



## Crown Estate: A Consultation on the Long Term Management of the Crown Estate in Scotland

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Angus Council

Phone number

01307 474779

Address

Angus House  
Orchardbank  
Forfar

Postcode

DD8 1AH

Email

Communities@angus.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (anonymous) – Individuals only  
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No

## Consultation Questions

**Q1: Should the future approach be changed from the duty to manage the assets on a commercial basis?**

✓ YES

NO

Don't know

**Q2: If YES, should there be a power to take account of wider socioeconomic or other benefits?**

✓ YES

NO

Don't know

**Q3: If YES, which assets should be managed on a commercial basis and which should be managed differently? (Please provide details in the space below)**

The assets should be managed commercially to achieve the greatest common good in keeping with the principles of community empowerment and devolution of responsibility to local decision makers and local communities.

**Q4: Should the requirement on 'good management' be retained?**

✓ YES

NO

Don't know

**Q5: Should the requirement on 'good management' be amended to take account of environmental implications in relation to the management functions?**

✓ YES

NO

Don't know

**Q6: Should the existing Crown Estate portfolio in Scotland be preserved in its current form?**

YES

✓ NO

Don't know

Each area should have the ability to manage the assets against the principles of good management, environmental improvement and devolution to local decision makers and local communities.

**Q7: Should Scottish Ministers' approval be required for sizeable sales?**

YES

✓ NO

Don't know

In general local democrats should have the oversight of future of these assets against the principles set out above. There will be circumstances where the size and use of the asset creates a regional or national interest, in these circumstances Ministers may retain an ability to "call in" significant decisions, provided this is defined and the process agreed with local government. There will be lower level disposals or leases where Ministers, to speed up local decision making where local communities can be assured their views have been sought and taken into account, need not be involved.

**Q8: Should the existing policy - the general presumption against selling the seabed - be maintained?**

✓ YES

NO

Don't know

The long term preservation of the quality and diversity of the seabed and the seas around our coastline must be maintained. Long term leases rather than one off sales with associated conditions is preferable to the one off sale where it is possible there will be an effective loss of control of that asset for all time. If there were to be conditions where a sale is necessary for economic benefit, there must be very tight and enforceable conditions in place.

**Q9: Do you have any other views on how the management of the Crown Estate in Scotland can ensure delivery of the duties in the Scotland Acts 1998 and 2016?**

*(Please provide details in the space below)*

Angus Council support the devolution of responsibility to local authorities, local democrats and local communities.

**Q10: How can transparency on the sale and management of the Crown Estate assets be enhanced? *(Please provide details in the space below)***

See Q9 response

**Q11: How can the devolution of the management of the Crown Estate contribute to community empowerment? *(Please provide details in the space below)***

Local authorities, like Angus, have embraced the community empowerment legislation and community empowerment approach. There are many examples where communities have taken control of assets and services in their areas and made a real and meaningful contribution to change and local ownership. Local government offers that choice and also

the support for local communities enhancing the chances of success.

**Q12: How can the devolution of the management of the Crown Estate contribute to land reform?** *(Please provide details in the space below)*

In the sense that the assets will be open to greater community influence and possible transfer, via lease or ownership, the choice to have the assets managed by Local government creates the first step in the democratisation of the asset. Any onward use of the asset transfer approach would extend that further.

**Q13: How can we further improve alignment with Scottish Ministers' objectives to deliver on the national outcomes?** *(Please provide details in the space below)*

This could be set out in the LOIPs and in the Council Plan and overseen, for assurance purposes, by Audit Scotland/Accounts Commission.

**Q14: Do you have any views on the proposed application of the above principles to guide the long term framework for managing Crown Estate assets?**

✓ YES

NO

Don't know

**Comment:** The existing principles of securing best value married with the community empowerment ethos are strong and attractive principles if there is a meaningful desire to build on the Christie and ensure assets are managed locally.

