

Finance and Resources Committee

10.00am, Thursday, 5 March 2020

Former Coach House, Spylaw Park, Colinton – Community Asset Transfer

Executive/routine	Routine
Wards	8 Colinton/Fairmilehead
Council Commitments	31,39,43,46

1. Recommendations

- 1.1 That Committee approves the disposal of the Former Coach House located at Spylaw Park, Colinton to Colinton Village Enterprise on the terms as specified in the Community Asset Transfer request report and on such other terms and conditions to be agreed by the Executive Director of Resources.

Stephen S. Moir

Executive Director of Resources

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Report

Former Coach House, Spylaw Park, Colinton – Community Asset Transfer

2. Executive Summary

- 2.1 This report seeks authority to dispose of the Former Coach House located at Spylaw Park, Colinton to Colinton Village Enterprise on the terms outlined in the report. The proposed sale is a Community Asset Transfer under Part Five of the Community Empowerment (Scotland) Act 2015.

3. Background

- 3.1 The building (shown coloured blue on the attached location plan) was first used as a coach house for Spylaw House (now converted into flats), then as a station shed and toilet. It is now in occasional use for storage and during events such as the long running 'Art in the Park', organised by Colinton Village Events Group.
- 3.2 Colinton Village Enterprise (CVE) applied for a Community Asset Transfer (CAT) of the Former Coach House in order to establish a new Community Heritage Hub on the banks of the Water of Leith Walkway. On completion of the transfer, it would allow CVE to renovate and refurbish the building to create a community meeting place which inspires practical participation, creative projects and social exchange, between all age groups in Colinton and visitors to the area.
- 3.3 Spylaw Park is an asset of the Common Good. The former coach house is not designated as common good as the building was never in public use. The surrounding land is currently designated as inalienable common good, which precludes sale or long-term leasing of the land without Court approval. This has been discussed with the applicants and it is proposed that in conjunction with the sale of the former coach house, the surrounding land outlined in red on the location plan will be let to CVE on a short-term basis, which is permissible without having to seek Court approval.

4. Main report

- 4.1 Colinton Village Enterprise SCIO has been formed by amalgamating two of Colinton's community organisations – Colinton Village Events Group and Colinton Village Ventures - into a Scottish Incorporated Charitable Organisation, with the

common purpose to advance the development of the Colinton community's rich heritage by promoting social, artistic, recreational and commercial interaction.

- 4.2 CVE submitted a Community Asset Transfer request under Part Five of the Community Empowerment (Scotland) Act 2015 to purchase the property. In accordance with Council policy on Community Asset Transfers, a panel was convened to consider CVE's expression of interest. The panel's recommendation was for CVE to develop their stage 2 (Sustainable Business Case) submission, which involves submitting a business case, valuation, refurbishment plans, and evidencing need through community consultation.
- 4.3 The stage 2 application was received, and the proposal was assessed by the Operational Estates Team using the Community Asset Transfer policy scoring matrix. The result was a strong to a very strong submission. The panel reconvened to consider the submission and it was decided via a unanimous vote to approve the application.
- 4.4 The terms provisionally agreed for the disposal of the property are as follows:
- | | |
|------------|--|
| Purchaser: | Colinton Village Enterprise SCIO; |
| Price | £40,000; |
| Fees | The purchaser is to meet the Council's reasonable legal fees and property administration fees. |

5. Next Steps

- 5.1 Should Committee approve the transfer request, a decision notice will be issued in accordance with the terms of the Community Empowerment (Scotland) Act 2015, setting out the terms noted above and inviting CVE to offer to purchase the property on the agreed terms. The applicant is then afforded a minimum statutory period of at least six months in which to make their offer.
- 5.2 Should Committee be minded to reject the asset transfer request, the applicant has a statutory right to have the decision reviewed by the Council and, should the review be unsuccessful, a subsequent right of appeal to Scottish Ministers.

6. Financial impact

- 6.1 A capital receipt of £40,000 would be received and the Council would be relieved of future maintenance costs. The receipt would be received in financial year 2020/2021.
- 6.2 The applicant obtained an opinion on market value of the property in the amount of £55,000. The market value figure has been verified by one of the Council's registered valuers. Given the proposed scheme's alignment to Council commitments, it is considered that a sale price of £40,000 is justified in this instance. The proposal supports the following commitments:

- 31 Expand training opportunities for adults and young people linking with colleges and expanding vocational education.
- 39. Put exercise at the heart of our health strategy by increasing access to sport and leisure facilities;
- 43. Continue to upgrade our existing parks and plant an additional 1,000 trees in communities. Protect major recreational areas such as the Meadows, Leith Links and Princes Street Gardens;
- 46. Continue to support the city's major festivals which generate jobs and boost local businesses and increase the funding for local festivals and events. Support the creation of further work spaces for artists and craftspeople.

