

Agenda Item	12.
Report No	CC/14/21

THE HIGHLAND COUNCIL

Committee: Caithness Committee

Date: 22 April 2021

Report Title: Wick Common Good Fund – Asset Register

Report By: Executive Chief Officer – Communities and Place
Executive Chief Officer – Resources and Finance

1. Purpose/Executive Summary

- 1.1 This report details the outcome of the public consultation that has taken place under section 102 Community Empowerment (Scotland) Act 2015 in respect of the list of property proposed to be included on the Common Good Asset Register for Wick.
- 1.2 The report also covers the process for publishing the Asset Register, management and administration arrangements for Wick Common Good Fund and proposals for forward planning.

2. Recommendations

- 2.1 Members are asked to:
 - i. Note the contents of the Asset Register in the format for publication (**Appendix 1**).
 - ii. Note the content of the document titled “Wick Common Good property consultation representations and responses” (**Appendix 2**).
 - iii. Agree to the publication of the Common Good Asset register for Wick.
 - iv. Agree to the reclassification of the property included in the Register and to the creation of a Common Good Fund for Wick.
 - v. Note that Wick Common Good property will continue to be maintained by Highland Council until such time as an income source is identified to sustain Wick Common Good assets.
 - vi. Note that the creation of a Wick Common Good Fund, and it’s financial position, will be reported to the next meeting of Highland Council under the minutes of this meeting given that all Highland Councillors are custodians of Common Good Funds across Highland.

3. Implications

- 3.1 Resource – there are financial implications in re-activating the Common Good Fund in Wick as initially it will have property assets but no funds. Currently, all Highland Common Good Funds bear a proportionate share of central overhead costs and manage and finance their own assets. The same would be expected of Wick in the event that assets generate income for the fund. In the meantime, the central support costs for Wick and maintenance of Wick Common Good assets would need to be met by the other Highland Funds in accordance with the currently agreed formula. The current existing Highland Common Good Funds undertake regular monitoring and reporting to Area Committees. As Wick Common Good will initially have no financial funds, there will be nothing to be included in any such monitoring reports however, reports will be brought to future Committee meetings should the financial position change and to report and update as strategic plans are developed.

The re-classification of assets may result in a change of rentals received/expenses charged as far as Council accounts are concerned. This is a matter which will need to form part of careful forward planning to allow Wick Common Good to start to build funds whilst ensuring any expenditure on an assets re-classified are still supported appropriately.

- 3.2 Legal – the requirement to identify and publish a Common Good Register is contained in section 102 Community Empowerment (Scotland) Act 2015 supported by statutory guidance to which the Council must have regard. That guidance also recommends that the Asset Register is made subject to regular reviews which should take at intervals of no more than 5 years.
- 3.3 Community (Equality, Poverty, Rural and Island) – the duties contained in Part 8 of the Community Empowerment (Scotland) Act 2015 are designed to increase communities involvement in decisions affecting Common Good assets. In addition to the establishing of the Asset Register, it also includes consultation on disposal (by sale or long lease) or change of use of assets.
- 3.4 Climate Change / Carbon Clever – no implications.
- 3.5 Risk – no implications.
- 3.6 Gaelic – no implications.

4. Wick Common Good Asset Register consultation

- 4.1 The public consultation on the list of property proposed to be included in the Common Good Asset Register for Wick opened on 17 November 2020 and closed on 12 March 2021. The Community Empowerment (Scotland) Act 2015 provides for such consultations to be open for 12 weeks however, the period was extended to 16 weeks in light of the ongoing Covid restrictions in order to allow as many people as possible to participate. The consultation was advertised on the Council website and social media pages as well by newspaper advert in the John O’Groat Journal. The community council and a number of community bodies were also notified directly.

- 4.2 During the course of the consultation, 3 emails or letters were received making representations regarding whether certain property should be included or to clarify aspects of the property included on the list being consulted upon. **Appendix 2** details the representations received and the responses to be made in respect of the same. This document will be published on the Council website and a copy sent to those that made representations.
- 4.3 If Members are content with the Asset Register, it will be published in the format at **Appendix 1**. The Asset Register is a living document and it can be added to at any time if further Common Good property is subsequently identified. In any event, the Register will be kept under regular review to ensure it remains up to date.
- 4.4 Wick is the first of the Highland Common Good Funds to be set up following re-classification of assets. Consideration has been given to the decision making process for approving the publication of the Asset Register as this is different to the situation that related to the existing Registers when they were published. It is felt that approval to publish is appropriate to be at Area Committee level as it falls within management of the fund but that the recommendations, particularly recommendation 5, should go to full Council as a starred item to reflect the fact that all elected Members of Highland Council are custodians of all Common Good Funds across Highland.

