

ADDITIONAL STATEMENT BY SALLY RICHARDSON IN SUPPORT OF PETITION 961 TO THE LOCAL GOVERNMENT AND TRANSPORT COMMITTEE FOLLOWING THE HEARING ON TUESDAY 14th NOVEMBER 2006

BACKGROUND INFORMATION

The Proposed Mountgrange/CEC Caltongate Masterplan in which 1930's tenements 221/227 Canongate (18 homes & 2 local shops), Old Sailors Ark Building (unique Art Deco) New St and the Listed Victorian School and the stone built Vegetable Market both on East Market St are to be demolished to make way for a modern development in a World Heritage Site which is unsympathetic in design and height and includes a 7 storey hotel, conference centre, serviced apartments, office blocks and luxury housing constructed with concrete.

Since October 2005 the SOOT Campaign (begun by local residents) has been fighting along with Heritage Bodies to save these historic and structurally sound buildings and preserve the built up medieval streetscape that makes The Canongate on The Royal Mile special.

Part of this masterplan requires a land deal between CEC and developers Mountgrange. During research on the plan and proposed land deal, I became aware of Mr Wightman's work on the Common Good.

I read his report "Common Good Land in Scotland" when it was published in November 2005, and I found that Forfar, where I grew up (one of the four Royal Burghs of Angus) had 47 Common Good assets out of the 160 in total: more than Dundee, Glasgow and Edinburgh together - in all only 32 properties. This led me to investigate why there were so few in my now much larger home of Edinburgh.

After submitting an FOI enquiry about the land on East Market Street, I was informed that it included Common Good Land. The minutes of the council meetings in June and November 2005 made no mention of the fact that part of this site was in the Common Good. At the June 30th meeting the local councillor seconded the motion to sell the land and it was agreed to negotiate a sale based on an off market offer.

Requests for information about the sale, whether or not it requires a court decision, and the financial appraisal which apparently demonstrates best value for this scheme, have been denied. It was valued at £5m in 2002 however the offer by Mountgrange 3 years later in 2005 was only £4.5m. Even the local councilor refused to discuss this with his constituents and tenants of the threatened properties.

At present the only legislation controlling how councils administer public assets is through the Local Government Acts. The terms of "best value" are not always applied.

It is obvious through the Mountgrange example that this system is not providing adequate protection for common good assets in particular, that councils often choose to ignore existing guidelines and that there is no adequate method of accountability to the citizens who own the Common Good.

A further FOI query revealed how the capital gained from this sale would be used to contribute to the rental of the new CEC headquarters. Defraying the costs of other capital projects returns nothing to the Common Good Fund. A programme of disability grants, which make public buildings more accessible, had to be terminated in January 2005 as a result of the diminishing revenue from Common Good assets.

OTHER RELEVANT EXAMPLES

In Mr. Wightman's report on the *Common Good of the City of Edinburgh April 2006*, his research shows that councilors have consistently mismanaged the status of the former Waverley Market. Prior to the construction of what is now Princes Mall, a 125 year lease at £1 p.a. to the Common Good Fund was agreed. The mall has since been sold on and is worth in excess of £20m as a capital asset.

In 2002 the CEC decided to sell off some 30 or so publicly-owned premises, yet we do not know how many of these related to common good land or assets, we do know one example of mismanagement (other than East Market St) was the sale of a council office at 7 Merchiston Park for nearly £1m last year. This building was on common good land but never appeared in the fund until Mr. Wightman pointed out the oversight.

Mr. Wightman has since produced a report *Review of Common Good in Edinburgh October 2006* in response to the CEC's *Report on Edinburgh's Common Good*. These were both to be heard at The CEC Resource Management and Audit Scrutiny Panel on the 12th October 2006, was then postponed to the 16th November - but has still failed to make the agenda. Councilors agreed to the investigation after the April report by Mr. Wightman highlighted "serious shortcomings" in the council's stewardship of the fund.

Portobello www.portygreenkeepers.org.uk re loss of green space

P&K Council vs. Kinross C.C. re proposed sale of town hall
www.kinross.cc/town%20hall/mainpage.htm

Musselburgh www.hool.org.uk public inquiry begins 21 Nov 06

Borders - Peebles (see PE875)

THE WAY FORWARD

Ten years ago, West Dunbartonshire Council was successfully challenged and defeated in the Court of Session.

As it stands the only recourse available to communities who lack appropriate consultation and who seek to protect the Common Good and community assets is to seek judicial review or other legal means. This is time consuming, prohibitively costly, and may often be unrealistic. Such extreme measures, in which individuals acting in the public interest rather than for private benefit are forced to bear the stress of severe financial risk, should not be acceptable.

The cost of testing the legality of improper or objectionable decisions must be borne by the councils who wish to dispose of properties or other assets which they purport to be holding in trust for the constituents they serve.

The Common Good Story is reemerging at precisely the time in the 21st Century when communities in Scotland desperately need to achieve sustained renewal through community self-help, in order to sustain their local environments economically, culturally and socially.

The People's Parliament is the very place to write the new legislation for the next exciting chapter of the Common Good Story of Scotland. This would return pride to those towns and villages which lost much of their identity, cohesion and self-belief as a result of local authority reorganisations. The identification of, and respect for Common Good Assets, can play a major part in recovering civic identity and prosperity and reversing the sense of alienation between communities and local government.

From Mr. Wightman's sterling work, the petitioner's submissions and examples mentioned above, I hope you will see that the current legislation is ineffective and is ignored and abused by many local authorities.

Until such time as new legislation can be agreed to ensure the proper management, administration and accounting for common good assets **immediate** action is required. An amendment to the Local Government Acts should be made, before the Scottish People's rightful heritage, lands and assets have been plundered in the pursuit of wealth by a few at the expense of the nation.

Sally Richardson
17th November 2006