

Agenda Item	18
Report No	HC/12/19

## HIGHLAND COUNCIL

**Committee:** The Highland Council

**Date:** 7 March 2019

**Report Title:** Highland Council Common Good Funds -  
Asset Register and Community Empowerment  
Policies  
Common Good Fund Officer

**Report By:** Depute Chief Executive and Director of Corporate Resources

### 1. Purpose/Executive Summary

- 1.1 This report provides details of the work undertaken in respect of the Highland Council Common Good Funds following the implementation of Part 8 of the Community Empowerment (Scotland) Act 2015: Common Good Property on 27 June 2018.
- 1.2 The statutory guidance was published at the end of July 2018 and supplements the duties contained in the Act to establish and maintain a Common Good Asset Register and to develop procedures for consultation on disposal or change of use of Common Good assets. This report provides Members with information and documentation prepared to ensure the Council's compliance with its responsibilities in respect of Part 8 of the Act.
- 1.3 On 17 February 2017 Internal Audit published a report on Common Good Fund Rental Income. This report noted the need to update the existing Common Good policy. It also noted a lack of a Highland wide policy on disposing or leasing at less than market value. Due to the unique nature of Common Good property it was agreed that a separate policy would be produced in respect of disposing or leasing property at less than market value. It was agreed with the audit team that completion of the actions relating to the policies would be deferred until the enactment of Part 8 of the Community Empowerment (Scotland) Act 2015. This report details and appends the policies prepared in accordance with this audit action for Members attention.

- 1.4 The creation of the post of Common Good Fund Officer was approved in principle and on the basis of an initial 2 year contract by the Council on 10 March 2016 with the funding arrangements being agreed at the meeting of the Council on 12 May 2016. The post was advertised and the Common Good Fund Officer commenced in post on 13 March 2017. Given the additional and ongoing work required as a result of the Community Empowerment Act it is proposed that the Common Good Fund Officer post is made a permanent post.

## 2. Recommendations

### 2.1 Members are asked to:

- i. Note the contents of the list of property proposed to be included in the Highland Council Common Good Asset Register (**Appendix 1**) together with the document for uploading on the Council website entitled Common Good Property Asset Register – Process and Reviewing Common Good Property Asset Register - Process (**Appendix 2**).
- ii. Agree the commencement of the public consultation on the list of proposed property in accordance with the Community Empowerment (Scotland) Act 2015 and to delegate the decisions on the outcome of any representations to:
  - Inverness – the City of Inverness Area Committee
  - Outwith Inverness – the relevant Area Committee
- iii. Consider and agree the contents of the document entitled Disposal of or Change of Use of Common Good Property – Process (**Appendix 3**) uploaded to the Council website on 20 December 2018 and to amend paragraph 2.9 of the Scheme of Delegation (for City of Inverness Area Committee and local Area Committees) to include “or change the use of” after the word “dispose”.
- iv. Consider and agree the contents of the policies entitled Common Good Fund Policy (**Appendix 4**) and Policy for Disposal or Lease of Common Good Property for less than Market Value (**Appendix 5**).
- v. Agree to the permanent establishment of the Common Good Fund Officer post as detailed in section 7 of this report.

### 3. Common Good Property Asset Register

- 3.1 Section 102 Community Empowerment (Scotland) Act 2015 places a duty on local authorities to establish and maintain a Common Good Asset Register. This section came into force on 27 June 2018 with the statutory guidance being published a month later. Section 103 requires local authorities to have regard to the contents of the guidance when carrying out these duties.
- 3.2 Before the Council can publish its Asset Register it must first publish and conduct a public consultation on a list of the property it is proposing to include. This list must detail all property held within the Highland Common Good Funds – land, buildings, moveable property, investments and funds. The statutory guidance provides the procedure for this consultation and also a recommended format for the Asset Register. A map based system could not be used for the Register because of the need to also easily identify the location of the moveable property and funds. The use of a combined map and table list was considered but it was felt that it would be easier for the purposes of the public consultation if all information was readily available in the same format.
- 3.3 The list of property the Council is proposing to include in its Common Good Asset Register can be found at **Appendix 1**. The list has been prepared in accordance with the recommendation in the guidance that it should be split into sections for each former Burgh then further sub-divided into the type of property.
- 3.4 To assist anyone wishing to make representations in the consultation, a document entitled Common Good Property Asset Register – Process (**Appendix 2**) has been produced. This document summarises the guidance for easy reading.
- 3.5 The process for the public consultation is:-
- The Council must publish the list on its website and make it available for viewing in Council offices, hubs and libraries.
  - The Council must advertise the fact the list is available to view on its website and social media pages.
  - The Council must notify Community Councils for the Council's area and any community bodies of which it is aware and invite representations.
  - The Council will also accept representations from any member of the public.
  - The list must be publicly available for comment for 12 weeks.
  - All representations must be in writing, either email or letter.
  - The Council should respond to representations within 12 weeks.
  - Representation(s) and the Council's final response(s) should be published in the same place as the asset list.
  - The Council should publish its Common Good Asset Register as soon as practicable after the initial 12 week consultation period and, in any event, within 6 months of the end of the consultation.
  - The Register must be available to view free of charge on the Council's website and in Council offices, hubs and libraries.

The guidance states that once the Council has fully considered a representation, its decision is final unless significant new information comes to light or a court decides otherwise. This effectively removes the potential issue of the Council receiving repeated representations in respect of the same asset where there is no new information and the query has already been dealt with.

- 3.6 If a representation is received in respect of an asset on the list the Common Good Fund Officer will discuss it with the Inverness City Manager/Ward Manager for the relevant area concerned and an investigation plan agreed which will be actioned. Some enquiries will need more investigations than others. When the investigations are complete a summary report will be prepared. Council is asked to agree to delegate the decision on the outcome of these investigations to the City of Inverness Area Committee or the relevant Area Committee.
- 3.7 The guidance envisages the possibility that some representations may result in protracted enquiries which may go beyond the date by which the Register is to be published. In the event of such circumstances the Register must still be published with the property still under investigation being listed separately giving an estimated date of completion of investigations.
- 3.8 An officer workshop was held in November 2018 to discuss the effects of the legislation and amend and agree all draft documentation including the draft asset list, processes, policies and web pages necessary to ensure the Council's compliance with the legislation. The attendees at the workshop day also agreed the contents of a Common Good Fund Corporate Statement (**Appendix 6**) which is accessible by link from the main Council Common Good web page. This is a useful point of reference document for any members of the public making enquiries into the Highland Common Good Funds and reinforces the Council's corporate approach to these funds.

#### **4. Review of the Common Good Asset Register**

- 4.1 The duty contained in section 102 of the Act to maintain the Asset Register includes undertaking regular reviews. The statutory guidance states that a local authority should publish its review process. The Highland Council process is contained in the final part of the document attached at **Appendix 2**.
- 4.2 The Asset Register will be automatically updated in the event of a disposal of an asset or if any new property (either newly identified Common Good property or acquired investment property) needs to be included. The guidance requires that a review must happen at intervals of no more than 5 years. It would be the aim that the Highland Council Asset Register should be reviewed annually.

#### **5. Disposal or Change of Use of a Common Good Asset**

- 5.1 Section 104 Community Empowerment (Scotland) Act 2015 requires the Council to consult with the local community when planning to dispose of or change the use of any of its Common Good assets. Section 105 requires local authorities to have regard to the contents of the guidance when carrying out this duty.
- 5.2 The process for the consultation is:-
- A proposal is prepared identifying the property and stating clearly what is proposed and expected timescales.
  - The Council must publish the proposal on its website and make it available for viewing in Council offices, hubs and libraries.
  - The Council must advertise the fact the proposal is available to view on its website and social media pages.
  - The Council must notify any Community Council in whose area the property falls and any community body known to have an interest in the property and invite

representations.

- The Council will also accept representations from any member of the public.
- The consultation must be publicly available for comment for 8 weeks.
- All representations must be in writing, either email or letter.
- The Council should respond to representations within 8 weeks.
- The Councils final response(s) should be published alongside the original representation(s).
- The Council must also publish its final decision and notify directly community councils, community bodies and anyone who made a representation.
- If the proposal is amended significantly a fresh consultation process must take place.

5.3 To assist anyone wishing to make representations in the consultation, a document entitled Disposal of or Change of Use of Common Good Property – Process (**Appendix 3**) has been produced. This document summarises the guidance for easy reading and was uploaded on the Council website on 20 December 2018 as part of the commencement of the first consultation taking place. It is accessed by link from a new web page entitled Common Good asset changes. Consultations taking place are also accessed by link from this page. Members are asked to consider the process, make any changes and agree the change relating to this contained within the Scheme of Delegation.

5.4 Section 104 raises other issues for consideration namely the question of inalienability and what length of lease would constitute a disposal. The guidance confirms that Part 8 does not change the position on any restrictions on Common Good property therefore the possible question of inalienability remains live and there will be circumstances where a disposal of a Common Good asset will also require the permission of the Sheriff Court.

Officers recommend that, based on case law, a long lease constituting a disposal would be any lease of 10 years or longer. Any lease of less than 10 years would not constitute a disposal and would not trigger the consultation process for this purpose. However such a lease may still require consultation if it constituted a significant change of use even if less than 10 years duration.

5.5 In respect of the final decision on a proposal to dispose of or change the use of a Common Good asset, the current Scheme of Delegation provides that the City of Inverness/Area Committees have the delegated authority to oversee the management of the Common Good funds including disposing of such assets up to 10% of the value of the fund for the particular area with anything over 10% being reserved to Highland Council. Council is asked to agree to amend paragraph 2.9 in the Scheme of Delegation in respect of the City of Inverness Area Committee and local Area Committees to add “or change the use of” after the word “dispose”.

## **6 Policies – Common Good Fund Policy and Policy for Disposal or Lease of Common Good Property for less than Market Value**

6.1 On 17 February 2017 Internal Audit published a report on Common Good Fund Rental Income. This report noted that the existing Common Good Fund Policy needed updating. The report also noted a lack of Highland wide policy on disposal or lease of property at less than market value. Addressing the position was included in the audit actions arising from the report. The completion of these actions was delayed with the

agreement of Internal Audit pending the implementation of Part 8 of the Community Empowerment (Scotland) Act 2015 and then the multi officer workshop day in November 2018.

- 6.2 At the multi officer workshop day the terminology used to describe Members role in relation to the Common Good Funds was discussed. The wording in the current Scheme of Delegation is “To act as Trustee for Common Good Funds and Associated Funds...”. It was considered that this terminology allows for some confusion as it is not accurate to refer to Members as Trustees of the Common Good Funds as these are not trust funds. Amending this would allow for a distinction to be drawn with the Charities and other trust funds for which the Members are Trustees.

It is suggested that paragraph 1.22 of the Scheme of Delegation be amended to read – All Elected Members of the Highland Council are responsible for the management of Common Good funds and to act as Trustees for the Charities and Trust Funds in relation to determining and delivering investment policy, including the purchase and disposal of assets, subject to the administration of these funds being delegated to City/Area Committee or to Officers in terms of this Scheme.

It is also suggested that paragraph 2.9 in each of the sections relating to the City of Inverness Area Committee and Local Committees be amended to remove the word “trust”.

- 6.3 The updated Common Good Fund Policy is produced at **Appendix 4**. Members are asked to consider and agree this policy.
- 6.4 In May 2018 Environment, Development and Infrastructure Committee accepted a policy addressing the disposal or lease at less than market value in respect of general Highland Council property. However, due to its unique nature, Common Good property was not included in that policy. The policy now produced at **Appendix 5** and entitled Policy for Disposal or Lease of Common Good Property for less than Market Value is supplemental to that Highland wide policy and addresses Common Good property exclusively. Members are asked to note its contents and to accept it as Council policy.

## **7. Common Good Fund Officer post**

- 7.1 On 10 March 2016 Council approved the creation of the Common Good Fund officer post in principle and on the basis of an initial 2 year contract with the funding of that post being subsequently agreed at the meeting of Council on 12 May 2016. Following the recruitment process the Common Good Fund Officer commenced in post on 13 March 2017.
- 7.2 Given the continuing requirements in relation to the stewardship of Common Good Funds and the requirements in the Community Empowerment Act it is proposed that the Common Good Officer Post is made a permanent established post.
- 7.3 The reporting arrangements for the post currently sit within the Corporate Finance Team. The work of the Common Good Fund Officer spans the Council’s policy, ward management and legal teams and it is felt that moving forward the post would best sit within the Council’s Legal team and report to the Legal Manager.

## **8. Implications**

- 8.1 Resource - Conducting, supporting and supervising the various Common Good consultations would have resource implications in the event that the Common Good Fund Officer post is not continued. The costs of maintaining the post will continue to be met on the existing basis from the various Common Good funds.
- 8.2 Legal – the Community Empowerment consultations are statutory duties imposed on the Council which must be complied with.
- 8.3 Community (Equality, Poverty and Rural) – the duties contained in Part 8 of the Community Empowerment (Scotland) Act 2015 are designed to increase the communities involvement in decisions affecting Common Good assets.
- 8.4 Climate Change / Carbon Clever – no implications.
- 8.5 Risk – there is always a risk of non-compliance with timescales but this is mitigated by having clear processes in place.
- 8.6 Gaelic – no implications.

Designation: Derek Yule, Depute Chief Executive and Director of Corporate Resources

Date: 22<sup>nd</sup> February 2019

Author: Sara Murdoch, Common Good Fund Officer  
Edward Foster, Head of Corporate Finance

Background Papers:

List of property proposed to be included in the Highland Common Good Fund Asset Register (by former Burgh)

**FORMER BURGH OF CROMARTY**

**APPENDIX 1(1)**

<b>LAND AND BUILDINGS</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>East Church Hall</b>	Burnside Place, IV11 8XQ. UPRN: 130111924. In site adjacent to site containing East Church.	Total site area 1182m <sup>2</sup> . Acquired in 1962 to be used "in all time coming for social & community purposes in connection with the town of Cromarty". Inalienable. Leased out
<b>Kirkie Brae or Chapel Brae</b>	UPRN: 130147613. Bordered by Denny Road, Cromarty Burial Ground, recreation ground, open ground and located to the rear of the library and the courthouse.	12642.36m <sup>2</sup> amenity land. Amenity ground acquired in 1926 – gifted in memory of those who fought in World War One. Inalienable. Includes Hugh Miller's monument but not Cromarty War Memorial which is Highland Council.
<b>Victoria Hall</b>	High Street, IV11 8YR. UPRN: 130109910. Bordered by High Street, recreation ground and open ground.	Total site area 504.18m <sup>2</sup> . Acquired in 1887 "for the behoof of the inhabitants of the Burgh in all time coming". Inalienable. Leased out
<b>ART AND ARTEFACTS</b>		
None on register		
<b>COMMON GOOD FUND</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Cromarty Common Good Fund</b>	N/A	Fund set up for benefit of former Burgh of Cromarty. Financial information about this fund is contained within the Annual Accounts and Area Committee monitoring reports which are available on the Highland Council website.