5. Actions upon or following publication of the Common Good Asset Register

- 5.1 The finance service will be informed if approval to proceed to publication is given in order that the appropriate Common Good accounting and reporting processes can be put in place to ensure that the Common Good Fund for Wick operates in accordance with the other Highland Funds. Initially until the financial position of the fund changes, this reporting will be annual accounts only as Wick Common Good will not have financial assets that would form the basis of the regular quarterly monitoring and reporting.
- 5.2 Strategy and forward planning meetings will take place involving Members and relevant Officers regarding the movement of assets from the Council's General Fund to the Wick Common Good Fund. The general Common Good policy contains an understanding that each fund will maintain its property assets. However, in respect of the existing Highland funds most have sufficient financial assets, income generating assets or reserves to allow them to do so. This will not be the case in respect of Wick. Therefore, such forward planning meetings will need to consider carefully the financial implications involved in order to balance the need to allow the Wick Common Good Fund to receive income to start building funds alongside the fact the Council will need to continue to retain substantial responsibility for expenditure incurred in connection with any assets until Wick is in a position to take on the responsibility.

Designation: Carron McDermid, ECO, Community & Places
Liz Denovan, ECO, Finance & Resources

Date: 08 April 2021

Author: Sara Murdoch, Common Good Fund Officer

Background Papers:

APPENDIX 1**COMMON GOOD ASSET REGISTER FOR FORMER BURGH OF WICK**

LAND AND BUILDINGS		
Wick was erected into a Royal Burgh by a Charter of King James VI dated 25 September 1589. All land deriving title from the Charter is considered to be inalienable.		
Name of asset	Location	Description
Bignold Park including: Changing rooms	South Road, KW1 5NH. CAGUPRN: 130113195. Bordered on north by Northcote Street, on east by Harrow Hill, on south by Harmsworth Park and on west from adjacent to 25 Northcote Street running south to rear of 13 Randolph Place.	Total site area: 70,738.15m ² . Title deed: Deed of Gift by Arthur Bignold to Provost, Magistrates & Councillors of Burgh of Wick registered 4 May 1903. Arthur Bignold acquired the ground with a view "to its being utilised as a public park and recreation ground for the inhabitants of Wick and Pultneytown". He gifted it to the Royal Burgh of Wick "for the use and enjoyment of the inhabitants thereof heritable and irredeemably".
Camps Bay car park	The Shore, KW1 4LU. CAGUPRN: 130112116. Located on the shore adjacent to Wick Harbour Bridge on the west and opposite 1 & 2 The Shore (Wick College building & restaurant premises).	Total site area: 1,005.40 m ² . Title investigation completed January 2020 – historical plans as far back as 1870s show the area now used as Camps car park as being "Burgh Quay". It does not appear to have formed part of the foreshore or to have been owned by the Crown. It also falls outwith the Royalty Boundary. No other owners have been identified by Registers of Scotland therefore it is assessed as being Common Good deriving title from the Royal Charter of 1589.
Green Road Playing Fields	Green Road, KW1 4DA. CAGUPRN: 130113095. Bordered on north by rear of properties 11a to 21a Henrietta Street, on east by rear of properties 12 to 40 Coach Road, on south by St Fergus Court car park & rear of properties 8 to 24 Louisburgh Street and on west by rear of properties 15 to 39 Green Road.	Total site area: 11675.18m ² . The playing fields were acquired in 2 separate deeds – 1948 and 1950: 1. Title deed: Feu Charter by the Trustees of Garden Duff Dunbar to Provost, Magistrates & Councillors of Burgh of Wick registered 12 May 1948 – 10,157.61m² - all of land except south east plot adjacent to 12 to 18 Coach Road and St Fergus Court car park – contained in feu charter by Trustees of Garden Duff Dunbar to Provost, Magistrates & Councillors of Royal Burgh of Wick subject to

