Local Government and Communities Committee

Common Good Property and Funds

Submission from Rose Harvie

In response to the questions posed in the call for written evidence, I contacted West Dunbartonshire Council. I asked them for details of record keeping, common good property and assets, evidence and details of direct engagement with local communities on common good property and funds, the use to which WD common good assets and property are put, and details of income generated by the sale of WD common good assets and property.

After some considerable delay, I received the following reply.

Dear Ms Harvie

Sorry for the delay in responding to you.

I refer to my email of 10 March 2017 and would now advise as follows:

1. I confirm that the Council is aware of its new duties in terms of Part 8 of the Community Empowerment (Scotland) Act 2015 (including the establishment of the Common Good Register and community consultation requirements) and will have regard to the terms of any Guidance to be issued by Scottish Ministers in the future (whilst noting that draft guidance is likely to be issued for consultation following the local government elections in May).

2. The Council’s Finance department hold the Common Good Asset Register including the Dumbarton Common Good accounts that are prepared annually. The Register refers to the leased grounds at Broadmeadow Industrial Estate; Dumbarton Common; the River Leven including Dumbarton Harbour; Overtoun House and grazings; and the Municipal Buildings in Dumbarton.

3. No direct engagement has been made as yet with Community bodies but engagement will take place in line with the requirements of any Guidance once the relevant sections of the Act are in force.

4. The request for details of the uses of the CG assets is too wide-ranging to respond to at this stage but should you have any specific queries on particular properties I shall endeavor to address these; certain information on this aspect is contained in the annual accounts in any event.

5. There are no plans to sell any of the Council’s CG assets but should this be under consideration in the future then the Council will deal with this in terms of the new legislation including consultations with community councils and bodies as required.
6. Regarding your mention of the ‘Call for Evidence’, my understanding is that we will not consult with community bodies until after the Consultation, so we have not consulted on this Call which was directed to your Community Council by the MSP.

This reply would appear adequate in some respect, apart from the fact that it was only sent one day before the deadline for responses.

In response to the various questions, I respond below.

- The Council is clearly aware of its responsibilities and the law regarding common good, and has defined its common good property.
- I do think the record keeping could be improved; I requested information at the public library, to be told that no-one knew where the records were kept.
- I do not think there is sufficient openness and direct engagement with local communities, but the Council states that this will take place in line with requirements.
- Point 4 of the reply states that details of specific property, assets, and income, are available on request. I am not sure that they are clear and transparent. In practice, requests are usually, eventually, responded to.
- Point 6 of their reply is in response to a suggestion by me that all Community Councils should be contacted regarding this consultation/call for evidence. Perhaps, given the importance of common good, the Scottish Parliament might have considered asking local authorities to contact all their Community Councils.
- Other issues: West Dunbartonshire Council has, in my opinion, neglected its duties towards one Dumbarton common good asset - Overtoun House and estate, mentioned in their reply. The house is leased, rent-free, to a religious charity, to the exclusion of the public for use of a toilet, unless the public choose to use a tea-room open two afternoons each week. This is in my opinion a breach of the terms of the Lease, which states that ‘the general public have access to all rooms on the ground floor at no cost without prior notification to the tenant.’ Complaints were made, and rejected by WDC. I appreciate that this particular instance will have no relevant interest to the LGCC, but it is a source of annoyance to the residents of Dumbarton, and visitors to the area.

Rose Harvie