

Report

Report to:	Housing and Technical Resources Committee
Date of Meeting:	24 April 2024
Report by:	Executive Director (Housing and Technical Resources)

Subject:	Bothwell Community Hall, 8 Fallside Road, Bothwell - Lease to Bothwell Futures
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Committee of the request for a lease of Bothwell Community Hall, 8 Fallside Road, Bothwell by Bothwell Futures and seek approval to the principal terms and conditions as set out in Section 5 of the report

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the subjects at Bothwell Community Hall, 8 Fallside Road, Bothwell be leased subject to the terms and conditions outlined in Section 5 of the report; and
- (2) that the Executive Director (Housing and Technical Resources), in conjunction with the Head of Administration and Legal Services, be authorised to conclude all matters in respect of the lease and enter into the necessary legal agreements on terms which are in the best interests of the Council.

3. Background

3.1. The subjects at Bothwell Community Hall, 8 Fallside Road, Bothwell were, until recently, managed by South Lanarkshire Leisure and Culture (SLLC).

3.2. Following its meeting of 28 February 2024, the SLLC Board advised that this facility was affected by the budget setting discussions for 2024/25 and was, therefore, at risk.

3.3. Bothwell Futures approached the Council with a request for an annual lease of the subjects to enable the facility to remain open for community use as quickly as possible. The lease will enable them to operate the facility whilst testing the viability of a future Community Asset Transfer (CAT).

3.4. This is not a formal CAT request in terms of the Community Empowerment (Scotland) Act 2015, however, similar matters have been taken into consideration.

3.5. Property

3.5.1. The extent of the property is shown on the attached plan and, as there is no change of use or development, consequently, planning consent will not be required.

3.6. Organisation

3.6.1. Bothwell Futures is a SCIO (Scottish Charitable Incorporated Organisation) Company Registration No SCIO 51013. As an organisation it has been operating since June 2021 and currently owns and manages Bothwell Community Hub.

3.6.2. The purpose of the organisation is to provide facilities for educational and recreational activities and resources to the residents of Bothwell.

3.6.3. This is an experienced organisation with capacity and experience to manage the property.

3.7. Project

3.7.1. The proposal is for Bothwell Futures to keep open the facility as a community hall through its management, develop additional activity which will evidence a sustainable operating model and support a future CAT application. The grant of an annual lease will allow the organisation to assess the viability of the proposal and develop plans for a future, longer term agreement or purchase.

3.7.2. The organisation has ideas for the expansion of the use of the facility, in particular music and dance, however, it is keen to limit the impact of the hall's closure on local community groups.

4. **Assessment**

4.1. The property is suitable for the proposed use and the organisation has the capacity and funds to manage the facility.

4.2. The grant of the annual lease will enable the facility to remain open and relieve the Council of the costs of empty property rates, utility charges, insurance costs and repairs.

4.3. The risks associated with the proposed lease are considered low, given both the status of the organisation and that the request is for a one year lease.

4.4. The Council has no alternative operational requirement for the subjects. Should the lease prove unsustainable for the Trust, the Council will have the ability to resume full ownership and consider the future of the property, however, it is anticipated that a formal application for CAT will be forthcoming.

5. **Proposal**

5.1. It is proposed to lease the subjects at Bothwell Community Halt, 8 Fallside Road, Bothwell to Bothwell Futures on the following principal terms and conditions:-

- i. the lease will be to Bothwell Futures.
- ii. the lease will be for a period of 1 year.
- iii. the date of entry to be agreed.
- iv. the rental shall be £1 per annum, if asked.
- v. the lease to be fully repairing and insuring. Neither tenant nor the landlord will be responsible for any major repair works that may be required to the premises.
- vi. the tenants will be required to obtain and exhibit as required, public liability insurance to the value of £5 million for any one claim.
- vii. the Council will insure the property and recover the costs from the tenants.
- viii. the property will be used as a community hall.
- ix. the tenants to be responsible for any rates or property charges resulting from their occupation and use of the subjects.
- x. assignation and subletting (excluding hourly lets) will not be allowed without the Council's express consent.

- xi. each party to be responsible for their own legal costs, however, the tenants will require to pay any registration fees and Land and Buildings Transaction Tax (LBTT), if required.

5.2. At the expiry of the lease, the Council will consider renewal of the lease subject to being satisfied as to the operation of the subjects by the Trust.

6. Employee Implications

6.1. There are no employee implications directly associated with this report.

7. Financial Implications

7.1. The lease will result in a saving in void property costs, including empty rates, insurance and utility standing charges and repairs and maintenance.

8 Climate Change, Sustainability and Environmental Implications

8.1. There are no issues in relation to climate change, sustainability and the environment contained within this report.

9. Other Implications

9.1. There are no risk implications in terms of the information contained in this report.

10. Equality Impact Assessment and Consultation Arrangements

10.1. Consultation has taken place with the Community Participation Team, Legal Services and Community and Enterprise Resources.

10.2. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function, or strategy and, therefore, no impact assessment is required.

Stephen Gibson

Executive Director (Housing and Technical Resources)

13 March 2024

Link(s) to Council Values/Priorities/Outcomes

- ◆ Accountable, effective, efficient and transparent
- ◆ Caring, connected, sustainable communities

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Joanne Forbes, Head of Property Services

Ext: 4073 (Tel: 01698 454073)

email: joanne.forbes@southlanarkshire.gov.uk

LOCATION PLAN - For Committee Purposes Only

Bothwell Community Hall
15 Fallside Road, Bothwell



HOUSING AND TECHNICAL



Contents outlined in Black 635 square metres or thereby in total.