

The Highland Council

Agenda Item	13b.
Report No	CP/24/24

Committee: Communities and Place

Date: 5 September 2024

Report Title: Community Asset Transfer Request – The Field

Report By: Assistant Chief Executive - Place

1. Purpose/Executive Summary

- 1.1 The Community Empowerment (Scotland) Act introduces a right for community bodies to request to own, lease or use public sector assets through a process known as Community Asset Transfer. As part of this request a discount on market value can be requested. Once a formal request is submitted, Local Authorities have 6 months to assess the application against a range of potential community benefits and determine whether to grant the request.
- 1.2 Where Council assets are over the value of £100,000, or the equivalent in terms of lease value, a decision on the transfer of any asset rests with the Communities and Place Committee. This report asks Members to consider and agree the Community Asset Transfer (CAT) request received from The Place for the lease of Land sited at 4 River Drive, Teaninich Industrial Estate, Alness (currently known as The Field), for £1 per annum.

2. Recommendations

- 2.1 Members are asked to:
 - Agree to the lease of the land sited at 4 River Drive, Teaninich Industrial Estate, Alness (currently known as The Field), for £1 per annum, based upon the terms of transfer as set out in the report at paragraph 8.2.

3. Implications

- 3.1 **Resource** - The site in question, which is valued at £250,000, occupies 2.4 acres at the Teaninich Industrial Estate, Alness. In 2020 the site was advertised on the open market and leased to The Place, a local community group. The lease was for 99 years at an annual rent of £9,900, with rent reviews due every 5 years. If the Community Asset Transfer request is approved the rent will be reduced to £1 per year, if asked, and the £9,900 per year rent will no longer be received. However, this rental loss will be offset by community benefits as set out within the report.

The site is held in the Highland Council's Industrial Investment portfolio and the site is not zoned for development within the Inner Moray Firth Development Plan. The site is within the Alness Settlement Development Area and within an established industrial estate. The site is unlikely to get future permission for housing.

3.2 **Legal** - Community Asset Transfer (CAT) is a legislative process set out in the Community Empowerment (Scotland) Act 2015. The Act aims to empower communities by giving them control over assets so they can work together to make better communities. The Act includes a specific right for community bodies to make requests for ownership, lease, management or use of publicly owned buildings or land whether or not they are available for sale or considered surplus to requirements. Councils are required to assess such requests transparently against a specified list of criteria, and to agree the request unless there are reasonable grounds for refusal.

3.4 **Risk** - Although any CAT assessment considers sustainability, there are risks that any group could fail in the future. To mitigate this risk, the lease will be subject to a 5 yearly review, which will determine whether the site continues to be used for the intended purpose and assist in evidencing ongoing community benefit. If the site is no longer being used for the intended purpose as set out in the CAT request and if it is determined and evidenced that the level of community benefit is insufficient, Highland Council can reserve the position to charge commercial rent.

3.5 **Health and Safety** (risks arising from changes to plant, equipment, process, or people) – no implications.

3.6 **Gaelic** – no implications

4. **Impacts**

4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.

4.3 **Integrated Impact Assessment – Summary**

4.3.1 An Integrated Impact Assessment screening has been undertaken. The conclusions have been subject to the relevant Manager Review and Approval.

4.3.2 The Screening process has concluded that the CAT has a positive impact on promoting equality and addressing inequality (including socio-economic) therefore a full impact assessment is not required. Members are asked to consider the following summary in **Appendix 1** to support the decision making process.

Impact Assessment Area	Conclusion of Screening
Equality	Children and Young People - Positive Children affected by disability – Positive
Socio-economic	Positive

Human Rights	Potential positive
Children's Rights and Well-being	Positive
Island and Mainland Rural	No impact
Climate Change	Potential positive
Data Rights	No impact

