Response 020

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?

From the detail provided in the consultation paper, the council agree that it would be appropriate for Highlands and Islands Enterprise Community Land Unit to provide advice to the KLTR on potentially suitable community groups.

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?

From the detail provided in the consultation paper, the council 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.

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?

The council would suggest that it may be appropriate to extend the three month timescale to six months. This would provide more time to gather the relevant information and also take account of local authority committee schedules/timescales.

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

From the detail provided in the consultation paper, the proposed process appears reasonable. Actual testing of process may help refine approach.

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?

The council agree that the property transfer value for OPTS should be at “nominal value”. Based on the criteria for the relevant land/property the receiving body should not be taking on risk of achieving value in further transfer and the nominal value reflects the spirit of the scheme.

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?

Further details of this process would need to be provided in order for the council to comment on the proposed approach.

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?

A limited timescale should perhaps be set to avoid increasing void costs, however further details on this proposal should be provided.

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?

Yes, the council would agree that OPTS should apply to all properties as described.

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?

The council would agree provide an opportunity for community interests to be considered early.

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?

The council agree in principle with the overall OPTS criteria outlined. It would however be beneficial for sustainability to be given more of a focus in advance of any transfer being agreed.

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

Yes, this would appear appropriate.

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

From the information provided on the consultation paper, the ‘public interest’

has not been defined and the council can therefore not provide comment.

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?

The council agree that it may be appropriate for the KLTR should take a high- level approach to sustainable development issues, as outlined in the consultation paper. This would perhaps allow further scrutiny and transparency to take place at a local level.

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?

Further details of this process would need to be provided in order for the council to comment on the proposed approach.

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

From the information provided in the consultation paper, the financial controls and safeguards appear to be sufficient.

Q16. Do you think the KLTR’s approach to liability and risk is acceptable? If

not, how could this be improved?

Further details of this process would need to be provided in order for the council to comment on the proposed approach.

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

The council does not have any other suggestions at this stage.

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?

Further details of this process would need to be provided in order for the council to comment on the proposed approach.

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

The council would suggest that there should perhaps be a financial limit of the value of property or properties taken from a single source and care should be applied in acceptance of land/property for Companies within the 6 year restoration period.

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?

The council would agree that that the criteria-based policy approach is the best way of addressing the 6-year restoration window.

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

The council does not have any other suggestions at this stage.

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?

Not applicable.

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?

The council recognises that this scheme aims to increase the provision of places of community benefit. This will have a positive impact on people of all ages, including children and young people.

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)?

From the information provided on the consultation paper, the council would suggest that the proposals will not positively or negatively impact those with protected characteristics.

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?

From the information provided on the consultation paper, the council would suggest that the proposals will not positively or negatively impact the environment.

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)?

From the information provided on the consultation paper, the council would suggest that the proposals will not positively or negatively impact the groups or areas at socioeconomic disadvantage.

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?

The council would highlight that any addition burdens placed on local authorities as a result of these proposals will require additional resources to deliver.

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

From the information provided on the consultation paper, the council would suggest that there are no data protection issues identified.