

Agenda Item	8
Report No	NC/05/24

THE HIGHLAND COUNCIL

Committee: Nairnshire Committee

Date: 22 January 2024

Report Title: Nairn Common Good Fund
Engagement -Consultation Responses

Report By: Executive Chief Officer Communities and Place

1. Purpose/Executive Summary

- 1.1 This report updates Members with the outcome of targeted consultation carried out in relation to the Nairn Common Good Fund Engagement proposals which were presented to the October 2023 Committee.
- 1.2 This report also sets out next steps for in relation to this work along with proposed replies to the consultation responses received and a proposed Terms of Reference for a Nairn Common Good Fund Engagement Group taking account of responses received.

2. Recommendations

- 2.1 Members are asked to:
 - i. **Note** the update provided in this report along with the consultation responses received detailed at **Appendix 1**;
 - ii. **Agree** the proposed replies to the consultation responses received as set out at **Appendix 2**; and
 - iii. **Approve** the proposed Terms of Reference for a Nairn Common Good Fund Engagement Group as set out in **Appendix 3**; and
 - iv. **Note** that the Terms of Reference at **Appendix 3** does not impinge on the need for decisions in relation to the Nairn CGF to be taken at this Committee.

3. Implications

- 3.1 **Resource implications** - Costs in respect 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 and operation of the proposed Common Good Fund Engagement Group.
- 3.3 **Community (Equality, Poverty and Rural)** – The consultation set out 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 role in the Nairn Common Good Fund.

- 3.4 **Risk implications** - None
- 3.5 **Gaelic and Climate Change** – None

4. Background

- 4.1 Presently the role of the community and Community Councils in relating to the Common Good Fund is statutory consultation in line with the requirements of the Community Empowerment Act. The Act contains a duty to consult community councils and community bodies 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 stronger a 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 The 30 October 2023 meeting of this Committee agreed that a draft Engagement Framework be issued for community consultation and that the views obtained be brought back to this Committee for consideration before a Terms of Reference for the Nairn Common Good Fund Engagement Group is finalised. The previous report to Committee can be found [here](#)
- 4.4 The outcome of the consultation along with proposed next steps are set out in this report.

5. Consultation Responses

- 5.1 A total of 18 responses to the consultation were received, the responses in full can be found at **Appendix 1**.
- 5.2 In summary, the 18 responses received were supportive of the principle of establishing an engagement group, however some consultees sought to increase the proposed frequency of the meetings or extend the duration of the proposed pilot. Whilst other consultees questioned the proposed membership and Chair arrangements as set out in the draft Engagement Framework. There were also some consultation responses which pressed for a decision making role for the group however this is not possible as previously reported to this Committee.

5.3 There were 10 responses received which sought to amend the draft Engagement Framework, these are set out in **Appendix 2** with proposed replies to those responses set out for consideration and approval by Committee.

6. NCGF Engagement Group Pilot 2024/25

6.1 The feedback received within the 10 consultation responses set out in **Appendix 2** has been incorporated, where possible, into the draft Engagement Framework to prepare the proposed Terms of Reference for the Nairn Common Good Fund Engagement Group detailed at **Appendix 3**.

6.2 Committee is asked to agree that the Terms of Reference at **Appendix 3** is approved as the basis to establish a Nairn Common Good Fund Engagement Group which will commence in 2024/25 for a test & learn pilot period of 24 months. Following that pilot period the outcomes from the pilot will be evaluated and reported to this Committee.

6.3 Committee is also asked to note also that the proposed Terms of Reference for the Engagement Group does not compromise the decision making governance in respect of the Nairn CGF and does not in any way dilute the need for decisions in relation to the Nairn CGF to be taken at this Committee.

6.4 During the 24 month pilot period It is proposed that the Group will meet quarterly, in advance of area Committee, in line with the consultation responses received and that the outcomes and actions of the NCGF Engagement Group will be reported to Area Committee.

6.5 Committee is asked to note however that the initial meetings of the Nairn Common Good Fund Engagement Group will take a workshop format to set out the Group's governance and purpose and to ensure that the Group has a solid understanding of the governance relating to the Nairn Common Good Fund. These initial workshop style meetings will take a training and induction format to ensure that the Group is well informed and its remit and purpose clearly defined.

Designation: Executive Chief Officer Communities and Place

Date: 11 January 2024

Author: Lewis Hannah, Ward Manager
Ali Garrow, Nairn Common Good Fund Project Officer

Background Papers:

Nairn Common Good Fund: Community Engagement Model –
https://www.highland.gov.uk/meetings/meeting/4870/nairnshire_committee

APPENDIX 1

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.	Provide a forum to discuss and shape local strategic development of the CGF regarding the estate, lettings or other relevant CGF issues.	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.	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.	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.	Provide feedback on active Common Good issues locally and improve the local understanding of Common Good Funds their purpose and governance.	It is proposed for the core group to meet twice yearly with the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.	Do you agree with the proposed membership group? If not please state which additional groups should be represented.	Other Comments
The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of								
Yes	Agree	Agree	Agree	Agree	Agree	Agree	Yes	
Yes	Agree	Agree	Agree	Agree	Agree	Quarterly	Need to add Green Hive, plus local residents. What happens if the CC's dont reform, how are residents represented?	
The purpose of the Group was to engage with the inhabitants of the Royal Burgh and to allow them to come to a view on what and what should not be done with Nairn's Common Good. This group does not fulfil this purpose and still retains the right of the 4 local members to override the outcomes of consultations as has happened in the passed with Sandown, Grant Street Yard and Seamens Hall.	There is a vagueness about what the group can and cannot do and it appears to me that this is a tick box group that is being driven by Highland Council rather than being community led.	Consultation on both the change of use and disposals is a requirement under Chapter 8 of the Act. However, the decision on which common good assets form the basis of consultation should remain	This very loaded question implies that the Group will be required to provide and advice and support but such a requirement would also imply the agreement of Group members to any such consultation. The remit does not make clear this point or delegate this power to the Group.	As 8 above and only where the inhabitants on the Group are agreed that change of use or disposal is the best option. The decision must rest with the Group members who are actually residents of the Royal Burgh.	Raising concerns and issues regarding Common Good issues should be part and parcel of the Group's remit and form part of a regular agenda point. Feedback on common good issues is already part of the monthly reports given at Community Council meetings. The big problem the Community has is the reluctance of Ward Members to comment and inform the Community and when the Community Councils do correspond with Highland Council there is (a) either no response, or a delay of 6-12 months before a response is eventually received; (b) as is normal practice the response either does not address the questions raised, a load of waffle is inserted to side step and excuse non compliance with Highland Council Policy and the Act; (c) every attempt made to cover the backs of incompetent officers who have no local knowledge; (d) provides a selective and slanted summary of the full comments received; (e) no validation that the responses belong wholly to the inhabitants of the Royal Burgh i.e. Sandown	Meeting two times a year is not sufficient and the frequency of meetings should be at the discretion of the Group members who actually reside in Nairn. They know what, when and where issues are causing concern.	The Group is far too big. There should be no one on the Group who is not an inhabitant of the Royal Burgh i.e. Third Sector Organisations. Such organisations should be part of the officers/other interested stakeholders in attendance.	The group should be community led and not driven by Highland Council Officers. Whatever the agreed decision of the Group, Ward Members are obligated, as elected representatives of the Nairn Community, to carry out the agreed decisions of the Group, including ensuring that all questions and concerns raised either verbally or through correspondence with Highland Council are answered in a timeous, open, transparent and meaningful manner. Adherence to Highland Council communication and engagement policies is essential together with compliance with all aspects of Common Good Law and LASACC Accounting Regulations, and Road Traffic Regulations. Car Parking as an example was never the subject of local consultation and the stippery excuse offered why this never happened was because 'it was an invitation to pay scheme'. Likewise all the assurances about the administration scheme and maintenance of the equipment being borne by Highland Council out of their share of the income was very quickly shelved and already more than £3.5k has been charged to the NCGF - this figure is most probably going to increase year on year as Highland Council try to grab money from everywhere to meet their budget deficit.
Yes	Agree	Agree	Agree	Agree	Agree	Agree	Yes	I am answering this in behalf of the nairn academy parent council
Agree with principle of 'stronger role' but purpose must be more explicit on THC commitment to greater transparency by affording advance opportunity for community ref group briefings and collaborative discussion on all NCG impacting proposals emerging well before they reach the Nairnshire Committee table for decision. Also 'Sandown Land Reference Group' referred to was a seriously flawed exercise, set up only after the community had given its clear and comprehensive verdict to reject the first Sandown consultation proposals, with the second consultation questions, being different, not comparable to the first, confusing and invalid as not even restricted to one response per respondent (why CC 's did not participate). It was not an example of good practice, so the word 'success' should be removed from the above statement. If the 2nd Sandown consultation' is to be referenced here, documenting its learning would be a useful early priority of this new group.	Agree	Agree	Agree	Agree	Agree	As Nairnshire Committee meets 4 times per year to make decisions on Nairn Common Good matters this group should meet at least 4 times per year to discuss upcoming NCG matters to support and brief Councillors as CG trustees before any NCG Agenda items are agreed for local area committee	More clarity needed on membership and powers, roles and responsibilities of group. Essential for community reps to comprise majority and for Chair to be appointed by Community, with THC CG Officer supporting	As a model for Scotland with Nairn having so much of its green space, seafront and tourism assets in Common Good ownership, this new community empowerment grouping, as the first in Highland, might be best to appoint an independent Chair with in depth experience and expertise in common good matters such as Andy Wightman (Author of 'And the Poor Had No Lawyers') who now lives in the Highland area.

