



ASSET TRANSFER REQUEST - OVERALL ASSESSMENT

The purpose of this document is to evidence the assessment of an Asset Transfer Request (ATR) in respect of the asset identified below and in compliance with the Part 5 of the Community Empowerment (Scotland) Act 2015

The Assessment will be populated in accordance with the Assessment Matrix at appendix 1 hereof. The Asset Transfer Group will review and evaluate the assessments provided by the relevant Council Departments and carry out a comparison of the benefits of the proposal against the Council alternative.

CTB Information/Information about the Land and Rights Requested

Name: Isle of Gigha Heritage Trust

Address: Craft Workshop 1, Isle of Gigha, Argyll

Contact Details: [Click here to enter text.](#)

Relevant documents attached Y / N

Asset: Isle of Gigha Ferry Terminal Car Park

Plan attached: Y / N

Title Confirmed Y / N

The Council's title is Disposition by Oldcastle Trustees Company Limited in favour of The Strathclyde Regional Council dated 26 October and 12 November and recorded G.R.S Argyll 16 December all days in the year 1981.

Registers of Scotland plan assistance has plotted the extent of the Council's title on the OS map. The extent of the Council's title is shown on the 'residue plan' attached subject to the caveat that the deed plan annexed to the Council's title does not have sufficient reliable surrounding detail to allow the PAS plan to be replicated to the exact extent. This notwithstanding the Council could rely on the 'residue plan' in the event of registration of the Council's title, the Council has title to the whole of the carpark



<https://sharepoint.argyll-bute.gov.uk/sites/assettransfer/SitePages/Home.aspx>

UPRN: UPRN:PV03504400001

Ownership

Lease

Details of Lease: [Click here to enter text.](#)

Other Rights Y / N

Details [Click here to enter text.](#)

COMMUNITY REQUEST / CURRENT PROPOSED USE

[Set out the reasons for the request and how Land / Building \(s\) will be used:](#)

IGHT is requesting to take ownership of the car park at the Gigha ferry terminal to use it as their primary access to provide camping and motorhome facilities at Ardmish on the Isle of Gigha. This will include serviced pitches, car parking and an accommodation block comprising toilets, showers, laundry, kitchen, a communal area for campers and a small welcome office for Gigha. Later phases of the development will include glamping pods, bunkhouse and games room.

[Set out current or proposed use of asset:](#)

The site is currently used as an off-street car park. The car park is the only such Council controlled facility on the island. The car park is sited near the slip for the Gigha-Tayinloan Ferry. It is the only facility for those travelling off island but wish to leave vehicles on the island (the ferry is a vehicle ferry).

SECTION 1: BENEFITS - ASSESSMENT

1.1 Does the request demonstrate that agreeing to the request be likely to promote or improve Economic Development

Yes No to some extent (Assessed as STRONG by Economic Development)

How does the Request demonstrate this:

Economic Development have highlighted the following examples from the request in support:

Section 8.2 1b and 2b

Section 7.1 paragraph 1

The development of the campsite will generate a beneficial impact on other businesses on Gigha as it will extend the length of visitor stay and encourage more visitors, who will spend in the island hotel, shop, restaurant and Achamore Gardens. It will also mitigate against the environmental impacts of indiscriminate camping and motorhome parking and waste dumping on the island, which will benefit farming and B&B businesses, as well as Gigha residents.

Section 4.2 paragraph 4 and 5

The creation of a campsite will allow IGHT to manage vehicular traffic much more effectively on the islands only road to protect residents, farmers, fishermen and visitors. The campsite will also allow IGHT to reduce the impact indiscriminate parking, camping and waste disposal is having on the island's residents, businesses and visitors. It will create more accommodation to deal with times of peak demand. For example, the annual Gigha Music Festival, the Boathouse Restaurant Raft Race and the Gigha Challenge.

A campsite will offer a range of accommodation that's not currently available to extend the range of visitors that visit Gigha and will extend visitor stay and consequent spend in the privately-run hotel, shop and Boathouse restaurant. The creation of the campsite could also offer a potential business opportunity for individual(s) wishing to lease and manage the campsite on behalf of GTL. This campsite could also be run in collaboration with the islands self-catering units by GTL – established trading arm of IGHT.

Section 4.1 paragraph 2, 3 and 4

The Isle of Gigha has a serious accommodation shortage which has a knock-on effect on the island's tourist season. At present, the Isle of Gigha has one hotel, two established bed and breakfasts and eight self-catering accommodation units.

