

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

REGISTER OF COMMON GOOD UPDATE

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to provide Council Executive with an update on work undertaken by officers to further develop the council's Register of Common Good in accordance with the requirements of Part 8 of the Community Empowerment (Scotland) Act 2015.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the work undertaken by officers to further develop the council's Register of Common Good in accordance with the requirements of Part 8 of the Community Empowerment (Scotland) Act 2015.
2. Approves the additions to the existing register and agrees that the updated register can be published in accordance with the requirements of Part 8 of the Community Empowerment (Scotland) Act 2015.
3. Notes that work is ongoing to fully consider the remaining representations received during the mandatory community consultation exercise.
4. Notes that work is ongoing to consider additional representations that have subsequently been received from the Whitburn and Bathgate communities specifically relating to potential common good property in the former Burghs of Whitburn and Bathgate respectively.
5. Agrees that officers will present a further update to Council Executive on 12 March 2024.

C. SUMMARY OF IMPLICATIONS

I Council Values

- Caring and compassionate.
- Focusing on our customers' needs.
- Being honest, open and accountable.
- Providing equality of opportunities.
- Making best use of our resources.
- Working in partnership.

II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The work undertaken by officers ensures the council is compliant with the statutory requirements of Part 8 of the Community Empowerment (Scotland) Act 2015.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built environment.
VI	Resources - (Financial, Staffing and Property)	The council will incur revenue costs in 2023/24 for legal work being undertaken by external solicitors to support the establishment and updating of the Register of Common Good. The costs are being met from existing revenue budgets.
VII	Consideration at PDSP	Common good was considered by the then Partnership and Resources PDSP on 4 February 2022.
VIII	Other consultations	Legal Services.

D. TERMS OF REPORT

D.1 Background

Common good is property owned by a local authority which has been passed down, through local government reorganisation, from former burghs. Those burghs would have received the property as a gift or purchased it. It includes land and buildings, and moveable items such as furniture and art. It may include cash where property has been sold and income received from the leasing of common good property.

There is no formal, statutory definition of common good. It is not a separate legal entity and property is not "owned by the common good". The property is owned by the local authority. The local authority may however be legally restricted in the uses to which it can put such property, or whether it can dispose of it, if the property is considered to be common good.

The council can declare common good property as being surplus to operational requirements. Once common good property is declared surplus, the council is required to adhere to statutory common good legislation prior to potentially disposing of the property. This includes carrying out a community consultation on any proposals to dispose of the property. The act of declaring a common good property surplus is separate from the subsequent act of consulting with the community on any proposals to dispose of that property.

It does not automatically follow that all council owned property in the former burghs is common good. For example, if a property was originally acquired by the former burgh council for a specific statutory purpose, then potentially it may not be common good.

The Community Empowerment (Scotland) Act 2015 (the Act) imposes duties on local authorities in relation to common good property. Part 8 of the Act seeks to increase transparency about the existence of common good assets and to ensure there is community involvement in decisions taken about their identification, use and disposal.

Section 102 of the Act places a duty on local authorities to “establish and maintain a register of property which is held by the authority as part of the common good.” Council Executive at its meeting on 22 March 2022 approved the publication of the first version of the council’s Register of Common Good and noted that officers were continuing their work to fully consider all representations received during the mandatory community consultation exercise.

Council Executive was provided with update reports on 25 October 2022, 21 March 2023 and on 5 September 2023, at which times further additions to the Register of Common Good were approved.

The Act provides that, once the council has fully considered a representation, its decision is final, unless significant new information comes to light or a court decides otherwise by way of judicial review. There is no appeals process written into the legislation or guidance.

The purpose of this report is to provide Council Executive with an update on the work by officers to date to further develop the council’s Register of Common Good in accordance with the requirements of Part 8 of the Community Empowerment (Scotland) Act 2015.

D.2 Current Position

Officers from Property Services and Legal Services have been investigating 74 properties across the county to determine whether they should properly be included in the published Register of Common Good in accordance with statutory requirements.