List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGH OF DINGWALL**

**APPENDIX 1(2)**

<b>LAND AND BUILDINGS</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Cromartie Monument Car Park</b>	Tulloch Street, IV15 9JY. UPRN: 130111914. Bordered by Tulloch Street, Church Street and Mart Road.	Total site area 3264.64m <sup>2</sup> . Gifted by Cromartie Estates in 1948 – Proviso that it is not to be built on & is to be used for open space and parking. Monument stands on land feued to former Royal Burgh. Treated as Common Good land. Highland Council maintains it in lieu of rent. Inalienable.
<b>Former Public Toilets (now office)</b>	Tulloch Street, IV15 9JY. UPRN: 130112743. Located adjacent to Cromartie monument car park.	Site area 107.20m <sup>2</sup> Previously held as part Common Good, part Highland Council but all now held as Common Good (from March 2017). Leased out.
<b>Jubilee Caravan Park</b>	Jubilee Park Road, IV15 9QZ. UPRN: 130112708. Bordered by River Peffery, Jubilee Park, railway line and the part of the caravan park owned by Highland Council.	8693.73m <sup>2</sup> of the total 14892.43m <sup>2</sup> area is common good land (see below). The remainder of the land is held on Highland Council general account. CG area inalienable. Caravan park is leased out.
<b>Jubilee Park Playing Field</b>	Jubilee Park Road, IV15 9QZ. UPRN: 130112864. Bordered by River Peffery, Caravan Park, Dingwall Centre, all weather pitch site and rifle range.	Common good area is 24938.97m <sup>2</sup> (rest of the site is held on Highland Council general account). Common good area was gifted to Dingwall in 1887(formal title recorded in 1922) for the Jubilee to be used as a public park. Inalienable. Highland Council maintains it in lieu of rent.
<b>Town Hall</b>	High Street, IV15 9RY. UPRN: 130003334. Located on the corner of High Street and Church Street.	Site area 1031.63m <sup>2</sup> . The oldest parts were built on land acquired by the Burgh between 1735 & 1745 and used for public administration. It has been treated as common good for time immemorial. The extensions in 1925 form part of the Town Hall and have been used for public purposes since. Therefore this is also considered to be common good. Inalienable. Leased out.
<b>ART AND ARTEFACTS</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Portrait – James Alexander Francis, Col Lord Seaforth</b>	In Coul House Hotel, Contin IV14 9ES	Artist unknown, 149x101cm, oil on canvas. On loan to Coul House Hotel.
<b>Portrait – Sir Kenneth MacKenzie</b>	In Coul House Hotel, Contin IV14 9ES	William Edwards Miller, 74.5x62.5cm, oil on canvas. On loan to Coul House Hotel.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGH OF DINGWALL continued**

Portrait – Sir George Stewart MacKenzie	In Coul House Hotel, Contin IV14 9ES	Presented by Sir Robert MacKenzie in 1965 and transferred from County of Ross & Cromarty in 1974. Artist unknown, 236x175cm, oil on canvas. On loan to Coul House Hotel.
<b>COMMON GOOD FUND</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
Dingwall Common Good Fund	N/A	Fund set up for benefit of former Burgh of Dingwall. Financial information about this fund is contained within the Annual Accounts and Area Committee monitoring reports which are available on the Highland Council website.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGH OF DORNOCH**

**APPENDIX 1(3)**

<b>LAND AND BUILDINGS</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Burghfield Path</b>	IV25 3SL. UPRN: 130142796. Path runs between Cnoc-an-Lobht to Gilchrist Square with footpaths down to High Street & St Gilberts Street.	Total area of 1120.27m <sup>2</sup> . Form of title is unclear but always treated as Common Good land & is maintained by Common Good Fund.
<b>Dornoch Burn</b>	IV25 3LP. UPRN: 130142786. Watercourse running along Station Road, Shore Road & through The Links to Dornoch Sands.	Total area of 1379.13m <sup>2</sup> . Form of title is unclear but always treated as Common Good land & is maintained by Common Good Fund.
<b>Dornoch Firth salmon fishings</b>	UPRN: 130111928. Dornoch Point up coast alongside golf course & extending out into the sea. Adjacent to Tain salmon fishings.	Always considered to be Common Good. The claim of the Burgh having a right to the salmon fishing is referred to in the 1835 General Report of the Commissioners into the State of Municipal Corporations in Scotland. Inalienable. Leased on "environment lease".
<b>Dornoch Links</b> including :- aerodrome site, beach car park, bowling club, caravan park, coastguard office, golf club, golf club greenkeepers shed, lifeboat shed, play park site, sewage treatment works, pumping station, store, tennis court, toilet block.	UPRN: 130111921. Site is located to the east of the town bordered by Dornoch sands to the south, the dunes to the east, adjacent to Littletown area and running along the rear of Grange Road and to the rear of the seaward houses on Elizabeth Crescent and Earls Cross Gardens.	Total area of 2143235.56m <sup>2</sup> . The Links is Common Good by virtue of the Royal Charter of 14 July 1628. The 1835 General Report of the Commissioners into the State of Municipal Corporations in Scotland refers to it being land of the Burgh. Inalienable. With the exception of the beach car park and the toilet block, all other units referred to under the Links heading are currently leased out.
<b>Littletown land</b>	IV25 3NL. Site is located at the rear of 10 Clunie Crescent near 1 Well Street.	Total area of 12.87m <sup>2</sup> . All of Littletown land was originally part of the Common Good by virtue of the Royal Charter of 14 July 1628. This is a remnant of the original land. Site used as a garage stance. Inalienable. Leased out.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGH OF DORNOCH continued**

<b>ART AND ARTEFACTS</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Provost Chains of Office</b>	In storage.	Chain of office was gifted to the Burgh by the Duke of Sutherland in 1911. 18 carat chain with collar consisting of Sutherland Arms in enamel with links and shields engraved with Provosts names, a modelled & cased figure of St Andrew & cross at back. Badge is a shield bearing enamelled Arms of Dornoch surrounded by 4 gold leaf & scroll ornaments & 4 enamelled thistle sprays. Gold loop with Sutherland crest attaches Badge to Collar.
<b>Provost Robes</b>	In storage with Chains	Black velvet with large white fur yoke.
<b>Charter</b>	In storage with Chains and robes.	Parchment Charter of Burgh of Dornoch.
<b>Portrait – Queen Victoria</b>	Hangs in Dornoch Council Chamber, High Street, IV25 3SH.	Presented by the Duke of Sutherland to the Royal Burgh of Dornoch in 1906. Franz Xaver Winterhalter, oil on canvas, 266x175.5cm.
<b>Portrait – John Sutherland, Secretary, Dornoch Golf Club</b>	Hangs in Courthouse café, Castle Street, IV25 3SD.	Transferred from Sutherland District Council in 1974. David Alison, oil on canvas, 76.5x63.5cm.
<b>Painting of Dornoch</b>	Hangs in Dornoch Council Chamber, High Street, IV25 3SH.	Transferred from Sutherland District Council in 1974. R. Gray, oil on canvas, 65x97.7cm.
<b>Lock and Key from Dornoch town stocks</b>	In Historylinks Museum, The Meadows, IV25 3SF.	Heavy metal lock and key from the town stocks. On loan to the museum.
<b>“Deid Bell”</b>	In Historylinks Museum, The Meadows, IV25 3SF.	Used to make announcements and marked “Dornoch”. On loan to the museum.
<b>Victory Loan Flag</b>	In Historylinks Museum, The Meadows, IV25 3SF.	Presented to the Burgh on behalf of the King in 1919. On loan to the museum.
<b>COMMON GOOD FUND</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Dornoch Common Good Fund</b>	N/A	Fund set up for benefit of former Burgh of Dornoch. Financial information about this fund is contained within the Annual Accounts and Area Committee monitoring reports which are available on the Highland Council website.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

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<b>PROPERTY/LAND ACQUIRED SINCE THE ABOLITION OF THE BURGHS IN 1975 BY DORNOCH COMMON GOOD FUND AND HELD AS COMMON GOOD INVESTMENT PROPERTY</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Historylinks Museum site</b>	The Meadows, IV25 3SF. UPRN: 130082170. Located adjacent to Castle Cottage and to the rear of Dornoch Castle Hotel.	Total site area 1080.45m <sup>2</sup> . 706m <sup>2</sup> of the site was purchased in 1995 by Sutherland District Council as Trustees of Dornoch Common Good Fund & leased for the building of the Heritage Centre. The rest of the land was purchased by the then Highland Regional Council but the whole site is held on the common good account. It is leased to Dornoch Heritage SCIO. Alienable.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGH OF FORTROSE AND ROSEMARKIE**

**APPENDIX 1(4)**

<b>LAND AND BUILDINGS</b>		
<p>The common good title in respect of most of the Fortrose and Rosemarkie lands is derived from time immemorial use rather than any recorded writ or deed. <b>The 1835 General Report of the Commissioners into the State of Municipal Corporations in Scotland</b> reported that “the books and papers were in so much confusion that nothing accurate or certain could be learned”. These lands would be considered to be likely to be inalienable.</p>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Chanonry Ness picnic area</b>	Ness Road, Fortrose, IV10 8SD. UPRN: 130142775. Located at the end of Ness Road at Chanonry Point, Fortrose. Adjacent to the Brahan Seer Monument and Chanonry Lighthouse.	No recorded writ but has been treated as common good for time immemorial.
<b>Easter Greengates footpath</b>	Fortrose, IV10 8TJ. UPRN: 130142776. Path runs from Deans Road to Wester Greengates between Fortrose Academy and Academy playing fields and passed the Black Isle Leisure Centre, 7 Dolphin Drive and to the rear of houses on Lumsden Gardens.	Total area of 4220.81m <sup>2</sup> . No recorded writ but has been treated as common good for time immemorial. Believed to be the remains of an ancient “way” from Fortrose Cathedral to Chanonry Point.
<b>East Watergate</b>	Fortrose, IV10 8SG. Area of land bordered by East Watergate and properties at 1, 2 & 3 Lower Wards, Fortrose.	Total area 947.24m <sup>2</sup> . No recorded writ but has been treated as common good for time immemorial.
<b>Fortrose Caravan Park</b>	Wester Greengates, Fortrose, IV10 8RX. UPRN: 130111916. Bisected by Wester Greengates and adjacent to foreshore.	Total area 14515.95m <sup>2</sup> . No recorded writ but has been treated as common good for time immemorial. Leased out.
<b>Fortrose foreshore</b>	IV10 8TY. Foreshore running from Craig Burn in Fortrose (rear of properties Kelowna & 23 on A832) around Chanonry Point to the start of Rosemarkie Burn (adjacent 1 Mill Road).	Total area 336576.45m <sup>2</sup> . No recorded writ but has been treated as common good for time immemorial.
<b>Fortrose Golf Club car park</b>	Ness Road East, Fortrose, IV10 8SY. UPRN: 130111923. Bordered by Ness Road East, Rosemarkie Caravan Park, Fortrose Golf Club and adjacent to the foreshore.	Total area 1767.85m <sup>2</sup> . No recorded writ but has been treated as common good for time immemorial. Leased out.
<b>Fortrose Town Hall</b>	Church Street, Fortrose, IV10 8TE. UPRN: 130111918. Located on the corner of Church Street and Station Rd.	Total site area 706.79m <sup>2</sup> . Original use for this building was as a church. The Burgh acquired it for use as a Town Hall when it ceased being used as a place for public worship in 1929. It has been treated as common good property since that date in a similar manner to other town halls in the Highlands but there is no formal writ confirming this. Leased out. Inalienable.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGH OF FORTROSE AND ROSEMARKIE continued**

<b>King George V Park</b>	Ness Road, Fortrose, IV10 8TL. UPRN: 130111915. Bordered by rear of properties 54-60 High Street, rear of properties 13-18 Alexander Court, rear of properties on Water Furrows, rear of properties 11-16 & Strathallan, Deans Road and Ness Road.	Total area 16640.62m <sup>2</sup> . Playing fields acquired by Burgh in 1946 and conveyed by Magistrates to themselves in 1949 on trust for the inhabitants of the Burgh. This trust had similar effect to common good and the fields have been treated as common good property since. Leased out.
<b>Wester Greengates picnic area</b>	Wester Greengates, Fortrose, IV10 8 RX. UPRN: 130111917. Located adjacent to the foreshore and opposite 4 Lumsden Gardens.	Total area 1117.02m <sup>2</sup> . No recorded writ but has been treated as common good for time immemorial.
<b>Fairy Glen car park</b>	Bridge Street, Rosemarkie, IV10 8UP. UPRN: 130111929. Located adjacent to 12 & 14 Bridge Street.	Total area 761.17m <sup>2</sup> . No recorded writ but has been treated as common good for time immemorial.
<b>Rosemarkie Caravan Park</b>	Ness Road East, Rosemarkie, IV10 8SE. UPRN: 130111905. Located on Ness Road East between farmland and the foreshore adjacent to the maceration plant.	Total area 13768.66m <sup>2</sup> . No recorded writ but has been treated as common good for time immemorial.
<b>ART AND ARTIFACTS</b>		
<b>Name of Asset</b>	<b>Location</b>	<b>Description</b>
<b>Civic Regalia – chain of office</b>	In secure locked safe.	Silver and gold plated chain bearing the enamelled crest of Fortrose. It was presented to the Burgh in 1955 by Madeleine, Countess of Middleton as part of the 500 <sup>th</sup> anniversary celebrations of Fortrose.
<b>Portrait – Colin, 1<sup>st</sup> Earl of Seaforth</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. In the style of Anthony van Dyck, oil on canvas, 119.4x96.5cm.
<b>Portrait – Isabella, wife of 3<sup>rd</sup> Earl of Seaforth</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. David Scougall, oil on canvas, 119.4x99cm.
<b>Portrait – Kenneth, 3<sup>rd</sup> Earl of Seaforth</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. Attributed to John Michael Wright, oil on canvas, 119.4x99cm.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGHS OF FORTROSE AND ROSEMARKIE continued**

<b>Portrait – Kenneth, 4th Earl of Seaforth</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. Circle of Henri Gascars, oil on canvas, 124.5x86.3cm.
<b>Portrait – Lady Frances Herbert, wife of 4<sup>th</sup> Earl of Seaforth</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. Nicholas de Largilliere, oil on canvas, 129.5x96.5cm.
<b>Portrait – William, 5<sup>th</sup> Earl of Seaforth</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. Circle of Mary Beale, oil on canvas, 122x99cm.
<b>Portrait – Mary Kennet, wife of 5<sup>th</sup> Earl of Seaforth (1)</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. Circle of Godfrey Kneller, oil on canvas, 220x147cm.
<b>Portrait – Mary Kennet, wife of 5<sup>th</sup> Earl of Seaforth (2)</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. Circle of Godfrey Kneller, oil on canvas, 124.5x99cm.
<b>Portrait – Honourable Mary Frederica Elizabeth, daughter of Francis MacKenzie, Lord Seaforth</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. After Thomas Lawrence, oil on canvas, 236.2x144.7cm.
<b>Portrait – Honourable James Alexander Stewart-MacKenzie</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. Circle of Martin Archer Shee, oil on canvas, 225x147cm.
<b>Portrait of a Gentleman</b>	Hangs in Fortrose Town Hall, Church Street, Fortrose, IV10 8TL.	Gifted to Fortrose Town Council in 1952 by Madeleine, Countess of Middleton. Circle of Francis Grant, oil on canvas, 89x68.6cm.
<b>Portrait – Alexander Houston, Provost 1763-1767</b>	Hangs in committee room at Black Isle Leisure Centre, Deans Road, Fortrose, IV10 8TJ.	Considered to be common good. George Mason, oil on canvas, 76x64cm.
<b>COMMON GOOD FUND</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Fortrose &amp; Rosemarkie Common Good Fund</b>	N/A	Fund set up for benefit of former Burgh of Fortrose & Rosemarkie. Financial information about this fund is contained within the Annual Accounts and Area Committee monitoring reports which are available on the Highland Council website.



