

To: Infrastructure, Land & Environment Policy Board

On: 26 August 2020

Report by: Director of Finance & Resources

Heading: Common Good Register

1. Summary

- 1.1 To advise the Board of the outcome of the consultation on Renfrewshire Council's draft Common Good Register following the advertisement of the draft Register in accordance with the provisions of the Community Empowerment (Scotland) Act 2015.
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2. Recommendations

- 2.1 It is recommended that the Board: -
- 2.2 Authorise the Head of Property to publish the attached Renfrewshire Council's Common Good Register and note that this Register will be a live Register and may change as further representations from interested parties are received.

Following the advertisement of the Common Good Register I am pleased to advise that no comments or amendments were received.

- 2.3 Authorise the Head of Property to amend the Common Good Register following any necessary investigation of the legal position to verify representations received by interested parties in regard to common good property.

- 2.4 Note the need for the Council to publish details and invite representations from local community councils and other relevant community bodies before any amendment is made relating to the proposed disposal, or change of use, of a Common Good asset.
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3. Background

- 3.1 Part 8 of the Community Empowerment (Scotland) Act 2015 seeks to increase transparency about the existence of Common Good assets and to ensure there is community involvement in decisions taken about their identification, use and disposal. The Act places new duties on the Council in relation to Common Good property:
- Section 102 places a duty on the Council to establish and maintain, after consultation, a register of property which is held by it as part of the Common Good.
 - Section 104 requires the Council to undertake public consultation, before the disposal or change of use of a Common Good property.
- 3.2 The legislation does not define or redefine Common Good, but broadly speaking the Common Good is a fund of money, or assets, that previously belonged to one of Scotland's former Burghs, or held for the benefit of the community or dedicated to a public purpose, but excluding those assets:
- acquired under statutory powers; or
 - held for special trust purposes.
- 3.3 These Common Good Funds were owned by 196 Burghs at the time of the Local Government (Scotland) Act 1947, when the Burghs became managed by Town Councils. Subsequently, the Local Government (Scotland) Act 1973 abolished Scotland's Town Councils and legal title to the Common Good Funds was transferred to the new District Councils in 1975. Thereafter, in 1996, legal title transferred to Scotland's current unitary authorities under the Local Government etc (Scotland) Act 1994.
- 3.4 In Renfrewshire, the Paisley, Renfrew and Johnstone Common Good Funds are administered separately from other Council funds for accounting purposes. Renfrewshire Council owns the property previously owned by the former Renfrew District Council by virtue of the Local Government etc (Scotland) Act 1994 and Article 3(2) of the Local Authorities (Property Transfer) (Scotland) Order 1995. The former Renfrew District Council owned the Common Good Funds in terms of Section 222(2) of the Local Government (Scotland) Act 1973, which states "... all property held as part of the Common Good by an existing Local Authority on 15 May, 1975 shall on 16 May, 1975 be transferred to and vest in such Islands or District Councils and those Councils shall, in administering that property, have regard to the interests of the inhabitants of the area to which the Common Good formerly related".

3.5 Renfrewshire Council acts as sole trustee for the Common Good Funds listed below which have charitable status and are registered with the Office of the Scottish Charity Regulator (OSCR):

- SC019478 Paisley Common Good Fund
- SC019479 Renfrew Common Good Fund
- SC019480 Johnstone Common Good Fund

The Common Good Funds include both heritable property (land and buildings) and moveable property (civic regalia, cash, securities etc). In Renfrewshire, the bulk of the Common Good comprises land granted by the Crown, grants of land and buildings by local industrialists and other landowners, and the rental income and sale proceeds from such property.

3.6 The Paisley and Renfrew Common Good Funds hold property portfolios as part of their overall investment holdings. These properties are leased to a range of tenants including the Council, other public bodies, voluntary & community associations and the private sector. Several of the property assets leased to the Council at market rent have thereafter been subleased to Renfrewshire Leisure Limited (RLL) at a peppercorn rental of £1 per annum and RLL now have operational responsibility for the management of these assets.

