

**PERTH AND KINROSS COUNCIL****Property Sub-Committee – 15 May 2013****WESTBANK DEPOT, PERTH – LEASE OF PART****Report by Depute Director (Environment)**

The purpose of this report is to seek Sub-Committee approval to the lease of 6,777 square metres of land with greenhouse and ancillary buildings at Westbank Depot, Perth to the Shaw Trust on the basis of the recommendations contained in this report.

**1. BACKGROUND**

- 1.1 Westbank Depot, Jeanfield Road, Perth has for many years been both an operational depot, and the site of the Council's plant nursery, growing the plants used in Council floral and other displays in parks and public greenspace. Although no longer used as an operational depot, the site is now used as a base by the Council's Criminal Justice Service for Community Payback activities. The site contains two main parts, divided by a road, which leads to Jeanfield Cemetery (see Appendix 1). The eastmost half contains the plant nursery, workshops, storage for Community Greenspace equipment, and also Criminal Justice services, located in and around the Jeanfield House building. The westmost part of the site is a former allotment area, which is underused.
- 1.2 The creation of a social enterprise at Westbank Depot, Perth is a proposal emanating from the Housing and Community Care Transformation Project on Employability. The vision was to develop a social enterprise – based around horticulture and traditional building skills-to provide employment and training opportunities for vulnerable people currently supported by Perth and Kinross Council services. This includes individuals supported by Youth and Criminal Justice Services, those recovering from mental ill health and adults with learning difficulties. The enterprise would also meet the Council's ongoing plant nursery requirements, through a service level agreement, as well as providing plants for local community groups, and businesses.
- 1.3 During 2011, the Council invited expressions of interest from organisations interested in being considered as potential partners to work with the Council in developing this social enterprise at Westbank. The Shaw Trust was subsequently chosen as the preferred partner.

- 1.4 The Shaw Trust is a national charity which supports disabled and disadvantaged people to prepare for work, find jobs and live more independently. Across the UK, they work with over 75,000 clients who face barriers due to disability, ill health or social circumstance. Their portfolio includes 12 Horticulture Social Enterprises, where they provide employment and training opportunities for over 1,000 young people and adults with challenging barriers to employment including learning disabilities, physical disabilities, mental ill health, long-term health conditions, addictions and criminal convictions.
- 1.5 At the Housing and Health Committee on 13 March 2013, it was formally agreed to establish a social enterprise with the Shaw Trust. Approval of the lease for the site was remitted to the Property Sub Committee.

## **2. PROPOSALS**

- 2.1 It has been provisionally agreed that part of Westbank Depot (as shown on the attached plan in Appendix 2) will be leased to the Shaw Trust on the following heads of terms:-
- (i) The leased subjects will comprise the workshop and greenhouse buildings situated on ground extending to 6,777 square metres forming part of Westbank Depot.
  - (ii) The date of entry will be 1 June 2013 or as otherwise agreed.
  - (iii) The lease will be for a term of 20 years with Tenant's options to break at the end of the 2nd, 5th, 10th and 15th years of the lease.
  - (iv) The rent will be £25,000 per annum with rent reviews at 5 yearly intervals linked to the Retail Price Index.
  - (v) The Tenant will be permitted to use the subjects as a horticultural nursery and workshops for the provision of training and employment opportunities.
  - (vi) The Tenant will be responsible for all repairs and maintenance.
  - (vii) The Tenant will be permitted to carry out works of refurbishment, improvement and alteration with the prior approval of the Landlord.
  - (viii) The Landlord will insure the buildings and re-charge the premium to the Tenant. The Tenant will be responsible for contents insurance and will carry public liability insurance for an amount not less than £5,000,000 or such other amount as the Landlord might reasonably require.
  - (ix) The Tenant will not be permitted to sub-let or assign the lease without the consent of the Landlord
  - (x) The Tenant will be responsible for the payment of rates, water and sewerage, electricity, gas, telephone and all other occupational costs relating to the leased subjects.
  - (xi) The Tenant will be responsible for any connection charges for any new or additional utilities or services brought into the lease subjects.
  - (xii) The Tenant will be responsible for obtaining and complying with any statutory consents required in connection with the Tenant's occupation and permitted use of the leased subjects.
  - (xiii) Other terms as agreed by the Head of Legal Services and the Head of Planning and Regeneration.

