

Report

Report to:	Finance and Corporate Resources Committee
Date of Meeting:	20 January 2021
Report by:	Executive Director (Finance and Corporate Resources Resources)

Subject:	Common Good - Update
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ provide an update on the cyclical spend currently committed against the Common Good Repairs and Maintenance budgets for both Lanark and Hamilton
- ◆ provide an update on projects currently committed from the Common Good budgets for both Lanark and Hamilton
- ◆ provide details of consultations relating to the Common Good

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the cyclical spend committed against the Common Good Repairs and Maintenance budgets for Lanark (section 4) and Hamilton (section 6), be noted;
- (2) that the projects currently committed outwith Repairs and Maintenance, from the Lanark (Section 5) and Hamilton (Section 7) Common Good Funds, be noted; and
- (3) that details of consultations relating to the Common Good (section 8), be noted.

3. Background

- 3.1. The Common Good is a fund of money/assets and is administered by a Scottish local authority in respect of each former burgh within the area of the local authority.
- 3.2. Common Good property is administered separately from other local authority assets for accounting purposes. What the authority can do with the assets is subject to a system of statutory control. This control has the potential to limit the extent to which the authority can dispose of or deal with the asset and on what terms.
- 3.3. The Common Good funds held within South Lanarkshire Council are Lanark, Biggar, Hamilton and Rutherglen. Accounts are prepared on an annual basis, as part of the Council's year end process. The unaudited accounts for 2019/2020 were presented to this Committee on 19 August 2020. The 2019/2020 Annual Accounts have since been approved by Audit Scotland.

- 3.4. The Common Good Accounts in Lanark and Hamilton hold a number of properties. A proactive approach to maintenance supports the viability of these assets and reduces the Council's risk to greater liability in the future.
- 3.5. The Finance and Corporate Resources Committee, at its meeting on 2 October 2013, approved an annual cyclical maintenance plan of £15,000 for both Lanark and Hamilton Common Good properties. The Executive Director (Finance and Corporate Resources) has delegated authority to approve maintenance work up to the value of £15,000 for each fund. If inspections highlight requirements to undertake investment which would be beyond routine maintenance, this will be considered separately for approval and will be the subject of a report to this Committee.
- 3.6. This report will provide an up to date position on the planned maintenance for both Lanark (Section 4) and Hamilton Common Good (Section 7) and will provide an update on projects for consideration for both Lanark (Section 5) and Hamilton (Section 8). An update in relation to recent consultations on Common Good assets is provided at section 9.

4. **Lanark Repairs and Maintenance Budget – Planned Maintenance 2020/2021**

- 4.1. A budget allocation of £15,000 is earmarked for Repairs and Maintenance in 2020/2021. Table 1 shows the spend, so far, in the current year along with the other commitments where spend has not yet been incurred.

4.2. **Table 1 – Approved Repairs and Maintenance Projects/Spend – 2020/2021**

Lanark Common Good	Approved Budget
Available Budget 2020/2021	£15,000
Allocated Budget carried forward from 2019/2020	£8,691
Total Budget Available	£23,691
Projects where Spend has been Incurred	
Replacement of lighting unit (Lanark Racecourse Car Park)	£995
Approved Projects where Spend not yet Incurred	
St Nicholas Church Tower Cleaning (section 4.3)	£0
Tote Building Health and Safety Works (section 5.4)	£8,691
Tote Building - Water ingress repairs (section 4.4)	£7,000
Total Spend/Commitments	£16,686
Balance Remaining	£7,005

- 4.3. The cleaning of St Nicholas Church Tower is an annual project. The works were tendered following the easing of Covid restrictions, but as in previous years the cleaning has been delayed due to issues in identifying a suitable contractor to undertake the work. No supplier has been appointed to carry out the cleaning works this year and the works will be retendered in 2021. The budgeted cost (£3,995) has been removed from the commitments for this year.
- 4.4. The health and safety works are currently ongoing at the Tote building in Lanark. It was identified in November 2020 that there was a further issue of water ingress following stripping of the roof. Works to address the issue have been approved from the repairs and maintenance budget for 2020/2021 at an estimated cost of £7,000.