Insufficient time in a one year trial and 6 monthly meetings also insufficient. Your own blurb says first meeting will basically just be familiarisation and training meetinds. Suggest quarterly meetings at lease during the first trial period which needs to be a minimum of 2 years or more.	Agree with the principle of the forum but worried that there is nothing stated about duration one person can be a representative. This can lead to stagnation and dogma of views. If CC's are poorly elected (not groups such as NWSCC is at present) then there needs to be some stated ruling that the personnel must change at least every two years. Also that one person should not be allowed to represent more than one body and/or themselves as an individual.	Agree	The present list of possible attendees is very narrow and we know from recent voting that this community does not feel that they are well represented by their CC or it's members. Therefore widen this to include at least two qualified professionals not necessary from legal as the HC has that aspect covered. However from some Chartered engineering or similar background would add balance to the mix.	Use Social media as Paul Oldham is. This allows more folks to read the minutes and to hear/read what is being discussed, giving an avenue for more involvement	see previous answer which covers part of this question. There is a lot of misunderstanding about how the Common Good came into existence pre HC days and how it is being handled now.	quarterly during the initial 2 - 4 years so folks get a grounding in the way the forum is to work, gain more knowledge of the Common Good and the importance of fully discussing and understanding the implications around any proposal	NO - previous answer outlines some of this, but one person should not represent more than one body, one named person should not serve more than two years without a break of a minimum of 1 or 2 year before returning. More individuals from the community who may have been involved in community stuff that could include Common Good matters, ensure widening to include at least two more suitably qualified professionals, let the community know the names of the current representatives so they can approach them and discuss matters if they feel they cannot do that via Highland Council. Open door policy on all fronts	I feel very strongly that this group must always be well chaired and that good training followed by impartial briefing notes should be issued well in advance of any forum meeting. The future and longevity of the Common Good in Nairn is vital. It has been in existence since circa 1500 we are only custodians of this/these wonderful gift/s to the town and must take a responsible stance when dealing with it's long term sustainability.
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Yes	Agree	Agree	Agree	Agree	Agree	Agree	Yes	Nairn BID looks forward to being an integral and active part of this group.
I agree with the stated purpose - to give the community a stronger role in CG POLICY. But I don't consider that the "Reference Group" is an appropriate or useful model: it offers no learning, was not a success, but was a manipulative exercise which was neither representative, transparent nor independent.	Agree There is merit in establishing a forum to discuss and shape not only strategic development but also sound management of CG assets. This requires clarity over how and by whom recommendations will be tabled, what weight will be given to conclusions reached by the group, and how they will be monitored and reviewed. A forum only has validity if its modus operandi is clear and agreed.	Agree This is vague and imprecise. It fails to define the task clearly. It does not say - but implies - that the group will not have the scope or the powers to put forward proposals for change of use and/or disposals, nor to table and explore alternative options, nor will simply "consult" on proposals already drawn up by others (such as the Area Business Meeting - which has no powers or authority and is itself only consultative). This effectively denies the CGEG any substantive or meaningful influence on the shaping of policy, gives the group not scope for initiating action, and indicates that its role is purely reactive. This makes it both both feeble and pointless.	Agree I disagree because the stated purpose of the group is to have input into POLICY, not to advise or manage PROCEDURE. The consultation requirement and process is clearly laid down in the CEA legislation. The group could certainly advise on the adequacy, propriety and objectivity of any proposed consultation method. But this is a secondary function which is separate and supplementary to the core task which is to shape and influence policy recommendations before any consultation, to ensure that options are fully appraised, and that the consultation is not open to manipulation.	Agree The task is not to raise awareness of the consultation process, but to raise awareness (and ensure compliance with) the basic principles and legal judgements which should define and determine how Common Good is managed. This necessarily requires monitoring and scrutiny of the role of trustees and the integrity of their decisions. It has to involve checks on how decisions are made, and how assets and funds are utilised. At present there appears to be no provision within the draft remit for the group to perform this vital function.	Agree In principle this is a reasonable component in the proposed group's remit, so can be agreed. But limiting the group task to providing "feedback" gives it a purely reactive role. The need is for consideration, examination and discussion BEFORE action is taken, as well as feedback after the event. And the group itself is not a mechanism for a public information programme. The group's primary function should be to represent the interests of the community. In so doing it has to be independent and distinct from the trustees (the Council): there may be an educational/informative dimension to the group's deliberations. But the group cannot act as a proxy or PR instrument for the Council: it has to be seen to be representative of the community and therefore independent of the Council.	Agree This is insufficient and inadequate. In practice the group should act, offer advice, conduct reviews and make submissions, as a sub-committee of the local Area Committee. It follows that it should meet prior to every Area Committee meeting. And - since CG monitoring is done on a quarterly basis - the group should certainly meet at least quarterly in order to examine and comment on those reports, as well as meeting (on different timing is circumstances require) to consider specific policy proposals or initiatives before they are submitted for decision.	Yes The membership has to strike a balance between being - on the one hand - representative and manageable (which implies a clear limit on numbers) and being "inclusive" (which leaves the field open to an extensive and variable but potentially vast number of participants, each with their own "special pleading"). So before any consideration of a possible "list" of participants, there has to be a clear set of membership criteria which define eligibility. Otherwise this opens the way for arbitrary, partisan selections and thus accusations of bias, favouritism or manipulation. Local representatives who have been publicly elected should participate. This covers Ward Councillors, and Community Councillors. But if each CC has only one representative, then the Highland Council should likewise have only one representative. In terms of other group-members, it would be reasonable to seek participation from identifiable local community bodies. But the criteria would need to be defined.	(1) There is a gaping hole at the centre of this proposal: it is the absence of any clear remit, or provision, for the group to shape policy (the stated purpose of the group). The current draft six-point remit is almost entirely about procedure and publicity: advising on methods of consultation, raising awareness etc. There is nothing which spells out a role for the group in influencing policy, in advising on management. In examining or challenging proposals, in advocating alternative options (eg on use or disposal of assets) or in providing input on issues such as the the generation or expenditure of CG funds. (2) the composition/membership of the group is critical. Comments above have flagged up the tension between the need for representation and manageability, and the desire for inclusivity. The draft is totally inadequate on this aspect. There have to be clear, objective criteria for membership. Publicly-elected community reps (Councillors and CC members) have a clear representative position ex officio. But in respect of other participants, there may have to be some form of sectoral nomination/election process to ensure that all parts of the community are represented, with a clear label attaching to each seat (eg Business, Youth, Age, Disability, Voluntary bodies, etc) rather

<p>We need to get the strategy right.It is our Common Good</p>	<p>This is the Royal Burgh of Nairn's Common Good.It must act in the best interest of Nairn's Common Good and make best use of our Common Good assetsn Good</p>	<p>The discussion and agreement must be with the eligible inhabitants of the Royal Burgh of Nairn and nobody else.other H Officials for example are only there in an advisory rolewith the Royal Burgh of Nairn's inhabitants.It belongs to them. Then Our Local Councillors can rubber stamp that decision</p>	<p>It is our Common Good</p>	<p>Yes to as many of our eligible inhabitants as possibletaking part</p>	<p>It is our Common Good</p>	<p>It needs to meet as often as necessary</p>	<p>It can only be eligible residents of the Royal Burgh of Nairn</p>	<p>We can be the Model for Highland and the rest of Scotland. But we must get the strategy right from the start. We have a fantastic memory bank and really good contacts to help where necessary. Please make sure we get this right this time. It is an invaluable natural asset and we have a really serious responsibility to pass it on to future generations in even better environmental condition than we inherited. It must not be used as a cash cow for HC current financial problems I am not sure that this process has recorded all my views correctly and look forward to a round table discussions before any decisions are made Can we see all responses as part of the process and make sure we build a comprehensive memory bank of best practice as we all work together. We must also ensure that all accepted responses are from eligible inhabitants of the Royal Burgh of Nairn The process must be transparent.</p>
<p>The Sandown Reference Group was a group set up by Highland Council without proper consultation. It was done as a desperate attempt to try and get the original consultation outcome overturned.</p>	<p>This group has no teeth. This group should be responsible for bringing forward recommendations for any actions/proposals in respect of Nairn's Common Good. It should be bottom up and not top down local community participation. I strongly disagree that proposals should come to the Group AFTER being decided at Ward and Nairnshire committee. The Group should be a management group who can recommend proposals to Nairn's elected members who were voted in by the people of Nairn. These members should carry out the wishes of the people who elected them rather than the suggestions of Highland Council. NCG belongs to the people of Nairn not Highland Council./</p>	<p>I repeat my views as above - why should the Group be given a fait accompli only after Ward and Nairnshire Committee meetings have decided on the proposal. This is completely the wrong way to go about things i.e. surely it makes more sense for any proposals to come to the Group BEFORE being discussed at Ward or Nairnshire Committee meetings. Such a process only slows down the process and also wastes time, money and resources for volunteers and officers.. What happens if the Group does not agree the proposal and what it changed? Can the Group change the proposal? If not what is the point of the group and the matter being referred to the Group? Common sense is required here!</p>	<p>Since the proposals are not emanating from the Group, what is the purpose of the Group? Since the proposals are being handed down as a fait accompli, it seems to me as if the Group as if Highland Council are using the Group as their mouthpiece and to give the illusion that the Nairn Group supports the proposals when in fact they will have had no input whatsoever. Support for consultations should be providedd by Nairn's Common Good Officer, after all we are paying for this person and it is their responsibility to provide advice and support to the Community. I cannot emphasise enough, the Nairn Common Good Officer works for us the people of Nairn - we have his wages - and he does not work for Highland Council.</p>	<p>Again this is the job of the Nairn CG Officer. If the Group had responsibility for recommending how Nairn's common good was administered rather than being a patsy for Highland Council then it would be appropriate for the Group to advise on wider Nairn inhabitant inclusivity. Recent CG consultations have been a joke. Anyone from anywhere could input their views, whether that be Australia or Timbuktoo, house building organisations who have a vested interest in development opportunities or even staff from HC itself because HC have no way of verifying who has responded, and all attempts by Community Councils to seek evidence of such validation have been totally resisted by HC. This means, in theory, that more people outwith the Royal Burgh casn respond to the consultation than residents - hardly an accurate reflection of the views of the inhabitants of the Royal Burgh. In other words any outcomes have the potential for being totally skewed and inaccurate.</p>	<p>The job of the Nairn Common Good officer is to get out and look at all of Nairn's common good and bring forward to the Group what he has observed together with any feedback which has been passed to him by the people of Nairn. As the local expert on Common Good matters, which is why he is being paid by the Nairn Common Good, it is his job to ensure local people, school children, businesses, tenants and other groups all understand what the common good is, its purpose, governance, financial position and that this is conveyed to the people of Nairn. It seems to me as if the Group is having this responsibility thrust upon it as a way of HC abrogating its responsibilities. Will HC then use the Group as the reason why consultation was not widely carried out? I suspect so. If the Nairn Common Good Officer is not going to be doing what is set out in Q10, does that mean he will be doing more work for HC and not for Nairn?</p>	<p>Nairn CG is essential to the people of Nairn because it provides all local amenity provision without any financial support from Highland Council. It has not been missed on the people of Nairn that Bought park and other parks in Inverness receive support through having grass cutting and other maintenance paid for by the Council. Such costs are not charged to the Inverness CGF. Already in this year's budget and indicated in the press, Bought, Northern Meeting and Whin Parks have received nearly £10M in funding from Highland Council while Nairn is not given a single penny towards the upkeep of its amenity areas which include the splashpad, which is used by Highland tourists and residents from neighbouring communities. NCGF will play a pivotal role in our Local Place Plan and therefore, it is even more important than ever that the community knows about Common Good and can participate in any decisions which impact this valuable fund.</p>	<p>Absolutely Not. Only residents of the Royal Burgh should be able to participate in the Group. Nairn CCs are elected by the residents. NRCC represents 5000+ people and has 12 elected members i.e. 2+ members per 1000 residents. NRCC should have at least 5 members. Where Groups hold public meetings and publish papers and minutes, like Community Councils are required to do by Highland Council, it is reasonable for them to be represented on the clear basis that such representation on the Group reflects the best interests of the whole of the inhabitants of the Royal Burgh. The Group should not be used as a medium for (a) advancing any individual, group or organisation's objectives and aims and (b) of benefiting in any material or financial way any individual, group or organisation represented on the Group.</p>	<p>1.The questionnaire is rather strange. If you tick the disagree box you cannot offer comments. I would hope that such a highly understandable and questionable analytical play is not used to give the misleading impression that there has been a high percentage of people who did not disagree with the question(s). Likewise if you tick the agree box, you are unable to qualify this by offering comments. Hence this questionnaire is highly questionable in its intent and purpose. The ability to offer comments should be available to everyone. 2.The space available for comments in the form is insufficient as many of the issues require detailed explanation/comment. 3.Again the space available on screen for typing too small as it does not allow for the reading of comments without constantly scrolling back to ensure all comments have been offered. The screen is distinctly unfriendly to users and has been basically designed in such a way to deter meaningful/constructive comments. 4.For someone like me who is not a typist, there is no automatic save mechanism and where I have inadvertently hit the Ctrl key and a character the screen has refreshed and all my input has been lost. This has</p>