		<p>the condition that the land is to be “used in all time coming for Playing Fields or for recreational purposes only and not otherwise”. This deed does not dedicate the ground as a King George V playing field.</p> <p>2. Title deed: Feu Charter by George Cospatrick Duff Sutherland Dunbar to Provost, Magistrates & Councillors of Burgh of Wick registered 4 December 1950 – 1,517.57 m² - located in south east corner bordered by 12 to 18 Coach Road, St Fergus Court car park and land contained in 1948 deed – contained in feu charter by George Cospatrick Duff Sutherland Dunbar to Provost, Magistrates & Councillors of Royal Burgh of Wick to be held “in all time coming for the purposes of a playing field for public recreation for the inhabitants of the Royal Burgh of Wick and for the public generally”. This deed does dedicate this smaller area of ground as a King George’s Playing Field however it does not appear on the official list of such fields in Scotland and, given the larger area is assessed as Common Good, it would make sense for the smaller area to be similarly classified.</p>
Market Place	Market Place, KW1 4LP. Bordered on north by High Street, on east by The Crown Bar & building containing offices, on south & part of west by The Alexander Bain public house and on rest of west by Caithness House.	<p>Total site area: 595.30 m². The area of land making up Market Place derives title from Oswald’s Tenement and Redburn’s Tenement.</p> <p>1. Title deed: Redburn’s Tenement - Feu disposition by Duke & Earl of Sutherland to Provost, Magistrates & Town Council of Wick registered 30 March 1889 – Specifically this was for behoof of community & declared that part of the subjects “shall be at all</p>

		<p>times used and appropriated for the purposes of a public market place for the said Burgh”. It also provided that, whilst the Burgh could remove and erect buildings on the tenement, none could be erected on the front area facing High Street without permission of the Duke & Earl of Sutherland.</p> <p>2. Title deed: Oswald’s Tenement – disposition by Honourable Edith Mary Haldane Oswald or Yorke & Honourable John Manners Yorke with consent of Trustees to magistrates & Town Council of Wick registered 23 October 1885.</p>
<p>Riverside Park (north of River) including: Riverside car park, quoiting shed and boating shed.</p>	<p>CAGUPRN: 130113368. Bordered on north by farmland, The Glebe & rear of properties 1, 3 & 5 George Street, on east by St Fergus Road, on south east by Macleay Lane, on south west & south by River Wick continuing westwards tapering to a point 112m north west of footbridge.</p> <p>Also included is the wooded area of land adjacent to the Church Yard wall of Wick Old Parish Church and bounded by St Fergus Road to the west and south west and St Fergus Lane to the south east. This area of land is included in the feu charter of 1881 referred to.</p>	<p>Total site area: 27,120 m². The land at Riverside Park north of the River was acquired in 2 ways: -</p> <p>1. Title deed: Feu Charter by His Grace the Duke of Sutherland to the Magistrates of Wick registered 24 January 1883 – 13,000 m² or thereby – eastern portion of land between St Fergus Road and River Wick – gifted in Feu Charter by Duke & Earl of Sutherland to Royal Burgh of Wick to be held, in all time coming, for the “use and benefit of the community of the Royal Burgh of Wick as a bleaching green, place of recreation and a stance for a market”. Gift was in recognition of the reclamation work undertaken by the Burgh and also noted that since then it had been held for the behoof of the community with such rights of possession having been exercised for “time immemorial”.</p> <p>2. Title information but no deed: Minute of Agreement between Rev Alexander Clark and Town Council of Wick dated 21 January 1892 – 14,120 m² or thereby – area of land between The Glebe</p>

