

Agenda Item	7.
Report No	BSAC/14/21

## HIGHLAND COUNCIL

**Committee:** Badenoch and Strathspey Area Committee

**Date:** 9 August 2021

**Report Title:** Community Asset Transfer Request: Kingussie Market Stance Pitch

**Report By:** Executive Chief Officer, Communities and 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 at a discount on market value through a process known as Community Asset Transfer. 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 Following Council's recent changes to governance of CATs, requests which relate to an asset with a market value of between £10,000 and £100,000, or a market rental value between £1,000 and £10,000 per annum, will come to Area Committee for a decision by local Members.
- 1.3 This report asks members to consider and agree a recommendation on a Community Asset Transfer (CAT) request from Kingussie Camanachd Club relating to the lease of Kingussie Market Stance Pitch.
- 1.4 As previously reported to this Committee, the Kingussie Market Stance Pitch has been determined as a Common Good Asset. Before any decision to dispose of this asset can be made a public consultation under section 104 of the Community Empowerment (Scotland) Act 2015 must be conducted and regard must be given to the findings of that consultation. If approval is subsequently given following this consultation, then permission will be required from the Sherriff Court as this asset is deemed to be inalienable. This is detailed elsewhere on this Committee Agenda.

### 2. Recommendations

- 2.1 Members are asked to **agree** the following Community Asset Transfer request:

- Lease of Kingussie Market Stance Pitch for £1 p/a to Kingussie Camanachd Club subject to the consideration of the findings of a public consultation.
- Terms of the transfer would include:
  - A 25 year, registered lease is offered at £1 p/a
  - The lease will be restricted to community use
  - The lease will be on a Full Repairing and Insuring basis (the tenant will be responsible for maintenance and insurance).
  - Kingussie Camanachd Club covers all reasonably incurred property and legal costs associated with the asset transfer and Common Good consultation process – both the Council’s and its own.
  - Being a Common Good Asset, the decision to dispose by way of a lease can only be finalised upon prior satisfaction of statutory requirements around consultation arising from the Community Empowerment (Scotland) Act (2015) and approval of the Sheriff Court.
  - Any other terms to be agreed by the Executive Chief Officer Communities and Place in consultation with the Chair of Communities and Place Committee.

### **3. Implications**

- 3.1 Resource implications: The resource implications are set out in the report. Given the maintenance requirements and without development potential, the asset has been valued at £1. As such, the Club is not technically seeking any discount on market value, but nevertheless presents a strong proposal with clear benefits to the local community.
- 3.2 Legal implications: Community Asset Transfer (CAT) is a legislative process set out in the Community Empowerment Act. Public bodies have the right to refuse a CAT application on the grounds that greater community benefit will arise from current or alternative use. However, community bodies have the right of review, first to the public body and then by appeal to Scottish Ministers.
- 3.3 In the case of Kingussie Market Stance Pitch, this is determined as a Common Good Asset therefore in addition to the legislation governing CAT, any disposal of this asset must also follow the requirements set out in section 104 of the Community Empowerment Act in relation to disposal of Common Good Assets. This is subject to a community consultation and, if the asset is considered inalienable, as this asset is, then agreement of the Sherriff Court.
- 3.4 Community Impacts (Equality, Poverty and Rural): Demonstrating community support for the proposed CAT is a crucial element to each asset transfer request. This CAT has demonstrated strong community support for the proposals and in turn has set out how this transfer would support the wider community through improving this local asset for wider community use. The proposal outlines how the transfer will also support wider improvements on adjacent club owned land including disabled access for spectators. There are not considered to be any adverse implications from the CAT request contained in the paper.

- 3.5 One of the Council's key strategic priorities within its Corporate Plan is:  
*Work to invigorate local democracy and put our communities at the heart of the design and delivery of services at a local level. We will also develop the capacity of communities to decide and deliver their local priorities.*

This is supported by a number of outcomes targeted at increasing engagement, increasing and encouraging community led and run services and involving more people in local decision making. The CAT programme contributes to this strategic priority.

- 3.6 Climate Change / Carbon Clever and Gaelic Implications: There are not considered to be any implications associated with this transfer.

- 3.7 Risk implications: There are no risk implications associated with this asset transfer. It is to the benefit of the community and the Council to transfer this asset.

#### **4. Lease of Kingussie Market Stance Pitch to Kingussie Camanachd Club**

##### **4.1 Background**

Kingussie Camanachd Club (KCC) has requested a 25-year lease of the Market Stance Pitch at £1 per annum, to improve and develop the pitch for recreational use by both the Club and wider community. The pitch is currently regarded as unsafe for sporting use and has not been well used for a period of around ten years, due to concerns over its surface condition. The land is however currently made available for use by KCC under a licence to occupy.

