Local Government and Communities Committee

Common Good Property and Funds

Submission from Brechin Community Council

- Are the common law rules which define common good property adequate?

The Common Laws are relatively clear but requires people to read, digest and understand. A great ignorance is held, not just by local authorities but the peoples of the respective common good burghs as to what common good funds are, and what they are for.

- Do you think the record keeping of common good property and assets held by local authorities could be improved?

Definitely. There would appear to be a haphazard approach in the record keeping of Common Good assets. It is often a matter of debate as to what is a Common Good Asset. There is no dedicated individual or department for Common Good Assets.

- Is there enough openness and direct engagement with local communities on common good property and funds and the use to which common good property and assets are put?

No. This is often a case of when Councils are approach or queried. Until then, there is no engagement with the community. When this engagement occurs is often a long winded process, passed around different Council Officers who may or may not share a common understanding of what Common Good is.

- Are details of common good property and assets and income generated by their sale clear and transparent?

These can be obtained from the local authority but seldom are presented in a fashion which is easily understandable.

- Any other issues relating to common good property, assets and funds which you wish to bring to the attention of the Committee.

Local Authorities seldom wish to discuss openly Common Good issues. There handling of funds are often questionable in relation to what is best. I.e. Angus Council invests Monies held in a "Cash due loans Fund" which generates less income than the administration fee for doing so. If monies were invested in an account with the Bank of England (as the lender of last resort) a higher rate of interest could be achieved.
Criteria for applications to the Common Good Fund are complex and the local authority require accounts to be set out in a different fashion to those of a normal businesses.

Local Authorities do not show willing to discuss anomalies within the Common Good Accounts. I.e. lost assets. Over subsequent years items have fallen from their accounting and it is often an uphill struggle to prove or reclaim said assets. There is no statutory board to intervene or decide on disputes leaving the individual or group with the option only of legal action. The local authority uses this as a "get out of jail card" in respect that individuals or groups cannot afford to do so.

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