ABSTRACT: This Report advises members of a change required by the Lottery Fund to the land issues in connection with the development of both Carnoustie and Monifieth Community Centres.

1. RECOMMENDATION

1.1 It is recommended that the Committee:-

(i) note the requirement by the Lottery Fund that the land on which the Community Centres will be built requires to be owned outright by the applicant seeking the lottery funding;

(ii) agree to sell the Kinloch, Carnoustie site at a price of £160,000, subject to:-

(a) a long-stop date for settlement of the acquisition of 30 June 2013;

(b) receipt of confirmation that the relevant Lottery funding application will be granted to the Carnoustie Centre Action Group;

(c) the inclusion of a burden entitling the Council to claw back the value of the land in certain events; and

(d) the conclusion of binding missives on terms to be agreed by the Head of Law & administration;

(iii) agree in principle to the sale of the car park site in Union Street, Monifieth at an agreed valuation subject to:-

(a) a long-stop date for settlement of the acquisition of 31 March 2013;

(b) receipt of confirmation that the relevant Lottery funding application will be granted to the Monifieth Community Centre Steering Group;

(c) the inclusion of a burden entitling the Council to claw back the value of the land contribution in certain events; and

(d) the conclusion of binding missives on terms to be agreed by the Head of Law & administration;

and

(iv) to authorise the Head of Law & Administration to enter into appropriate agreements with both organisations to ensure that the funding is utilised for the agreed purposes in accordance with Following the Public Pound Guidance.
2. BACKGROUND - Carnoustie

2.1 Members are referred to Report No 881/10 which was considered on 7 December 2010 by the Corporate Services Committee. That report advised members that an overall contribution of £300,000 was to be made available to the Carnoustie Centre Action Group similar to the Monifieth Community Centre Steering Group contribution. The report indicated that the imputed land value of £160,000 would be deducted leaving a cash contribution of £140,000 to be met from balances within the Local Capital Fund. The proposal was that a 50 year lease be entered into of the subjects within the Kinloch site.

3. CURRENT POSITION

3.1 It has now transpired that Lottery Funding requires that the Carnoustie Centre Action Group have title to the land as owners rather than as tenants and accordingly Committee approval is sought to agree to the sale of the site at the imputed land value of £160,000 i.e. the project being confirmed as fully deliverable in terms of full planning consents and a full funding package for both the construction and running costs.

3.2 Given that Report No 881/10 granted a 30 month feasibility development period with a longstop date of 30 June 2013, any agreement with the Carnoustie Centre Action Group to sell the land would require to be conditional on obtaining appropriate Lottery Funding and the offer would incorporate the longstop date of 30 June 2013.

3.3 The change from a lease to a sale fundamentally alters the ongoing ability of the Council to influence the use of the buildings/site and once the property has been sold, the Council will lose all control over the future use of the buildings/site. It is therefore proposed that the offer and the title deeds will contain an economic development burden securing the right of the Council to claw back the value of the land contribution if the agreed use ceases. The sale will also be subject to the usual terms and conditions approved by the Head of Law & Administration.

4. BACKGROUND – Monifieth

4.1 Members are referred to Report No 640/10 which agreed at recommendation (vii) that Angus Council would grant a 50 year lease at a peppercorn rental of a site to be agreed to Monifieth Community Centre Steering Group subject to a number of conditions.

4.2 Thereafter in Report 195/11, members noted the three year lease of the portacabin at Invertay House agreed by the Head of Property under delegated powers to the Monifieth Community Centre Steering Group. This temporary accommodation was let to enable the Steering Group to work up its plans for more permanent accommodation.

4.3 It is acknowledged that the same ownership requirement with regard to Lottery Funding will apply to the Monifieth Community Centre and accordingly, the committee is asked to agree to the sale of the site, which is still to be formally agreed, on similar terms and conditions as the Carnoustie Community Centre and subject to any additional terms determined taking account of the location of the site, for example rights of access, by the Head of Law and Administration. It should however be noted that in order to take title to the property, the Monifieth Community Centre Steering Group will require to incorporate themselves into a corporate body.

5. ADDITIONAL ISSUES

5.1 In terms of Following the Public Pound Guidance, it will be necessary to enter into an agreement with the organisations to ensure that they continue to provide the community with the agreed services/facilities in all time coming with failure to provide the agreed services/facilities resulting in repayment of the cash contributions. This will link into the proposed economic development burden in the title facilitating recovery of the land value and thus ensure that all of the Council’s contribution to the community centres will, in theory, be recoverable.
6. **FINANCIAL IMPLICATIONS**

6.1 The proposals outlined in Report Nos 881/10 (Carnoustie) and 640/10 (Monifieth) are not altered by the proposal to gift the land rather than lease it. The total contribution to both organisations will be limited to £300,000 as previously agreed with the land valuation being deducted from that maximum figure.

7. **HUMAN RIGHTS IMPLICATIONS**

There are no Human Rights implications arising from this report.

8. **EQUALITIES IMPLICATIONS**

The issues contained in the report fall within an approved category that has been confirmed as exempt from an equalities perspective.

9. **SINGLE OUTCOME AGREEMENT**

This report contributes to the following local outcomes within the Single Outcome Agreement for Angus:-

- Communities in Angus are safe, secure and vibrant.
- People in Angus can access amenities and services through a variety of affordable and sustainable means.
- Citizens are involved in community life.
- A good quality of life is enjoyed by all in Angus.

10. **CONSULTATION**

10.1 The Chief Executive, the Director of Neighbourhood Services, the Head of Finance and the Head of Law and Administration have been consulted in the preparation of this report.

11. **CONCLUSION**

11.1 This report advises members of a change in the requirements of Lottery Funding relating to the projects to provide a Carnoustie and a Monifieth Community Centre. It is now a condition of funding that ownership of the sites be held by either the Carnoustie Centre Action Group or the Monifieth Community Centre Steering Group rather than a lease as previously proposed.

**COLIN McMAHON**

DIRECTOR OF CORPORATE SERVICES

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No 626/08
- Report No 881/10

CS/L&A/SCH