

Agenda Item	4
Report No	NC/18/23

THE HIGHLAND COUNCIL

Committee: Nairnshire Committee

Date: 30 October 2023

Report Title: Nairn Common Good Fund
Developing a Community Engagement Forum

Report By: Executive Chief Officer Communities and Place

1. Purpose/Executive Summary

- 1.1 This report gives Members an update in respect of work carried out to develop a community engagement forum for the Nairn Common Good Fund and provides a draft Framework for a Nairn Common Good Fund Engagement Group at **Appendix 1**.

2. Recommendations

- 2.1 Members are asked to:
- i. **Note** the update provided in this report;
 - ii. **Agree** that the draft Framework for a Nairn Common Good Fund Engagement Group at **Appendix 1** is issued for consultation; and
 - iii. **Agree** that the outcome of the consultation will be reported back to this Committee in January 2024 with further proposals for next steps.

3. Implications

- 3.1 **Resource implications** - Costs in respect of the consultation and any subsequent operation of a Common Good Engagement Group will be incurred by the Nairn Common Good Fund.
- 3.2 **Legal** – There are no legal implications associated with this report, however governance in relation to Common Good decision making will be adhered to in the development of the remit and role for the proposed Common Good Fund Engagement Group. This

means that decision making will continue to rest with the Highland Council and appropriate public consultations on Common Good, in line with the Community Empowerment Act, will continue to take place.

- 3.3 **Community (Equality, Poverty and Rural)** – The consultation proposed in this report is not a statutory consultation as defined under section 104 Community Empowerment (Scotland) Act 2015.

Although this proposed consultation is not a requirement, consulting with the community on this work reinforces the Council's intention to work with the community on this issue in recognition of their desire for a stronger voice in the development of the Nairn Common Good Fund.

- 3.4 **Risk implications** - None For this Engagement Group to function effectively, it will be important to ensure representation from a wide cross-section of the Nairn community.

- 3.5 **Gaelic and Climate Change** – None

4. Background

- 4.1 Presently the role of the community and Community Councils relating to the Common Good Fund is through statutory consultations in line with the requirements of the Community Empowerment Act. The Act contains a duty to consult community councils and community bodies, and the wider public, when establishing the asset register and when proposing to dispose of or change the use of common good property.

- 4.2 A number of Community Councils have expressed a desire for a stronger role in the Common Good Fund than our current approach for engagement with them allows, as set out in Common Good Fund Policy. This desire is particularly apparent in Nairn.

- 4.3 Since the May 2022 election, Nairnshire Members have requested that a stronger community role in Common Good Fund matters be developed and piloted for Community Councils and wider community representatives.

5. Developing a Community Role

- 5.1 The community desire for a stronger role has been expressed as an advisory or decision making role in Common Good Fund decision making. The legal basis for Common Good Funds does not allow for this and requires that Common Good decisions are taken by the Highland Council and, through the Council's Scheme of Delegation, the relevant Area Committee.

- 5.2 In the run up to the second phase of the Nairn Common Good Fund Sandown Lands consultation, a short life Reference Group comprised of community representatives was established to support the second period of consultation. This group provided advice and support on methods and avenues to widen engagement and gather views. The Reference Group's work successfully saw the consultation gather a significant consultation response from the community. A range of constructive views on future use of Sandown helping to shape the subsequent report and recommendations to Nairnshire Area Committee was obtained from that work.

- 5.3 Further details of the Sandown Lands consultation and work of the Reference Group were presented to this [Committee 8 August 2022](#).
- 5.4 It is proposed to build on the learning from and success of the Reference Group model by focusing on engagement and meet the community aspiration to have a stronger role in Common Good Fund policy, without compromising the requirement for Common Good decisions to be taken at Area Committee.

