Local Government and Communities Committee

Common Good Property and Funds

Submission from Hawick Callants Club

Response to Questions:

1. Are the common law rules which define common good property adequate? – **No**

2. Do you think the record keeping of common good property and assets held by local authorities could be improved? – **Yes**

3. 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**

4. Are details of common good property and assets and income generated by their sale clear and transparent? – **No**

5. Are there any other issues relating to common good property, assets, and funds which you would wish to bring to the attention of the Committee? – **Yes**

Comments:-

Common Goods were land and assets, belonging to the local community, managed successfully by Town Councils up until 1974 when they were replaced by a two-tier system of local government. Many of the common goods have been merged by these larger councils and the loss of local knowledge has generally resulted in inadequate control over the goods.

The Scottish Government’s instruction to Local Government to compile lists of common good assets has exposed the failure to maintain accurate records.

Hawick Callants Club have recently been instrumental in raising the issues of omission of Moveable Assets in the Hawick Common Good Fund. This was directly as a result of the Hawick Councillors insisting that Scottish Borders Council (SBC) inform Hawick civic groups, including this Club, of items they had recorded on the Moveable Assets list.

The Club immediately identified a significant number of assets missing from the list and after further investigation noted numerous further omissions although there were conflicting views of what was common good and what was not. Numerous townsfolk have donated to the ‘town’ thinking they are going to the common good but the
council have argued that they were donated to a museum and therefore are 'council' property. These donations need to be assessed to ensure the correct recipient is identified.

A Club Member who held a senior position in the previous organisation, Roxburgh District Council, maintained that a full list of all fixed and moveable assets of Hawick Common Good Fund had been prepared at the end of the District Council in 1996, but SBC were unable to find this list and others that had been mentioned to them. This is a prime example of a remote organisation failing to keep accurate records of local assets. Very recently another Club Member identified an area in Hawick where potential moveable common good assets are stored and these are now being checked.

Had the Hawick councillors, who live locally and are aware of the local organisations commitment to the town, not insisted on SBC contacting these Hawick groups there would have been significant omissions from the moveable asset list. It is therefore essential that appropriate local organisations are part of the management of the Common Good Funds. The Hawick Common Good Fund Sub-committee certainly appears to have been open and transparent in their actions and have acted in the interests of the town they represent. At the moment, unfortunately, due to the way SBC is structured, any actions taken by the sub-committee can be overturned by councillors from other wards. This arrangement totally defeats the whole purpose of common good being managed locally and leaves the funds at the mercy of someone who is not interested in the local community.

In the short time available to comment the Club have not been able to obtain information to assess if assets and income generated by their sale is clear and transparent.

It is imperative that management of common good funds should only comprise trustees who represent dedicated local councillors, local organisations, such as this club and community councils. Rules, identifying what is common good and what is not, need to be produced for the trustees who should receive relevant training. A procedure will also be necessary to resolve any disputes that arise.

J Brian Tait
Hon Secretary
Hawick Callants Club