

# Report

Report to:	<b>Housing and Technical Resources Committee</b>
Date of Meeting:	<b>20 March 2019</b>
Report by:	<b>Executive Director (Housing and Technical Resources)</b>

Subject:	<b>Overtoun Park, Rutherglen – Asset Transfer to Grow 73</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise of the request for community asset transfer of 3 dormant bowling greens at Overtoun Park, Rutherglen
- ◆ request approval to the principal terms and conditions of asset transfer by lease as set out in Sections 4 and 5 of the report

## 2. Recommendation(s)

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

- (1) that the dormant bowling greens at Overtoun Park, Rutherglen be leased to Grow 73, subject to the terms and principal conditions outlined in Sections 4 and 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 Council currently leases land at Overtoun Park, Rutherglen to Overtoun Bowling Club. The bowling club have been on this site for a considerable period of time however, their current lease runs on a year to year basis at a rental of £1 per annum if asked. In recent years the bowling club have concentrated their activity on only 1 of the 4 available greens.
- 3.2. Grow 73, a local community group who already deliver weekly community gardening sessions within the park, entered into discussions with the bowling club regarding the possible use of the unused bowling greens for a community growing project.
- 3.3. A formal application for asset transfer, by a 15 year lease at a nominal rent, under the Community Empowerment (Scotland) Act 2015 was received from Grow 73 and validated on 24 August 2018. The deadline for the Council to make a decision in respect of the application was 24 February 2019, however with the agreement of Grow 73, that period has been extended to 20 March 2019.
- 3.4. Grow 73 are seeking to create a community garden and growing project with Overtoun Park.

3.5. In addition to placing the application and supporting documentation on the Council's Planning Portal, a notice was placed on the property advising that the Council was considering an asset transfer and details were delivered to the surrounding properties. The closing date for responses was 19 October 2018 and no representations were received.

3.6. The request was placed before the Community Asset Transfer Assessment Panel on 10 December 2018 and 6 February 2019 and the following matters were taken into consideration.

### 3.7. **Property**

3.7.1. The land is owned by the Council and is currently the subject of a lease to Overtoun Bowling Club. Overtoun Bowling Club have advised that they are willing to relinquish their lease interest in the dormant bowling greens on the condition that:-

- ◆ a fence is erected between the community growing project and the remaining Bowling Club area
- ◆ that any shared utility connections are separately metered

3.7.2. Grow 73 have indicated their acceptance of these conditions and the specification of the fence to separate the 2 interests has been agreed. The grant of the lease will be conditional upon the funding being in place for the new fence.

3.7.3. The asset transfer will require planning consent as the proposal is a change of use and Sports Scotland will be formally consulted given the proposed loss of bowling greens. Sports Scotland have, however, indicated in principal their support to the project.

3.7.4. The land in the vicinity of Overtoun Park is known to have contamination and the Council does not hold detailed ground surveys or soil reports. Grow 73 are undertaking their own investigations and obtaining specialist advice on the nature of the soil. Grow 73 are aware that the Council does not warranty the suitability of the site for their project. Grow 73 believe that it is possible to adapt the design and nature of the growing and planting arrangements to the soil conditions and will be required to provide such information as the Council considers necessary to support this.

3.7.5. The Council does not currently carry any revenue or capital costs for the site as it is under lease to the bowling club. The proposals will reduce the liabilities for the bowling club.

### 3.8. **Organisation**

3.8.1. Grow 73 has been in existence since January 2015 and became a Scottish Charitable Incorporated Organisation (SCIO) in May 2018.

3.8.2. The organisation is a registered charity, SCO48411, whose objectives are to:-

- ◆ advance education in relation to gardening, local food growing, healthy eating, composting and matters relating to the environment, biodiversity and living more sustainably
- ◆ advance physical and mental health wellbeing by providing improved access to the outdoor environment

- ◆ advance citizenship and community development through the provision of community garden space and by involving people who might otherwise be socially excluded in gardening, environmental improvement projects
- ◆ advance environmental protection and improvement through establishing, co-ordinating, supporting and/or managing projects which are directed towards preserving and making best use of the natural environment for the benefit of the general public and in particular those resident in the areas which Grow 73 operates.

3.8.3. Although the Board of Grow 73 has only recently been established the Board Members have a range of relevant knowledge and experience.

3.8.4. Scottish Community Alliance have provided financial support for professional advice and training for 2 Board Members which has assisted in developing the business/project and financial plans.

