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

SOSE (South of Scotland Enterprise) is the Economic and Community Development Agency for Dumfries and Galloway and Scottish Borders. It was established by the Scottish Government in recognition of the unique circumstances of the South of Scotland. Our statutory aims and objectives are provided for in The South of Scotland Enterprise Act 2019, which requires us to further the sustainable economic and social development of the South of Scotland and to improve the amenity and environment of the region. To achieve those aims SOSE takes a wide range of actions to support inclusive and sustainable economic growth, to increase efficiency, innovation, and competitiveness, and to tackle inequality within the region.

SOSE welcomes the opportunity to offer feedback and comments on this important consultation. Since we began operations on 1 April 2020, we have been working across the South of Scotland to support enterprising community organisations and social enterprises to make a difference to their communities. We support the proposed strategic approach being developed by the KLTR and believe this scheme would provide a welcome additional avenue to enable positive developments for communities in the South of Scotland.

In our initial two years of work, we have built up a strong understanding of communities across the South of Scotland. We also recognise that Highlands and Islands Enterprise have significant expertise in this field. As such we would be content with HIE being the appropriate body to advise KLTR in these instances. SOSE have developed strong working links with HIE and would welcome the opportunity to explore how best we could work in partnership with HIE for any potential cases arising in the South of Scotland.

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?

We agree that a single set of valuations and reports would provide best value for all participants. It would be important to ensure that any valuation provides an open market valuation, and that these would be acceptable for submissions to funders, such as the Scottish Land Fund.

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

No response.

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

We agree that the process outlined is reasonable and workable.

We would wish to clarify what public interest test is being applied and would welcome greater guidance on how the process for determining “closest connection” might work in practice.

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?

We agree that the property transfer value should be at “nominal value”. This should significantly aid community groups in being able to undertake property transfers, and also aid the sustainability of any future uses. It will however remain vitally important that suitable and sustainable business cases are in place to ensure that any properties can become assets, and not liabilities.

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?

We are comfortable that existing provision outlined in the consultation document would be sufficient to ensure that local community benefits are delivered.

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?

We believe that if there is an agreement in place with all relevant parties, that it would be a welcome aid for communities to have this kind of option available. There might be sense in having a defined timescale for the necessary funds to be raised by, but would suggest that this might be best considered on a case-by-case basis, rather than being prescribed by the scheme itself.

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?

We don’t believe that there should be restriction on the property types, only that there should be a sustainable plan in place for the development and use of the property.

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?

Agree.

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?

Agree.

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

Agree.

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

We would welcome a public interest test which is in line with the Community Wealth Building pillars. SOSE’s own Property Investment Strategy follows these principles and believe it could be a good model to take forward. We can provide more information on how this looks if KLTR would wish to pursue this type of model.

Alternatively, we would seek there to be consistency with measures which are developed to align with the Land Reform Bill.

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?

Agree. It is best that the public body or local authority undertake the more in-depth consideration of whether a project is satisfactorily addressing economic, social and environmental benefits in the long term. Where there isn’t satisfaction around the issue of sustainable development, we would recommend that any property transfer does not take place.

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

None.

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

None.

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

improved?

Agree.

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

The approach seems a sensible way forward. We would welcome the opportunity to contribute to the Working Group mentioned in this section looking to address any challenges and consider solutions.

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?

Agree – local accountability particularly relating to any funding provided, and annual returns to KLTR should be sufficient to ensure that agreed aspirations are being delivered upon.

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

We agree with the proposals. The market value limitation would likely need to be reviewed on ongoing basis at a regular interval. Whilst the consultation paper notes that properties notified to KLTR are rarely close to the limit, it would be worth having an avenue to amend this if it is in future felt to be becoming a restriction on the scheme.

An overall financial limit would be particularly undesirable. As noted, having a sunsetting on the scheme would likely result in those communities which are most able and engaged to take advantage, whilst those less engaged and requiring additional support, will find themselves with limited benefit. This could potentially have the effect of increasing inequality of outcomes from different communities.

We agree that excluding properties within the six-year restoration window would not be desired. More is said in Q20.

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?

Properties which have been empty for six years could have significant damage and associated restoration costs. This would make them particularly challenging to take on for potential public good projects. We think that including this as part of the criteria would be undesirable and would significantly impact the effectiveness of uptake of the OPTS by potentially increasing liabilities.

KLTR taking on the compensatory risk is a satisfactory compromise which will allow the scheme to operate effectively, whilst also shielding community groups from any risk as part of the six-year restoration window.

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

None.

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?

None.

Q23 Are you aware of any examples of 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?

We don’t believe there will be any age specific impacts.

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)?

We don’t foresee any specific consequences for those with protected characteristics at this time.

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?

We believe this will likely have positive effects on the environment, particularly the built environment, by bringing buildings back into productive use. There may be a need for considerations on how energy efficient any transferred property is, and how this could be maximised for the benefit of the environment and the properties eventual owners.

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)?

We believe that the proposals to transfer property at the nominal value could positively enhance outcomes for areas of socio-economic disadvantage, by removing one potential barrier in the form of a market value property purchase price. There will however remain a need for local animators and local organisations to support the development of sustainable projects.

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?

Costs and burdens should be project specific rather than relating to the scheme. It will be important for local partners, in ensuring sustainability, to ensure that projects do not have unacceptable costs or burdens.

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

None.