

ANGUS COUNCIL

POLICY & RESOURCES COMMITTEE – 19 JUNE 2018

COMMUNITY ASSET TRANSFER APPLICATION DECISION – MONIFIETH ATHLETIC FOOTBALL CLUB, PITCHES AND PAVILLION AT RIVERVIEW PARK, MONIFIETH

REPORT BY IAN LORIMER, HEAD OF FINANCE & LEGAL

ABSTRACT

This report seeks the Committee's views on 2 related Community Asset Transfer (CAT) applications recently submitted regarding Council assets.

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 these CAT applications contained in Appendices 1 & 2
- c. note the outcome from the assessment process and the views of the Community Asset Transfer Officer Group as outlined in Sections 4 & 5 of this report regarding these applications;
- d. determine whether to:-
 - (i) agree each of the applications; **OR**
 - (ii) reject each of the applications, giving reasons for such rejection
- e. note that if the applications are 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 applications are 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 set out 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.

3.6 The applications covered by this report are from the same community group and are linked. The applications are separate and different as one seeks ownership of a Council asset while the other seeks a long term lease of a related asset. The Committee needs to consider both applications and reach a decision on each of them individually.

4. CAT APPLICATION 1 – MONFIETH ATHLETIC FOOTBALL CLUB – FOOTBALL PAVILLION, RIVERVIEW PARK, MONIFIETH

4.1 The above group have applied for a Community Asset Transfer for the Football Pavilion at Riverview Park Monifieth (UPRN: 7802). The group wish to take ownership of this asset. The group's application was confirmed as a valid in line with the legislation on 10 January 2018 and must accordingly be determined by 10 July 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 including development of grass roots football and work with young people.

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)	66.3
Financial Assessment (score out of 52)	33.7
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 (see Annex A of Appendix 1) and its assessment include:-

- There will be a small reduction in open space as a consequence of the proposed development of the Pavilion

5. CAT APPLICATION 2 – MONFIETH ATHLETIC FOOTBALL CLUB – FOOTBALL PITCHES, RIVERVIEW PARK, MONIFIETH

5.1 The above group have applied for a Community Asset Transfer for the Football Pitches at Riverview Park Monifieth (UPRN: 7802RO1). The group wish to take a long term (99 year) lease of this asset. The group's application was confirmed as a valid in line with the legislation on 10 January 2018 and must accordingly be determined by 10 July 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.

5.2 No objections were received from members of the public or other groups regarding this application.

5.3 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 2. The content of the Appendix is taken from the group's CAT Application. Broadly the group propose to use the pitches to further their aims as a community group including development of grass roots football and work with young people.

5.4 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)	68
Financial Assessment (score out of 52)	29
Overall Assessment/ Best Value Conclusion	Likely to represent best value

5.5 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.

5.6 Specific points to note in this application (see Annex A of Appendix 1) and its assessment include:-

- The area of land involved is designated public land and the Club would continue to allow public access to most of the area. The new artificial surface would be fenced in and there would be no public access to the facility
- There may be some light from floodlights for the proposed all-weather sports surface but steps will be taken to minimise the impact of this.

6. FINANCIAL IMPLICATIONS

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

- There are no significant implications for the Council's revenue or capital budget if the CAT applications are approved. The Group have offered the sum of £5,000 for the Pavilion and

£1,000 p.a. for the lease. Approval of the applications will remove an ongoing maintenance burden from the Council for both the pitches and the Pavilion.

7. RISKS

- 7.1 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 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