List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

List of property proposed to be included in the Highland Common Good Fund Asset Register  
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**FORMER BURGH OF INVERGORDON**

**APPENDIX 1(5)**

<b>LAND AND BUILDINGS</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Town Hall</b>	63-65 High Street, IV18 0ET. UPRN: 130113876.	Site area of 772.29m <sup>2</sup> . Acquired in 1871 for the Police Commissioners of the Burgh for the "public good of the Burgh of Invergordon". Leased out. Inalienable.
<b>ART AND ARTIFACTS</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Provost's Chain of Office</b>	On display in Invergordon Museum, 140 High Street, IV18 0AE.	Money bequeathed in will of late Miss Margaret Ross with balance made up by a donation from her brother, Provost A W Ross & his wife. Purchased in 1950. Inscribed on back "Presented by Provost & Mrs A W Ross, Hamewith and the late Miss Ross, Glenorchy". Gold curved plaques bearing Provosts names linked with gold medallions with relief image. Large main medallion with enamelled cornucopia and titled Burgh of Invergordon; Peace and Plenty.
<b>Provost's Robes</b>	On display in Invergordon Museum, 140 High Street, IV18 0AE.	Money bequeathed in will of John D Martin dated 05 July 1910. Red fabric with white fur collar & trim around cuffs & down sleeves.
<b>Silver trowel &amp; wooden mallet</b>	On display in Invergordon Museum, 140 High Street, IV18 0AE.	Trowel engraved "20th August 1870". "Presented by the Burgh of Invergordon to Mrs MacLeod of Cadboll on the occasion of her laying the foundation stone of the Town Hall 20 August 1870." It was bequeathed back to Invergordon in the Codicil of Robert Bruce Aeneas MacLeod dated 23.03.1888
<b>Littlejohn of Invercharron Life Saving Trophy/Man Overboard Prize includes display case and travelling case</b>	On display in Invergordon Museum, 140 High Street, IV18 0AE.	Large silver trophy. Winners shields hanging round upper edge. Topped with figure of a man in a rowing boat. Gifted to the Burgh Of Invergordon by Alexander Littlejohn, JP & Deputy Lieutenant of Ross & Cromarty. Details contained in the Deed of Gift dated 16 July 1906 which is stored at the Archive Centre, Inverness.
<b>Photograph of Littlejohn Trophy</b>	On display in Invergordon Museum, 140 High Street, IV18	Held and displayed with the trophy.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

	OAE.	
<b>FORMER BURGH OF INVERGORDON continued</b>		
<b>Portrait - Andrew Munro, Senior Magistrate 1882-1888</b>	In storage at Invergordon Museum, 140 High Street, IV18 OAE.	Given by Mrs Munro in April 1889 as it was her late husband's wish that the portrait that had been presented to him by friends and customers should be given to the town of Invergordon. Unsigned, oil on canvas, 103.5x91.5cm.
<b>Bust - Robert Bruce Aeneas MacLeod (1st Provost of Invergordon)</b>	On display in Invergordon Museum, 140 High Street, IV18 OAE.	Bequeathed by codicil dated 23.03.1888 to the Commissioners of the Burgh of Invergordon on behalf of the inhabitants to be placed in the Town Hall. Engraved "A Davidson", white marble.
<b>Bust - Roderick MacLeod</b>	On display in Invergordon Museum, 140 High Street, IV18 OAE.	Thought to have been donated from Invergordon Castle and deemed to be common good. White marble.
<b>Photograph of SS Invergordon</b>	In storage at Invergordon Museum, 140 High Street, IV18 OAE.	Donated to the town of Invergordon. Three masted ship, black & white photograph.
<b>Plaque commemorating War Saving Campaign 1943</b>	On display in Invergordon Museum, 140 High Street, IV18 OAE.	Shows a winged man fighting a triple headed serpent. RAF motto "Per Adua ad Astra" is on the top edge. Text at the bottom reads "War Savings Campaign 1943 - Presented by the Air Ministry in recognition of successful achievement in Wings for Victory Week". Pilots' wings are underneath the text. Ivory bacolite plaque approximately 20"x12".
<b>Plaque commemorating War Saving Campaign 1944</b>	On display in Invergordon Museum, 140 High Street, IV18 OAE.	Shows a fully kitted soldier. "For freedom" is on the top edge. Text at the bottom reads "War Savings Campaign 1944 - Presented by the War Office in recognition of successful achievement in Salute the Soldier Week". Crossed swords with crown and lion are underneath the text. Ivory bacolite plaque approximately 20"x12".
<b>Town plan</b>	In storage at Invergordon Museum, 140 High Street, IV18 OAE.	1680 plan of Invergordon - "A plan of the lands and estate of Invergordon, Delnie and Roskeen"
<b>Photograph of ferry slip, Invergordon</b>	On display in Invergordon Museum, 140 High Street, IV18 OAE.	Ferry slip was previously part of Common Good land.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGHE OF INVERGORDON continued**

<b>Provost's Chair</b>	On display in Invergordon Museum, 140 High Street, IV18 OAE.	Wooden chair with tall, narrow back & red seat cushion, arm rests & back inset. Back engraved "Loisgim Agus Soilleirghim". Barley sugar turned front legs and seat back sides.
<b>Desk top</b>	On display in Invergordon Museum, 140 High Street, IV18 OAE.	Wood, lectern style, hinged lift up top with leather insert.
<b>Tall lectern</b>	On display in Invergordon Museum, 140 High Street, IV18 OAE.	Dark wood, barley sugar twist legs. Engraved with the Cadboll crest and probably donated from Invergordon Castle.
<b>Table</b>	On display in Invergordon Museum, 140 High Street, IV18 OAE.	Light oak colour wood, barley sugar twist legs & edging to table. Engraved with the Cadboll crest and probably donated from Invergordon Castle.
<b>COMMON GOOD FUND</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Invergordon Common Good Fund</b>	N/A	Fund set up for benefit of former Burgh of Invergordon. Financial information about this fund is contained within the Annual Accounts and Area Committee monitoring reports which are available on the Highland Council website.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGHS OF INVERNESS**

**APPENDIX 1(6)**

<b>LAND AND BUILDINGS</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Anderson Street site</b>	IV3 8BU. UPRN: 130111902. Adjacent to Longman Foreshore West and properties 2-24 Anderson Street and opposite properties 37-55 Anderson Street.	Total site area 3622.16m <sup>2</sup> . Open land containing a play area. Understood to be Common Good land.
<b>Caledonian Thistle Football Ground site</b>	East Longman, IV1 1FF. UPRN: 130114264. Site is located on the east side of the A9 near Kessock Bridge and adjacent to the Moray Firth Shore.	Total site area 58925.56m <sup>2</sup> . Title derives from the Common Good of the Royal Charter of James VI dated 1 January 1591. Leased out. Inalienable.
<b>Carsegate Industrial Estate units</b>	55, 57, 59, 61, 63, 65 & 67 Carsegate Road, IV3 8EX. UPRNs: 130052245/46/47/48/49/50/51. Located on Carsegate Road adjacent to numbers 33, 43, 45 & 53.	Total site areas vary from 214.63m <sup>2</sup> to 1398.01m <sup>2</sup> . Small industrial units built in 1993 on Common Good land. Leased out. Inalienable.
<b>Cavell Gardens &amp; Cenotaph</b>	Cavell Gardens, IV2 4SY. UPRN: 130111901. Located on east bank of River Ness and bordered by Ladies Walk, Haugh Road & Island Bank Road between 2 Island Bank Road and 29 Ness Bank.	Total site area 4236.42m <sup>2</sup> . Amenity park land containing war memorial divided by Cavell Gardens (road). Inalienable. Common Good title is derived from a disposition to the Royal Burgh on 3 April 1911 for the purposes of it being "kept as an open space for behoof of the community of Inverness in all time coming"
<b>Clachnaharry foreshore</b>	IV3 8QY. Bordered by Caledonian Canal, rear of properties on Low Street, Clachnaharry Road & the sea.	Total site area 71522.28m <sup>2</sup> . Common Good by virtue of the Royal Charter of 1 January 1591. Inalienable.
<b>Cromwell's Tower</b>	Longman Industrial Estate, Cromwell Road, IV1 1SX. UPRN: 130114106. On Cromwell Road located on the right past the turn to Lotland Place but before the turn to Lotland Street.	Clock Tower which is the remains of Cromwell's Fort that was built in 1653 on Common Good lands by virtue of the Royal Charter. Inalienable.
<b>Dunbar Hospital</b>	86 Church Street, IV1 1EP. UPRN: 130102616. Situated on the corner of Church Street and School Lane.	Dunbar Hospital was bequeathed to Inverness in 1668 by Provost Alexander Dunbar but only the hall, kitchen, store and toilets remain as Common Good property. Leased out. Inalienable.
<b>Eddie McGillivray Hall site</b>	Riverside Street, IV1 1NX. UPRN: 130109804. Adjacent to Waterloo Bowling Club and opposite John Clark House.	Site area 338.16m <sup>2</sup> . Common Good title for the site is likely to be derived from being a remnant of the River Ness lands as contained in the Royal Charter. Leased out.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGH OF INVERNESS continued**

<b>Inverness Recycling Centre</b>	15C Henderson Drive, IV1 1TR. UPRN: 130108707. Located on the Longman Industrial Estate.	Site area 3763.49m <sup>2</sup> . Parts of Henderson Drive remain Common Good by virtue of being former Citadel lands which were Common Good lands of the former Burgh. Leased out. Maybe inalienable.
<b>Inverness Salt Store site</b>	East Longman, IV1 1FB. UPRN: 130111740. Located on Longman Foreshore East adjacent to Kessock Bridge roundabout and between the travelling peoples site and the landfill site.	Total site area 5502.50m <sup>2</sup> . The Foreshore is Common Good land by virtue of the Royal Charter of James VI. Ownership was further confirmed by the Crown in 1926 when the reclamation scheme was established. Inalienable.
<b>Land at Trinity Church</b>	Huntly Place, IV3 8SN. UPRN: 130111930. Located on the corner of Huntly Place and Dunabban Road.	Total site area 345.82m <sup>2</sup> . Small area of grassed amenity land on the corner of the road just down from the Church opposite the River. Common Good title likely to be derived from being a remnant of the River Ness lands as contained in the Royal Charter. Maybe inalienable.
<b>Longman Foreshore</b> including:- Foreshore East, Foreshore West and River Ness	<b>Foreshore East</b> – UPRN: 130142772. Starts at Cairnlaw Burn and extends to Kessock Bridge. <b>Foreshore West</b> – starts at Kessock Bridge and runs to the pier at South Kessock. <b>River Ness (including Augsberg Gardens near Eden Court Theatre)</b> – starts at the foreshore and runs through Inverness to a point just short of Sornum Near Torvean Quarry.	<b>Foreshore East</b> – site area 3021025.18m <sup>2</sup> . <b>Foreshore West &amp; River Ness</b> – site area 837036.86m <sup>2</sup> . The foreshores are Common Good land by virtue of the Royal Charter of James VI. Ownership was further confirmed by the Crown in 1926. River Ness is Common Good by virtue of the Royal Charter. Inalienable.
<b>LONGMAN INDUSTRIAL ESTATE IS IN THE NORTH OF INVERNESS BOUNDED BY THE MORAY FIRTH AND THE RIVER NESS – title to most of this land derives from the Royal Charter as stated below where relevant and has been confirmed in a Notarial Instruments dated 27 July 1981 (recorded 6 November 1981) and 19 May 1983 (recorded in the Public Records of Scotland on 24 May 1983). Any such lands will be inalienable.</b>		
<b>Longman Industrial Estate site 1 (The Citadel)</b>	IV1 1SX. Situated near Cromwell's Tower between the rear of 12 Lotland Street and the fuel depot on Cromwell Road.	Total site area 3711.97m <sup>2</sup> . Site is part of the Citadel lands of Inverness with Common Good title by virtue of a Charter of Charles, Earl of Moray dated 22 September 1727. Leased out.
<b>Longman Industrial Estate, Harbour Road</b> including:- Sites 32, 35B & 35D.	All situated in an area either side of the access road with Bank of Scotland on the corner and opposite numbers 36 & 38 Harbour Road. <b>32</b> – IV1 1UF. UPRN: 130114123. <b>35B</b> – IV1 1RY. UPRN: 130113998. <b>35D</b> – IV1 1UA. UPRN: 130029534.	<b>32</b> – Site area 2992.19m <sup>2</sup> . <b>35B</b> – Site area 5030.46m <sup>2</sup> <b>35D</b> – Site area 1624.58m <sup>2</sup> . Sites 32 & 35B acquired from British Transport Commission in 1953. 35D title in favour of Council described in Notice of Title recorded in 1982.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

	All leased out. Alienable.
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**FORMER BURGH OF INVERNESS continued**

<p><b>Longman Industrial Estate, Henderson Drive</b> including:- Sites 2, 3, 5, 7, 9, 11, 13, 15, 15A, 17/17A, 17B, 17C, 19, 21, 23, 25-27, 29, 31, 33, 35, 37, 39, 41, 43, 43A, 43B, 45 &amp; 47</p>	<p><b>2</b> – IV1 1TR. UPRN: 130029508. Located on the corner of Henderson Drive &amp; Longman Drive. <b>3</b> – IV1 1TR. UPRN: 130029510. <b>5</b> – IV1 1TR. UPRN: 130114285. <b>7</b> – IV1 1TR. UPRN: 130029511. <b>9</b> – IV1 1TR. UPRN: 130029512. <b>11</b> – IV1 1TR. UPRN: 130029513. <b>13</b> – IV1 1TR. UPRN: 130114284. <b>15</b> – IV1 1TR. UPRN: 130029514. <b>15A</b> – IV1 1TR. UPRN: 130114283. <b>17/17A</b> – IV1 1TR. UPRN: 130029516. <b>17B</b> – IV1 1TR. UPRN: 130029515. <b>17C</b> – IV1 1TR. UPRN: 130114279. <b>19</b> – IV1 1TR. UPRN: 130114286. <b>21</b> – IV1 1TR. UPRN: 130029517. <b>23</b> – IV1 1TR. UPRN: 130029518. <b>25-27</b> – IV1 1TR. UPRN: 130029519. <b>29</b> – IV1 1TR. UPRN: 130114287. Sites 3-29 above are located in a cul-de-sac from 3 on the corner down to the rear of 24A/B Longman Drive and back around to 29 on the opposite corner. <b>31</b> – IV1 1TR. UPRN: 130107711. Located between 29 &amp; 33 and opposite 2 &amp; 2A Henderson Drive. <b>33</b> – IV1 1TR. UPRN: 130029520. <b>35</b> – IV1 1TR. UPRN: 130029521. <b>37</b> – IV1 1TR. UPRN: 130029522. <b>39</b> – IV1 1TR. UPRN: 130029523. <b>41</b> – IV1 1TR. UPRN: 130096766. <b>43/43A/43B</b> – IV1 1TR. UPRN: 130114289. Sites 33 – 43 &amp; 43B are located around the northernmost cul-de-sac of Henderson Drive. Site 43A is located between 43 &amp; 45/47. <b>45&amp;47</b> – IV1 1TR. UPRN: 130107762. 45&amp;47 are adjacent to 43A and 6 Longman Drive and to the rear of 39 and 41.</p>	<p><b>2</b> – Site area 1829.41m<sup>2</sup>. This is part of the “Lot Lands” of Inverness which are Common Good lands. <b>3</b> – Site area 983.39m<sup>2</sup>. <b>5</b> – Site area 1097.29m<sup>2</sup>. <b>7</b> – Site area 1149.48m<sup>2</sup>. <b>9</b> – Site area 1069.40m<sup>2</sup>. <b>11</b> – Site area 1096.07m<sup>2</sup>. <b>13</b> – Site area 727.53m<sup>2</sup>. <b>15</b> – Site area 1073.25m<sup>2</sup>. <b>15A</b> – Site area 916.87m<sup>2</sup>. <b>17/17A</b> – Site area 1450.26m<sup>2</sup>. <b>17B</b> – Site area 2406.45m<sup>2</sup>. <b>17C</b> – Site area 2537.44m<sup>2</sup>. <b>19</b> – Site area 746.32m<sup>2</sup>. <b>21</b> – Site area 1029.54m<sup>2</sup>. <b>23</b> – Site area 1071.70m<sup>2</sup>. <b>25-27</b> – Site area 2183.83m<sup>2</sup>. <b>29</b> – Site area 996.40m<sup>2</sup>. Sites 3-15 &amp; 17/17A-29 derive Common Good title from being former Citadel Lands of the Royal Burgh by virtue of the Royal Charter and as ratified in the Notarial Instrument of 1983. Site 15A is part Common Good as above and part title acquired from Inverness County Council by the Royal Burgh in 1936. <b>31</b> – Site area 22108.54m<sup>2</sup>. Common Good title from being former Citadel Lands as stated above. <b>33</b> – Site area 1035.06m<sup>2</sup>. Common Good title confirmed in Notarial Instrument of 1981. <b>35</b> – Site area 1142.38m<sup>2</sup>. <b>37</b> – Site area 1791.71m<sup>2</sup>. <b>39</b> – Site area 1156.75m<sup>2</sup>. <b>41</b> – Site area 1630.82m<sup>2</sup>. <b>43</b> – Site area 605.46m<sup>2</sup>. <b>43A</b> – Site area 633.49m<sup>2</sup>. <b>43B</b> – Site area 561.30m<sup>2</sup>. <b>45&amp;47</b> – Site area 7518.43m<sup>2</sup>. Sites 35-47 derive Common Good title from being former Citadel Lands of the Royal Burgh by virtue of the Royal Charter and as ratified in the Notarial Instrument of 1983. All sites are leased out.</p>
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List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGH OF INVERNESS continued**

