## Governance, Risk and Best Value Committee

### 10.00am, Tuesday, 8 March 2022

# Common Good Asset Register – Biannual Update – referral from the Finance and Resources Committee

Executive/routine
Wards
Council Commitments

#### 1. For Decision/Action

1.1 The Finance and Resources Committee has referred a report on the Common Good Asset Register to the Governance, Risk and Best Value Committee for consideration.

#### **Richard Carr**

Interim Executive Director of Corporate Services

Contact: Emily Traynor, Assistant Committee Officer

Legal and Assurance Division, Corporate Services Directorate

Email: emily.traynor@edinburgh.gov.uk



### **Referral Report**

### Common Good Asset Register - Biannual Update

#### 2. Terms of Referral

- 2.1 On 3 March 2022, the Finance and Resources Committee considered a report on the Common Good Asset Register Biannual Update, which updated members on the register of property held by the authority as part of the Common Good.
- 2.2 The Finance and Resources Committee agreed:
  - 2.2.1 To note the contents of the report.
  - 2.2.2 To note that further reports would be brought to Committee on a biannual basis.
  - 2.2.3 To refer the report to the Governance, Risk and Best Value Committee for its consideration.

### 3. Background Reading

- 3.1 Finance and Resources Committee 3 March 2022 Webcast
- 3.2 Minute of the Finance and Resources Committee 3 March 2022

### 4. Appendices

4.1 Appendix 1 – report by the Interim Executive Director of Corporate Services

### **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

Contact: Craig Fraser, Senior Accountant, Finance and Procurement Division

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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

Statistyse Rocor   Section   Section									
Bornelled Links	Name of Asset	Type of Asset	Location	Post Code	Reference			Former Burgh linked to asset	Additional Information
Gallon Hill   Sept   Company   Com									
Calcon Int   Calcon Company   Starting   Starting   Calcon Fill   Calc									
Carbon Hospital   Carbon Mill   Feb   2622 Aug   Orange   Carbon Hill   Feb   2622 Aug   Carbon Hil									
Carlos County   Cou									
Depail Service Monament									
Section   Management   Section   S									
Nation Assumed   Noticement									
Project Authorized									
Cold Chamber   Substide   Subst		+						-	
Column   Maching   Column   Maching   Column   Commercial Street   First   1992   2076   2077   2076   2078   20									
Generatival Metry's Cross Menument									
Conscription   Sourch Well   Sourch Well   Sourch Well   Sourch Well   Sourch Well   High Steel   High Stee									
High Steets   Develop High Steets   Structure   High Steets   High Steet   High S									
High Stenet - Askern Strate   Structure   High Stenet   CSAD High Finest   High Stenet   High									
Fig. Street - The Criss Well									
High Street - The Cross Viget									
High Stenet - Moran de Remembrances									
High Steet - Stone of Remembrance   253(A) Flogh Street   EH1   13443   35771.04   67881.11   Edinourph   Also Income as City Chembran War Memorial   High Steet - National War Memorial   401 Flogh Street   EH1   456   35276.07   67882.81   Edinourph   Also Income as City Chembran War Memorial   High Steet - National War Memorial   High Steet   EH1   456   35276.07   67882.81   Edinourph   Also Income as City Chembran War Memorial   High Street   EH1   455   3506.22   67886.81   Edinourph   Also Income as City Chembran War Memorial   High Street   EH1   455   3506.22   67886.81   Edinourph   Also Income as Wire's Museum   High Street   EH1   415									Also known as Canongate Well, by Old Assembly Close
High Street   Dake of Buccleach War Memorial									
High Steet - Netherbook Well   Monument									Also known as City Chambers War Memorial
Inch   Park*									
Lang Statist House									Also known as John Knox House Well and Fountain Well
Meadows									
Meadows - Jaw Bone Arch									Also known as Writer's Museum
Meadows - Measons Pillars								9	
Meadows   Meadows   Meadows   Meadows   EH3   32221   325217   7672567.13   Edinburgh   Also known as Helen Acquiroff Memorial Fountain.   Meadows   Structure   Meadows   Meadows   Structure   Meadows   Structure   Meadows   Structure   Meadows   Meadows   Structure   Meadows   Mea									
Meadows									
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Model Meadrow Walk - Gate Pers									Also known as Helen Acquroff Memorial Fountain.
People's Story Museum									
Portobelio Municipal Clock									
Portobello Park				EH8	3639	326413.07	673790.52		Also known as Canongate Tolbooth
Princes Street Gardens (East)   Land									
Princes Street Gardens (West)  And Princes Street									
PSG - Floral Clock									
PSG - Genius of Architecture Statue   Structure   (SC) Princes Street   EH2   2279   325383.44   G73938.84   Edinburgh   PSG - Genius of Architecture Statue   Structure   (AD) Princes Street   EH2   1746   325510.97   G73864.98   Edinburgh   PSG - Adam Black Statue   Structure   (4D) Princes Street   EH2   1746   325510.97   G73864.98   Edinburgh   PSG - Portion Street   EH2   1745   325510.97   G73864.98   Edinburgh   PSG - Portion Street   EH2   1745   325510.97   G73864.98   Edinburgh   PSG - Portion Street   EH2   1745   325510.97   G73867.97   Edinburgh   PSG - Portion Street   EH2   2251   325617.83   G73912.98   Edinburgh   PSG - Portion Street   EH2   32082   325467.78   G73912.98   Edinburgh   PSG - Robert Louis Stevenson Memorial Grove   Monument   West Princes Street Gardens   EH2   32082   325467.78   G73927.29   Edinburgh   PSG - Roses Fountain   Structure   West Princes Street Gardens   EH2   32082   325467.98   Edinburgh   PSG - Roses Fountain   Structure   West Princes Street   EH2   1889   324970.16   G73695.95   Edinburgh   PSG - Roses Fountain   Structure   (SP) Princes Street   EH2   1874   32508.99   G736786.95   Edinburgh   PSG - Structure   (SP) Princes Street   EH2   1874   32508.99   G736786.95   Edinburgh   PSG - Structure   (SP) Princes Street   EH2   2233   324845.2   G73699.51   Edinburgh   PSG - Moreigain Memorial Stone   Monument   West Princes Street   EH2   3225   32524.44   G73701.02   Edinburgh   PSG - Homorial Stone   Monument   (SE) Princes Street   EH2   3225   32524.44   G73701.02   Edinburgh   PSG - Homorial Stone   Monument   (SE) Princes Street   EH2   1874   32499.00   G73741.95   Edinburgh   PSG - Homorial Stone   Monument   (SE) Princes Street   EH2   1874   32499.00   G73741.95   Edinburgh   PSG - Homorial Stone   Monument   (SE) Princes Street   EH2   1874   32499.00   G73741.95   Edinburgh   PSG - Homorial Stone   Monument   (SE) Princes Street   EH2   1874   32499.00   G73741.95   Edinburgh   PSG - Homorial Stone   Monument   (SE) Princes Street   EH2   1874									
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Streets, Ways and Passages of Leith*									
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Flodden Wall	Streets, Ways and Passages of Leith*	Land	Various					Leith, Edinburgh after 1920	
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		+							
	Rosebery Memorial Hall and House				2471				

