

## Highland Council Asset Transfer Request Approach Asset Transfer Request Form

This is an asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015.

### Section 1: Information about the community transfer body (CTB) making the request

#### 1.1 Name of the CTB making the asset transfer request

Kilmallie Community Centre Limited

#### 1.2 CTB address. This should be the registered address, if you have one.

Postal address:

Station Road, Corpach, Fort William

Postcode: PH33 7JH

#### 1.3 Contact details. Please provide the name and contact address to which correspondence in relation to this asset transfer request should be sent.

Contact name: Mrs S R Kennedy

Postal address:

Postcode:

Email:

Telephone:

- We agree that correspondence in relation to this asset transfer request may be sent by email to the email address given above. *(Please tick to indicate agreement)*

*You can ask the relevant authority to stop sending correspondence by email, or change the email address, by telling them at any time, as long as 5 working days' notice is given.*

1.4 Please mark an "X" in the relevant box to confirm the type of CTB and its official number, if it has one.

X	Company, and its company number is .....	Company Number: SC404410 Charity Number: SC042509
X	Scottish Charitable Incorporated Organisation (SCIO), and its charity number is .....	
	Community Benefit Society (BenCom), and its registered number is .....	
	Unincorporated organisation (no number)	

**Please attach a copy of the CTB's constitution, articles of association or registered rules.**

1.5 Has the organisation been individually designated as a community transfer body by the Scottish Ministers?

No

Yes

Please give the title and date of the designation order:

1.6 Does the organisation fall within a class of bodies which has been designated as community transfer bodies by the Scottish Ministers?

No

Yes

If yes what class of bodies does it fall within?

A company the articles of association of which include provision such as:

- (a) the company must have not fewer than 20 members; and
- (b) on the winding up of the company and after satisfaction of its liabilities, its property (including any land, and any rights in relation to land, acquired by it as a result of an asset transfer request under this Part) passes—
  - (i) to another community transfer body, or
  - (ii) to a charity.

## **Section 2: Information about the asset requested**

2.1 Please identify the asset - land or building(s) - which this asset transfer request relates.

*You should provide a street address or grid reference and any name by which the land or building is known. If you have identified the land on the relevant authority's register of land, please enter the details listed there.*

*It may be helpful to provide one or more maps or drawings to show the boundaries of the land requested. If you are requesting part of a piece of land, you must attach a map and full description of the boundaries of the area to which your request relates. If you are requesting part of a building, please make clear what area you require. a drawing may be helpful.*

The asset we are requesting to be transferred to Kilmallie Community Centre Limited is the car park next to our Centre. The address is Station Road, Corpach, Fort William PH33 7JH.

I attach a copy of the map of the area which identifies the boundaries and location.

2.2 Please provide the UPRN (Unique Property Reference Number), if known.

*This should be given in the relevant authority's register of land*

UPRN: HC Code 06528A

### Section 3: Type of request, payment and conditions

3.1 Please tick what type of request is being made:

for ownership (under section 79(2)(a)) - go to section 3A

for lease (under section 79(2)(b)(i)) – go to section 3B

for other rights (section 79(2)(b)(ii)) - go to section 3C

#### 3A – Request for ownership

What price are you prepared to pay for the asset requested? :

Proposed price: £5000.00

Please attach a note setting out any other terms and conditions you wish to apply to the request.

#### 3B – Request for lease

What is the length of lease you are requesting?

How much rent are you prepared to pay? Please make clear whether this is per year or per month.

Proposed rent: £                      per

Please attach a note setting out any other terms and conditions you wish to be included in the lease, or to apply to the request in any other way.

**3C – Request for other rights**

What are the rights you are requesting?

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Do you propose to make any payment for these rights?

**Yes**

**No**

If yes, how much are you prepared to pay? Please make clear what period this would cover, for example per week, per month, per day?

Proposed payment: £		per
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Please attach a note setting out any other terms and conditions you wish to apply to the request.

## **Section 4: Community Proposal**

- 4.1 Please set out the reasons for making the request and how the land or building will be used.

*This should explain the objectives of your project, why there is a need for it, any development or changes you plan to make to the land or building, and any activities that will take place there.*

*Whilst investigating the ownership of the land that the Kilmallie Community Centre is built on we found out that the car park area adjacent to the Centre is owned by the Highland Council. It is in quite a dilapidated state of repair with a number of bad pot holes in it and a very uneven surface. We have received two complaints from users of the car park over the past couple of years and are very concerned that it is becoming a serious Health and Safety risk.*

*The disabled parking area is uneven and not clearly marked at all. We do not want the risk of a disabled person having an accident whilst attempting to traverse the uneven area by the disabled parking area to get to the front of the Centre. We wish to ensure that all the facilities that the Kilmallie Community Centre users have access to are brought up to the same standard as the rest of the Centre.*

*We understand that due to financial restraints the Highland Council are unable to invest in getting the car park up to an acceptable standard. In order for us to ensure that this does happen we request that the car park is transferred into the name of Kilmallie Community Centre and therefore under our ownership we will be able to raise funds to repair the car park. The quotations we have received for re-surfacing and re-lining the car park range from £22,125.00 plus VAT to £26,900.00 plus VAT.*

