



Local Government and Transport Committee

17th Meeting, 2006

Tuesday 13 June 2006

The Committee will meet at 2 pm in Committee Room 1

1. **Petition PE 758:** The Committee will take evidence on the issue of home safety officers from—

Laura McDermott, Home Safety Projects Officer, Dundee City Council; and

Bob Sutherland, Community Safety Manager, Angus Council.

2. **Subordinate legislation:** George Lyon (Deputy Minister for Finance and Public Service Reform) to move motion S2M-4425—

S2M-4425 Mr Tom McCabe: The Draft Electronic Communications (Scotland) Order 2006— That the Local Government and Transport Committee recommends that the draft Electronic Communications (Scotland) Order 2006 be approved.

3. **Subordinate legislation:** Tavish Scott (Minister for Transport) to move motion S2M-4424—

S2M-4424 Mr Tom McCabe: The Draft Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Public Transport Users' Committee for Scotland as Specified Authority and Amendment of Specified Authorities) Order 2006— That the Local Government and Transport Committee recommends that the draft Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Public Transport Users' Committee for Scotland as Specified Authority and Amendment of Specified Authorities) Order 2006 be approved.

4. **Subordinate legislation:** The Committee will consider the following negative instrument—

The Public Transport Users' Committee for Scotland Order 2006, (SSI 2006/250)

5. **Petitions PE 875, PE 896 and PE 961:** The Committee will consider an approach paper on three petitions on the issue of common good assets.

Martin Verity
Clerk to the Committee
0131 348 5217

e mail: martin.verity@scottish.parliament.uk

Agenda Item 1

Submission from COSLA

LGT/S2/06/17/1

Agenda Item 2

Covering note on the Draft Electronic Communications (Scotland) Order 2006

LGT/S2/06/17/2

[Draft Electronic Communications \(Scotland\) Order 2006](#) and accompanying documents from the Scottish Executive

LGT S2/06/17/3

Agenda Item 3

Covering note on the Draft Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Public Transport Users' Committee for Scotland as Specified Authority and Amendment of Specified Authorities) Order 2006

LGT S2/06/17/4

[Draft Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(Treatment of Public Transport Users' Committee for Scotland as Specified Authority and Amendment of Specified Authorities\) Order 2006](#)

LGT S2/06/17/5

LGT S2/06/17/6

Agenda Item 4

Covering note on the Public Transport Users' Committee for Scotland Order 2006, (SSI 2006/250)

LGT S2/06/17/7

[Public Transport Users' Committee for Scotland Order 2006, \(SSI 2006/250\)](#)

LGT S2/06/17/8

Agenda Item 5

Approach paper from the Clerk on Petitions PE 875, PE 896 and PE 961

pages

3 - 12

extracted



LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

PETITIONS PE875, PE896 and PE961

Submission of petitions

1. This paper asks the Committee to consider petitions PE875, PE896 and PE961, which have been referred to it by the Public Petitions Committee.
2. Petition PE875¹ by Mary E Mackenzie calls for the Scottish Parliament to urge the Scottish Executive to ensure that all moveable and all heritable common good assets throughout Scotland are properly recorded, audited and insured and to introduce legislation to ensure such assets are properly safeguarded.
3. Petition PE896² by Florence Boyle, on behalf of West Dunbartonshire Heritage Ltd., calls for Local Authorities to be required to conduct structured and meaningful public consultation before any disposal of listed buildings, common land or related endowments held in public ownership or trusteeship.
4. Petition PE961³ by Sally Richardson calls on the Scottish Parliament to urge the Scottish Executive to introduce legislation to provide greater protection and increased powers for local communities in respect of the ownership and use of common good land.

Consideration by Public Petitions Committee

5. The Public Petitions Committee, at its meeting of 5 October 2005, considered PE875 by Mary E Mackenzie. It agreed to seek the views of Audit Scotland, Historic Scotland, COSLA, the Accounts Commission, the Registers of Scotland and the Minister for Finance and Public Service Reform.
6. At its meeting of 9 November 2005, the Public Petitions Committee considered PE896 by Florence Boyle. It agreed to seek the views of the Scottish Executive, COSLA, Historic Scotland and the Scottish Civic Trust.
7. The Public Petitions Committee, at its meeting of 19 April 2006 agreed to link PE875 and PE896 together. It considered the responses of the

¹ <http://www.scottish.parliament.uk/business/petitions/docs/PE875.htm>

² <http://www.scottish.parliament.uk/business/petitions/docs/PE896.htm>

³ <http://www.scottish.parliament.uk/business/petitions/docs/PE961.htm>

bodies whose views it had sought and it agreed to refer the two petitions to the Local Government and Transport Committee.