3.7 The draft Common Good Register reflects the assets held by the Council as part of the Common Good. The Register is split into sections for each of the former burghs, and then further subdivided by the type of property e.g. land and buildings, heritage, funds etc. For the purpose of transparency, the Register also contains a list of assets that are under further legal investigation.

4. Consultation on the Common Good Register

4.1 The draft Register was published on the Council's website and due to Covid 19 and lockdown made available online to be viewed by members of the public. The consultation included an advertisement in the local press Paisley and Renfrew Gazette as well on the Council's website, the consultation was for a minimum period of 12 weeks, from the 8th April 2020.

4.2 All interested parties were requested to notify the Council of any changes or amendments they would suggest and to make this in writing to the Council.

4.3 The draft Register includes only those properties which have been assessed by Council officers as meeting the legal tests for common good property. It should be recognised however, that the law of the Common Good is complex and often subjective. As such, the Council may require, to undertake further detailed research on any representation received concerning an asset to establish if it meets the Common Good criteria or not.

4.4 Even where a property was acquired by, or gifted to, a former Burgh and could have Common Good status, the Burgh records may still be inconclusive and make this difficult to determine with any certainty.

Where detailed legal investigation remains inconclusive, the identification of a potential Common Good asset may require reference to case law and the courts for a final determination. In circumstances where there are numerous or complex representations a note will be made to this effect in the register to record that the property is still under investigation.

- 4.5 Where the Council is satisfied that an asset does form part of the Common Good, it will be added to the Common Good Register and accounted for in the Common Good Fund. The revised Common Good Register will then be published online and reviewed on an ongoing basis, in accordance with any legislation or developments in case law.
- 4.6 Following the advertisement of the Common Good Register I can advise that no comments or amendments were received.

5. Selling or Changing the Use of a Common Good Property

- 5.1 There are laws governing how Common Good assets can be used and sold. Court approval may be required. Proceeds from leasing or selling these assets are retained in the relevant Common Good Fund.
- 5.2 In the event of a planned disposal or change of use of common good property, the Council will publish details of the proposal and invite representations from the local community councils and community bodies before any final decision.
- 5.3 It should be noted that regardless of the status of an asset in relation to the Common Good there may be other title conditions, burdens and/or other restrictions which prevent or limit the Council's ability to dispose of or change the use of an asset. These provisions will be considered as part of the normal business process.

Implications of the Report

1. **Financial** – The Council acts as sole trustee for the Common Good Funds and any changes in the register must be reflected in the Common Good Accounts within the same financial year.
2. **HR & Organisational Development** – None.
3. **Community/Council Planning** –
 - Our Renfrewshire is thriving – Common Good funds benefit the inhabitants of the burgh to which they are related;
 - Our Renfrewshire is well – funds help to support a range of community benefits;

- Our Renfrewshire is fair – the Common Good Register provides transparency about common good assets;
 - Reshaping our place, our economy and our future – ensures there is community involvement in decisions taken about the identification, use and disposal of common good assets.
4. **Legal** – Legal Services may be required to undertake further detailed investigation of the legal titles to establish if a property should have common good status.
 5. **Property/Assets** – As per the report.
 6. **Information Technology** – Not applicable.
 7. **Equality & Human Rights**
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
 8. **Health & Safety** – Not applicable.
 9. **Procurement** – Not applicable.
 10. **Risk** – Not applicable.
 11. **Privacy Impact** – Not applicable.
 12. **Cosla Policy Position** – Not applicable.
 13. **Climate Risk** – None.
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Finance & Resources
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Draft Renfrewshire Council Register of Common Good Property

