

## **Local Government and Communities Committee**

### **Common Good Property and Funds**

**Correspondence from Derick Tait to the Convener of 29 December 2017**

#### **COMMON GOOD PROPERTY AND FUNDS**

On Wednesday 20<sup>th</sup> December, I attended the meeting of the Local Government and Communities Committee to listen to the discussions on Common Good property and funds. Because I was somewhat early, and the Draft Budget Scrutiny overran, I had the chance to listen to the questioning of the Finance Secretary and Minister for Local Government and Housing, which I found to be interesting, illuminating, and committed on all sides.

Expecting similar, I was therefore somewhat disappointed when it came to the session on Common Good property and funds, where, with the exception of Andy Wightman MSP, there seemed to be a lack of interest in the subject matter. In fact, if I remember correctly, three committee members took no part at all in the public session. I can only assume that the reason for this non-participation was that there are none or very few active Common Good funds in the areas represented.

Therein lies the problem with Common Goods across the country. They are believed to be of insufficient political importance to justify much consideration, and as Mr Wightman suggested, this review could end up on the “difficult to deal with” political pile and lie there for some considerable time.

Such action would be wholly improper and a great disservice to the funds which are properly managed and contribute greatly to the success of the communities they serve.

Since the various stages of Local Government reorganisation began in 1975, there has been a tendency to a “big is better” type of administration. I personally, would challenge that line of thinking with the slogan “big is more remote” and I believe that this is the reason for the poor record keeping and management which has resulted in a failure of Councils to properly manage Common Good Funds.

When councillors are elected, they become trustees of Common Good Funds, and as such have a duty of care to properly manage them for the benefit and interests of the communities for which they are held in trust. At the session, Mr Veitch alluded to the excessive costs and manpower which would be involved in compiling registers which would have to be charged to the Common Goods but such thinking is wholly incorrect. Councils and councillors who have failed to maintain proper records and manage funds properly have abandoned the duty of care with which they were entrusted, and as such it is the councils and councillors who should be liable for the cost.

I accept entirely that situations can be inherited, but this is no excuse for continuing failure to manage. The quicker a situation is addressed, the easier it is resolved.

Dr Neil put forward a compelling and simple case for the future management of Common Good Funds and the compilation of registers. When it comes to register compilation, involve the local community, clubs, and societies (as Selkirk and Hawick have done) and agree what is and what is not Common Good property.

While I cannot comment for Selkirk, such involvement in the compilation of the register for Hawick made it a simple process during which there was little or no argument, matters of dispute being easily resolved.

Equally, the involvement of the community and relevant societies and trusts in managing these definitive lists will do much to ensure that communities do not lose out.

As a move towards city regions emerges as the likely way forward for Local Government in Scotland (big is more remote), it is more important than ever that Common Good funds are properly recorded, registered, settled and managed. Indifference is not an option.

When, in response to questioning, Dr Neil suggested imposing a three or five year time limit on register compilation, the cry went up "but there's no incentive for councils to conform". There does not have to be an incentive to conform, there just has to be a penalty for failure to conform to the duty of care owed to the respective communities.

If the present situation is allowed to continue, properly managed funds will lose out because of apathy, indifference, and inaction. Your Committee has the wherewithal to introduce legislation to ensure proper management. Dr Neil has given you a template for legislation. I would urge you to consider and act on it.

Yours faithfully

Derick Tait