

|                    |                  |
|--------------------|------------------|
| <b>Agenda Item</b> | <b>8</b>         |
| <b>Report No</b>   | <b>DSA/17/22</b> |

## HIGHLAND COUNCIL

**Committee:** Dingwall and Seaforth Area Committee

**Date:** 14 November 2022

**Report Title:** Community Asset Transfer Request: Land at Muir of Ord Industrial Estate - Muir of Ord Development Trust (Men's Shed)

**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 Requests such as this, 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 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 Muir of Ord Development Trust - to lease approximately 343 sqm of vacant land at Muir of Ord Industrial Estate for 20 years at £1 pa. This is for development of a local Men's Shed. The land is not currently used, comprises part of a former turning circle and has a market rental value of £2,075 - although this a hypothetical figure dependent on finding a willing tenant on the open market for land which has long stood vacant.
- 1.4 The officer Asset Transfer board, including representatives from Legal, Finance, Estates, and Community Support & Engagement, has considered and scrutinised the evidence submitted in support of the transfer request and based upon the wider community benefits which can be achieved from transfer (leasing), have recommended approval of the request, subject to conditions set out in section 2, below.

### 2. Recommendations

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

- 20-year lease of land at Muir of Ord Industrial Estate to Muir of Ord Development Trust for £1 p/a, if asked.

2.2 Terms of the transfer to include:

- The lease will be restricted to community use
- Evidence of Planning approval for the proposed development.
- Muir of Ord Development Trust covers all reasonably incurred property and legal costs associated with the asset transfer process – both the Council's and its own.
- The lease will be on a Full Repairing and Insuring basis (the tenant will be responsible for maintenance and insurance).
- The tenant is responsible for full reinstatement of the site upon termination of the lease.
- In respect of existing burdens on the legal title for the property:
  - British Railways Board and its successors reserve rights of access for drainage as well as maintenance of the boundary wall pertaining to the overbridge.
  - Before engaging in works, the tenant must consult British Railway Board or its successors regarding potential impact on drainage and water supply and take any reasonable suggestion to avoid detriment to their property regarding the same.
  - The tenant will have responsibility for maintenance and upkeep of fencing around the property (to the satisfaction of Highland Council as landlord).
- Any other terms to be agreed by the Executive Chief Officer Communities and Place in consultation with the Chair of Dingwall and Seaforth Committee.

### 3. Implications

3.1 **Resource implications:** agreeing the recommendation to lease for £1 would mean the Council forgoes a nominal £2,035 in annual rent at market value for the land, which is held in the Industrial Investment Portfolio. However, there is currently no use nor evidence of demand for this site, which has stood vacant for several years. As summarised below, the Trust nevertheless presents a strong proposal with clear benefits to the local community. It is recommended to proceed with transfer as the value of wider community benefits arising would outweigh such rental income.

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 request 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. As set out below, the Trust's CAT request has demonstrated strong community support for the proposals and how transfer would support the wider community through improving this local asset for wider community use. There are not considered to be any adverse implications from agreeing the CAT request.

3.4 **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. Background

4.1 Muir of Ord Development Trust has requested a 20-year lease of vacant land at Muir of Ord Industrial Estate at £1 per annum, to develop facilities for a local Men's shed. This project has arisen in response to local demand and is currently being led by a sub-group of the Trust. Men's Sheds are community spaces for men to connect, interact and be creative. Research shows Sheds have significant impacts on overcoming potential social isolation and its effects on health and wellbeing. Many Sheds are also highly engaged in local community support (small repairs for vulnerable residents, community facilities e.g. benches) and initiatives for local improvement.

4.2

Fig 1.1: Area requested:



4.3

The officer Asset Transfer board, including representatives from Legal, Finance, Estates, and Community Support & Engagement, has scrutinised evidence received for evaluation of the transfer request, assessing it as follows:

#### 4.5 **Community Benefit:**

**Strong** – The Trust will deliver community facilities likely to benefit local health, including mental health and wellbeing.