3.8.5. The organisation has delivered a range of activities in the local area including school gardening sessions, storytelling workshops, social gardening sessions and events in Overtoun Park, and has developed close links with a number of local community based and likeminded organisations.

3.8.6. Grow 73 has a very low membership at present although it delivers initiatives with a pool of 10 regular volunteers. If the proposed asset transfer is approved the organisation proposes to campaign for new members as part of the consultation and fundraising for the community garden project, aiming to have 50 members by the end of 2019.

### 3.9. **Project**

3.9.1. The proposal is for a community garden, community growing and possibly an orchard however, no detailed layout or design has been developed as yet.

3.9.2. It is envisaged that the project will provide an opportunity for different sectors of the local community to become involved in community growing and outside activity. This will include developing further links with the adjoining GP practice, care home, schools and nursery all of whom have provided letters of support to the proposal.

3.9.3. The community benefits primarily relate to the Council priorities to encourage participation in physical activities, health and supporting our communities. There is potential for some employment opportunities being created if funding is secured.

3.9.4. The organisation has not to date sought external funding to support the investment in the property, however have £10,000 unrestricted funds available. They have a draft application for the Climate Challenge Fund which focuses on the wider activities of the group and the creation of 2 jobs as well as this project and have identified other funding opportunities for future aspects of the overall project.

3.9.5. There is potential to co-ordinate with Community and Enterprise Resources and offer growing opportunities to people on the Council's allotment waiting list in future.

## 4. **Assessment**

4.1. Grow 73 are a small organisation, with considerable ambition, that is still developing its capacity and membership. Detailed business and financial plans are under development with the benefit of appropriate professional advice.

- 4.2. Funding applications have been prepared for submission should the asset transfer request be approved and the organisation has reserve funds as well as an established record for generating income.
- 4.3. Taking on responsibility for a 15 year lease is a large step in the development of the organisation and there are risks, however, the land in question is underused open space and the potential community benefits from the project are significant particularly for the surrounding schools, nursery, Care Home and GP practice as well as local residents.
- 4.4. In order to mitigate against some of the risk, the proposed lease will be conditional upon:-
  1. Renunciation of the existing lease by Overtoun Bowling Club
  2. Funding being in place for the new fence to separate the remaining bowling green from the new community growing project and suitable arrangements for the erection of the fence prior to the growing project commencing
  3. Planning consent being granted for change of use and if necessary the fencing
  4. The organisation having a minimum of 20 members at the proposed date of entry
  5. Funding being in place to support the project, and Grow 73 having satisfied themselves that their required use of the leased area is not curtailed by contamination issues
  6. A longstop date of 18 months between signing the missives and commencement of the lease

## **5. Proposal**

- 5.1. It is proposed to grant a lease of ground extending to 7,852 square metres or thereby, as shown on the attached plan, on the following principle terms:-
  1. The lease will be for a period 15 years
  2. The Date of Entry to be agreed and dependent upon the conditions set out in paragraph 4.4. above
  3. The rental will be £1 per annum if asked
  4. The tenant is responsible for ensuring that the subjects are suitable for their proposed use and obtaining all necessary statutory consents, including planning consent, for their proposals
  5. The tenant will be responsible for all repairs and maintenance of the subjects
  6. The tenant will be responsible for obtaining all necessary insurances for their occupations and use of the subjects
  7. The construction of buildings is strictly prohibited, however storage and sheds will be permitted with Landlords consent
  8. Subletting is prohibited, however assignation to another charity with similar objectives is permitted, subject to Landlord's consent
  9. Each party bears their own legal expenses

## **6. Employee Implications**

- 6.1. There are no employee implications.

## **7. Financial Implications**

- 7.1. The revenue implications of the proposed asset transfer are neutral as the Council does not currently have the costs of managing this area of land nor do we receive any rental income from the bowling club.

7.2. The site has no development potential.

## **8. Other Implications**

8.1. The risk of not proceeding will potentially result in the organisation appealing to Scottish Ministers Council.

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

9.1. Consultation has taken place with Community Resources, South Lanarkshire Leisure and Culture, Planning, Legal, Finance and Regeneration Services as well as having been published for public consultation.

9.2. 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.

**Daniel Lowe**

**Executive Director (Housing and Technical Resources)**

26 February 2019

### **Link(s) to Council Values/Ambitions/Objectives**

- ◆ Accountable, effective, efficient and transparent
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Encourage participation in physical and cultural activities

### **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:-

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