

Agenda item	11
Report no	RC/021/19

THE HIGHLAND COUNCIL

Committee: Ross and Cromarty

Date: 1 May 2019

Report Title: **Invergordon Common Good Fund – Town Hall Disposal Consultation**

Report By: Alison Clark, Acting Head of Policy

1. Purpose/Executive Summary

- 1.1 At the November Ross and Cromarty Committee, Members agreed to explore options for the Invergordon Common Good Fund including disposal of the Town Hall by sale or a long lease within the framework of the Community Empowerment (Scotland) Act 2015. The first step required to consider disposal was formal consultation under the terms of the Community Empowerment Act.
- 1.2 This formal consultation was undertaken and the report presents a summary of the feedback received. The report also updates Members on an emerging proposal to establish a new Invergordon Development Trust with the aim of taking on and refurbishing the Town Hall and what this might mean in terms of next steps.

2. Recommendations

- 2.1 Members are asked to:
- Note the feedback received under the Community Empowerment consultation on disposal of the Town Hall
 - Agree not to proceed with disposal of Invergordon Town Hall at the current time, on the basis of the feedback received and the subsequent establishment of the Invergordon Development Trust.
 - Note that this decision be published on the Council's website in accordance with the consultation process.
 - Approve the Representations and Responses document attached at **Appendix 2** for publication on the Council website in accordance with the consultation process
 - Agree to hold further action at the current time to allow the Invergordon Development Trust time to develop a proposal. Regular updates on progress will be included within quarterly monitoring on Common Good to enable review and consideration of next steps.

3. Background

- 3.1 Invergordon Town Hall is rented to Highlife Highland and is used by community groups etc for a number of different purposes. This does bring in a limited rental income to the Common Good Fund but it is not sufficient to cover the running costs of the building incurred by High Life Highland, nor the energy costs which are covered by the Council. Members will be aware that the building requires significant refurbishment and that despite a number of grant applications it has not been possible to identify a refurbishment package for the required works.
- 3.2 In light of the financial position of the Invergordon Common Good and the condition of the Town Hall, Ross and Cromarty Committee Members agreed at the November 2018 meeting that options, including disposal of the Town Hall by sale or a long lease, be explored within the framework of the Community Empowerment (Scotland) Act 2015. The public consultation required under the process was launched early in the new year and ran for the required 8 weeks closing on 22 March 2019.

4. Consultation responses

- 4.1 A total of 11 responses have been received of which 10 clearly voice objections with the 11th requesting (and being supplied with) more information but not providing a view either way. Three of the responses acknowledge the high level of renovations needed with the remaining responses not mentioning them. Respondents did put forward some possible uses; this included reinstating the cinema, a town hub, use as an OAP/toddler group/youth centre and a music/theatre venue. Four responses make some general suggestions regarding possible funding which included contributions from local business and crowdfunding. **Appendix 1** contains a summary of the responses received, noting the concerns and issues raised and any other comments and **Appendix 2** sets out the formal representations and responses required under the consultation process. It is important to note that the investment required to develop a number of these suggestions would make it challenging for the Council, acting on the Common Good's behalf, to progress these suggestions. Significant efforts have already been made to build a funding package for refurbishment but without community partners these efforts have not been successful.
- 4.2 Five of the responses do make reference to a new community group and the potential for this group to have a role in the future of Invergordon Town Hall. A new group has been formed and is taking steps to establish itself as the Invergordon Development Trust (IDT) with the purpose of exploring taking on ownership of the Invergordon Town Hall. The group has about 20 members so far and has taken care to include local residents with a range of skills in order to strengthen the group. The group has been working positively with local Members and the Senior Ward Manager and it has also sought advice from Ross-shire Voluntary Action to ensure it is set up with the most appropriate form and constitution.
- 4.3 The group is in early stages of development but it is clear that there is plenty of energy and enthusiasm and also a determination to get good advice. The group are currently looking at the potential to source funding so that they can procure expert development advice and build a business case to purchase the Town Hall and source funding to refurbish it. Local Members are fully supportive of this.