In determining whether or not a property should be considered as common good, it is necessary to examine the title deed(s) for that property, to consider how the property was acquired by the council and how it has been used since it was acquired. As a result of the time and resource intensive nature of the title reviews required for each of the properties identified during the consultation, the Chief Solicitor procured the services of external solicitors to assist in this exercise.

Progress to date in determining the representations received is summarised in Table 1 below.

Table 1: Summary of progress in determining representations

Status	Number of Properties
1. Where investigations are complete and the legal advice is that the property should be regarded as common good.	22
2. Where investigations are complete and the legal advice is that the property should not be regarded as common good.	18
3. Where the council's Property Services team has confirmed that the property is not owned by the council and the property has not been included in the common good considerations.	12
4. Properties where the legal work is ongoing and supplementary information has been requested or is being considered by legal advisors.	13
5. Non-property assets (e.g. regalia, furniture, artworks) where investigations are complete and the legal advice is that the asset should be regarded as common good.	9
TOTAL:	74

Nine of the representations received via the consultation exercise related to non-property assets such as regalia, furniture and artworks. Council Executive on 5 September 2023 agreed that those nine non-property assets should be confirmed as common good property and added to the council's Register of Common Good. A review of the council's wider collection of moveable heritage assets is currently being undertaken in consultation with the council's Museum's Officer to consider whether any of these should be regarded as common good. It is proposed that the outcome of that review will be reported to a future meeting of the Council Executive.

D.3 Updated Register of Common Good

The exercise to investigate and consider each of the representations has been and continues to be very resource intensive. Consideration of a single property typically involves the identification and analysis of multiple historic title deeds and collaboration with the council's Archive Manager to research historic committee minutes dating from the former Burgh Councils in an attempt to identify key information around the circumstances under which individual properties were acquired.

As a result of the work undertaken to date by officers and their appointed external solicitors, a considered legal position has now been reached on forty properties. A further twelve properties which are not owned by the council have not been included in the legal title examination. Of those forty properties, eighteen have been confirmed as common good and were previously approved by Council Executive for inclusion in the Register of Common Good and eleven were confirmed as not being common good.

Extensive work has been undertaken and tangible progress has been made in working towards a considered legal opinion on all of the outstanding properties. It has been possible to reach a final legal opinion on eleven additional properties since the matter was last reported to Council Executive on 5 September 2023. Of those eleven additional properties, it is recommended that four properties should be regarded as common good and seven properties not regarded as common good.

In recognition of those findings, a proposed updated version of the Register of Common Good is provided at Appendix 1 of this report. The proposed additions to the Register are specifically identified in Appendix 1. Council Executive is asked to approve that updated register and agree that it can be published and made available to the public in accordance with the requirements of the Act.

Appendix 2 provides details of properties where investigations have concluded and the conclusion reached is that they are not considered to be common good.

Due to the ongoing complexities of the work involved and conflicting time-critical workload pressures on officers, investigations are ongoing for thirteen properties.

It is intended to bring this ongoing exercise to a close at the earliest possible opportunity and resources will be prioritised with the objective of providing Council Executive with a further update on 12 March 2024.

D.4 Representations from the Whitburn community

At the then Partnership and Resources PDSP on 4 February 2022, the Panel noted that no representations had been received from the community in relation to the former Burgh of Whitburn. The Panel suggested that further engagement take place. Officers confirmed that the register would be a live document that must, by law, be under continuous review. Officers agreed that further engagement with the Whitburn community would take place once all the original consultation representations had been considered.

Given the passage of time and the desire to see this exercise concluded as soon as possible, officers have proceeded to engage with the Whitburn community through the local community council and Community Development Trust.

Through that exercise, the community has requested that a total of twenty properties in Whitburn be considered as potential common good and officers have begun work to review and investigate those properties. Those properties are listed in Appendix 1 and work is underway to consider whether these may qualify as common good property. Officers will provide an update on progress in this regard to the Council Executive at its meeting on 12 March 2024.