		<p>and the River to the west of the land mentioned as 1. above. The Minute of Agreement confirms an arrangement for the building of a wall along the south boundary of The Glebe.</p> <p>The Minute recites that, at one time, the land south of The Glebe had consisted of foreshore and an island in the River which the people of Wick had used for drying clothes and over which they had exercised unrestricted freedom. The foreshore was then used as a deposit for rubbish resulting in part of the space between it and the island being filled up. Subsequently the land was levelled & improved by the Council. The Minute further notes that the land south of the wall to be built on the boundary of The Glebe was to be “used by the people of Wick solely for the purposes of a public park and for recreation”.</p>
<p>Riverside Park (south of River) including: Fountain</p>	<p>CAGUPRN: 130113368. Bordered on the north by River Wick, on the east by Bridge Street, on the south by Station Road and on the west by land acquired by the Council in 1979 from British Railways Board.</p>	<p>Only part is assessed as Common Good, the rest is held in part by the Council subject to a trust and in part following an acquisition in 1979 after the abolition of the Burgh.</p> <p>Common good area: 1820 m².</p> <p>Title deed: Disposition by Trustees of James Louttit to Town Council of Wick registered 12 July 1900.</p> <p>Title was acquired on behalf of the Burgh with consideration paid by Wick Riverside Improvement Committee. The deed recited that the area of land was acquired for “behoof of the whole body and community thereof (<i>Wick</i>) and also for behoof of the community of the Burgh of Pultneytown, to be held in all time coming primarily for recreation purposes heritably and irredeemably”.</p>
<p>Riverside Fountain</p>	<p>Located in the Common Good area of Riverside Park (south of the River).</p>	<p>The fountain bears a plaque stating, “This fountain presented to the town of Wick by ex-Provost W Paterson Smith 1906”.</p>

Common Good Asset Register for the former Burgh of Wick

		Considered to be Common Good. Memorials & statues are managed by the Council Community Services & there is no proposal to change this.
Town Hall – including Town Hall car park	CAGUPRN: 130112661. 3 Bridge Street, KW1 4AG. Located on the corner of Bridge Street and Victoria Place, between the gardens and the Courthouse.	Site area: 466m ² . 1. Title deed: Feu disposition by Rev Thomas Anderson to Magistrates & Town Council of Burgh of Wick dated 6 April 1829. 2. Disposition by County Council of Caithness to Provost, Magistrates & Councillors of Burgh of Wick registered 14 October 1932. In 1829 Rev. Thomas Anderson disposed the tenement and piece of ground known as Meikle Yard to the Burgh of Wick for behoof of the Town Council and the community of the Burgh. The Burgh constructed a Tolbooth and jail on this site then, jointly with the County Council of Caithness, a Town & County Hall, Courtroom and other buildings were constructed. In 1880 the burgh disposed a one-half share to the County Council to reflect the arrangement. In 1932 County Council of Caithness disposed to Burgh of Wick its one half share together with the public health offices, house occupied at the time by Inspector of Weights and Measures and an area of ground to the east. The disposition was not for a statutory purpose nor held in trust, therefore, is considered to be Common Good.

ART AND ARTIFACTS

Name of asset	Location	Description
Charter of Royal Burgh of Wick	Original document was sent to the Keeper of the Records of Scotland by Town Clerk on 7 May 1975.	Charter of King James VI dated 25 September 1589 erecting Wick to a Royal Burgh. Copy in Latin, sasine and early translation are held in the deed safe at Highland Council HQ.
Illustrated copy of Charter	Wick Town Hall 3 Bridge Street, KW1 4AG.	Printed by A J Paterson of Parliament Hall, Wick in April 1972.

Common Good Asset Register for the former Burgh of Wick

Chains of Office	Wick Heritage Museum 10-27 Bank Row, KW1 5EY	The chains of office of the Royal Burgh are on display in the Wick Heritage Museum. Provost chain – gold links joining shields bearing names of Provosts with centre enameled pendant showing Arms of Royal Burgh. Town Clerk chain featuring discs joined by figure of eight links with centre pendant featuring date of erection into Royal Burgh (1589) and a representation of St Fergus being rowed in an open boat on the sea.
Robes of office	Wick Heritage Museum 10-27 Bank Row, KW1 5EY	The chains of office of the Royal Burgh are on display in the Wick Heritage Museum. Provost - red robe with white fur yoke and trim. Town clerk - black robe.
Main Chair of Town Council	Wick Town Hall 3 Bridge Street, KW1 4AG.	One of a pair of wedding chairs made from an oak rafter from St Magnus Cathedral in Kirkwall and presented to the Town Council by John Bruce in 1846.
Wooden carving of Wick Coat of Arms	Wick Town Hall 3 Bridge Street, KW1 4AG.	Presented to Provost & Town Council of Wick by Glasgow Corporation Belgian Committee on 10 September 1918 in appreciation of services rendered to Belgian refugees by the people of Wick.
Portrait – James Reiach, Provost	Wick Town Hall 3 Bridge Street, KW1 4AG.	Presented by friends as a mark of respect for his services as Provost of Wick. A Johnston, oil on canvas, 126x100cm 1889.
Portrait – John Kirk, Provost	Wick Town Hall 3 Bridge Street, KW1 4AG.	First Chairman of the Wick & Pulteney Town Chamber of Commerce and distinguished for philanthropy and public services to community. Artist unknown, oil on canvas, 75x62cm, date unknown.
Portrait – General The Lord Horne of Stirkoke	Wick Town Hall 3 Bridge Street, KW1 4AG.	David Macbeth Sutherland, oil on canvas, 117x93cm, 1929.
Portrait – Sir John Pender, MP for Wick Burghs	Wick Town Hall 3 Bridge Street, KW1 4AG.	Hubert von Herkomer, oil on canvas, 139x108cm, c.1887-1888.

