Local Government and Communities Committee

Common Good Property and Funds

Submission from Andrew Farquhar

THE COMMON GOOD

At local government reorganisation in 1975 when Burgh councils were disbanded, Section 15 of the Local Government (Scotland) Act 1974 provided for transfer to the new unitary authorities of all Common Good property stating that in administering such property any authority to which it is transferred shall have regard to the interests of the inhabitants of the area to which the Common Good related prior to 16th May, 1975. This has not worked at all well.

It is unfortunate that the legislation at that time did not allow for some form of local democratic administration to be put in place within the Burghs that owned them. Recent consultation has confirmed that some authorities view Common Goods as an inefficient administrative burden and are seen as diverting resources from the work done by them in the expanding role of delivering local services in partnership with communities. Managing Common Good assets is understandably low in the list of council priorities and has not been without controversy. The importance can be measured in local terms however because in Hawick for 2013/14 the net assets are shown to be £3.061 million with a deficit for the year of £115,000.

Two years ago the Convention of Scottish Local Authorities (COSLA) declared that Scotland’s councils had too little power, were too distant from communities and called for a debate to improve local democracy. This coincided with the consultation which took place on the Community Empowerment (Scotland) Bill that proposed greater transparency in the management and disposal of the Common Good. Surely the best transparency would be to seize the opportunity presented by this debate and go the whole distance by returning to some form of local democratic control to secure the future of Common Goods. As far as my community is concerned the Common Good exists for the people of Hawick who are the beneficial owners not the council.

SOME EXAMPLES OF REASONS FOR CHANGE

1. Many elected members who presently make decisions on the Common Good represent areas where Common Goods do not exist.

2. Since the abolition of Burghs 42 years ago serious questions are being raised about the continuing need for councils to treat C.G. differently from other property owned by them.
3. Common Good assets have not fared well under Council Stewardship due to councils having to do more with less. Administering the Common Good is low down in their list of priorities. E.g. Progress made with registers of assets!

4. In community’s which still have Common Good assets their full potential is not being realised. The assets could do much more if properly managed under some form of local democratic control with good management.

OPPORTUNITY FOR CHANGE

The Community Empowerment Act which is aimed at getting communities more involved in shaping and delivering better outcomes is a golden opportunity to bring back some form of local control. This would allow councils to get on with their core business and assets to be properly managed and allocated in accordance with local needs.

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