

# Report

Report to:	<b>Housing and Technical Resources Committee</b>
Date of Meeting:	<b>8 December 2021</b>
Report by:	<b>Executive Director (Housing and Technical Resources)</b>

Subject:	<b>Land at Comely Bank, Hamilton – Asset Transfer to Supporting Our Community (SOC)</b>
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## 1. Purpose of Report

The purpose of the report is to:-

- ♦ advise the Committee of the request for asset transfer, by lease, of the open space at 31 to 33 Comely Bank, Hillhouse, Hamilton to Supporting Our Community (SOC) and request approval to the principal terms and conditions of asset transfer as set out in Section 5 of the report

## 2. Recommendation(s)

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

- (1) that the open space at 31 to 33 Comely Bank, Hamilton be leased to Supporting Our Community, 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 Council owns an area of land at 31 to 33 Comely Bank, Hillhouse, Hamilton. This is a gap site, formerly occupied by a care facility and has been vacant for around 15 years.
- 3.2. SOC is a local community organisation operating from a hub and workshop at 19a Comely Bank. It has a small-scale growing project and as a result of increasing local interest, is seeking additional land for a community garden and food growing project.
- 3.3. SOC submitted a request for Community Asset Transfer of the open space, the validation date for which was 22 July 2021.
- 3.4. In addition to placing the application and supporting documentation on the Council's Planning Portal, notices were placed on the property advising that the Council was considering an asset transfer. The closing date for responses was 10 November 2021 at which time no representations were received.
- 3.5. The request was placed before the Community Asset Transfer Assessment Panel when the following matters were taken into consideration.

### 3.6. Property

- 3.6.1. The extent of the land requested, as shown on the attached plan, is approximately 3113 square metres (0.33 acres) and is a grassed informal open space.
- 3.6.2. The land is held on the Housing Revenue Account and was declared surplus in 2005. The land has minimal revenue costs for maintenance and does not feature on any proposed investment plans.
- 3.6.3. The Planning Service has indicated that planning consent will be required for change of use from public open space.
- 3.6.4. The land has been assessed as having nominal rental value. It has limited independent development potential given its location and the unknown ground conditions. Whilst valued at £50,000 (gross) there is little likelihood of a capital receipt in the medium term.
- 3.6.5. The ground conditions are not known. There may be contamination as a legacy of the previous demolition.

### 3.7. Organisation

- 3.7.1. SOC is a Scottish Charitable Incorporated Organisation (SCIO), Scottish Charity No. SCO49428, and has been established since July 2019. The constitution contains an “asset lock” requiring that if the organisation ceased to exist, the ownership of the land would transfer to another charitable organisation with similar objectives
- 3.7.2. The organisation has an established and experienced board of 6 trustees and over 20 members. There is at present a dedicated Project Co-ordinator taking forward the day-to-day management of projects.
- 3.7.3. The objectives of the organisation are:-
  - ◆ To advance provision of recreational facilities and activities through establishing a social hub and delivering a range of recreational activities that will allow the local community to meet and pursue a host of hobbies, pastimes and interests
  - ◆ To advance health through providing a range of mental health support services in order to help people maintain and/or improve their mental health and wellbeing
- 3.7.4. The organisation operates from premises secured from the local church and has experience in securing funding and sponsorship from national funders and local businesses.

### 3.8. Project

- 3.8.1. The proposal is for a 15-year lease and the creation of a community garden and food growing project.
- 3.8.2. The Hillhouse, Udston and Burnbank Our Place Our Plan, identifies improvement of open spaces as a key action. This project is intended to increase the community benefit delivered from the open space and SOC undertook local consultation on the proposals during August 2021.
- 3.8.3. The community garden is intended to provide opportunities for community engagement, reduced isolation, development of new skills and improvements to health and wellbeing.

- 3.8.4. SOC is exploring funding options for the initial set up of the garden. It already has the tools and equipment needed for the day-to-day maintenance. The revenue costs for the maintenance of the area are expected to be low, relying substantially on the work of members and volunteers, and will be absorbed into the organisations overall business plan.

#### **4. Assessment**

- 4.1. SOC is an organisation that has not been in existence for long, however, it has an established and experienced Board, stable membership and continues to develop its capacity.
- 4.2. The scale of the project is such that risks are considered to be minimal and the proposal is likely to be viable and sustainable. However, planning consent will be required for change of use, a ground survey is required to ensure that the land is suitable for the proposed use and the exact sources of funding are still to be identified.
- 4.3. The community benefits derived from the proposal relate to health and wellbeing, education, environmental and recreation.
- 4.4. Within its asset transfer request, SOC requested transfer at £1. The Community Asset Transfer Working Group assessed the potential community benefits and recommends that a discount of 75% be applied to the market value to reflect the benefits to the community. As this is a request for a lease and the rental value is nominal the requested rent of £1 p.a. is recommended.

#### **5. Proposal**

- 5.1. It is proposed to grant a lease of approximately 3113 square metres of open space at 31-33 Comely Bank, Hamilton, as shown on the attached plan, to Supporting Our Community, on the following principal terms and conditions:-

- ◆ The lease will be for 15 years
- ◆ The rental is £1 per annum if asked
- ◆ The use will be for a community garden
- ◆ The tenants would be responsible for all grounds maintenance including and grass cutting, litter removal etc and maintaining the area in a good condition
- ◆ The tenants would be responsible for all necessary insurances required in connection with their occupation and use of the site including public liability insurance
- ◆ Full details of any proposed structures, fences and layouts to be provided to the Council for landlord's consent
- ◆ Date of Entry to be agreed
- ◆ At the expiry of the agreement howsoever determined the subjects will be reinstated to the current condition this would be at the option of the Council to determine if required
- ◆ Each party to bear their own Legal Fees

- 5.2. The offer of lease will be conditional upon:-

- ◆ The tenant securing Planning consent for change of use
- ◆ The tenant being satisfied with the ground conditions and that the land is suitable for a growing project
- ◆ Suitable funding being secured for the initial set up of the community garden.
- ◆ A long stop date of 18 months for the lease to be entered into, failing which the Council can withdraw from the transaction

## **6. Employee Implications**

- 6.1. There are no employee implications for South Lanarkshire Council.