The number of visitors to Gigha has steadily risen from 2015 onwards and during high season, the island cannot accommodate the number of visitors wishing to holiday on Gigha. For example, with reference to Caledonian MacBrayne recorded passenger figures, from peak season (June, July and August) 2015 compared with the same three months in 2017, foot passenger figures alone have increased by 13.2%.

The number of foot passengers has increased again in 2018 by 9.97% on 2017 figures.

The island currently has no facilities for camping or motorhomes, and with the introduction of Caledonian MacBrayne's Road Equivalent Tariff scheme, the number of this type of visitors has increased. In 2018, motorhome and campervan figures have increased by 10.2% of 2017 figures. This has caused a significant amount of indiscriminate camping at various points across the island. For example, at Ministers Beach on Gigha, the indiscriminate camping blocks access for small boat launching for both fisherman and the Gigha Boats Activity Centre assistant.

This also causes further access problems for family's day-tripping to Gigha and hoping to visit beaches due to tents and camper vans being pitched across the edge of the beach. Motorhome and campervans are parking in sensitive laybys and disrupting resident traffic on the islands only single road. Currently, there are no restrictions for motorhome and campervans and they park at both north and south ends of the island.

On different occasions this season, this has blocked access for the emergency services and home owners trying to access their roads. IGHT own the land on which the campsite will be located. Management of campsite would enable IGHT to further strengthen its financial position by generating sustainable income. This would be run by Gigha Trading Limited – established trading arm of the Trust with staff and experience in managing holiday properties.

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If yes, would it be to a greater extent than any alternative proposal?

Yes No Not applicable

Outline Relevant Evidence Below:

Council current / proposed use:

The alternative proposal is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The economic development benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which it is intended will be situated at the asset.

1.2 Does the request demonstrate that agreeing to the request be likely to promote or improve Regeneration

Yes No to some extent (Assessed as MODERATE by Economic Development)

How does the Request demonstrate this:

Economic Development have highlighted the following examples from the request in support:

Section 7.1

Suggests that the development of the campsite will generate a beneficial impact for other businesses on Gigha. It will also mitigate against the environmental impacts of indiscriminate waste dumping on the island, which will benefit farming and B&B businesses, as well as Gigha residents. The project could lead to improved Partnership working with other businesses.

If yes, would it be to a greater extent than any alternative proposal?

Yes No Not applicable

Outline Relevant Evidence Below:

Council current / proposed use

The alternative proposal is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The regeneration benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which it is intended will be situated at the asset.

1.3 Does the request demonstrate that agreeing to the request be likely to promote or improve Public Health

Yes No to some extent (assessed by SET as moderate)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support:

Section 4.2 States that the restriction of motorhome and campervan access across the island will reduce the impact of indiscriminate parking, camping and waste disposal and encourage more walking and cycling to explore the Island. Maintenance and managing the site will be with local people.

Paragraph 3 ; The campsite will reduce indiscriminate waste disposal as the proposed scheme will also provide island recycling and waste facilities.....

Additionally - Health benefits would include ambulance being able to have unhindered access on the single track road. Also the indiscriminate dumping would be addressed by the proposal.

If yes, would it be to a greater extent than any alternative proposal?

Yes No Not applicable

Outline Relevant Evidence Below:

Council current / proposed use

No promotion of public health in current/proposed use.

However, the alternative proposal is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The public health benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which it is intended will be situated at the asset.

1.4 Does the request demonstrate that agreeing to the request be likely to promote or improve Social or Environmental wellbeing

Yes No to some extent (assessed as MODERATE by SET)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support:

Section 4.2 - States that creating the campsite will minimise the environmental impact of tourism on Gigha through the restriction of motorhome access across the island roads to prevent indiscriminate parking on sensitive sites and laybys. The campsite will reduce indiscriminate waste disposal as the proposed scheme will also provide island recycling and waste facilities.

Paragraph 3 & 4 - The campsite will minimise the environmental impact of tourism on Gigha through restricting motorhome access across the island roads and will prevent indiscriminate parking on sensitive sites and laybys. The campsite will reduce indiscriminate waste disposal as the proposed scheme will also provide island recycling and waste facilities. The restriction of motorhome and campervan access across the island will encourage more walking and cycling. The architects design will follow a sustainable approach including minimal energy usage, vernacular local design and

sympathetic use of traditional materials to respect the location of the development in the landscape of Gigha.

The creation of a campsite will allow IGHT to manage vehicular traffic much more effectively on the islands only road to protect residents, farmers, fishermen and visitors. The campsite will also allow IGHT to reduce the impact indiscriminate parking, camping and waste disposal is having on the island's residents, businesses and visitors. It will create more accommodation to deal with times of peak demand.