1. Provide a forum on strategy and other relevant issues. Agree. 2. Consult on draft CEA consultation proposals before any decision made about consultation – agree. 3.Support consultation. The fairest, cheapest and easiest way to widen engagement is maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to waste the group's time on this. I utterly refute that the Sandown Reference Group was a success – it was a completely unrepresentative group of mainly Inverness officials who selectively targeted sections of the community that they thought would agree with the proposal to sell Common Good land at Sandown. HC officials misused personal information stored for other purposes contrary to GDPR. An expert legal opinion absolutely savaged the reference group and the second Sandown Consultation and it would have ended up in the Court of Session. That's how successful it was.

1. Provide a forum on strategy and other relevant issues. Agree. 2. Consult on draft CEA consultation proposals before any decision made about consultation – agree. 3.Support consultation. The fairest, cheapest and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this. 4. Provide feedback to community – agree. 5. Ensure that common good money will be used as an addition to HC budgets for Nairn not as a replacement. This is HC policy. 6. Scrutinise CG accounts and contracts (as per Scottish Land Commission guidelines)

What does 'consult on' mean? Who is being consulted - the group? If this is a case of draft proposals coming to the group to prevent the shambles and expense of Sandown consultations, Grant Street, Seamen's Hall then it would be very welcome. Consultation proposals must look at all the options for use of any asset, not what suits Highland Council, but what is in the interests of the people of Nairn's former Burgh. All options must be properly costed and disposal by sale should be bottom of the list of possibilities. Everyone on the group must be a resident of Nairn and have the interests of Nairn's Common Good Fund as their first priority.

The fairest, cheapest and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this. The methods used by the Sandown reference group were shamefully biased and manipulative. It would have ended in the Court of Session and cost HC a fortune. As an aside I don't see any evidence that consultations in other burghs are being similarly conducted. Why exactly?

The fairest, cheapest and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this. The methods used by the Sandown reference group were shamefully biased and manipulative. They accepted anonymous responses, multiple responses from the same people, respondents who had no connection to the town, housing developers. If taken forward it would have ended in the Court of Session and cost HC a very large sum of money. No doubt they would have tried to pay it from the CG fund!

Proposed Responsibilities of Group /purposes and governance: 1. Have to act in the interests of the Common Good at all times and put this above other interests and roles 2. Make best use in widest sense of CG assets for the good of the town 3. Ensure that common good money will be used as an addition to HC budgets for Nairn not as a replacement. This is HC policy. 4. Scrutinise CG accounts and contracts (as per Scottish Land Commission guidelines) Nairn has extremely high levels of knowledge of CG Law and best practice. There are huge problems with lack of transparency and determination of HC to keep control of our funds to substitute for statutory spend like leisure and rec. In addition to getting no rental from HC for use of CG assets for statutory purposes Nairn CG pays for services already funded in the High Life Highland services contract. No other third party in HC area managed by HLH has to pay any charges. The people who need governance are HC not the Nairn residents.

Is this a joke? How can any group tasked with the remit above (overseeing the Common Good strategy, accounts, leases, disposals) have any useful purpose if it only meets 6 monthly? 2. All members must be residents of the former Burgh of Nairn. 3. There should be an independent chair. 4. The group must be smallish, functional and meet frequently say every month or two. 5. There should be no 'focus' groups. They would be used to pass the main group with no transparency or accountability. All business should go through the main committee and be fully transparent and mimuted. 6. All four Highland Councillors and two community Councillors each from NWSCC and NRCC are the core membership. (no other CCs qualify). CCs have worked tirelessly for years to get the CG fund administered legally and for the benefit of the community. They are an immense knowledge base of the legislation and history and are recognised in law as the principal statutory consultees.

Core group should be 4 Nairn Councillors, 2 Community Councillors each from Town CCs, 1 each from BID and NICE, 1 junior non voting member. Other community groups only as required for agenda items. Admin support from Ward Manager and CG officers. The following should not be on Nairn CGEG 1. CG Tenants (Financial interest debar them) 2. Nairn Academy Stakeholders (no relevance to cg matters) 3. Housing/welfare or other irrelevant officers from Highland Council. 4. Nairn and Nairnshire Community Partnership. These people are from outwith Nairn and are service providers. They have no locus in Nairn CG and are apparently non functional in their own sphere. 5. Statutory partners (as above) They also are service providers largely from outwith the area and have no locus in the Nairn CG. 6. Third Sector Interface. From outwith Nairn. No relevance to Nairn Common Good and appeared to be biased and unprofessional in second Sandown consultation.

It is hugely disappointing that after decades of effort to get the people of Nairn a proper say in the use of the CG assets of the town that this questionnaire has been issued just before Christmas with only three weeks to respond. This is absolutely inappropriate and disrespectful. The consultation was supposed to be issued in October. What is the rush - not only to make it as difficult as possible for people to give a thought through response, but also to pass the statutory bodies such as CCs who do not meet over this period. What is the agenda here? It's not a good start. This is not about box ticking and making things quick and easy for Highland Council staff it is about getting it right. If you railroad this through like this it's just not going to work, and the opportunity to get good, democratic and legally competent management of the CG assets will be lost. In addition: 1. Who has the questionnaire been distributed to and how were the participants identified? 2. What steps were taken to ensure a statistically valid sample? 3. Did those you contacted give express permission under GDPR legislation for their details, presumably submitted for another purpose to be used in this way? The Nairn Common Good Fund belongs to the People of Nairn. It is held in the stewardship of the Highland Council Councillors for the benefit of the People of Nairn. The Highland Council do not own the Fund and it should not be used to fund those services in Nairn that the Council is obliged to fund itself. The organisations that are most suited to make up the membership of the group are those that have stood for election by the People of Nairn and not those who have set themselves up in the Community to benefit themselves in one way or another. Charities and such who may be seen to have a conflict of interest should be discouraged from being on the group but can be consulted on where their expertise may be of benefit. It is very important that the fund is not used to promote any individual or group at a cost to the People. The two Consultations on the Sandown lands shows that the People do not want to sell the land for housing, this decision must be respected and no further consultations should take place for many years.

The Sandown Lands Reference Group was not a group of Nairn residents but was populated by many from outside the area. The group must be made u of Nairn residents and not include anyone with a conflict of interests.

Agree

discussions must be held before area business meetings to ensure the Councillors are aware of the advise given by the group before any decisions are made and to combat any possible inaccurate information provided by the Council officers

Agree

Agree

Providing that the decisions taken are in line with the advice given by the group and not expect the group to give good feedback on decisions taken by the Councillors that the group disagree with

The group must meet monthly and as necessary to discuss all aspects of the fund. Especially when disposal of any asset is considered. These meetings must take place before the fund incurs any costs at the behest of officers

The group must consist of Nairn residents only. The ability to consult specialists should be regarded as normal without them being part of the core group.

