Finance and Resources Committee

10.00am, Thursday, 3 March 2022

Common Good Asset Register - Biannual Update

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 Members of the Finance and Resources Committee are recommended to:
 - 1.1.1 note the contents of this report;
 - 1.1.2 note that further reports will be brought to Committee on a biannual basis; and
 - 1.1.3 refer this report to the Governance, Risk and Best Value Committee for its consideration.

Richard Carr

Interim Executive Director of Corporate Services

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Report

Common Good Asset Register – Biannual Update

2. Executive Summary

- 2.1 Part 8 of the Community Empowerment (Scotland) Act 2015 imposes duties on local authorities in relation to common good property and section 102 places a duty on local authorities to establish and maintain a register of property which is held by the authority as part of the Common Good.
- 2.2 The Capital Coalition budget motion, approved by Council on 21 January 2016, included an instruction to the Chief Executive to allocate a budget to develop and maintain a Common Good Asset Register.
- 2.3 This report provides an update on the current position.

3. Background

- 3.1 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.
- 3.2 Section 102 of Part 8 of the Community Empowerment (Scotland) Act 2015 (the "Act") places a duty on local authorities to establish and maintain a register of property which is held by the authority as part of the Common Good.
- 3.3 The Capital Coalition budget motion, approved by the Council on 21 January 2016 included, inter alia, an instruction to the Chief Executive to allocate £100,000 in 2016/17 to develop and maintain a Common Good Asset Register, and to deliver a report to the Council in June 2016 detailing progress. Further funding was allocated for the subsequent three financial years and the balance held in reserves as at 1 April 2021 was £0.401m.
- 3.4 It was agreed that an update on the register would be provided to the Finance and Resources Committee on a biannual basis.
- 3.5 In July 2018 the Scottish Government published statutory guidance for local authorities on how the legal duties imposed on them by Part 8 of the Act should be carried out.

4. Main report

- 4.1 Before establishing a Common Good register, the Act requires a local authority to publish a list of property that it proposes to include in the register, notify community councils and other community bodies, and invite those bodies to make representations in relation to whether the property proposed is part of the Common Good, or identify other property which may be part of the Common Good. The local authority must have regard to the representations made by those community bodies and other persons.
- 4.2 Council staff have been collating information with regard to those properties historically considered by the Council to be Common Good, specifically those included on the Common Good register of assets for accounting purposes, relevant parks and other assets with a public function. A methodology has been developed for assessing a property for its Common Good status, taking into account the relevant legal tests.
- 4.3 Progress has been accelerated by seconding a solicitor from an external legal firm to Legal Services in order to release a Council solicitor to work on the project and additional administrative support has also been obtained.
- 4.4 Officers have explored possible innovative ways of involving higher education establishments, historical societies and other community groups in contributing to completing the task, in accordance with Scottish Government guidance, when available. An organisation or group's involvement in the exercise will only be considered where appropriate, depending upon the relevant legal complexities and sensitivities and will be considered on a property-by-property basis as the project progresses.
- 4.5 The opportunity to review representations made by community councils, community bodies and other persons will assist with the development of a comprehensive register.
- 4.6 Until the register is fully updated, the risk that a common good property is unlawfully used or disposed of, is mitigated by a review being undertaken of any property identified for disposal or change of use, in terms of section 77 of the Land Reform (Scotland) Act 2016, to assess whether it is Common Good.
- 4.7 Work continues to be ongoing to ensure the completeness of the Common Good register (Appendix 1), and to reconcile this to the Common Good register of assets for accounting purposes (Appendix 2).
- 4.8 Work on categorising civic regalia and artefacts that are assets of the Common Good fund is advancing well but has been delayed by the COVID-19 lockdown and the changes to working practices. This sub-element of the overall implementation plan will proceed once it is safe to return to the office to catalogue the items and value the assets to be transferred.
- 4.9 Work has commenced on the review of larger assets that are "split", having been acquired at different times under different titles, some being deemed Common Good and others that are not, being held on other accounts. This element will also Finance and Resources Committee, 3 March 2022

be completed once it is safe to return to the office to review the title deeds and plans.

5. Next Steps

5.1 Given the continuing public health restrictions and restricted access to buildings, it is too early to provide a definitive timescale to complete the work required as noted above. In addition, the remaining tasks will require external input from specialists (for example Counsel's legal opinion on property titles) and this will also have a bearing on the time required to complete these items. Once full building access has been reinstated, officers will provide an update on the outstanding work and an estimated timescale for completion. It should also be anticipated that further queries may be raised from members of the public as to whether property or artefacts should be included in the common good register and this work will remain ongoing.

