
NORTH AYRSHIRE COUNCIL

29 October 2019

Cabinet

Title: Community Asset Transfer of Ground adjacent to Irvine Sports Club

Purpose: To agree in principle, and subject to conditions, the asset transfer of ground at Marress Road, Irvine to Irvine Sports Club to Irvine Sports Club

Recommendation: That Cabinet:

- a) Agrees in principle to the asset transfer of ground at Marress Road, Irvine currently occupied by Irvine Community Sports Club, from the Irvine Common Good to the Scottish Charitable Incorporated Organisation, "Irvine Community Sports Club;" subject to the Club transferring ground to the Council forming part of the adjacent access track;
 - b) Notes that officers will enter into negotiations with the Club to agree the terms of transfer, including price, and will issue a decision notice to the Club setting out the terms and conditions of transfer.
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1. Executive Summary

- 1.1 The report proposes the community asset transfer of ground currently occupied by Irvine Community Sports Club from Irvine Common Good to Irvine Community Sports Club.
- 1.2 Irvine Community Sports Club is constructed on ground previously sold to them by the Council. It was subsequently identified that an area of the adjacent access track had been inadvertently included in the subjects sold by the Council to the Club (Appendix 1, Area A). It was also identified that part of their building was constructed on a narrow strip of land still in the ownership of the Council (Appendix 1, Area B).
- 1.3 In order to rectify the title position, Irvine Sports Club made an asset transfer request under the Community Empowerment (Scotland) Act 2015. This report recommends that Cabinet agrees in principle to the Club's asset transfer request, subject to the Club transferring back to the Council the relevant part of the adjacent access track. This enables officers to enter into negotiations with the Club to agree the terms of transfer, including price, and to issue a decision notice to the Club setting out the terms and conditions of transfer.

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. Community-led ownership may also allow additional opportunities for groups to secure extra funding or resources.
- 2.2 Irvine Community Sports Club is a registered charity in Scotland and a registered company. It is run by members of the local community and has owned and operated sports and fitness facilities on its 26.8 acres site for 46 years.
- 2.3 Irvine Community Sports Club is constructed on ground previously sold to them by the Council (Appendix 1). It was subsequently identified that an area of the adjacent access track had been inadvertently included in the subjects sold by the Council to the Club (Appendix 1, Area A). It was also identified that part of their building was constructed on a narrow strip of land still in the ownership of the Council (Appendix 1, Area B). In order to rectify the title position, Irvine Sports Club made an asset transfer request under the Community Empowerment (Scotland) Act 2015.
- 2.4 In reaching its decision, Council must take consider whether agreeing to the request would be likely to promote or improve (i)economic development, (ii)regeneration, (iii)public health, (iv)social wellbeing, or (v)environmental wellbeing. It must also consider whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage, and any other benefits that might arise if the request were agreed to. No changes in use of the land are planned Transferring this asset will regularise the Club's use of the land and mean that the Club is able to continue its sports, health and fitness work without fear of any consequences for using land, which it does not own. It will also allow the club to secure existing and future grants or loans for the benefit of the Club and its community. It also provides an opportunity for the Council to re-acquire that part of the adjacent access track erroneously sold to the Club.
- 2.5 In terms of legislation and statutory guidance, once an in-principle decision has been made to grant a community asset transfer application, a decision notice is issued setting out the terms and condition on which the Council is prepared to transfer ownership. There is a period of 6 months allowed for the negotiation of the terms and conditions of transfer and conclusion of the contract of sale. As regards price, this would be determined in terms of the Disposal of Land by Local Authorities (Scotland) Regulations 2010. To justify a sale at less than market value, it is necessary to demonstrate that the community benefits of the sale outweigh the loss of value to Irvine Common Good. In this case, the valuation would also take into account the value of the transfer to the Council of the relevant section of access road. Applicants have a right of appeal to Scottish Ministers where the sale terms differ from their application. If this application is approved, officers will negotiate terms with the Club and issue a decision notice setting out the Council's proposed terms and conditions of transfer

- 2.6 In terms of legislation relating to asset transfer and common goods, community consultation is required prior to any transfer. This consultation has already been carried out. No objections or comments have been received, either in respect of the notification procedure carried out in terms of the Community Empowerment (Scotland) Act 2015 or in relation to disposal of common good land. North Ayrshire Council can therefore dispose of this common good land without seeking court authority.

3. Proposals

- 3.1 It is proposed that Cabinet:

- a) Agrees in principle to the asset transfer of ground at Marress Road, Irvine currently occupied by Irvine Community Sports Club, from the Irvine Common Good to the Scottish Charitable Incorporated Organisation, "Irvine Community Sports Club" subject to the Club transferring ground to the Council forming part of the adjacent access track;
- b) Notes that officers will enter into negotiations with the Club to agree the terms of transfer, including price, and will issue a decision notice to the Club setting out the terms and conditions of transfer.

