**HIGHLAND COUNCIL**

**COMMON GOOD PROPERTY ASSET REGISTER – PROCESS**

**REVIEWING COMMON GOOD PROPERTY ASSET REGISTER - PROCESS**

**A. INTRODUCTION**

The Community Empowerment (Scotland) Act 2015 Part 8 came into force on 27 June 2018. It seeks to increase transparency about the existence of common good assets and to ensure there is community involvement in decisions taken about their identification, use and disposal.

The Act places duties on local authorities to establish and maintain a common good register (section 102)and to undertake a consultation process before taking any decision to dispose of or change the use of a common good asset (section 104).

This document details the process the Highland Council must follow to establish the register and to review the register. The process for disposing of or changing use of a common good asset is contained in a separate document.

**B. ESTABLISHING THE COMMON GOOD REGISTER**

**1. First step**

Before establishing the register, the Council must publish a list of all the property it is proposing to include. This list must include not just land and buildings but also the moveable items like official regalia (chains and robes), furniture and art works as well as a reference to the income funds.

The list must include enough information about each item to allow it to be identified. The type of information might be – name, postcode, property reference number, description, whether it is leased out (information disclosed in this regard will be subject to commercial confidentiality).

The Council must undertake consultation on the contents of the list to allow the community the chance to make a case for property to be included in or excluded from the register.

**2. Consultation**

**2.1. Publishing and advertising the list**

* The list will be published on the Council’s website. It will also be available to view in person at local council offices, council hubs and libraries. Availability in these places may be by paper copies or staff assistance to view online. Copies of the list will also be made available in other languages or formats if requested.
* The Council will advertise the fact the list is available to view on its website and social media pages.
* The Council must make contact with community councils and any community bodies and tell them of the availability of the list so they can consider it and make any representations. The Council will use such means as are available to identify community bodies and seek to ensure that all relevant bodies are notified.
* It is not only community councils and community bodies that can make representations and the Council will accept representations from any person/body wishing to make them.
* The list will be publicly available for viewing for a minimum of 12 weeks to allow for consideration and representations to be made.

**2.2. Making representations**

* All representations must be made in writing either by letter or email stating clearly the land, building or item referred to and giving reasons why it should or should not be included in the register. The contact for submission of representations will be clearly stated in the proposal document.
* When the consultation is opened a closing date for the receipt of representations will be stated.
* All representations received will be published on the Council’s website in the same place as the list.

**2.3. Responding to representations**

* The Council will investigate the contents of any representations received. Common good property is unique and historical and some investigations may need to be more extensive involving other agencies and will take longer than others to resolve as a result. However the Council will aim to respond within a 12 week period.
* The Council will publish its final response alongside the original representation. The Council is only required to consider a similar representation in respect of the same asset if there is significant new information or a court decision.

**3. Publishing the common good register**

* The Council has from the end of the initial 12 week period to 6 months after the end of the consultation to publish the common good register.
* The register will be published even if there are still ongoing investigations in respect of some assets. This will be noted on the register and an appendix produced giving information on progress and the expected date of completion of enquiries. In the event of a number of ongoing enquiries, the appendix will give an indication of the order that the enquiries will receive attention.

**4. Accessing the common good register**

* The register will be publicly available to inspect free of charge.
* The register will be accessible on the Councils website. It will also be available in local Council offices, hubs and libraries. Availability in these places may be by paper copies or staff assistance to view online. Copies of the register will also be made available in other languages or formats if requested.

**5. Updating the register**

* The Council must update the register if new property is identified or any existing property is disposed of.
* Any amendment following acquisition or disposal will be done in the same financial year as the property is acquired or disposed of.

**C. REVIEWING THE REGISTER**

* The Council aims to conduct an annual review of the common good register to ensure details held for any property continue to be up to date and any conditions/requirements are being complied with.
* For Inverness, the review process will be undertaken by the Common Good Fund officer and involve City Area Manager, Community Development Managers and officers from the finance, property and estates teams as required.
* In respect of the other Highland common good funds, the review will be conducted by the Common Good Fund officer and involve the Community Development Managers for the area concerned.
* The register will be updated with any amendments resulting from the reviews of the various Highland funds as soon as practicable but in any event **within 4 weeks of the final area review having been completed.**