

**Community Empowerment (Scotland) Act 2015 – Establishment of statutory Common Good Register noted – Instruction to Director of Governance and Solicitor to the Council.**

6 With reference to the minutes of 5th February 2015 (Print 6, page 464) approving a revised policy on Common Good, there was submitted a report by the Director of Governance and Solicitor to the Council regarding the requirements of a statutory Common Good Register under Section 102 of the Community Empowerment (Scotland) Act 2015, advising

- (1) that the Community Empowerment (Scotland) Act 2015 aimed to help empower community bodies through the ownership of land and buildings and by strengthening their voices in decisions that affect them and the Act seeks to achieve this in a number of different ways, as detailed in the report;
- (2) that under the Act, local authorities were required to establish, after consultation, a statutory register of its Common Good property and following a review of the Council's existing list of common assets, it was considered that all of the properties on that list be included in the new register and that a number of major parks within the city and other prominent public spaces, as detailed in Appendix 3 to the report, would be included in the new register;
- (3) that the Council had in the region of 22,000 title bundles and as such it had not been feasible to carry out a comprehensive review of all of the titles from within the existing resources of the Council's Legal Services and to date around 5% of the title bundles had been reviewed over a 4-year period, with the work being targeted at those assets currently identified as belonging to the Common Good and then to particular types of properties where a question of common good was most likely to arise, in line with the Council's Common Good policy;
- (4) that the properties, as detailed in Appendix 5 to the report, would form the basis of the draft register which was required to be published under Section 102 of the Community Empowerment (Scotland) Act 2015, with consultation commencing no later than the end of February 2019;
- (5) of the accounting and financial implications in relation to Common Good; and
- (6) that under Section 104 of the Community Empowerment (Scotland) Act 2015, the Council was obliged to consult with the local community when it was planning to dispose of or change the use of common good property and in these circumstances the Council must publish details of the proposal and notify and invite representations from community councils and community bodies.

After consideration, the committee

- (a) noted

- (i) the requirement under Section 102 of the Community Empowerment (Scotland) Act 2015 to establish a statutory Common Good Register;
  - (ii) the proposed list of properties to be included in the Register;
  - (iii) the proposed actions and timetable to publish and consult upon the Register as required by the Act;
  - (iv) the strategy for the ongoing review of the Register; and
  - (v) the requirements under Section 104 of the Community Empowerment (Scotland) Act 2015 for consultation in respect of proposals for changes of use or disposals of Common Good property; and
- (b) instructed the Director of Governance and Solicitor to the Council to submit to this committee in due course a report outlining options for how the examination of the remaining title bundles might be completed and within what timescales.