6. Financial impact

6.1 As at 1 April 2021, a reserve balance of £0.401m remains from the approved budget allocated to develop and maintain a Common Good Asset Register.

7. Stakeholder/Community Impact

- 7.1 The <u>Common Good webpage</u> on the City of Edinburgh Council's website invites members of the public to make representations or express views about potential Common Good assets for consideration.
- 7.2 The list of <u>Common Good asset representations</u> is updated when additional submissions are received and research is completed on a property. The aim is to respond to submissions within 12 weeks of the date of the enquiry.

8. Background reading/external references

- 8.1 <u>'Common good property: statutory guidance for local authorities'</u>, Scottish Government, July 2018
- 8.2 Common Good webpage on the City of Edinburgh Council's website
- 8.3 <u>2020/21 Common Good Annual Performance Report</u>, Finance and Resources Committee, 18 November 2021

9. Appendices

- 9.1 Common Good Asset Register including additional information
- 9.2 2020-21 Common Good Fund Detailed Accounts

Finance and Resources Committee, 3 March 2022

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Victoria Public Park* Land (191) Newhaven Road EH6 3121 325608.76 679442.05 Leith then Edinburgh 1920 Member Park* Land (1) White Park EH11 3148 32151.75 672305.95 Edinburgh Ed									
Marke Land (1) White Park EH11 3148 323151.75 672305.95 Edinburgh									
Assests Added Following Representation Colinton Village* Land Various titles. Only Colinton Dell Park is CG Areas surrounding Water of Leith Land Structure Barrony Street Play Area Land (2A) Barrony Place Inverteith Park - Gateplers (West) Structure Inverteith Park - Morrument (John Charles Dunlop Fountian) Structure Inverteith Park - North Archway Structure Si Inverteith Park - North Archway Structure Si Inverteith Park - North Archway Structure Si Inverteith Park - Structure Si Inverteith Park - North Archway Structure Si Inverteith Park - Structure Si Inverteith Park - North Archway Structure Si Inverteith Park - Structure Si Inverteith Park - North Archway Structure Si Inverteith Park - Structure Si Inve									
Colinton Village*	White Park	Land	(1) White Park	EH11	3148	323151.75	672305.95	Edinburgh	
Colinton Village*									
Areas surrounding Water of Leith Land Various titles, included above, plus five acres acquired from Charles Mokendrick is CG Mokendrick i	Assets Added Following Representation								
Park is CG	Colinton Villago*	Land	Various titles. Only Colinton Dell					Ediphurah	
Areas surrounding Water of Leith	Collitori village	Lanu	Park is CG					Edilibargii	
McKendrick is CG			Various titles, included above, plus						
Barony Street Play Area	Areas surrounding Water of Leith	Land	five acres acquired from Charles					Edinburgh	
Inverleith Park - Gatepiers (East) Structure 1A Arboretum Place AlS Rec Rqd 324359.11 675287.91 Edinburgh Inverleith Park - Monument (John Charles Dunlop Fountain) Structure 15A Fettes Avenue East 3153 323891.45 67508.67 Edinburgh Inverleith Park - North Archway Structure 15B Fettes Avenue East AlS Rec Rqd 324089.23 67516.07 Edinburgh Inverleith Park - Sundial (Kinloch Anderson) Structure 15C Fettes Avenue East AlS Rec Rqd 324089.23 675365.14 Edinburgh Inverleith Park - Sundial (Kinloch Anderson) Structure 15C Fettes Avenue East AlS Rec Rqd 324255.22 674993.98 Edinburgh Inverleith Park - Sundial (Kinloch Anderson) Structure 15C Fettes Avenue East AlS Rec Rqd 324255.22 674993.98 Edinburgh Inverleith Park - Sundial (Kinloch Anderson) Structure 15C Fettes Avenue East