

Agenda Item	12
Report No	BSAC/08/22

THE HIGHLAND COUNCIL

Committee: **Badenoch & Strathspey Area Committee**

Date: **15 February 2022**

Report Title: **Grantown on Spey Common Good Fund – Asset Register**

Report By: **Executive Chief Officer – Communities and Place
Executive Chief Officer – Resources and Finance**

1. Purpose/Executive Summary

- 1.1 This report provides details of the outcome of the public consultation that has taken place under section 102 Community Empowerment (Scotland) Act 2015 in respect of the list of property proposed to be included on the Common Good Asset Register for Grantown on Spey.
- 1.2 The report also covers the process for publishing the Asset Register, management and administration arrangements for the Grantown on Spey Common Good Fund and proposals for forward planning.

2. Recommendations

- 2.1 Members are asked to:
 - i. Note the contents of the Asset Register in the format for publication (**Appendix 1**).
 - ii. Note the content of the document titled “Grantown on Spey Common Good property consultation representations and responses” (**Appendix 2**).
 - iii. Agree to the publication of the Common Good Asset register for Grantown on Spey and the representations and responses document on the Council website.
 - iv. Agree to recommend to the Council the reclassification of the property included in the Asset Register and the reactivation of Grantown on Spey Common Good Fund.
 - v. Agree to recommend to the Council that, due to the financial position of the fund, Grantown on Spey Common Good property will continue to be maintained by Highland Council for the foreseeable future.

3. Implications

- 3.1 Resource – there are financial implications in re-activating the Common Good Fund in Grantown on Spey as it will have property assets but minimal funds (current balance £250.19). Currently, the established Highland Common Good Funds bear a proportionate share of central overhead costs and manage and finance their own assets. Whilst the same could be expected of Grantown, it must be acknowledged that there are few income generating assets currently included on the proposed Asset Register and therefore, the prospect of funds being received into the fund are slim. In the meantime, the central support costs for Grantown would need to be met by the other Highland Funds in accordance with the currently agreed formula with maintenance of any assets remaining with the Council.

The current existing Highland Common Good Funds undertake regular monitoring and reporting to Area Committees. As Grantown Common Good will initially have minimal financial funds, there will be little to be included in any such monitoring reports however, reports will be brought to future Committee meetings should the financial position change and to report and update as strategic plans are developed.

- 3.2 Legal - the requirement to identify and publish a Common Good Register is contained in section 102 Community Empowerment (Scotland) Act 2015 supported by statutory guidance to which the Council must have regard. That guidance also recommends that the Asset Register is made subject to regular reviews which should be undertaken at intervals of no more than 5 years.
- 3.3 Community (Equality, Poverty, Rural and Island) – the duties contained in Part 8 of the Community Empowerment (Scotland) Act 2015 are designed to increase community involvement in decisions affecting Common Good assets. In addition to the establishing of the Asset Register, it also includes consultation on disposal (by sale or long lease) or change of use of assets.
- 3.4 Climate Change / Carbon Clever – none.
- 3.5 Risk – none
- 3.6 Gaelic – none.

4. Grantown on Spey Common Good Asset Register consultation

- 4.1 The public consultation on the list of property proposed to be included in the Common Good Asset Register for Grantown on Spey opened on 10 August 2021 and closed on 12 March 2021. The Community Empowerment (Scotland) Act 2015 provides for such consultations to be open for 12 weeks; however, the period was extended to 14 weeks in light of the ongoing Covid restrictions in order to allow as many people as possible to participate. The consultation was advertised on the Council's website and social media pages. The community council and a number of community bodies were also notified directly.
- 4.2 During the course of the consultation, 2 emails were received making representations regarding whether certain property should be included on the list being consulted upon. **Appendix 2** details the representations received and, following investigations, the responses to be made in respect of the same. Members are asked to agree this

document which will then be published on the Council website and a copy sent to those that made representations.

