**PHOENIX (FORFAR) GYMNASTICS CLUB (one respondent)**

**I am responding to the Community Asset Transfer request by Phoenix Forfar Gymnastic Club for the former tennis courts at Craig O’Loch Road Forfar and although I agree with a recreational facility on the land, I object to the ownership request in favour for a lease option.**

**Preferred option lease under section 79 (2)(b)(i)**

**The Community Empowerment (Scotland) Act 2015. (Asset Transfer Request Form) Section 3.1**

A lease under section 79 (2)(b)(i) should be the preferred option given there is capacity up to the maximum of 175 years available to any recognised body applying under the Act.

Angus Council could use the three conditions written in the Act to protect the huge discount offered for the land and to protect the Common Good for future generations.

Even charging a nominal £2.00 year peppercorn rent would only attract £350.00 over the whole period slightly less than the £500 outright ownership. Given 175 years exceeds a normal business 99 year lease, there is sufficient scope for funders to support the project given the expected longevity of a building of this type.

Conditions that would apply.

1. if the benefits not delivered;

2. if use of the property changed;

3. if community body wound up:

The leased option would naturally expire at the date of termination or if any of the above conditions were breached.

The lease should also include restoration of the land as an option to Angus Council being the statutory body to administer Common Good land.

**Second option ownership under 79(2)(a) Asset Transfer Request Form Section 3A Application form**

1. Firstly, unless Angus Council have considered a long term master plan for the whole of the Common Good Land at Craig O’Loch Road as selling off small individual areas will result in fragmented tenures and maintenance responsibilities. Angus Council in the submission documents appear to be continuing with the maintenance of some of the car parking areas, however future financial obligations are unknown.

2 Secondly, the price of £500.00 is a nominal valuation for the land given the Common Good Fund are proposing to fund £30,000 to the project, this leaves the Forfar Common Good Fund out of funds by £29,500.

3 Thirdly, what benefits, if any, will this service provide to the visitors of Forfar and namely the Caravan Park run by Angus Alive being located in the same Common Good Land area?

4 Additional protections should be placed on the ownership option as allowed by

 The **Title Conditions (Scotland) Act 2003.** Angus Council should take the opportunity to place a REAL BURDEN on the title due to any failures as described in the lease option and any considered being detrimental to the Common Good.

**Summary**

Ownership to an external body and loss of the Common Good land at £500 is insufficient when a lease could offer the same benefits and service provision with a nominal rent up to a maximum of 175 years with built in protections to retain Common Good land for future generations of Forfar.