Paisley

Former Burgh: Burgh of Paisley

Ref No / UPRN	Asset (Name or description)	Type	Location	Town	Post Code	Origin / Comment
Land and Buildings						
123104892	Ground	Land	1-7 Moss Street	Paisley	PA1 1BG	125 year ground lease of land extending to 0.31 acres or thereby,
123105283	St James Playing Fields *	Land	Greenock Road	Paisley	PA3 2QT	Sports facility extending to 19.7 Ha or thereby, having approximately 20 pitches and a changing pavilion built circa 1958
N/A	Lane	Land	13-23 Broomlands Street	Paisley	PA1 2LT	Lane to Gallow Green situated at the rear of 13-23 Broomlands Street
N/A	Lane	Land	79-105 Greenock Road	Paisley	PA3 2LD	Lane at the rear of 79-105 Greenock Road
123107453	Trinity Church (Clock Tower and Land)	Land & Building	1 Oakshaw Street East	Paisley	PA1 2DB	The former Paisley High Church, a Grade A Listed building, was built 1750-54. The steeple was added in 1770. The site and clock tower are held on the Paisley common good, but not the main church building.
Heritage						
N/A	Provost's Chain of Office	Civic Regalia	Held by Renfrewshire Museums			Chain of office containing the arms of the Burgh of Paisley.
Common Good Fund						
SC019478	Paisley Common Good Fund				Fund set up for the benefit of the inhabitants of Paisley. The annual accounts of the common good provide more information on the use of this income fund	

* Leased to Renfrewshire Council and subleased to Renfrewshire Leisure Ltd.

Renfrew

Former Burgh: Royal Burgh of Renfrew

Ref No / UPRN	Asset (Name or description)	Type	Location	Town	Post Code	Origin / Comment
Land and Buildings						
123105039	KGV Playing Fields (Part) *	Land & Building	Broadloan	Renfrew	PA4 0AP	Sports venue extending to 15 Ha or thereby. A new two storey pavilion was constructed circa 2004.
123084255	Renfrew Town Hall *	Building	The Cross	Renfrew	PA4 8PF	Renfrew Town Hall was designed by architect James Lamb of Paisley and is a Grade A Listed building, constructed 1873.
123083438	Renfrew Leisure Centre *	Land & Building	10 Paisley Road	Renfrew	PA4 8LJ	A modern 2-storey Sport and Leisure Centre standing within a site extending to 3.12 Ha, or thereby
123080524	Victory Swimming Baths *	Building	10 Inchinnan Road	Renfrew	PA4 8ND	Victory Baths is Cat. B Listed building designed in 1921 by Paisley architect Thomas Graham Abercrombie.
123080523	Police Office	Building	6 Inchinnan Road	Renfrew	PA4 8ND	The Renfrew Police Station dates from 1910 and was designed by architect, Alexander Nisbet Paterson. The two storey building, in the Baronial Revival style, is Category B Listed.
123097674	Ground	Land	Ferry Green, Clyde Street	Renfrew	PA4 8SL	Ferry Green comprises land extending to 0.36 Ha or thereby, situated on the north side of Clyde Street adjacent to the River Clyde.
123104976	Ground	Land	67 Ferry Road	Renfrew	PA4 8SH	Part of site extending to 0.15 acres or thereby leased to Silver Fox Coaches for use as a bus parking area.
123104033	Allotment Site	Land	84 Broadloan	Renfrew	PA4 0AS	Land extending to 1.06 acres or thereby. Leased and used by Renfrew Association of Growers and Gardners (RAGG) as a community garden.
123077287	Ground	Land	86 Broadloan	Renfrew	PA4 0AP	Ground lease extending to 360 sqm or thereby in favour of Lowland Reserve Forces and Cadets for establishment of an Army Cadet Hall.
123077288	Ground	Land	88 Broadloan	Renfrew	PA4 0AP	Ground lease of land extending to 902 sqm or thereby in favour of Arkleston and Newmains Tenants Association (ANTA).
123077403	Ground	Land	18 Brown Street	Renfrew	PA4 8HW	Ground lease of land extending to 0.4 acres or thereby in favour of Alan Orr Motors Ltd to facilitate development of an industrial unit.
123093124	Ground	Land	High Street / Manse Street	Renfrew	PA4 8QH	Ground lease of land extending to 2.3 acres or thereby in favour of Lujo Properties Ltd to facilitate a 3 storey shopping and office development within Renfrew Town Centre.
123080312	Ground	Land	43 High Street	Renfrew	PA4 8QL	Ground lease of land extending to 385 sqm or thereby to facilitate development of The Wallace Bar public house (built 1971).
123082302	Ground	Land	5 Muir Street	Renfrew	PA4 8ND	Ground lease of land extending to 185 sqm, or thereby, in favour of Renfrew Town Sea Scout Group to facilitate development of a Scout Hall (1993).
123084563	Ground	Land	20 Sandy Road	Renfrew	PA4 0AA	Ground lease of land extending to 1,090 sqm or thereby in favour of Enable (Disability Charity) for development of a community hall.
123097782	Ground	Land	Sandy Road (rear of 124)	Renfrew	PA4 0BX	Lease of ground to enable siting of 9 lock up garages.
123077197	Car Park	Land	2B Broadloan	Renfrew	PA4 0SB	36 bay car park. Land extends to 0.11 Ha, or thereby.
123080313	Car Park	Land	45 High Street	Renfrew	PA4 8QL	116 bay car park. Land extends to 0.38 Ha, or thereby.
123082301	Car Park *	Land	Muir Street	Renfrew	PA4 8ND	36 bay car park. Land extends to 0.10 Ha, or thereby. Leased to Renfrewshire Leisure associated with the adjacent Victory Baths.
123080282 to 123080287	Offices	Building	8 High Street	Renfrew	PA4 8QR	Six, self contained office suites located over the two upper floors of a Cat.B Listed 3-storey tenement building in Renfrew Town Centre.
123080279	Shop	Building	4-6 High Street	Renfrew	PA4 8QR	Self contained shop unit located on the ground floor of a 3-storey, Cat. B Listed building within Renfrew Town Centre.
123096566	Fishers Yard	Land	Meadowside Street	Renfrew	PA4 8LF	Site compound extending to 1.90 Ha, or thereby