5. Background

- 5.1 The Place currently has a commercial lease of the Highland Council owned Site 4, Teaninich Industrial Estate in River Drive, Alness. The site occupies 2.4 acres and was advertised on the open market as a commercial property. The group bid for it, taking up a 99-year lease on 10th October 2020 at an annual rent of £9,900, with rent reviews due every 5 years. A map of the site is provided at **Appendix 2**.
- 5.2 Prior to this, the site had been unused for over 35 years and was in an overgrown condition. The Place has cleared the site and installed electricity and water services. They advise the cost of clearing the site, obtaining planning permission and putting services in was £30,000.
- 5.3 Initially The Place erected a stretch tent on the site in order to provide a place for young people to come together. The Place then offered 'Blooming Gardeners,' a group which works with adults with additional support needs, the opportunity to co-locate free of charge. A national initiative called 'The Dandelion Project' led locally by Feis Ross, also took over part of the plot and provided a growing project. The site now houses 2 polytunnels, a large stretch tent, as well as a cabin with a small office and kitchen, a toilet block and a shed for tools, equipment etc.
- 5.4 The Place has worked with a large number of young people, and provided a variety of services/events for and with young people – these include workshops, open days, play schemes, one to one work and drop ins.
- 5.5 The work is financed by a variety of funding sources – The Place is a group that has a long history of obtaining external grant funding to support activities as well as supporting the rental costs, the activities are then available free of charge at the point of delivery.
- 5.6 The Place currently has a 99-year lease of this site and has requested a rent of £1 per year for the duration of the lease. This would then allow the group to focus their fund seeking efforts on project delivery costs, and the reduced rent could be seen as match funding.
- 5.7 The Place also has a High Street presence - having recently leased a High Street property. This space is shared with Mikey's Line and on occasions by NHS, enhancing the links with these key services.

6. Summary of CAT Assessment

- 6.1 This is detailed in **Appendix 3 – Community Asset Transfer – Assessment Framework**.

7. Overall Summary

7.1 This is a strong application from a well-established local community group which has the experience and skills to deliver on the commitments outlined. This project aims to benefit the local and wider community through continued development and community use of this land. There is a focus on increased public facilities with a considerable focus on early intervention and preventative work through delivering youth work to improve life chances and outcomes for children and young people

The Place has already demonstrated a strong commitment to taking on and improving this asset for the benefit of the community.

7.2 The proposal has been evaluated and the scores suggest that the request should be agreed:

- Community Benefit: Very Strong
- Capacity to deliver: Strong
- Community support: Very Strong
- Sustainability: Strong/Moderate
- Resourcing: Strong/Moderate

8. Recommendation

8.1 To lease the land sited at 4 River Drive, Teaninich Industrial Estate, Alness (currently known as The Field) to The Place for 99 years at rental of £1pa.

8.2 The terms of transfer would include:

- The Place will cover all reasonably incurred property and legal costs associated with the asset transfer process – both the Council's and its own.
- The Council will only lease property for which it has title to do so.
- The lease will be subject to a legal memorandum to change the current commercial 99-year lease to 99 years at £1 per annum. All other terms and conditions of the lease will remain as existing.
- The lease will be subject to a 5 yearly review to evidence use for the intended purpose and ongoing delivery of community benefit, which if not evidenced, Highland Council can reserve the position to charge commercial rent.
- The Place shall be responsible for upkeep of land to the satisfaction of Highland Council as well as all costs arising from use of the site.
- Any transfer will be subject to existing burdens/conditions in the Council's title to the property (e.g., 3rd Party access rights, etc.). The Council may also impose further burdens/conditions if they consider this expedient (e.g., economic development burdens, etc).

8.3 Any other terms would be agreed by the Assistant Chief Executive - Place in consultation with the Chair of Communities and Place Committee.

Designation: Assistant Chief Executive - Place

Date: 12 August 2024

Author: Fiona Richardson, Community Development Manager

Appendix 1 – Integrated Impact Assessment Summary

Appendix 2 – Map of Site

Appendix 3 – Community Asset Transfer – Assessment Framework

Appendix 4 – Photos showing how the site has been developed by The Place

Appendix 1: Integrated Impact Screening Summary

The screening highlighted overall positive impacts for the community, in particular, for children and young people.