<p>NWSCC are filling this in but have already submitted letters in September and December which more fully reflect our position. It is with considerable disappointment that we are in receipt of a proposal for a CG Engagement Group which is far removed from suggestions which we made in September to assist with the setting up of a group which would be small, local, knowledgeable and compliant with the spirit and letter of the Local Government Acts of 1974 and 1994 and the Community Empowerment Act of 2015. We also referred to the protocol issued by the Scottish Land Commission in 2020 regarding community involvement in decisions involving CG Land and other assets. We have been promised a Community CG engagement/management group for over a decade. Now in December we have been asked, with no meeting to the end of January, and three weeks response time to get together and formulate a response. This is absolutely inappropriate and disrespectful.</p>	<p>Remit: 1. Provide a forum on strategy and other relevant issues. Agree. 2. Consult on draft CEA consultation proposals before any decision made about consultation – agree. 3. Support consultation. The fairest, cheapest, legally compliant and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this. 4. Provide feedback to community – agree</p> <p>5. Frequency of meetings – must be minimum of 2 monthly, preferably monthly or it is meaningless. In addition we would add: Proposed Responsibilities of Group: 1. Have to act in the interests of the CG at all times and put this above other interests and roles 2. Make best use of CG assets for the good of the town 3. Ensure that cg money will be used as an addition to HC budgets for Nairn not as a replacement. This is HC policy 4. Scrutinise CG accounts/contracts (Scottish Land Commission)</p>	<p>This is not clear. Does it mean 'be consulted' ? If so this is a must, and well in advance of any formulation of proposals for use or disposal of CG assets.</p>	<p>Support consultation. The fairest, cheapest, legally compliant and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this.</p>	<p>As above. The only fair and legal way to promote consultation is to contact all residents. The fairest, cheapest, legally compliant and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this.</p>	<p>4. Provide feedback to community – agree</p>	<p>Must be minimum of 2 monthly, preferably monthly or it is meaningless. There should be no 'focus' groups, all business should go through the main committee and be fully transparent and minuted. Focus groups lead to loss of transparency and accountability.</p>	<p>1. All members must be residents of the former Burgh of Nairn. 2. Independent chair. Highland Councillors are conflicted. 3. The group must be Local. It has to be smallish, functional and meet frequently say every month or two. 4. There should be no 'focus' groups, all business should go through the main committee, fully transparent and minuted. Focus groups lead to loss of transparency and accountability. 5. All four Highland Councillors and two community Councillors each from NWSCC and NRCC are the core membership. (no other CCs qualify). CCs have worked tirelessly for years to get the CG fund administered legally and for the benefit of the community. They are an immense knowledge base and statutory consultees. To offer them a total of two representatives is unacceptable. 7. One junior non voting rerepresentative. Minors are not financially competent by law. 8. One each from BID and NICE. 9. Other community representatives only for specific agenda. 2-3 Council officials only for admin</p>	<p>The following should not be on Nairn Common Good Engagement Group</p> <ol style="list-style-type: none"> 1. Any non resident of the former Royal Burgh of Nairn. 2. Common Good Tenants (Financial interest debars them) 3. Nairn Academy Stakeholders (no relevance to common good matters) 4. Housing/welfare or other irrelevant officers from Highland Council. 5. Nairn and Nairnshire Community Partnership. These people are from outwith Nairn and are service providers. Why are they being consulted or suggested as members? They have no locus in Nairn Common Good and are apparently non functional in their own sphere. 6. Statutory partners (as above) Police, fire service, NHS etc. Why would they be involved in this group, or even consulted about it? They are service providers largely from outwith the area and have no locus in the Nairn Common Good. 7. Third Sector Interface. From outwith Nairn. No relevance to Nairn Common Good and appeared to be biased and unprofessional in second Sandown consultation.
<p>Yes but the phrase 'build on the learning from and success of the Sandown Lands Reference Group' is redundant and according to people who were involved, is not a good reference point to highlight.</p>	<p>Agree</p>	<p>Disagree</p>	<p>Agree</p>	<p>8 and 9 seem to overlap and may be joined into one point</p>	<p>Agree</p>	<p>Feels like there should be more core meetings to develop the strategy at least</p>	<p>No groups with vested interests should be core members. E.g., 3rd sector groups/tenants may be consulted on the strengths of their issues and interests but should not be around the table in the strategic development discussions. The core group should comprise residents of Nairn only.</p>	<p>The NAC minutes states that the consultation will be available on the council website and promoted through the normal channels. Did this occur, I can't find anything?</p> <p>I do believe the ward councillors should be members of the core group so that they can listen to views and express their own. It's important to have an open conversation amongst the group. I think members of the public should be invited to apply for the group and a few chosen to join to make it more representative. Needs to be clear the role and obligations of a member to become an expert on CE and Common Good. There are experts on Nairn Common Good (eg Joan Noble) who may be individual core members rather than via their community group.</p>
<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p>The trial period of 12 months may be too short to fully assess the benefits of introducing such a process. The frequency of meetings, at a meeting every 6 months is too infrequent.</p>
<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p>I suggest a 4 year trial period with group meetings every 4 months, with a review every 12 months to assess effectiveness and make changes to process and representatives as appropriate.</p>
<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p>Selection of representatives must be given some careful thought. All representatives should sign into a charter of improvement and sustainability for the CG, if two continuous meetings are missed without apology and sound reason these individuals should be required to step down from group. Members of NRCG should be excluded from participating in the trial. The NICE representative should be the recently appointed LPP project Manager.</p>
<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p></p>	<p>If a CC is not constituted it should have no representation, if a CC member there should be no other access to the group, ie via representing other groups. Major users/caretakers of the CG e.g. Highlife Highland should be considered as a representative</p>

Having been a former CC member and many years of understanding the CG and especially the Nairn CG, it is essential for this group to be effective adequate training in CG history, the legal aspects of CG is given. This training must be delivered prior to group meetings, and most likely topped up as trial evolves.

Sustainability of the CG must be a core objective of the task at hand. To enable the group to focus they should be presented with the current Vision, Mission and strategy that drive the 4 elected members. If that requires to be changed or updated it should be a task that the group should review and make recommendations

I would recommend that there should be at least 2 slots for ward residents that have specific skills or enthusiasm for a successful outcome for the CG.

There should be a mechanism for replacing or removing nonparticipating members of the group.

Appendix 2

Respondent	Clause	Questions/issues/concerns	Council's suggested response
1	<p>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.</p> <p>The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.</p>	<p>The purpose of the Group was to engage with the inhabitants of the Royal Burgh and to allow them to come to a view on what and what should not be done with Nairn's Common Good. This group does not fulfil this purpose and still retains the right of the 4 local members to override the outcomes of consultations as has happened in the passed with Sandown, Grant Street Yard and Seaman's Hall.</p>	<p>Decisions taken in respect of the Nairn Common Good Fund (NCGF) must be made in accordance with the Council's Scheme of Delegation and cannot be made by the proposed Engagement Group. The Nairn Common Good Fund Engagement Group will be an additional means to engage with the Community in matters relating to the NCGF however it will not have a decision making role.</p>
	<p>Provide a forum to discuss and shape local strategic development of the CGF regarding the estate, lettings or other relevant CGF issues.</p>	<p>There is a vagueness about what the group can and cannot do and it appears to me that this is a tick box group that is being driven by Highland Council rather than being community led.</p>	<p>The role and remit of the Group will be defined in the Group's Terms of Reference and will be set out in the initial meetings of the Group when established.</p>
	<p>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.</p>	<p>Consultation on both the change of use and disposals is a requirement under Chapter 8 of the Act. However, the decision on which common good assets form the basis of consultation should remain.</p>	<p>This Group will not affect the requirement on the Council to consult where required under the Act.</p>
	<p>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.</p>	<p>This very loaded question implies that the Group will be required to provide and advice and support but such a requirement would also imply the agreement of Group members to any such consultation. The remit does not make clear this point or delegate this power to the Group.</p>	<p>The role and remit of the Group will be defined in the Group's Terms of Reference and will be set out in the initial meetings of the Group when established.</p>
	<p>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.</p>	<p>As 8 above and only where the inhabitants on the Group are agreed that change of use or disposal is the best option. The decision must rest with the Group members who are actually residents of the Royal Burgh.</p>	<p>Your comments in respect of local residency are noted and as indicated above, the Group will not have any decision making role in NCGF matters.</p>
	<p>Provide feedback on active Common Good issues locally and improve the local understanding of Common Good Funds their purpose and governance.</p>	<p>Raising concerns and issues regarding Common Good issues should be part and parcel of the Group's remit and form part of a regular agenda point. Feedback on common good issues is already part of the monthly reports given at Community Council meetings. The big problem the Community has is the reluctance of Ward Members to comment and inform the Community and when the Community Councils do correspond with Highland Council there is (a) either no response, or a delay of 6-12 months before a response is eventually received; (b) as is normal practice the response either does not address the questions</p>	<p>All of these concerns are noted. The engagement Group is an attempt to improve on the way the Council communicates with and engages with the community on matters relating to the NCGF.</p>

		raised, a load of waffle is inserted to side step and excuse non compliance with Highland Council Policy and the Act; (c) every attempt made to cover the backs of incompetent officers who have no local knowledge; (d) provides a selective and slanted summary of the full comments received; (e) no validation that the responses belong wholly to the inhabitants of the Royal Burgh i.e. Sandown	
	It is proposed for the core group to meet twice yearly with the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.	Meeting two times a year is not sufficient and the frequency of meetings should be at the discretion of the Group members who actually reside in Nairn. They know what, when and where issues are causing concern.	Thanks you for this feedback, we will revise the frequency of meetings within the Group's Terms of Reference and make provision for the Group Chair to call meetings as necessary.
	Do you agree with the proposed membership group? If not please state which additional groups should be represented.	The Group is far too big. There should be no one on the Group who is not an inhabitant of the Royal Burgh i.e. Third Sector Organisations. Such organisations should be part of the officers/other interested stakeholders in attendance.	Many thanks for sharing your view on this point.
	Other Comments	<p>The group should be community led and not driven by Highland Council Officers. Whatever the agreed decision of the Group, Ward Members are obligated, as elected representatives of the Nairn Community, to carry out the agreed decisions of the Group, including ensuring that all questions and concerns raised either verbally or through correspondence with Highland Council are answered in a timeous, open, transparent and meaningful manner. Adherence to Highland Council communication and engagement policies is essential together with compliance with all aspects of Common Good Law and LASACC Accounting Regulations, and Road Traffic Regulations. Car Parking as an example was never the subject of local consultation and the slippery excuse offered why this never happened was because 'it was an invitation to pay scheme'. Likewise all the assurances about the administration scheme and maintenance of the equipment being borne by Highland Council out of their share of the income was very quickly shelved and already more than £3.5k has been charged to the NCGF - this figure is most probably going to increase year on year as Highland Council try to grab money from everywhere to meet their budget deficit.</p> <p>Openness and Transparency with regard to our Common Good Assets and Fund is paramount and this should include the Group having access to accounts including charges to be levied, L&R budget information, any contracts entered into with HLH and other parties, and information on leases. Presently this information is deemed to be commercially confidential however, the Common Good of Nairn belongs to its inhabitants and as such they are entitled to know and to comment if they feel it is necessary. Under the LG Act Highland Council only administers Nairn's Common Good and the fund is already paying for a dedicated NCG Officer and part of the substantive HC Common Good Officer post which is probably more than any other CG Fund in Scotland.</p>	<p>As indicated above this Group will not have a decision making role.</p> <p>The proposal for this Group is an attempt to develop engagement on matters relating to the NCGF as a 'test and learn' pilot. It is an attempt to open the door for better and more positive engagement on NCGF matters.</p> <p>Although your comments are noted, issues in relation to Highland Council General Fund budgets are not relevant to this consultation.</p>