D.5 Further representations from the Bathgate community

Officers have received further representations from the Bathgate community requesting that twelve additional properties in Bathgate be considered as potential common good. Officers have begun work to review and investigate those properties. Those properties are listed in Appendix 1 and work is underway to consider whether these qualify as common good property. Officers will provide an update on progress in this regard to the Council Executive at its meeting on 12 March 2024.

E. CONCLUSION

The council has a duty under The Act to establish, maintain and publish a Register of Common Good. As a result of work undertaken by officers, the current version of the council's Register of Common Good requires to be updated. Council Executive is therefore recommended to approve the updated version of the Register and agree that it can be published in accordance with the requirements of The Act.

It is important that officers bring this ongoing exercise to a close at the earliest possible opportunity. Staffing resources will be prioritised with the objective of providing Council Executive with a further substantive update on 12 March 2024.

F. BACKGROUND REFERENCES

Establishment of a Register of Common Good - Partnership and Resources PDSP
4 February 2022

Establishment of a Register of Common Good – Council Executive 22 March 2022

Register of Common Good Update – Council Executive 25 October 2022

Register of Common Good Update – Council Executive 21 March 2023

Register of Common Good Update – Council Executive 5 September 2023

Appendices/Attachments:

Appendix 1: Proposed updated Register of Common Good

Appendix 2: Investigated properties considered not to be Common Good

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12 December 2023

APPENDIX 1: Proposed updated Register of Common Good (as at 12 December 2023)

**WEST LoTHIAN COUNCIL: REGISTER OF COMMON GOOD****1. Former Burgh of Armadale (currently containing 6 common good assets)**

Land			
Name of Asset	Location	Description	Comment
Watson Park	North Street, Armadale	Open space	This is a new entry in the Register of Common Good.
Wood Park	Upper Bathville, Armadale	Open space	This is a new entry in the Register of Common Good.
Site of former library	West Main Street, Armadale	Land	This is a new entry in the Register of Common Good.
Football park south of Greig Crescent, Armadale	Greig Crescent, Armadale	Open space	This is an existing entry in the Register of Common Good.
Former Armadale Swimming Pool	North Street, Armadale	Former swimming pool	This is an existing entry in the Register of Common Good.

Art and Artefacts			
Name of Asset	Name of Asset	Description	
The Town Council chamber furniture	N/A	Furniture	This is an existing entry in the Register of Common Good.
Armadale Common Good Fund			
Name of Asset	Name of Asset	Name of Asset	Comment
None	N/A	N/A	N/A

2. Former Burgh of Bathgate (currently containing 23 common good assets)

Land			
Name of Asset	Location	Description	Comment
Land where war memorial was previously sited	Wallace Road, Bathgate	Land	This is a new entry to in the Register of Common Good.
Land and woodland to the south of Morrisons store, bound by the railway line and the Boghead Burn (only part of this site is common good)	Whitburn Road, Bathgate	Open Space	This is an existing entry in the Register of Common Good. It should be noted that only part of this site is deemed to be common good.
The Knock Hill	Bathgate Hills, Bathgate	Open space	This is an existing entry in the Register of Common Good.
The Burgh Muir	Muir Road, Bathgate	Open space	This is an existing entry in the Register of Common Good.

Name of Asset	Location	Description	Comment
Kirkton Park	Edinburgh Road, Bathgate	Open space	This is an existing entry in the Register of Common Good.
The Showpark	Glasgow Road, Bathgate	Open space	This is an existing entry in the Register of Common Good.
Meadowpark	Glasgow Road, Bathgate	Open space	This is an existing entry in the Register of Common Good.
The grounds whereon the "Chapel Well" stands	Marjoribanks Street / Balbardie Road, Bathgate	Open space	This is an existing entry in the Register of Common Good.
Windyknowe Swing Park	Windyknowe Crescent, Bathgate	Public Park	This is an existing entry in the Register of Common Good.
Creamery Park, Hardhill Road (only part of this site is common good)	Hardhill Road, Bathgate	Sports Park	This is an existing entry in the Register of Common Good. It should be noted that only part of this site is deemed to be common good.
Limefield Public Park and adjacent spare ground	Limefield Road, Bathgate	Public Space	This is an existing entry in the Register of Common Good.
Public Park at top of Marchwood Crescent	Marchwood Crescent, Bathgate	Public Space	This is an existing entry in the Register of Common Good.