6. Pilot Proposal

- 6.1 Committee is asked to agree that the draft Framework at **Appendix 1** be issued for community consultation. The framework includes a proposed remit and membership for the Engagement Group. It is proposed that the community views obtained be brought back to this Committee for consideration before a Terms of Reference for the Group is finalised.
- 6.2 The consultation will be circulated directly to all Community Councils and known community groups within the Nairn area. In addition, it will also be circulated directly to any individuals who have expressed an interest in the Nairn Common Good Fund by responding to the last 3 statutory consultations carried out in respect of the Nairn Common Good Fund. The consultation will also be available on the Council's website and be promoted through normal channels. The consultees will also include the proposed Membership of the Group as set out in **Appendix 1**.
- 6.3 Following consideration of the responses received, a Terms of Reference for the Group will be finalised and agreed at Committee and it is intended that the Common Good Fund Engagement Group be trialled in Nairn for a period of 12 months on a test & learn basis.
- 6.4 The initial meetings of the Group will take a workshop format to set out and discuss the Group's governance and purpose to its Membership. These workshops will take a training and induction format to ensure that the Group is well informed and its remit and purpose clearly defined.
- 6.5 After a 12 month period the pilot model will be evaluated to inform future engagement methods within our Common Good Fund Policy across Highland.

Designation: Executive Chief Officer Communities and Place

Date: 20 October 2023

Author: Lewis Hannah, Ward Manager

Background Papers:

Nairn Common Good Fund: Consultation on potential future development of Sandown Lands – consultation outcome -

https://www.highland.gov.uk/meetings/meeting/4640/nairnshire_committee

Nairn Common Good Fund Engagement Group Draft Framework

Purpose

To meet community aspiration to have a stronger role in Common Good Fund (CGF) policy, build on the learning from and success of the Sandown Lands Reference Group focusing on engagement without compromising the requirement for Common Good decisions to be taken at Area Committee.

Strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.

Pilot Proposal

It is proposed that the attached governance model for a Common Good Fund Engagement Group is trialled in Nairn for a period of 12 months on a test & learn basis.

The Engagement Group is not a decision making body and does not have any specialist advisory capacity in respect of Member CGF decisions.

Remit

1.	Provide a forum to discuss and shape local strategic development of the CGF regarding the estate, lettings or other relevant CGF issues .
1.	To consult on draft Community Empowerment (Scotland) Act 2015 consultation proposals in terms of both change of use and disposals following initial Area Business Meeting discussions.
2.	Support consultation carried out in relation to duties contained within the Community Empowerment (Scotland) Act 2015, provide advice and support on potential methods and avenues of consultation to widen engagement and gather community views.
3.	Provide advice and guidance on additional means to raise awareness of statutory Common Good consultations across the community increasing the inclusivity and reach of consultations carried out.

4.	Provide feedback on active Common Good issues locally and improve the local understanding of Common Good Funds their purpose and governance.
7.	Frequency of meetings: Core group to meet twice yearly Ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.

Community Membership drawn from:

Ward Members	Nairnshire local Members (Engagement Group Chair)
Community Councils	1 Representative from each
Nairn Academy Stakeholder Group	Chair
Highland Youth Parliament	2 local representatives
Business Community	BID Manager Commercial CGF Tenants
Economic Development	Nairn Community Enterprise Company Chair
3 rd Sector & Community Groups	Invite 1 x representative from each of the following as relevant agenda items are being discussed: Community Groups & 3 rd Sector Organisations specific to: Play & Amenity Areas Green / Net Zero Issues Youth Issues Tenants/ Residents Associations Welfare rights & benefits Accessibility issues
CGF Tenants	2 x Attendees Encourage commercial CGF Tenants to express interest in attendance to develop pool of attendees who can attend on rotation.
Flexibility	Depending on Agenda and subjects to be discussed specific / specialist attendees could vary as appropriate if and when there were specific CGF topics for discussion or development.

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Officers In attendance:

Highland Council Officers	Ward Manager Common Good Fund Project Officer Common Good Fund Officer - invitation for awareness and guidance Locality ECO - invitation for awareness Service Officer representatives - as agenda headings require
Nairn & Nairnshire Community Partnership	Chair
Statutory Partners	Community subject matter experts from statutory partners as required, ie Highland Council Services/Police /Health /Fire/ Highlife Highland etc
Highland Third Sector Interface	Area Representative