<p><b>Longman Industrial Estate, Longman Drive</b> including:- Sites 1, 1A, 2A, 2B, 2C, 3, 4A&amp;4B, 5, 6, 7, 8, 9, 10, 11-13, 12-14, 17, 19, 20, 21, 22A, 22B, 23, 24, 24A/24B, 25, 26A, 27, 28, 30, 32, 34, 36, 38 and 40.</p>	<p>1 – IV1 1SU. UPRN: 130029464. 1A – IV1 1SU. UPRN: 130029465. 2A – IV1 1SU. 2B – IV1 1SU. UPRN: 130136734. 2C – IV1 1SU. UPRN: 130114291. 3 – IV1 1SU. UPRN: 130029466. 4A&amp;4B – IV1 1SU. UPRN: 130029467. 5 – IV1 1SU. UPRN: 130029468. 6 – IV1 1SU. UPRN: 130114271. 7 – IV1 1SU. UPRN: 130107738. 8 – IV1 1SU. UPRN: 130114266. 9 – IV1 1SU. UPRN: 130029470. 10 – IV1 1SU. UPRN: 130114270. 11-13 – IV1 1SU. UPRN: 130029471. 12-14 – IV1 1SU. UPRN: 130114272. 17 – IV1 1SU. UPRN: 130114129. 19 – IV1 1SU. UPRN: 130029472. 20 – IV1 1SU. 21 – IV1 1SU. UPRN: 130107706. 22A – IV1 1SU. UPRN: 130114273. 22B – IV1 1SU. UPRN: 130029474. 23 – IV1 1SU. UPRN: 130114268. 24 – IV1 1SU. UPRN: 130029475. 24A/24B – IV1 1TR. UPRN: 130114274 25 – IV1 1SU, UPRN: 130114269. 26A – IV1 1SU. 27 – IV1 1SU. 28 – IV1 1SU. UPRN: 130029476. 30 – IV1 1SU. UPRN: 130029477. 32 – IV1 1SU. UPRN: 130029478. 34 – IV1 1SU. UPRN: 130029479. 36 – IV1 1SU. UPRN: 130029480. 38 – IV1 1SU. UPRN: 130029481. 40 - IV1 1SU. UPRN: 130029056. Longman Drive commences off Henderson Drive and curves round towards the foreshore west, turning left at number 8 and continuing parallel to Stadium Road, passed the harbour to the junction with Lotland Street. These sites are located in this area.</p>	<p>1 – Site area 1709.70m<sup>2</sup>. 1A – Site area 1520.37m<sup>2</sup>. 2A – Site area 8307.86m<sup>2</sup>. 2B – Site area 8093.61m<sup>2</sup>. 2C - Site area 2071.05m<sup>2</sup>. 3 – Site area 861.50m<sup>2</sup>. 4A&amp;4B – Site area 10436.32m<sup>2</sup>. 5 – Site area 2152.98m<sup>2</sup>. 6 – Site area 20151.29m<sup>2</sup>. 7 – Site area 2879.28m<sup>2</sup>. 8 – Site area 3046.39m<sup>2</sup>. 9 – Site area 967.91m<sup>2</sup>. 10 – Site area 46143.87m<sup>2</sup>. 11-13 – Site area 1193.09m<sup>2</sup>. 12-14 – Site area 21720.02m<sup>2</sup>. 17 – Site area 3038.55m<sup>2</sup>. 19 – Site area 8791.37m<sup>2</sup>. 20 – Part of site 12-14 above. 21 – Site area 7808.77m<sup>2</sup>. 22A – Site area 5535.13m<sup>2</sup>. 22B – Site area 3171.22m<sup>2</sup>. 23 – Site area 8977.24m<sup>2</sup>. 24 – Site area 7155.75m<sup>2</sup>. 24A/24B – Site area 14402.70m<sup>2</sup>. 25 - Site area 3283.35m<sup>2</sup>. 26A – Site area 3771.27m<sup>2</sup>. 27 – Site area 5274.70m<sup>2</sup>. 28 – Site area 2023.10m<sup>2</sup>. 30 – Site area 2560.93m<sup>2</sup>. 32 – Site area 3252.09m<sup>2</sup>. 34 – Site area 4499.10m<sup>2</sup>. 36 – Site area 1598.59m<sup>2</sup>. 38 – Site area 1244.50m<sup>2</sup>. 40 - Site area 1051.75m<sup>2</sup>. All sites except site 6 derive title from being Common Good by virtue of the Royal Charter and ratified as such by either the Notarial Instrument dated 27 July 1981 or the Notarial Instrument dated 19 May 1983. Site 6 is noted to have been conveyed by a Charter of Confirmation and Novodamus dated 3 October 1838 by the Provost, Magistrates and Town Council of Inverness in favour of themselves as Trustees of the late Captain William MacKintosh of Farr. However this piece of land has</p>
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List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

		continued to be held as Common Good for an extensive period of time. Sites are leased out.
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**FORMER BURGH OF INVERNESS continued**

<b>Longman Industrial Estate, Longman Drive, Pump House</b>	IV1 1FF. UPRN: 130114265. Pump house is located at the rear of site 27 and New Century House adjacent to the A9.	Total site area 450.40m <sup>2</sup> . Common Good title ratified in the Notarial Instrument dated 19 May 1983 and registered 24 May 1983. Leased out.
<b>Longman Industrial Estate, 13 Longman Road</b>	IV1 1SN. UPRN: 130107703. Site is bordered by Longman Road, rear of sites 1-7 Longman Drive, Henderson Drive and brewery.	Total site area 22764.70m <sup>2</sup> . Part of title was acquired by the former Royal Burgh from Inverness County Council in 1936 with the rest of the site made up by part of the Lot Lands which are Common Good by virtue of the Royal Charter. Leased out.
<b>Longman Industrial Estate, Lotland Street</b> including:- Sites 2, 3, 6 (including Bastion & various lock up garages), 8, 14, 16, 18, 35&37, 39 and 41.	<b>2</b> – IV1 1SX. <b>3</b> – IV1 1ST. UPRN: 130107713. <b>6</b> – IV1 1ST. UPRNs: 130114105, 130177472 & 130177473. <b>8</b> – IV1 1PA. UPRN: 130029062. <b>14</b> – IV1 1ST. UPRN: 130114113. <b>16</b> – IV1 1ST. UPRN: 130114110. <b>18</b> – IV1 1ST. UPRN: 130114111. <b>35&amp;37</b> – IV1 1ST. UPRN: 130114109. <b>39</b> – IV1 1ST. <b>41</b> – IV1 1ST. UPRN: 130029063. Lotland Street runs in a semi-circle from the junction with Shore Street near the harbour to the junction with Longman Drive adjacent to the foreshore west. These sites are located along this street.	<b>2</b> – Site area 3480.05m <sup>2</sup> . Site is part of the Citadel lands of Inverness with Common Good title by virtue of a Charter of Charles, Earl of Moray dated 22 September 1727. <b>3</b> – Site area 1007.38m <sup>2</sup> . Title was acquired by the former Royal Burgh from County Council of Inverness in 1934 & forms part of the Seafield Lands. <b>6</b> – Site area 1257.85m <sup>2</sup> . Title is derived from a 1728 deed in Latin for the former Cromwell's Fort and includes the Bastion monument which is the last major remaining part of the fort. <b>8</b> – Site area 1732.76m <sup>2</sup> . Site is part of the Common Good Citadel Lands but formally acquired by the former Royal Burgh from the County Council of Inverness in 1936. <b>14</b> – Site area 6627.85m <sup>2</sup> . Part of the Citadel Lands forming part of the Common Good. <b>16</b> – Site area 1561.67m <sup>2</sup> . Title is ratified as Common Good in Notarial Instrument of 19 May 1983 (registered 24 May 1983). <b>18</b> – Site area 1613.77m <sup>2</sup> . Part of the Citadel Lands forming part of the Common Good. <b>35&amp;37</b> – Site area 3376.66m <sup>2</sup> . Title is ratified as Common Good in Notarial Instrument of 19 May 1983 (registered 24 May 1983).

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

		<b>39</b> – Site area 2042.24m <sup>2</sup> . <b>41</b> - Site area 1773.74m <sup>2</sup> .
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**FORMER BURGH OF INVERNESS continued**

<b>Maggot Green</b>	IV3 5JN. Located adjacent to Huntly Street from a point opposite Celt Street to Friars Bridge.	Area of amenity open space. Common Good title likely to be derived from being a remnant of the River Ness lands as contained in the Royal Charter. Maybe inalienable.
<b>Ness Islands</b>	IV3 5SR. UPRN: 130142771. Ness Islands are located in the River Ness and run between Island Bank Road and Bught Road from Ladies Walk Gardens to the edge of Whin Park.	Total site area 37490.33m <sup>2</sup> . The Islands are an area of parkland held as Common Good as a result of their purchase in the early 1800s to provide a natural environment for the enjoyment of the people of Inverness and are linked shore to shore and between each other by footbridges. Inalienable.
<b>River Ness Fishings</b>	IV3 5SP. Located from a point in the river near Holm Mills to the sea.	Total area 1079400m <sup>2</sup> . The title to the river and fishings is derived from the Royal Charter of James VI in 1591. Inalienable.
<b>South Kessock Foreshore</b>	IV3 8AJ. Extends from South Kessock pier to the pier near the sea lock on the Caledonian Canal & is adjacent to the South Kessock fields open space and Caledonian Canal.	Total site area 357505.85m <sup>2</sup> . Stated to be part of Common Good land in Notarial Instrument dated 19 May 1983 and registered on 23 May 1983. Inalienable.
<b>Steeple and shop</b>	2 Bridge Street, IV1 1HD. UPRN: 130028729. Located on the corner of Bridge Street and Church Street opposite the Town House.	Site area 37.80m <sup>2</sup> . Site of the old jail, courthouse and steeple acquired by Provost, Magistrates & Town Council for “Behoof of the Commonty” on 21 & 24 April 1852. Leased out. Inalienable.
<b>Strip of land parallel to Longman A9</b>	IV1 1SG. Parallel to A9 from a point adjacent to 27 Longman Drive, past Longman Roundabout, to the rear of Seafield Road and ending at a point opposite 57 Harbour Road.	Total site area 50758.34m <sup>2</sup> . Held as Common Good land.
<b>Town House &amp; car park</b>	High Street, IV1 1JJ. UPRN: 130028783. Bordered by Castle Street, High Street and Castle Wynd.	Site area 1100m <sup>2</sup> . Title stems from an acquisition by the Burgh in 1709 recorded in 1852 with the property being held for the “behoof of the Community of Inverness”. Subsequent acquisitions have occurred with all coming under the same title. Leased out. Inalienable.
<b>Travelling Peoples Site</b>	East Longman, IV1 1FB.	Total site area 10515.40m <sup>2</sup> .

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

	UPRN: 130111738. Located just off the Longman roundabout between Inverness Caledonian Thistle Stadium and the Salt Store site.	The site is part of reclaimed land on the Longman Foreshore East which is Common Good land by virtue of the Royal Charter of James VI with ownership was further confirmed by the Crown in 1926. Leased out. Inalienable.
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**FORMER BURGH OF INVERNESS continued**

<b>Victorian Market – hall &amp; arcade</b> including:- <b>Hall</b> - External building, traders & disabled toilets, office, store and shop units 1-23. <b>Arcade</b> – external building, Union Street access and shop units 1-18.	<b>Hall</b> - IV1 1PJ. UPRN: 130095191. <b>Arcade</b> – IV1 1PG. UPRN: 130102481. The Market Hall and Arcade join just after the Union Street access and are bordered by properties on Academy Street, Union Street, Church Street and Queensgate.	<b>Hall</b> - Total site area 323.67m <sup>2</sup> . <b>Arcade</b> – Total site area 455.41m <sup>2</sup> Market Hall was built on Common Good land by the Council originally in 1870 then rebuilt following a fire in 1890/91. Queensgate Arcade is not owned by the Council. Units leased out. Maybe inalienable.
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ART AND ARTIFACTS		
Name of asset	Location	Description
<b>Civic regalia</b> including:- Provost chain (gold), Depute Provost chain (gold) and Lady Provost Chain (silver)	Town House, High Street, IV1 1JJ.	<b>Provost (1893)</b> – gold chain with letters between the plaques spelling Inverness and a pendant bearing Coat of Arms. <b>Depute Provost (1893)</b> – gold chain with pendant. <b>Lady Provost (1955)</b> – silver gilt bearing Coat of Arms presented in 1955. Considered to be Common Good items.
<b>Provost Robes.</b>	Town House, High Street, IV1 1JJ.	Black robes trimmed with white fur. Considered to be Common Good.
<b>Magistrates Robes x 6</b>	Town House, High Street, IV1 1JJ.	Purchased by Inverness Magistrates in 1929 and considered to be Common Good.
<b>Bust – Sir Alexander MacEwan, Provost 1925-1931</b>	Town House, High Street, IV1 1JJ.	Presented in 1933 to Alexander MacEwan to be displayed on a pedestal in Town House, in recognition of his work for Inverness. Bronze by Gladys Barron.
<b>Bust – Alexander Penrose Hay, Postmaster 1853-1887, Town Chamberlain 1862-1892</b>	Town House, High Street, IV1 1JJ.	Presented by Post Officers in Inverness & District in 1887. Marble by Andrew Davidson.
<b>Bust – Colin Lyon-Mackenzie, Provost 1855-1867 &amp; 1873-1875</b>	Town House, High Street, IV1 1JJ.	Marble by Andrew Davidson. c.1875
<b>Bust - Dr John Nicol (Roman look), Provost 1840-1843</b>	Town House, High Street, IV1 1JJ.	Memorial bust by subscription 1849. Marble by Andrew Davidson.
<b>Bust - John Rhynd</b>	Town House, High Street, IV1 1JJ.	Marble by John Massey Rhind. c.1880s
<b>Bust – Joseph Mitchell</b>	Town House, High Street, IV1 1JJ.	Presented by his son, the Very Reverend Dr Mitford Mitchell in 1883. Marble by Alexander Munro.
<b>Bust – Sir Murdoch MacDonald</b>	Town House, High Street, IV1 1JJ.	Bronze by Gladys Barron. 1933.
<b>Bust – Reverend Donald MacDonald</b>	Town House, High Street, IV1 1JJ.	Presented to town of Inverness in 1887 by townsmen & parishioners in

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

		appreciation of service as minister of Inverness & Bona Parish
<b>Bust – Robert Carruthers</b>	Town House, High Street, IV1 1JJ.	Presented to town of Inverness in 1871. Recognises his 43 years as editor of Inverness Courier. Marble by Alexander Munro.
<b>Bust – William Mackintosh, Provost 1880</b>	Town House, High Street, IV1 1JJ.	Marble by Andrew Davidson. c.1880
<b>FORMER BURGH OF INVERNESS continued</b>		
<b>Bust – Major General William Macbean VC</b>	Town House, High Street, IV1 1JJ.	Presented to the town in 1897 by the family of his brother, the late Dean of Guild James Macbean. Marble by Walter Wallace.
<b>Bust – Reverend Gavin Lang</b>	Town House, High Street, IV1 1JJ.	Marble by William Donaldson. c.1915
<b>Bust – unknown man</b>	Town House, High Street, IV1 1JJ.	In bronze – no other info.
<b>Portrait – Archibald Thomas Frederick Fraser of Abertarff</b>	Town House, High Street, IV1 1JJ.	John Thomson, oil on canvas, 137.2x91.5cm. c.1820s
<b>Portrait – Flora MacDonald</b>	Town House, High Street, IV1 1JJ.	Copy after Allan Ramsay, oil on canvas, 97.5x85cm. c. 19th cent.
<b>Portrait – Sir Alexander Matheson</b>	Town House, High Street, IV1 1JJ.	Presented to the town in 1926. Walter William Oules, oil on canvas, 161.5x136cm.
<b>Portrait – Prince Charles Edward Stuart</b>	Town House, High Street, IV1 1JJ.	Presented to the town by ex-Baillie, F S MacAllister in 1907. Colin John Mackintosh, oil on canvas, 101x88.5cm
<b>Portrait – William Simpson, Provost 1847-1852</b>	Town House, High Street, IV1 1JJ.	Matthew White Ridley, oil on canvas, 86.5x76cm. c. 19th cent.
<b>Portrait – Phineas Mackintosh of Drummond, Provost 1770-1773, 1776-1779, 1782-1785 &amp; 1788-1791</b>	Town House, High Street, IV1 1JJ.	George Harrison Park, oil on canvas, 93x80.5cm. 1886.
<b>Portrait – Provost Cuthbert</b>	Town House, High Street, IV1 1JJ.	Richard Waitt, oil on canvas on board, 95x80cm. c. 1730
<b>Portrait – Sir John Barnard, Lord Mayor of London</b>	Town House, High Street, IV1 1JJ.	Allan Ramsay, oil on canvas, 150.5x124cm. 1739.
<b>Portrait – Alexander Fraser, Provost 1880-1883</b>	Town House, High Street, IV1 1JJ.	Artist unknown. c.1880s
<b>Portrait – Alexander Ross, Provost 1889-1895</b>	Town House, High Street, IV1 1JJ.	George Reid, oil on canvas, 86.4x68.6cm. 1896
<b>Portrait – Arthur Dougal Ross, Provost 1901-1907</b>	Town House, High Street, IV1 1JJ.	George Harcourt, oil on canvas, 171.8x146cm. 1909.
<b>Portrait – Baillie William Inglis, Provost 1797-1800</b>	Town House, High Street, IV1 1JJ.	Grigor Urquhart, oil on canvas, 228.5x155cm. c. 19th cent.
<b>Portrait – David Petrie, Provost 1922-1925</b>	Town House, High Street, IV1 1JJ.	Presented to the town in 1927. David Alison, oil on canvas, 113x93cm.
<b>Portrait – Dr John Inglis Nicol, Provost 1840-1843</b>	Town House, High Street, IV1 1JJ.	Presented to the town in 1849. Robert Innes, oil on canvas, 167.5x142cm.
<b>Portrait – Dr John Mackenzie, Provost 1867-1873</b>	Town House, High Street, IV1 1JJ.	Presented to the town by his son, Colonel Hector Mackenzie. George Reid, oil on canvas,

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

		116.8x91.4cm. c. 19th cent.
<b>Portrait – Duncan Forbes of Culloden, Provost 1625-1627</b>	Town House, High Street, IV1 1JJ.	Copy by Alex MacInnes of original. Oil on canvas, 101.5x89cm. 1843.
<b>Portrait – Sir Henry MacAndrew, Provost 1883-1889</b>	Town House, High Street, IV1 1JJ.	Presented to the town in 1892. George Reid, oil on canvas, 156x113cm.
<b>Portrait – James Gossip, Provost 1907-1910</b>	Town House, High Street, IV1 1JJ.	Malcolm Gavin, oil on canvas, 142x116.5cm. c. early 1900s.

