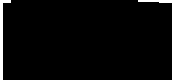


15-17 Sandgate Ayr
Common Good Consultation Feedback

Feedback and response on Statutory Consultation with the Local Community under Section 104 of the Community Empowerment (Scotland) Act 2015 for Disposal of Common Good Land – For disposal of 15-17 Sandgate, Ayr, KA7 1BG

The 15-17 Sandgate Common Good Consultation was open between the 30th June 2022 and noon on 5th September 2022. A notice was erected upon 15-17 Sandgate and was hosted on the South Ayrshire Council website (<https://www.south-ayrshire.gov.uk/article/40898/Common-Good-Consultation>). Details of the consultation were circulated to Fort, Seafield and Wallacetown Community Council. It was circulated to Ayr Development Trust; SAY LGBT; South Ayrshire Youth Forum as known community organisations with a possible interest in the building. Ayr West ward elected members were also notified.

3 responses were received. 2 from individuals, 1 from Fort, Seafield & Wallacetown Community Council

Respondent	Representation/Issue/Comment/Concern	Council's response (where relevant)
 [Individual 1]	<p>I do not consider that this can be described in any way as a meaningful public consultation. The legislation underpinning common good is about transparency, this proposal provides as little information as demanded under legislation, SAC has failed to embrace not only this concept but the fundamental ethos behind it of community empowerment.</p> <p>There is no indication as to whether the value of the property was assessed by an independently qualified individual or what if any provisions/qualifications were made in the report, or why it was not available.</p> <p>“16. For the purposes of assessing the value of a sale, lease or other disposal, local authorities are required to have regard to the Statutory Guidance on the duty to appoint and instruct a suitably qualified valuer. Local authorities should consider whether or not it would be prudent, particularly in high value cases,</p>	<p>1.1 The consultation was carried out as per the terms of Section 104 of the Community Empowerment (Scotland) Act 2015.</p> <p>1.2 Standard SAC practice is to make confidential (i.e. available only to members of the Leadership Panel in this case) any commercially sensitive details.</p> <p>1.3 The property has been declared surplus i.e. it has no service delivery potential and has failed to generate viable interest as a leased asset. The property was marketed for around 13 years and was on South Ayrshire</p>

to seek an independent valuation to provide an additional level of assurance.”

Neither is there any reference as to whether the offer on the property is within the 25% as required by legislation. Or any evidence, if not of the alternative options that were put forward to the elected members.

“The Disposal of Land by Local Authorities (Scotland) Regulations 2010”

As indicated by a [REDACTED] response, if access to the land beyond is a requirement using this property, as he states was the reason for purchase. Then the proposal to sell would be highly questionable as to its compliance of “Best Value” given any future access implications.

” It is recommended that local authorities demonstrate that there has been a rigorous evaluation, supported by evidence that makes clear how they have reached their decision.”

I do not see any evidence of this as required from 11.4(2) below:

Disposal of Land by Local Authorities (Scotland) Regulations (general guidance)

GENERAL CONSIDERATIONS



11. Regulation 4(2) sets out purposes in pursuance of which a decision by a local authority that it is appropriate to dispose of land at less than best consideration that can reasonably be obtained might be justified. The Regulations require that local authorities, before deciding in favour of such disposal, appraise and compare the costs and other disbenefits and benefits of the proposal. In so doing local authorities should undertake an assessment of the proposed disposal taking into account all relevant factors, all available options and all relevant information. It is recommended that local authorities demonstrate that there has been a rigorous evaluation, supported by evidence that makes clear how they have reached their decision.

Council’s property for sale/lease web page for around half of that time. The property therefore has become a financial burden to the Council and is in a degraded condition internally. The building was therefore marketed to identify a suitable offer. A valuation in these circumstances is of little utility given the longer-term benefits of liability removal and town centre regeneration. Therefore, a decision was taken to dispose of the building on the open market and in so doing deliver Best Value for the Council and wider community. SAC are satisfied that in this instance putting the property on the market has yielded a satisfactory market value.

