

Edinburgh Parks Briefings 2

November 2009

Common Good

This paper was written by Andy Wightman who is a member of Stockbridge and Inverleith Community Council. This paper, however, represents his own personal views.

What is Common Good?

Prior to local government re-organisation in 1975, Scotland's 196 burghs all had their own Town Council and owned land and property. Some of this land had been acquired through the Burgh's original Charter, some acquired through gifts from benefactors and some through purchase on the open market. Where land was acquired by any of these means it is deemed to be Common Good and an asset of the Common Good Fund **unless** it was acquired using statutory powers (such as the Housing Acts or Improvement Acts) **or** was held in a legal Trust (1).

What Common Good is in Edinburgh?

The City of Edinburgh is in the process of reviewing its common good register but properties include Calton Hill, Princes Street Gardens, The Meadows, Inverleith Park, the streets of the New Town, Waverley Market and Leith Links are Common Good.

Why does this matter?

Common Good land is subject to legal provisions which govern whether and how it can be sold. Such land forms part of the Common Good Fund and, as such, must be managed prudently. Income from rents of common good property should normally be at commercial rates so as to ensure the profitability and growth of the Fund.

Thus, where commercial events take place on Common Good land (such as Calton Hill, Leith Links, The Meadows or Inverleith Park), a commercial rent should be paid to the Fund. This has not been happening. For example, Taste of Edinburgh occupied and excluded the public from a large area of Inverleith Park for 2 weeks in May 2009. Despite having 20,000 paying visitors and taking over £250,000 in ticket sales, the rent was a mere £3150 and it did not go into the Common Good Fund. Currently, there appears to be very little rent being paid to the Fund from any events. This situation needs to be corrected as it is unlawful for the Fund to be deprived of revenue where the assets of the Fund are being leased.

But shouldn't the Parks & Greenspace Department receive the rent?

The rent paid by event organisers reflects the value placed on both the location and on the facilities. To the extent that the facilities have been paid for from the Parks & Greenspace Account, it is fair that a percentage of the rent should be paid to the Parks & Greenspace Account. A proposed revenue share is 70% to the Common Good Fund and 30% to the Parks Department.

Contact

Andy Wightman can be contacted at mail@andywightman.com.

(1) More **detailed information** on definitions and related matters is available in an 11 page Quick Guide available at www.scottishcommons.org/docs/commongoodguide.pdf