6.3 An asset transfer at less than market value is justified when additional benefits empower communities and align with local and national priorities to enable the delivery of Best Value across the public sector as a whole the benefits should also contribute to the authority's policy objectives and local priorities. The CVE Business Case evidences the range of Council Commitments that will be met, noted above.

6.4 The proposed sale price has also been considered in relation to The Disposal of Land by Local Authorities (Scotland) Regulations 2010, which provides that where the disposal (or lease) is for a consideration less than the best that can reasonably be obtained, a Local Authority can dispose of the asset, provided it follows certain steps:

- It appraises and compares the costs and dis-benefits of the proposal with the benefits;
- It satisfies itself the proposed consideration for the disposal in question is reasonable; and
- It determines that the disposal is likely to contribute to the promotion or improvement of any one of: economic development or regeneration, health, social well-being, or environmental well-being, of the whole or any part of the area of the local authority or any person in the local authority area.

6.5 The proposals align with Council commitments and contributes to these criteria therefore the proposed sale price is considered justifiable.

7. Stakeholder/Community Impact

7.1 Consultation was undertaken through the CAT advisory panel. The panel consisted of various stakeholders, councillors and community groups which ensured broad analysis and guidance and eventual approval of the application. Participants in the panel included Ward members, representatives of CVE, Parks and Greenspaces, South West Locality, Edinburgh & Lothians Greenspace Trust and Council estates team officers.

7.2 As part of the CAT Stage 2 Business Case Submission, CVE have consulted widely in the community with regards to the future use of the former coach house. Detail on the consultations undertaken can be found in the CVE Business Case which is available for reading using the link at 8.1 below.

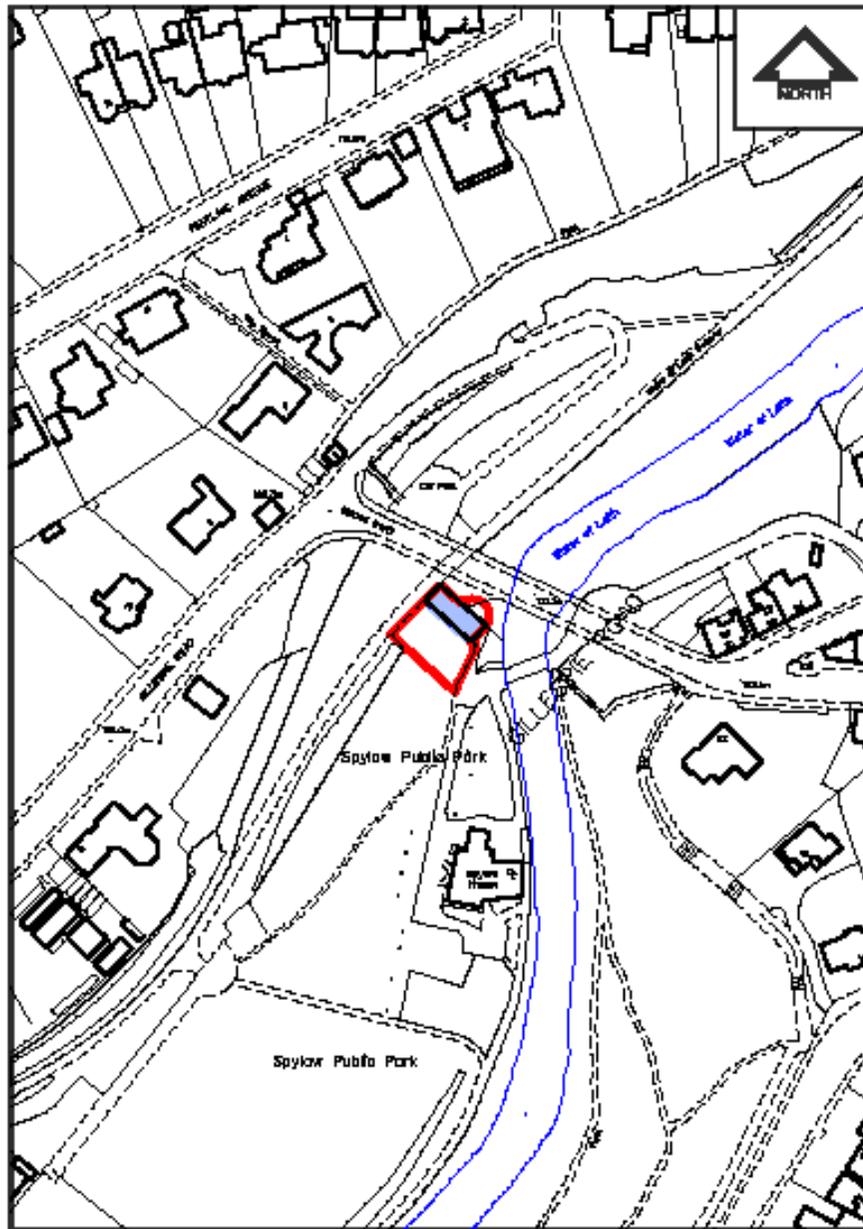
- 7.3 The impact on sustainability has been considered. There is no negative impact on the environment as the result of the proposed sale.