5. Next Steps

- 5.1 The consultation undertaken was simply around disposal (which would normally be assumed to be via open advertisement) and the responses do clearly state objections to disposal. A number of the responses do highlight a desire for a variety of community uses to continue and since the consultation commenced the potential of the Community Trust interest in the building has emerged. On that basis it is recommended that disposal is not progressed at this time.
- 5.2 The new Invergordon Development Trust is developing plans for the Town Hall and intends to seek funds both for the purchase and the refurbishment of the Town Hall. A proposal involving disposal of the Town Hall either by long lease or sale should follow Community Asset Transfer process.
- 5.3 Members are also reminded that before any disposal is made this must be approved by Highland Council, as the Town Hall represents more than 10% of the Fund. Also, there is a legal question as to the council's right to dispose of the Town Hall. In these circumstances a statutory consultation followed by court consent is required to authorise disposal.
- 5.4 It is therefore recommended that at this stage the Committee note the feedback received to the completed consultation and, given the feedback and the recent establishment of the IDT, agree not to proceed with disposal at the current time. Members are asked to note that the position will be kept under review to enable the new Trust time to develop their proposal, develop a business case and appropriate funding package however given the condition of the town hall this position cannot be held for an unlimited time period. Regular updates on progress made by the group will be included and be considered by Members as part of the regular monitoring reports and review what course of action to take as appropriate.

6. Implications

- 6.1 **Financial:** Invergordon Town Hall requires extensive repairs. The Common Good fund does not have the means to meet these costs and grant applications have been unsuccessful. A solution is therefore required to address this.

Risk: there is a risk that without action the Common Good Fund will not be able to financially support the Town Hall and the Hall could fall into a dangerous condition.

Community: the community have been consulted on future options for the use of Invergordon Town Hall. As a result a further option has been presented to retain the Hall within local community use which can be explored with the community in the coming months. There are no direct equality, poverty or rural implications.

There are no **Carbon Clever/Climate Change**, or **Gaelic** implications in the report. However if the Invergordon Development Trust is able to establish a robust business plan and funding package to take on and refurbish the Town Hall this could have a positive impact particularly around energy efficiency and access to the building.

6.2 **Legal implications** –The disposal consultation followed complies with the terms of the Community Empowerment (Scotland) Act 2015.

Designation: Depute Chief Executive and Director of Corporate Resources
Acting Head of Policy

Date: 17 April 2019

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Appendix 1: Proposal to dispose of Invergordon Town Hall: Analysis of Community Consultation

Appendix 2: Proposal to dispose of Invergordon Town Hall Consultation: Representations and Responses

INVERGORDON COMMON GOOD – PROPOSAL TO DISPOSE OF THE TOWN HALL – ANALYSIS OF COMMUNITY CONSULTATION

Number of responses received

A total of 11 responses were received – 10 of which opposed the proposal, the other requested further information but has not expressed a view either way.

Questions, issues, concerns distilled from the responses received

The consultation document asked 4 questions as guidance:-

- What are your views on the proposal to dispose of this common good asset?
- What do you view as potential benefits?
- Would you identify any issues or concerns?
- Do you have any further comments?

Representations received raised the following issues and concern:-

- Loss of the Town Hall will result in an erosion of the facilities for the town.
- If purchased by a developer for residential use it will compound the parking difficulties.
- Disposal would result in the loss of an important part of the town's history.
- The loss of the Town Hall as a multi-purpose facility/venue would further deplete the community spirit in Invergordon.
- Invergordon High Street has enough residential development already; disposing of the Town Hall could risk this increasing.
- Due to the state of the building and the need for a court application, any surplus funds after disposal are unlikely to result in a significant contribution to the Common Good Fund.
- Why is the building not used more than it is? Is this due to the high rental charges?
- Creation of the community group to try to save the Town Hall – this would regenerate Invergordon as a town too.