		<p>The inhabitants of Nairn are, therefore, quite rightly entitled to a high quality service that meets their needs but that does not mean the NCGF is a substitute for its fair share of the Leisure and Recreation Budget. To be clear use of NCG funds should only be used as an 'enhancement' over and above the L&R budget, not as a replacement for it. Approx. £10M has recently been allocated by Highland Council between Bught Park, Whin Park and the Northern Meeting Place yet NCGF is being asked to pay charges of £3.5K for the Nairn Splashpad when a maintenance agreement is already in place with HLH.</p> <p>The proposed Group needs to get to grip with all issues, including financial, relating to NCGF without any prevarication or stalling from Highland Council.</p> <p>I consider this questionnaire to be unfriendly to users inasmuch as the questions are loaded, you cannot see what you have typed unless you keep going back to the beginning. The Terms of Reference and membership were prepared by Highland Council Officers, already discussed and agreed at a closed Ward Business meeting and merely homologated at the Nairnshire Committee as fair accompi like virtually every important issue. As the NCGF belongs to the inhabitants of Nairn, there should have been at least been some attempt at collaborative discussion with the two statutory Community Councils in whose area the Nairn Common Good resides BEFORE any proposals were presented to Ward Members. That would be real 'local democracy' and not the sham we have at present.</p>	
2	<p>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.</p> <p>The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.</p>	<p>Agree with principle of 'stronger role' but purpose must be more explicit on THC commitment to greater transparency by affording advance opportunity for community ref group briefings and collaborative discussion on all NCG impacting proposals emerging well before they reach the Nairnshire Committee table for decision . Also 'Sandown Land Reference Group' referred to was a seriously flawed exercise, set up only after the community had given its clear and comprehensive verdict to reject the first Sandown consultation proposals, with the second consultation questions, being different, not comparable to the first, confusing and invalid as not even restricted to one response per respondent (why CC 's did not participate). It was not an example of good practice, so the word 'success' should be removed from the above statement. If the 2nd Sandown consultation' is to be referenced here, documenting its learning would be a useful early priority of this new group.</p>	<p>Thank you for this feedback, your points in respect of the Sandown consultation process is noted.</p> <p>The point about capturing and documenting learning is a very useful contribution and will be added to the proposed framework.</p>
	<p>It is proposed for the core group to meet twice yearly with the ability to convene specialist focus</p>	<p>As Nairnshire Committee meets 4 times per year to make decisions on Nairn Common Good matters this group should meet at least 4 times per year to discuss upcoming NCG matters to support and brief</p>	<p>This point has been covered above.</p>

	groups drawn from Engagement Group membership as agenda items require.	Councillors as CG trustees before any NCG Agenda items are agreed for local area committee	
	Do you agree with the proposed membership group? If not please state which additional groups should be represented.	More clarity needed on membership and powers, roles and responsibilities of group. Essential for community reps to comprise majority and for Chair to be appointed by Community, with THC CG Officer supporting	These are useful points for consideration by the Group when it convenes.
	Do you agree with the proposed membership group? If not please state which additional groups should be represented.	As a model for Scotland with Nairn having so much of its green space , seafront and tourism assets in Common Good ownership , this new community empowerment grouping, as the first in Highland, might be best to appoint an independent Chair with in depth experience and expertise in common good matters	These comments have been noted and will be considered by the Group when it convenes.
3	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. The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.	Insufficient time in a one year trial and 6 monthly meetings also insufficient. Your own blurb says first meeting will basically just be familiarisation and training meetings. Suggest quarterly meetings at lease during the first trial period which needs to be a minimum of 2 years or more.	This point has already been answered above.
	Provide a forum to discuss and shape local strategic development of the CGF regarding the estate, lettings or other relevant CGF issues.	Agree with the principle of the forum but worried that there is nothing stated about duration one person can be a representative. This can lead to stagnation and dogma of views. If CC's are properly elected (not groups such as NWSCC is at present) then there needs to be some stated ruling that the personnel must change at least every two years. Also that one person should not be allowed to represent more than one body and/ or themselves as an individual.	Thank you for this feedback, we will include duration of tenure within the Terms of Reference for the Group.
	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.	The present list of possible attendees is very narrow and we know from recent voting that this community does not feel that they are well represented by their CC or it's members. Therefore widen this to include at least two qualified professionals not necessary from legal as the HC has that aspect covered. However from some Chartered engineering or similar background would add balance to the mix.	The Group Membership as stated is a deliberate attempt to be as inclusive as possible reflecting the importance of the NCGF to Nairn.
	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.	Use Social media as C'Ilr Oldham is. This allows more folks to read the minutes and to hear/read what is being discussed, giving an avenue for more involvement	This is a useful suggestion for the group to discuss when it convenes.

	Provide feedback on active Common Good issues locally and improve the local understanding of Common Good Funds their purpose and governance.	see previous answer which covers part of this question. There is a lot of misunderstanding about how the Common Good came into existence pre HC days and how it is being handled now.	This is a useful suggestion for the group to discuss when it convenes. The initial meeting will also include clarification on legal ownership in respect of the Common Good to address any continued misunderstandings.
	It is proposed for the core group to meet twice yearly with the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.	quarterly during the initial 2 - 4 years so folks get a grounding in the way the forum is to work, gain more knowledge of the Common Good and the importance of fully discussing and understanding the implications around any proposal	This point has been answered above.
	Do you agree with the proposed membership group? If not please state which additional groups should be represented.	NO - previous answer outlines some of this, but one person must not represent more than one body, one named person should not serve more than two years without a break of a minimum of 1 or 2 year before returning. More individuals from the community who maybe have been involved in community stuff that could include Common Good matters, ensure widening to include at least two more suitably qualified professionals, let the community know the names of the current representatives so they can approach them and discuss matters if they feel they cannot do that via Highland Council. Open door policy on all fronts	This point has been answered above
	Other Comments	I feel very strongly that this group must always be well chaired and that good training followed by impartial briefing notes should be issued well in advance of any forum meeting. The future and longevity of the Common Good in Nairn is vital, It has been in existence since circa 1500 we are only custodians of this/these wonderful gift/s to the town and must take a responsible stance when dealing with it's long term sustainability.	This is a useful suggestion for the group to discuss when it convenes.
4	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. The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.	I agree with the stated purpose - to give the community a stronger role in CG POLICY. But I do not consider that the "Reference Group" is an appropriate or useful model: it offers no learning, was not a success, but was a manipulative exercise which was neither representative, transparent nor independent.	The view expressed around the Sandown consultation process is noted.
	Provide a forum to discuss and shape local strategic development of the CGF regarding the estate, lettings or other relevant CGF issues.	There is merit in establishing a forum to discuss and shape not only strategic development but also sound management of CG assets. This requires clarity over how and by whom recommendations will be tabled, what weight will be given to conclusions reached by the group, and how	Thank you for your comments which are noted.

		they will be monitored and reviewed. A forum only has validity if its modus operandi is clear and agreed.	
	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.	This is vague and imprecise. It fails to define the task clearly. It does not say - but implies - that the group will not have the scope or the powers to put forward proposals for change of use and/or disposals, nor to table and explore alternative options, but will simply "consult" on proposals already drawn up by others (such as the Area Business Meeting - which has no powers or authority and is itself only consultative). This effectively denies the CGEG any substantive or meaningful influence on the shaping of policy, gives the group not scope for initiating action, and indicates that its role is purely reactive. This makes it both feeble and pointless.	Decisions taken in respect of the Nairn Common Good Fund (NCGF) must be made in accordance with the Council's Scheme of Delegation and cannot be made by the proposed Engagement Group. Statutory consultation occurs when the Council wishes to put forward a proposal for comment by the community. The Nairn Common Good Fund Engagement Group will be an additional means to engage with the Community in matters relating to the NCGF however it will not have a decision making role.
	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.	I disagree because the stated purpose of the group is to have input into POLICY; not to advise or manage PROCEDURE. The consultation requirement and process is clearly laid down in the CEA legislation. The group could certainly advise on the adequacy, propriety and objectivity of any proposed consultation method. But this is a secondary function which is separate and supplementary to the core task which is to shape and influence policy recommendations before any consultation, to ensure that options are fully appraised, and that the consultation is not open to manipulation.	These are useful suggestions for the group to discuss when it convenes.
	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.	The task is not to raise awareness of the consultation process, but to raise awareness (and ensure compliance with) the basic principles and legal judgements which should define and determine how Common Good is managed. This necessarily requires monitoring and scrutiny of the role of trustees and the integrity of their decisions. It has to involve checks on how decisions are made, and how assets and funds are utilised. At present there appears to be no provision within the draft remit for the group to perform this vital function.	The proposed Group does not have a scrutiny role, it is an engagement Group as set out in the draft framework as and as explained above.
	Provide feedback on active Common Good issues locally and improve the local understanding of Common Good Funds their purpose and governance.	In principle this is a reasonable component in the proposed group's remit, so can be agreed. But limiting the group task to providing "feedback" gives it a purely reactive role. The need is for consideration, examination and discussion BEFORE action is taken, as well as feedback after the event. And the group itself is not a mechanism for a public information programme. The group's primary function should be to represent the interests of the community. In so doing it has to be independent and distinct from the trustees (the Council). there may be an educational/informative dimension to the group's deliberations. But the group cannot act as a proxy or PR instrument for the Council: it has to be seen to be representative of the community and therefore independent of the Council.	Every effort is being made to ensure that the Group's Membership is representative of the community. The Group's primary function is engagement during the lifetime of the pilot. This will however be review at the conclusion of the pilot period so that relevant learning can be considered.

	<p>It is proposed for the core group to meet twice yearly with the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.</p>	<p>This is insufficient and inadequate. In practice the group should act, offer advice, conduct reviews and make submissions, as a sub-committee of the local Area Committee. It follows that it should meet prior to every Area Committee meeting. And - since CG monitoring is done on a quarterly basis - the group should certainly meet at least quarterly in order to examine and comment on those reports, as well as meeting (on different timing is circumstances require) to consider specific policy proposals or initiatives before they are submitted for decision.</p>	<p>This point has been answered above.</p>
	<p>Do you agree with the proposed membership group? If not please state which additional groups should be represented.</p>	<p>The membership has to strike a balance between being - on the one hand - representative and manageable (which implies a clear limit on numbers) and being "inclusive" (which leaves the field open to an extensive and variable but potentially vast number of participants, each with their own "special pleading"). So before any consideration of a possible "list" of participants, there has to be a clear set of membership criteria which define eligibility. Otherwise this opens the way for arbitrary, partisan selections and thus accusations of bias, favouritism or manipulation. Local representatives who have been publicly elected should participate. This covers Ward Councillors, and Community Councillors. But if each CC has only one representative, then the Highland Council should likewise have only one representative. In terms of other group-members, it would be reasonable to seek participation from identifiable local community bodies. But the criteria would need to be defined.</p>	<p>As indicated above every effort is being made to ensure that the Group's membership is representative of the community. The focus is on representation rather than eligibility, suggestions in relation to additional members for consideration are welcome and will be considered.</p>
	<p>Other Comments</p>	<p>(1) There is a gaping hole at the centre of this proposal: it is the absence of any clear remit, or provision, for the group to shape policy (the stated purpose of the group). The current draft six-point remit is almost entirely about procedure and publicity: advising on methods of consultation, raising awareness etc. There is nothing which spells out a role for the group in influencing policy, in advising on management. in examining or challenging proposals, in advocating alternative options (eg on use or disposal of assets) or in providing input on issues such as the the generation or expenditure of CG funds.</p> <p>(2) the composition/membership of the group is critical. Comments above have flagged up the tension between the need for representation and manageability, and the desire for inclusivity. The draft is totally inadequate on this aspect. There have to be clear, objective criteria for membership. Publicly-elected community reps (Councillors and CC members) have a clear representative position ex officio. But in respect of other participants, there may have to be some form of sectoral nomination/election process to ensure that all parts of the community are represented, with a clear label attaching to each seat (eg Business, Youth, Age, Disability, Voluntary bodies, etc) rather than an arbitrary list of organisations.</p> <p>(3) equally important is the modus operandi (standing orders) of the</p>	<p>These points have been answered above.</p> <p>If it is to be a Council/community engagement group, it cannot operate completely independently from Council officer involvement. The current position already exists whereby Community Councils can meet and discuss Common Good matters and make proposals to local Councillors for consideration.</p>