Common Good Asset Register for the former Burgh of Wick

Portrait – Thomas Telford	Wick Town Hall 3 Bridge Street, KW1 4AG.	M. Hyslop – may be a copy of the 1822 portrait by Samuel Lane – oil on canvas, 160x126, 1881.
Portrait – William Rae, Provost	Wick Town Hall 3 Bridge Street, KW1 4AG.	Presented by friends connected with Wick & Caithness-shire in 1887 in recognition of long, continued & valuable public services as Provost, Chairman of the Wick & Pulteney Town Harbours Trust & other important capacities. James Irvine, oil on canvas, 125x101cm, 1887.
Portrait – Josiah Rhind of Sibster, Provost	Wick Town Hall 3 Bridge Street, KW1 4AG.	Artist unknown, oil on canvas, 74.5x62.5, 1840.
Portrait – James Bremner	Wick Town Hall 3 Bridge Street, KW1 4AG.	Artist unknown, oil on canvas, 126.5x101cm, date possibly 1856.
Painting – Wick Harbour	Wick Town Hall 3 Bridge Street, KW1 4AG.	Albert Dunnington, oil on canvas, 49x39.5, date possibly 1880.
Painting – Wick’s Black Saturday	Wick Town Hall 3 Bridge Street, KW1 4AG.	Robert Anderson, oil on canvas, 108x181.5cm, 1885.
Painting – Entrance to Wick Harbour (scene with lighthouse)	Wick Town Hall 3 Bridge Street, KW1 4AG.	W.J. Renny, 117x85cm, 1884.
COMMON GOOD FUND		
The Wick Common Good Fund is in the process of being re-established therefore, as yet, there are no Annual accounts or monitoring reports available.		

APPENDIX 2

WICK REPRESENTATIONS AND RESPONSES

REPRESENTATIONS RECEIVED	RESPONSES
<p>Carnegie library This was set up for the people of Wick so should it be Common Good?</p>	<p>Carnegie library Title to this was held by Parish Council until they were abolished in 1929. Title then transferred to Burgh Council. However, as the library was for education in the broader sense and education was a statutory function of Parish Councils it is considered that this was acquired by the Burgh for a statutory purpose. In addition, it was a condition of the funding received that the local authority had to adopt the Public Libraries Acts applicable to Scotland from 1853. Property acquired for a statutory purpose cannot also be Common Good property.</p>
<p>Carnegie library contents Art the artefacts and items that were stored in the basement Common Good?</p>	<p>Carnegie library contents Clarifying the position regarding items held in building has been hampered by Covid restrictions. It is likely most items will belong to the library however; it is also possible that some items may simply have been displayed or stored in the library and should be classified as Common Good. The Asset Register is a living document and if any items such as contents from the library are classified as Common Good after the Register has been published, it can be amended to include them.</p>
<p>Rosebank Playing Fields Why is this not on the list of proposed property?</p>	<p>Rosebank Playing Fields Rosebank Playing Fields was purchased from the Highland Health Board in 1987. No new Common Good property can be created after the abolition of the Burgh system in 1975. Therefore, this is not Common Good.</p>
<p>Riverside Park (north of River)</p> <ol style="list-style-type: none"> 1. Is the triangle area of trees at the west of Riverside Park Common Good land? 2. Is the rectangle area of trees between the wall along the south of 1, 3 & 5 George Street and Riverside Park Common Good land? 	<p>Riverside Park (north of River)</p> <ol style="list-style-type: none"> 1. Yes – this area of land is considered to be Common Good and is included in the description of the area of the land for Riverside Park (north of the River) on the list of proposed property. 2. Yes – as above.

