

Article 4 of the minute of meeting of the Special Arrangements Committee on 23 June 2020

4. CAT DECISION – SKILZ ACADEMY, ASTROTURF PITCH AND GROUND, ARBROATH SPORTS CENTRE, KEPTIE ROAD, ARBROATH

With reference to Article 15 of the minute of the previous meeting of this Committee, there was re- submitted Report No 151/20 which sought the Committee's views on a Community Asset Transfer (CAT) application relating to a Council asset, namely the Astroturf Pitch and Ground at Arbroath Sports Centre, Arbroath.

The applicant's Business Plan had also been made available to elected members via sharepoint as additional background to the application, and giving an indication as to their plans for the future.

Having previously heard the Deputation, the Committee agreed to hear Colin Knight of AngusAlive and Beth Reader, Education Service.

Colin Knight advised that Angus Alive currently worked in partnership with Angus Council with one of their licences being to occupy and operate the playing surface at Arbroath Sports Centre. Angus Alive wished to retain the facility within its portfolio, while acknowledging that the pitch did require investment. Angus Alive wished to take forward the replacement of the current playing surface, which initial work had indicated would cost some £220,000. If this work was done, Mr Knight was confident that local community clubs across various sports would wish to access to deliver their services to the local community. Mr Knight also confirmed the current very good working relationship between Angus Alive and Arbroath High School, with the changing village currently being installed at the school, funded through Angus Council. This demonstrated the long term will to invest in the Sports Centre owned by the Council and operated on its behalf by Angus Alive. Angus Alive also operated with various groups including Skilz Academy, with whom they had a positive working relationship, planning the programming of football in the area utilising a number of Council-owned sites. Angus Alive was keen to see that relationship continue, including on the refurbishment of the High School playing surface, and on Arbroath Community Sports Hub. Angus Alive and the Council were currently in a 4 year partnership agreement with Sports Scotland. This gave access to other bodies including Scottish Rugby and the Scottish Football Association who might be involved in developing funding packages for the refurbishment of the playing surface at Arbroath High School. Through this link, Angus Alive had been advised that the SFA had not been contacted about the present CAT application. The site of the current playing surface was understood to be involved in the Schools for the Future strategy of Angus Council; there was also the potential that the site might be developed as an athletics arena.

Colin Knight then answered questions from Councillors Wann and Whiteside.

In response to a question from Councillor Wann, the Director of Finance confirmed that a bid from Angus Alive made around June 2019 had been put on hold pending the determination of this CAP application.

Councillor Whiteside commented on the apparent neglect of the playing surface at Arbroath High School, suggesting that had it been kept in good condition, there would not now be a CAT application. At present there was no commitment to finance the refurbishment now required, or to build up a fund for the future replacement of the current playing surface. There were no proposals for work on a new school for next 10 years at least. There were also safeguards for the Council and AA in the report. Instead of a purchase of the facility, she queried whether the proposed purchase of the playing surface could be replaced by the offer of a long term lease of say 25 years, with a 10 year break clause to enable the pitch to be replaced and to take account of any new school works?

The Director of Finance indicated in response, that the Committee could not change an application for ownership to one for lease; effectively a resubmission would be required for that to progress.

Mr Lorimer also indicated that the Report had been prepared based on the CAT application as submitted; but as members had heard from the deputation, some aspects of the application had been updated.

Beth Reader of the Education Service supported the Angus Alive position as explained by Mr Knight and advised that it was the view of the Director of the Service that approval of the CAT would not be in the best interests of the Education Service. This was also the view of the Head Teacher of Arbroath High School. She agreed that the pitch had not been well maintained and needed investment; however, it remained playable and was timetabled for use. It was seen in the best interests of the Council that the pitch remained an asset under its control.