- Community spaces to connect, interact and be creative –focus is on supporting men to overcome potential social isolation, particularly in later years of life.
- Strong evidence supports benefits to mental health and wellbeing from involvement in Men’s Sheds in Scotland.
- Part of a growing local network of Men’s Sheds across the Area and Region, including Sheds established with support from prior CATs of land and buildings in Inverness, Dingwall and Maryburgh. The Scottish Government has also been an advocate of Sheds as organisations which tend to support and empower their local communities.
- Development of the Shed could directly contribute to [priority themes for Dingwall & Seaforth](#) identified by the recent ‘Have Your Say’ community consultation by Highland Council’s Development & Regeneration Service:
  - No.1 priority for ‘people’ is support for wellbeing; ‘spaces for people’ and ‘staying connected’ are also priorities.
  - No. 2 priority for ‘place’ is availability of recreational areas.
  - A focus on ‘skills’ and training also an identified local priority (skill-sharing by ‘Shedders’).
- Population estimates indicate 31% increase in over 65s in the Muir of Ord area, between 2011 and 2020 (i.e. growing local need).

#### 4.6 **Capacity to deliver:**

**Strong** – The Trust has demonstrated relevant experience, including project planning and facilities management:

- The Men’s Shed is a recently formed sub-group of Muir of Ord Development Trust.
- Trust to be responsible for lease and the project being delivered by the Trust as an umbrella group.
  - Trust is a 2-tier SCIO, with governing articles which require community control of the group and comply with requirements for CAT under the Empowerment Act.
  - Extensive experience in successful fundraising and management of facilities / community assets.
  - Strong support for project development from Trust development officer.
  - Well-established links with the community, grounding activity in awareness of priority need.
  - Links to guidance and resources from national Men’s Shed organisation.
- Site planning well evidenced. Planning and building warrant under consideration with professional supporting services.
- Notable volunteer interest arising in response to the project proposal.

#### 4.7 **Community engagement & support:**

Strong – strong community support has been evidenced for transfer to the Trust and the associated Men’s Shed project:

- Letters of support from Muir of Ord (Tarradale) Community Council & Ord Industrial Group.
- Strong positive engagement with council officers on development of the CAT request.
- No representations received during the public notice period.
- This project aims to enhance the community participation of older male residents (often at transitional periods in their life). This demographic is recognised as less likely to engage with wider community activities and less likely to engage public services on their needs. The Trust’s reflection on prior community engagement identified possible silence on related issues and potential for targeted support through this new project.

#### 4.8 **Sustainability:**

Moderate – While business planning is currently high level, the Trust has demonstrated experience with fund-raising, project and facilities management:

- Project planning at early stages, but underway to ensure a minimum of 20 participants engaged during the first year of activity.
- Evidence of awareness that further and ongoing business planning is required for financial sustainability and matching activity with informed understanding of priority local need.

#### 4.9 **Resourcing**

Strong – The Trust has sufficient funds and has successfully secured grant aid for development:

- Capital funding already secured from HTSI Mental Health and Wellbeing Fund, Scottish Government and in-kind contributions from Ord Industrial Group.
- Ability to resource the costs of transfer (property and legal costs).

#### 4.10 **Overall Summary**

Approval of the CAT request is highly likely to represent value for money by enabling community-led development of facilities which will support improved health and wellbeing for local residents.

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

*Community Benefit: strong*

*Capacity to deliver: strong*

*Resourcing: strong*

*Sustainability: moderate*

*Community support: strong*

#### 5. **Recommendation:**

5.1 Members are asked to **agree** to the 20-year lease of land at Muir of Ord Industrial Estate to Muir of Ord Development Trust, for £1 p/a, if asked.

5.2 Terms and conditions of transfer to include:

- The lease will be restricted to community use.
- Muir of Ord Development Trust covers all reasonably incurred property and legal costs associated with the asset transfer process – both the Council's and its own.
- Evidence of Planning approval for the proposed development.
- The lease will be on a Full Repairing and Insuring basis (the tenant will be responsible for maintenance and insurance).
- The tenant is responsible for full reinstatement of the site upon termination of the lease.
- In respect of existing burdens on the legal title for the property:
  - British Railways Board and its successors reserve rights of access for drainage as well as maintenance of the boundary wall pertaining to the overbridge.
  - Before engaging in works, the tenant must consult British Railway Board or its successors regarding potential impact on drainage and water supply and take any reasonable suggestion to avoid detriment to their property regarding the same.
  - As tenant, Muir of Ord Development Trust will have responsibility for maintenance and upkeep of fencing around the property (to the satisfaction of Highland Council as landlord).
- Any other terms to be agreed by the Executive Chief Officer Communities and Place in consultation with the Chair of Dingwall and Seaforth Committee.

Designation: ECO Communities and Place

Date: 31-10-22

Authors: Ewen McIntosh, Localism & Engagement Coordinator  
Alison Clark, Head of Community Support & Engagement