### **3. BEST VALUE AND DISPOSAL OF LAND REGULATIONS**

3.1 The Council is required to fulfil its statutory duties under Best Value as set out in Section 1 of the local Government in Scotland Act 2003 and to comply with the requirements of the Disposal of Land by Local Authorities (Scotland) Regulations 2010. Relevant aspects of this duty include:

- Making 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 and 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.

3.2 Best Value will be achieved through the initiative described in this report by providing employment opportunities for vulnerable people. The lease to the Shaw Trust will be at a full market rental value and will, therefore, fulfil the Council's obligations in respect of Best Consideration.

### **4. CONCLUSION AND RECOMMENDATION(S)**

4.1 Approval of the proposals in this report will launch this exciting initiative which will make a positive difference to many people's lives, as well as contributing to Perth and Kinross' reputation for attractive floral displays and high quality public open space.

4.2 It is recommended that:

- i) The Shaw Trust be granted a lease of land and buildings at Westbank Depot, Perth on the terms contained in this report.
- ii) The Head of Planning and Regeneration and the Head of Legal Services be instructed to finalise terms to their satisfaction.

#### **Author(s)**

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Signature</b>
<b>Barbara Renton</b>	<b>Depute Director (Environment)</b>	<b>Barbara Renton</b>
<b>Date 18.4.13</b>		

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

*The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed*

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	<b>Yes</b>
Financial	<b>Yes</b>
Workforce	<b>N/A</b>
Asset Management (land, property, IST)	
<b>Assessments</b>	
Equality Impact Assessment	<b>No*</b>
Strategic Environmental Assessment	<b>No</b>
Sustainability (community, economic, environmental)	<b>No</b>
Legal and Governance	<b>No*</b>
Risk	<b>No*</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>Yes</b>
<b>Communication</b>	
Communications Plan	<b>No*</b>

\*Covered in report to Housing and Health Committee, 13 March 2013.

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

1.1 This report contributes to the following Single Outcome Agreement outcomes:

- Our area will have a thriving and expanding economy
- Our area will have a positive image locally, nationally and internationally
- Our area will provide well paid employment opportunities for all
- Our people will be well skilled and trained
- Our young people will attain, achieve and reach their potential
- Our communities and people experiencing inequalities will have improved quality of life, life chances and health
- Our people will have improved health and wellbeing

## Corporate Plan

- 1.2 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report supports objectives (ii), (iii) and (iv).

## **2. Resource Implications**

### Financial

- 2.1 The proposals in this report will generate £25,000 revenue income per annum for the Council. The income would go to the Community Greenspace budget. The funding from the revenue budget would be reinvested in the purchase of plants from Social Enterprise.

### Workforce

- 2.2 Workforce issues were covered in the report to the Housing and Health Committee on 13 March 2013.

### Asset Management (land, property, IT)

- 2.3 This proposal should have a positive impact on land assets, as the Shaw Trust would take on responsibility for all repairs and maintenance on the leased site.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- i) Assessed as **relevant** and the following positive outcomes:

- This proposal will significantly improve the opportunities for those who face barriers to employment due to disability, ill health, or social circumstance.

### Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

### Legal and Governance

- 3.4 Legal Services staff have been involved in the development of these proposals.

## **4. Consultation**

### Internal

- 4.1 The Head of Legal Services, Head of Democratic Services and Head of Finance have been consulted in this report.

### External

- 4.2 The Shaw Trust have been consulted in the development of the proposals and the preparation of the report. They are satisfied with the Heads of Terms.

## **2. BACKGROUND PAPERS**

- 2.1 Report presented to the Housing and Health Committee on 13<sup>th</sup> March entitled Social Enterprise Transformation Project.