Name of Asset	Location	Description	Comment
Open space at James Young Memorial Garden	Marjoribanks Street, Bathgate	Open space	This is an existing entry in the Register of Common Good.
Site of former public baths	Mid Street, Bathgate	Vacant land	This is an existing entry in the Register of Common Good.
Park land/former railway track to Balbardie Colliery (only part of this site is common good)	Millburn Road Turner Street (to the rear of Cochrane Street and Lothian Street), Bathgate	Open space	This is an existing entry in the Register of Common Good. It should be noted that only part of this site is deemed to be common good.
Park and land	Alexandra Drive, Bathgate	Land	This is a new entry to in the Register of Common Good.
Art and Artefacts			
Name of Asset	Location	Description	Comment
The McLagan drinking fountain	George Place, Bathgate	Artwork	This is an existing entry in the Register of Common Good.
Statue of Robert Burns	Jim Walker Partnership Centre	Artwork	This is an existing entry in the Register of Common Good.
Oil painting titled Alexander Marjoribanks, First Provost of Bathgate (1824- 1827) and Trustee of John Newland by Artist John William Rattray	N/A	Artwork	This is an existing entry in the Register of Common Good.

Name of Asset	Location	Description	Comment
Newlands Memorial Stone	Jim Walker Partnership Centre	Artwork	This is an existing entry in the Register of Common Good.
The Bathgate Provost's Chain of Office	N/A	Regalia	This is an existing entry in the Register of Common Good.
The former Burgh Council Chambers Chairs of Office	N/A	Furniture	This is an existing entry in the Register of Common Good.
The Provost's Lamp	Marjoribanks Street, Bathgate	Open Space	This is an existing entry in the Register of Common Good.
Bathgate Common Good Fund			
Name of Asset	Location	Description	Comments
None	N/A	N/A	N/A

3. Former Burgh of Linlithgow (currently containing 4 common good assets)

Land			
Name of Asset	Location	Description	Comment
Douglas Park (at corner of Mains Road and Moray Drive)	Moray Drive / Mains Road, Linlithgow	Open Space	This is an existing entry in the Register of Common Good.
Land at Learmonth Gardens	Learmonth Gardens, Linlithgow	Land	This is a new entry in the Register of Common Good.
Art and Artefacts			
Name of Asset	Location	Description	Comment
Black Bitch Chairs	Burgh Halls, The Cross, Linlithgow	Furniture	This is an existing entry in the Register of Common Good.

Linlithgow Common Good Fund			
Name of Asset	Location	Description	Comment
Royal Burgh of Linlithgow Common Good Fund	N/A	Common Good Fund for Royal Burgh of Linlithgow. Cash fund of £18,408.17 as at 31 March 2023.	This is an existing entry in the Register of Common Good.

4. Former Burgh of Whitburn (currently containing no common good assets)

Land		
Name of Asset	Location	Description
None	N/A	N/A
Art and Artefacts		
Name of Asset	Location	Description
None	N/A	N/A
Common Good Fund		
Name of Asset	Location	Description
None	N/A	N/A

5. Summary total of common good assets currently held by West Lothian Council (WLC)

Number of common good assets in the former Burgh of Armadale:	6
Number of common good assets in the former Burgh of Bathgate:	23
Number of common good assets in the former Burgh of Linlithgow:	4
Number of common good assets in the former Burgh of Whitburn:	0
Total number of common good assets currently held by WLC	33

6. Properties that are unconfirmed as common good but are currently under investigation by West Lothian Council

6.1 Property in the former Burgh of Armadale which is unconfirmed as common good but is under investigation:

Property			
Location	Location	Description	Status
The Black Moss, including the Curling Pond	The Black Moss, Armadale	Open Space	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.
Former council offices on East Main Street/South Street	East Main Street, Armadale	Commercial premises	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.
Air raid shelter near the garden centre	Armadale	Building	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.

