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# NORTH AYRSHIRE COUNCIL

7 June 2022

## Cabinet

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**Title:** Community Asset Transfer

**Purpose:** To seek approval for the transfer of ownership of Thornhouse Avenue Tennis Courts, Irvine to Irvine Tennis Club.

**Recommendation:** That Cabinet:

- a) Agrees to the asset transfer of Thornhouse Avenue Tennis Courts, Irvine from North Ayrshire Council to Scottish Incorporated Charitable Organisation (SCIO), "Irvine Tennis Club;"
- b) Approves the recommended terms of transfer on this occasion at 1% of the property valuation of £113,000 (totalling £1130); and
- c) Authorises officers to conclude the associated legal and community asset transfer processes for Thornhouse Avenue Tennis Courts.

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## 1. Executive Summary

- 1.1 The report proposes the community asset transfer of Thornhouse Avenue Tennis Courts, Irvine from North Ayrshire Council to the Scottish Incorporated Charitable Organisation (SCIO) "Irvine Tennis Club."
- 1.2 The transfer of the tennis courts will provide a sustainable base for local community activity focusing on tennis and physical activity. The proposed uses include a range of events and activities which contribute to the Club's key objectives.
- 1.3 This report recommends that Cabinet agrees to the transfer of Thornhouse Avenue Tennis Courts, Irvine with an associated 1% of the property valuation of £113,000 (totalling £1130) applied. This reflects the condition of the facility, the Club's investment to date and the potential social return on investment. The report also recommends that officers should be authorised to conclude the process under these terms.

## 2. Background

- 2.1 Under the terms of the Community Empowerment (Scotland) Act 2015, community asset transfer provides an opportunity for people to be involved in developing and providing opportunities or services for their local communities. It may also allow

groups to develop commercial ventures, which will support community benefit. Asset transfer may also mean that public assets get used more frequently and more effectively. Furthermore, community-led ownership may allow additional opportunities for groups to secure extra funding or resources.

- 2.2 The tennis courts were created in the 1940's and they have been part of the local community for approximately 70 years. In recent years, the courts have fallen into a very poor condition. The temporary structure that was previously on site was removed several years ago leaving the courts without a changing facility. As a result, the courts have lain unused for the past few years. There are currently 3 full size courts and 1 singles court on the site with a further vacant space on which the small building used to be located.
- 2.3 Irvine Tennis Club has been successfully operating Thornhouse Avenue Tennis Courts for the past 4 months under a lease arrangement with North Ayrshire Council. In that time, the Club members have delivered a range of remedial works at the courts and have brought them back into a playable condition. The Club has already attracted around 160 adults and 130 children to the tennis courts, all participating in the initial tennis sessions put on during summer 2021. There is potential to double that figure. There are now regular weekly sessions in place which are regularly over-subscribed. To date, 170 local people have indicated their intent to become members of Irvine Tennis Club. The community asset transfer will provide the required legal status for the Club to attract external funding which will be invested to develop the courts, deliver a range of opportunities to the local community as well as further enhance the facility.
- 2.4 Sport is a major contributing factor in bringing communities together. A sports club is a focal point where children can attend clubs, parents can interact, local people can meet with each other. People feel safer, valued and part of the community where there are clubs, activities, and facilities. The ownership of the asset will support Irvine Tennis Club to contribute towards this community cohesion.
- 2.5 There is currently no tennis provision in Irvine and those who wish to play need to travel significant distances from their local community, incurring additional costs. Irvine Tennis Club has identified local demand for the facility and the alternative uses for the site are limited. The provision of a fit-for-purpose tennis facility in Irvine will ensure that inclusive activities can be provided for residents and visitors alike, increasing physical activity, reducing social isolation and improving quality of life and well-being.
- 2.6 Irvine Tennis Club is committed to providing an inclusive and accessible environment for local people of all ages and economic backgrounds to participate in and enjoy sport. They are keen to see more people participating in tennis to keep active, to socialise and, potentially, to compete. The Club are committed to preventing low income and poverty being a barrier to sport and are passionate about physical activity and sport being accessible to all. To assist with this, one of the courts will be retained for free, public access with the other three accessible by members and used for events and competitions.
- 2.7 Bringing the courts back into use and increasing the range of events and activities within an improved facility will encourage a wider range of people to get involved. Participants will benefit from being more physically active and engaged in sport. This will support several strategic and policy areas relating to physical activity, diet and healthy weight as well as positive mental health and wellbeing. Opportunities for local