8. Background reading/external references

- 8.1 [CAT Stage 2 Submission](#)
8.2 [Community Asset Transfer Policy](#)

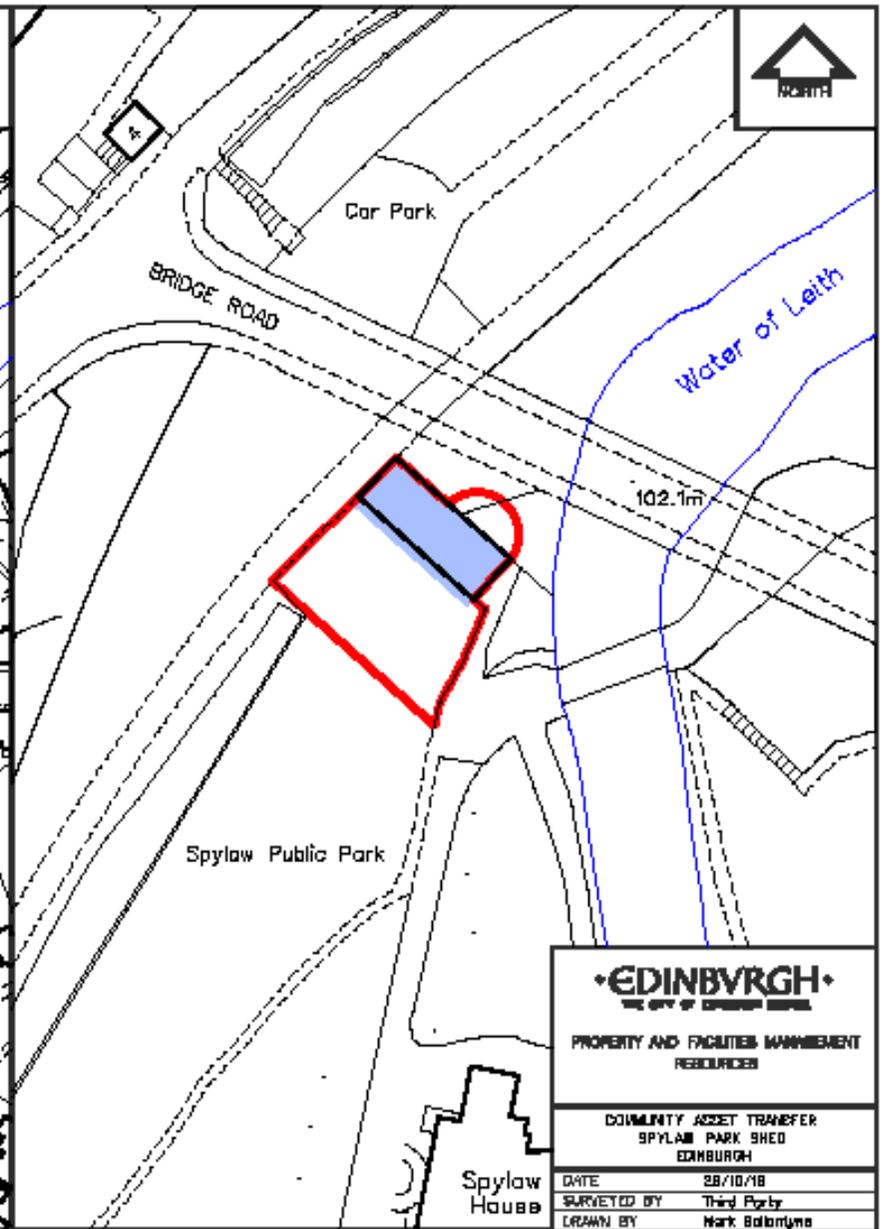
9. Appendices

- 9.1 Appendix 1 - Location Plan



LOCATION PLAN

SCALE 1:1250



SITE PLAN

SCALE 1:500

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PROPERTY AND FACILITIES MANAGEMENT RESOURCES	
COMMUNITY ASSET TRANSFER SPYLAW PARK SHED EDINBURGH	
DATE	28/10/18
SURVEYED BY	Third Party
DRAWN BY	Mark Bolandys
SCALE	1000 @ AS SIZE
NEG. NO.	AS/2100

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