**FORMER BURGH OF INVERNESS continued**

<b>Portrait – John Birnie, Provost 1910-1916</b>	Town House, High Street, IV1 1JJ.	George Fiddes Watt, oil on canvas, 102.5x88cm. 1916.
<b>Portrait – Lord President Duncan Forbes of Culloden</b>	Town House, High Street, IV1 1JJ.	Grigor Urquhart copy after Allan Ramsay, oil on canvas, 241.5x155cm. c. 18th cent.
<b>Portrait – John Ross, Provost 1831-1833</b>	Town House, High Street, IV1 1JJ.	Artist unknown. Date unknown. Oil on canvas, 99x86cm.
<b>Portrait – Sir Donald MacDonald, Provost 1916-1922</b>	Town House, High Street, IV1 1JJ.	Presented to the town in 1924. David Alison, oil on canvas, 130.7x105.3cm.
<b>Portrait – William Macbean, Provost 1895-1901</b>	Town House, High Street, IV1 1JJ.	George Reid, oil on canvas, 140x100cm. c. 20th cent.
<b>Portrait – Joseph Mitchell of Viewhill (3 faces)</b>	Town House, High Street, IV1 1JJ.	Presented to the town by his son, the Very Reverend Mitford Mitchell. George Reid, oil on canvas, 64.5x93.5cm. c.1880
<b>Portrait – John Mackintosh of Aberarder Point, Provost 1794-1797 &amp; 1800-1803</b>	Town House, High Street, IV1 1JJ.	Presented to the town by a relative in 1897. Henry Raeburn, oil on canvas, 99.5x87cm.
<b>Portrait – Prince Albert</b>	Town House, High Street, IV1 1JJ.	Purchased from the artist in 1862. Robert Munro copy after John Phillip, oil on canvas, 307.5x217cm.
<b>Portrait – Sir Hector Munro of Novar</b>	Town House, High Street, IV1 1JJ.	David Martin, oil on canvas, 267.5x176.5cm. c. 19th cent.
<b>Portrait – Major James Fraser of Castle Leathers</b>	Town House, High Street, IV1 1JJ.	Possibly John Vanderbank, oil on canvas, 236x150cm. c.1715
<b>Portrait – Dr James Robertson of Aultnaskiach, Provost 1816-1818, 1824-1827 &amp; 1829-1831</b>	Town House, High Street, IV1 1JJ.	Presented following public subscription in 1835 in regard for his “private worth & public usefulness while Chief Magistrate of Inverness”. John Syme, oil on canvas, 304x216cm.
<b>Portrait – Somerled MacDonald</b>	Town House, High Street, IV1 1JJ.	Presented to the town by his wife in 1948. Self-portrait, oil on canvas, 136.5x107cm.
<b>Portrait – Donald MacDonald, Provost 1931-1933</b>	Town House, High Street, IV1 1JJ.	Artist unknown, oil on canvas, 118.5x93.5cm. c.1935
<b>Portrait – Queen Anne &amp; her Ladies</b>	Town House, High Street, IV1 1JJ.	Presented to the town in 1893 by Sir William Augustus Fraser of Leadclune & Morar.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

		Artist unknown, oil on canvas, 292x173.5cm.
<b>Portrait – Thomas Telford</b>	Town House, High Street, IV1 1JJ.	Attributed to Samuel Lane, oil on canvas, 156.5x131cm. c. 19th cent.
<b>Painting – The Holy Family</b>	Town House, High Street, IV1 1JJ.	Bequeathed to Inverness Academy by James Clark in 1800. Artist unknown (previously thought to be Sassoferrato), oil on canvas, 163.5x129cm.
<b>Painting – Inverness Harbour</b>	Town House, High Street, IV1 1JJ.	Charles de Lacy, oil on canvas, 91.5x148cm. 1901.

**FORMER BURGH OF INVERNESS continued**

<b>Print – town of Inverness</b>	Town House, High Street, IV1 1JJ.	J Clark. c. 1823
<b>Black marble clock</b>	Town House, High Street, IV1 1JJ.	c. 1870's
<b>Walnut drinks cabinet</b>	Town House, High Street, IV1 1JJ.	c. 1750's
<b>Broadswords x 2</b>	Town House, High Street, IV1 1JJ.	Andrea Ferrara. c.17th/18th cent.
<b>Royal Inverness-shire Invalid Society ware</b>	Town House, High Street, IV1 1JJ.	Silver and horn.
<b>Army cigarette case</b>	Town House, High Street, IV1 1JJ.	Silver. c.1940s
<b>Inkwell and tray</b>	Town House, High Street, IV1 1JJ.	Presented by Provost MacEwan. Silver. c.1930s
<b>Silver Quaich</b>	Town House, High Street, IV1 1JJ.	c.1930s
<b>Stained glass window</b>	Town House, High Street, IV1 1JJ.	Hand painted glass, made in Holland in 1700s. Came from the Town House demolished for the construction of present Town House. Bears Coat of Arms of Scotland, Britain and Burgh of Inverness.
<b>Wooden panels x 2</b>	Town House, High Street, IV1 1JJ.	c. Charles II. One with Coat of Arms of Burgh of Inverness and the other with Coat of Arms of UK at the time.
<b>Wooden Beam</b>	Town House, High Street, IV1 1JJ.	From Cromwell's Fort.
<b>Chandeliers x 4</b>	Town House, High Street, IV1 1JJ.	Regency, one of which is Waterford.
<b>Portrait – Charles Grant MP 1802-1818</b>	Inverness Library, Farraline Park, IV1 1NH.	Henry Raeburn, oil on canvas, 300x180cm. 1819.
<b>Clock</b>	Old High Church tower, Church Street, IV1 1EY.	Clock is the property of Inverness and shall be "regarded and used as a public clock".

**COMMON GOOD FUND**

<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Investment Portfolio of stocks &amp; shares</b>	N/A	Portfolio managed by Investment Management company on behalf of Inverness Common Good Fund.
<b>Inverness Common Good Fund</b>	N/A	Fund set up for benefit of former Burgh of Inverness. Financial information about this fund is contained within the Annual Accounts and Area Committee monitoring reports which are available on the Highland Council website.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

<b>PROPERTY/LAND ACQUIRED SINCE THE ABOLITION OF THE BURGHS IN 1975 BY INVERNESS COMMON GOOD FUND AND HELD AS COMMON GOOD INVESTMENT PROPERTY</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>1A Burnett Road site</b>	IV1 1TF. Bordered by Burnett Road, Longman Road, railway and open ground.	Total site area 1345.87m <sup>2</sup> . Title acquired for Common Good in 1984 from British Railways Board. Leased out. Alienable.
<b>1B Burnett Road site</b>	IV1 1TF. Located behind Bakery site.	Total site area 3480m <sup>2</sup> . Vacant land. Title acquired for Common Good in 1984 from British Railways Board. Alienable.
<b>INVERNESS continued</b>		
<b>Church Street offices &amp; shop</b>	1 – 5 Church Street, IV1 1HW. UPRN: 130109938. 1-3 are offices, 5 is shop premises. Situated just inside Church Street off Bridge Street and behind the Steeple.	Site area 1243.91m <sup>2</sup> but leased by separate floors. Purchased as an investment by Inverness Common Good Fund in 1991. Leased out. Alienable.
<b>Faith, Hope and Charity statues</b>	Ness Bank Church Gardens, Ness Bank, IV2 4SA. UPRN: 130145835. The site belongs to Ness Bank Church and is bordered by Ness Bank and Castle Road and is adjacent to the church.	The statues were purchased in 2007 with Common Good Fund money as they were considered to be part of the city heritage. The land on which they are sited is leased in perpetuity from the church. Andrew Davidson, sandstone, each 9 feet high.
<b>Grant Street Park site</b>	Wyvis Place, IV3 8DR. UPRN: 130111927. Football pitch site and car park located just off Lower Kessock Street near railway bridge and bordered by properties on Benula Road, Pumpgate Court and Kilmuir Road.	Total site area 12541.76m <sup>2</sup> . The site was purchased by the Common Good Fund as a commercial investment in the late 1990s. Leased out. Alienable.
<b>Grant Street shops and office</b>	2 and 4 (shops), 6 (office) Grant Street, IV3 8BL. UPRNs: no 2 – 130051456, no 4 – 130084380, no 6 – 130051457. Located on the corner of Grant Street and Anderson Street adjacent to the foreshore near Waterloo Bridge.	2 - internal area – 46.64m <sup>2</sup> . 4 – internal area – 29.62m <sup>2</sup> . 6 – internal area – 36.23m <sup>2</sup> . Purchased by Council in 1978. Leased out. Alienable.
<b>Longman Industrial Estate, Harbour Road including:- Sites 35A, 35C &amp; 35E.</b>	All situated in an area either side of the access road with Bank of Scotland on the corner and opposite numbers 36 & 38 Harbour Road. <b>35A</b> – IV1 1UA. UPRN: 130109930. <b>35C</b> – IV1 1RY. <b>35E</b> – IV1 1RY.	<b>35A</b> – Site area 4228.59m <sup>2</sup> . <b>35C</b> – Site area 1558.17m <sup>2</sup> . <b>35E</b> – Site area 3113.81m <sup>2</sup> . Sites 35A, 35C & 35E acquired from British Gas Corporation in 1980. Alienable.



List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

<p><b>Longman Industrial Estate, 36 Seafield Road</b> including:- Units 1, 2, 3&amp;4, 5&amp;6, 7, 8, 9, 10 and parking area (substation compound)</p>	<p>All are IV1 1SG.  <b>1</b> – UPRN: 130096479.  <b>2</b> – UPRN: 130096480.  <b>3&amp;4</b> – UPRN: 130099894.  <b>5&amp;6</b> – UPRN: 130099893.  <b>7</b> – UPRN: 130096481.  <b>8</b> – UPRN: 130099892.  <b>9</b> – UPRN: 130099895.  <b>10</b> – UPRN: 130096482.  <b>Parking</b> – UPRN: 130143828.  Complete site comprising the units and parking is bordered by Longman Road, 36 and 36 Seafield Road and the access cul-de-sac.</p>	<p><b>2</b> – Site area 134.10m<sup>2</sup>.  <b>3&amp;4</b> – Site area 279.92m<sup>2</sup>.  <b>5&amp;6</b> – Site area 277.03m<sup>2</sup>.  <b>7</b> – Site area 137.37m<sup>2</sup>.  <b>8</b> – Site area 145.08m<sup>2</sup>.  <b>9</b> – Site area 135.89m<sup>2</sup>.  <b>10</b> – Site area 199.97m<sup>2</sup>.  <b>Parking</b> - Site area 2285.74m<sup>2</sup>.  Purchased from Highlands &amp; Islands Enterprise in 1993. Leased out. Alienable.</p>
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**ART AND ARTIFACTS ACQUIRED USING COMMON GOOD FUNDS SINCE THE ABOLITION OF THE BURGHS IN 1975**

Name of asset	Location	Description
<p><b>Concert piano</b></p>	<p>Town House, High Street, IV1 1JJ.</p>	<p>Bosendorfer grand piano.  Purchase funded by grants from Inverness Common Good Fund &amp; Community Programme of Highland 2007.</p>



List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGHS OF NAIRN**

**APPENDIX 1(7)**

<b>LAND AND BUILDINGS</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Boatyard (Sailing Club)</b>	Harbour, IV12 4PH. UPRN: 130110113. Located between the marina and the foreshore near the Harbourmaster office.	Total area of 940.55m <sup>2</sup> . The boatyard is on land understood to form part of the common good lands granted by the Charter of King James VI of 1589. Leased out. Inalienable.
<b>Sailing Club Clubhouse site</b>	142 Harbour Street, IV12 4PH. UPRN: 130110112. Opposite the marina.	Total site area of 254.21m <sup>2</sup> . The clubhouse site is on land understood to form part of the common good lands granted in the original Charter of Alexander I in 12 <sup>th</sup> century and the present Charter of King James VI of 1589. Leased out. Inalienable.
<b>Church Road Yard</b>	Church Road, IV12 4AW. UPRN: 130117221. Located between the shooting range and River Nairn.	Common good site area 327.80m <sup>2</sup> . Part of the yard site is privately owned with the remaining part understood to be common good by virtue of the Royal Charter of 1589. Leased out. Inalienable.
<b>Nairn Dunbar Golf Course</b>	Lochloy Road, IV12 5AE. UPRN: 130110108. Bordered by Lochloy Road, 2 Merryton Farm Cottages, rear of properties at 2, 4, & 6 Merryton Gardens, Maggot Road, Lochloy Caravan Park, foreshore and farm land.	Total site area of 524902.99m <sup>2</sup> . The land is common good land by virtue of the Charter of King James VI. It is to be used for the game of golf. In the event that golf ceases to be played on the land, it is to be used for "such other game or games or leisure and recreation purposes for behoof of the whole body and community of Nairn District". Leased out. Inalienable.
<b>Firth Street site</b>	2 Firth Street, Fishertown, IV12 4NG. UPRN: 130142777. Located opposite 64 Firth Street and backing onto the land known as The Parkie.	Total site area of 496.34m <sup>2</sup> . There is no formal title but it is understood to have originally formed part of the common good land by virtue of the Charter of King James VI. Leased out. Raises a question about inalienability.
<b>Grant Street workshop &amp; yard</b>	3 Grant Street, Fishertown, IV12 4NN. Located on corner opposite 2 Grant Street and adjoining 4 and 4a.	Believed to be unsold residue of common good land granted by Charter of King James VI. Workshop and yard site only. Inalienable.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURG OF NAIRN continued**