- 4.2 Due to there being ongoing maintenance requirements without development potential and subject to lease restrictions on community sporting use, the pitch has been assessed as having a market rental of only £1 per annum. As such, the Club is not technically seeking any discount on market value, but nevertheless presents a strong proposal with clear benefits to the local community.

- 4.3 In addition to providing security of tenure necessary to seek grant aid for amendments to the pitch surface, approval of the CAT request would enable the Club to seek funding for portable goalposts, fencing and flood lighting. KCC has also separately secured approximately £12k funding for parallel improvements to parking areas next to its home base at 'the Dell', on land owned by the Club. Improvements include disabled access for spectators and the approximately 100 members. The Club's investment in these projects is intended to enable hosting of large-scale shinty events in future, such as the Camanachd Cup Final.

##### **4.4 Summary of CAT Assessment**

- 4.5 **Community Benefit:** Throughout the CAT proposal, the Club has also demonstrated a clear commitment to ensuring continued availability of the Market Stance pitch for wider community use, including schools and other community sports groups, such as the football club. Benefits from the proposal are not only clear for the extensive local community of interest in Shinty, but also in terms of wider benefits to local health and

wellbeing which are likely to arise from reinstating a valuable amenity space for local use; including PE classes, sports days and an additional venue for sporting fixtures which the Head Teacher of Kingussie High School has indicated sometimes require pupils to travel to Aviemore. Local businesses have also indicated interest in using an improved local amenity for outdoor events and celebrations.

- 4.6 **Capacity to deliver:** Club membership includes necessary experience with ground works, pitch maintenance and project management of minor capital works, including prior pitch improvement at 'the Dell' in 2017. The Club's capacity to deliver the proposed improvements is also attested to by the Camanachd Association (national governing body for the sport), considering the proposal as both forward looking and a positive development - building on the Club's ongoing work to improve its home ground.
- 4.7 **Community support:** The CAT proposal has been developed in close consultation with a wide cross section of the local community – reflected by numerous letters received in support of the Club's request. These include the High School, Community Development Company, Community Council, local businesses and neighbouring property owners, as well as other Shinty Clubs and sporting users of the pitch, such as the football club. These indicate broad and unanimous support for the proposed improvements as necessary to bring the pitch into safe and effective use. In all instances, representations have highlighted strong support for a coordinating role by KCC as custodian of this community asset.
- 4.8 **Resourcing and Sustainability:** Approval of the lease request would result in a minor, ongoing revenue saving to Highland Council in terms of transferring liability for maintenance. Costs involved in the project proposal are clearly considered and a plausible case has been made for the Club's ability to resource and sustain the pitch through a mixture of grant aid, club sponsorship and income from sub-letting use of the pitch for private events (the Club does not propose to charge local groups for general use of the pitch which is not for profit). A range of potential funders has been identified and approached by the group, which has also shown a reasoned and flexible approach to project planning.
- 4.9 **Overall Summary**  
In terms of regeneration of local amenity, as well as resulting opportunities for improved community health and wellbeing, approval of the CAT request is highly likely to represent value for money.

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

*Community Benefit: very strong*  
*Capacity to deliver: very strong*  
*Community support: very strong*  
*Sustainability: strong*  
*Resourcing: strong*

4.10 **Recommendation:**  
**To approve a lease of Kingussie Market Stance Pitch to Kingussie Camanachd Club subject to the consideration of the findings of a public consultation.**

4.11 Terms of the transfer would include:

- A 25 year, registered lease is offered at £1 p/a
- The lease will be restricted to community use
- The lease will be on a Full Repairing and Insuring basis (the tenant will be responsible for maintenance and insurance).
- Kingussie Camanachd Club covers all reasonably incurred property and legal costs associated with the asset transfer process – both the Council's and its own.
- Being a Common Good Asset, the decision to dispose by way of a lease can only be finalised upon prior satisfaction of statutory requirements around consultation arising from the Community Empowerment (Scotland) Act (2015) and approval of the Sheriff Court.
- Any other terms to be agreed by the Executive Chief Officer Communities and Place in consultation with the Chair of Communities and Place Committee.

4.12 Approval at this point is subject to consideration of the findings of a Common Good consultation as required under the Community Empowerment Act. The process for this is detailed elsewhere on this committee agenda. The findings of the proposed consultation would be considered at a future meeting of this committee.

Designation: ECO Communities and Place

Date: 19-7-21

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