## **7. Financial Implications**

- 7.1. The proposed asset transfer removes the future liability for the maintenance of the open space.

## **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. In terms of the Community Empowerment (Scotland) Act 2015 the Council has until 22 January 2022 to provide a notice of its decision whether to agree to or refuse the asset transfer request.
- 9.2. The organisation has a right to appeal to Scottish Ministers should a decision not be made in that timescale or the asset transfer request be refused.

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

- 10.1. Consultation has taken place with the Community, Land Services, Planning, Legal, and Finance Services as well as having been published for public consultation.
- 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.

**Daniel Lowe**

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

11 November 2021

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

- ◆ Accountable, effective, efficient and transparent
- ◆ Work with communities and partners to promote high quality, thriving and 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:-

Frank McCafferty, Head of Property Services

Ext: 4073 (Tel: 01698 454073)

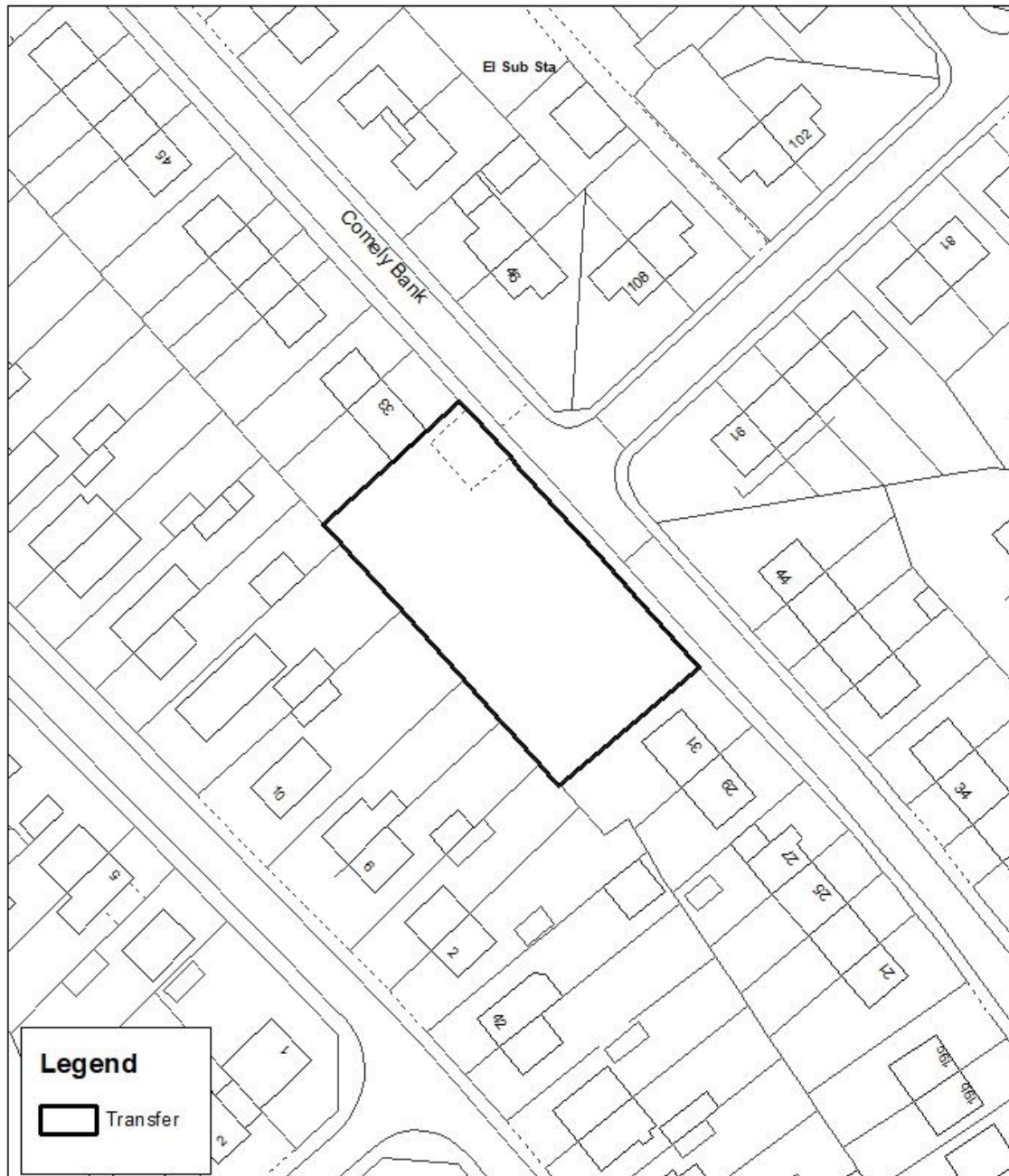
E-mail: [frank.mccafferty@southlanarkshire.gov.uk](mailto:frank.mccafferty@southlanarkshire.gov.uk)

## LOCATION PLAN - For Committee Purposes Only

Comely Bank  
Hamilton



### HOUSING AND TECHNICAL



Ordnance Survey



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Ordnance Survey 100020730.

Area outlined in Black 1331 sqm or thereby

DATE: 28/10/2021