<b>Laing Hall (formerly the Mission Hall)</b>	King Street, IV12 4NY. UPRN: 130112727. Located on corner of King Street and Wilson Street adjoining 19 King Street and opposite 45 King Street.	Total site area of 211.49m <sup>2</sup> . Purchased by common good fund in 1974. Title condition - to be used only as museum or reading room except with consent of Nairn Free Church and is not to open to the public on Sundays. Leased out. Alienable.
<b>Lochloy Caravan Park</b>	IV12 5DE. UPRN: 130088824. Situated between the harbour, Nairn Dunbar Golf Course and the beach.	Total site area of 197716.39m <sup>2</sup> . The land is common good land by virtue of the Charter of King James VI. Leased out. Inalienable.
<b>Marine Road property</b>	Marine Road, IV12 4EA. UPRN: 130112996. Situated on West Links opposite 11 Marine Road.	Total site area of 394.61m <sup>2</sup> . Site is located on land that it common good land by virtue of the Charter of King James VI. The building had previously been held on the Highland Council account but has now been transferred to the common good account. Leased out. Possible question of inalienability.
<b>Mill Road allotments site</b>	Mill Road, IV12 5EL. UPRN: 130111931. Situated on Mill Road and running alongside the graveyard to Riverside Park.	Total site area of 3918.64m <sup>2</sup> . The land is common good land by virtue of the Charter of King James VI. Leased out. Inalienable.
<b>Nairn Links comprising The Links, West Links and land west of harbour/The Parkie including:- car park, paddling pool, play areas (east &amp; west), tea room &amp; store, putting green, leisure park offices, cricket pavilion, shelter &amp; store, restaurant site, Wallace Bandstand</b>	IV12 4EA & IV12 4PW. UPRN: 130111906. Area extends from the harbour along the coast & is bounded by the rear of properties on Shore Street, Park Street, Cumming Street & Firth Street & the roads Links Place & Marine Road.	Total area is 144509.53m <sup>2</sup> divided as follows:- The Links 77921.40m <sup>2</sup> West Links 39460.57m <sup>2</sup> Land west of harbour/The Parkie 27127.56m <sup>2</sup> . The land is common good land by virtue of the Charter of King James VI. The Wallace Bandstand was gifted by John Wallace and opened in 1884. The restaurant, tea room, kiosk, cricket pavilion & pitch are all leased out. Inalienable.
<b>River Nairn fishing rights</b>	IV12 5RY. 2 areas of fishings:- 1) Howford Bridge to a point 460 feet north of Victoria Seaman's Hall. 2) Howford Bridge to estuary.	Total area of 113426.85m <sup>2</sup> . 1) Title to this area was acquired by Nairn common good in 1923. 2) The committee that owned this area no longer exists & Council agreed to take over responsibility but no title was transferred.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURG OF NAIRN continued**

<b>Riverside Park</b> including:- King George V pitch, changing rooms and skateboard park	Mill Road, IV12 5EL. UPRN: 130112732. Extends from a point at the rear of the properties on Church Road, under the viaduct and along the length of Mill Road including to the rear of the properties at Whinnieknowe.	Total area of 68068.91m <sup>2</sup> . Recreational land understood to be common good land by virtue of the Charter of King James VI. Changing rooms and pitch leased out. Inalienable.
<b>The Maggot</b>	Maggot Road, IV12 5DE. UPRN: 130111922. Extends from a point near Merryton Bridge bordered by Maggot Road and River Nairn.	Total site area of 43315.98m <sup>2</sup> . Public park land which includes athletics track and car park and is understood to be common good land by virtue of the Charter of King James VI. Athletics track leased out. Inalienable.
<b>Sandown lands</b> including Nairn allotment gardens	Inverness Road, IV12 5NT. UPRN: 130111934. The lands run either side of the A96. On the left side (heading towards Nairn) the lands are bordered by road to Ruthven, A96, Sandown Farm Lane & properties to the rear of Tradespark Road. On the right side the lands are bordered by A96, Sandown Road, Rear of properties on Wyvis Road & Moss-side Road.	Total area of 361714.22m <sup>2</sup> . Farming lands and allotment site are common good as described in the Charter of King James VI. Allotments are leased out. May still be a question of inalienability.
<b>Ruthven Cottage garden ground</b>	Ruthven Cottage, Delnies, IV12 5NT. Located at rear of the part of Ruthven Cottage garden included in that properties title and between the track and Sandown Lands.	Total area of 1416.4m <sup>2</sup> . Ground to be used as garden ground only. Common good land by virtue of the Charter of King James VI. Inalienable. Leased out.
<b>ART AND ARTIFACTS</b>		
Name of asset	Location	Description
<b>Provost Chains of Office</b>	The Court House, High Street, Nairn, IV12 4AU.	Heavy gold comprising 15 shields bearing Scottish crest (14 engraved with former Provost names) linked by 14 small gold shields. Centre large crest for suspending large shield stating "Royal Burgh of Nairn 1897" with thistle design.
<b>COMMON GOOD FUND</b>		
Name of asset	Location	Description
<b>Investment Portfolio of stocks &amp; shares</b>	N/A	Portfolio managed by Investment Management company on behalf of Nairn Common Good Fund.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

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<b>Nairn Common Good Fund</b>	N/A	Fund set up for benefit of former Burgh of Nairn. Financial information about this fund is contained within the Annual Accounts and Area Committee monitoring reports which are available on the Highland Council website.
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List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**FORMER BURGH OF TAIN**

**APPENDIX 1(8)**

<b>LAND AND BUILDINGS</b>		
<b>Name of asset</b>	<b>Location</b>	<b>Description</b>
<b>Burgage Farm - land</b>	Hartfield Road, IV19 1DU. 2 areas of land:- 1) North site – surrounded by properties on Hartfield Road, Fountain Road, Argyle Court & Seaforth Court. 2) South site/Burgage strip – off Hartfield Gardens between farm land and Seaforth Road.	Amenity land. 1) total area 7344.22m <sup>2</sup> 2) total area 10238.20m <sup>2</sup> Purchased as part of a larger area in 1974 with Common Good funds. Alienable.
<b>Dornoch Firth mussel fishings</b>	UPRN: 130142773. Extending along the coast from Edderton Sands to Whiteness Sands and out into the sea.	Total site area 69750617.06m <sup>2</sup> . Common Good by virtue of the Royal Charters of 1612 and 1671 and by subsequent purchase for Common Good in 1996. Charter part – inalienable.
<b>Dornoch Firth salmon fishings</b>	UPRN: 130111925. Inset into the mussel fishings in line with the coastal area adjacent to the town.	Total site area 10098665.51m <sup>2</sup> . Contained within the Common Good area covered by the mussel fishings above. As above.
<b>Land between Tain Links &amp; station</b>	Chapel Road, IV19 1JE. Strip of land running between the railway & Tain Links from Shore Road at one end to Old St Duthus Burial Ground at the other.	Total site area 6786.84m <sup>2</sup> . This is understood to be Common Good land. Possibly inalienable.
<b>Tain Links</b> including:- Alexandra footbridge, pitch, land beside play area, boating pond, picnic area, pavilion & toilet building.	IV19 1EH. UPRN: 130111920. Bordered by St Duthus football site, railway, coast, Chapel Road & Old St Duthus Burial Ground.	Total site area 100492.60m <sup>2</sup> . North east part of The Links was sold to the Burgh in 1901 with the right to erect the bridge and hold the land for public good. Title to the remainder is from the Royal Charters of 1612 & 1671. The Links have been treated as Common Good for time immemorial. Inalienable.
<b>Market Street stalls:-</b> Unit 1 (store attached to unit 2), unit 2 and combined units 4 & 5.	Market Street, IV19 1AR. UPRN: 130006759. Located off Market Street which runs between Queen Street and High Street	Unit 1 site area – 9.10m <sup>2</sup> . Unit 2 site area – 19.73m <sup>2</sup> . Units 4&5 site area – 52.62m <sup>2</sup> . Land was bought in 1810 for the Common Good & the market stalls subsequently erected. Leased out. Alienable.
<b>Woody Braes</b>	Ankerville Street, IV19 1LY. UPRN: 130142785. Located on Ankerville Street between the rear of properties 11 & 14-19 Knockbreck Avenue and farm land.	Total site area 5009.38m <sup>2</sup> . Land was acquired in 1901 for use as a footpath only and “for behoof of the whole community of Tain”. It has been treated as Common Good since that date. Inalienable.

List of property proposed to be included in the Highland Common Good Fund Asset Register  
(by former Burgh)

**ART AND ARTIFACTS**

All items believed to have been passed into the ownership of Tain Museum prior to the abolition of the Royal Burghs in 1975.

**COMMON GOOD FUND**

Name of asset	Location	Description
Tain Common Good Fund	N/A	Fund set up for benefit of former Burgh of Tain. Financial information about this fund is contained within the Annual Accounts and Area Committee monitoring reports which are available on the Highland Council website.

**PROPERTY/LAND ACQUIRED SINCE THE ABOLITION OF THE BURGHs IN 1975 BY TAIN COMMON GOOD FUND AND HELD AS COMMON GOOD INVESTMENT PROPERTY**

Name of asset	Location	Description
<b>Blarliath industrial site, 9B(part)</b>	Blarliath Industrial Estate, IV19 1EB. Located adjacent to the rest of site 9B, opposite site 1A and near the Highland Fine Cheese Factory.	Site area of 225.29m <sup>2</sup> . Land is understood to be part of a site purchased with Common Good funds in the 1980s. Alienable.
<b>Blarliath grazings – 13 acre site</b>	IV19 1PZ. UPRN: 130142783. Located between the railway and mean high water springs and adjacent to the sewage works.	Total site area of 58720.92m <sup>2</sup> . Land is understood to be part of a site purchased with common good funds in the 1980s. Leased out. Alienable.
<b>Blarliath grazings – 4 acre site</b>	IV19 1PZ. UPRN: 130142782. Located between the railway and farm land to the rear of the superstore and adjacent to the industrial estate.	Total site area of 47848.68m <sup>2</sup> . Land is understood to be part of a site purchased with common good funds in the 1980s. Leased out. Alienable.
<b>Chapel Street land</b>	Chapel Street, IV19 1JE. UPRN: 130111904. 2 areas of land:- 1) Plot A – located off Chapel Street and bordered by Castlebrae car park, Plot B and properties known as The Cedars & Croft-Roy. 2) Plot B – bordered by Kirksheaf Road, Plot A, farm land and St Duthus Bowling Club.	Undeveloped land. 1) total area 3086.7m <sup>2</sup> 2) total area 5945.7m <sup>2</sup> Purchased in 1982 with Common Good funds. Alienable.
<b>St Duthus football club site</b>	IV19 1EH. UPRN: 130142784. Bordered by railway, sewage works, The Links & the coast.	Total site area 23567.45m <sup>2</sup> . Originally part of the land at Blarliath – see 13 acre grazings. Able to be alienated.

**COMMON GOOD PROPERTY ASSET REGISTER – PROCESS**  
**REVIEWING COMMON GOOD PROPERTY ASSET REGISTER - PROCESS**

**A. INTRODUCTION**

The Community Empowerment (Scotland) Act 2015 Part 8 came into force on 27 June 2018. It 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 duties on local authorities to establish and maintain a common good register (section 102) and to undertake a consultation process before taking any decision to dispose of or change the use of a common good asset (section 104).

This document details the process the Highland Council must follow to establish the register and to review the register. The process for disposing of or changing use of a common good asset is contained in a separate document.

**B. ESTABLISHING THE COMMON GOOD REGISTER**

**1. First step**

Before establishing the register, the Council must publish a list of all the property it is proposing to include. This list must include not just land and buildings but also the moveable items like official regalia (chains and robes), furniture and art works as well as a reference to the income funds.

The list must include enough information about each item to allow it to be identified. The type of information might be – name, postcode, property reference number, description, whether it is leased out (information disclosed in this regard will be subject to commercial confidentiality).

The Council must undertake consultation on the contents of the list to allow the community the chance to make a case for property to be included in or excluded from the register.

**2. Consultation**

**2.1. Publishing and advertising the list**

- The list will be published on the Council's website. It will also be available to view in person at local council offices, council hubs and libraries. Availability in these places may be by paper copies or staff assistance to view online. Copies of the list will also be made available in other languages or formats if requested.
- The Council will advertise the fact the list is available to view on its website and social media pages as well as in Council publications.
- The Council must make contact with community councils and any community bodies and tell them of the availability of the list so they can consider it and make any representations. The Council will use such means as are available to identify community bodies and seek to ensure that all relevant bodies are notified.

- It is not only community councils and community bodies that can make representations and the Council will accept representations from any person/body wishing to make them.
- The list will be publicly available for viewing for a minimum of 12 weeks to allow for consideration and representations to be made.

## **2.2. Making representations**

- All representations must be made in writing either by letter or email stating clearly the land, building or item referred to and giving reasons why it should or should not be included in the register. The contact for submission of representations will be clearly stated in the proposal document
- When the consultation is opened a closing date for the receipt of representations will be stated.
- All representations received will be published on the Council's website in the same place as the list. The person/body making the representation will be identified by name but any signature and/or other personal information will be blacked out.

## **2.3. Responding to representations**

- The Council will investigate the contents of any representations received. Common good property is unique and historical and some investigations may need to be more extensive involving other agencies and will take longer than others to resolve as a result. However the Council will aim to respond within a 12 week period.
- The Council will publish its final response alongside the original representation. The Council is only required to consider a similar representation in respect of the same asset if there is significant new information or a court decision.

## **3. Publishing the common good register**

- The Council has from the end of the initial 12 week period to 6 months after the end of the consultation to publish the common good register.
- The register will be published even if there are still ongoing investigations in respect of some assets. This will be noted on the register and an appendix produced giving information on progress and the expected date of completion of enquiries. In the event of a number of ongoing enquiries, the appendix will give an indication of the order that the enquiries will receive attention.

## **4. Accessing the common good register**

- The register will be publicly available to inspect free of charge.
- The register will be accessible on the Councils website. It will also be available in local Council offices, hubs and libraries. Availability in these places may be by paper copies or staff assistance to view online. Copies of the register will also be made available in other languages or formats if requested.



#### **5. Updating the register**

- The Council must update the register if new property is identified or any existing property is disposed of.
  
- Any amendment following acquisition or disposal will be done in the same financial year as the property is acquired or disposed of.

#### **C. REVIEWING THE REGISTER**

- The Council aims to conduct an annual review of the common good register to ensure details held for any property continue to be up to date and any conditions/requirements are being complied with.
  
- For Inverness, the review process will involve the City Area Manager, Common Good Fund officer and officers from the finance, property and estates teams.
  
- In respect of the other Highland common good funds, the review will be conducted by the Senior Ward Manager for the area concerned together with the Common Good Fund officer.
  
- The register will be updated with any amendments resulting from the reviews of the various Highland funds as soon as practicable but in any event **within 4 weeks of the final area review having been completed.**

**DISPOSAL OF OR CHANGE OF USE OF COMMON GOOD PROPERTY – PROCESS**

**A. INTRODUCTION**

The Community Empowerment (Scotland) Act 2015 Part 8 came into force on 27 June 2018. It 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 duties on local authorities to establish and maintain a common good register (section 102) and to undertake a consultation process before taking any decision to dispose of or change the use of a common good asset (section 104).

This document details the process the Highland Council must follow for disposing of or changing use of a common good asset. The process to establish the register and to review the register is contained in a separate document.

**B. DEFINITIONS**

**1. Disposal**

This means to transfer out of the hands of the local authority. The most obvious example of a disposal is a sale of an asset although a lease or other arrangement giving a third party ascertainable rights of beneficial occupation may also qualify.

The Highland Council will treat any lease of 10 years or more as being a disposal for consultation purposes.

**2. Change of use**

- In some earlier legislation relating to common good this has also been called “appropriation”. It covers a situation where a local authority may want to change the use of a common good asset from one purpose to another.
- The Act does not define “change of use” therefore the Council will seek to adopt a common sense approach when considering this matter.
- The Scottish Government guidance has confirmed that, in relation to cash funds, change of use would not cover every payment to different people or moving investments about but would include changing the rules regarding what types of things could be funded.

Every situation is different so the question of change of use will depend on the particular circumstances but change of use consultation is likely to result from a situation where the nature of the existing use and the new use are distinctly different and not incidental to each other. Some examples are given below for illustration purposes only and other situations may occur.

Some possible examples where change of use would require consultation:-

- Change of retail premises to industrial manufacturing.
- Change of park to a school site.
- Change of retail premises to residential premises.

Some possible examples where change of use would not require consultation:-

- Change of one tenant to another if use remains the same – commercial, retail etc.
- Change of business being operated if the same in general – one type of retail business to another.

### **3. Alienable common good property**

- This is property where there is no specific restriction or prohibition preventing disposal or change of use.
- In this case the Council can deal with the property as it would any other council property subject to the duty to carry out the consultation process referred to in this document and also having regard to the principles of best value and the interests of the residents within the boundaries of the former Burgh to which the particular fund relates.
- Examples can be land, buildings, fishing rights.

### **4. Inalienable common good property**

- This covers property where there is some specific restriction preventing disposal or change of use or if there is some question that there may be.
- In this case the Council must apply to the Sheriff Court or Court of Session to authorise the disposal or change of use. It is possible for interested parties to respond to the Court action.
- Property is considered to be inalienable if the restriction or purpose is clearly stated in the deed or gift, it has been specifically dedicated for public use or it has been used in a certain beneficial way for a lengthy period of time (time immemorial).
- Examples can be public buildings like town halls, markets, grounds set apart for the enjoyment of the inhabitants of the former Burgh.

