



PE896

PUBLIC PETITIONS

17 OCT 2005

SCOTS PARLIAMENT

## Public Petitions Committee – a template for e-petitions

Should you wish to submit an e-petition allowing signatures to be gathered on-line on the Public Petitions Committee e-petitioner web pages please complete the template below. Before submitting your e-petition please consult the Guidance on submission of public petitions for advice on what is and is not admissible. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

### Details of principal petitioner:

*Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to.*

Ms Florence Boyle  
Secretary, West Dunbartonshire Heritage Ltd  
3 Dalnottar Terrace  
Old Kilpatrick  
Dunbartonshire  
G60 5DE

### Text of petition:

*The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.*

*The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS*

Petition by Ms Florence Boyle, on behalf of West Dunbartonshire Heritage Ltd, calling for the Scottish Parliament to urge the Scottish Executive to require Local Authorities to conduct structured and meaningful public consultation and appeals procedures with the local community before any disposal of listed buildings, common land or related endowments held in public ownership or trusteeship.

### Period for gathering signatures:

*Please enter the closing date for gathering signatures on your petition, which we would usually recommend is a period of between 4-6 weeks*

**Closing date: 30<sup>th</sup> October 2005**

**Additional information:**

*Please enter any other information relating to the issues raised in your e-petition, including the reasons why the action requested is necessary. The text entered in this field should not exceed 2 pages. However, you may wish to provide further sources/links to background information.*

In recent months West Dunbartonshire Heritage Ltd has become aware that there is no statutory requirement for local authorities to consult with the local community on the disposals of listed buildings.

Listed buildings form an important part of the built heritage of the community and have often been donated to ensure an ongoing benefit to the community. Given this importance we regard the current process as inadequate.

The purpose of this petition is to urge the Scottish Executive to require local authorities to consult on any disposal of heritage properties. We ask that there should be recommendations on the form of consultation, the process of consultation and that the results of the consultation should be made public, and that an appeals process should be devised.

Legislation, which protects Scotland's historic buildings, is principally contained in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is generally administered by Historic Scotland on behalf of the Scottish Ministers and by the planning authorities. *The aim is to protect the character of the heritage and to guard against unnecessary loss or damage.* The positive role of planning authorities and the Scottish Ministers in intervening to secure the repair or preservation of listed buildings is covered in legislation.....***Local Authorities (who are custodians of local heritage) can, and do declare, listed properties surplus to requirement, and consequentially put up them up for public sale. They do so to avoid the costs of repair and maintenance .In effect they relinquish responsibilities for preservation of heritage within the local area.***

*Not only is public access to places and properties of common heritage more limited once Local Authorities have washed their hands of community responsibility, protection of listed buildings becomes more complex than if they remained in public hands.* An owner is not required by statute to take out heavier or more extensive insurance cover for a listed building. As with other buildings, it is for each owner to decide what is appropriate or prudent to cover possible risks and to protect the value of an asset. Repairs to the fabric of a listed building, and consequently insurance premiums, by virtue of the building's age and character, may be more expensive than repairs to an equivalent modern building.  
.....***The owner is not however obliged to insure against more risks than would be covered for any building of similar use or value***

When an application is notified to them, the Scottish Ministers will consider whether the decision should be left to the planning authority or whether any special circumstances - such as the particular importance of the building or the degree of national interest or local concern about the proposals - warrant the calling in of the application for their own decision. *Where the Scottish Ministers call an application in, they may arrange a public local inquiry*  
.....***On the issue of a Local Authority disposing of listed buildings on "the marketplace" there is no such mechanism for inquiry into the reasons for disposal***

**Additional information (continued...)**

Because the care of historic buildings is a specialised task calling for considerable expertise, the Scottish Ministers are empowered to take a close interest in the way in which *planning authorities* deal with applications for listed building consent.