volunteering will increase, stimulating involvement in shaping and regenerating community life, building self-esteem and confidence.

- 2.8 Although formed relatively recently, the Club have already developed strong links with Tennis Scotland and sportscotland. They have close relationships with Tennis Ayrshire and the local tennis clubs (see appendix 1). Key members of other local clubs have assisted and supported the new club, sharing experiences, offering advice and building capacity. Irvine Tennis Club has also been working with Active Schools to ensure the links between the Club and the local schools, including pupils at Lockhart Campus. These relationships will continue to build and strengthen the impact of the Club's activities. The Club has agreed to assist in the delivery of summer holiday activities, specifically targeted at those most vulnerable in local communities, in order to assist with the recovery from the impact of lockdown on children and young people, as well as helping in reducing the impact of child poverty. In addition, they are keen to support the North Ayrshire Fairer Food Network.
- 2.8 The Club has been supported by the NAC Funding Officer and has been successful in securing awards to do the initial, essential works to the courts. The three key areas for further development are the provision of floodlights, reconfiguring the space to meet national requirements needed to host competitions and the replacement of a clubhouse for changing, racquet hire etc. The community asset transfer will be the first step in progressing towards these aspirations. The Club has a strong business plan highlighting these key areas for investment in order to continue the improvements on site, as well as deliver an increased range of activities across age groups and socio-economic groups.
- 2.9 During the summer of 2021, the Club undertook the work necessary to bring the courts up to playing condition. This provided an opportunity to engage with the local community, who could see the visual evidence of improvement as it happened. An online survey was carried out with results showing overwhelming support for the Club's aspirations to acquire the courts. In addition, several offers of support came in from the local community keen to volunteer and to be actively involved in the operation of the facility. There were 81 respondents (39 male and 42 female), with 67 from Irvine, 8 from immediate surrounding areas and the remaining 6 from other neighbouring towns in Ayrshire. 100% agreed with the suggestion of establishing a tennis club in Irvine with only 1 out of the 81 disagreeing that the club should own the courts.
- 2.10 The Community Empowerment Act provides that while relevant authorities have a duty to secure Best Value in their operations, including when disposing of or letting property, it has long been recognised that best value does not always mean the highest possible price. All authorities have the ability to dispose of property at less than market value where there are wider public benefits to be gained. This is set out in the Disposal of Land by Local Authorities (Scotland) Regulations 2010, and in the Scottish Public Finance Manual for other relevant authorities. The financial and non-financial impacts, both positive and negative, of the different options must be balanced. The price proposed reflects the courts' previous condition, the investment the club has made to date, and full community ownership will facilitate the implementation of comprehensive business plan proposals for envisaged development. The site's development potential is limited as it's allocated open space

within the LDP2. All Community Asset Transfer agreements are safeguarded with 'claw-back' provisions.

### **3. Proposals**

3.1 It is proposed that Cabinet:

- a) Agrees to the asset transfer of Thornhouse Avenue Tennis Courts from North Ayrshire Council to Scottish Incorporated Charitable Organisation (SCIO), "Irvine Tennis Club;"
- b) Approves the recommended terms of transfer on this occasion at 1% of the property valuation of £113,000 (totalling £1130); and
- c) Authorises officers to conclude the associated legal and community asset transfer processes for Thornhouse Avenue Tennis Courts, Irvine.