123097517	Alexandra Park (Part)	Land	Alexandra Drive	Renfrew	PA4 8UB	Alexandra Park lies in close proximity to Renfrew Town Centre and is generally landscaped as public gardens. Part of the title is held under the Renfrew common good.
123095631	Cockleshill Park (Part)	Land	Cockles Loan	Renfrew	PA4 0RD	An area of open space ground situated on the south side of Cockles Loan, east of John Lloyd Tennis Centre. Part of the title is held under the Renfrew common good
123097779	Ground	Land	Campbell Street	Renfrew	PA4 8TF	Part of a former railway line held under the Renfrew common good. The land contains a children's play park that is maintained by the Council's Community Resources Department.
123097791	Ground	Land	Urquhart Crescent	Renfrew	PA4 8LH	Land held under the Renfrew common good containing a children's play park that is maintained by the Council's Community Resources Department.
N/A	Ground	Land	Double Dykes Lane	Renfrew	PA4 8LF	Land situated off Fishers Road / Meadowside Road, Renfrew.
N/A	Footpath	Land	Robertson Avenue (rear of)	Renfrew	PA4	Footpath to the rear of Robertson Avenue, Renfrew.
123104979 to 12310483	Passage Rights	Land	Anderson Drive	Renfrew	PA4 8PL	Passage rights over a small strip of common good land (on the NW side of Anderson Drive), in favour of the residents of five adjacent houses situated at 15-23 Bell Street, Renfrew
123105040	Salmon Fishing Rights	Fishing Rights	River Clyde	Renfrew	N/A	Salmon Fishing Rights conferred by Queen Anne Charter extending along River Clyde (from Braehead to Erskine Harbour approx). Rights leased to Ardgowan Estates.
Structure						
123097674	Renfrew Ferry Monument	Monument	Ferry Green	Renfrew	PA4 8SL	A pair of single cylinder grasshopper type side lever engines built in 1851 by A & J Inglis and used in the PS Clyde paddle tug.
Heritage						
N/A	Provost's Chain of Office	Civic Regalia	Held by Renfrewshire Museums			Chain of office containing the arms of the Royal Burgh of Renfrew.
Common Good Fund						
SC019479	Renfrew Common Good Fund					Fund set up for the benefit of the inhabitants of Renfrew. The annual accounts of the common good provide more information on the use of this