## **3. APPENDICES**

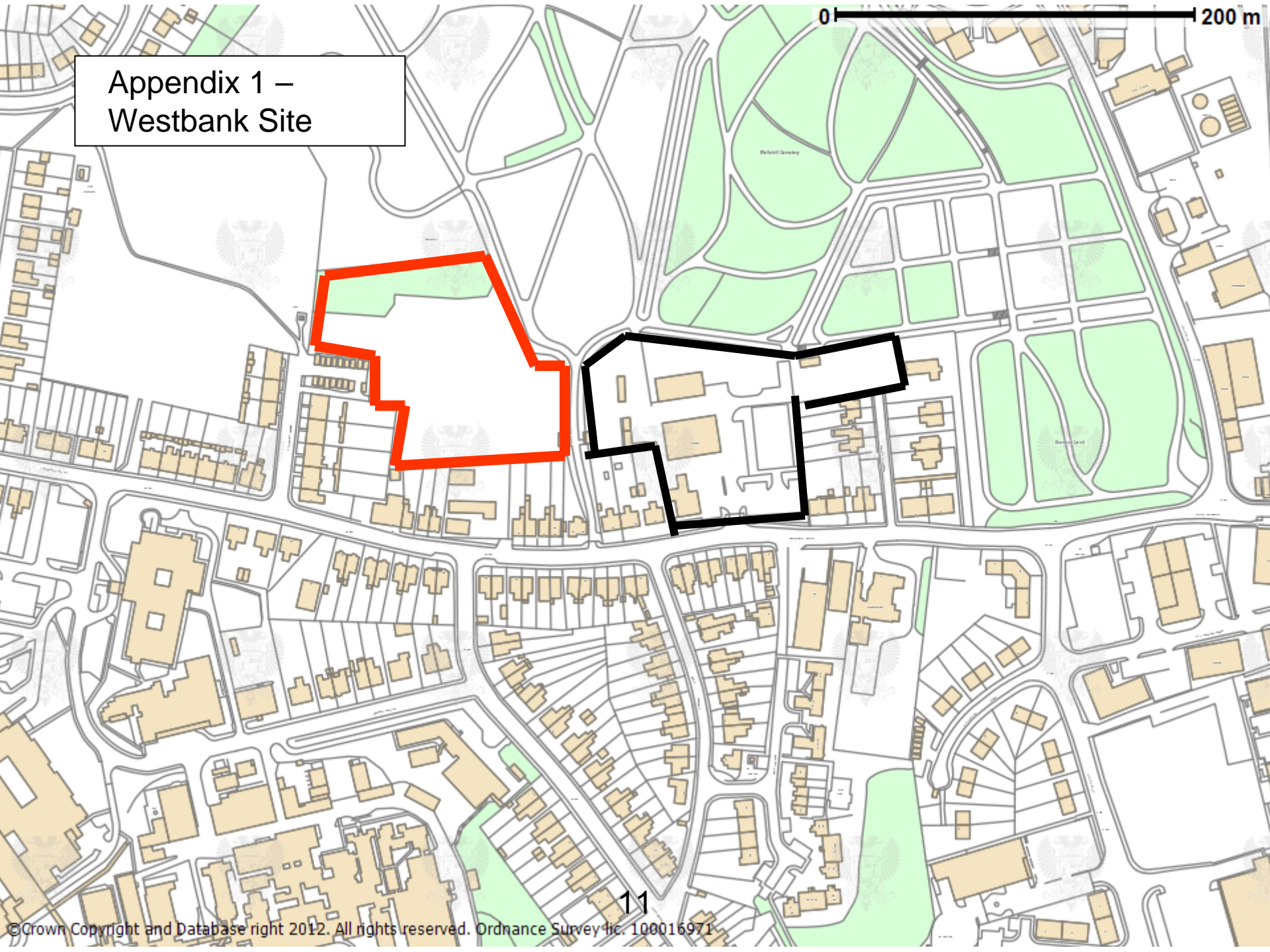
Appendix 1 – Plan of Westbank Site

Appendix 2 – Plan of Proposed Lease area





Appendix 1 –  
Westbank Site







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**PERTH &  
KINROSS  
COUNCIL**

The Environment  
Service

## Westbank Depot/Nursery Jeanfield Road Perth

Proposed Lease  
**13**

### COMMITTEE REPORT PLAN



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Ref:  
Date: 27/03/2013  
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