Section 4.3 - Demonstrates an understanding of the issues involved. In terms of LDP 2015, part of the proposed development is within the Settlement Boundary, part in Countryside. In terms of the local plan, an exception case will be required to support development in the Countryside. A planning pre-application enquiry has been submitted to Argyll and Bute Council and has returned with no major concerns.

Section 4.1 Paragraph 3; This has caused a significant amount of indiscriminate camping at various points across the island.....

If yes, would it be to a greater extent than any alternative proposal?

Yes No Not applicable

Outline Relevant Evidence Below:

Council current / proposed use

The alternative proposal is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The social and environmental well-being benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which will be situated at the asset.

1.5 Does the request demonstrate that the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage

Yes No to some extent (assessed as STRONG by SET)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support:

Section 5.1 Indicates the level of Community involvement and support. The Trust held a community meeting 7th December 2018 with support for the acquisition of the car park.

Section 7.1 States that the development of the campsite will generate a beneficial impact on other businesses on Gigha by increasing the level of tourism and associated spend on the island. There is a small campsite adjoining the Boathouse restaurant offering limited pitches and facilities. IGHT intend to work in partnership with the Boathouse on the management and promotion of camping and motorhome opportunities on Gigha.

Additionally - This proposal is part of a clearly articulated and agreed plan for the island's development which includes economic impact as a result of this proposal by increasing income to island business and improving employment opportunities.

If yes, would it be to a greater extent than any alternative proposal?

Yes No Not applicable

Outline Relevant Evidence Below:

Council current / proposed use

The alternative proposal is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The benefits in reducing socio economic disadvantage to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which will be situated at the asset.

1.6 Does the request demonstrate that set out the extent to which the requests ties into CPP, SOA and CP outcomes

Yes No to some extent (assessed as MODERATE by SET)

How does the Request demonstrate this:

The Social Enterprise Team advised that IGHT consider that their request tied in with the following Community Planning Partnership outcomes at Section 8.1

Outcome 1 – The economy is diverse and thriving

Outcome 2 – We have infrastructure that supports sustainable growth

Outcome 5 – People live active healthier and independent lives

Outcome 6- People live in safer and stronger communities

Having reviewed the request SET consider that the request ties in with Outcome 1, 2 and 6.

Request claims to match 1, 2, 5 & 6
SET has identified it shows 1, 2 and 6

The Social Enterprise Team advised that IGHT consider that their request tied in with the following Corporate Plan outcomes at Section 8.2:

Request claims to match 1b + c 2 a+b
SET has identified it shows 1b, possibly c and 2b

- 1.7 Consider any other benefits which might arise if the request were agreed to and compare with any other benefits which might arise if an alternative request, including current use were to be adopted in respect of the asset to which the request relates

(Assessed as MODERATE BY SET)

Request

SET have made the following comments in support of their assessment:

The group are seeking to increase the footfall of tourism to the community owned Island and improve the quality of the visitor experience by providing much needed accommodation. They are proposing improvements in facilities which the Council does not have the resources to do.

The group set out that their proposals will facilitate an increase in physical activity through walking and cycling although they have not provided evidence of this and therefore it is difficult to assess whether this is the case.

There are consequences to existing businesses and they have evidenced a level of community involvement and support.

The group could have access to funding that the Council does not, bringing much needed investment to the Island.

Alternative Request (including current use)

The alternative use is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

Development and Infrastructure are looking to continue use current use in the future to safeguard the sustainable provision of pier and related infrastructure and ensure lifeline services can continue in a sustainable way into the future.

The off-street car park is the only such facility on the island. While traffic volumes on the island are low, Officers consider that the retention of the car park, under the control of the Council, is necessary. Loss of the car park could potentially lead to irresponsible & indiscriminate parking and

damage to the road asset (e.g. verge damage). In addition to this, the potential use of the car park for ferry facility improvements and as the site for recycling point requires that we retain control of the car park. The Council doesn't own other suitable land on the island that could be utilised for the proposals and, in any case, the cost of purchasing third party land introduces costs to the Council at a time when budgets are being reduced.

The ferry for the Gigha-Tayinloan crossing may be replaced with a hybrid ferry in the future. The Council is also moving towards having a single Harbour Order which will cover all Council ports. There are plans drafted for improvements to the ferry facilities, including a proposed breakwater /aligning structure. Further to this there may be a requirement to build additional marshalling space which may require utilization of some of the car park area. There are also plans to rationalise the recycling collection on Gigha, it is likely that the single recycling collection point will be sited within the car park.