**Q15: Which of the three proposed options for managing Crown Estate assets in Scotland do you prefer?**

Option 1 (national)

✓ Option 2 (local)

Option 3 (hybrid)

Don't know

OTHER

**Q16: If OTHER, what approach to management do you propose?**

---

---

---

**Q17: Should a geographic or a functional approach guide the reform of the management of the Crown Estate in Scotland?**

**Geographic**

**Functional**

**Don't know**

✓ **Other**  *Please Specify:* Local authority, local community led control

**Q18: Do you have a preference for management on a geographic basis being led by either local authorities or communities?**

✓ **Local authorities**

**Communities**

**Don't know**

Local authorities represent their communities via local democracy. Taken in tandem with the community empowerment legislation there is clear demonstration that existing management and governance expertise creates a strong case for a professional approach to asset management.

**Q19: Should Scottish Ministers have the power to hand responsibility for management of the estate, or parts of it, to a particular person or persons?**

✓ **YES**

**NO**

**Don't know**

As stated earlier, yes, to local government.

**Q20: Should Scottish Ministers have a power to vary management arrangements held by other parties over time?**

**YES**

✓ **NO**

**Don't know**

Unless there is clear and audited evidence of failure then there are sufficient checks and balances on local government to provide the necessary assurance that the assets will be well and professionally managed.

**Q21: Should Scottish Ministers have the power to extinguish rights currently held in the Crown Estate where management of the asset can be adequately covered by other legislation?**

**YES**

✓ **NO**

If it not clear exactly what this question is seeking an answer to. If the purpose is to harmonise legislative control routes and to simplify the legislative and assurance landscape then that would be welcomed. If it gave Ministers an unfettered ability to intervene locally then that would be an unwelcome development, unless there was clear evidence of failure to manage the asset properly.

**Q22: Do you have any views on which assets should be managed at the (i) national level (ii) by local authorities or (iii) by communities? (Please provide details in the space below)**

Angus Council believes the responsibility for the assets should be devolved to local government who act in the best interests of their communities and alongside the community empowerment legislation have a clear desire and need to ensure all assets are managed well and managed with their community interests in mind.

**Q23: Should local authorities or communities be expected to make a case for further devolution?**

YES

✓ NO

Don't know

Recent legislation and practice mean this is not needed at this time.

**Q24: If YES, should they demonstrate the capability to ensure appropriate management, to maintain service delivery and to deliver increased benefits?**

YES

NO

Don't know

**Q25: Replicating functions in each area is likely to lead to fragmentation of the estate which would pose significant risk to realisation of new revenue – how can these risks be avoided? (Please provide details in the space below)**

The devolution to local government does not represent fragmentation, it represents the natural onward devolution and democratisation of the asset. The duty to secure best value would prevent any risk and with increasing cross boundary co-operation the threat as put by the question recedes with very ear that passes.

**Q26: Should shared services be a requirement of devolution to the local level of decision-making on property, rights and interests of the Crown Estate? (Please provide details in the space below)**

As with existing practice, this should not be prescribed but allowed to develop as and when it is advantageous and adds value.

**Q27: What are the opportunities, if any, of further devolution?** *(Please provide details in the space below)*

As noted earlier the community empowerment legislation taken with emerging good practice in local government highlights that further devolution can be a force for good within local communities.

**28: What are the challenges, if any, of further devolution?** *(Please provide details in the space below)*

These should be no different to those faced in existing asset or service transfer situations.

**Q29: Is there a need for strategic planning and a long term investment strategy, in order to co-ordinate work to enhance the value of the estate?**

✓ YES

NO

Don't know

All major assets need maintained in some shape or form. Prior to any transfer it is expected an assessment of all assets and their short, medium and long term needs will be available alongside an assessment of how those needs are to be met and funded.

**Q30: Do you have any views on the value of a national framework to guide local decision-making?** *(Please provide details in the space below)*

Unless there are specific and unknown situations and circumstances existing skills should be available within local government to ensure the professional management to the asset. This question would be best answered and any gaps closed as the assessment of the assets emerges.

**Q31: Should there be consistent charging approaches between areas to avoid competition between different parts of Scotland?**

YES

✓ NO

Don't know

If this consultation seeks a commercial approach, managing the market will not necessarily generate competition.

**Q32: Are there any other issues that should be covered by a national framework for management of Crown Estate assets in Scotland?** *(Please provide details in the space below)*

The buy back and conditions on future use principles contained in the Community Empowerment legislation would be a sensible addition.

**Q33: Should the future arrangements in Orkney, Shetland and the Western Isles be**

considered first?