## **C. CONSULTATION**

### **1. First step**

- The Council will form a view that it wishes to dispose of or change the use of a common good asset and prepare a proposal. The decision to initiate the consultation process will be made in accordance with the Council's Scheme of Delegation and governance procedures. This means that Area Committees have the power to deal with assets valued at up to 10% of the fund value for their particular area with anything above that being reserved for the full Council.
- Consideration will also need to be given to whether an asset is alienable or inalienable – see above.

- The Community Empowerment consultation will precede any planning process which is a completely separate procedure.

## **2. Publishing and advertising the proposal**

- The proposal will identify the property concerned using the same information as is contained in the asset register. It will clearly state what is being proposed including anticipated timescales for completing the disposal or change of use.
- The proposal will be published on the Council's website. It will also be available to view in person at local council offices, council hubs and libraries. Availability in these places may be by paper copies or staff assistance to view online. Copies of the proposal will also be made available in other languages or formats if requested.
- The Council will advertise the consultation on its website and social media pages as well as in Council publications and (in some circumstances) local newspapers. Consideration may also be given to holding public meetings depending on the asset concerned and the nature of the proposal – for instance if it is likely to affect a large number of people.
- For buildings or land, the Council will put up public notices on or near the property and in locations where local notices are normally advertised – shop, information points and noticeboards.
- The Council must notify any community council whose area includes all or part of the property concerned as well as any community body known to have an interest in the property and invite them to consider the proposal and make representations.
- However the Council will also accept representations from any person/body wishing to make them.
- The proposal will be publicly available for viewing for 8 weeks to allow for consideration and representations to be made. The 8 week period will not include the first or the last day of the consultation period or any public holidays that may fall within the consultation period.

## **3. Making representations**

- All representations must be made in writing either by letter or email. The contact for submission of representations will be clearly stated in the proposal document.
- When the consultation is opened a closing date for the submission of representations will be clearly stated.
- All representations received will be published on the Council's website in the same place as the proposal. The person/body making the representation will be identified by name and address but any signature and/or other personal information will be blacked out.

#### **4. Responding to representations**

- The Council will aim to respond to any representations within 8 weeks of receipt with the responses being published alongside the original representations.
- Section 104 (6) Community Empowerment Act states that a local authority “must have regard to” any representations made when deciding whether or not to dispose or change the use of Common Good property.
- The Council will also publish its final decision about the proposal alongside the proposal, representations and responses. Community councils, community bodies and anyone who made a representation will be sent direct notification of the outcome.

#### **5. Further consultation**

The Council will conduct a further full consultation on the proposal if it is amended significantly in response to changing circumstances or representations received.

#### **D. FURTHER ACTIONS IF THE PROPOSAL IS APPROVED**

- If the property is alienable, the Council will proceed with all appropriate steps to give effect to the disposal or change of use.
- If the property is inalienable, an application for the approval of the Court will be necessary. A positive response to the proposal consulted on will be useful evidence in support of any application. Any interested parties may lodge responses within the Court process which is completely separate to the Community Empowerment process.

This policy defines the guiding principles for the governance, stewardship and administration of Common Good Funds in the Highland Council administrative area. The principles ensure the Common Good Funds are handled with integrity and in a manner that is transparent, accountable and fair.

## **1. INTRODUCTION**

The Common Good Funds across Highland differ in scale and complexity. Whilst any decision must be taken in light of the particular circumstances, this policy provides assurance that all funds are dealt with in as consistent a manner as possible.

The Common Good Funds comprise land and buildings in addition to moveable items such as regalia (Chains of Office), art works and furniture and also includes certain interests such as fishing rights. This property is owned by the Council and, whilst it does not have a separate legal identity, all property must be administered separately from other Council assets.

The manner in which Common Good Funds are administered is controlled by principles laid down in legislation and case law ensuring that:

- The principle of Best Value is applied (*as defined in section 1 Local Government in Scotland Act 2003*).
- Regard has to be taken to the interests of the residents within the boundary of the former Burgh to which the particular fund relates (*section 222(2) Local Government (Scotland) Act 1973 and confirmed by section 15(4) (a) Local Government etc. (Scotland) Act 1994*).
- Members of the community are involved as consultees to whom the Council has to have regard (*1994 Act above and sections 102 and 104 Community Empowerment (Scotland) Act 2015*).

In Highland the practice has also been adopted that, as far as reasonably possible, funds are allocated against essential expenditure first (essential upkeep) with any surplus being applied for discretionary expenditure (non-essential maintenance, investment to grow the relevant fund and grants).

## **2. GOVERNANCE**

### **2.1 Highland Council**

All elected Members of the Highland Council are responsible for the management of the Common Good Funds in relation to determining and delivering investment policy, including the purchase and disposal of assets, subject to the administration of these funds being delegated to City of Inverness/local Area Committees or to Officers in terms of the Council's Scheme of Delegation.

### **2.2 City of Inverness Area Committee and Local Area Committees**

Area Committees oversee the management of the Common Good assets in their locality by scrutinising the budget, approving costs and grant applications, where grant funds are open, as agreed within Council policy as well as the purchase and disposal of Common Good assets up to 10% of the value of the particular fund, such value being based on the value given in the most recent set of audited accounts.

For avoidance of doubt any decisions involving over 10% are reserved to the Highland Council.

For Inverness the management of the Common Good Fund is delegated to the Inverness Common Good Fund Sub-Committee which is overseen by the City of Inverness Area Committee.

### **2.3 City Area Manager/Senior Ward Managers**

The Inverness City Area Manager and Senior Ward Managers have the delegated power to administer Common Good funds for their locality up to a maximum of £10,000 per application following consultation with relevant Ward Members and where not otherwise dealt with by City of Inverness Area Committee or Local Committees. ***(For grant application processes – see paragraph 8 below)***. With the proviso that the Inverness City Area Manager refers all decisions (subject to the exercise of Recess Powers) involving sums in excess of £30,000 to the Inverness Common Good Fund Sub-Committee.

### **2.4 Pensions Committee and Investment Sub-Committee**

The Inverness and Nairn Common Good Funds have portfolios of stock market investments. The investment fund is managed by external agents (currently Adam & Co). The Pensions Committee has the delegated power to set the investment strategy and associated policies and oversees the Investment Sub-Committee in its implementation of the strategy and policies.

The Investment Sub-Committee is delegated the powers and duties of the Council in relation to the management and investment of the Inverness, and now the Nairn, Common Good Funds ensuring compliance with best practice, current legislation and delivery of objectives, strategy and policies. It also receives reports from and assesses the performance of the investment agents. Councillors who sit on relevant Area Committees are appointed as representatives of the relevant Common Good Fund to sit on the Investment Sub-Committee.

## **3. ASSET REGISTER**

### **3.1 Section 102 Community Empowerment (Scotland) Act 2015**

This section places a duty on local authorities to establish, publish and maintain a register of all Common Good property in a format and location (including online) that is easily accessible to members of the community. The Scottish Government has published guidance which provides details regarding timescales, information about assets, local consultation and publicity proposals required to fulfil this duty. The specific duties in this regard are as follows:-

- Publish a list of property proposed to be included in the Highland Council Common Good Asset Register, notify community councils and community bodies and advertise the availability of the list. The list must be publically available for comment on the Council website and in local council offices, council hubs and libraries for a minimum of 12 weeks.
- Receive and respond (ideally within 12 weeks) to any representations and publish responses.
- Publish the register as soon as practicable after the initial 12 week period and, in any event, within 6 months of the end of the consultation.
- Review/update the register – upon any acquisitions or disposals, in accordance with any decided regular programme and, in any event, at intervals not exceeding 5 years.

**3.2** When the Council publishes its list of property it will also publish guidance on its website to explain the process and how representations can be made.

**3.3** When the Asset Register is published the Council will also **publish on its website** the process for the ongoing review of the register.

#### **4. ACQUISITION AND DISPOSAL OF COMMON GOOD FUND ASSETS**

**4.1** The responsibility for the acquisition and disposal of Common Good Fund assets is reserved to the Highland Council subject to the power delegated to the Area Committees for transactions up to 10% of the value of the particular area fund (see 2.1 and 2.2 above).

#### **4.2 Section 104 Community Empowerment (Scotland) Act 2015**

This section places a duty on local authorities to publish details of any proposed disposal or change of use of property and to undertake consultation with the community on the proposal. The Scottish Government has published guidance which provides details regarding timescales, publicity and consultation required to fulfil this duty. The specific duties in this regard are as follows:-

- Publish any proposal to dispose/change use, notify community councils and community bodies and advertise (including putting up notices). Proposal must be publically available for comment for a minimum of 8 weeks. It will be published on the Council website and available to view in local council offices, council hubs and libraries.
- Receive and respond (ideally within 8 weeks) to any representations and publish responses.
- Take all representations into account when reaching a decision, publish the decision and notify community councils, community bodies and anyone who made a representation.
- Conduct a new consultation exercise in the event of any material amendment to any proposal due to a change in circumstances or following the representations received.

**4.3** The Council will publish guidance on its website to explain the consultation process and how to make representations. For avoidance of doubt, the Council will treat a lease of longer than 10 years as a disposal.

#### **5. BUDGET SETTING, MONITORING AND REPORTING**

##### **5.1 Budget setting**

The proposed budget for the coming year is presented to the City of Inverness Area Committee and the Area Committees prior to the commencement of each financial year. Once the figures have been agreed the budgets are accepted as approved.

The Area Committees are provided with a proposed budget showing the expected income and expenditure for the coming year set against the current budget. The information provided will include anticipated tenancy income, essential maintenance costs together with the costs of basic services. The expenditure budget takes account of any additional cost outlays and may also include provision for the making of grants.



## **5.2 Monitoring and reporting**

### **5.2.1 Inverness**

The Inverness Common Good Sub-Committee considers and monitors the Inverness Common Good Fund and reports as necessary to the City of Inverness Area Committee.

Financial monitoring statements are produced on a monthly basis and considered at monthly meetings comprising officers from services involved with the Inverness Common Good Fund and any of the properties or projects. Financial monitoring reports and a report on the grants and capital projects are presented to each meeting of the City of Inverness Area Committee. Other reports – budget setting, annual reports, review reports or reports on specific projects are presented to the City of Inverness Area Committee as and when appropriate.

### **5.2.2 Outwith Inverness**

Outwith Inverness the day to day management of the Common Good Funds is led by the Ward Managers within budget.

Monthly detailed transaction reports are provided to the Ward Managers to allow for ongoing monitoring. Quarterly financial monitoring reports are presented to the next available Area Committees together with any other reports (budget setting, annual reports and specific item reports) that may be appropriate.

## **6. FUNDS**

### **6.1 Income generation (rents, leases and dividends from long term investments)**

The Common Good Funds have adopted the Highland Council policies and procedures for leases and setting rents with rent increases being set in accordance with current market conditions. A specific policy has been developed to cover the occasions when the Common Good Funds may wish to let a property for less than market rent and for occasional one off lettings/short term occupancy.

### **6.2 Capital funds**

Capital assets are used to generate income. Any proceeds from capital sales should be used to increase the capital held by the relevant fund. It may be appropriate to fund the purchase of any capital assets from the capital fund but it should not be used to finance any revenue expenditure.

### **6.3 Revenue balances (unspent income from previous years)**

Any unspent balances from previous years may be used to supplement income in any year to increase the amount available to spend. However, a minimum balance should be maintained in revenue balances in each Common Good Fund to ensure the sustainability of the funds particularly where there are no or limited capital funds generating income. Revenue balances are held within the Highland Council Loans Fund.

### **6.4 Evidence of value for money**

The Highland Council Financial Regulations and Standing Orders (including Contract Standing Orders) are applied to the Common Good Funds ensuring that value for money is achieved. There may be occasions when a Common Good Fund wishes to use a contractor who is not on the Council's approved list. This should only happen if there are good reasons for not using one of the Council's approved contractors and the decision must be signed off by the Depute Chief Executive and Director of Corporate Resources.

### **6.5 Loans or grants to supplement Common Good Funds**

Although the Council has the power to borrow to support the Common Good Fund activities using the Common Good assets as security; it is not considered good practice to do so. The Council supports Common Good Funds through its Loans Fund preventing the need to consider exercising this power.

## **7. EXPENDITURE**

When considering expenditure from the Common Good Funds the Council must have regard to the interests of the residents within the boundaries of the former Burgh to which the particular fund relates. However the Council also has a responsibility to maintain and grow Common Good Funds for future generations. The authority to incur and approve any expenditure is derived from the Scheme of Delegation referred to in paragraph 2. Expenditure can be split into essential expenditure and discretionary expenditure.

### **7.1 Essential expenditure**

This covers essential maintenance costs to ensure the upkeep of the Common Good assets.

### **7.2 Discretionary expenditure**

Included in this category is planned but not essential maintenance expenditure, civic celebrations, hospitality for visiting official guests with any surplus being considered for use for grants towards projects that will have community wide benefit (*see paragraph 8 below*).

It may also be invested in Stocks, Shares and Bonds as well as, occasionally, in the purchase of new land assets. No new Common Good property can be created following the abolition of the Burghs by the 1973 Act, therefore any land or buildings acquired subsequently using Common Good funds will be recorded on the Asset Register but annotated to the effect that they are investment property to allow the distinction to be made.

The Council has a wide discretion over the use of Common Good funds as long as it is for the benefit of the relevant community following the application of reasonable judgement and having regard to the interests of the inhabitants of the former burgh. This can include purposes that may also be covered by the Council's statutory responsibilities however this should only be where the funding is for service provision over and above that which the Council has agreed to provide under its mainstream budget.

## **8. GRANTS**

### **8.1 Application**

As part of the budget setting process for each of the funds a decision will be made whether that particular fund will be open to grant applications that year and, if so, how much will be set aside for this purpose. A standard application form is used for all Council grant applications. Any grant application must show how the particular project is going to be of benefit on a community wide basis. The application form and guidance can be downloaded from the Council website. The applications are scrutinised by the Inverness City Area Manager or relevant Ward Manager to ensure the project is appropriate for delivering benefit for the Common Good. Each application must be assessed on its merits and consideration given to integration with other funding.

## **8.2 Assessment**

### **8.2.1 Inverness**

This is the biggest of the Highland Funds and generates a number of grant applications. For Inverness the Common Good Fund Sub-Committee decides on grants up to and including £10,000. That Sub-Committee also considers and makes recommendations to the City of Inverness Area Committee on applications between £10,000 and £30,000. Any application exceeding £30,000 is usually only considered directly by the City of Inverness Area Committee.

### **8.2.2 Outwith Inverness**

In respect of applications up to £10,000, the Ward Manager will consult with relevant Members at the next Ward Business Meeting. These discussions help inform the decision on the application made by the Ward Manager. The decision to approve or refuse an application exceeding £10,000 is referred to the Area Committee for the locality relevant to the fund.

## **8.3 Approval**

If the grant application is approved, a letter authorising the Common Good financial assistance must be sent to the applicant together with the terms and conditions and the publicity guidelines. The terms and conditions have been developed to ensure that the grants given are used for the Common Good and in accordance with the terms of the application. Furthermore successful grant recipients are expected to provide evidence of value for money and that they are adhering to relevant Council policies.

***(The terms and conditions, publicity guidelines and Common Good logo can also be downloaded from the Council website.)***

## POLICY FOR DISPOSAL OR LEASE OF COMMON GOOD PROPERTY FOR LESS THAN MARKET VALUE.

This document is designed to give officials guidance in providing advice to those **specifically** interested or involved in the disposal (sale/transfer or lease) of Common Good property in the Highland Council area for a consideration less than can be reasonably obtained.

It **supplements** the wider policy (*“Disposal of land for a consideration less than the best that can reasonably be obtained”*) adopted by the Environment, Development and Infrastructure Committee on 17 May 2018 and defines the guiding principles which should ensure that the Common Good Funds are handled with integrity and in a manner that is transparent, accountable and meets full scrutiny.

### 1. INTRODUCTION

Property and land make up part of the assets of the Highland Common Good Funds though the extent of the holdings varies considerably between the individual funds. This property is owned by the Council and, whilst it does not have a separate legal identity, it must be administered separately from other Council assets.

