

# Motion – Capital Coalition

## Title: Parliament Hall – Common Good

### Committee

1. Notes that in late 2005 the Scottish Ministers undertook a voluntary registration of title to the court complex between Parliament Square and the Cowgate. The Registers of Scotland requested the Ministers seek consent from various bodies to the proposal and in April 2006, the Ministers wrote to the Council seeking confirmation it had no legal interest in this land, and consented to the Ministers registering their title to it.
2. Notes that the Council checked its asset register at that time, and this did not disclose the Council as being the owner of this land. Given this, the Council issued a letter to the Ministers in the terms requested and Scottish Ministers were issued with a Land Certificate by Registers of Scotland which recorded them having a good title to the court complex including Parliament Hall.
3. Notes that shortly after completing the registration of their own title, the Ministers gifted the Laigh Hall (the library underneath Parliament Hall) to the Faculty of Advocates, who were then issued with their own Land Certificate to that property, again recording them as having a good title.
4. Notes that in November 2013, it came to officers' attention that the confirmation given in 2006 was incorrect and that Parliament Hall, including the Laigh Hall, formed part of the common good property owned by the Council.
5. Notes that in June 2008, Finance and Resources Committee resolved that a review of a property's potential common good status would be undertaken only on a proposed change of use or disposal of a property, given the staff time which would otherwise be involved and some of the associated legal complexities and that this is still the current practice.
6. Notes that Council officials have initiated talks with the Scottish Government to have this common good asset restored to the Council;
7. Notes that there may be legal remedies available to the Council but in order to save the expenditure of public funds in potentially lengthy and costly litigation it would be preferable to resolve the matter voluntarily in discussions with Scottish Government;
8. Therefore requests that the Chief Executive writes to the Permanent Secretary seeking a voluntary resolution to restore ownership of this common good asset to the Council.

**Moved by** Councillor Burns

**Seconded by** Councillor Cardownie