

Dear Mr Enston,

We have been made aware of a proposal to divert some £100,000 from Burntisland's Common Good Fund for the purpose of replacing old electrical infrastructure on our Links.

The view of the Community Council, for the reasons given below, is that in terms of the management of Common Good Funds the proposal has no merit and should not proceed.

An essential requirement of the relevant legislation is that the local authority must have regard to the interests of the local community when administering Common Good Funds.

We are led to believe that there is an adverse electrical report from last year, which we have not seen. Similarly, work was reportedly put out to tender, subsequently commissioned, and has apparently started. None of that was made known to us.

In those circumstances we do not see how the local authority could reasonably have had regard to the local interest.

The established protocol for managing contributions from the Common Good Fund is that applications come to the Community Council in the first instance. That has not been done.

Any attempt by Fife Council to bypass that process would clearly represent a conflict of interest.

There is apparently an assumption that because the power infrastructure is on Common Good land it is necessarily the responsibility of the Common Good Fund. That is not so.

Other structures on the Links are the direct responsibility of Scottish Water or Fife Council. They were not built by and are not managed from the Common Good Fund.

We are led to believe that the current electrical supply was installed some 17 years ago. Given that this Community Council has been active for 40 years we have no recollection of any such work having been financed from the Common Good Fund at that time. There is therefore no precedent for the current proposal.

We understand that the need for an appropriate electrical supply comes from the summer fair which is held on the Links. Contractually, the fairground is a commercial agreement between Fife Council and the Showmen. It is therefore incumbent upon Fife Council to set rents and manage the infrastructure accordingly. The Common Good Fund does not form any part of that contract.

The Links is a public open space and has no intrinsic requirement for an electricity supply. The work which is under way is therefore not essential to its role as a Common Good asset.

In our view, the proposal effectively disposes of an interest in the land away from the Common Good Fund and to Fife Council. That amounts to an alienation which requires the consent of the Sheriff. We are aware of no such application having been made.

Whilst we recognise the overall need to have a safe and adequate power supply for the fairground, our view is that the provision of such a supply is wholly the responsibility of Fife

Council. Any attempt to secure finance retrospectively from the Common Good Fund is inappropriate and is therefore not supported by us.

We understand that the proposal will be considered at a forthcoming meeting of the Kirkcaldy area committee. I should be grateful if you would ensure that these comments are made known to appropriate officials and elected members.

Regards,

Alex MacDonald

Chairman Royal Burgh of Burntisland Community Council