AlS Rec Rqd 324255.22 674993.98 Edinburgh Inverleith Park - Sundial (Kinloch Anderson) Structure 15C Fettes Avenue East AlS Rec Rqd 324255.22 674993.98 Edinburgh Inverleith Park - Sundial (Kinloch Anderson) Structure 15C Fettes Avenue East AlS Rec Rqd 324255.22 674993.98 Edinburgh Inverleith Park - Sundial (Kinloch Anderson) Structure 15C Fettes Avenue East AlS Rec Rqd 324255.22 674993.98 Edinburgh Inverleith Park - Sundial (Kinloch Anderson) Structure 15C Fettes Avenue East AlS Rec Rqd 324255.22 674993.98 Edinburgh Inverleith Park - Sundial (Kinloch Anderson) Structure 15C Fettes Avenue East AlS Rec Rqd 324255.22 67493.98 Edinburgh Inverleith Park - Sundial (Kinloch Anderson) Structure Struc	ů								
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Inverteith Park - Gatepiers (West) Structure 15A Fettes Avenue East 3153 323891.45 675088.57 Edinburgh									
Inverteith Park - Monument (John Charles Dunlop Structures 15B Fettes Avenue East AlS Rec Rqd 324089.23 67510.67 Edinburgh									
Fountain Structure 15B Fettes Avenue East AlS Rec Rqd 324089.23 675180.67 Edinburgh Ed									
Inverleith Park - North Archway			15B Fettes Avenue Fast		AIS Rec Rad	324089 23	675160 67	Edinburgh	
Inverleith Park - Sundial (Kinloch Anderson)									
Keddie Gardens and Play Area Land 1/1 & 1/2 Largo Place 52 & 1699 326365.09 676342.42 Edinburgh Rocheid Path Land 34 Arboretum Avenue 2891 324889.68 675038.79 Edinburgh St Mark's Park Land (28A) Warriston Road 941 325663.55 675716.28 Edinburgh Belford Bridge Structure Belford Road AIS Rec Rqd 323795 673774.52 Edinburgh PSG - Gardeners Cottage Building 5A Princes Street 2230 325333.27 673803.31 Edinburgh George Street - Dr Chalmers Statue Structure 107A George Street 555 324944.3 673924.54 Edinburgh George Street - William Pitt Statue Structure 31A George Street 554 325141.42 267380.32 Edinburgh George Street - George IV Statue Structure 31A George Street 194 32557.95 674035.99 Edinburgh Spylaw Public Park* Land (176) Great Junction Street 1571 326639.14 676319 Edinburgh				1					<u> </u>
Rocheid Path				+					
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PSG - Gardeners Cottage Building 5A Princes Street 2230 325333.27 673803.31 Edinburgh George Street - Dr Chalmers Statue Structure 107A George Street 555 324944.3 673924.54 Edinburgh George Street - William Pitt Statue Structure 39A George Street 554 325114.12 67390.82 Edinburgh George Street - George IV Statue Structure 31A George Street 194 325357.95 674035.99 Edinburgh Taylor Gardens Public Park Land (176) Great Junction Street 1571 326639.14 676319 Edinburgh Spylaw Public Park* Land 25(A) Spylaw Street 1693 Edinburgh Wardie Playing Fields Land Granton Road EH5 3 324351.79 676660.15 Leith, originally Leith School Board Non-Heritable Assets Car registration S 0 Car registration S 1 Image: Car regi				+					+
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Wardie Playing Fields Land Granton Road EH5 3 324351.79 676660.15 Leith, originally Leith School Board Non-Heritable Assets Car registration S 0 Car reg plate S <td></td> <td></td> <td></td> <td></td> <td></td> <td>326639.14</td> <td>676319</td> <td></td> <td></td>						326639.14	676319		
Non-Heritable Assets					1693				
Car registration S 0 Car reg plate	Wardie Playing Fields	Land	Granton Road	EH5	3	324351.79	676660.15	Leith, originally Leith School Board	
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Car registration S 0 Car reg plate	Non-Heritable Assets								
	Car registration S 0	Car reg plate							
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	All Burgh Charters								

