**Response 010**

**Questions**

**Q1. Do you agree that Highlands and Islands Enterprise Community Land Unit is the appropriate body to provide advice to the KLTR on potentially suitable community groups? If not, who would you suggest and why?**

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| No comment from Legal or Housing services as insufficient awareness at present about operation of Highlands and Islands Enterprise Community Land Unit in other parts of Scotland.  Would be useful to have web based information seminars available - detailing their activities, advice and support, and perhaps reaching a broader range of Council’s and council departments for this scheme? |

**Q2. Do you agree that a valuation and other reports undertaken by the KLTR are sufficiently independent to avoid duplication of cost for all involved in the OPTS? If not, why not?**

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| Yes, if this basis is made clear at the point of instruction i.e. that it is an independent open market valuation and also that other parties will rely on the reports and so there is a duty of care to the other public body and to any community bodies as well as to the K&LTR. |

**Q3. Do you think three months for the local authority to decide whether or not it wishes to take ownership of an ownerless property is reasonable? If not, how long would you suggest and why?**

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| No a longer period would be necessary. Time is needed to consider proposals and the financial implications and resourcing of same. Committee cycles normally require lead in times for blue papers and have periods of remission (e.g. in the Summer months or when there are elections).  If the Council wishes to enter into community consultation it could take up to 3 months to organise and execute this. Again scheduling of community council meetings would need to be factored in.  6 months would be a more achievable time frame but the longer the period of time, the better - particularly if it is a large project with significant resources or even a small piece of ground but with significant implications (for the public body or for members of the public) in relation to future use and ownership. |

**Q4. Do you agree that the above process is reasonable and workable? If not, how would you improve the process?**

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| One factor is the level of risk and debt which the transferee body might assume. If the building is in significant disrepair and if there is an outstanding standard security over the property then other mechanisms, such as Compulsory Purchase Order (CPO), might be more applicable.  Perhaps close discussion between K&LTR and the relevant public body could resolve this on a case by case basis, if timeframes could be adjusted to allow for CPO consideration as appropriate.  Without changing existing legislation, this potentially adds value to the local authority and may act as a useful tool to address problematic empty homes/land (particularly where the owner has passed away or the commercial business have dissolved).  Linkages with the Scottish Empty Homes Partnership would be welcomed.  It would also be useful for local authorities or community groups to have as much information as possible to make informed and quick decisions. Can examples of the paperwork suggested be prescribed or could a checklist be created to identify any gaps at a glance?  With no asset list available from KLTR, suggestions would be welcomed on how local authorities and community groups can check if an asset has been highlighted to KLTR and consideration of starting one if the scheme develops.. |

**Q5. Do you agree that the property transfer value for OPTS should be at “nominal value” as described above? If not, what value do you think should apply and why?**

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| Yes, but with consideration of options:   1. in certain circumstances, where there is a transfer to a community body, in order to secure value (e.g. standard security where transfer of a valuable asset at below market value) or 2. ii) to secure public benefit (e.g. through a service level agreement where certain public benefit is to be achieved).   It would be useful to have estimations of what KLTR costs are to estimate what this nominal value would look like. |

**Q6. Do you think the KLTR should place conditions on the transfer of OPTS property to ensure the intended benefits to local communities are delivered?**

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| Not where there is a transfer to another public body but otherwise should consider this as described in Q5 answer above on case by case basis.  From an empty homes resolution and community group perspectives – it’s likely that most of the buildings or land identified will have been flagged as an issue so any conditions (if imposed) should be broad and not be an obstacle to improvement works (i.e. detailed conditions; time consuming, planning consents, etc). |

**Q7.**  **Do you think a recognised public authority should retain a property to allow an appropriately constituted community body to raise the necessary funds, etc.? If so, should a timescale be set for raising the funds?**

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| We are unsure how this would work in practice.  There could be an option but a public body should not be obliged to retain any property where to do so would give rise to liability.  If so, we would further recommend a 3 year timescale to minimise any ongoing costs for the local authority and still allow sufficient opportunity for any community body to raise funds. |

**Q8. Do you think the OPTS should apply to all properties as described or should it be restricted to certain types of properties? If the latter, which types?**

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| All properties but with early consultation. Land that could be open to possible exploitation by a private individual (for example ransom strips giving access, car parks used by the public or by others) requires particular consideration and in these circumstances there may be the public interest to assist.  Early consultation would also be welcomed to identify possibilities for affordable housing and strategic policies and priorities, identified in local authority Local Development Plans (LDP) and Local Housing Strategies (LHS).  Perhaps priority could be given to sites identified where OPTS would allow progress with affordable housing supply or perhaps to suit the local needs of each authority / community group e.g. addressing housing shortages in a particular areas, prioritising premises that could be re-purposed for disabled / accessible housing or enhancing local commitments to climate change, etc. |