1.8 Outline any other negative impact(s) if request agreed to

Assessed by ALL

- There is the possibility of business displacement and loss of business for the Boat House/B&B and the shops.
- Potential congestion at the Ferry Terminal.
- Loss of Car Parking may introduce future costs to the Council's reducing budget and prevent improvement being made to the ferry facilities.
- Lack of Partnership involvement – A&B Council, CALMAC, Boat House

1.9 Outline the impact of the request's failure would have

Yes No to some extent (Assessed as MODERATE by SET)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support of this assessment:

Section 4.4 There is minimal risk to the project. The group have provided information to highlight issues and risks to the asset. They have been in initial discussions with the council planning department to ascertain the likelihood of any potential objections, with a positive outcome. The aim of this project is to generate environmental and economic benefits for the community.

Additionally - The organisation has established a trading arm to protect the trust from financial failure of an enterprise. There might be significant issues for ferry traffic if the project were to fail.

Section 1 - Assessment

Please rate Section 1 in accordance with the evidence table (page 17) at Section 6 from Poor – Very Strong

MODERATE - The request is neutral in terms of setting out a more positive benefit for the Council and Community than the current use by the Council.

Please outline the reasons for this assessment below:

While the request does set out positive benefits that would arise if it were agreed to Development and Infrastructure are looking to continue use current use in the future to safeguard the sustainable provision of pier and related infrastructure and ensure lifeline services can continue in a sustainable way into the future.

The alternative use is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

Therefore, on balance the benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which will be situated at the asset.

SECTION 2 - GOVERNANCE AND FINANCIAL ARRANGEMENTS - ASSESSMENT

GOVERNANCE

- 2.1 Does the request demonstrate that the CTB members have the appropriate skills, experience and qualifications to deliver the request, or does the body have a plan for engaging people who do?

Yes No to some extent (assessed as MODERATE by SET)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support of this assessment:

Section 4.5

IGHT has a strong track record of developing the Isle of Gigha. Following years of decline under private ownership Gigha was purchased by the Trust in 2002 and has subsequently benefited from investment and focused governance which has improved the housing stock and other assets, increased the population and the economic activity of the island to the benefit of all the residents and thus the Board remains committed to the Community Ownership model as the most equitable and effective way of meeting the needs of residents and ensuring the long-term sustainability and wellbeing of the community of Gigha. They have experienced staff and the structures to easily manage this project in the medium to long term.

Their Strategic Plan focuses on the following priorities:

- Ensuring long-term sustainability of IGHT and the ability to effectively deliver its purpose
- Reducing the gearing (loan funding in relation to total assets)
- Preserving and enhancing the natural and developed environment of the Island of Gigha
- Promoting the health, wellbeing and prosperity of the residents of Gigha
- Creating a more diverse local economy with lower seasonal dependencies

Additionally, there are issues in business plan that show they have recently made major changes to their structure and how they run. A more detailed plan of how they see this project going forward would have been helpful.

- 2.2 Does the request demonstrate that the Community body have suitable governance arrangements for the scale of the request?

Yes No to some extent (assessed as MODERATE by Legal Services)

How does the Request demonstrate this:

Legal Services have stated the following in support of this assessment:

The Isle of Gigha Heritage Trust (the IGHT) is a company registered under the Companies Acts (Company Number SC224141) and a registered Charity (number SC032302). Having full regard to the Memorandum of Association and Articles of Association of the Isle of Gigha Heritage Trust Legal

Services are satisfied that IGHT have suitable governance arrangements in place for the scale of the project.

2.3 Where relevant do they have a succession plan in place for recruiting Board Members /Trustees in the future?

Yes No to some extent (assessed as MODERATE by SET)

How does the Request demonstrate this:

The Social Enterprise Team have stated the following in support of this assessment:

The Trust has evidenced its long-term commitment to achieving the objects identified in the 10 year Business Plan. It has an excellent track record of sustaining and developing support for the organisation

2.5 Does the request demonstrate compliance with state aid rules?

Yes No Not applicable (assessed as weak by Legal Services)

If no, set out evidence below:

The four key tests as set out at <http://www.gov.uk.scot/Topics/Government/State-Aid/About/state-aid-tests> require to be met to establish that a measure constitutes state aid. The submission in respect of state aid contained at section 7.2 of the application form does not consider all four tests in detail. It is however provided that 'Any value would not be considered State Aid as it will not affect trade between member states. This is a small low value project with a specific local market'. In the event that the submission by the IGHT is correct, the 4th of the four key tests will not be met and the asset transfer will comply with State Aid rules.

Governance - Assessment

Please rate Section 2 – Governance in accordance with the evidence table (page 17) at Section 6 from Poor – Very Strong

MODERATE – Governance arrangements in place and acceptable.