		<p>group. There is an inherent conflict in having a group representing the community chaired by a member (a Councillor) who is also a CG trustee who is in that capacity a decision-maker. Those two responsibilities are separate. The chair should be either a community representative (who is not a trustee) or a totally independent third party (academic, technical, legal or other professional) The CGEG as a community group must be seen as independent of the Council and the trustees; and its primary task should be to feed policy advice, local expertise, and operational recommendations (based on community views) into the Trustees - who meet in the Area Committee. Related to this is the framework for initiating, tabling, and proposing recommendations or actions within the group. The draft is silent on this critical aspect. Which members would have that right? Would there be a system of motions and voting (as in Council, committees and indeed CCs)?</p> <p>The questions in this survey - and the draft framework - grossly simplify, and indeed fail to address, some of the most important considerations which need to be discussed and developed further. I hope there will be proper opportunity to pursue the kind of in-depth discussion and appraisal which this important subject of CG policy and management deserves</p>	
5	<p>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.</p> <p>The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.</p>	We need to get the strategy right. It is our Common Good	Thank you for your interest and your comment.
	Provide a forum to discuss and shape local strategic development of the CGF regarding the estate, lettings or other relevant CGF issues.	This is the Royal Burgh of Nairn's Common Good. It must act in the best interest of Nairn's Common Good and make best use of our Common Good assets.	Thank you for your interest and your comment.
	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.	The discussion and agreement must be with the eligible inhabitants of the Royal Burgh of Nairn and nobody else. Other H Officials for example are only there in an advisory role with the Royal Burgh of Nairn's inhabitants. It belongs to them. Then Our Local Councillors can rubber stamp that decision.	This point has been answered above
	Provide advice and guidance on additional means to raise awareness of statutory Common Good	Yes to as many of our eligible inhabitants as possible taking part	Noted

	consultations across the community increasing the inclusivity and reach of consultations carried out.		
	It is proposed for the core group to meet twice yearly with the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.	It needs to meet as often as necessary	Noted
	Do you agree with the proposed membership group? If not please state which additional groups should be represented.	It can only be eligible residents of the Royal Burgh of Nairn	This point has been answered above
	Other Comments	<p>We can be the Model for Highland and the rest of Scotland. But we must get the strategy right from the start.</p> <p>We have a fantastic memory bank and really good contacts to help where necessary.</p> <p>Please make sure we get this right this time.</p> <p>It is an invaluable natural asset and we have a really serious responsibility to pass it on to future generations in even better environmental condition than we inherited</p> <p>It must not be used as a cash cow for HC current financial problems</p> <p>I am not sure that this process has recorded all my views correctly and look forward to a round table discussions before any decisions are made</p> <p>Can we see all responses as part of the process and make sure we build a comprehensive memory bank of best practice as we all work together.</p> <p>We must also ensure that all accepted responses are from eligible inhabitants of the Royal Burgh of Nairn</p> <p>The process must be transparent.</p>	Thank you for your observations and comment, these points have been covered above.
6	<p>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.</p> <p>The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.</p>	The Sandown Reference Group was a group set up by Highland Council without proper consultation. It was done as a desperate attempt to try and get the original consultation outcome overturned.	This point has been answered above.
	Provide a forum to discuss and shape local strategic development of the CGF regarding the estate, lettings or other relevant CGF issues.	This group has no teeth. This group should be responsible for bringing forward recommendations for any actions/proposals in respect of Nairn's Common Good. It should be bottom up and not top down local community participation. I strongly disagree that proposals should come to the Group AFTER being decided at Ward and Nairnshire	This point has been answered above.

		committee. The Group should be a management group who can recommend proposals to Nairn's elected members who were voted in by the people of Nairn. These members should carry out the wishes of the people who elected them rather than the suggestions of Highland Council. NCG belongs to the people of Nairn not Highland Council./	
	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.	I repeat my views as above - why should the Group be given a fait accompli only after Ward and Nairnshire Committee meetings have decided on the proposal. This is completely the wrong way to go about things i.e. surely it makes more sense for any proposals to come to the Group BEFORE being discussed at Ward or Nairnshire Committee meetings. Such a process only slows down the process and also wastes time, money and resources for volunteers and officers.. What happens if the Group does not agree the proposal and what it changed? Can the Group change the proposal? If not what is the point of the group and the matter being referred to the Group? Common sense is required here!	This point has been answered above.
	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.	Since the proposals are not emanating from the Group, what is the purpose of the Group? Since the proposals are being handed down as a fait accompli, it seems to me as if the Group as if Highland Council are using the Group as their mouthpiece and to give the illusion that the Nairn Group supports the proposals when in fact they will have had no input whatsoever. Support for consultations should be provided by Nairn's Common Good Officer, after all we are paying for this person and it is their responsibility to provide advice and support to the Community. I cannot emphasise enough, the Nairn Common Good Officer works for us the people of Nairn - we have his wages - and he does not work for Highland Council.	This point has been answered above.
	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.	Again this is the job of the Nairn CG Officer. If the Group had responsibility for recommending how Nairn's common good was administered rather than being a patsy for Highland Council then it would be appropriate for the Group to advise on wider Nairn inhabitant inclusivity. Recent CG consultations have been a joke. Anyone from anywhere could input their views, whether that be Australia or Timbuctoo,, house building organisations who have a vested interest in development opportunities or even staff from HC itself because HC have no way of verifying who has responded, and all attempts by Community Councils to seek evidence of such validation have been totally resisted by HC. This means, in theory, that more people outwith the Royal Burgh can respond to the consultation than residents - hardly an accurate reflection of the views of the inhabitants of the Royal Burgh. In other words any outcomes have the potential for being totally skewed and inaccurate.	The Council must notify Community Councils and community bodies known to have an interest in the land of the consultation. In making a decision section 104(6) CE Act 2015 requires the Council to have regard to any representations made by Community Councils and community bodies as well as representations " <i>made by other persons in respect of its proposals</i> ". There is no requirement that restricts " <i>other persons</i> " to inhabitants of the former Burgh are. The statutory guidance mentions notifying of the outcome using a similar wider description of " <i>anyone who made a representation</i> ".

	<p>Provide feedback on active Common Good issues locally and improve the local understanding of Common Good Funds their purpose and governance.</p>	<p>The job of the Nairn Common Good officer is to get out and look at all of Nairn's common good and bring forward to the Group what he has observed together with any feedback which has been passed to him by the people of Nairn. As the local expert on Common Good matters, which is why he is being paid by the Nairn Common Good, it is his job to ensure local people, school children, businesses, tenants and other groups all understand what the common good is, its purpose, governance, financial position and that this is conveyed to the people of Nairn. It seems to me as if the Group is having this responsibility thrust upon it as a way of HC abrogating its responsibilities. Will HC then use the Group as the reason why consultation was not widely carried out? I suspect so. If the Nairn Common Good Officer is not going to be doing what is set out in Q10, does that mean he will be doing more work for HC and not for Nairn?</p>	<p>The Group has been developed in response to a community desire to have a stronger role in NCGF matters, without compromising current common good decision making governance</p>
	<p>It is proposed for the core group to meet twice yearly with the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.</p>	<p>Nairn CG is essential to the people of Nairn because it provides all local amenity provision without any financial support from Highland Council. It has not been missed on the people of Nairn that Bught park and other parks in Inverness receive support through having grass cutting and other maintenance paid for by the Council. Such costs are not charged to the Inverness CGF. Already in this year's budget and indicated in the press, Bught, Northern Meeting and Whin Parks have received nearly £10M in funding from Highland Council while Nairn is not given a single penny towards the upkeep of its amenity areas which include the splashpad, which is used by Highland tourists and residents from neighbouring communities. NCGF will play a pivotal role in our Local Place Plan and therefore, it is even more important than ever that the community knows about Common Good and can participate in any decisions which impact this valuable fund.</p>	<p>This point has been answered above.</p>
	<p>Do you agree with the proposed membership group? If not please state which additional groups should be represented.</p>	<p>Absolutely Not. Only residents of the Royal Burgh should be able to participate in the Group. Nairn CCs are elected by the residents. NRCC represents 5000+ people and has 12 elected members i.e. 2+ members per 1000 residents. NRCC should have at least 5 members. Where Groups hold public meetings and publish papers and minutes, like Community Councils are required to do by Highland Council, it is reasonable for them to be represented on the clear basis that such representation on the Group reflects the best interests of the whole of the inhabitants of the Royal Burgh. The Group should not be used as a medium for (a) advancing any individual, group or organisation's objectives and aims and (b) of benefitting in any material or financial way any individual, group or organisation represented on the Group.</p>	<p>This point has been answered above.</p>
	<p>Other Comments</p>	<p>1. The questionnaire is rather strange. If you tick the disagree box you cannot offer comments. I would hope that such a highly undesirable and questionable analytical ploy is not used to give the misleading impression that there has been a high percentage of people who did not</p>	<p>The form used is a Microsoft product. The assessment of the data will be qualitative rather than quantitative as the intention is to develop a framework and terms of reference that meets the engagement group's wishes.</p>

