

**THIRD SECTOR ASSET TRANSFER – CAR PARK AND PUBLIC CONVENIENCES,  
CARRADALE HARBOUR**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to advise the Committee of an unsolicited enquiry from Network Carradale Limited to take on a lease of the car park, an area of foreshore and the public conveniences at Carradale Harbour.
- 1.1 The car park and public conveniences are owned by the Council and held by Development and Infrastructure Services and operated by Roads and Amenity Services.

**RECOMMENDATION**

- 1.3 That the Committee agrees to recommend to the Council that the car park, area of foreshore and public conveniences at Carradale Harbour are leased to Network Carradale Limited on the basis of a 25 year lease at a rental of £100 per annum.
- 1.4 Delegates to the Executive Director, Customer Services, authority to agree the terms of the lease to the Third Sector.

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**THIRD SECTOR ASSET TRANSFER – CAR PARK, SLIP AND PUBLIC CONVENIENCES,  
CARRADALE HARBOUR**

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**2. INTRODUCTION**

2.1 The purpose of this report is to advise the Committee of an unsolicited enquiry from Network Carradale Limited to take on a lease of the car park, public conveniences and area of foreshore at Carradale Harbour.

**3. RECOMMENDATIONS**

3.1 That the Committee

3.1.1 That the Committee agrees to recommend to the Council that the car park, area of foreshore and public conveniences at Carradale Harbour are leased to Network Carradale Limited on the basis of a 25 year lease at a rental of £100 per annum.

3.1.2 Delegates to the Executive Director, Customer Services, authority to agree the terms of the lease to the Third Sector.

**4. DETAIL**

4.1 Network Carradale Ltd has requested the acquisition by means of a long lease of the car park, an area of foreshore and the public conveniences at Carradale Harbour, all as shown by the two areas bounded red on the attached plan at Appendix one hereto. The site is owned by the Council and is held by Development and Infrastructure Services under Roads and Amenity Services.

4.2 The car park and public conveniences are fully operational and it would be a condition of any lease that these facilities remain available to the public. A Council employee currently carries out cleaning duties at the PCs and there may be a possible TUPE issue for Development and Infrastructure if alternative arrangements for the employee cannot be made.

4.3 In accordance with the Council's Third Sector Asset Transfer Policy, Development and Infrastructure Services were consulted in respect of the

request from Network Carradale Ltd and it was agreed, in principle, that the asset requested could be made available for transfer to the third sector.

- 4.4 The site has been assessed by the District Valuer as having a market rental value of £750 per annum.
- 4.5 A Business Case in respect of the disposal of the asset has been prepared by Roads and Amenity Services, a copy of which is attached for Members information at Appendix Two hereto.
- 4.6 As a result of this Business Case, it has been determined that the assets should be made available for disposal by means of a 25 year lease to the Third Sector at a discounted rental of £100 per annum. In determining this price, Roads and Amenity Services have taken in to account savings in relation to the on-going cost of maintenance and staffing for the facilities. An allowance has also been made to take account of the cost of advertising should this have been a disposal of an asset on the open market.
- 4.7 The proposal meets with the Council's objectives of the third sector asset transfer policy as it will allow the local community to secure a sustainable long term use of these facilities for the wider benefit of the area, enhancing their use and long term availability to the wider community. In addition community groups will be better placed to access funding to secure the long term future of these asset and at the same time enhancing the offering to the community and visitors alike. The proposal also fits with the wider masterplan developed for the area by the community the objective of which is to secure economic regeneration. These assets play a key role in this regeneration.
- 4.8 Should members be agreeable to the site being leased to the Network Carradale Limited on the basis of a 25 year lease at a rental of £100 per annum, then the matter will require to be referred to the Council for their agreement as the transfer is at less than market value.
- 4.9 The Council requires to comply with the requirements of the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and the related Scottish Government Guidance. The regulations require that local authorities, before deciding in favour of a disposal at less than best consideration, appraise and compare the costs and other disbenefits and benefits of the proposal . In relation to the specific requirement of the Council's decision Regulation 4 of the 2010 Regulations provides as follows:

4.-(1) The circumstances in which a local authority may dispose of land for a consideration less than the best that can reasonably be obtained are that –

(a) the local authority is satisfied that the disposal for that consideration is reasonable, and

(b) the disposal is likely to contribute to any of the purposes set out in paragraph (2), in respect of the whole or part of the area of the local authority or any persons resident or present in its area.

(2) Those purposes are the promotion or improvement of –

(a) economic development or regeneration;

(b) health;

(c) social well-being; or

(d) environmental well-being.

The required evaluation has been undertaken by the Council's Economic Development Services in terms of the business case referred. They have concluded that the disposal is: reasonable; and likely to contribute to economic development and regeneration in accordance with the business case referred to.

- 4.10 Members should note that Network Carradale Ltd already holds a lease of the hatched area shown in the attached plan at Appendix One hereto, granted by the Council in 2014, upon which they have constructed a publicly accessible slipway. This lease will terminate without payment of compensation in the event that the assets highlighted in this report are transferred to a Third Sector Organisation following advertisement.

## CONCLUSION

- 5.1 Given that the subjects have been declared Development and Infrastructure Services as being available for transfer to the third sector it is recommended that the Committee agree to recommend to the Council that car park, area of foreshore and public conveniences at Carradale Harbour are leased to Network Carradale Limited on the basis of a 25 year lease at a rental of £100 per annum.
- 5.2 Delegates to the Executive Director, Customer Services, authority to agree the terms of the lease to the Third Sector.

## 6. IMPLICATIONS

- 6.1 The implications for the Oban Lorn and Isles Committee are as outlined in the table below.

<b>Table 6.1: Implications for the Mid Argyll, Kintyre and the Islands Area Committee</b>	
<b>Policy</b>	None
<b>Financial</b>	Potential rental income of £100 per annum and annual savings in operational and running costs of £6,800 for the car park and toilets.
<b>Legal</b>	Disposal by long lease would be in accordance with the

	Council's Third Sector Asset Transfer Policy. The Disposal of Land by Local Authorities (Scotland) Regulations 2010.
<b>HR</b>	Possible TUPE issue for D&I if alternative arrangements for the employee cannot be made
<b>Equalities</b>	None
<b>Risk</b>	None
<b>Customer Service</b>	None

Douglas Hendry - Executive Director of Customer Services

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