The authority must advertise details of an application nationally in the Edinburgh Gazette and locally in a newspaper, so that members of the public and local and national amenity societies have an opportunity to comment. The planning authority must also forward to the Scottish Ministers any comments made to them following advertisement.

.....**Local Authorities do not have to justify why they are declaring commonly held heritage buildings or sites surplus to requirements and the requirements for public consultation are far less rigorous than those imposed on planning authorities**

The owners of listed buildings are responsible for the repair and maintenance of their buildings, as are the owners of any other buildings. If an owner fails to keep a listed building in a reasonable state of repair, the planning authority (with the Scottish Ministers' consent) or the Scottish Ministers themselves may be entitled to buy it by compulsory purchase if the owner does not repair it in accordance with a previously served repairs.....

.....**Legislation in the above context is clearly geared towards protection. Local Authorities are the owners as far as commonly held heritage is concerned and have the same obligations. Selling the heritage relieves the Authority of this burden. The question is should they be allowed to relinquish responsibility in this way? Should the general public not have a greater say?**

If the owner of a listed building deliberately neglects the building in order to justify its demolition and redevelopment of the site, the planning authority or the Scottish Ministers may not only acquire the building but may do so at a price which excludes the value of the land for redevelopment. This power is likely to be used where the owner is thought to be intentionally allowing the building to deteriorate to the point where it can be designated as a dangerous building requiring demolition in the interests of public safety.

.....**If, after putting a building up for sale it proves to be unsuccessful, is the Local Authority going to repair and maintain an empty building on which they are trying to reduce costs?**

It is a fact of life that all buildings age as the natural result of weathering. *Buildings of traditional construction, which may be sensitive to the elements, can be costly to repair if minor defects are allowed to develop into major problems.* Regular inspection and maintenance, helps to avoid deterioration and consequent higher repair costs. External defects left unattended can put at risk the building's internal fabric and finishes. Regular inspection and monitoring, attendance to defects at an early stage and regular maintenance thereafter will prolong the life of the building at a lower cost.

.....**Buildings should, where possible be kept in use. Local Authorities should be required to consider how best to utilize heritage sites and properties in such a way as the public can access them. Selling heritage because the Local Authority does not wish to maintain the financial burden is a slippery slope to extinction of many fine properties.**

**Action taken to resolve issues of concern before submitting an e-petition:**

*Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern, by for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MSPs. Details of those approached should be entered.*

West Dunbartonshire Heritage has made representations to West Dunbartonshire Council on numerous occasions, seeking public consultation on Heritage issues and strategy. It does not appear that there is any attempt at genuine dialogue designed to find alternatives to disposal of commonly held heritage assets.

**Comments to stimulate on-line discussion:**

*Please provide at least one comment to set the scene for an on-line discussion on the petition, not exceeding 10 lines of text.*

Should Local Authorities have the right to sell properties or sites, or redeploy endowments which they hold in trust as part of their Local Community Heritage?

Should they have the right to dispose of land, properties and endowments bequeathed to them as elected custodians of local communities? Are such properties not Common Property rather than Council Property?

**Petitioners appearing before the Committee**

*The Convener of the Committee may invite petitioners to appear before the Public Petitions Committee to speak in support of their petition. Such an invitation will only be made if the Convener considers this would be useful in facilitating the Committee's consideration of the petition. It should be noted that due to the large volume of petitions it has to consider, the Committee is not able to invite all petitioners to appear before the Committee to speak in support of their petition.*

*Please indicate below if you do **NOT** wish to make a brief statement before the Committee when it comes to consider your petition.*

I do NOT wish to make a brief statement before the Committee

**Signature of principal petitioner:**

*When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.*

Signature Florence Boyle..... *Florence Boyle*

Date *14/10/2008.* 4<sup>th</sup> October 2005.....

**For advice on the content and wording of your e-petition please contact:**

The Clerk to the Public Petitions Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP  
Tel: 0131 348 5186                      Fax: 0131 348 5088  
e-mail:

**Note**

Completed e-petition forms should also be sent to