**Q9. Do you agree that the above proposals provide an opportunity for ensuring community interests are considered as early as possible? If not, why not?**

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| It would be good for local authorities to receive the earliest possible notification to allow consideration and any community engagement to be put in place.  Agree that those referring a property should require to discuss proposals with relevant local authority first. |

**Q10. Do you agree that the above criteria should apply to the OPTS? If not, what criteria do you think should or should not apply and why?**

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| Yes, but there should be an expectation that these will change as consultation and plans are developed - so flexibility is important. |

**Q11. Do you agree that the OPTS should ensure the wider public interest is considered before private interest? If not, why not?**

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| Yes, both should be considered equally to provide a sustainable outcome but private interests should be developed in public (through a public body) to ensure transparency. |

**Q12. Do you think the public interest is defined reasonably for the purposes of the OPTS? If not, how should it be defined?**

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| Yes |

**Q13: Do you agree that the KLTR should take a high-level approach to sustainable development issues, as above, in order to allow further scrutiny and transparency at local level? If not, why not?**

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| Yes |

**Q14:** **Do you consider there are specific circumstances in which the KLTR should never deal with dissolved company property when a company still remains within its 6-year restoration window?**

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| Potentially, on a case by case basis depending on the condition or risks surrounding the asset and likelihood of restoration taking place.  We would welcome the opportunity to consider further. See Q 19 and Q 20 below. |

**Q15. In addition to the above, do think any other financial controls or safeguards are required? If so, please describe how and why.**

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| None to mind. Would welcome the opportunity to consider further. |

**Q16. Do you think the KLTR’s approach to liability and risk is acceptable? If not, how could this be improved?**

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| Yes, but as a local authority we would recommend consideration of whether other options such as Compulsory Purchase Order (CPO) are available and could help to reduce risk.  Public bodies are in a similar position to K&LTR and have to consider the level or risk they are prepared to take but cannot assume significant risk, particularly when public sector budgets are facing significant pressures. |

**Q17. Are there any other ways you think the OPTS may be monitored? If so, in what way?**

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| No |

**Q18. Do you agree that penalties for non-delivery of aspirations are unnecessary, as above, and that local accountability should be sufficient to ensure delivery of agreed aspirations?**

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| Yes |

**Q19. Which of the further measures above do you think should be applied to the OPTS?**

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| Further consideration of limitation to £0.5M value only. |

**Q20. Do you think properties within the 6-year restoration window should be excluded from OPTS or do you agree that a criteria-based policy approach, as described above, is the best way of addressing this?**

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| Agree criteria based approach.  There may be circumstances which would allow or require more immediate action in the interests of the local community, housing availability or the environment. |

**Q21. Are there any other measures you think should be taken to safeguard those involved in the OPTS process?**

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| In order to be successful public bodies require to be protected from risk in this process. Would like to consider particular measures further. |

**Q22. Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on island communities   
in a way that is different from the impact on mainland areas?**

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| No |

**Q23. Are you aware of any examples of particular current or future impacts, positive or negative, on young people, (children, pupils, and young adults up to the age of 26) of any aspect of the proposals in this consultation?**

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| No |

**Q24. Are you aware of any examples of how the proposals in this consultation may impact, either positively or negatively, on those with protected characteristics (age, disability, gender reassignment, marriage   
and civil partnership, pregnancy and maternity, race, religion or belief,   
sex and sexual orientation)?**

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| Positively in terms of the provision of housing, for example where land or buildings are acquired and re-provisioned as residential housing to meet housing demands or adapted for people with a disability. |

**Q25. Are you aware of any examples of potential impacts, either positive or negative, that you consider any of the proposals in this consultation may have on the environment?**

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| Positively, if neglected land or dilapidated buildings can be brought back to useful purpose and good use.  Use of this process for bringing empty homes back into use, saves efficiencies and is a more sustainable approach to Get to Zero and climate change purposes by re-using existing buildings. |

**Q26. Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on groups or areas at socioeconomic disadvantage (such as income, low wealth or area deprivation)?**

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| Positively, if land and buildings can be requisitioned to provide affordable housing. |

**Q27. Are you aware of any potentially unacceptable costs and burdens that you think may arise as a result of the proposals within this consultation?**

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| Possibly unacceptable depending on the condition of the land/property and if high level of risk to be assumed. |

**Q28. Are you aware of any impacts, positive or negative, of the proposals in this consultation on data protection or privacy?**

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| Possibly need an information sharing agreement – particularly where the land or building relates to a deceased person or dissolved commercial body still under the 6 year dissolution period. |

Please email to the KLTR Policy Team’s mailbox at [**Policy@KLTR.gov.uk**](mailto:Policy@KLTR.gov.uk)**.**   
You can save and return your responses while the consultation is still open but please ensure that consultation responses are submitted before the closing date.

If you are unable to respond by e-mail, please print and complete the Respondent Information Form and send it by post to:

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