Supplementary written evidence from the Scottish Government Bill team

LONG LEASES (SCOTLAND) BILL: LOCAL AUTHORITIES: COMMON GOOD

Following the evidence session attended by officials on 08 February 2012 we issued further letters to the outstanding local authorities who had not responded to our survey on the number of ultralong leases held on the Common Good.

The letters issued on 15 February 2012 to the following Councils requested a response by 29 February 2012:-

Angus
Comhairle nan Eilean Siar
Dumfries and Galloway
Moray
North Ayrshire
Perth & Kinross
Scottish Borders
South Ayrshire

The following Councils responded;

Dumfries and Galloway

“I would advise that the only Common Good property which the Council is aware of that is let on a long lease is land at Sanquhar leased via the McNab leases to the Buccleuch Estates.

The local authority/the common good fund are the landlord. There were 3 leases created for 999 years in 1805, 1806 and 1808. They were originally with Mr. Archibald McNab but the tenant’s interest was acquired by the Duke of Buccleuch and Queensberry in 1821. The total rent for the 3 leases is £18.50.”

Moray Council

“We don’t have any such leases.”

North Ayrshire Council

“I can confirm that our records show that none of the assets held on the various town Common Goods within North Ayrshire are Long Leases.”
Perth & Kinross Council

“We can confirm that Perth and Kinross Council has no common good land which has been the subject of an ultra-long lease and which, therefore, might convert to ownership under the Bill.”

A reminder to the remaining four outstanding Local Authorities was issued on Monday 27 February 2012 again to respond by 29 February

Angus

Comhairle nan Eilean Siar

Scottish Borders

South Ayrshire

We have now received all remaining responses:

Angus Council

“We are not aware of any leases of common good or other property where Angus Council has granted ultra-long leases (i.e. in excess of 175 years).”

Scottish Borders Council

“With reference to your letter of the 13th February I can confirm that the Council’s records show that its common good does not have any ultra long leases (over 175 years with over 100 years unexpired). Consequently it seems that the common good in the Scottish Borders would be unaffected by the bill.”

Comhairle nan Eilean Siar

“I have ascertained that the Comhairle’s position is that there is no Common Good land in Na h-Eileanan an Iar (the Western Isles) which is subject to ultra-long lease. Quite simply, this is not a form of tenure which was ever commonly used in these islands, and has not been utilised in the case of any Common Good land.”

South Ayrshire

“I refer to the attached request and would advise that we are not yet able to complete a detailed analysis of all Common Good assets and titles.

It is our view, however, that we are unlikely to identify any leases which would meet the criteria you have established.”
No. of common good properties/land identified by Councils

The number of properties/land identified by all Councils is eight.

This figure takes into account the four already reported; one in Aberdeenshire, one in Edinburgh and two in Glasgow. This figure had been five but Fife Council has recently advised that the property they had identified is not subject to an ultra long lease.

Glasgow City Council when providing evidence to the Committee on 29 February stated that they had identified two ground leases on common good, Rouken Glen Park and Balloch Country Park. This is in addition to the two areas of parkland already identified at Pollock Park. Glasgow has confirmed today that Rouken Glen Park lease is not subject to an ultra long lease. Therefore Glasgow's revised figure stands at three. The additional one identified by Glasgow along with the three identified by Dumfries & Galloway to the four previously identified gives a total of eight.

Further supplementary evidence from the Bill Team, March 5

Further to my letter dated 02 March I can confirm that I have received confirmation from South Ayrshire Council that they have found an ultra-long lease held on the Common Good.

It relates part of Rozelle House, Monument Road, Ayr.

The lease is from Ayr Common Good to the Maclaurin Trust for a period of 999 years from 15th May 1975.

I can confirm that the current number of leases identified by all 32 local authorities to be nine.