50  Do you agree that community bodies and landowners should notify Scottish Ministers of any changes to their contact details (including any registered office)?

Yes □

Q51  Do you think that Ministers should monitor the impact of the community right to buy?

Yes □

How do you think that monitoring should be undertaken and what information should Ministers seek?

A yearly assessment of viability in years 1 – 3. This would give an insight into the success or otherwise of the Act and permit adjustments as necessary.

Should the monitoring process be a statutory requirement, including provisions for reporting?

Yes □
Questions 52 to 60 are being submitted by a member of the Royal Burgh of Selkirk & District Community Council in a separate submission. He is also a director of the Selkirk Regeneration Company (SRC) and the answers he has given apply equally to the SRC.

4.2 Strengthening Community Planning

Q52 What are your views on our proposals for requiring a CPP to be established in each local authority area, and for amending the core statutory underpinning for community planning to place stronger emphasis on delivering better outcomes?

See Selkirk CC answers

Q53 What are your views on the core duties for CPPs set out above, and in particular the proposal that CPPs must develop and ensure delivery of a shared plan for outcomes (i.e., something similar to a Single Outcome Agreement) in the CPP area?
Q54  Do the proposed duties of the CPP support effective community engagement and the involvement of the third and business sectors?  

☐  Yes  ☐  No  

What other changes may be required to make this more effective?

Q55  How can we ensure that all relevant partners play a full role in community planning and the delivery of improved outcomes in each CPP area? Do the proposed core duties achieve that?  

☐  Yes  ☐  No  

What else might be required?

Q56  What are the respective roles of local elected politicians, non-executive board members and officers in community planning and should this be clarified through the legislation?
Q57 Should the duty on individual bodies apply to a defined list of public bodies – if so, which ones? Or should we seek to take a more expansive approach which covers the public sector more generally?

Q58 Local authorities are currently responsible for initiating, facilitating and maintaining community planning. How might the legislation best capture the community leadership role of Councils without the CPP being perceived as an extension of the local authority?

Q59 How can the external scrutiny regime and the roles of organisations such as the Accounts Commission and Auditor General support the proposed changes? Does this require changes to their powers or functions?

Q60 What other legislative changes are needed to strengthen community planning?
4.3 Allotments

Q61  Do you agree with the proposed definition of an allotment site and allotment plot?  Yes □

How else would you suggest they be defined?

Q62  In order to include all existing allotments in the new legislation they must fit within the size range. What is the minimum and maximum size of one allotment plot in your area/site?

Don’t know. The allotments in Selkirk were sold off for housing. 10 poles is a good number

Q63  Do you agree with the proposed duty to provide allotments?  Yes □

Are there any changes you would make?

Local (non-council) initiative has produced a small number of allotments. There is a waiting list and more allotments are needed. If it is necessary to provide allotments to a set scale, compulsory purchase should be considered.
Do you agree with the level of the trigger point, ie that a local authority must make provision for allotments once the waiting list reaches 15 people?

No ☐

It should be much less.
Q64  Do you prefer the target Option A, B or C and why? Are there any other target options you wish to be considered here? Do you agree with the level of the targets?

C
Allotments should be encouraged by every means. The future need will be for food production. Individuals/communities should be encouraged wherever possible.

Q65  Do you agree with the proposed list of local authority duties and powers?  Yes □
Would you make any changes to the list?

NO

Q66  Do you think the areas regarding termination of allotment tenancies listed should be set out in legislation or determined by the local authority at a local level?

Legislation  Yes □
Determined by local authority

Q67  Are there any other areas you feel should apply to private allotments?

No
Q68  Do you agree that surplus produce may be sold?  
Yes  □

If you disagree, what are your reasons?

Q69  Do you agree with the proposed list of subjects to be governed by Regulations?  
Yes  □

Would you make any changes to the lists?

Add excessive noise generation to Table 4 list.