Equality, Poverty and Human Rights

The screening specifically notes the potential positive socio-economic impact on prospects and opportunities, places and financial through targeted provision which aims to improve outcomes for children and young people. The Place delivers rights-based youth work at The Field with the following aims:

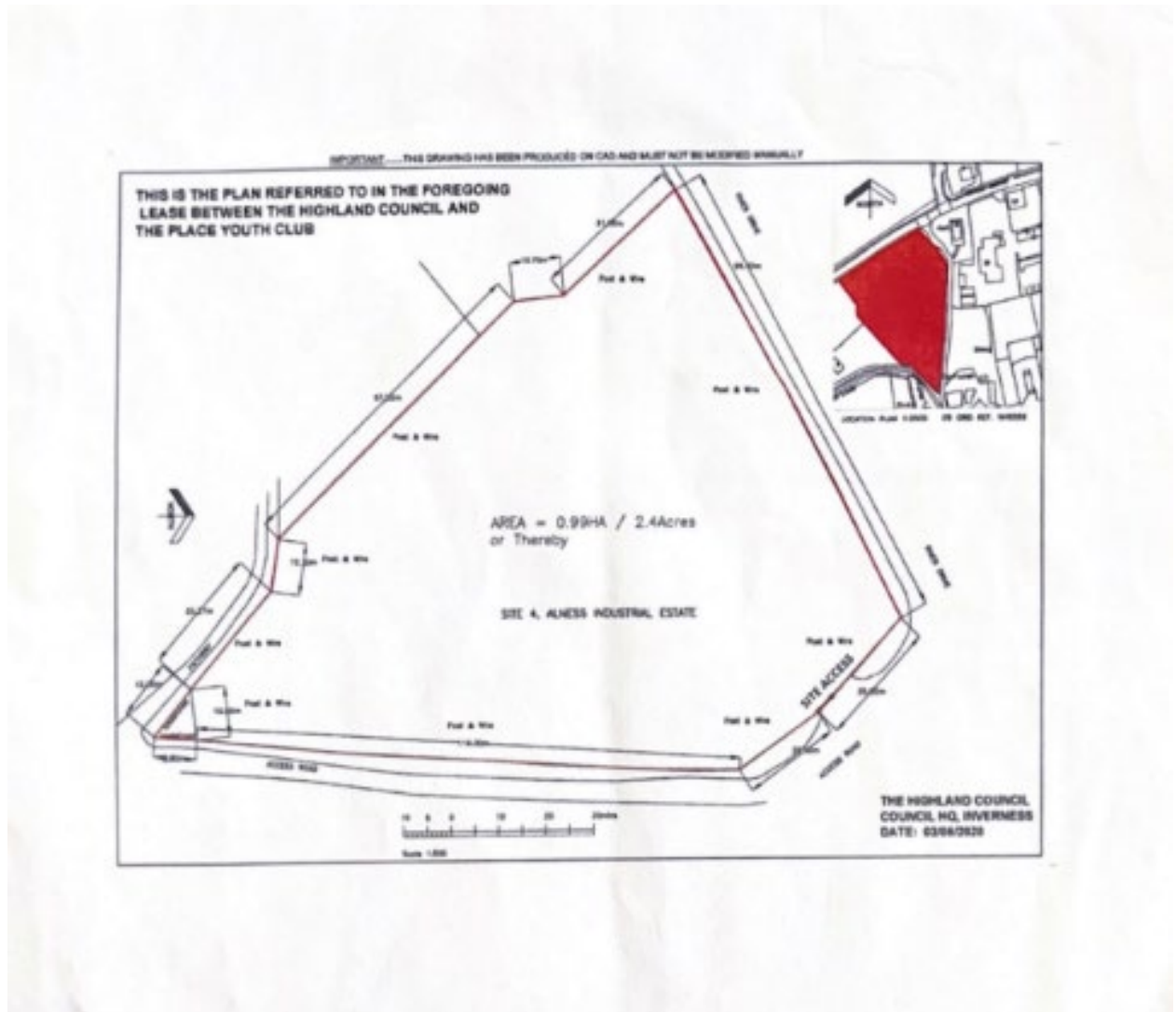
- Provide a safe environment to allow members to have fun
- Help young people to achieve their potential in all aspects of life so that they become successful learners, confident individuals, responsible citizens and effective contributors
- Work in partnership with a range of agencies to improve the development and management of the Field; to improve health and wellbeing and offer opportunities for community involvement
- Work closely with Partners at Drop in to improve health and wellbeing of young people and the wider community by offering sign posting and support

The Place supports more than 1000 young people and provides opportunities for children and young people to gain recognised qualifications improving their skills, confidence and knowledge which will increase their chances of securing and sustaining learning opportunities and employment. The project provides early and preventative interventions to tackle inequalities. There is a focus on mitigating the effects of poverty through youth work provision.