Name of Asset	Type of Asset	Location	Post Code	Reference	X-Coord	V Coord	Former Burgh linked to asset	Additional Information
St Bernard's Bridge, Well & Grounds	Structure	MacKenzie Place - Water of Leith	EH3	2426 & 2956	324483.02			Additional information
South Bridge	Structure	Various	EH1	2426 & 2936	325969.72	673529.99		
Bingham Park	Land	35 Bingham Avenue	EH15	25015	325969.72		Portobello, Edinburgh after 1896	
					325609.22			
Blackford Hill Public Park	Land	(4) Charterhall Road	EH9	1979 1442				
Bloomiehall Public Park	Land	(13) Juniper Park Road	EH14 EH14	157		668763.79		
Bonaly Country Park*	Land	Bonaly Road			321035.35			
Braidburn Valley Public Park	Land	(168) Comiston Road	EH10	2013	324174.17			
Campbell Park	Land	(114A) Woodhall Road	EH13	2579	320554.3			
Corstorphine Hill Public Park*	Land	(2B) Clermiston Road North	EH4	3258	320481.99			
Craiglockhart Dell Public Park	Land	(31) Lanark Road	EH14	2056	322075.9			
Cramond Park and Foreshore	Land	(2) Cramond Foreshore	EH4	3477	319380.92		Edinburgh (part)	
Cramond Walled Garden	Land	20/2 Cramond Glebe Road	EH4	3602	319099.1	676764.57		
Davidsons Mains Public Park	Land	27 East Barnton Avenue	EH4	3188	320312.54		Edinburgh	
Figgate Burn Public Park	Land	Hamilton Drive	EH15	13295	329699.49			
Harrison Park (East and West)	Land	(4) West Bryson Road	EH11	2662 & 31696	323579.38			
Hermitage of Braid Public Park	Land	(163A) Braid Road	EH10	2375	325000.27			
Inverleith Park	Land	8(01) Portgower Place	EH4	2598	324142.74	675174.74	Edinburgh	
King George V Public Park	Land	(13) Logan Street	EH3	2502	325307.07	674823.61	Edinburgh	
Leith Links*	Land	11 Links Place	EH6	21489	327401.82	675936.77	Edinburgh	
Liberton Public Park	Land	Rear of 8-50 Liberton Gardens	EH16	2429	327212.74	669235.34	Edinburgh	
Lochend Public Park*	Land	25 Lochend Road South	EH7	2140	327639.94		Edinburgh	
Montgomery Street Park	Land	119A Montgomery Street	EH7	1388	326750.11	674664.51	Edinburgh	
Murieston Public Park	Land	(39) Murieston Crescent	EH11	3267	323456.69		Edinburgh	
Pilrig Public Park*	Land	69 Pilrig Street	EH6	2309	326381.6			
Ravelston Public Park	Land	(17) Keith Crescent	EH4	1411	321873.3		Edinburgh	
Regent Road Park	Land	(12) Regent Road	EH7	1873	326813.35			
Roseburn Park	Land	(6) Roseburn Park	EH12	3154	322626.81			
Saughton Public Park*	Land	172(09) Balgreen Road	EH11	3276		672003.75		
Sighthill Public Park*	Land	250 Broomhouse Road	EH11	3590	319721.11	671195.61		
St Margaret's Park*	Land	(29A) Corstorphine High Street	EH12	3599	319852.3		Edinburgh	
Starbank Public Park	Land	(18) Laverockbank Road	EH12	3259	319852.3			
Victoria Public Park*	Land	(161) Newhaven Road	EH6	3121	325606.76			
White Park	Land	(1) White Park	EH11	3148	323151.75	672305.95	Edinburgh	
A All I I I I I I I I I I I I I I I I I I					ļ			
Assets Added Following Representation					ļ			
Colinton Village*	Land	Various titles. Only Colinton Dell					Edinburgh	
g-		Park is CG					g	
		Various titles, included above, plus						