8. At its meeting of 17 May 2006, the Public Petitions Committee agreed to link PE961 by Sally Richardson with the other two petitions and refer it to the Local Government and Transport Committee.
9. The petitions, together with their supporting papers and responses received from the bodies whose views the Public Petitions Committee had sought, are attached as Annexe A. Extracts from the Official Report of the meetings of the Public Petitions Committee referred to above are attached as Annexe B.⁴

Views expressed in relation to the petitions

10. Mary E Mackenzie, in a written statement in support of her petition PE875 expressed her concern that records of common good assets are not properly maintained, that such assets may not be properly insured and that they may be lost to the community. She believes that it is now time to legislate unambiguously to safeguard all the exiting moveable assets at common good property throughout Scotland.
11. The Minister, in his letter to the Public Petitions Committee in relation to PE875, stated that local authorities are bound by the Duty of Best Value and that there is an Advisory Note in place on asset management. He concluded:

“Audit Scotland currently assess asset management as part of their annual audits of local authorities. As local authorities are bound by the Duty of Best Value, and there are procedures in place should an authority be found to have acted illegally, I consider that adequate safeguards are in place to ensure that moveable and heritable common good assets are properly safeguarded. There are currently no proposals to introduce legislation.”
12. The Keeper of the Registers of Scotland, in relation to PE875, commented that information on heritable property in Scotland is held in the General Register of Sasines and the Land Register of Scotland. He noted that the petition seeks the establishment of a more thorough record of common good assets and stated that he does not consider that the property registers can themselves act as this, though clearly they can be of assistance.
13. Historic Scotland, in relation to PE875, described its role in relation to the Listed Building Consent process. It stated that it is committed to ensuring

⁴The Official Reports may be viewed on the Public Petitions Committee's webpages at <http://www.scottish.parliament.uk/business/committees/petitions/meetings.htm>

The relevant papers can be found in the following pdf document, starting from page 9 of the document:

<http://www.scottish.parliament.uk/business/committees/petitions/papers-06/pup06-07-current2.pdf>

that the historic environment is used and managed in a sustainable way. It noted that an owner of a listed building is not obliged to insure against more risks than would be covered for any building of similar use or value. It had reservations about putting in place a statutory mechanism that could result in the owners of historic properties being compelled to retain ownership when they do not have the financial resources to ensure due care and maintenance.

14. COSLA, in relation to PE875, stated that it does not consider that there is any need for legislative change. It stated that common good property of all kinds is already recorded and audited as part of the legislative audit regime and there is a requirement to keep a separate common good account.
15. Audit Scotland, in relation to PE875, stated that while acknowledging the concerns expressed in the petition, there has to be a question whether the extent of identified problems with common good assets in proportion to the overall finance of councils would merit the additional burden of regulation by statute. It suggested that if there are areas where further clarity is required it may be possible for this to be addressed through guidance by the Scottish Executive to councils as to what is expected of them.
16. Support for the petition was expressed by letters from Dingwall Community Council and from Peebles Civic Society.
17. The petitioner submitted a number of press articles to the Public Petitions Committee, which are attached for the information of members.
18. The Scottish Executive and Historic Scotland wrote, in relation to PE896, in similar terms to their comments on PE875.
19. The Scottish Civic Trust, supported the content of PE875 and, in relation to PE896 argued, amongst other points, that: the community should have a right of involvement in the management of the common good fund; it is essential that a full audit of common good assets should be carried out by each local authority; councils must do more to publicise the existence of, and activities undertaken by, their common good funds; each local authority should create a register of burdens and endowments in its assets; and a review of legislation covering common goods funds also need to be undertaken.

Recommendation

20. The Local Government and Transport Committee is invited to consider its views on the proposals contained within the three petitions and in so doing to consider whether or not to carry out any further examination of the issues raised.

Martin Verity
Clerk to the Committee