Local Government and Communities Committee

Common Good Property and Funds

Submission from Future Hawick

The following is a summary of views expressed by members of Future Hawick

1. Are the common law rules which define common good property adequate?

No. The definition of what is and what is not common good is all too often open to misrepresentation and misinterpretation. Greater clarity is required and the rules need to be obeyed as common good property needs to be properly administered for the community it serves.

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

Yes. The recent compilation of assets lists has clearly demonstrated a desertion of duty in this respect by local authorities, many of whom tend to regard common goods as a nuisance to their administration. While attempts to address this issue have been made as a result of Scottish Government initiatives, the delays which have occurred in compilation are a sign of lack of proper record keeping.

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. The delays and problems encountered in the compilation of assets lists clearly demonstrate a lack of engagement with communities, many of whose people have greater knowledge in respect of their common good.

4. Are details of common good property, assets, and income generated by their sale clear and transparent.

No. All too often, administration of common good funds has been treated by local authorities as a right rather than an obligation, and to suit the ends of the local authority rather than the community.

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

Yes. The administration of common goods has become remote from the communities they are supposed to serve. Often, councillors who have no connection
with a particular common good are responsible for its administration and have no knowledge of community requirements. In the Scottish Borders, all councillors are de facto trustees of all common goods and in effect control their administration. While local sub-committees are appointed for each common good, final decisions rest with the full council. This is not a sustainable situation, and there is a need for greater devolution of management to the communities the common goods serve. More effective and dedicated management would be attained through the establishment of local committees comprising members of community councils and representatives of local civic and cultural organisations, all with full voting rights. At present the situation where community councillors can sit and speak, but not vote, on common good committees is an anathema to the democratic process.

As far as Hawick is concerned, it has to be said that the common good is generally well managed, but that is down to the dedication of the local councillors who sit on the sub-committee. However much of the financial administration involves combined investment portfolios set up by the Council to their own rules. For the compilation of the Hawick list of assets local societies and groups offered advice and assistance, proving that communities take an interest. Such communities deserve a greater say.