

ANGUS COUNCIL

POLICY & RESOURCES COMMITTEE – 19 JUNE 2018

**COMMUNITY ASSET TRANSFER APPLICATION DECISION - FORFAR MENS SHED,
WORKSHOPS AT ORCHARDBANK HOUSE, FORFAR**

REPORT BY IAN LORIMER, HEAD OF FINANCE & LEGAL

ABSTRACT

This report seeks the Committee's views on a Community Asset Transfer (CAT) application recently submitted regarding a Council asset.

1. RECOMMENDATIONS

1.1 It is recommended that the Committee:-

- a. note the background to Community Asset Transfer (CAT) and the Council's policy and method of assessing applications as set out in Report 105/18;
- b. note the summary information on this CAT application contained in Appendix 1
- c. note the outcome from the assessment process and the views of the Community Asset Transfer Officer Group set out in Section 4 of this report regarding this application;
- d. determine whether to:-
 - (i) agree the application; **OR**
 - (ii) reject the application, giving reasons for such rejection
- e. note that if the application is approved it will be necessary to conclude formal legal agreements before the transfer formally takes place and that terms and conditions in line with the Council's agreed policy will apply; and
- f. note that if the application is rejected the applicant can seek an internal review by the Council or appeal that decision to Scottish Ministers

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN (LOIP) AND COUNCIL PLAN

2.1 The proposals described in this report will contribute to the outcomes outlined in the Local Outcomes Improvement Plan, Locality Plans and Council Plan, which focus on the economy, people and place. Community Asset Transfer is a key part of Community Empowerment and it is important that the Council support community groups in a manner which delivers best value.

3. BACKGROUND

3.1 The Community Empowerment (Scotland) Act 2015 introduces a right for community bodies to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for any land or buildings they feel they could make better use of. Community bodies can request ownership, lease or other rights, as they wish through a process known as Community Asset Transfer (CAT). The Act requires those public authorities to assess requests transparently against specific criteria, and to agree the request unless there are reasonable grounds for refusal.

- 3.2 CAT applications are administered and assessed by the Community Asset Transfer Group (CATG) using the assessment model approved in Report 105/18 (Angus Council meeting of 22 March 2018).
- 3.3 In deciding whether to agree to or refuse the request, the Council must consider the following things:-
- the reasons for the request
 - any other information provided in support of the request
 - whether agreeing to the request would be likely to promote or improve:-
 - economic development
 - regeneration
 - public health
 - social wellbeing
 - environmental wellbeing, or
 - whether agreeing to the request would be likely to reduce socio-economic inequalities
 - any other benefits that might arise if the request were agreed to
 - how the request relates to the relevant authority's duties under Equalities legislation
 - any obligations that may prevent, restrict or otherwise affect the authority's ability to agree to the request
- 3.4 In reaching its decision the Council must compare the benefits of the community transfer body's proposals with the benefits that might arise from any alternative proposal. Alternative proposals may be another asset transfer request; another proposal made by the Council; continuing the existing use or disposal on the open market.
- 3.5 As well as assessing the benefits which the proposed CAT may deliver the Council must also assess whether the community transfer body is able to successfully deliver the project, and make it sustainable.

4. CAT APPLICATION – FORFAR MENS SHED – WORKSHOPS AT ORCHARDBANK HOUSE, FORFAR

- 4.1 The above group have applied for a Community Asset Transfer for the Workshops at Orchardbank House, Forfar (UPRN: 5080/001 - Workshop only). The group wish to take a long term lease for 25 years of this asset. The group's application was confirmed as a valid in line with the legislation on 15 February 2018 and must accordingly be determined by 15 August 2018. The application has been subject to public notices and has been assessed in line with the national guidance and the Council's assessment process.
- 4.2 No objections were received from members of the public or other groups regarding this application.
- 4.3 A summary of the application and the applicant's proposals for the asset they are seeking to take on through CAT is attached as Appendix 1. The content of the Appendix is taken from the group's CAT Application. Broadly the group propose to use the property to further their aims as a community group providing friendship and skills development for members. Part of the benefit of this application is that the group will upgrade the workshops. There is much to commend in the aims and objectives of this community group and their plans for this unused asset.
- 4.4 The application has been assessed by the CAT Officer Group using the Council's agreed assessment model. The application scored as follows:-

Community Benefit (score out of 90)	47.3
Financial Assessment (score out of 52)	27.5
Overall Assessment / Best Value Conclusion	Likely to represent best value

4.5 Based on the above assessment the CAT Officer Group's recommendation is to approve the CAT application but in line with Report 105/18 it is for members of the Committee to make the final determination on whether the application is approved or rejected. In considering their position members are reminded that the Act requires public authorities to agree requests unless there are reasonable grounds for refusal. Applicants can also appeal the Council's decision.

4.6 Specific points to note in this application and its assessment include:-

- The application is for part of a site in the Council's ownership and is adjacent to Orchardbank House a Category B listed building. Approving the CAT may make it more difficult to dispose of Orchardbank House but this building has been available and marketed for some time now without any significant interest. Rights of Access to the remainder of the site will be part of the terms and conditions of the CAT lease should members approve it.
- Forfar Men's Shed already have a short term lease on lock ups at Lochside Road in Forfar. Approval of the CAT application for the Orchardbank workshops may free up this other facility for rent depending on what the Group want to do.

5. FINANCIAL IMPLICATIONS

5.1 The financial impact on the Council has been taken into account in the assessment of the application. The main points of note are as follows:-

- There are no significant implications for the Council's revenue or capital budget if the CAT is approved. The asset in question is unused and in need of repair. The Group intend to apply for Leader funding to support upgrade works but that is subject to a separate assessment process.
- Leasing the asset being requested generates a small income but prevents the possible realisation of a capital receipt in the meantime. Achieving such a receipt has to date proven difficult given the lack of interest in this asset over a number of years.

6. RISKS

6.1 There are no significant risks beyond those outlined elsewhere in this report and those associated with a community group being sustainable over the length of the proposed lease.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report 105/18 – Community Asset Transfer Policy Development & Applications Update