Please outline the reasons for this assessment below:

IGHT have submitted their Memorandum and Articles of Association which demonstrate that Governance arrangements are in place and acceptable.

FINANCIAL ARRANGEMENTS

- 2.7 Has the CTB identified all the relevant costs of the request or facilities including initial investment, ongoing running costs and end of project costs?

Yes No Not applicable (Assessed as WEAK by Strategic Finance)

Outline Relevant Evidence Below:

Strategic Finance stated the following in support of this assessment:

There are estimates of the costs involved in the business plan submitted as an accompanying document with the request but no information that verifies what those estimates are based on.

The submission makes no reference to the payment of Non Domestic Rates. The average costs across the whole Council area for car parks is £60-65 per bay per year.

- 2.8 Has the CBT identified appropriate and realistic sources of funding?

Yes No Not applicable (Assessed as WEAK by Strategic Finance and Poor by SET)

Outline Relevant Evidence Below:

Strategic Finance stated the following in support of this assessment:

There are estimates of how the project will be funded, however, nothing substantial to suggest that they are realistic. Based on their timeline the LEADER final application was due January as well as the RTIF final application – together these amount to 75% of the funding and there is no information as to whether there is agreement in principal or what would be considered a good application. Difficult to understand whether these are reliable estimates of income.

Revised Evaluation following confirmation of RTIF funding: RTIF funding has now been confirmed at a maximum £171,000 subject to some conditions. The business case had RTIF funding at £291,783, therefore there is now a shortfall in funding of £120,783 and it is unclear what other source of funding is available. No change to assessment.

SET have stated the following in support of this assessment:

Cost for the purchase is minimal but they have submitted applications to fund the wider projects.

While IGHT has an excellent history of raising funding for their business development projects, apart from indicative funders the group have supplied no indicative costs for the project or its ongoing development.

- 2.9 Where relevant have they identified how the request will be funded in the longer term?

Yes No Not applicable (assessed as Weak by Strategic Finance)

Outline Relevant Evidence Below:

Strategic Finance have stated the following in support of this assessment:

Cash flow projections are included, however, not sure whether they are realistic. No information is provided on the number of campervans landed between September and March. The income estimates are based on their being business during these winter months. In April to August 2018 there were 253 campervans/motorhomes on the island but no information as to how long they stayed for. Its very difficult to gauge whether the income forecasts during the summer months are realistic.

2.10 Set out value to the Council in existing/proposed use

Assessed as Moderate by Strategic Finance

Strategic Finance stated the following in support of this assessment:

The Council would no longer have to maintain the car park

2.11 Set out feasibility and cost of relocation of services elsewhere

The alternative use is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The ferry slip could not be reasonably re-sited elsewhere. The loss of the car park may impact on improvements to the ferry facilities. In addition to this the Council does not currently own or control any other land where it could site a single recycling point and this may result in the proposed refuse savings not being met. The loss of car parking may cause traffic issues (irresponsible parking) or damage to the road asset (verges etc.) This in turn may require the Council to reinvest in car parking facilities in the future.

Given that the car park is part of the ferry terminal infrastructure it is considered that it is not feasible to relocate the terminal elsewhere.

2.12 Set out potential revenue savings to the Council arising from transfer

(Assessed as WEAK by Strategic Finance)

The Council would no longer have to maintain the carpark, but from the consultation it appears that the public aren't happy with the level of maintenance indicating that it is limited, therefore, there is possibly little potential revenue saving, from what is ultimately a fairly small car park.

Financial - Assessment

Please rate Section 2 – Financial in accordance with the evidence table (page 17) at Section 6 from Poor – Very Strong

WEAK - Financial arrangements are weak

Please outline the reasons for this assessment below:

Financial arrangements are weak, based on estimates and it is not clear if they are realistic of the proposal is sustainable.

Moreover, identification of sources of funding are anticipated and only one has been awarded. However, the business case had RTIF funding at £291,783, therefore there is now a shortfall in funding of £120,783 amount. Given this, it has not been demonstrated that these are reliable estimates of income.

SECTION 3 - RELATED PROJECTED BENEFITS - ASSESSMENT

3.1 Do the proposed benefits of the request contribute to achieving the authority's functions?

Yes No Not applicable (Assessed as WEAK by the holding Service)

How:

The holding Service has assessed that the proposed benefits of the request do not contribute to achieving the authority's functions for the following reasons:

The alternative use is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The Service seeks to continue to use the asset in its current use in the future to safeguard the sustainable provision of pier and related infrastructure and ensure lifeline services can continue in a sustainable way into the future.