6.2 Property in the former Burgh of Bathgate which is unconfirmed as common good but is under investigation:

Property			
Name of Asset	Location	Description	Status
Little Boghead Nature Park	Littleboghead (off Whitburn Road, Bathgate)	Nature reserve	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.
Land that council buildings are sited on	South Bridge Street, Bathgate	Site of operational buildings	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.
Land on which the John Newland Memorial Stands	Main Street, Bathgate	Open space	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.
Land on which Bathgate High Church is sited	Gideon Street, Bathgate	Site of church	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.

Name of Asset	Location	Description	Status
Acredale Car Park	Hopetoun Lane, Bathgate	Car Park	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.
Bathgate High Church Bell Tower	Gideon Street, Bathgate	Bell Tower	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Town Clock contained in the High Church Bell Tower	Gideon Street, Bathgate	Town Clock	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Waverly Street Depot	Waverly Street, Bathgate	Depot	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.

Name of Asset	Location	Description	Status
Land that the former Social Work Building is sited on	Whitburn Road, Bathgate	Land	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Land that the Lidl store is sited on	Whitburn Road, Bathgate	Land	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Land and building used by Kirkton Brass Band as a practice hall	Belvedere Road, Bathgate	Land and hall	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Gardners Lane Car Park,	Gardners Lane/Menzies Road, Bathgate	Car Park	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.

Name of Asset	Location	Description	Status
Glenmavis Bowling Club	Torphichen Street, Bathgate	Bowling Club	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Car Parks on the East and West side of Hopetoun Street and Marjorybank Street	Hopetoun Street and Marjoribanks Street, Bathgate	Car Parks	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Car Park At the junction of Hopetoun Street and Gideon Street	Hopetoun Street and Gideon Street, Bathgate	Car Park	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Car Park(s) behind Bathgate Regal Theatre	Mill Road, Bathgate	Car Parks	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.

Name of Asset	Location	Description	Status
Waverly Street Industrial Estate	Waverley Street, Bathgate	Industrial Estate	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.

6.3 Property in the former Burgh of Linlithgow which is unconfirmed as common good but is under investigation:

Property			
Name of Asset	Location	Description	Status
Rosemount Park	Rosemount Park, Linlithgow	Open Space	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.
Burgh Halls and associated land	The Cross, Linlithgow	Burgh Halls	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.
Cemetery around St Michaels Church	The Cross, Linlithgow	Open Space	Detailed investigations are largely complete and additional information has been provided to the council's legal advisors to enable them to reach a final conclusion. Outcome will be reported to the Council Executive on 12 March 2024.

6.4 Property in the former Burgh of Whitburn which is unconfirmed as common good but is under investigation:

Property			
Name of Asset	Location	Description	Status
Polkemmet Country Park	Polkemmet, Whitburn	Country Park	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
The Baillie Institute	East Main Street, Whitburn	Building	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Whitburn Juniors Football Ground	East Main Street, Whitburn	Football ground	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
King George V Park	Baillie Street, Whitburn	Open Space	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.

Name of Asset	Location	Description	Status
Blaeberryhill Park (including War Memorial, Community Centre, Community Garden and Playing Field)	Blaeberry Park, Whitburn	Open Space	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Harrison Hut	Jubilee Road, Whitburn	Building	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Grounds surrounding Whitburn Academy	Shanks Road, Whitburn	Land	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Whitburn Partnership Centre	Armada Road, Whitburn	Partnership Centre	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.

Name of Asset	Location	Description	Status
Former Whitburn Library building	Union Road, Whitburn	Former library building	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Whitburn Band Hall	Market Place, Whitburn	Hall	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Whitburn Resource Centre	West Main Street, Whitburn	Building	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Grass area around Polkemmet and St. Joseph's Primary School	Gateside Road, Whitburn	Land	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.

