Local Government and Communities Committee

Common Good Property and Funds

Submission from Mark Arbuthnott

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

They are reasonably clear but there is widespread ignorance of them particularly among local authority council officers that administer them. At best they are ignorant of the laws and at worst dismissive of their responsibilities under common good law. Members of the public are also widely ignorant of common good provisions.

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

Absolutely. It can prove very difficult to obtain details of common good assets and property from local authorities particularly moveable assets which are frequently disseminated for use outwith the common good area. Property which is deemed by the local authority without any real professional assessment also often finds its way off the common good registers.

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?

There is absolutely no openness or consultation with the community with regard the administration of common good. Officers frequently blatantly disregard both common good legislation and community sentiment and often pressure local councillors who are meant to authorise common good expenditure to fall in line with their wishes which are not always in the common good.

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

These often prove difficult to obtain as officers are reluctant to part with the information and any information is often deliberately provided in a format which is difficult to understand.

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

Certainly with respect to the common good with which I have experience (Brechin as administered by Angus Council) is entirely unsatisfactory. There is little if any consultation with the community and unelected officer frequently act beyond their
remit with common good (an Angus Council officer recently gave permission to a local councillor not of the burgh to remove a part of a Brechin common good asset prior to any consultation with the community he then proposed complete removal of this asset- cost £47,000 aged less than 5 years at a cost of tens of thousands with no community consultation). Unelected officers act with littler accountability with regard common good and there is a sentiment that common good funds are often treated as slush funds for work the council do not wish to pay for from their own capital budgets. The provisions of the Community Empowerment act should be immediate and all decisions related to common good should require authorisation from Community Councils to stop the abuse of these funds and property.

Mark Arbuthnott