

The City Of Edinburgh Council

10.00am, Thursday 2 June 2016

Common Good Asset Register

| | |
|-------------------|-----------|
| Item number | 8.6 |
| Report number | |
| Executive/routine | Routine |
| Wards | City Wide |

Executive summary

The Capital Coalition budget motion, approved by Council on 21 January 2016, included an instruction to the Chief Executive to allocate £100,000 to develop and maintain a Common Good Asset Register, and provide a report to the Council in June 2016 detailing progress.

This report informs Council of the current position.

Links

| | |
|--------------------------|---|
| Coalition pledges | P31 , P33 |
| Council outcomes | CO19 |
| Single Outcome Agreement | SO2 , SO4 |

Common Good Asset Register

Recommendations

- 1.1 It is recommended that Council:
 - 1.1.1 Notes the content of this report; and
 - 1.1.2 Notes that further reports will be brought to Committee once Scottish Ministers guidance on common good registers has been issued and to consider the implications arising from compliance with the Land Registration (Scotland) Act 2012.

Background

- 2.1 The City of Edinburgh Council has a statutory obligation under the Local Government etc (Scotland) Act 1994, Section 15(4) (b) in administering property held as part of the common good, to administer it having regard to interests of all the inhabitants of the City.
- 2.2 The Capital Coalition motion, approved by the Council at its meeting of 21 January 2016 included, inter alia, an instruction to the Chief Executive to allocate £100,000 to develop and maintain a Common Good Asset Register, and deliver a report to the Council in June 2016 detailing progress.

Main report

- 3.1 A report on the Common Good Asset Register, approved by the Corporate Policy and Strategy Committee on 4 August 2015 and by the Governance, Risk and Best Value Committee on 13 August 2015, included details on the processes involved and skill sets required to establish a fully updated Register.
- 3.2 A team of Council staff comprising a solicitor, surveyor and property research officer has now been established to take the project forward. The initial focus being on those properties historically considered by the Council to be common good.
- 3.3 As the project develops, specialist input from an archivist/historian will also be required, together with appropriate administration support.
- 3.4 The Corporate Policy and Strategy Committee on 4 August 2015 agreed that further reports would be brought to Committee once Scottish Ministers' guidance

on common good registers had been issued, and to consider the implications arising from compliance with the Land Registration (Scotland) Act 2012.

- 3.5 The Corporate Policy and Strategy Committee on 4 August 2015 also agreed to write to Scottish Ministers on the timescale for the publication of guidance. Legal and Risk has written to Scottish Ministers and a response is awaited.
- 3.6 The 2012 Act came into effect in December 2014, and governs the wider registration of land ownership in Scotland including common good issues. The Scottish Government has indicated that it is seeking that all land owned by public bodies, such as the Council, is registered by December 2019.
- 3.7 Although work carried out in connection with the Common Good Asset Register will assist with the work associated with the completion of the Land Register, compliance with the Act constitutes a significant task and will require an additional resource input.
- 3.8 The Finance and Resources Committee, on 14 January 2016, having considered a report on the common good planned maintenance programme and common good reporting, resolved “that all Common Good matters would be reported to the Finance and Resources Committee, unless policy decisions were required in which circumstance the matter would be reported to the Corporate Policy and Strategy Committee”. The further reports referred to in paragraph 3.4 above will be reported accordingly.

Measures of success

- 4.1 A fully updated Common Good Register and a review process that will minimise the risk of an inalienable common good property being inadvertently sold.

Financial impact

- 5.1 There is an approved budget allocation of £100,000 for 2016/17 rising to £250,000 in total in 2017/18 and this continues into 2018/19.

Risk, policy, compliance and governance impact

- 6.1 There is a risk that some properties are not identified as common good and are not included on the asset register. The Common Good Asset Register could therefore be incomplete.
- 6.2 Pending the Register being fully updated, the risk that a common good property is unlawfully disposed, is mitigated by a review being undertaken of any property identified for disposal, to assess whether it is common good. This approach was agreed by the Finance and Resources Committee in June 2008.

Equalities impact

- 7.1 Fully updating the register of common good assets will potentially enhance the right to legal security for the citizens of the City of Edinburgh. The interim approach whereby the status of a property is reviewed prior to disposal will ensure existing rights are maintained.

Sustainability impact

- 8.1 As the report recommends that Council notes the content of the report and future reporting there is no impact in relation to the three elements of the Public Bodies Duties in the Climate Change (Scotland) Act 2009.

Consultation and engagement

- 9.1 None.

Background reading/external references

[Finance and Resources Committee - 17 June 2008](#)

[Corporate Policy and Strategy Committee – 24 February 2015](#)

[Governance, Risk and Best Value Committee – 5 March 2015](#)

[Corporate Policy and Strategy Committee – 4 August 2015](#)

[Governance, Risk and Best Value Committee – 13 August 2015](#)

[Governance, Risk and Best Value Committee – 12 November 2015](#)

[Corporate Policy and Strategy Committee – 1 December 2015](#)

[Finance and Resources Committee – 14 January 2016](#)

[City of Edinburgh Council – 21 January 2016](#)

Hugh Dunn

Acting Executive Director of Resources

Contact: Graham Tully, Acting Estates Services Manager

E-mail: graham.tully@edinburgh.gov.uk | Tel: 0131 529 5961

The City of Edinburgh Council – 2 June 2016

Links

| | |
|---------------------------------|--|
| Coalition pledges | <p>P31 – Maintain our City’s reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure.</p> <p>P33 – Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used.</p> |
| Council outcomes | <p>CO19 – Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.</p> |
| Single Outcome Agreement | <p>SO2 – Edinburgh’s citizens experience improved health and wellbeing, with reduced inequalities in health.</p> <p>SO4 – Edinburgh’s communities are safer and have improved physical and social fabric.</p> |
| Appendices | <p>None</p> |