

Minute of Meeting Community Asset Transfer Sub-committee

Date	Time	Venue
Wednesday, 30 August 2023	13:00	Microsoft Teams Meeting,

Present: Councillor Michelle Campbell, Councillor James MacLaren, Councillor Iain McMillan, Councillor John McNaughtan

Chair

Councillor Campbell, Convener, presided.

In Attendance

A Morrison, Head of Economy & Development Services, S Inrig, Programme Manager – Community Asset Transfer & Regeneration and E Shearer, Regeneration & Place Manager (all Chief Executive's Service); and N Young, Assistant Managing Solicitor (Litigation & Advice), J McLean, J Skinner, D Pole and L Sandell, all End User Technicians, E Gray, Senior Committee Services Officer and D Cunningham, Committee & Licensing Services Officer (all Finance & Resources).

Webcasting of Meeting

Prior to the commencement of the meeting the Convener intimated that this meeting of the Sub-committee would be filmed for live or subsequent broadcast via the Council's internet site.

Apology

Councillor Iain Nicolson.

Declarations of Interest and Transparency Statements

There were no declarations of interest or transparency statements intimated prior to the commencement of the meeting.

1 **Community Asset Transfer Request – Linwood War Memorial Vacant Site bordered by Old Candren Road-A761-Bridge Street, Linwood**

There was submitted a report by the Chief Executive relative to a Community Asset Transfer request submitted in respect of the transfer of the vacant site bordered by Old Candren Road-A761-Bridge Street, Linwood PA3 3AP to Linwood War Memorial Association under Part 5 of the Community Empowerment (Scotland) Act 2015. The application was set out in full as an appendix to the report.

The report provided an overview to Community Asset Transfer (CAT) legislation, the site, the applicant and the Council's process for determining applications.

The CAT request was validated on 24 July 2023 and sought lease of the site for a minimum period of 99 years. The purpose of the application was to allow for a war memorial in remembrance of those from Linwood who gave their lives in conflict to be erected on the site. The group had offered to pay £1 per annum. Details on the expected community benefits and sustainability plan were provided in the report.

Following submission of the application, interested parties were entitled to provide written representations. One formal representation was received which was in support of the application from the Secretary of Linwood Community Council.

The application was initially considered by the Council's CAT Officer Panel on 22 August 2023 where it was agreed to recommend that this Sub-committee approve the request subject to the conditions set out in section 7.1 of the report.

Councillor Campbell moved that:

(a) That the transfer of the vacant site bordered by Old Candren Road-A761-Bridge Street, Linwood PA3 3AP to Linwood War Memorial Association for the discounted rent of £1 per annum subject to the conditions set out in section 7.1 of the report be agreed; and

(b) That the Head of Economy & Development and the Head of Corporate Governance be authorised to conclude the lease at the rate above, and on such terms as required to protect the Council's interest.

This was agreed unanimously.

DECIDED:

(a) That the transfer of the vacant site bordered by Old Candren Road-A761-Bridge Street, Linwood PA3 3AP to Linwood War Memorial Association for the discounted rent of £1 per annum subject to the conditions set out in section 7.1 of the report be agreed; and

(b) That the Head of Economy & Development and the Head of Corporate Governance be authorised to conclude the lease at the rate above, and on such terms as required to protect the Council's interest.

2 **Community Asset Transfer Request – Linwood Community Garden, Brediland Road, Linwood**

There was submitted a report by the Chief Executive relative to a Community Asset Transfer request submitted in respect of the transfer of the existing Linwood Community Garden, Brediland Road, Linwood PA3 3RB to Linwood Community Gardens Ltd under Part 5 of the Community Empowerment (Scotland) Act 2015. The application was set out in full as an appendix to the report.

The report provided an overview to Community Asset Transfer (CAT) legislation, the site, the applicant and the Council's process for determining applications.

The CAT request was validated on 24 July 2023 and sought to transfer ownership of the site. The purpose of the application was to allow the site to be restored to its previous condition with access made available to the wider community with a view to encouraging local food growing and therapeutic gardening. The group had offered to purchase the site for £1. Details on the expected community benefits were provided in the report.

The report intimated that the site sat within a parcel of land which had been leased to OneRen for the Linwood Community Sports Centre. The site was fenced and operated as a community garden from 1996 until it was abandoned in 2012. It had since become overgrown and unused.

Following submission of the application, interested parties were entitled to provide written representations. One formal representation was received which was in support of the application from the Secretary of Linwood Community Council.

The application was initially considered by the Council's CAT Officer Panel on 22 August 2023 where it was agreed to recommend that this Sub-committee approve the request subject to the conditions set out in section 7.1 of the report.

The Assistant Managing Solicitor (Litigation & Advice), recommended that 'not to be unduly withheld' be removed from the second proposed condition, which would then read: 'Approval to sell the land subject to agreement of the One Ren Board to renunciate the lease'.

Councillor Campbell moved that:

(a) That the transfer of Linwood Community Garden, Brediland Road, Linwood PA3 3RB to Linwood Community Gardens Ltd. for the discounted purchase price of £1 subject to the following conditions be approved: (i) Detailed rights and responsibilities in relation to access to the site and associated share of maintenance costs as appropriate; and (ii) Approval to sell the land subject to agreement of the OneRen Board to renunciate the lease;

(b) That the renunciation of the existing lease from OneRen be approved; and

(c) That the Head of Economy & Development and the Head of Corporate Governance be authorised to conclude the sale at the above purchase price, and on such terms as required to protect the Council's interest.

This was agreed unanimously.

DECIDED:

(a) That the transfer of Linwood Community Garden, Brediland Road, Linwood PA3 3RB to Linwood Community Gardens Ltd. for the discounted purchase price of £1 subject to the following conditions be approved: (i) Detailed rights and responsibilities in relation to access to the site and associated share of maintenance costs as appropriate; and (ii) Approval to sell the land subject to agreement of the OneRen Board to renunciate the lease;

(b) That the renunciation of the existing lease from OneRen be approved; and

(c) That the Head of Economy & Development and the Head of Corporate Governance be authorised to conclude the sale at the above purchase price, and on such terms as required to protect the Council's interest.

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