4. Implications/Socio-economic Duty

Financial

- 4.1 Depending on the comparison of community benefits against the value of the ground to be transferred and acquired, there may be a price payable to Irvine Common Good.

Human Resources

- 4.2 None.

Legal

- 4.3 The transfer and acquisition would form part of a Deed of Excambion, enabling the title issues at this site to be sorted at the same time.

Equality/Socio-economic

- 4.4 There will be considerable socio-economic benefits from the transfer. These include positive impacts for health, fitness and community wellbeing.

Environmental and Sustainability

- 4.5 The transfer seeks to provide sustainable community facilities.

Key Priorities

4.6 The proposals contained within the report support the 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 application 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 with no objections received.

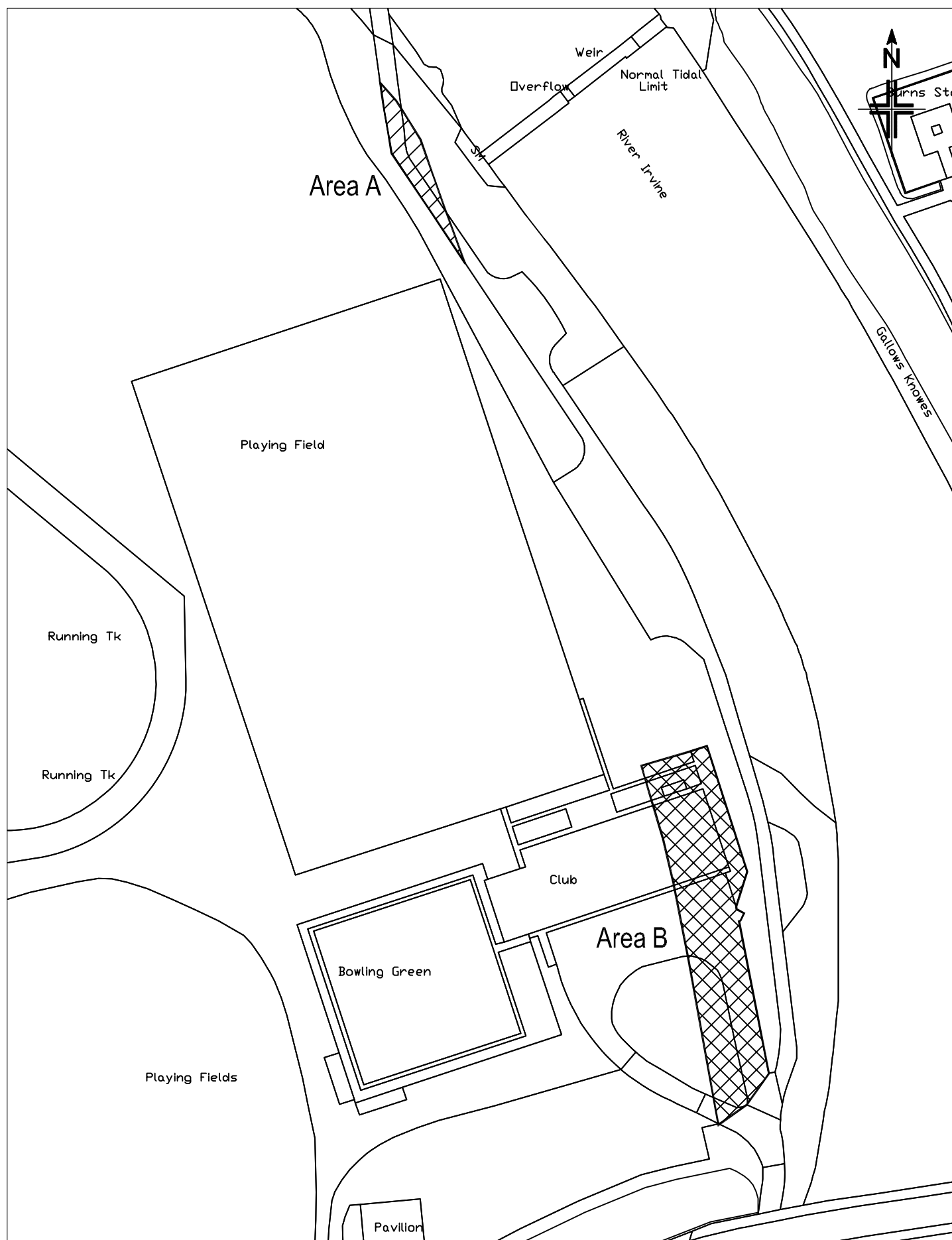
5.2 In addition to the Community Asset Transfer notices, local residents and the trustees of Irvine Common Good have been consulted, with responses confirming support for the regularising of the Club's use of the land.

Audrey Sutton
Interim Executive Director of Communities

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

Background Papers

Appendix 1: Irvine Sports Club Plan



Area A = 197m² or thereby



Area B = 1348m² or thereby

Scale: 1:1250



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath