

South Ayrshire Council

**Report by Director – Place
to Leadership Panel
of 17 September 2019**

**Subject: Proposed Lease of Former Mossblown Library,
Annbank Road, Mossblown**

1. Purpose

- 1.1 The purpose of this report is to obtain Leadership Panel approval to enter into a 24 month lease to Dunaskin Doon Band for the former Mossblown Library building in Mossblown to enable the organisation to build up its capacity to acquire the building by means of a Community Asset Transfer (CAT) either through a long term lease or disposal.

2. Recommendation

2.1 It is recommended that the Panel:

2.1.1 grants authority to the Director – Place to agree a 24 month lease in favour of Dunaskin Doon Band for the former Mossblown Library building in Mossblown (area outlined in [Appendix 1](#)); and

2.1.2 requests the Head of Regulatory Services to conclude the transaction on the basis of full repairing and insuring lease terms.

3. Background

3.1 Dunaskin Doon Band currently uses a variety of locations in Ayr for rehearsals and other meetings. The band would like to acquire a suitable property for use as a base that would allow it to offer tuition to local schools and potential members. Having a base would also mean members would not have to regularly move instruments and music from place to place.

3.2 The band has identified the former Mossblown Library, which has been vacant since the library closed and was declared surplus to requirements by the Leadership Panel Report of September 2017, as being suitable for its requirements. The building was initially advertised for sale but was taken off the market after the band expressed interest in acquiring the building by means of a Community Asset Transfer.

3.3 To mitigate risk to the Council and to the community body a gradual transfer of an asset through an initial lease arrangement, in some cases, should be considered a sensible route towards outright ownership.

- 3.4 A short term lease can be utilised as a progressive means of transferring assets to a community, affording the Council control over the asset whilst giving the community the opportunity to initiate and pilot their idea, gain confidence in their abilities and develop an informed and sustainable long-term business case, where outright ownership is their end goal.
- 3.5 The type of asset transfer should be dependent on individual circumstances of the community body and their proposals. In the case of Dunaskin Doon Band a phased approach to transfer is considered to be appropriate to allow this community body to start out with a short term Full Repairing and Insuring lease before moving to a longer term before moving from a lease to outright ownership.

4. Proposals

- 4.1 It is proposed that the Council grants Dunaskin Doon Band a new 24 month lease for the former library building on the basis of the provisionally agreed conditions outlined below while it works on its offer to acquire the building by means of a Community Asset Transfer.
- 4.1.1 The former Mossblown Library building would be leased to Dunaskin Doon Band for a period of 24 months.
- 4.1.2 The rental will be £200 per annum payable quarterly in advance.
- 4.1.3 The tenant will be responsible for ensuring that the premises are suitable for their intended use and accepts them in their present condition.
- 4.1.4 The tenant will be responsible for any costs associated with its occupation of the subjects including any non-domestic rates and utilities etc.
- 4.1.5 The tenant will be responsible for all repairs (Full Repairing and Insuring terms) and will ensure that the building and its surrounds is kept clean and tidy at all times to the reasonable satisfaction of South Ayrshire Council.
- 4.1.6 At the end of the lease the tenant may be obliged to remove any fittings and fixtures and if asked to do so return the building to the condition noted at the start of the lease.
- 4.1.7 The tenant will not be permitted to sub-let in whole or in part to a third party although assignation of the whole to a tenant who is demonstrably capable of fulfilling the terms of the lease will be permitted subject to first obtaining the approval of the Council in its role as landlord.
- 4.1.8 The building will be used as the operational base for the band which will include band practice, meetings associated with the band and storage of instruments and music and for no other purposes.
- 4.1.9 The tenant is obliged to obtain any consents, statutory or otherwise, that may be required in relation to its proposed use of the building.

- 4.1.10 The tenant will agree to indemnify the Council from any claims arising from its' use of the building.
- 4.1.11 The tenant will be liable for the cost of putting in place building insurance for this property. The insurance will be arranged for by the Council and recharged to the tenant.
- 4.1.12 The tenant will be liable for the cost of putting in place any public indemnity insurance that is required in relation to its' use of this building.
- 4.1.13 The tenant must obtain written consent from the landlord before making any alterations to the building.
- 4.1.14 The Council will require the tenant to pay its' reasonable legal and surveyor's fees and costs associated with this lease.
- 4.1.15 All other terms and conditions, including the start date of the new agreement, will be the subject of negotiation between the respective parties' solicitors.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements. Legal Services will be required to conclude the formal documentation.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 The former library building has a maintenance backlog of approximately £115,000 with empty rates in the region of £5,500 per annum. The proposed lease would pass on responsibility for the rates and utilities to the tenant along with responsibility for ongoing repairs and building insurance. The lease would also generate a modest rental income for the Council.

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

- 8.2.1 The risks associated with rejecting the recommendations are that the Council would remain liable for the costs associated with the former library building.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process, and there are no significant equality impacts of agreeing the recommendations. A copy of the Equalities Scoping Assessment is attached as [Appendix 2](#).