		<p>disagree with the question(s). Likewise if you tick the agree box, you are unable to qualify this by offering comments. Hence this questionnaire is highly questionable in its intent and purpose. The ability to offer comments to qualify whether you agree or disagree should be available to everyone.</p> <p>2. The space available for comments in the form is insufficient as many of the issues require detailed explanation/comment.</p> <p>3. Again the space available on screen for typing too small as it does not allow for the reading of comments without constantly scrolling back to ensure all comments have been offered.</p> <p>The screen is distinctly unfriendly to users and has been basically designed in such a way to deter meaningful/constructive comments.</p> <p>4. For someone like me who is not a typist, there is no automatic save mechanism and where I have inadvertently hit the Ctrl key and a character the screen has refreshed and all my input has been lost. This has happened several times and while I am trying to offer my personal comments, it has now taken me the best part of one hour and thirty minutes to reach this stage in the questionnaire.</p> <p>5. The questions are loaded and therefore anyone completing the questionnaire is being pushed down the avenue Highland Council wants rather than what is relevant and important to the people of Nairn. There was no discussion with the statutory CCs of Nairn regarding the content/construction of this questionnaire, which should have been community led and not Highland Council driven. That in essence is the nub of the problem.</p> <p>6. Any analysis of this questionnaire must be open, transparent and available for all royal burgh inhabitants to see. Full explanation needs to accompany any analyses to the effect that no one could offer comments if they chose either the agree or disagree button.</p>	<p>The opportunity to add comments was provided in each case as an alternative to agreeing or disagreeing with the point.</p> <p>The feedback regarding the form design is noted however.</p>
7	<p>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.</p> <p>The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.</p>	<p>1. Provide a forum on strategy and other relevant issues. Agree. 2. Consult on draft CEA consultation proposals before any decision made about consultation – agree. 3. Support consultation. The fairest, cheapest and easiest way to widen engagement is maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to waste the group's time on this. I utterly refute that the Sandown Reference Group was a success – it was a completely unrepresentative group of mainly Inverness officials who selectively targeted sections of the community that they thought would agree with the proposal to sell Common Good land at Sandown. HC officials misused personal information stored for other purposes contrary to GDPR. An expert legal opinion absolutely savaged the reference group and the second Sandown Consultation and it would have ended up in the Court of Session. That's how successful it was.</p>	<p>These points are welcomed and will be useful for the engagement group to consider when it convenes.</p> <p>The comments regarding the Sandown Consultation process are noted.</p> <p>If you have any evidence that personal information has been misused then I would ask that you report this through the Council's complaints process which you will find here - https://www.highland.gov.uk/info/670/consultations_complaints_and_compliments/368/how_to_make_a_complaint</p>

	<p>Provide a forum to discuss and shape local strategic development of the CGF regarding the estate, lettings or other relevant CGF issues.</p>	<p>1. Provide a forum on strategy and other relevant issues. Agree. 2. Consult on draft CEA consultation proposals before any decision made about consultation – agree. 3. Support consultation. The fairest, cheapest and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this. 4. Provide feedback to community – agree. 5. Ensure that common good money will be used as an addition to HC budgets for Nairn not as a replacement. This is HC policy. 6.. Scrutinise CG accounts and contracts (as per Scottish Land Commission guidelines)</p>	<p>These points are welcomed and will be useful for the engagement group to consider when it convenes.</p>
	<p>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.</p>	<p>What does 'consult on' mean? Who is being consulted - the group? If this is a case of draft proposals coming to the group to prevent the shambles and expense of Sandown consultations, Grant Street, Seamen's Hall then it would be very welcome. Consultation proposals must look at all the options for use of any asset, not what suits Highland Council, but what is in the interests of the people of Nairn's former Burgh. All options must be properly costed and disposal by sale should be bottom of the list of possibilities. Everyone on the group must be a resident of Nairn and have the interests of Nairn's Common Good Fund as their first priority.</p>	<p>Thank you for your comments which will be useful for the engagement group to consider when it convenes.</p>
	<p>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.</p>	<p>The fairest, cheapest and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this. The methods used by the Sandown reference group were shamefully biased and manipulative. It would have ended in the Court of Session and cost HC a fortune. As an aside I don't see any evidence that consultations in other burghs are being similarly conducted. Why exactly?</p>	<p>This point has already been answered above.</p> <p>Nairn is unique in having this opportunity to improve community engagement by the development of this pilot in respect of common good matters.</p>
	<p>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.</p>	<p>The fairest, cheapest and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this. The methods used by the Sandown reference group were shamefully biased and manipulative. They accepted anonymous responses, multiple responses from the same people, respondents who had no connection to the town, housing developers. If taken forward it would have ended in the Court of Session and cost HC a very large sum of money. No doubt they would have tried to pay it from the CG fund!</p>	<p>Thank you for your comments which have been noted.</p>
	<p>Provide feedback on active Common Good issues locally and improve the local understanding of Common Good Funds their purpose and governance.</p>	<p>Proposed Responsibilities of Group /purposes and governance: 1. Have to act in the interests of the Common Good at all times and put this above other interests and roles 2. Make best use in widest sense of CG assets for the good of the town 3. Ensure that common good money will be used as an addition to HC budgets for Nairn not as a replacement.</p>	<p>These points have been answered above.</p>

		<p>This is HC policy. 4. Scrutinise CG accounts and contracts (as per Scottish Land Commission guidelines) Nairn has extremely high levels of knowledge of CG Law and best practice. There are huge problems with lack of transparency and determination of HC to keep control of our funds to substitute for statutory spend like leisure and rec. In addition to getting no rental from HC for use of CG assets for statutory purposes Nairn CG pays for services already funded in the High Life Highland services contract. No other third party in HC area managed by HLH has to pay any charges. The people who need governance are HC not the Nairn residents.</p>	
	<p>It is proposed for the core group to meet twice yearly with the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.</p>	<p>Is this a joke? How can any group tasked with the remit above (overseeing the Common Good strategy, accounts, leases, disposals) have any useful purpose if it only meets 6 monthly? 2. All members must be residents of the former Burgh of Nairn. 3. There should be an independent chair. 4. The group must be smallish, functional and meet frequently say every month or two. 5. There should be no 'focus' groups. They would be used to by pass the main group with no transparency or accountability. All business should go through the main committee and be fully transparent and minuted. 6. All four Highland Councillors and two community Councillors each from NWSCC and NRCC are the core membership. (no other CCs qualify). CCs have worked tirelessly for years to get the CG fund administered legally and for the benefit of the community. They are an immense knowledge base of the legislation and history and are recognised in law as the principal statutory consultees.</p>	<p>These points have been answered above.</p>
	<p>Do you agree with the proposed membership group? If not please state which additional groups should be represented.</p>	<p>Core group should be 4 Nairn Councillors, 2 Community Councillors each from Town CCs, 1 each from BID and NICE, 1 junior non voting member. Other community groups only as required for agenda items. Admin support from Ward Manager and CG officers. The following should not be on Nairn CGEG 1. CG Tenants (Financial interest debar them) 2. Nairn Academy Stakeholders (no relevance to cg matters) 3. Housing/welfare or other irrelevant officers from Highland Council. 4. Nairn and Nairnshire Community Partnership. These people are from outwith Nairn and are service providers. They have no locus in Nairn CG and are apparently non functional in their own sphere. 5. Statutory partners (as above) They also are service providers largely from outwith the area and have no locus in the Nairn CG. 6. Third Sector Interface. From outwith Nairn. No relevance to Nairn Common Good and appeared to be biased and unprofessional in second Sandown consultation.</p>	<p>Much of these comments have been answered above. Other points in respect of Group composition are noted.</p>
	<p>Other Comments</p>	<p>It is hugely disappointing that after decades of effort to get the people of Nairn a proper say in the use of the CG assets of the town that this questionnaire has been issued just before Christmas with only three weeks to respond. This is absolutely inappropriate and disrespectful. The consultation was supposed to be issued in October. What is the</p>	<p>Thank you for these comments which have been noted. The pace of this consultation is considered reasonable and reflects the community desire to see this issue progressed.</p>

		<p>rush - not only to make it as difficult as possible for people to give a thought through response, but also to by pass the statutory bodies such as CCs who do not meet over this period. What is the agenda here? It's not a good start. This is not about box ticking and making things quick and easy for Highland Council staff it is about getting it right. If you railroad this through like this it's just not going to work, and the opportunity to get good, democratic and legally competent management of the CG assets will be lost.</p> <p>In addition:</p> <ol style="list-style-type: none"> 1. Who has the questionnaire been distributed to and how were the participants identified? 2. What steps were taken to ensure a statistically valid sample? 3. Did those you contacted give express permission under GDPR legislation for their details, presumably submitted for another purpose to be used in this way? 4. As only e mail details and phone numbers have been requested, how are you going to ensure that the consultation is for the adult inhabitants of the former burgh of Nairn as required in the LA and CEA legislation and statutory guidance? 5. How are you going to publish the responses to this consultation in order that we can have complete transparency? 	<p>Consultees and process are defined in the report which was presented to the Nairnshire Area Committee in October 2023, a web link was provided with the consultation.</p>
8	<p>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.</p> <p>The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.</p>	<p>The Sandown Lands Reference Group was not a group of Nairn residents but was populated by many from outside the area. The group must be made u of Nairn residents and not include anyone with a conflict of interests.</p>	<p>The views you have set out in respect of the previous Sandown Community Empowerment Act consultation process are noted.</p>
	<p>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.</p>	<p>discussions must be held before area business meetings to ensure the Councillors are aware of the advise given by the group before any decisions are made and to combat any possible inaccurate information provided by the Council officers</p>	<p>Thank you these points are noted.</p>
	<p>Provide feedback on active Common Good issues locally and improve the local understanding of Common Good Funds their purpose and governance.</p>	<p>Providing that the decisions taken are in line with the advice given by the group and not expect the group to give good feedback on decisions taken by the Councillors that the group disagree with</p>	<p>The Group's remit has been dealt with in previous responses above.</p>

