

The City Of Edinburgh Council

10.00am, Thursday 30 June 2016

Common Good Asset Register

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

Executive summary

The Council, at its meeting on 2 June 2016, approved a report on the Common Good Asset Register and accepted an addendum requesting that a further report to Council providing an update on certain matters not dealt with in the report.

This report responds to that request.

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 progress with completion of the Common Good Asset Register will be reported to Finance and Resources Committee on a bi-annual basis.

Background

- 2.1 The Council, at its meeting of 2 June 2016, considered a progress report on the Common Good Asset Register. Council approved the recommendations in the report together with the following Addendum:

Notes that at the meeting of Corporate Policy and Strategy on 1st December 2015 an instruction was given to officers to report on finding innovative solutions involving community groups, higher education and historical societies and that the report is silent on any progress of this instruction.

Notes that the Council Leader was to write to COSLA requesting that Common Good would be put on a future agenda and notes that the report makes no reference to this and requests a further report to be brought to Council in one cycle to provide an update on the matters previously instructed by Committee and on which the above report is silent.

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 The verification of good title and what constitutes a common good asset is often a complex legal matter well demonstrated by the recent consideration of common good issues surrounding the relocation of Portobello High School.

- 3.3 The compiling of the Register has only recently commenced and, as reported to Council on 2 June 2016, the initial focus will be to examine those assets historically thought to be common good.
- 3.4 Council also noted that as the project develops, specialist input for archivists and historians may be required.
- 3.5 Furthermore, in accordance with Corporate Policy and Strategy Committee instructions in December 2015, officers will also explore innovative ways of involving higher education establishments, historical societies and other community groups in completing the task.
- 3.6 An organisation or group's involvement in the exercise will only be considered where appropriate, depending upon legal complexities and sensitivities and will be considered on a property by property basis as the project progresses.
- 3.7 The preparation of the Register will involve the careful examination of thousands of legal documents, a large number of which are hand written and many in Old Scots or Latin. The exercise is time consuming and accordingly it will be three to four years before this due diligence will be considered largely completed.
- 3.8 In terms of the Community Empowerment (Scotland) Act 2015, the Council is required to publish a list of properties that it proposes should be included on the Register prior to establishing the Register itself. The Council must notify the list to (1) any community council within the Council's area and (2) community bodies of which the Council is aware. The Council must take account of any representations made by those bodies in finalising the list and establishing the Register.
- 3.9 In order that community bodies may input to the list, and in light of the length of time that the due diligence is likely to take, the Council will make the list publically available through the Council's website on an ongoing basis and regularly update it as properties are assessed and their status determined. Updates will be provided to the Finance and Resources Committee on a bi-annual basis.
- 3.10 In order that local authorities could establish a uniform position on common good the Corporate Policy and Strategy Committee in December 2015, agreed that the Leader of the Council write to COSLA suggesting that common good be put on the agenda for a future meeting. Having written to COSLA, the Leader of the Council has pressed for a response which is awaited.

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](#)

The City of Edinburgh Council – 30 June 2016

[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](#)

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Links

Coalition pledges	P31 – Maintain our City’s reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure. P33 – Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used.
Council outcomes	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.
Single Outcome Agreement	SO2 – Edinburgh’s citizens experience improved health and wellbeing, with reduced inequalities in health. SO4 – Edinburgh’s communities are safer and have improved physical and social fabric.
Appendices	