YES

✓ NO

Don't know

Whilst there are greater issues in terms of the number of assets, unless there are pilot proposals each area should manage the transition via a plan that should be flexible to take account of varying local circumstances.

**Q34: Is a phased approach needed to introduce reforms to the management of Crown Estate assets across Scotland?**

YES

✓ NO

Don't know

See comments in Q34

**Q35: Is there value in a pilot scheme prior to implementing reforms?**

YES

✓ NO

Don't know

**Q36: How can people influence decisions in relation to the management of the Crown Estate assets?** *(Please provide details in the space below)*

As stated earlier via local democracy and existing empowerment framework married to the LOIP.

**Q37: How should the long term governance arrangements differ from the interim arrangements?** *(Please provide details in the space below)*

Good governance and professional management is not an interim solution.

**Q38: Should the future framework include flexibility for Scottish Ministers to vary the proportion of revenue retained by the manager?**

YES

✓ NO

Don't know

Where the premise is devolution to local government the revenue should come to local government.

**Q39: Should the arrangement where the capital value of one part of the estate can be used to enhance opportunities elsewhere in the estate be continued?**



✓ YES

NO

Don't know

Yes, on the basis of negotiated inter authority working.

**Q40: Should the current duty of maintaining the value of the estate and the return obtained from it be continued or amended for the investment of capital proceeds?**

✓ Continue

Amend

Don't know

This should continue. Local government has an excellent track record in asset and treasury management and there is no reason to suggest that this expertise cannot be brought to the management of a devolved Crown Estate.

**Q41: Should capital proceeds from a sale in one area be invested in the same area, or should there be discretion to invest anywhere in Scotland?**

✓ Invest in same area

Discretion to invest anywhere

Don't know

This is a preference based on enhancement of the estate. However there may be inter-authority circumstances where flexibility is needed.

**Q42: Should it be possible for the capital or maintenance requirements for an individual asset to be funded from another part of the estate, even if management of the assets are devolved to the local level?**

✓ YES

NO

Don't know

As above

**Q43: Should funding of strategic activities from Crown Estate resources continue?**

✓ YES

NO

Don't know

If assets are retained then they should be available to local communities under agreed circumstances.

**Q44: If YES, should these strategic activities be managed at the national level?**

✓ YES

NO

Don't know

In the circumstances of this response, and in the absence of any detail it is hard to see how there could be any route other than this.

**Q45: Should the person taking on the responsibility for management of an asset normally take on the responsibility for managing the associated liabilities?**

✓ YES

NO

Don't know

Only on the basis of full devolution of the asset and any associated revenue or capital holdings associated or allocated to that asset.

**Q46: Should the liabilities for land restoration and residual liabilities after decommissioning of marine infrastructure be managed:**

✓ Locally

Nationally

Don't know

Managed locally but access should be available to nationally held resources where these are not available locally or distributed as part of any devolution.

**Q47: Should the costs associated with management of liabilities be included in the overheads for estate management?**

✓ YES

NO

Don't know

Yes on the basis of full devolution of the right amount of resource to manage the asset where there is limited income associated with it or access to a centrally held funding pot.

**Q48: Do you have any other views on the devolution of the management or revenue of the Crown Estate? (Please provide details in the space below)**

Any scheme must be clear, transparent and local communities as well as local government should be consulted on any transfer.

**Q49: Please tell us about any potential costs or savings that may occur as a result of the proposals, and any increase or reduction in the burden of regulation for any**

**sector. Please be as specific as possible.** *(Please provide details in the space below)*  
There would be reduced processing of funding transfers and associated legal agreements, once the initial transfers were complete.

**Q50: Please tell us about any potential impacts, either positive or negative, you feel any of the proposals contained in this consultation may have on the environment. Please be as specific as possible.** *(Please provide details in the space below)*

Further devolution to local government and local communities would be a clear vote of confidence in Christie and a demonstration of how Empowerment is valued.

**Q51: Are there any likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above? Please be as specific as possible.** *(Please provide details in the space below)*

---

---

---

---

---

---

---

---

**Q52: Please tell us about any potential impacts upon the privacy of individuals that may arise as a result of any of the proposals contained in this consultation. Please be as specific as possible.** *(Please provide details in the space below)*

---

---

---

---

---

---

---

---