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Johnstone

Former Burgh: Burgh of Johnstone

Ref No / UPRN	Asset (Name or description)	Type	Location	Town	Post Code	Origin / Comment
Land and Buildings						
N/A	N/A					
Heritage						
N/A	Provost's Chain of Office	Civic Regalia	Held by Renfrewshire Museums			Chain of office containing the arms of the Burgh of Johnstone
Common Good Fund						
SC019480	Johnstone Common Good Fund				Fund set up for the benefit of the inhabitants of Johnstone. The annual accounts of the common good provide more information on the use of this income fund	

Notes

1. The Unique Property Reference Number (UPRN) is a unique reference number given to every location in Great Britain with an address. The UPRN provides a consistent identifier throughout a property's life cycle, from planning to demolition. It can be allocated by a local authority who have the statutory authority to name and number every street and property and by Ordnance Survey who identify objects on the landscape which may otherwise not attract an address.
2. The Paisley and Renfrew Common Good Funds hold property portfolios as part of their overall investment holdings. These properties are leased to a range of tenants including the Council, other public bodies, voluntary & community associations and the private sector. Several property assets are leased to Renfrewshire Council and subleased to Renfrewshire Leisure Limited (RLL) at a peppercorn rental of £1 per annum. RLL now have operational responsibility for the management of these assets.
3. This register includes only those properties which have been assessed by Council officers as meeting the legal tests for common good property. The assessment is based on the state of knowledge of such officers at the time of assessment, both as to the extent of Council ownership and the facts and circumstances surrounding individual properties. The assessment is therefore subject to change, in particular should relevant information come to the attention of officers or should there be any developments in the law relating to common good. Renfrewshire Council therefore reserves the right to amend this register at any time.
4. Renfrewshire Council administers the Common Good Funds and separately accounts for them. They are included within the group accounts of the Council and a copy of the group accounts can be obtained from the address listed below.
5. Any enquiries regarding the Common Good Register should be made in writing and addressed to:

The Head of Property
Renfrewshire Council,
Finance and Resources
Renfrewshire House
Cotton Street
Paisley
PA1 1JB

Alternatively, please email: Estates.hps@renfrewshire.gov.uk

Assets Under Investigation Following Representation

Start Date	Asset (Name or Description)	Type	Location	Town or Burgh	Status	Decision Date	Comment
Land & Buildings Under Investigation							
26/09/2019	Ferguslie Gardens	Land	Thomas Street	Paisley	With Council's solicitor		Legal currently reviewing title deeds
26/09/2019	Maxwelton Park	Land	Newton Street	Paisley	With Council's solicitor		Legal currently reviewing title deeds
26/09/2019	Dunn Square	Land	St Mirren Street	Paisley	With Council's solicitor		Legal currently reviewing title deeds
26/09/2019	Fountain Gardens	Land	Love Street	Paisley	With Council's solicitor		Legal currently reviewing title deeds
26/09/2019	Brodie Park	Land	Braids Road	Paisley	With Council's solicitor		Legal currently reviewing title deeds
26/09/2019	Braids Road Play Park	Land	Braids Road	Paisley	With Council's solicitor		Legal currently reviewing title deeds
Non-Heritable Assets Under Investigation							
N/A							

Examples:

Status
With Council's solicitor
Counsel's opinion being sought
Investigation concluded

Comment
Approved - added to Register
Declined
Proposed by Paisley CC on 01/09/19. Legal currently reviewing title deeds. Decision expected by 01/04/20.