<p>Islands in the River Are the 2 large islands in the middle of the River Common Good property?</p>	<p>Islands in the River The Council has no title to the 2 largest islands in the river to the west of the Bridge of Wick.</p>
<p>Title deed of 1883 Does it refer to St Fergus Road going right through to Kirk Lane or does it refer to St Fergus Road at the west end of St Fergus Church before it turned down to level ground?</p>	<p>Title deed of 1883 Description in the 1883 deed is “bounded on the north east partly by the property of the Trustees of the late James Sinclair ... Commonly known as the old manse tenement and partly by the wall of the Church Yard of Wick, on the south west by the river of Wick, on the south east by Macleay Terrace and on the west or north west by the Burgh boundary”. This description indicates that the land only followed the line of St Fergus Road up to junction with Macleay Terrace and not as far as Kirk Lane. In addition, the deed transferred a piece of waste ground consisting mainly of a road from High Street to the land referred to above bounded “on the north or north east by High Street, on the south by the piece of land first disposed, on the east or south east by the Church Yard wall and on the west or north west by the enclosure wall of the Glebe Being the said Burgh boundary there”. Comparing old maps from in or around 1880’s and present day, it would seem that this piece of land then became St Fergus Road leading down from High Street as it exists today.</p>
<p>Trees on west side of churchyard Located below south west corner of church building and continuing round between south wall of churchyard and flat part of St Fergus Road as far as St Fergus Lane – are these trees Common Good?</p>	<p>Trees on west side of churchyard The area of land referred to in this enquiry is included in the title deed mentioned above as the boundary of the land is specified to be the wall of the Church Yard. Old map from 1832 does not show St Fergus Road in its current form as much as the land south had not yet been reclaimed. By 1905 the land had been reclaimed and a drying green created, and a form of road is shown. Therefore, St Fergus Road immediately south west of the Church Yard up to St Fergus Lane cuts through land contained in the above title. As a result, both area of land containing trees would be considered common good. The Register will be amended to better clarify this position.</p>
<p>Riverside Park (south of river) Where does the Common Good land finish at the western end? Is it bordered by the fence near the “short” Coghill Bridge going south and easterly towards the railway tunnel i.e. children’s’ playpark?</p>	<p>Riverside Park (south of river) Only a relatively small part of Riverside Park (south of river) is considered to be common good. It is referred to in the list of proposed property. Its north east border runs adjacent to the river from the bridge for approximately 152 metres. Its</p>

	<p>south west border is adjacent to Station Street for approximately 90 metres from the bridge. The north west border joins these 2 points and runs adjacent to the footpath.</p> <p>The rest of Riverside Park (south of river) is not common good. The central area of 1.37 hectares lying between the area referred to above and the land containing the caravan park was acquired by Caithness District Council from British Railways Board in 1979 after the Burgh were abolished in 1975. This area of land includes the play park and the statue of Dr John Alexander.</p> <p>The most western part of Riverside Park (south of river) also known as “The Haugh” which contains the caravan park and rifle range is held subject to a trust deed and therefore, cannot also be common good.</p>
<p>Portraits</p> <ol style="list-style-type: none"> 1. Sir John Sinclair of Ulbster – Benjamin West 2. Alexander Mackay – Henry Raeburn 3. James Sinclair – unknown artist 	<p>Portraits</p> <p>The portraits referred to are not Common Good.</p> <p>They were in the Town Hall when it was jointly owned by the Burgh of Wick and the County of Caithness. In October 1932, the County of Caithness transferred their half share in the Town Hall, other buildings, land, town clock & bell, furniture and fittings to the burgh. However, the disposition identified and expressly excluded the 3 portraits referred to (together with portrait of James Traill). The portraits remained the property of the County of Caithness and have now passed into the ownership of Highland Council following local government reorganisations.</p>