Name of Asset	Location	Description	Status
Grass area between Kepscaith and Netherton	Netherton, Whitburn	Land	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Grass area near Hunters Grove	Hunters Grove, Whitburn	Land	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Ash park next to Torcroft House, Raeburn Crescent.	Raeburn Crescent, Whitburn	Land	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Whitburn Community Centre and surrounding grounds	Manse Road, Whitburn	Community Centre	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.

Name of Asset	Location	Description	Status
Grass area at Croftmalloch swing park	Croftmalloch, Whitburn	Land	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Blaeberry woodland	Blaeberry, Whitburn	Woodland	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Masonic Hall	East Main Street, Whitburn	Hall	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.
Local churches and church halls in Whitburn	Various locations across Whitburn	Churches and church halls	Identified for investigation after the community consultation had ended. Investigations are underway to review this property as potential common good. An update on progress will be reported to Council Executive on 12 March 2024.

(END)

APPENDIX 2: Properties confirmed as not being Common Good (as at 12 December 2023)

1. Former Burgh of Armadale

Name of Asset	Location	Description	Status
Statue / memorial at West Main Street	West Main Street, Armadale	Statue / memorial	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.

2. Former Burgh of Bathgate

Name of Asset	Location	Description	Status
Boghead Cemetery	Hardhill Road, Bathgate	Operational cemetery	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Bathgate Cemetery	Glasgow Road, Bathgate	Operational cemetery	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Area of grass land/trees to the rear of the houses on Lothian Street and Dundas Street	Lothian Street, Bathgate	Open Space	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Former Traveller's site at Sibbald's Brae	Sibbald's Brae, Bathgate	Housing Site	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.

Name of Asset	Location	Description	Status
Playing field at Marina Avenue	Marina Avenue, Bathgate	Public Space	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Site of former community centre	Marjoribanks Street, Bathgate	Vacant land	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Open space at James Young Memorial Garden	Marjoribanks Street, Bathgate	Open space	Investigations are complete and the legal advice received is that this property should be classified as not being Common Good.
Part of former Mid Street Primary School grounds	Mid Street, Bathgate	Open space	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
War memorial	Mid Street, Bathgate	War memorial	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Lane from Marjoribanks Street to Mid Street	Marjoribanks Street, / Mid Street, Bathgate	Lane	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Lane from Acredale Car Park to George Street	George Street, Bathgate	Lane	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.

Name of Asset	Location	Description	Status
Land and path to south of Tesco	Off Blackburn Road, Bathgate	Land and footpath	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Open space land between Whitburn Road and Meadow Park bound by the Bog Burn	Meadow Park, Bathgate	Public Space	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Mansefield Street Car Park	Mansefield Street, Bathgate	Car Park	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Former playing fields for St. Mary's Academy (to rear of former Guildiehaugh Depot)	Edinburgh Road, Bathgate	Land	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Former Guildiehaugh Depot	Blackburn Road, Bathgate	Former depot	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Land adjacent to Bruce Road	Bruce Road, Bathgate	Land	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Woodland, land and ponds at Wester Inch	Wester Inch, Bathgate	Land	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.

3. Former Burgh of Linlithgow

Name of Asset	Location	Description	Status
Tam Dalyell House (Linlithgow Partnership Centre)	High Street, Linlithgow	Offices	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
89 – 91 High St (County Buildings annex, previously the British Linen Bank)	High Street, Linlithgow	Offices	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Land on south side of West Port including Katie Wearie's tree	West Port, Linlithgow	Land	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Linlithgow Cemetery	Mains Road, Linlithgow	Cemetery	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
The central part of The Cross including the Cross Well	The Cross, Linlithgow	Land	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Garden at Low Port Primary School	Low Port, Linlithgow	Land	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.
Car park at Longcroft Hall	Linlithgow	Car Park	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.

Name of Asset	Location	Description	Status
Annet House	High Street, Linlithgow	Former offices	Investigations are complete and the legal advice received is that this property should not be classified as being Common Good.

4. Former Burgh of Whitburn

Name of Asset	Location	Description	Status
None			

(END)