The Director of Finance advised that if the CAT application was agreed, consequently the Council would be disposing of a piece of land at less than best consideration value – legislative requirements would then require an appraisal to be undertaken to consider the financial implications, benefits and disbenefits and that the disposal was considered by the Council to be reasonable in the circumstances on grounds of promotion of economic development, health, social wellbeing etc. He confirmed that the appraisal formed part of the CAT assessment process and had been done.

In response to a question from Councillor Moore as to why the Council should accept a CAT application for an asset which was not surplus, the Director of Finance confirmed that in terms of legislation, an asset did not have to be surplus to be subject to such an application being made and agreed.

Councillor Fairweather indicated that he had been impressed with the applicant's business case; he understood that Skilz Academy was a very successful organisation. There had been no objections to the applications; there was very little difference in the scoring of the application as against Angus Alive in the scoring although the latter had come out higher; on operational considerations, Mr Anderson had indicated that the applicant intended to align with the current schedules.

The Committee heard further comments from Councillors Wann, Whiteside, Moore, and Fairweather.

The Committee agreed to hear once more from both Mr Knight and Mr Anderson.

Mr Knight indicated that should the CAT application be approved by the Committee, Angus Alive would like the conditions to include discussions to take place with the applicant on the potential for access to any renovated surface to enable completion of term time and holiday programmes particularly with young people in mind, and also access to potential coach education courses particularly in football as well as wider sports such as rugby if the new surface was suitable for such sports, all subject to an access / costs agreement, to the enhancement of benefit to the local community and also in upskilling of the potential workforces for local clubs and potentially beyond.

The Committee also heard again from Mr Anderson who confirmed that the Scottish Football Partnership, a branch of the SFA, in terms of community funding, and potential suppliers of the portacabin changing facilities required, had confirmed that the applicant met their criteria for assistance. The applicant had also spoken on several occasions to Andy Cummings of Scottish Rugby, who had confirmed that the length of the pitch meant that it could only be used for training matches and was too short for team matches. There were potential funding opportunities which might be open to the applicant and on which Scottish Rugby could advise. Mr Anderson emphasised that no funding commitments had yet been made, given the current stage of the application process.

Mr Anderson also confirmed the current good working relationship existing between Angus Alive and Skilz Academy. In his view, term time and holiday programmes, coach education were absolutely matters which could be discussed with a view to reaching an agreement for future working together.

Mr Ian Lorimer, Director of Finance, again addressed the Committee, noting that approval of the CAT application was only the first step in the process which had to be captured in a suitable legal agreement between Skilz Academy and the Council.

The Committee agreed: -

- (i) to 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;
- (ii) to note the summary information on this CAT application and the outcome of the assessment process contained in Appendix 1 to the Report;
- (iii) to note the summary information on the existing use of the asset and the outcome of the assessment process as contained in Appendix 2 to the Report;
- (iv) to note the other factors relevant to the CAT application including the financial implications and risks outlined in the Report;
- (v) to note the views, recommendations and suggested options from the Community Asset Transfer Officer Group (CATG) as outlined in Section 7 of this Report regarding this CAT application;
- (vi) that, having heard the intentions of the applicant in terms of the deputation today and based upon the information contained in the applicant's Business Case as contained in the papers before the Committee, the supportive views of local members, and the information and advice contained within this Report, including the options recommended by the CATG, to agree Option 2, and approve the application, subject to conditions 1-7 as set out in Paragraph 7.4 of the Report, and also the additional Conditions (vii) and (viii) below;
- (vii) that the applicant must reach agreement with Angus Alive and Angus Council on the question of, and terms and conditions of, public access and school access as required to the new proposed facility on an equivalent basis of current usage including provision of term time and holiday coaching courses;
- (viii) toilet facilities, including suitable disabled access, are to be provided by the applicant as agreed with Angus Council in accordance with the phases of the applicant's business plan; and
- (ix) that formal legal agreements be concluded with the applicants before the transfer formally took place and that terms and conditions in line with the Council's agreed CAT policy would apply.