- Use to show history/info films for cruise liner passengers and reinstate cinema.
- Encourage wider use by community.
- Consider using to showcase wider Easter Ross area – N500 etc.
- Incorporate Invergordon museum.
- Use it to create a hub for the community.
- Funding suggestions – crowd funding, contributions from larger business in the town, donations.

Detailed breakdown of responses and comments received

Responses received so far:-

To date 11 responses have been received of which 10 clearly voice objections and the other requesting (& being supplied with) more info but not yet giving a view one way or the other. No potential benefits to the proposed disposal were identified in any of the responses. 3 of the responses acknowledge the high level of renovations needed with the remaining responses not mentioning them.

Possible uses suggested:-

- Reinstate the cinema (6 responses) with 4 of these making specific reference to use for showing short films to cruise passengers.
- Stage shows/productions/concerts/rehearsal rooms/music workshops.
- Venue for parties with 1 response commenting that it is currently too overpriced for such use.
- OAP lunch groups/mother & toddler groups/youth drop in centre.
- Interactive displays/session with merchandising units.
- Move museum to Town Hall.
- Become a hub for the town.

Possible funding streams:-

4 responses make some reference to how the renovations could be funded

- Seek contributions from those that have profited from the town – no suggestions made.

- Same as above but an example of Cromarty Firth Port Authority given.
- Explore funding availability/crowdfunding.

Suggestions for moving forward:-

- 5 suggest or mention the community group as a way of taking this on.
- 2 suggested involving NC500.
- 1 suggested also involving North Highland Heritage Initiative/ HiCo Film Unit/Explore Easter Ross.

Misinformation.

2 responses voiced the view that any sale proceeds would go to Councillors or be taken up in Council costs or “back pocket” payments.

Council’s response to the representations received

The guidance to section 104 of the Community Empowerment (Scotland) Act 2015 states that the Council should publish final response(s) alongside the original representations and also publish its final decision on the proposal.

Options available to the Council

- Continue with the proposal and subsequent court application despite the objections
- Amend the current proposal significantly in light of the representations received and proceed to a fresh consultation on the new terms
- Decide not to proceed with the proposal in its current terms and allow the current process to come to an end

Comments on the options available

- Upholding the proposal will result in a Court application. This may run into issues as the basis of our case would include the information obtained during the course of the public consultation and most of the relevant, new information regarding the Invergordon Development Trust falls outwith the statutory process on which our court application would be based. Also the current proposal is to proceed, if upheld, to offer the property on the open market not to a particular group (community group).
- It could be argued that the emergence of the new community group would allow the Council to amend the proposal and undertake a fresh consultation however that is premature as the Invergordon

Development Trust is not currently in a position to put forward an offer so there is nothing upon which to base a fresh consultation.

- If it is decided not to proceed with the disposal in its current form, it will not preclude a further consultation taking place at a future date. This could be a further wide consultation on the basis of putting on the open market or a specific consultation for disposal to the community group (whether part of the Community Asset Transfer process or not).

INVERGORDON COMMON GOOD
CONSULTATION ON PROPOSAL TO DISPOSE OF THE TOWN HALL
REPRESENTATIONS AND RESPONSES

Representations

The Council received a total of 11 responses; all of which were opposed to the proposal.

Issues and concerns raised in the representations

Views were expressed that a disposal of the Town Hall would deplete the facilities and community spirit in Invergordon and be a loss of an important part of the town's history. Concerns were expressed that a disposal could lead to further residential development on the High Street and exacerbate parking issues.

Further comments in the representations

Some of the representations raised further comments in relation to encouraging wider use by the community or use as a community hub. Suggestions centred on using it to showcase the town and the wider Easter Ross area and to work with the cruise companies and use the Hall as a location to show information and history films to cruise passengers.

Council's response to the representations received

The Council has noted the contents of all representations received and the strength of the views expressed. It is encouraging to see the level of community interest and activity the consultation has generated in support of the town retaining the Town Hall for the benefit of the community.