5. Lanark Committed Projects / Projects for Consideration

5.1. Table 2 lists all the current committed projects against Lanark Common Good Fund outwith the repairs and maintenance budget allocation, as approved by this Committee.

5.2. Table 2 – Approved Projects from Lanark Common Good Fund

Project	Date of Approval	Approved Budget	Spend Incurred to Date
Lanark Loch – replacement of gabion baskets (section 5.3)	14 September 2016	£25,000	£0
Tote Building of Lanark Racecourse – Repair Works (section 5.4)	20 June 2018	£28,000	£2,749
Lanark Loch and Lanark Moor – Path Repairs (section 5.5)	28 November 2018	£76,960	£33,066
Lanark Loch Pipe Repair (Approved budget – excess of £150,000 to be funded 50% by SLC and 50% Lanark Common Good)	19 August 2020	Excess of £75,000	£0

- 5.3. **Lanark Loch, Gabion Baskets:** As previously reported to Committee, the replacement of gabion baskets at Lanark Loch cannot be carried out until the repair of the pipe is complete. Section 5.6 to 5.11 provides an update on the pipe repair.
- 5.4. **Tote Building, Lanark Racecourse:** In order to prevent the Tote building becoming structurally unsound and to remove health and safety risks, various repairs are required. Approval was obtained at this Committee (20 June 2018) to fund the works, estimated at £28,000. The lowest tender submission received was for £36,691. The Committee, at its meeting on 11 December 2019, noted that the additional requirement of £8,691 was to be met from the repairs budget for 2019/2020. As per 4.4, a further £7,000 is required for works at the Tote, to be funded from repairs and maintenance budget.
- 5.5. **Lanark Loch and Lanark Moor Paths:** Approval was given at this Committee (28 November 2018) to repair the paths at an estimated cost of £76,960. Repairs to the path infrastructure are now complete, as far as possible, at a cost of £33,066. As previously reported some works could not be completed due to its proximity to the area where further repairs on the pipe are outstanding. The final repair costs will be funded from the balance of the original funds approved (£43,894).
- 5.6. **Lanark Loch Pipe Repair:** The damage to the outlet pipe was identified in March 2017 when the drainage started in order to replace the gabion baskets. At this time, an Emergency Drawdown Plan was put in place for 3 years whilst the extent of the damage to the pipe was being surveyed by Reservoir Consultants (AECOM).
- 5.7. On 28 November 2018, this Committee was updated on the progress of the survey of the damaged pipe. The Reservoir Consultant appointed to review and develop repair options was undertaking the work at this time. The scope of work included investigation of the scour valve, identification of the cause of the malfunction and identification of options to resolve the matter.
- 5.8. The repair is required to be carried out under the Reservoirs (Scotland) Act 2011.

- 5.9. The Council received the proposed solution from the Reservoir Consultant (AECOM) for the remedial works to the damaged pipe. It was anticipated that works were likely to cost in excess of £0.150 million. The tender for the works closed on 30 November 2020.
- 5.10. One bid was received for the tendered works, and the bidder has met the relevant tender criteria. The contract has been awarded at a cost of £0.095 million, lower than the anticipated cost. The price covers the valve replacement, gabion baskets reconstruction and footpath works. The start date for the works is mid-January 2021. Due to the nature of the project, additional costs may arise when the work commences, of which this Committee would be updated. It is expected that the works will be contained within the original estimated costs of £0.150 million.

6. Hamilton Repairs and Maintenance Budget – Planned Maintenance 2020/2021

- 6.1. A budget allocation of £15,000 is earmarked for Repairs and Maintenance in 2020/2021. An amount of £13,249 has been carried forward from 2019/2020 for the Hamilton Town Centre Sails Project. There are no new commitments against the budget to date.
- 6.2. **Hamilton Town Centre Action Plan:** The Plan, approved by the Community and Enterprise Resources Committee on 30 October 2018, identified a project of renewal and maintenance of Hamilton's Town Square. The project to clean and repaint the 'sails' structure was due to start in March 2020. The project was delayed due to Covid and was rescheduled to take place in August 2020, however, the contractor has been unable to carry out the work. The works will be re-tendered in early 2021.

