SUBMISSION FROM MARY MACKENZIE

1. Bill SP 56 [the Public Records (Scotland) Bill] is welcome in principle; however, it should be enhanced with a specific/clear reference to “safeguarding all common good assets (heritable, moveable, finance) and Trusts, particularly those Trusts which have been in existence for a considerable time.

2. There is no indication that the envisaged records are to be open to public access; were the public to have the right to access, is this to be at a similar charge to the Register of Scotland and other public records, to ensure equality of payment/fees, and is it envisaged that copies are permitted for stated fees?

3. It is highly commendable that the paragraph 45 of the Policy Memorandum (business and regulatory impact assessment) shows “in most cases the staff and systems required to comply with the new obligations are already in place … this policy objective is achievable”.

4. As evidence of the necessity of specifically including reference to all common goods assets etc—

5. Audit Scotland in a special audit of Scottish Borders Council (SBC) in November 2004 made a series of clear recommendations with a timetable for action, yet these remain unfulfilled, in part, in its recent SBC audit 2009-10 and a further timetable has been provided (approximately 5 years).

6. In response to three petitions (PE875, PE896 and PE961), the Local Government and Transport Committee views on safeguarding all common good assets throughout Scotland were expressed in a letter from the then Scottish Executive Victoria Quay to all Directors of Finance dated 12 March 2007 (quoting Audit Scotland) with clear guidelines about keeping all common good assets separate from all other Council assets [further detail provided – available in hard copy only from the clerks].

7. Petition PE1050 discussed with witnesses, including Audit Scotland. The Committee examined this further petition, about common good – better protection for common good sites, and to ensure such assets are retained for their original purpose for future generations; after three years closed PE1050 under Rule 15.7. The Public Petitions Committee, however, obtained specific disturbing facts about asset registers from Craig Russell, Deputy Director, Efficiency and Transformational Government [further detail provided – available in hard copy only from the clerks].

8. In addition, one Committee member, Robin Harper MSP, “put on record my considerable concern that many local authorities still do not have a common good asset register … There will be continuing concerns about the status of common good sites in Scotland for a considerable time.”
9. A further comment from John Wilson MSP “some worrying signs … the petitioner’s original concern was that common good assets were being sold off without any public consultation or reference to the fact that local authorities are transferring out of the common good assets that were given to communities by benefactors”.

Mary Mackenzie
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