- 4.3 If Members are content with the Asset Register, it will be published in the format at **Appendix 1**. The Asset Register is a living document, and it can be added to at any time if further Common Good property is subsequently identified. In any event, the Register will be kept under regular review to ensure it remains up to date.
- 4.4 Consideration has been given to the decision making process for approving the publication of the Asset Register. When the existing Registers were published in February 2020, no formal Register was published for Grantown on Spey as it was believed it only had minimal funds and no heritable property. However, the actual fund was in existence at the time. Therefore, the publication now will constitute a reactivation of the existing fund and, as such, approval to publish is appropriate to be at Area Committee level as it falls within management of the fund but that recommendations iv. and v. should go to full Council as starred items to reflect that all elected Members of Highland Council are custodians of all Common Good Funds across Highland.

5 Actions upon or following publication of the Grantown on Spey Common Good Asset Register

- 5.1 The finance service will be informed if approval to proceed to publication is given in order that the appropriate Common Good accounting and reporting processes can be put in place to ensure that the Common Good Fund for Grantown on Spey operates in accordance with the other Highland Funds.
- 5.2 Strategy and forward planning meetings will take place involving Members and relevant Officers regarding the movement of assets from the Council's General Fund to the Grantown on Spey Common Good Fund. The general Common Good policy contains an understanding that each fund will maintain its property assets. However, in respect of the existing Highland funds most have sufficient financial assets, income generating assets or reserves to allow them to do so. This will not be the case in respect of Grantown on Spey. The proposed Common Good Asset Register for Grantown contains few, if any, assets with potential for income generation therefore, careful consideration of the financial implications involved in re-establishing this Common Good fund will need to take place. Given the present and potential financial circumstances, it is likely that the Council will need to continue to retain substantial responsibility for expenditure incurred in connection with any Grantown on Spey Common Good assets.

Designation: Allan Gunn, Executive Chief Officer, Communities and Place
Liz Denovan, Executive Chief Officer, Resources and Finance

Date: 18 January 2022

Author: Sara Murdoch, Common Good Fund Officer

Background Papers: Appendix 1 – Grantown on Spey Common Good Asset Register
Appendix 2 – Asset Register consultation representations & responses

Appendix 1**COMMON GOOD ASSET REGISTER FOR THE FORMER BURGH OF GRANTOWN ON SPEY**

LAND AND BUILDINGS		
In 1694 Grantown was erected into a Burgh of Regality for Ludovick Grant by King William and Queen Mary. It then became a Police Burgh in 1898.		
Name of asset	Location	Description
The Square including: Area of ornamental garden opposite the Court House and adjacent to the Garth Hotel	PH26 3HG. The Square runs from the junctions with Seafield Avenue and Forest Road in a north easterly direction to the junction with Castle Road, including the ornamental garden referred to. The Square does not include the land occupied by the Court House.	Site area: 13500.3m ² . Title deed: Right Honourable Nina Caroline Ogilvie Grant, Countess of Seafield to Provost, Magistrates & Councillors of Burgh of Grantown recorded 15 July 1966. Deed does not specify use but is assessed as Common Good due to being Burgh land not acquired for a statutory purpose or held on special trust. Inalienable.
High Street toilets and car park Also includes an area of amenity land between the car park boundary and the boundary of the property known as The Sheiling.	PH26 3EL Toilets CAGUPRN: 130112554 Car Park CAGUPRN: 130113340 Address when acquired was given as 94-98 High Street.	Site area: 1712m ² or thereby. Title deed: Right Honourable Nina Caroline Ogilvie Grant, Countess of Seafield to Provost, Magistrates and Councillors of the Burgh of Grantown recorded 11 November 1969. Deed does not specify use but is assessed as Common Good due to being Burgh land not acquired for a statutory purpose or held on special trust. Inalienable.
Mossie Road play park	CAGUPRN: 130112539 Located at the junction of Castle Road East and Mossie Road and adjacent to Grant House Resource Centre.	Site area: 3023m ² or thereby. Title deed: Right Honourable Nina Caroline Ogilvie Grant, Countess of Seafield to Provost, Magistrates & Councillors of Burgh of Grantown recorded 26 April 1968. Deed specifies that the land is to be used only as a children's play park in all time coming. The land is subject to a pre-emption in the event of the Council wishing to sell and a condition that it must remain owned as an undivided piece of land. Inalienable.
Grantown War Memorial	CAGUPRN: 130113277 The Square, PH26 3HG	War memorial was designed by Alexander Marshall MacKenzie and unveiled by the Countess of Seafield on 18 September 1921. As it is sited on Common Good land,