7. Hamilton Committed Projects/Projects for Consideration

- 7.1. There has been no change since the last report to this Committee (August 2020). Approved projects are £30,000 for the Parking Demand Management Review in Hamilton. Phase 1 of this project was complete in the Summer, with further analysis of the data taking the total spend to £16,500. The balance of the funds may be required for further parking review outcomes. This Committee will be updated on any further work identified.

8. Consultation on Common Good

- 8.1. **Common Good Register:** Section 102 of the Community Empowerment (Scotland) Act 2015 requires each local authority to establish and maintain a register of property which is held by the authority as part of the common good (a "common good register").
- 8.2. South Lanarkshire Council has a Common Good Asset Register and, in line with the Community Empowerment (Scotland) Act 2015, must notify elected members and community groups of consultations regarding the common good asset register, and invite them to make representations in respect of those consultations.
- 8.3. The consultation closed on 31 March 2020.
- 8.4. The outcome of the consultation has resulted in a continuing dialogue with community representatives within Biggar regarding the Common Good Register, including research of titles. There is also a request from Lanark Community Development Trust for continued dialogue about the role of Lanark Common Good Assets in the developing proposals for the town. Going forward where there are proposed changes to ownership or use for assets held within the Common Good Registers, consultation on those changes will be undertaken with the community in accordance with Section 104 of the Community Empowerment (Scotland) Act 2015.

- 8.5. Any further updates will be notified to this Committee.
- 8.6. **New Lease Arrangements:** There have been no consultations on new lease arrangements for Common Good properties since the last update on 19 August 2020.
- 8.7. **Change of Use:** A consultation on the proposed change of use at 43 High Street, Lanark was consulted on in November 2020. The change of use is to demolish the existing property and extend the car park. Four representations were submitted by the close of the consultation. The project is progressing, however, consideration is being given to a request from two parties that the site, and the future maintenance and investment liability, is transferred from the Lanark Common Good to the Council.
- 8.8. A consultation on the proposed change of use at 11 Keith Street, Hamilton (old Vogue Cinema) is currently ongoing. The change of use is a development of 23 one and two bedroom flats including retention of the existing façade of the building. The period of consultation ends on 31 January 2021.
- 9. Employee Implications**
- 9.1. None.
- 10. Financial Implications**
- 10.1. All costs identified will be met from the Common Good funds held within both Lanark and Hamilton.
- 11. Climate Change, Sustainability and Environmental Implications**
- 11.1. There are no implications for climate change, sustainability or the environment in terms of the information contained in this report.
- 12. Other Implications**
- 12.1. The ongoing repairs and maintenance support the viability of Common Good assets and reduces the Council's risk to increased liabilities in the future.
- 13. Equality Impact Assessment and Consultation Arrangements**
- 13.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy, and therefore, no impact assessment is required.
- 13.2. There is also no requirement to undertake any consultation in terms of the information contained in this report.

Paul Manning
Executive Director (Finance and Corporate Resources)

15 December 2020

Link(s) to Council Values/Ambitions/Objectives

- ♦ Accountable, effective, efficient and transparent

Previous References

- ◆ Finance and Corporate Resources Committee, 2 October 2013
- ◆ Finance and Corporate Resources Committee, 14 September 2016
- ◆ Finance and Corporate Resources Committee, 25 April 2018
- ◆ Finance and Corporate Resources Committee, 20 June 2018
- ◆ Community and Enterprise Resources Committee, 30 October 2018 – Hamilton Town Centre Strategy and Action Plan
- ◆ Finance and Corporate Resources Committee, 28 November 2018
- ◆ Community and Enterprise Resources Committee, 22 January 2019 – Parking Demand Management Review
- ◆ Finance and Corporate Resources Committee, 20 February 2019
- ◆ Finance and Corporate Resources Committee, 11 December 2019
- ◆ Finance and Corporate Resources Committee, 19 August 2020

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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