*We envisage that we would be able to apply for funding from various funding sources to get the car park re-surfaced and hope to get the work carried out as soon as possible.*

*The impacts and benefits of the project are as follows:*

- The Highland Council (and therefore the public purse) will no longer be responsible for the ongoing upkeep and maintenance of the car park*
- It will be an integral part of the Kilmallie Community Centre and will be upgraded to an acceptable standard as soon as possible*
- It will stop being a Health and Safety Risk*
- It will always be a car park for the users of the Centre to enjoy*

- *The disabled users of the Centre will have an improved car parking area that is safe to use*
- *The well used recycling facilities will continue to be provided for the community in their current location*
- *It will keep ownership of the whole area under one banner*
- \* *We would like to install an elsan disposal facility for visitors using campervans or motorhomes to use as this has become a real problem with visitors using normal toilets to dispose of their toilet waste*
- \* *We would like to install an outside tap for use with the gardens and also add this as an extra facility for visitors to use*
- \* *We also wish to install electric charging points to increase the number of facilities available to locals and visitors alike*
- \* *We are also investigating the options to add a paint recycling facility to the existing recycling facilities*

*The management and operation of the car park will continue to be under the Kilmallie Community Centre Committee.*

### **Benefits of the proposal**

- 4.2 Please set out the benefits to the community that you consider will arise if the request is agreed to. This should include:- economic, regeneration, health, social wellbeing, environmental benefits; or how this will tackle inequalities.

*This section should explain how the project will benefit your community, and others. Please refer to the guidance on how the relevant authority will consider the benefits of a request.*

*The public will benefit in the following ways:*

- *Public funds will be able to be used for other more important projects than having to be committed to the upkeep and maintenance of the car park*
- *A focus will be on keeping the car park at a high standard by the KCC committee as they will be dedicating their resources to all the area in their care*
- *Any problems in the car park spotted by the users of the Centre can be brought to the attention of the Centre Manager and therefore the Committee who can resolve it promptly*

- *It will ensure the area will always be a car park for the users of the Centre to enjoy*

- *The nuisance from the disposal of toilet waste will be reduced*
- *There will be additional electric point facilities*
- *It will be available for any local community functions*

### **Restrictions on use of the land**

- 4.3 If there are any restrictions on the use or development of the land, please explain how your project will comply with these.

*Restrictions might include, amongst others, environmental designations such as a Site of Special Scientific Interest (SSI), heritage designations such as listed building status, controls on contaminated land or planning restrictions.*

### **Negative consequences**

- 4.4 What negative consequences (if any) may occur if your request is agreed to? How would you propose to minimise these?

*You should consider any potential negative consequences for the local economy, environment, or any group of people, and explain how you could reduce these.*

*We do not envisage any negative consequences to the transfer of the land from The Highland Council to the Kilmallie Community Centre. It will actually be a positive solution as the car park will be re-surfaced and brought up to the same excellent standard that we have brought the rest of Kilmallie Community Centre up to. We also consider that the car park may be of use to other groups and we will share and work with them for the good of the community.*

### **Capacity to deliver**

- 4.5 Please show how your organisation will be able to manage the project and achieve your objectives.



*This could include the skills and experience of members of the organisation, any track record of previous projects, whether you intend to use professional advisers, etc.*

*Kilmallie Community Centre is situated in the heart of Corpach, near Fort William in the Highlands of Scotland. It is a company limited by guarantee as well as a registered charity. It is maintained by the Kilmallie Community Centre Committee (who are quite separate from the Kilmallie Community Company and the Kilmallie Community Council).*

*Kilmallie Community Centre started off as Kilmallie Hall. The land was donated to the community by Lochiel (Chieftain of the Cameron Clan, representative of the Queen and the main landowner of the area) back in 1967.*

*The charity/company's objects are:*

- (a) For the purposes of physical and mental training and recreation, and social, moral and intellectual development through the medium of reading and recreation rooms, library, lectures, classes, recreation or otherwise*
- (b) To provide recreational facilities, with the object of improving the conditions of life for the people of, and visitors to Lochaber.*
- (c) To promote equality and diversity by encouraging use of the facilities by all including families, the elderly and young people.*

*Our committee are made up of 5 local residents who volunteer their time and expertise to ensure that the Kilmallie Community Centre continues to provide it's essential service to the community. They are elected by the members of the Kilmallie Community Centre each year at our AGM. The Committee meet on a monthly basis.*

*We have a Centre Manager who is an employee of Kilmallie Community Centre and his role is to ensure the smooth day to day running of the Centre.*

*Our track record is clearly demonstrated from the following:*

*\* In 2012 we secured over £200k funding to fix the roof, upgrade the kitchen and repair the small hall roof – this has brought life back to the Centre and increased the usage by locals, community groups and businesses*

*\* In 2015 we secured around £10k other funding to repair and refurbish the toilets*