Common Good Asset Register for the former Burgh of Granttown on Spey



	Located in the middle of The Square at the intersection with Church Avenue and Strathspey Gardens.	it takes its title from that land, therefore is considered to be Common Good. Memorials and statues are currently managed by the Highland Council Community Services. There is no proposal to change this arrangement.
Regality Cross	The Square, PH26 3HG	The original Regality Cross erected in the current town of Granttown in 1766 went missing without trace. In 2015, the current Regality Cross was erected to celebrate the 250 th anniversary of the town being founded. It has been built on The Square, which is land considered to be Common Good and, as a result, takes its title from that land. Therefore, the Regality Cross is considered to be Common Good.
ART AND ARTIFACTS		
Name of asset	Location	Description
Granttown Clock & Bell	Granttown Museum Burnfield House Burnfield Avenue PH26 3HH	The town clock and bell were purchased using money raised locally originally intended for relief for soldiers wounded in the Napoleonic War but never sent. In 1824 a tower was built to house the clock and bell at Speyside House. It was removed in 1980's when Speyside House was converted into flats. In 2006, Granttown Museum restored the clock and built a campanile to house the bell. The clock is displayed in the museum.
Desk Stand	Granttown Museum Burnfield House Burnfield Avenue PH26 3HH	Ornate desk stand with drawer, 2 glass metal topped ink wells, pen rests and handle. Presented by Right Honourable Nina Caroline Ogilvie Grant, Countess of Seafield when The Square was transferred to the Provost, Magistrates & Councillors of the burgh of Granttown on Spey in 1966 marking the 200 th anniversary of the founding of the town.
Provost Chair	Granttown Museum Burnfield House Burnfield Avenue PH26 3HH	Wooden with upholstered seat.
COMMON GOOD FUND		
Name of asset	Location	Description
Granttown on Spey Common Good Fund	N/A	Fund set up for benefit of former Burgh of Granttown. Financial information about this fund is contained within the Annual

Common Good Asset Register for the former Burgh of Grantown on Spey



		Accounts and Area Committee monitoring reports which are available on the Highland Council website.
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Appendix 2

GRANTOWN ON SPEY COMMON GOOD ASSET REGISTER CONSULTATION REPRESENTATIONS AND RESPONSES

REPRESENTATIONS RECEIVED	RESPONSES
<p>The Square The Square was given to the community by the Countess of Seafield and should be Common Good.</p>	<p>The Square The Square is already included in the proposed list of Common Good assets for Grantown – first entry on the list.</p>
<p>Ian Charles Hospital Caroline, Countess of Seafield, gave the people of Grantown the Ian Charles Hospital – should this be considered Common Good?</p>	<p>Ian Charles Hospital In October 1945 the Trustees for the late Caroline, Countess of Seafield, conveyed the Ian Charles Hospital and parcels of land to the Trustees for the Ian Charles Hospital. Thereafter, in the early 1970s the Hospital was transferred by the Trustees into the ownership of the Secretary of State for Scotland. Then in February 1997 the Secretary of State for Scotland transferred the Hospital to the Highland Communities National Health Service Trust. The Hospital was endowed by the Countess of Seafield but was not Burgh property and also has been held on trust therefore, it cannot be Common Good.</p>
<p>Seafield Memorial Church Caroline, Countess of Seafield, gave the people of Grantown the Church – should this be considered Common Good?</p>	<p>Seafield Memorial Church Also known as Inverallan Church. The cost of the building of the current church was funded by Caroline, Countess of Seafield in memory of her husband and son but it was and remains property of the Church estate. It was not built on Burgh land nor owned by the Burgh and therefore, is not Common Good.</p>
<p>Seafield Park It was gifted by Lady Seafield for use as playing fields for the Secondary School and for the people of Grantown.</p>	<p>Seafield Park The park was gifted to the County Council of the combined County of Moray & Nairn. As it was not Burgh property, it is not Common Good.</p>
<p>Provost Chair Location was previously unknown.</p>	<p>Provost Chair It has now been confirmed that the Provost Chair is being stored at the Grantown Museum. Full description from the Museum is still outstanding.</p>