Children's Rights

The screening specifically notes the potential for positive impact on children's rights. Youth Work practice and relationships is guided by UNCRC and enables young people to understand, promote and defend their rights.

Map of the Site Requested



Community Asset Transfer – Assessment Framework

Each of the 5 assessment areas will be assessed separately, considering evidence of best value and be given an overall rating from very strong to poor. A summary of the evidence required to achieve each rating is outlined below:

Evidence	Overview
Very Strong	Governance and financial arrangements are strong and sustainable. Best value characteristics are evidenced and contained throughout the approach. Related projected benefits are very robust and demonstrate value for money.
Strong	Governance and financial arrangements are sound and sustainable. Best value characteristics are in evidence in the proposal. Related projected benefits are demonstrated well and represent value for money.
Moderate	Governance and financial arrangements are in place and acceptable. Best value characteristics have been considered as part of the proposal. Related projected benefits are acceptable and could lead to value for money.
Weak	Governance and financial arrangements are weak. Best value characteristics are not well demonstrated in the proposal. Related projected benefits are not based on robust information and demonstrates questionable value for money.
Poor	Governance and financial arrangements are poor. There is little evidence of Best Value characteristics in the proposal. Related projected benefits are ill defined and/or unrealistic and do not demonstrate value for money.

Assessment Area	BENEFIT TO THE COMMUNITY		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	Additional Evidence/Information	<i>Assessment of Compliance</i>
Economic Benefit	The project provides opportunities for children and young people to gain recognised qualifications improving their skills, confidence and knowledge which will increase their chances of securing and sustaining learning opportunities and employment.	Stats available on number of participants accessing provision including number of awards gained, partners involved and positive destinations.	<i>Very Strong</i>
Regeneration Benefits	The project has already invested in the site, which was for many years left derelict. Their investment now provides the community with a valuable asset to deliver youth work and wider community development activity.	Photos, film, reports available documenting activity and progress.	<i>Very Strong</i>
Health Benefits	The project is already delivering a significant number of activities and notes that in its first year (2021) it held 341 sessions. In 2022 it noted it worked with 1050 unique participants. It is clear the group link well with other community groups and a wide range of activities take place on the site. There is a focus on inclusion, mental health and wellbeing and employability.	Stats available.	<i>Strong</i>

Assessment Area	BENEFIT TO THE COMMUNITY cont.		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	Additional Evidence/Information	<i>Assessment of Compliance</i>
Social Wellbeing Benefits	The project focuses on working closely with Partner to improve health and wellbeing of young people and the wider community by offering sign posting and support. The project also offers activities and events which are open to the whole community.	Extensive list of partners and activities delivered has been provided. Testimonials from learners and partners available.	<i>Very Strong</i>
Environmental Benefits	The project has delivered several activities and initiatives which have had a climate and environmental focus and work alongside partners such at the H&I Climate Hub. The project also offers children and young people to spend quality learning time outdoors.	Evidence of climate action delivered on the site available including dandelion project, community garden and growing projects.	<i>Strong</i>
Tackling Inequalities	The project provides early and preventative interventions to tackle inequalities. There is a focus on mitigating the effects of poverty through youth work provision.	Application acknowledges SIMD and evidences targeted youth work provision.	<i>Very Strong</i>
Promotion of equality	The staff and volunteers know and understand the needs of their community and have evidenced this in their application.		<i>Strong</i>
Benefit to the Community Assessment Summary			Very Strong

Assessment Area	CAPACITY TO DELIVER		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	Additional Evidence/Information	<i>Assessment of Compliance</i>
Experience of the organisation	<p>The Place are a fully constituted group, established as a charity in 1983, with the following aims:</p> <ul style="list-style-type: none"> - To provide a safe environment to allow our members to have fun. - To help young people to achieve their potential in all aspects of life so that they become successful learners, confident individuals, responsible citizens and effective contributors to society - To work in partnership with a range of agencies to improve the development and management of The Field; to improve health and wellbeing and offer opportunities for community involvement. - To work closely with Partners at Drop In to improve health and wellbeing of young people and the wider community by offering sign posting and support 	Charity documents provided.	<i>Very Strong</i>