The manner in which Common Good Funds are administered is controlled by principles laid down in legislation and case law. Of those principles, the ones **most pertinent** to the disposal or lease of Common Good property are that:

- The principle of Best Value is applied (*Local Government in Scotland Act 2003*).
- Regard is had to the interests of the residents within the boundaries of the former Burgh to which the particular fund relates (*section 222(2) Local Government (Scotland) Act 1973 as subsequently replaced by section 15 (4) (a) Local Government etc. (Scotland) Act 1994*).
- Members of the community are involved as consultees to whom the Council has to have regard when proposing to dispose of or change the use of Common Good property (*section 104 Community Empowerment (Scotland) Act 2015*).

### 2. LEGISLATIVE BACKGROUND

A local authority’s power to dispose of land and property is covered in a number of statutory enactments with some **specific** provisions relation to Common Good property.

#### 2.1. Section 74 Local Government (Scotland) Act 1973 (the 1973 Act)

A local authority may dispose of land in any manner it wishes. This section originally imposed a legal requirement that such a disposal should not be for a consideration less than can be reasonably obtained. However, this was subsequently amended by the Local Government in Scotland Act 2003 and an exception was inserted providing that regulations (*see below*) may stipulate circumstances where a disposal can be for less than best consideration. In such circumstances the authority needs to balance the benefits and disbenefits and decide if the proposal is reasonable.

#### 2.2. Section 75 Local Government (Scotland) Act 1973

This section relates specifically to disposal of Common Good land and raises the question of alienable (able to be sold or transferred) and inalienable (prevented from sale or transfer) land. If there is no question about the authority's right to alienate then section 75(1) provides that the land can be disposed of in accordance with the terms of section 74.

However if there is a question about alienability then an application must be made to the Sheriff Court or Court of Session to authorise the disposal and set any conditions which may include disposal at less than best consideration.

### **2.3. The Disposal of Land by Local Authorities (Scotland) Regulations 2010 (the 2010 Regulations)**

A local authority may dispose of land at a consideration less than the best that can be reasonably obtained if the following requirements of the 2010 Regulations are met:-

- The value of the land (best consideration) is less than £10,000 (*threshold amount*) or
- The difference between the best consideration and the proposed consideration (*marginal amount*) is 25% or less of the best consideration.

The authority must appraise the proposed disposal (costs, benefits and disbenefits), decide whether it is reasonable and whether it is likely to contribute to the promotion or improvement of economic development or regeneration, health or social and environmental well-being.

### **2.4 Community Empowerment (Scotland) Act 2015 (the 2015 Act)**

**2.4.1 Part 8** of this Act relates **exclusively** to Common Good property with **Section 104** dealing with the disposal and change of use of Common Good property. Before any decision to dispose or change the use of the property is taken a local authority must publish details about the proposals and must conduct a consultation process.

The Scottish Government has published guidance which provides details regarding timescales, publicity and consultation required to fulfil this duty. The specific duties in this regard are as follows:-

- Publish proposal to dispose/change use, notify community councils and community bodies and advertise (including putting up notices). Proposal must be available for comment for a minimum of 8 weeks.
- Receive and respond (ideally within 8 weeks) to any representations and publish responses
- Take all representations into account when reaching a decision, publish decision and notify community councils, community bodies and anyone who made a representation.
- Conduct a new consultation exercise in the event of any material amendment to the proposal due to a change in circumstances or following the representations received.

**Disposal** occurs where the asset is transferred out of the hands of the local authority. This can result from a sale, a long lease (exceeding 10 years) or other arrangement giving a third party ascertainable rights of beneficial occupation.

**Guidance relating to Common Good consultations under section 104 is available on the Council web site.**

**2.4.2 Part 5** of the 2015 Act relates to Asset Transfer Requests and Common Good property can be subject to such requests. A community body can request ownership, lease or other rights and has to state how much it is prepared to pay together with the benefits the project will deliver. If less than market value the community transfer body (local authority) must consider whether the proposed benefits justify the proposed discount which will be accounted for as a gift. When making a decision

the authority must consider the factors contained in the 2010 regulations together with whether the proposal will reduce inequalities of outcome from socio-economic disadvantage. If an Asset Transfer Request relates to Common Good property then the unique nature of such property will be a factor in how the request proceeds – the need to consult under Part 8 and/or possible need to apply to the Court if the land is inalienable.

***Guidance relating to Asset Transfer Requests is available on the Council web site.***

### **3. GOVERNANCE**

#### **3.1. Sale**

All elected Members of the Highland Council are responsible for the management of the Common Good Funds in relation to determining and delivering investment policy, including the purchase and disposal of assets, subject to the administration of these funds being delegated to City/Area Committees or to Officers in terms of the Council's Scheme of Delegations.

The current Scheme of Delegations delegates powers to the City of Inverness Area Committee and the local Area Committees to purchase and dispose of Common Good assets up to 10% of the value of the particular fund, such value taken from that given in the most recent set of audited accounts.

Anything over and above 10% is a decision reserved for the Highland Council.

The position with regard to Asset Transfer Requests is that, in the normal course, these are referred to the Environment, Development and Infrastructure Committee; however given the unique nature of Common Good property and the wider implications in respect of the fund of any reduction in property holdings, any such decision involving a permanent disposal (sale) pursuant to an asset transfer of Common Good land or property should be reserved to the Highland Council subject to the power delegated to Area Committees detailed above.

#### **3.2. Leases**

The Scheme of Delegations delegates the power to the Head of Development and Regeneration to approve any leases which fall under the 2010 Regulations (***see above***) after consultation with Ward Members. The Head of Development and Regeneration is also delegated the power to agree a lease extension at less than market value, on the same terms and conditions to a community group where a rent reduction has previously been granted, subject to consultation with Ward Members.

The Inverness Common Good Fund Sub-Committee also has full delegated powers to decide upon all applications for lease, assignation of lease, rent review or any other tenancy related matter where the Director of Development and Infrastructure has seen fit not exercise his delegated powers.

### **4 COMMUNITY CONSULTATION – *the first step.***

When the Council is proposing to dispose (or change the use) of Common Good property, and before making any decision about whether or not to proceed, it must **first** conduct the consultation process outlined at **paragraph 2.4.1. above**. The Council must have regard to any representations received when making the decision about whether or not to go ahead with the proposal.

### **5. INFLUENCING FACTORS**

As well as the principle of Best Value, a local authority also needs to ensure that regard is had to the interests of the residents within the boundaries of the former Burgh to which the particular fund relates. Therefore the requirements of the 2010 Regulations are very pertinent when considering leasing Common Good property at a below market value. A balancing exercise must take place



between the need to generate income for the particular Common Good fund and the need to support the community which might be achieved by a reduced/nominal rent. Also the question of whether such an arrangement falls within the Community Empowerment consultation provisions needs to be considered. The decision must be clearly reasoned and reflect the fact it has been taken following application of the legislation, regulations and policy. This will ensure that the decision taken bears full scrutiny.

There are occasions when agreements have been reached to “lease” Common Good property for no rent but in exchange for the tenant being responsible for all maintenance, insurance etc. Whilst this may fall short of a formal lease arrangement, the agreement should still be embodied in a Terms of Agreement document reflecting the position and signed by relevant officers. If this is a new arrangement then consideration must be given as to whether this falls under the Community Empowerment legislation duty to consult. Again this will ensure the decision taken and arrangements made will bear full scrutiny.

#### **6. ONE OFF LETTINGS/SHORT TERM OCCUPATION**

Requests may be received for one off lettings/short term occupation of property or area of land for a specific purpose for a defined period of time, for example circus, community gala. A one off letting is likely to be for a day or a number of hours whereas a short term occupation situation may be for a weekend or week, for example rental of a shop unit for fund raising purposes. In such circumstances a one off let/short term occupation form should be completed (see attached). This form includes conditions of let and recommended charging rates.

A short term occupation arrangement does not give the applicant(s) exclusive occupation and, if necessary, can be moved to other premises.

The applicant(s) should also be referred to the guidance on the Council website regarding public entertainment licences.

The larger Common Good funds (Inverness and Nairn) have experience of regular “annual” lets for example circus, trades stalls at Highland Games and commercial fairground organisations. However the smaller funds may only have these types of lets on an occasional basis.

In such circumstances a discussion should take place between the City Area/Ward Manager and the Members on the application and possible fee to be charged. This discussion will help inform the City Area/Ward Manager’s decision whether to allow the application and what conditions, if any, should be applied.

If the event is a community event, charity event aimed at raising awareness of the organisation or local fund raising then a decision may be made not to levy a charge. Such a decision could be based on the principle that the main benefit of the resources goes to the residents within the boundaries of the former Burgh to which the particular fund relates.

If the application to let is made by a commercial, profit-making organisation then a figure to be charged should be agreed taking into account the type of sum charged for the regular annual lets in the larger areas adjusted for estimated footfall and duration of let of the particular event concerned. In both cases the full reasons for the decision being made should be recorded and held with the application.

**APPLICATION FOR ONE OFF LET/SHORT TERM OCCUPATION**

**ALL SECTIONS MUST BE COMPLETED**

Facility required:	
Contact name:	
Organisation name: (if applicable)	
Reg. Charity number: (if applicable)	
Address:	
Telephone number: (including mobile)	
Email:	
Purpose of let:	
Date of proposed let:	
Hours of proposed let: (including start and end times of event). Allow time required for access to set up and to clear away at the end	
Approx. number of people attending:	

**ACCOMPANYING DOCUMENTS REQUIRED**

Event plan	This must include a full description of the event proposed, management plan and contact details, traffic/parking management, site design incl. any temporary structures, activities programme, risk assessments, first aid arrangements, security details & catering proposals (if applicable)	Yes/no
Public liability insurance	The Highland Council shall be fully indemnified for any claim that may arise as a result of the event taking place. It is strongly	Yes/no



	recommended that organisers have Public Liability Insurance in a sum of not less than £5m in respect of any one claim that may be made. If such insurance is in place a copy of the policy must be attached.	
Child protection policy	Event organisers must have adopted/implements the Highland Council's child protection policy or have an alternative policy in place. Copy must be attached.	Yes/no

**Notes:**

- Completed application forms together with relevant documentation and relevant fee or evidence of payment of fee should be submitted no later than 10 working days prior to the proposed let.
- Please return the completed application form to  
.....
- All lets are subject to the Conditions of Let attached at Appendix 1.
- Details of the charges are attached at Appendix 2.
- No smoking is allowed in any facilities. It is Highland Council policy not to permit an event where a sponsor is in the tobacco industry.

**Declaration:**

I, the signatory, in respect of myself or on behalf of the organisation above stated, hereby apply for the let of the specified accommodation/area/location on the dates/at the times stated and on the terms above specified and I bind myself and the organisation to comply at all times with the Conditions of Let. It is understood that the let may be terminated forthwith if there is any breach of these conditions or if any information is inaccurate.

I understand that consent is granted on the basis that the Highland Council shall be fully relieved by us, the organisers, of any liability or any claim for damage, loss or injury, whether in respect of person or property, resulting from the occupation of the highway, paths, land and activities thereon which are the subject of this consent.

Signature:	
Date:	

Data Protection – the information you have supplied will be used for the purpose for which you have provided it and any relevant procedures following from this. This data will be maintained in accordance with the Act and will not be passed on or sold to any other organisation without your prior approval unless this is a legal requirement.

## CONDITIONS OF LET

1. The lessees will be responsible, during the course of the let, for the proper conduct of the let and shall be liable for and indemnify the Council in respect of **(a)** any damage caused on/to the area/premises/facilities and/or to the furnishings, fittings, equipment and others contained in, or in part of, the area/premises arising from, or during the course of, the let and the cost of repairing such damage, and **(b)** any damage to the premises/facilities/property or any person or injury caused to any person arising from, or during the course of, the let.
2. Any damage to the area/premises/facilities, fittings or equipment therein found prior to the commencement of the let must be reported to the Ward Manager/Service Point prior to the let commencing.
3. The Council will not be liable for any damage to, or loss of property brought to, or left in, the area/premises or for any injury to any person, arising out of the let.
4. The lessee will use the area/premises/facilities solely for the purpose(s) stated in the let application and will ensure that the premises/facilities are left in a clean, neat and tidy condition. If, as a consequence of the use of the area/premises/facilities, cleaning or repair is required, this will be carried out by the employees of the Council and the lessee will meet the cost thereof.
5. The lessee will name one of their group/organisation who will be the “responsible person” in respect of the let.
6. The lessees are responsible for ensuring compliance with any emergency regulation or any other regulations in force for the time being. The lessees will familiarise themselves with the layout of the area/premises/facilities and any emergency exits in order that they will be able to take the appropriate action in the event of a fire occurring during the course of the let. All exits from the premises must be kept clear of obstruction.
7. If permission is given by the Council for there to be alcohol at a social function, the lessees will ensure that **(a)** they have obtained and have in force the necessary permissions by the licensing authority, **(b)** no breach of the conditions of such permissions, or the addition of conditions specified by the Ward Manager, is allowed to occur and **(c)** sufficient stewards are appointed to ensure proper control of the event.
8. Authorised officials of the Council shall be entitled, in the course of their duty, to have free access at all times, to the area/premises/facilities let.

9. There is reserved to the Council, at any time and without reason given, the right to cancel any let in respect of any occasion or to terminate the let. The Council shall refund any charges paid and not due by reason of such cancellation or termination.
10. If a let is to be cancelled, written notice must be given at least 2 working days prior to the due date of the let otherwise cancellation fees will be applicable.
11. The lessees shall ensure that the number of persons admitted to the area/premises does not exceed the number for which the area/premises are licensed.
12. The Council does not stipulate that the area/premises/facilities are suitable for any particular use. The lessees shall provide the necessary stewards and attendants during the let to ensure that effective control is provided in all areas during the let and that proper control of the event is maintained.
13. For the avoidance of doubt the following definitions shall apply to these conditions:-
  - "The Council"** means the Highland Council.
  - "The Organisation/Club"** means the Organisation/Club granted the let.
  - "Let"** means where a charge is made for the use of the area/premises/facilities/lease in respect of each occasion on which the premises may be used/short term occupation
  - "Lessees"** mean:
    - a) The Organisation/Club, and
    - b) The authorised office bearer who applied for the let, and
    - c) The responsible personAll bound jointly and severally. This means that the authorised office bearer and the responsible person are personally bound to ensure compliance with these conditions and may be held liable for any claim arising from the let.
  - "The premises"** means the premises of let.
14. The lessee shall ensure that all statutory requirements are met.
15. Every care is taken in the preparation of pitches and to ensure that the surface of the pitches is free from glass and other debris. All club officials are advised to inspect pitches before play. Broken glass and other debris often appear on pitches for reasons beyond the control of The Highland Council, who will not be held responsible for any injury however caused.

**ONE OFF LET/SHORT TERM OCCUPATION**

**CHARGES**

<b>Duration of let</b>	<b>Charge</b>
Hourly	£10.00
3 hour block	£25.00
Daily	£50.00
Weekend	£100.00
Other period	By negotiation
Charities, community groups, local schools/nurseries	By negotiation

If you require any further information or advice, please do not hesitate to contact the office on:-

Telephone .....

Email .....

DRAFT

## Common Good Funds Corporate Statement

The Highland Council owns and controls all Common Good assets and is legally responsible to apply the same duty of care that is used for the management of general Council assets.

The Common Good Funds are made up of assets including buildings, land, rights (e.g. fishing), art work, regalia, furniture, stocks and shares and cash funds. They are held by the Council principally for the benefit of the local community within the specified geographical boundary of the former burgh to which each fund relates.

The Local Government (Scotland) Act 1973 brought an end to the burgh system in 1975 by abolishing the town councils which had responsibility for the burghs. Their Common Good assets were, however, transferred to the new district or islands councils and then, in 1996, to the current unitary local authorities by the Local Government etc. (Scotland) Act 1994. Common Good property is, therefore, limited to those assets held by the burghs at the time of their abolition and no new Common Good property can now be created. Any property acquired since the abolition is held as investment property.

All Elected Members of the Highland Council are responsible for the management of Common Good Funds in relation to determining and delivering investment policy, including the purchase and disposal of assets, subject to the administration of these funds being delegated.

The Highland Council has agreed, through the Scheme of Delegation, that the Inverness City and Area Committees have power to administer the assets of Common Good funds excepting for any decisions which affect more than 10% of the total fund value for the area concerned. In that instance decisions have to be taken at a meeting of the Full Council following recommendations from City and Area Committees.

In fulfilling its responsibilities, Councils are obliged in the first instance to maintain the assets of the fund. Thereafter, funds may be used for a purpose which is in the interests of the community for which the fund was established.