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Editorial Comment

November 28, 2005

In 1492, Columbus sailed the ocean blue. A less well-known historical fact than the Italian adventurer's discovery of America was the passage of a piece of Scottish legislation the previous year. Amazing as it seems, the 1491 Common Good Act is still on the statute book. A report from the Caledonia Centre for Social Development, to be published tomorrow, suggests that it is high time our legislators revisited this topic. "Common good" consists of the finances, land and other assets inherited by local councils from Scotland's former burghs. These can include gifts from philanthropists and benefactors. In Aberdeen, for example, the Common Good Fund was started by Robert the Bruce in 1319 as a gift to the burgesses and citizens of Aberdeen for "services rendered". Surpluses from the funds are often used to pay for such items as municipal Hogmanay celebrations, Christmas lights, local services to the elderly and disabled, town-twinning schemes, council hospitality and youth football teams. However, successive rounds of local government reorganisation have left the administration of common good assets in a chaotic state, according to the report's authors, land reform campaigner Andy Wightman and chartered accountant James Perman. In particular, much of the land, originally gifted to the people of local communities throughout Scotland, no longer appears among common good fund assets, which now total only £181m. The report calculates that the true value of the such assets is closer to £1.8bn. This is largely a story about maladministration rather than corruption. Messrs Wightman and Perman found that some of Scotland's 32 unitary authorities do not know either the location or extent of the land and property they own under the aegis of common good. Some seem to have difficulty understanding the concept at all. Although these assets are specifically intended to be used to benefit local people, instead they are in some cases simply subsumed into the council's varied property portfolio. This leads to a blurring of demarcation lines and subsequent confusion when disposing of such assets. Record keeping of common good assets is generally poor and lacks transparency, according to the report.

In Hamilton, for example, though more than £50m has been raised from land sales over a decade, the total assets in Hamilton Common Good Fund stood at less than £2m last year. According to South Lanarkshire Council, the sale of common good assets has been used to fund the Hamilton Ahead Initiative, which includes the building of an Asda supermarket and a cinema, prompting the question of how one defines "common good". Councillors and officials should not be the sole arbiters. By a quirk of history, leader of the council during part of this period was Tom McCabe, now minister at Holyrood for finance and public service reform.

It is time that he and his administration turned their attention to recasting legislation on common good assets to ensure that the public interest is properly protected. Part of Labour's sales pitch for devolution was that a Scottish parliament would allow time to debate and reform specifically Scottish issues that were often marginalised by the crowded legislative timetable at Westminster. Common good legislation is a suitable case for treatment, especially in a country that rightly prides itself on the high standard of its record-keeping.

As our elected representatives, councils are entitled to sell common good assets, provided they use the proceeds for what can be agreed as constituting common good. The prerequisite is that they should keep accurate public records of which assets fall into this category. Community councils could be given a role in the management of these assets. Properly stewarded, the funds can be important vehicles for local regeneration. After more than 500 years, the Common Good Act is overdue for amendment.

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