10. Sustainable Development Implications

10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to the Council strategic objectives of 'Make the most of the Local Economy' and 'work with local businesses and organisations to make the most of local assets and economic opportunities to support jobs, growth, investment and regeneration'.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Peter Henderson, Portfolio Holder for Resources and Performance, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

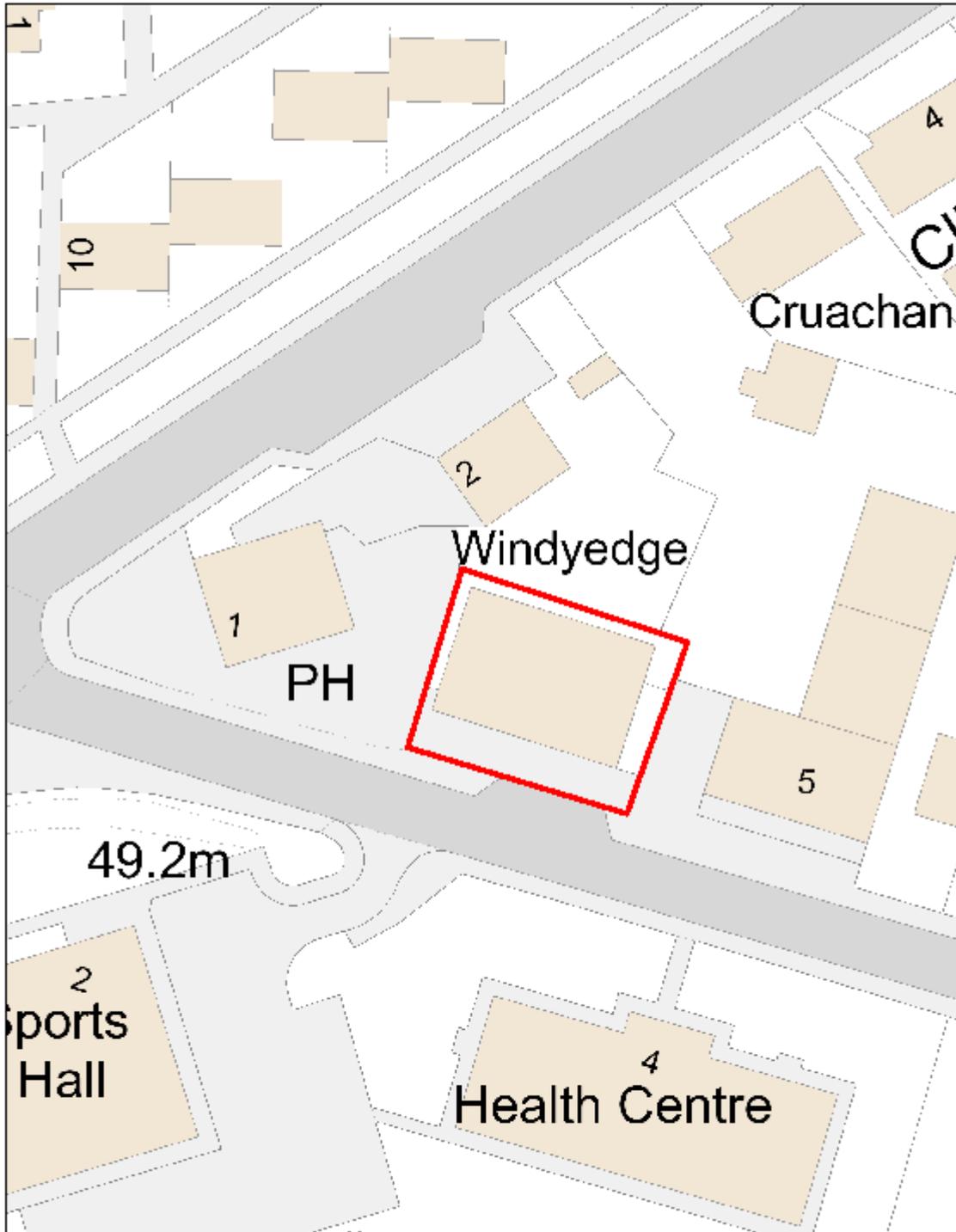
14.1 If the recommendations above are approved by Members, the Director – Place will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Conclude the lease	30 March 2020	Service Lead – Asset Management and Community Asset Transfer

Background Papers **None**

Person to Contact **Tom Burns, Service Lead, Asset Management and Community
Asset Transfer
Newton House, Green Street Lane, Ayr, KA8 8BH
Phone 01292 612 845
E-mail: tom.burns@south-ayrshire.gov.uk**

Date: **12 September 2019**



Former Mosblown Library, Annbank Road, Mossblown

Scale 1:500



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South Ayrshire Council Equality Impact Assessment Scoping
1. Proposal details

Proposal Title Lease of Former Mossblown Library	Lead Officer Tom Burns
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2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this proposal? Please indicate whether these would be positive or negative impacts

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire	No	No
People from different racial groups, ethnic or national origin.	No	No
Women and/ or men (boys and girls)	No	No
People with disabilities	No	No
People from particular age groups for example Older people, children and young people	No	No
Lesbian, gay, bisexual and heterosexual people	No	No
People who are proposing to undergo, are undergoing or have undergone a process to change sex	No	No
Pregnant women and new mothers	No	No
People who are married or in a civil partnership	No	No
People who share a particular religion or belief	No	No
Thematic Groups: Health, Human Rights, Rurality and Deprivation	No	No

3. Do you have evidence or reason to believe that the proposal will support the Council to:

General Duty and other Equality Themes	Level of Negative and/ or Positive Impact (high, medium or low)
Eliminate discrimination and harassment faced by particular communities or groups	-
Promote equality of opportunity between particular communities or groups	-
Foster good relations between particular communities or groups	-
Promote positive attitudes towards different communities or groups	-
Increase participation of particular communities or groups in public life	-
Improve the health and wellbeing of particular communities or groups	-
Promote the human rights of particular communities or groups	-
Tackle deprivation faced by particular communities or groups	-

4. Summary Assessment

Is a full Equality Impact Assessment (EQIA) required? (A full EQIA must be carried out on all high and medium impact proposals)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Rationale for decision: <p style="text-align: center;">The proposal does not have a significant negative or positive impact on any particular group.</p>			
Signed :	Donald Gillies	Director	
Date:	22 August 2019	Copy to	