If the car park asset was transferred the Council loses control of what can be done with the site. There is nothing preventing the sites use being changed in the future, potentially leading to the loss of the only off-street car park on the island (and serving the ferry).

Additionally, the loss of the car park facility would require the Council to identify and possibly need to lease or purchase an area where recycling facilities could be located.

Therefore, the benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island, and the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry and the Council wide harbour order and the proposed rationalisation of the recycling collection in Gigha which will be situated at the asset.

3.2 Do the proposed benefits of the request have an unacceptable impact on the ability of the authority to deliver its functions?

Yes No to some extent (Assessed as POOR by the holding Service)

How

The holding Service has assessed that the proposed benefits of the request do impact on the ability of the authority to deliver its functions for the following reasons:

The loss of the asset may have an impact on the future development plans for the ferry and the ability to site a single recycling point for the island (which is intended to reduce the cost of waste collection to the Council). The loss of the car park could lead to indiscriminate parking which may damage the road asset (verges etc.)

The car park may be required should the proposed improvements to ferry facilities of ahead. The loss of the car park is likely to adversely effect the deliverability of this. The loss will also impact on refuse collection services plans to reduce the cost of recycling collection on the island.

It should also be noted that that the proposed caravan/campsite could be serviced by an access from the public road rather than through the car park.

3.3 Are there any obligations / restrictions imposed on the Authority that may prevent, restrict, or effect ability to agree to the request? (Matrix 3.3)

Yes No

Describe how the request intends to comply with any obligations / Restrictions imposed (Matrix 3.4)

The price of £1 offered is less than the value of the asset as determined by the valuation. Where the Council disposes of land for a consideration less than the best that can reasonably be obtained it must follow the procedure set out in the Disposal of Land by Local Authorities (Scotland) Regulations 2010. The local authority must—(a) appraise and compare the costs and other disbenefits and the benefits of the proposal; and (b) determine that the following circumstances are met; a) it is satisfied that the disposal for that consideration is reasonable; and (b) the disposal is likely to contribute to any of the following purposes—(a) economic development or regeneration;(b) health; (c) social well-being; or (d) environmental well-being in respect of the whole or any part of the area of the local authority or any persons resident or present in that area. It should be noted that compliance with the regulations does not always mean obtaining the highest possible price for an asset. All authorities have the ability to dispose of property at less than market value where there are wider public benefits to be gained.

The asset transfer could potentially lead to increased costs to the Council in its service delivery as there is no other suitable land as the Council's proposals require to be undertaken where the ferry docks.

3.4 Does the request demonstrate Community Support for the project./Community demand for the request and the extent to which the community will be served by the request ? (Asset Matrix 3.5/3.6)

Yes No To some extent (assessed as weak by SET)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support:

Section 5.1 Indicates the group have provided enough information to evidence a wide range of local community support. An initial consultation with the community was delivered at a Members meeting in early 2018. Although this was project was still at a very early stage. The Trust

subsequently held a community meeting 7th December 2018 with support received for the acquisition of the ferry car park.

However, the consultation indicated only mixed support for IGHT to run the project. It would also be fair to say answers were often a comment on the state of the car park now rather than support for the project.

Additionally the Council received a negative representation from the Gigha Community Council. It is considered that there is a difference of the opinion between IGHT and the Community Council which indicates a level of opposition in the community and that support in the community is not universal.

This should be borne in mind given that the effects of the ATR would mean loss by the Council of a key strategic site which would result in changes in the delivery of services to the community and may have an impact on the every day lives of the community. There is potential for a reduction in community cohesion.

Section 3 - Assessment

Please rate Section 3 in accordance with the evidence table (page 17) at Section 6 from Poor – Very Strong

WEAK - related project benefits are not based on robust information and demonstrate questionable value for money

Please outline the reasons for this assessment below:

The proposed benefits of the request do not contribute to achieving the authorities functions, may have an unacceptable impact on the ability of the authority to deliver its functions.

The ATR would potentially lead to increased costs to the Council in service delivery as there is no other suitable land on the Island to locate the current use which requires to be adjacent to where the ferry docks.

Therefore, on balance the benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which will be situated at the asset.

SECTION 4 – SUSTAINABILITY AND EQUALITY – ASSESSMENT

4.1 Outline any evidence of the sustainability of the request (assessed as WEAK by SET)

Limited initial development would suggest to group need to do further work on this aspect. Forecasts seem based on ferry traffic information with little in the way of potential customers or markets.

It is difficult to provide assurance on the sustainability of the project based on the information received.

4.2 Outline the extent to which the request encourages equal opportunities (Assessment Matrix) (assessed as POOR by SET)

The Trust has an open membership and are a democratic group. However, the group have not submitted any equal opportunities policy and makes no mention of it.

