

Home
News
 Sport
 Business
 Politics
 Features
 Going Out

LIVE UPDATES
 News
 Sport

SERVICES
 Search the site
 Free daily email
 News to your PDA
 News archive
 Picture archive
 Help & FAQs
 Contact us

FAVOURITES
 Crosswords
 The Diary
 Local news
 Local weather
 Fantasy Football
 Week in photos
 Today's page 1

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Campaigning for the common good

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Comment

SPEAK to most councillors about common good funds and they may raise their eyes, audibly draw breath or mutter mild obscenities.

Mention it at a public meeting and you will probably provoke a lively discussion. Browse through local newspapers in Ayr, the Borders, Fife or Angus and you will read the occasional story about how the fund is being spent (or mis-spent).

Elsewhere, however, there is little awareness of the subject that lies at the heart of a number of important public debates.

For example, take the current interest in community land ownership – a subject with a long history.

As Tom Johnston, historian and former secretary of state for Scotland, wrote in 1920: "Adding together the common lands of the royal burghs, the common lands of the burghs which held their foundation rights from private individuals, the extensive commons of the villages and the hamlets, the common pasturages and grazings, and the commons attaching to run-rig tenancies, we shall be rather under than over-estimating the common acreage in the latter part of the sixteenth century, at fully one-half of the entire area of Scotland."

The story of how so much of that land disappeared is one of greed, self-interest, corruption and legal trickery.

However, it takes a lot of effort to lose half a country and there's still probably a lot of common land left.

Visit any town in Scotland and you will come across names such as Market Muir, Market Street, Muirton, links, and green. These all denote forms of common land of the type that all burghs in Scotland owned at one time.

The property was to be used for the benefit of the inhabitants, as reflected in the Common Good Act of 1491.

Since 1975 this land has been subsumed within new local authority structures and assets that should have been stewarded for the benefit of residents have been lost, neglected, and in many cases misappropriated.

Most local authorities inherited common good funds from former town councils in 1975. Aberdeen has £31m, Inverness £6.9m and Musselburgh £7.5m. Others figures are more modest. The interest on these funds is typically used for making grants to local charities and providing corporate hospitality.

The fund also includes property – public buildings such as the municipal chambers, the streets of the burgh, public open spaces and markets.

Towns such as Irvine, Auchterarder, Lauder and Selkirk still own extensive commons or town muirs. Inverness, Aberdeen, Hamilton and Glasgow own extensive retail and industrial premises. The extent of the common property is staggering and yet too many local authorities simply do not know what it is, where it is, how much it is worth, or whom it really belongs to.

A good example is Kinross, where I grew up. This year, Perth and Kinross Council initiated legal proceedings to sell the town hall and Carnegie Free Library, which I used as a child. The hall is part of the common good fund of Kinross (though Perth and Kinross Council said as recently as two weeks ago that there was no common good property in the town).

The community council in Kinross has mounted a campaign to stop the sale and recover the properties. We began to realise that these buildings were not the only assets of residents.

We obtained a copy of the property records of Kinross Town Council. From 1908 to 1975 the provost, magistrates and bailies acquired more than 140 local properties.

Some have been sold but the majority still appear to be held by the local authority. Most of these will be part of the common good of Kinross and the receipts from those sold should have been paid into that fund.

In the 2003/4 accounts this fund had the princely sum of £632 in cash and £50 in fixed assets. Where is the rest?

It is a question that can be asked of nearly every common good fund in the land. The total reported value accounts of local authorities stands at just over £181m. But given missing assets, inaccurate accounting and lost receipts it is probably more in the region of £2bn (in Hamilton alone, £50m has vanished from the fund).

The Scottish Parliament has an opportunity to do something quite profound. It can amend the 1491 Common Good Act to ensure a proper asset register, sound accounting and, most importantly, a statutory power for community bodies to take back title to their common good assets. The consequences could be massive in terms of economic regeneration, civic pride, community cohesion and the development of a new commonweal.

Politicians could go further by endowing communities that have no common good fund, thus supporting a bold vision of community-led urban regeneration.

This wealth belongs to the people and seizing this opportunity could raise the self-respect, belief and power of residents to better the welfare of their communities.

Andy Wightman is a writer and researcher. His report – Common Good Land in Scotland. A Review and Critique – is available at www.caledonia.org.uk/commonweal

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