Assessment Area	CAPACITY TO DELIVER cont.		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	Additional Evidence/Information	<i>Assessment of Compliance</i>
Access to appropriate advice and support	The Place Co-ordinator has been very much a driving force of the organisation and also a lead in funding applications. However it is understood other staff are also increasingly supporting this aspect of work, increasing longer term sustainability		<i>Strong</i>
Have sought advice and support during application phase	Yes		<i>NA</i>
Appropriate skills within the organisation	The Management Committee have a wide range of skills and knowledge and include a Child psychologist, Optometrist, Mental health nurse, Nursery Owner, Electrical engineer, former teacher and also some young people. The committee also have lived experience, with members having children with additional support needs, serious mental health issues and addiction.		<i>Strong</i>
Access and level of volunteer support	The project has access to volunteers including young leaders		<i>Strong</i>
Capacity to Deliver Assessment Summary			Strong

Assessment Area	LEVEL OF COMMUNITY SUPPORT		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	Additional Evidence/Information	<i>Assessment of Compliance</i>
Community involvement in developing the request	Children, young people, wider community and partners are involved in shaping provision, including this application. There is strong evidence of community support.	Evidence provided from community reps who have submitted letters of support.	<i>Very Strong</i>
Community support for the request	The Place works with a wide number of local partners and also has a very wide range of groups who use the Field, such as Crocus (for those who have suffered bereavement), Alness Academy and local Primaries, Scouts and Cubs, Army cadets, DWP (for placements), Community Justice, WEA, SDS.		<i>Very Strong</i>
Level of Community Support Assessment Summary			Very Strong

Assessment Area	SUSTAINABILITY		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	Additional Evidence/Information	<i>Assessment of Compliance</i>
Financial – ability to support/fund the asset in the future	<p>The Place is currently supported by multiple funders which has been made possible by the Coordinator having the skills and experience of securing funding.</p> <p>The group has been in operation for over 40 years. It is always reliant on external funding with funding awards often running for 2 to 3 years. Sustainability cannot therefore be guaranteed but the track record of sourcing funding is very strong. The Group also generate income by hosting children’s parties and community events.</p>	List of funders provided and annual accounts.	<i>Strong/Moderate</i>
Governance – sustainability of the organisation	The group has been established since 1983 and has a strong board.		<i>Strong</i>
Sustainability Assessment Summary			Strong/Moderate

Assessment Area	RESOURCING		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	Additional Evidence/Information	<i>Assessment of Compliance</i>
Value of asset	The site has been valued at £250,000		NA
Legal title and relevant information	The site is held in the Highland Council's industrial portfolio.		NA
Current use of the asset and potential impact	<p>The Place has already cleared the site, installed services and facilities to carry out much needed and welcomed community activities particularly directed towards youth provision. They are supported by multiple funders, work with multiple partners and are embedded in the local community benefitting from widespread community support.</p> <p>The Place has taken The Field from a forgotten wasteland to a vibrant and thriving community space in the space of a few short years. The Place is working towards making The Field financially sustainable to ensure it remains a community facility. One step towards financial sustainability is to reduce the outgoings. When the new lease is agreed this will bring the annual rent down from £9,900 to £1, a significant step in the right direction.</p>	Photographic evidence provided evidencing works carried out.	NA

Assessment Area	RESOURCING		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	Additional Evidence/Information	<i>Assessment of Compliance</i>
Requested purchase/discount value	Lease of £1 per annum		NA
Ability of organisation to pay	<p>The Place has a long history of successful fund raising to cover staff and project costs. Inevitably this is not secure for long periods of time but there is good experience and the organisation also has a high profile and very good evidence of outcomes for funders. The group does also achieve some income for let and a social enterprise using the site is also generating some profit to support community events. Recent funders include local wind farm funds via the Alness Community Council, Children in Need and the Robertson Trust and MFR. A reduction in rent from £9,900 to £1 per year if asked will undoubtedly support the group and their sustainability. The group's strength re funding raising is high; the strong/moderate assessment reflects the difficult funding environment with increasing pressure on available funds.</p>		<i>Strong/Moderate</i>
Resourcing Assessment Summary			Strong/Moderate

The Field – Before and After

