

The Highland Council

10th March 2016

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| Agenda Item | 18 |
| Report No | HC/14/16 |

COMMON GOOD FUNDS OFFICER

Report by Head of Corporate Governance

Summary

This report seeks agreement to the establishment of a temporary post to support the management of the various common good funds and prepare for the coming into force of the new community empowerment duties.

1. Background

1.1 The Council has responsibility for managing ten common good funds. These are:-

Cromarty; Dingwall; Dornoch; Fortrose and Rosemarkie; Grantown; Invergordon; Inverness; Kingussie; Nairn; Tain

Whilst funds such as Inverness and Nairn hold significant assets a number of the smaller funds have very limited funds and are currently 'closed' to applications for support.

2. Current administration

2.1 The Common Good funds are currently administered by the Chief Executive's Office principally through the Ward Management team, with investment and accounting services provided by Finance. Other services also support the administration of the Common Good. Development and Infrastructure assist with the maintenance of the Common Good land and buildings, particularly in Inverness where a formalised management service is offered by the service. Officers within Legal Section assist with conveyancing issues and queries that arise.

2.2 In recent years significant work has been undertaken upon common good fund matters including:-

- i) Mapping of non-moveable assets (land and buildings)

The mapping exercise was completed in 2010. Relying on the information available, Common Good Fund land and buildings were included and identified as Common Good on the Development and Infrastructure Information System maps and property list

ii) Comprehensive Common Good Fund Asset Register

The Finance Service maintains a register of all known Common Good assets (including land, buildings and moveable assets, such as paintings and regalia). This is used as the basis for valuing the Fixed Assets on the Balance Sheet in the Annual Accounts of each Common Good Fund.

- 2.3 The work undertaken to date offers a solid foundation upon which to build. However experience in recent years has evidenced the complexity and difficulty in capturing accurately and confidently full details of the assets held in the respective common good funds.

3. Community Empowerment

- 3.1 Significant changes in legislation affecting the Council's stewardship of common good funds will become effective shortly. The Community Empowerment (Scotland) Act will impose a number of new obligations upon the Council in its management of common good assets. The Council is required to establish and maintain a register of its common good property. Before establishing this register it must publish a list of what it proposes to include, and notify any community councils and other 'community bodies' in its area. Community councils and community bodies must be invited to comment on the proposed register and the Council must take account of any comments made by those bodies or anyone else. This gives everyone the opportunity to say whether they think the Council has missed any common good property from the list, or included anything which is not part of the common good. It is anticipated that there will be considerable interest in the proposed register—certainly for the bigger funds and there is potential for a number of queries to be generated. Once established the completed common good register must be made available for the public to inspect in person and through a website.
- 3.2 Further the Act provides that communities must be consulted before the Council disposes of any common good property or changes its use. The Council must publish its proposals, notify community councils and bodies, and take account of any comments made by them or anyone else. The Act also requires the Council to have regard to any guidance issued by the Scottish Ministers about disposal or change of use of common good property and about the management and use of common good property.

4. Proposal for a Common Good Funds Officer

In recognition of both the current challenges together with the need to prepare for the implementation of the community empowerment legislation it is proposed that the Council agree to establish a temporary post. The post, which is proposed to sit within the Finance Service, will be one dedicated to the management and protection of all Common Good Fund assets with a particular emphasis on ensuring compliance and with the management of assets and risks. It is proposed that the post be funded by the Common Good Funds on a pro-rata basis. The initial term of the post would be 24 months.

4. Implications

- 4.1 Resource Implications – upon agreement a job and person specification will be prepared and submitted to job evaluation. The costs associated with the post will be fully funded by the various common good funds on a pro rata basis
- 4.2 There are no specific Legal, Equalities, Climate Change/Carbon Clever, Risk, Gaelic and Rural implications.

Recommendation

Members are asked to consider the report and agree to the establishment of a temporary post of Common Good Funds Officer for a period of 24 months.

Designation: Head of Corporate Governance

Date: 26th February 2016

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Background Papers: