

Agenda Item	5
Report No	BSAC/18/21

HIGHLAND COUNCIL

Committee: Badenoch and Strathspey Area Committee

Date: 9 November 2021

Report Title: Community Asset Transfer Request: Burnfield public toilets and car parking, Grantown

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 (CAT). 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 the 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 be considered by the Area Committee. Assets of a value of below £10,000 can be approved under delegated officer approval. However, this CAT proposal is being considered by members at the request of the Area Committee Chair.
- 1.3 This report asks members to consider and agree a recommendation on a Community Asset Transfer (CAT) request from Grantown Initiative for ownership of the former Burnfield public toilets and an adjacent area of car parking.
- 1.4 This CAT request has been subject to a delay as a result of Covid, as well as the subsequent understanding that this was a Common Good asset and therefore subject to a Community Empowerment Act consultation on Common Good disposal. With confirmation that this is not a Common Good asset, normal CAT process and consideration can proceed.

2. Recommendations

2.1 Members are asked to **agree** the sale of Burnfield public toilets with a footprint of approximately 210 sqm of land to Grantown Initiative for £1, if asked. Terms of transfer to include:

- There is a right of pre-emption to Seafield Estates and the Council's ability to sell is conditional on Seafield Estates not taking up the pre-emption.
- Toilets are to remain available for use as a public convenience (an existing burden on the legal title for the property).
- Highland Council reserves rights for drainage inspection and repair.
- Grantown Initiative covers all reasonably incurred property and legal costs associated with the asset transfer process – both the Council's and its own.
- Should Grantown Initiative seek to sell the property, Highland Council reserves a right of pre-emption for market value at the time of the event.
- Any other terms to be agreed by the Executive Chief Officer Communities and Place in consultation with the Area Committee Chair.

3. Implications

3.1 **Resource implications:** the recommendations, if agreed, would mean the Council foregoes a potential capital receipt of £7,000 or a corresponding rental income, if an open market sale or lease were achievable. It is recommended to proceed, as the wider community benefits from CAT approval would outweigh such receipts.

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 **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. Reinstatement of public conveniences in the town centre and development of tourist infrastructure show clear benefits to not only the local economy, but also social and environmental wellbeing – by alleviating some of the pressures brought to the area by large numbers of visitors and large events. 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. **Sale of Burnfield public toilets with a footprint of approximately 210 sqm of land land to Grantown Initiative**

4.1 **Background**

Grantown Initiative (GI) requests ownership of the former public toilets at Burnfield Avenue, Grantown, in addition to a small area of adjacent surrounding the toilet block. GI proposes to reinstate refurbished public toilets and introduce grey and blue waste disposal for motorhomes on a small area of adjacent land within the car park, with waste disposal directly into the sewer beneath the car park.

4.2 Burnfield toilets are currently surplus, vacant and derelict. The car park is subject to mixed-use, including visitors and residents shopping in the town centre. The land and buildings have a market value of £7,000. Grantown Initiative has offered £1 for ownership. The Council's Amenities service is supportive of transfer.

4.3 **Summary of CAT Assessment**

4.4 **Community Benefit:**

There are several key aspects to community benefit that would result from the proposed asset transfer:

- Reinstatement of refurbished public toilets (following closure in 2018) in a central location within the town centre, providing an enhanced amenity for residents and visitors and supporting delivery of large-scale community events. Alternative facilities do exist but are not considered to be centrally located.
- Controlled and environmentally friendly facilities for campervan waste disposal to support visitors across the area
- Local employment for a part time cleaner (14 hrs per week)

Community benefit is assessed as: **strong**.

4.5 **Capacity to deliver:**

GI's capacity to deliver sound, sustainable benefits to the Grantown community is well evidenced throughout the proposal. This is supported by appropriate governance, a relevant skill set among directors, and prior success with improving local assets:

- A limited company and registered charity with clear objectives for community development and a defined community of benefit.
- An established track record of working with local residents and businesses to run events such as Hogmanay, Thunder in the Glens (Grantown) and the Grantown Business Association.
- GI involved in fundraising refurbishment of local playparks and £39,000 of improvements to the square (Town Centre Fund); maintenance of curling pond at Grant Park and community storage containers associated with events.

- Delivering financial relief ('Help Fund') and humanitarian support (community support help line).

Capacity to deliver is assessed as: **strong**.

4.6 **Community support** for the proposed development and services is well demonstrated throughout GI's proposal and approach to CAT:

- No representations objecting to the request were received during the public notice period. Whereas, the company has a large community membership, of over 300 members (around 12% of Grantown population).
- A survey conducted by GI of businesses operating in the square found reinstatement of the toilets to be a key priority to sustaining trade and growth of events.
- This view is also reflected in letters of support from Grantown & Vicinity Community Council, CNPA Planning and Rural Development and other key local groups; noting large events currently depend on portable toilets and provision by local businesses; also that development of Grantown facilities would be a welcome contribution to a wider network of visitor infrastructure across the area.

Community support is assessed as: **strong**.

4.7 **Sustainability:**

GI's proposal for CAT demonstrates necessary consideration of business planning and financial projections to effectively sustain the asset and associated services.

- An income will be generated from voluntary public donations for use of the toilets, as well as contributions from events and businesses, HC comfort scheme and motorhome services.
- Surplus income would be reinvested in ongoing maintenance and improvement of the facility as well as being governed by the company's charitable objectives for community development.
- A projected surplus of almost £4k / 23% is dependent on income from motorhome services (35% total projected income) with waste disposal at £10 per use, x21 p/w, for 28 weeks of the year.

Sustainability is assessed as: **moderate - strong**.

4.8 **Resourcing:**

GI's approach and CAT proposal have demonstrated a clear and informed vision for financing transfer.

- Initial discussions with potential funders such as the Berryburn Community Fund have indicated provisional support for the proposed project.
- Funding for legal fees for CAT has been secured from HIE.
- Structural inspections have been conducted, identifying need for a minimum of £5,000 of roofing, plumbing and general renovation to safely re-open the toilets.
- Refurbishment costs have also been informed by quotes. In light of rising construction costs since the original application, these are now anticipated to be in the region of £22,000.
- GI has extensive experience of successfully fundraising local improvements.

Resourcing is assessed as: **strong - moderate**.

4.9 **Overall Summary**

Approval of the CAT request is likely to represent value for money – both in terms of enhanced amenity for residents and visitors, as well as improving social and environmental wellbeing by alleviating some of the pressures brought to the area by large numbers of visitors and specifically motorhomes.

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

Community Benefit: strong

Capacity to deliver: strong

Community support: strong

Sustainability: moderate - strong

Resourcing: strong - moderate

4.10 **Recommendation:**

To approve sale of Burnfield public toilets with a footprint of approximately 210 sqm of land to Grantown Initiative for £1, if asked.

4.11 Terms of the transfer would include:

- There is a right of pre-emption to Seafield Estates and the Council's ability to sell is conditional on Seafield Estates not taking up the pre-emption.
- Toilets are to remain available for use as a public convenience (an existing burden on the legal title for the property).
- Highland Council reserves rights for drainage inspection and repair.
- Grantown Initiative covers all reasonably incurred property and legal costs associated with the asset transfer process – both the Council's and its own.
- Should Grantown Initiative seek to sell the property, Highland Council reserves a right of pre-emption for market value at the time of the event.
- Any other terms to be agreed by the Executive Chief Officer Communities and Place in consultation with the Area Committee Chair.

Designation: ECO Communities and Place

Date: 14-10-21

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