	It is proposed for the core group to meet twice yearly with the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.	The group must meet monthly and as necessary to discuss all aspects of the fund. Especially when disposal of any asset is considered. These meetings must take place before the fund incurs any costs at the behest of officers	These comments are welcomed and will be useful for the engagement group to consider when it convenes.
	Do you agree with the proposed membership group? If not please state which additional groups should be represented.	The group must consist of Nairn residents only. The ability to consult specialists should be regarded as normal without them being part of the core group.	These points have been answered above.
	Other Comments	<p>The Nairn Common Good Fund belongs to the People of Nairn. It is held in the stewardship of the Highland Council Councillors for the benefit of the People of Nairn. The Highland Council do not own the Fund and it should not be used to fund those services in Nairn that the Council is obliged to fund itself.</p> <p>The organisations that are most suited to make up the membership of the group are those that have stood for election by the People of Nairn and not those who have set themselves up in the Community to benefit themselves in one way or another.</p> <p>Charities and such who may be seen to have a conflict of interest should be discouraged from being on the group but can be consulted on where their expertise may be of benefit. It is very important that the fund is not used to promote any individual or group at a cost to the People.</p> <p>The two Consultations on the Sandown lands shows that the People do not want to sell the land for housing, this decision must be respected and no further consultations should take place for many years.</p>	When local government was reorganised in 1975 and 1994, the relevant statutes specifically transferred and vested title to property held as Common Good to the new district councils and then the Highland council. Therefore, the Council owns all Common Good land but, in administering such land, it must have regard to the interests of the inhabitants of the former Burgh area. The Council must also hold and account for Common Good property separately to other Council funds.
9	<p>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.</p> <p>The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.</p>	NWSCC are filling this in but have already submitted letters in September and December which more fully reflect our position. It is with considerable disappointment that we are in receipt of a proposal for a CG Engagement Group which is far removed from suggestions which we made in September to assist with the setting up of a group which would be small, local, knowledgeable and compliant with the spirit and letter of the Local Government Acts of 1974 and 1994 and the Community Empowerment Act of 2015. We also referred to the protocol issued by the Scottish Land Commission in 2020 regarding community involvement in decisions involving CG Land and other assets. We have been promised a Community CG engagement/management group for over a decade. Now in December we have been asked, with no meeting to the end of January, and three weeks response time to get together and formulate a response. This is absolutely inappropriate and disrespectful.	<p>This targeted consultation is a first step in establishing an engagement group on a 'test and learn' basis in accordance with the Area Committee decision taken on 23 October 2023</p> <p>The Scottish Land Commission have been consulted with prior to this process and the Good Practice Guidance is being followed.</p> <p>The pace of this consultation is considered reasonable and reflects the community desire to see this issue progressed.</p>
	Provide a forum to discuss and shape local strategic development of the CGF regarding the estate, lettings or other relevant CGF issues.	Remit: 1. Provide a forum on strategy and other relevant issues. Agree. 2. Consult on draft CEA consultation proposals before any decision made about consultation – agree. 3. Support consultation. The fairest, cheapest, legally compliant and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets	This point has been answered above.

		about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this. 4. Provide feedback to community – agree 5. Frequency of meetings – must be minimum of 2 monthly, preferably monthly or it is meaningless. In addition we would add: Proposed Responsibilities of Group: 1. Have to act in the interests of the CG at all times and put this above other interests and roles 2. Make best use of CG assets for the good of the town 3. Ensure that cg money will be used as an addition to HC budgets for Nairn not as a replacement. This is HC policy 4. Scrutinise CG accounts/contracts (Scottish Land Commission)	
	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.	This is not clear. Does it mean 'be consulted' ? If so this is a must, and well in advance of any formulation of proposals for use or disposal of CG assets.	The Engagement Group will discuss statutory consultation proposals.
	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.	Support consultation. The fairest, cheapest, legally compliant and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this.	This point has been answered above.
	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.	As above. The only fair and legal way to promote consultation is to contact all residents. The fairest, cheapest, legally compliant and easiest way to widen engagement is to maildrop every house in the former Burgh with information leaflets about upcoming consultations. Simple, easy, legal, fair and end of story. We don't need to spend time on this.	This point has been answered above.
	It is proposed for the core group to meet twice yearly with the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.	Must be minimum of 2 monthly, preferably monthly or it is meaningless. There should be no 'focus' groups, all business should go through the main committee and be fully transparent and minuted. Focus groups lead to loss of transparency and accountability.	Thank you for these comments which have been noted.
	Do you agree with the proposed membership group? If not please state which additional groups should be represented.	1.All members must be residents of the former Burgh of Nairn. 2. Independent chair. Highland Councillors are conflicted. 3.The group must be Local. It has to be smallish, functional and meet frequently say every month or two. 4.There should be no 'focus' groups, all business should go through the main committee, fully transparent and minuted. Focus groups lead to loss of transparency and accountability. 5.All four Highland Councillors and two community Councillors each from NWSCC and NRCC are the core membership. (no other CCs qualify). CCs have worked tirelessly for years to get the CG fund administered legally and for the benefit of the community. They are an immense knowledge base and statutory consultees. To offer them a total of two representatives is unacceptable. 7.One junior non voting representative. Minors are not	These points have been answered previously above

		financially competent by law. 8.One each from BID and NICE. 9.Other community representatives only for specific agenda . 2-3 Council officials only for admin	
	Other Comments	<p>The following should not be on Nairn Common Good Engagement Group</p> <ol style="list-style-type: none"> 1. Any non resident of the former Royal Burgh of Nairn. 2. Common Good Tenants (Financial interest debar them) 3. Nairn Academy Stakeholders (no relevance to common good matters) 4. Housing/welfare or other irrelevant officers from Highland Council. 5. Nairn and Nairnshire Community Partnership. These people are from outwith Nairn and are service providers. Why are they being consulted or suggested as members? They have no locus in Nairn Common Good and are apparently non functional in their own sphere. 6. Statutory partners (as above) Police, fire service, NHS etc. Why would they be involved in this group, or even consulted about it? They are service providers largely from outwith the area and have no locus in the Nairn Common Good. 7. Third Sector Interface. From outwith Nairn. No relevance to Nairn Common Good and appeared to be biased and unprofessional in second Sandown consultation. 	These points have been answered previously above
10	<p>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.</p> <p>The purpose of the group is to strengthen how we deliver on our duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.</p>	Yes but the phrase ‘ build on the learning from and success of the Sandown Lands Reference Group’ is redundant and according to people who were involved, is not a good reference point to highlight.	The view on the Sandown consultation process is noted.
	It is proposed for the core group to meet twice yearly with the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.	Feels like there should be more core meetings to develop the strategy at least	These points have been answered previously above
	Do you agree with the proposed membership group? If not please state which additional groups should be represented.	No groups with vested interests should be core members. E.g., 3rd sector groups/tenants may be consulted on the strengths of their issues and interests but should not be around the table in the strategic development discussions. The core group should comprise residents of Nairn only.	<p>These points have been answered previously above</p> <p>In respect of Group membership, every effort is being made to ensure that the Group’s composition is reflective of the community</p>

	Other Comments	<p>The NAC minutes states that the consultation will be available on the council website and promoted through the normal channels. Did this occur, I can't find anything?</p> <p>I do believe the ward councillors should be members of the core group so that they can listen to views and express their own. It's important to have an open conversation amongst the group.</p> <p>I think members of the public should be invited to apply for the group and a few chosen to join to make it more representative. Needs to be clear the role and obligations of a member to become an expert on CE and Common Good.</p> <p>There are experts on Nairn Common Good who may be individual core members rather than via their community group.</p>	<p>This consultation has been directly target at those detailed on the draft Engagement Framework approved at the 23 October 2023 Nairnshire Area Committee. This is not a statutory consultation under the terms of the Community Empowerment Act.</p> <p>Thanks you for your other comments which have been noted.</p>
11	Other Comments	<p>The trial period of 12 months may be too short to fully assess the benefits of introducing such a process.</p> <p>The frequency of meetings, at a meeting every 6 months is too infrequent.</p> <p>I suggest a 4 year trial period with group meetings every 4months, with a review every 12months to assess effectiveness and make changes to process and representatives as appropriate.</p>	<p>These comments are welcomed and will be useful for the engagement group to consider when it convenes.</p>
	Other Comments	<p>Selection of representatives must be given some careful thought. All representatives should sign into a charter of improvement and sustainability for the CG, if two continuous meetings are missed without apology and sound reason these individuals should be required to step down from group. Members of NRCG should be excluded from participating in the trial. The NICE representative should be the recently appointed LPP project Manager.</p> <p>If a CC is not constituted it should have no representation, if a CC member there should be no other access to the group, ie via representing other groups.</p> <p>Major users/caretakers of the CG e.g. Highlife Highland should be considered as a representative</p>	<p>These comments are welcomed and will be useful for the engagement group to consider when it convenes.</p>
	Other Comments	<p>Having been a former CC member ad many years of understanding the CG and especially the Nairn CG, it is essential for this group to be effective adequate training in CG history, the legal aspects of CG is given. This training must be delivered prior to group meetings, and most likely topped up as trial evolves.</p>	<p>These comments are welcomed and will be useful for the engagement group to consider when it convenes.</p>
	Other Comments	<p>Sustainability of the CG must be a core objective of the task at hand. To enable the group to focus they should be presented with the current Vision, Mission and strategy that drive the 4 elected members. If that requires to be changed or updated it should be a task that the group should review and make recommendations</p>	<p>These comments are welcomed and will be useful for the engagement group to consider when it convenes.</p>

	Other Comments	I would recommend that there should be at least 2 slots for ward residents that have specific skills or enthusiasm for a successful outcome for the CG.	These comments are welcomed and will be useful for the engagement group to consider when it convenes.
	Other Comments	There should be a mechanism for replacing or removing nonparticipating members of the group.	These comments are welcomed and will be useful for the engagement group to consider when it convenes.

Terms of Reference

Nairn Common Good Fund Engagement Group

Purpose

To meet the community aspiration to have a stronger role in the Nairn Common Good Fund (NCGF), focusing on engagement without compromising the requirement for Common Good decisions to be taken at Area Committee.

Strengthen how the Highland Council delivers on duties under the Community Empowerment Act 2015 taking account of Scottish Land Commission Good Practice Guidance.

Pilot Proposal

The Common Good Fund Engagement Group will be trialled in Nairn for a period of 24 months on a test & learn basis following which time the outcomes from the Pilot will be reported to the Nairnshire Area Committee for consideration.

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

Remit

1.	Provide a forum to discuss and shape local strategic development of the NCGF regarding the estate, lettings or other relevant NCGF 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 NCGF consultations across the community increasing the inclusivity and reach of consultations carried out.
4.	Provide feedback on active NCGF issues locally and improve the local understanding of Common Good Funds their purpose and governance.
7.	Frequency of meetings:

	<p>Core group to meet quarterly in advance of scheduled Nairnshire Area Committee meetings, the outcomes and actions from the NCGF Engagement Group will be reported to Area Committee.</p> <p>The NCGF Engagement Group Chair will have the ability to convene specialist focus groups drawn from Engagement Group membership as agenda items require.</p>
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Nairnshire community membership drawn from:

Ward Members	Nairnshire local Members (Engagement Group Chair)
Nairnshire Community Councils	1 Representative from each
Nairn Academy Stakeholder Group	Chair
Highland Youth Parliament	2 local representatives
Business Community	Nairn BID Chair Commercial NCGF Tenants
Economic Development	Nairn Improvement Enterprise (NICE) 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 relevant to agenda item topics
NCGF Tenants	2 x Attendees Encourage commercial NCGF 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 NCGF topics for discussion or development.
Duration of Membership	Duration of Membership on the Group will be for 24 months, however should Group Members fail to attend 2 continuous meetings they will be required to relinquish their place on the Group.

Advisory Officers In attendance:

Highland Council Officers	Community Development Manager NCGF Project Officer Common Good Fund Officer - invitation for awareness and guidance Service Officer representatives - as agenda headings require
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