4.3 Outline the extent to which the request demonstrates robust monitoring / reporting arrangements are in place (assessed as MODERATE by SET)

The Social Enterprise Team Strategic Finance stated the following in support of this assessment:

Section 6.1 – Details information that would support an expectation that robust monitoring of any funding and development of the asset would be run in an acceptable way.

Business Plan submitted as part of Asset Transfer Request at a much later date that the original submission does refer at 6.0 to measuring success through:

Booking Numbers at campsite, GTL income, development of guest marketing database, annual visitor surveys, complaints, survey of tourism

No detail on financial monitoring arrangements.

Section 4 - Assessment

Please rate Section 4 in accordance with the evidence table (page 17) at Section 6 from Poor – Very Strong

POOR – little evidence of sustainability, performance management or promotion of equality is demonstrated.

Please outline the reasons for this assessment below:

No submission of mention of equal opportunities policy and not possible to provide assurance on the sustainability of the project based on the information currently received.

SECTION 5 – BEST VALUE – ASSESSMENT

- 5.1 Outline the extent to which the request demonstrates Best Value in the following (Assessment Matrix)

Vision & Leadership (Section 1 – Benefits)

Moderate – Section 1.6 – asset transfer request shows links with local priorities

Effective Partnerships (Section 1 Benefits and Section 3 – Related Project Benefits)

Weak - Section 3.4 - consultation indicated only mixed support for IGHT to run the project - answers were often a comment on the state of the car park now rather than support for the project

Governance and accountability (Section 2 – Governance)

Moderate – Section 2.2 - Governance arrangements are in place and acceptable

Use of Resources (Section 1 Benefits and Section 2 – Governance)

Weak – 2.7-2.9 – Financial arrangements are weak or unverifiable – sources of funding while included are assumptions and none have been secured – failure to secure funding would mean the project being withdrawn by the group according to their own business plan

Performance Management (section 4 – Sustainability and Equality)

Moderate – Monitoring Proposals evidenced in business plan for use /success of proposed facilities – however no detail on financial monitoring arrangements.

Sustainability (Section 4 – Sustainability and Equality)

Weak - Limited initial development would suggest to group need to do further work on this aspect. Forecasts seem based on ferry traffic information with little in the way of potential customers or markets.

It is difficult to provide assurance on the sustainability of the project based on the information received.

Equality (Section 1 and Section 4 – Sustainability and Equality)

Poor – The group have not submitted any equal opportunities policy and makes no mention of it.

Section 5 - Assessment

Overall Scoring of Best Value				
Area Assessed	Rating	Score	Weighting	Weighted Score
Vision and Leadership	MODERATE	3	14.285%	0.42855
Effective Partnerships	WEAK	2	14.285%	0.2857
Governance and Accountability	MODERATE	3	14.285%	0.42855
Use of Resources	WEAK	2	14.285%	0.2857
Performance Management	MODERATE	3	14.285%	0.42855
Sustainability	WEAK	2	14.285%	0.2857
Equality	POOR	1	14.285%	0.14825

Overall Rating	
Score/Weighted Score	Overall Rating
>4.5	Very Strong
>3.5 and <=4.5	Strong
>2.5 and <=3.5	Moderate
>1.5 and <=2.5	Weak
<=1.5	Poor

Total Weighted Score: 2.291

WEAK

SECTION 6 – OVERALL ASSESSMENT

Evidence	Overview
Very Strong	<ol style="list-style-type: none"> 1. The request strongly sets out a more positive benefit for the Council and Community than the current of proposed use by the Council. 2. Governance and financial arrangements are strong and sustainable. 3. Related projected benefits are very robust and demonstrate value for money: suitability, effectiveness, prudence, quality, value, and the avoidance of error and other waste. 4. Robust demonstration of sustainability equality and Performance Management 5. Best Value characteristics are evidenced and contained throughout the overall approach
Strong	<ol style="list-style-type: none"> 1. The request provides evidence of a more positive benefit for the Council and Community than the current of proposed use by the Council. 2. Governance and financial arrangements are sound and sustainable. 3. Related projected benefits are demonstrated well and represent value for money 4. Demonstration of sustainability and performance management are in evidence and promotion of equalities is demonstrated well 5. Best Value characteristics are in evidence in the request.
Moderate	<ol style="list-style-type: none"> 1. The request is neutral in terms of setting out a more positive benefit for the Council and Community than the current of proposed use by the Council. 2. Governance and financial arrangements are in place and acceptable 3. Related projected benefits are acceptable and could lead to value for money 4. Some evidence of sustainability, equality and performance management is demonstrated 5. Best Value characteristics have been considered in the request
Weak	<ol style="list-style-type: none"> 1. The Request does not set out a more positive benefit for the Council and Community than the current of proposed use by the Council. 2. Governance and financial arrangements are weak. 3. Related projected benefits are not based on robust information and demonstrates questionable value for money. 4. Sustainability and Performance Management are not well demonstrated and promotion of equality is not well demonstrated 5. Best Value characteristics are not well demonstrated in the request.
Poor	<ol style="list-style-type: none"> 1. The Request does not set out a more positive benefit for the Council and Community than the current of proposed use by the Council. 2. Governance and financial arrangements are poor. 3. Related projected benefits are ill defined and/or unrealistic and do not demonstrate value for money. 4. Little evidence of sustainability, Performance Management or promotion of equality is demonstrated 5. There is little evidence of Best Value characteristics in the request.

