

# Report

Report to:	<b>South Lanarkshire Council</b>
Date of Meeting:	<b>27 March 2024</b>
Report by:	<b>Executive Director (Housing and Technical Resources)</b>

Subject:	<b>Community Facilities – Temporary Delegated Authority</b>
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## **1. Purpose of Report**

1.1. The purpose of the report is to:-

- ◆ request authority is temporarily delegated to officers to enter into short term arrangements with community organisations wishing to take on the management of community facilities affected by the impact of recent budget decisions.

## **2. Recommendation(s)**

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

- (1) that the Executive Director (Housing and Technical Resources), in conjunction with the Head of Administration and Legal Services, be authorised to enter into short term lease arrangements for the properties listed in appendix 1 and 2 of this report, subject to the criteria set out in sections 4.1 and 4.2 of this report;
- (2) that this period of delegated authority will cover the period from 19 June to 18 September 2024; and
- (3) that a report will be presented to the Housing and Technical Resources Committee on 18 September 2024 to confirm progress made during this period.

## **3. Background**

- 3.1. The facilities set out in Appendix 1 and 2 of this report are affected by the budget setting decisions made by the Council and South Lanarkshire Leisure and Culture on 21 February and 28 February 2024 respectively.
- 3.2. At Full Council and Executive Committee on 21 February 2024, the proposals for managing the Community Fightback Fund and changes to the criteria in relation to Renewable Energy Funding (REF) were agreed to assist community organisations develop alternative operating models and community capacity.
- 3.3. Whilst this is a dynamic situation and the arrangements will be different in each circumstance, it is envisioned that a number of requests for leases under CAT lite will be received in the next few months.
- 3.4. A CAT lite lease is a lease for a period of up to 1 year at a rental of £1 p.a. if asked, with the tenant being responsible for the revenue costs associated with the property including regular health and safety checks. It is “CAT lite” because it is not progressed as a formal Community Asset Transfer in terms of the relevant legislation. The Council may retain some responsibilities in respect of the property.

- 3.5. In terms of the Council's Terms of Reference, and to demonstrate transparency, any leases or sales on concessionary terms are reported to Housing and Technical Resources Committee for approval. The next scheduled meetings of this Committee will be held on 19 June 2024 and 18 September 2024. Due to this timetable and the desire to avoid a situation where the schedule of meetings could result in a break in the continuity of services, this report seeks approval for the Executive Director (Housing and Technical Resources), in consultation with the Head of Administration and Legal Services, to have temporary delegated authority to approve CAT lite applications. If approved, the applications would be required to meet agreed criteria, as set out in section 4 below. This report is being submitted to this meeting of South Lanarkshire Council to provide clarity to interested parties as to the process the Council will follow in respect of these applications.

#### **4. Proposal**

- 4.1. It is proposed that the Executive Director (Housing and Technical Resources), in conjunction with the Head of Administration and Legal Services, be authorised to enter into short term lease arrangements for the properties listed in appendices 1 and 2 of this report, subject to the following criteria: -

- (1) The organisation applying for the tenancy is:-
  - a) Appropriately constituted.
  - b) Has a bank account and is able to provide suitable evidence that it has access to funding to cover the initial costs of operation.
- (2) There is suitable evidence of community support for the proposal and no competing community interests, including there being no formal Community Asset Transfer applications in respect of the property in question.
- (3) There are no legislative, health and safety or repair issues affecting the property which would prevent occupation and use of the property by the organisation.

- 4.2. The lease agreements will be on such terms and conditions as the Executive Director (Housing and Technical Resources) considers appropriate, but provided that they will include the following:-

- a) The duration of a lease will be for a period of up to 1 year
- b) The rent will be £1 p.a. if asked
- c) They will require the tenant to have appropriate public liability insurance;
- d) They will require the tenant to meet all ongoing revenue costs associated with the property, including utilities, non-domestic rates and internal repair/maintenance costs;
- e) They will require that the tenant cannot sub-let/transfer the lease; and
- f) They will require each party to bear their own legal fees and expenses in connection with the grant of the lease

- 4.3. This delegated authority is a temporary arrangement from 19 June to 18 September 2024 to address requests for short term occupation of specific properties. It is not intended to replace the process for approval of formal Community Asset Transfer requests or the grant of other concessionary leases.

4.4. The grant of the 1-year lease arrangements will provide community organisations with the opportunity to develop their capacity and longer term proposals in respect of specific properties, with a view to applying formally for Community Asset Transfer at a future date.

4.5. A report will be presented to the Housing and Technical Resource Committee on 18 September 2024 to confirm the outcome of applications made during this period of delegated authority.

## **5. Employee Implications**

5.1. There are no employee implications arising specifically from this report.

## **6. Financial Implications**

6.1. The short-term lease agreements will remove the revenue liabilities associated with managing their facilities, in line with the 2024/2025 budgetary decisions of the Council and SLLC.

6.2. Although the leases would be granted at less than market value, there is potential for community benefits and other social value to be generated. As the leases are for 1 year there is minimum risk and an evaluation of the benefits will be undertaken before arrangements are extended. This approach is consistent with the Council's duties to secure Best Value, and under the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

## **7. Climate Change, Sustainability and Environmental Implications**

7.1. There are no implications for sustainability in terms of the information contained within the report.

## **8. Other Implications**

8.1. Officers in Property Services will work closely with the Community Engagement Team and External Funding Team to streamline the overall process.

## **9. Equality Impact Assessment and Consultation Arrangements**

9.1. Consultation will take place with SLLC, Planning, Community Engagement Team, Community and Enterprise and Legal in respect of each request.

9.2. Organisations applying for lease will be encouraged to engage with their local communities.

9.3. This report does not introduce a new policy, function or strategy or recommend a permanent change to existing policy, function or strategy 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
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities.

## **Previous References**

## **List of Background Papers**

### **Contact for further Information**

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

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## Appendix 1

Relevant facilities which fall within REF catchment areas

<b>Clydesdale</b>
Braehead Village Hall
Carmichael Village Hall*
Carstairs Junction Hall
Coulter Village Hall*
Crawford Village Hall
Crossford Village Hall
Tom Craig Hall
Carstairs Village Hall
Douglas St Brides Hall
Pettinain Village Hall
Thankerton Village Hall*
Hollandbush Golf Course

<b>East Kilbride</b>
Calderwood Hall
Greenhills Hall
Kirktonholme Hall
Strathaven Park
Westwood Community Hall

<b>Hamilton</b>
Netherburn Community Hall

\*These facilities are within SSE catchment areas. Officers are currently engaging with SSE with the aim of introducing arrangements similar to the REF revenue proposals.

## Appendix 2

Relevant facilities which fall outwith REF catchment areas

<b>Hamilton</b>
Ferniegair Hall
High Blantyre Community Hall
Tileworks Park (Pitches)
Uddingston Community Centre
June Stewart Centre (Hall)
TACT Hall

<b>Cambuslang</b>
Eastfield Community Centre
North Halfway Hall
Peter Brownlie Pavilion