

**ANGUS COUNCIL**

**POLICY AND RESOURCES COMMITTEE – 5 DECEMBER 2023**

**COMMON GOOD REGISTER - BRECHIN**

**REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE**

**ABSTRACT**

This report provides an update on progress with compiling a publicly available register of Common Good property assets for the former Royal Burgh of Brechin. It also seeks approval for the Council to go out to consult on a draft Register of the relevant Brechin Properties in implement of section 102 of the Community Empowerment (Scotland) Act 2015 as amplified by Statutory Guidance subsequently issued by the Scottish Government in July 2018.

**1. RECOMMENDATIONS**

It is recommended that the Committee: -

- (i) Notes the content of the Consultative draft List of Land and Buildings for the former burgh of Brechin as detailed in Appendix 1;
- (ii) Agrees that the Consultative draft List is publicly consulted upon and duly published as required by the legislation;
- (iii) Notes that following completion of the period for consultation and publicity the Director of Legal, Governance and Change will bring a report back to Committee on the representations received and the responses to them and inviting the Committee to approve for publication the final List of Land and Buildings of the Common Good Register for the former burgh of Brechin; and
- (iv) Notes progress with the compilation of, and consultation on, a publicly accessible register of Common Good property assets for the remaining Angus burghs of Forfar, Montrose and Kirriemuir.

**2. ALIGNMENT TO THE COUNCIL PLAN**

This report contributes to the achievement of the priorities in the Angus Council Plan that we want: our communities to be strong, resilient and led by citizens; and Angus Council is efficient and effective; and that we support and equip our citizens to deliver on their local aspirations.

**3. BACKGROUND**

Report 190/21 considered by the Policy and Resources Committee on 8 June 2021 approved inter alia the following recommendations: -

- (i) Approves the proposals for the compilation of, and consultation on, a publicly accessible register of Common Good property assets for each burgh, as detailed in this report;
- (ii) Delegates authority to the Director of Legal and Democratic Services to consider and respond to all representations, in terms of the legal position, and publish the representations and responses;
- (iii) Notes that the Director of Legal and Democratic Services will then bring a report to Committee seeking approval to publish the common good register for Arbroath;
- (iv) Agrees to follow the same procedure for the other common good burghs in due course;
- (v) Notes that the Director of Legal and Democratic Services will bring a report to Committee seeking approval of a draft list to be consulted on before taking the steps outlined above for each of the other common good burghs.

The report before members today is the next stage in this matter.

#### **4. CURRENT POSITION**

Prior to the Community Empowerment (Scotland) Act 2015 coming into effect on 27 June 2018 the Council already had its own detailed asset register of Common Good assets covering relevant burghs holding Common Good assets. That register formed the basis for specific separately required identification of Common Good assets and has been used for many years for accounting purposes. The work undertaken and being undertaken to comply with current legislation has involved detailed investigation not only of historic title deeds but also related supporting documents such as the Burgh Charters and other information held in historic Council Minutes and Archives, and operational processes to confirm the continuing accuracy of the existing Common Good asset registers held by the Council, to adjust or update the registers as necessary and to take account of the publication and recording requirements of the current legislation.

On 24 October 2023, Policy & Resources Committee agreed to adopt the List of Land and Buildings detailed in Appendix 2 to that report as the assets of the Common Good of the former Royal Burgh of Arbroath and to publish it in accordance with the legislation and the Statutory Guidance. This report now seeks Committee approval to go out to consult on the draft list for the former Royal Burgh of Brechin.

Work on the remaining burghs in Angus for which Common Good assets are held will be progressed following the publication of the Consultative draft Register for Brechin with a view to further reports being submitted to Committee as work on these is completed. It is anticipated that Forfar will be progressed next, followed by Montrose. As with Arbroath and Brechin, draft Lists to be published for Forfar, Montrose and Kirriemuir will update and develop the working Register Lists which have formed the basis for the Council's actings with its Common Good assets for a considerable number of years. Where work has arisen in relation to separate queries about these areas, notes have been kept for the purposes of the Common Good Register, in order to use resources efficiently and to minimise repeat work. It is hoped that this will reduce the time required to finalise draft lists for the remaining Burghs. It is anticipated that a draft register for consultation will be ready for Forfar by mid February, for Montrose by end of April, and Kirriemuir by end of May.

#### **5. CONSULTATION**

If approved by Committee, the updated List of Common Good land and buildings for Brechin attached at Appendix 1 will be published for a period of twelve weeks for public comment. Additionally formal Notice and the accompanying Consultative draft List will be available online on Engage Angus (the Council's consultation platform) and on the Tellmesotland government website as well as being available in paper form during normal opening hours at Brechin Library, which is itself included in the draft List.

Following publication of the List, local elected members for Brechin, City of Brechin and District Community Council, Inveresk Community Council, Hillside, Dun and Logie Pert Community Council and Aberlemno Community Council and relevant Community bodies will be contacted and given the opportunity to comment on the draft List and lodge any representations if desired.

As advised in Report No. 190/21 the published Consultation List includes any properties previously included in the existing Common Good asset registers which no longer, or have been determined not to, form part of the Common Good. These will be marked as such. This is to allow for full transparency.

#### **6. PROPOSALS**

Subject to the approval sought by this report, the Consultative draft List will now be published in a robust manner as soon as possible and, in accordance with Scottish Government Statutory Guidance to which local authorities must have regard, consult on it for at least 12 weeks with the public and local elected members for Brechin, Brechin Community Council and local community bodies, inviting representations. The Council then requires to consider and respond to all representations received. The Council must publish the representations and its responses to them. A report will be brought to Committee detailing any adjustments to the Register

occasioned by the consultation and seeking approval to publish the Common good register for Brechin in its final form. The Guidance requires that this should be done as soon as practicable and in any case within six months of the end of the consultation.

The Committee is invited :-

- (i) to note and approve the content of the Consultative draft List of Land and Buildings for the former burgh of Brechin as detailed in Appendix 1;
- (ii) to agree that the Consultative draft List be consulted on and duly published as required by the legislation;
- (iii) to note that following completion of the period for consultation and publicity the Director of Legal, Governance and Change will bring a report back to Committee on the representations received and the responses to them and inviting the Committee to approve the final List of Land and Buildings of the Common Good Register for the former burgh of Brechin; and
- (iv) to note progress with the compilation of, and consultation on, a publicly accessible register of Common Good property assets for the remaining Angus burghs of Forfar, Montrose and Kirriemuir.

## **7. FINANCIAL IMPLICATIONS**

There are no new financial implications arising from the recommendations in this report. Report 190/21 considered by the Policy and Resources Committee on 8 June 2021 comprehensively detailed the costs in terms of officer time.

## **8. EQUALITY IMPACT ASSESSMENT**

No new Equality Impact Assessment is required. An Equality Impact Assessment was carried out and attached as Appendix 3 to Report No 190/21.

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No 315/18 submitted to Policy and Resources Committee on 9 October 2018
- Report No 190/21 submitted to Policy and Resources Committee on 8 June 2021.
- Report No. 222/22 submitted to Policy and Resources Committee on 30 August 2022

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