Areas surrounding Water of Leith	Land	five acres acquired from Charles					Edinburgh	
		McKendrick is CG						
Barony Street Play Area	Land	(2A) Barony Place		13398		674593.99		
Inverleith Park - Gatepiers (East)	Structure	1A Arboretum Place		AIS Rec Rqd	324359.11			
Inverleith Park - Gatepiers (West)	Structure	15A Fettes Avenue East		3153	323891.45	675088.57	Edinburgh	
Inverleith Park - Monument (John Charles Dunlop	Monument/							
Fountain)	Structures	15B Fettes Avenue East	1	AIS Rec Rqd	324089.23	675160.67	Edinburgh	
Inverleith Park - North Archway	Structure	63 Inverleith Place		2136	323992			
Inverleith Park - Sundial (Kinloch Anderson)	Structure	15C Fettes Avenue East		AIS Rec Rqd	324255.92			
Keddie Gardens and Play Area	Land	1/1 & 1/2 Largo Place		52 & 1699	326365.09			
Rocheid Path	Land	34 Arboretum Avenue	1	2891	324689.68			
St Mark's Park	Land	(28A) Warriston Road		941	325663.55	675716.28		
Belford Bridge	Structure	Belford Road		AIS Rec Rqd	323795			<u> </u>
PSG - Gardeners Cottage	Building	5A Princes Street	İ	2230	325333.27			
George Street - Dr Chalmers Statue	Structure	107A George Street	1	505	324944.3			<u> </u>
George Street - William Pitt Statue	Structure	69A George Street	1	554	325141.42			<u> </u>
George Street - William Fitt Statue	Structure	31A George Street	+	194	325357.95			†
Taylor Gardens Public Park	Land	(176) Great Junction Street	1	1571	326639.14		Edinburgh	<u> </u>
Spylaw Public Park*	Land	25(A) Spylaw Street	+	1693	320039.14	0/0319	Edinburgh	+
			EUE	1093	224254 72	676600 45		+
Wardie Playing Fields	Land	Granton Road	EH5	3	324351.79	6/6660.15	Leith, originally Leith School Board	+
N. H. Selle A	1	1	+	1	1	1		
Non-Heritable Assets	0	1	1	1	+	1	-	+
Car registration S 0	Car reg plate	1	1	<b></b>	<b>_</b>			
Car registration S 10 All Burgh Charters	Car reg plate							
	Books & records	I .	1	1		ì	i	1

#### 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
,		Meadows		124,542
121,143				
21,027		Nelsons Monument		12,299
12,643		Portobello Municipal Clock		(4,100)
5,599		Portobello Park		4,979
8,640		Queensferry Harbour		7,321
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	investment income	450,175	
	1,003,304		430,173	
	2,163,808	Recharge to City of Edinburgh Council for Use of Assets	2,566,141	
	2,103,000	Trecharge to Oity of Edinburgh Council for Ose of Assets	2,500,141	
3,773,792				3,016,316
(312,854)		(Surplus) / Deficit for Year		(3,501)
(312,034)		(Surplus) / Deficit for Teal	_	(3,301)
		STATEMENT OF MOVEMENT ON THE COMMON GOOD FUND		
0		STATEMENT OF MOVEMENT ON THE COMMON GOOD FOND		0
£ (240.054)		(Overlye) / Deficit for the Manager the Operation Oracle Income and E		£ (2.504)
(312,854)		(Surplus) / Deficit for the Year on the Common Good Income and Expenditure Account	_	(3,501)
(312,854)			_	(3,501)
		Whereof:		
312,854		Transferred to / (from) Common Good Fund	_	3,501
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

<sup>\*</sup> Custom House is an asset of the Common Good Fund but is not Common Good