*Now that the Centre has been improved we have increased our customer base and it is well utilised by a range of groups within the local community. These include the following:*

*Local residents birthday parties, Highland Council training, an 80th Birthday party where the centre Manager was asked to play the guitar & sing 3 songs, The Waterloo walk organised by Roddy Mainland, Corpach in Colour tea party, Duke of Edinburgh award scheme, Child minding training, Celidh-Feis Lochaber, Celidh family gathering, Lochaber 100 cycle event for charity, David Cargill book Launch with wine and refreshments.*

*We also have regular customers who support the Centre:*

*NHS Highland, Zumba classes, Kilmallie Christmas Lights group, The Mustardseed Fellowship, RSCDS Scottish Country Dancing, Olde Tyme Dancing, Kilmallie Community Council, Lochaber Beekeepers Association, Lochaber Music School, Mums & Toddlers and Olde Tyme Dancing.*

*We have an ongoing plan for improving the facilities for our customers. The next stage is to ensure the car parking facilities are up to standard.*

*We will have a clear contract with the subcontractor to carry out the work. Our committee will be overseeing the project to ensure it is completed to our complete satisfaction and to the specification required.*

## **Section 5: Level and nature of support**

5.1 Please provide details of the level and nature of support for the request, from your community and, if relevant, from others.

*This could include information on the proportion of your community who are involved with the request, how you have engaged with your community beyond the members of your organisation and what their response has been. You should also show how you have engaged with any other communities that may be affected by your proposals.*

*We have had informal conversations with Centre users and various locals who were all surprised that the car park does not belong to the Centre. We do not envisage any opposition to the proposal as the change of ownership will benefit all the users of the car park and won't affect the ongoing running of the Centre and the car park.*

*We have carried out a Petition for support to "REQUEST THAT THE HIGHLAND COUNCIL TRANSFER THE OWNERSHIP OF THE CAR PARK TO KILMALLIE COMMUNITY CENTRE". This petition has been signed by 272 individuals who are*

*a range of users of the centre from locals, regular users or visitors using the facilities we offer.*

*Some of the comments made by folk signing the petition are as follows:*

*"Agree with the suggestion"*

*"Community first"*

*"The lack of logic and common sense in Highland Council is astounding!"*

*"Community Asset"*

*"Essential to safeguard parking facility for hall use"*

*"Essential facility for the hall"*

*"Very difficult to manoeuvre for those with mobility problems"*

*"Dear Highland Council - give this car park to the local community!"*

*"Please tar car park!"*

*"Maintain car park"*

*"What a mess"*

*"Caused by lorry drivers"*

*"A good surface on the car park will prevent trips and falls"*

*"Much needed"*

*"Need a decent car park"*

*"Go on council, be generous! Let KCC have the freehold"*

*"This car park is needed for the community centre and needs to be kept repaired"*

*"Please give so that funding can be got"*

*"This car park is important – would benefit from repairs"*

*"This parking is much needed for functions on the hall"*

*"Badly needing done"*

*"This car park is very necessary"*

*"This urgently needs attention"*

*"This is a well used car park by locals and visitors: needs to be improved"*

**I&E report**

*Cost of transfer of ownership*

*Valuation* £ 240.00

*Legal costs* -

*Cost to purchase the car park* £5000.00

*Legal fees* £1260.00

*Cost to resurface and line the car park* *Between £25k-£30k*

## Signature

Two office-bearers (board members, charity trustees or committee members) of the community transfer body must sign the form. They must provide their full names and home addresses for the purposes of prevention and detection of fraud.

This form and supporting documents will be made available online for any interested person to read and comment on. Personal information will be redacted before the form is made available.

**We, the undersigned on behalf of the community transfer body as noted at section 1, make an asset transfer request as specified in this form.**

**We declare that the information provided in this form and any accompanying documents is accurate to the best of our knowledge.**

Name Sarah Kennedy

Address 

Date 12/04/19

Position Treasurer & Director

Signature 

Name Norma MacLellan

Address 

Date 12/04/19

Position Company Secretary

Signature 

## **Checklist of accompanying documents**

To check that nothing is missed, please list any documents which you are submitting to accompany this form.

### **Section 1 – you must attach your organisation’s constitution, articles of association or registered rules**

Title of document attached:

*KCC Memorandum & Articles of Association*

### **Section 2 – any maps, drawings or description of the land requested**

Documents attached:

*Map of Car Park and area owned by Kilmallie Community Centre from Registers of Scotland*

### **Section 3 – note of any terms and conditions that are to apply to the request**

Documents attached:

Letter of support from Kilmallie Community Council

### **Section 4 – about your proposals, their benefits, any restrictions on the asset or potential negative consequences, and your organisation’s capacity to deliver.**

Documents attached:

N/A

### **Section 5 – evidence of community support**

Documents attached:

Petition forms

Letter of support from Kilmallie Community Council

### **Section 6 – funding**

Documents attached:

E-mail from John MacDonald, Development Manager, Community Assets Team, HIE

Valuation of the Car Park