### **4. Implications/Socio-economic Duty**

#### **Financial**

4.1 Through the transfer of the assets, the Council will achieve an overall capital receipt of £1130. The Community Empowerment (Scotland) Act 2015 guidance clarifies the difference between 'market value' and 'social value' and the importance of recognising the social value when agreeing the sale price. The Club has already attracted funding from external sources to assist with the reinstatement of the courts. Further external funding is expected to follow as community ownership is formalised, bringing the asset back into full community use.

#### **Human Resources**

4.2 None.

#### **Legal**

4.3 The Local Government (Scotland) Act 1973 places a statutory obligation on the Council to obtain the best price or the best rent when it disposes of any asset by sale or lease. These regulations permit a disposal at less than the best price achievable where either (a) the property is valued at less than £10,000, or (b) the Council has compared the financial cost of transfer against the community benefits and determined that the transfer is reasonable and promotes either economic development or regeneration, health, social well-being or environmental well-being.

#### **Equality/Socio-economic**

4.4 There will be considerable socio-economic benefits from the transfer and the sum proposed reflects the community benefits. These include a variety of positive impacts for the communities of Irvine as described in the report.

#### **Environmental and Sustainability**

4.5 The transfer seeks to provide sustainable community facilities through securing the open space in Thornhouse Avenue for recreational purposes. In addition, the

replacement clubhouse will be as environmentally friendly as possible with thoughtful consideration given to its construction and operations.

### **Key Priorities**

4.6 The proposals contained within the report support the following North Ayrshire Council Plan priorities:

- Active and strong communities
- Inclusive, growing and enterprising local economy
- People enjoy good life-long health and wellbeing.

### **Community Wealth Building**

4.7 This proposal supports the following pillars of community wealth building:

- Advancing community enterprises;
- Advancing local ownership of underused land and buildings; and
- Supporting local business activities and increasing the variety of ownership models.

## **5. Consultation**

5.1 The consultation required in terms of the Community Empowerment (Scotland) Act 2015 for a community asset transfer application has now concluded. The outcome is outlined in section 2.9.

5.2 Consultation has taken place with Economic Development, Streetscene, Finance, Estates, Property Maintenance and Investment, and Legal Services. All parties are supportive of the proposal for the listed assets.

Audrey Sutton  
**Executive Director (Communities and Education)**

For further information please contact **Rhona Arthur, Head of Connected Communities**, on **(01294) 324415**.

### **Background Papers**

Plan of Thornhouse Avenue Tennis Courts - Appendix 1

## Appendix 1 - Plan of Thornhouse Avenue Tennis Courts

Irvine Tennis Club was established in April 2021, re-opening the tennis courts at Thornhouse Avenue in Irvine and enabling local residents to have access to a local tennis facility again after a period of many years when the facility lay unused and unuseable. The Club has ambitious plans, for the Tennis Club and for the future of the site in Irvine.



*Thornhouse Avenue Tennis Courts in the early 1970s but dating back to at least 1948 post-World War 2 times.*

### 1.2 Irvine Tennis Courts

Tennis courts were established on the site at Thornhouse Avenue in a location close to Irvine Town Centre back in the post war 1940s and for 70 plus years these were well used by the community. The courts are currently owned by North Ayrshire Council. As detailed in the aerial photograph below the courts are located around 550 metres from Irvine High Street and close to a key arterial bus route which connects with the town centre, making them easily accessible by local residents.





## Appendix 1 - Plan of Thornhouse Avenue Tennis Courts

There are currently 3 full size courts and 1 singles court on the site, with a further vacant space on which a small building used to be located from which racquets could be hired and fee payments taken.

This building has long since been removed although a concrete slab foundation remains and is clearly visible on the photograph below. The courts are surrounded by a 6m high fence which is in good repair.

As the aerial picture shows below the site is surrounded by housing on 3 sides and faces on to Thornhouse Avenue at the front, from where it is accessed by car and by foot.



### Nearest alternative facilities