Appendix 2

2020-21 Common Good Fund Detailed Accounts

REVENUE ACCOUNT

		REVENUE ACCOUNT		
2019/20				2020/21
£		Expenditure		£
		Property Costs		
94,392		Bruntsfield Links		95,623
1,997		Burns Monument		3,229
213,644		Calton Hill / Calton Road		43,541
229,836		Canongate Tolbooth		100,333
1,786,704		City Chambers		1,443,582
115,188		City Observatory		51,942
24,525		Hermitage of Braid Public Park		37,243
60,021		Inch Park		60,847
00,021		Inverleith Park Workshops		3,498
45,956		Lady Stairs House		15,682
121,143		Meadows		124,542
21,027		Nelsons Monument		12,299
12,643		Portobello Municipal Clock		(4,100)
5,599		Portobello Manicipal Clock Portobello Park		4,979
				4,979 7,321
8,640		Queensferry Harbour		
634,779		Princes Street Gardens (including Ross Theatre and Scott Monument)		641,465
39,932		Rosebery Hall		33,681
27,957		Roseburn Park		28,342
0		Saughton Park		288,678
400		St Bernards Well		200
560		Starbank Park		293
6,396		Taylor Gardens		5,369
49		Other Incidentals	_	0
3,451,387				2,998,589
		Other		
1,096		Cash Fund Fees		485
0		Legal costs		6,138
8,455		Central Support Costs	_	7,604
3,460,938				3,012,815
		Income		
	1,160,166	Rents and Other Income	270,759	
	70,525	Capital Funding	141,744	
	338,423	Proceeds from sale of Fixed Assets	0	
	5,484	Lease Premium	24,286	
	11,220	Legal Recharge	0	
	24,167	Investment Income	13,385	
	1,609,984	-	450,175	
	2,163,808	Recharge to City of Edinburgh Council for Use of Assets	2,566,141	
		<u> </u>		
3,773,792				3,016,316
(312,854)		(Surplus) / Deficit for Year		(3,501)
		· · ·	_	<u>, , , , , , , , , , , , , , , , , , , </u>
		STATEMENT OF MOVEMENT ON THE COMMON GOOD FUND		
£				£
(312,854)		(Surplus) / Deficit for the Year on the Common Good Income and Expenditure Account		(3,501)
(312,854)		(Carpiac), 25 lock for the Feat of the Common Cook income and Exponential Cooking	_	(3,501)
(012,004)			_	(0,001)
		Whereof:		
312,854		Transferred to / (from) Common Good Fund		3,501
		Transiened to / (110111) Common Good Fund	_	
312,854			_	3,501

2020-21 Common Good Asset Register included within Accounts

5th Duke Buccleuch Queensberry Memorial

Adam Smith Statue

Alexander and Bucephalus Status

Bingham Park

Blackford Hill Public Park Bloomiehall Public Park

Bowfoot Well Bowling Green Braidburn Valley Bruntsfield Links

Calton Hill

Campbell Public Park
Charles II Statue
City Chambers Complex

City Observatory Craiglockhart Dell Public Park

Cramond Park and Foreshore Custom House* David Hume Statue

Davidsons Mains Public Park

Dr Chalmers Statue

Dugald Stewart Monument Calton Hill

Flodden Wall

Grassmarket - Martyr's Cross Monument

Harrison Park

Hermitage Of Braid Public Park

Inch Park

Inverleith Public Park Jawbone Arch John Wilson Statue Keddie Gardens

King George V Public Park

Lady Stair's House

Meadows

Meadows - Nelson Pillars Meadows - Sundial West Memorials - High Street

Mercat Cross

Murieston Public Park

National Monument Calton Hill Peoples Story Museum (Canongate)

Play Area

Playfair Monument Calton Hill Portobello Municipal Clock

Portobello Park

Princes St Gardens (East)
Princes St Gardens (West)

PSG - Walter Scott Monument -Historic Building

PSG - Adam Black Statue
PSG - Allan Ramsay Statue
PSG - Burns Monument
PSG - David Livingston Statue
PSG - Dean Ramsay Memorial Cross

PSG - Floral Clock

PSG - Genius Of Architecture Statue

PSG - Robert Louis Stevenson Memorial Grove

PSG - Ross Bandstand PSG - Ross Fountain

PSG - Scottish American War Memorial PSG - Sir James Y Simpson Statue

PSG (W) - Memorial Stone PSG -Norwegian Memorial Stone PSG -St Margaret's Well

PSG -St Margaret's Well PSG -Thomas Guthrie Statue

Public Park

Ravelston Public Park Regent Road Public Park

Rocheid Path

Roseberry Memorial Hall and House

Roseburn Park
Scotland Street Lane
Session House, Dalmeny
Session Lands, Dalmeny
South Queensferry Harbour
St Bernard's Walkway

St Bernard's Well
St Marks Park
Starbank Public Park
Substation Site
Taylor Gardens
The Cross Well
Victoria Public Park
Walled Garden
War Memorial

Parliament Square Well Wardie Playing Fields

Well (By John Knox's House)

White Park
William Pitt Statue

^{*} Custom House is an asset of the Common Good Fund but is not Common Good