1.4 The site is not required for the access of other sites.

	<p>12. Local authorities are, of course, required to fulfil their statutory duties under Best Value as set out in the Local Government in Scotland Act 2003. The Land Disposal regulations are consistent with this duty to secure Best Value, and relevant aspects of this duty include:</p> <ul style="list-style-type: none"> • Making the best use of public resources, including land and property; • Being open and transparent in transactions; • Ensuring sound financial controls are in place to minimise the risk of fraud or error; • Assessing the full financial consequences of decisions at an appropriate level before major financial decisions are taken or commitments entered into; • Demonstrating responsiveness to the needs of communities, citizens, customers and other stakeholders, where relevant. 	<p>1.5 See also comment 1.3. SAC are confident that the sale represents best value to the community of South Ayrshire. The building has been unoccupied for many years with no viable lease offer forthcoming. The building is in a degraded state internally. The proposal offers the opportunity for productive use of the property thereby improving the built environment and promoting economic regeneration. For this reason the standing proposal is considered to offer Best Value.</p>
<p>██████, on behalf of Fort Seafield and Wallacetown Community council</p>	<p>There is concern the way SAC us dealing with sale of Common Good Assets. This CC would like to conjoin with other CCS in South Ayrshire that we are consulted on such sales before going on the market. So in first instance the CCS should meet with council in order to regularise.</p> <p>Re Sandgate whilst I appreciate any sale price is confidential, we need to know what valuation on property was obtained and the survey of condition. We also need to know what marketing was undertaken. We were not aware that a sale had been approved at Leadership Panel on 8 March 22.</p> <p>There is great suspicion that sales are being undertaken and to unsuitable parties without proper examination. I would remind you that the council are trustees of the common good fund for the public and have statutory trustee liability.</p>	<p>2.1 South Ayrshire Council notified the relevant Community Council on the 30th June 2022 as is required under the legislation. The consultation was carried out as per the terms of Section 104 of the Community Empowerment (Scotland) Act 2015.</p> <p>2.2 See also comments 1.3. and 1.5 The minutes of the 8 March Leadership Panel were publicised on SAC’s website as per usual procedures. The sale was authorised by elected members at that Panel having considered a report prepared by officers. This report was confidential to protect commercial interests. The offer value(s) were part of this commercial interest and therefore deemed confidential.</p> <p>2.3 Marketing was undertaken as is standard through the South Ayrshire Council website</p>

	<p>Please therefore provide me with the information requested. I am also raising the matter with the council leadership</p> <p>Can you advise price being sought?</p>	
<p>As above</p>	<p>I am writing on behalf of Fort Seafield and Wallacetown Community Council re proposed sale of common good property All common good property is held in trust for the public. We wish to know if the sale is by the common good and any proceeds will be applied to the fund ,We also wish to know the justification for the sale of a common good asset ██████████ Vice Chair</p>	<p>3.1 Capital receipts for Common Good Assets are retained within the Common Good account.</p>
<p>As above</p>	<p>However what I am requesting is that a Community Council is notified direct before a potential disposal .Their view at that time should be taken before a formal process is taken. A generic notice on your website can easily be missed. If notice is given to a CC then comment then be given.</p> <p>Much misunderstanding can take place and if input from the community representatives at an early stage could alleviate .We are keen that with the new administration that communication is improved .</p> <p>I am happy to meet with you /other officials to talk through.</p> <p>I had asked earlier that Community Councils be consulted in the disposal of any Common Good property in their area. This would alleviate any misunderstandings by all. The local community view should be sought. I have copied to the Council Leader for information. Please confirm that this proposal will be acted on.</p>	<p>4.1 South Ayrshire Council notified the relevant Community Council on the 30th June 2022 as is required under the legislation</p> <p>4.2 The manner in which views were sought is described here: https://www.south-ayrshire.gov.uk/article/40898/Common-Good-Consultation</p> <p>See 2.1</p>

<p>   [Individual 2] </p>	<p>The following is my response to the public consultation on the Council's proposed sale of Ayr Common Good Fund's 15-17 Sandgate, Ayr. I have copied this comment to local Members and Community Council for their information.</p> <p>"As Police Close is inappropriate to permit developmental access and in order to retain control of reasonable site access, avoiding site "sterilisation" of Ayr Common Good Fund's extensive but otherwise landlocked "Affleck's Yard", successive Councils have avoided selling Ayr Common Good Fund's 15-17 Sandgate, a property which had been bought for the purpose of retaining that access.</p> <p>Ayr Common Good Fund's vacant, "Affleck's Yard" site sits immediately to the side and behind 15-17 Sandgate and has always been viewed, principally due to its size and central location, as having real developmental and economic value in relation to both Ayr Common Good Fund and the town's more general economic development .</p> <p>If 15-17 Sandgate Ayr was to be sold, without alternative development access and consequently development access to "Affleck's Yard" is lost, then that decision to sell would have a significant adverse impact upon the much greater value of the Ayr Common Good Fund's property, "Affleck's Yard" and should therefore be avoided."</p>	<p>5.1 The property was acquired by the District Council as an investment property for the benefit of the Common Good, rather than as a property to be dedicated to public use. It was not acquired for retaining access to another site.</p>
---	---	---