Local Government and Communities Committee

Common Good Property and Funds

Submission from John West

I am aware that brevity is a virtue so I feel highlighting two abuses of Inverness Common Good will suffice. The first case involved a Provost of Inverness in the 19th Century, who used his influence to purchase from the Common Good a very large tract of land in Inverness stretching from the Bught to Muirtown, the price being paid being a fraction of the true value. Through marriage and inheritance the lands fell to the Warrand family and in 1923, the remaining member of the family, Colonel Warrand offered the land back to Inverness. As you can imagine, this cause consternation as the prospect of buying back land that had been purloined earlier did not sit easily with the population. Funds were however made available by the Council but required additional funds from prominent citizens. These funds were gathered with the assistance of the Inverness Courier.

Roll forward to 2014, when Highland Council, successors to Inverness Council, decide to build a controversial road across this land, which was parkland. When challenged they took legal advice and it transpired that the Council, in 1923, had used the Parks legislation in the purchase of the land from Colonel Warrand. It was obvious from the debates and records that the land was bought on behalf of the people of Inverness but the fact that the Parks legislation was used, for obscure legal reasons which are unclear. The Council were then able to claim ownership of the land as a legal challenge was well beyond to resources of the protesters. So once again the land had been hijacked from the people of Inverness, firstly by municipal cunning and secondly by legal niceties which were used to frustrate the original purpose of restoring the land to the people of Inverness. As you have state in your summations, the attacks on the Common good continue in ever increasingly sophisticated ways.

I would submit that the law regarding Common Good is in need of rationalisation and simplification and framed in such a way to enable the objectives of the Common Good to be achieved and not frustrated by complexity and bureaucracy.

Recently the Common Good, along with the Common Good in Nairn have been subject to poor governance, resulting in more losses to the fund owned by the people. Recent events have involved over £200,000, these shortcomings having been identified by Audit Scotland and not Highland Council or the Councillors acting as Trustees. This situation arouses concerns that other omissions and shortfalls are prevalent but undiscovered and that some alternative form of governance is required in regard to this historic and valuable resource.
The record keeping of the Common Good requires upgrading and more adequate auditing and supervision. Mistakes and maladministration cost the Common Good as there have been no cases, as far as I am aware, where the Common Good has been the beneficiaries of such errors.

There is minimal involvement prior to decisions being made. Applicants can apply and their case in heard in Council. It is appreciated that elements of confidentiality are required but pronouncements of expenditure in retrospect to not enhance the public's feeling of being involved.

I know that you are passionately concerned with Common Goods and the historic associations, cultural and financial. I would submit that Inverness, which still has a substantial Common Good, is a prime example of where revised governance is required, to restore public confidence in one of our most cherished institutions. More power to your elbow.

Regards

John West