OVERALL CONCLUSION

This sets out the conclusions on the request with regard to the information provided in the request and the provisions set out in Part 5 Section 82(3) of the Community Empowerment (Scotland) Act 2015.

Please note that the Act requires that the Council assesses each request transparently against a specified list of criteria and agrees to the request unless there are reasonable grounds for refusal.

However, the request is capable of being refused when such reasonable grounds exist including cases where the benefits of the asset transfer request are judged to be less than the benefits of an alternative proposal, where agreeing to the request would restrict the relevant authority’s ability to carry out its functions, or where another obligation on the relevant authority prevents or restricts its ability to agree to the request.

(Matrix 6.1-6.5)

6.1. Please assess strength of the Proposal

Overall Scoring of Request				
Area Assessed	Rating	Score	Weighting	Weighted Score
Section 1 – Benefits	MODERATE	3	16.667%	0.500
Section 2 – Governance	MODERATE	3	16.667%	0.500
Section 2 – Financial Arrangements	WEAK	2	16.667%	0.333
Section 3 – Related Project Benefits	WEAK	2	16.667%	0.333
Section 4 – Sustainability and Equality	POOR	1	16.667%	0.166
Section 5 – Best Value	WEAK	2	16.667%	0.333

Overall Rating	
Score/Weighted Score	Overall Rating
>4.5	Very Strong
>3.5 and <=4.5	Strong
>2.5 and <=3.5	Moderate
>1.5 and <=2.5	Weak
<=1.5	Poor

Total Weighted Score: 2.165

Total Weighted Rating: **WEAK**

6.2. Please identify any State Aid Issues

None Identified

6.3. What is the justification for the price at less than market value?

Valuation: £75,000

In terms of Disposal of Land by Local Authorities (Scotland) Regulations) 2010 the local authority is satisfied that the disposal could be capable of contributing to the purposes as set out in section 4(2) of the Regulations.

However the local authority is not satisfied that the disposal is reasonable in all the circumstances, particularly having regard to the alternative use by the Council and the strategic and lifeline nature of the ferry service and that the request has not discharged the requirements of the Regulations in relation to disposing of the land at less than best consideration having regard to these factors

6.4. How does the proposal present Best Value against any current or intended proposal?

Best Value has been assessed as MODERATE in Section 5 of the document

6.5. Outline any reasonable grounds for refusal:

1. The request or accompanying documentation was not sufficiently robust to give confidence that the plans and benefits will be achieved, particularly since not all of the anticipated sources of funding have been awarded and may be substantially materially less than set out; the RTIF funding which has been awarded has a shortfall of £120,783 to that anticipated in the ATR and accompanying documentation; the community engagement/support element of the request is weak with significant objections set out in the representation from the community council; and the request does not adequately address sustainability or equality matters;
2. The proposal at a nil capital consideration is not reasonable having regard to the loss of a strategic asset required to deliver the existing lifeline ferry services between Gigha and the mainland;
3. The benefits to be achieved by the request would be outweighed by the current / alternative proposal: adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and proposed infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order and the proposed rationalisation of the recycling collection in Gigha which it is intended will be situated at the asset; and
4. It is considered that there are alternatives which would provide IGHT with the access they require to the proposed site namely a clearly defined right of servitude or access to the intended site from the public road. Additionally, it should be noted that IGHT stated in their Expression of Interest to Scottish Government Rural Tourism Infrastructure Fund (which was submitted for consideration as part of their ATR) that acquisition of the Gigha Ferry Terminal car park was not crucial to their project as the Trust own the land covering alternative access routes to the site identified. Therefore refusal of the ATR will not prevent the project from proceeding.

Date Determined:

28 March 2019 (Financial position re-assessed by Strategic Finance on 24 April 2019)