



Our Ref: AK/HM

Mrs Pat Wain

03 December 2019

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Angela Keith

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Dear Mrs Wain

Friends of Tarlair – Asset Transfer Request

Thank you for your application form which was received on 11 October 2019 and acknowledged on 16 October 2019. The Banff and Buchan Asset Transfer Group has been considering the application and has identified a number of additional information requirements.

I have listed the questions that have been identified so that you can consider them individually in the attached appendix. They are not in any particular order of importance or priority. If the Council were to be supportive of an asset transfer to the Friends of Tarlair, these would require to be considered and addressed before a report to the Banff and Buchan Area Committee could be submitted.

I would be grateful if the Friends of Tarlair could consider the questions attached and respond to me with an electronic version of the application form and supporting documents by the 10th January 2020. Once I have received this, the Banff and Buchan Asset Group will discuss the application again and we should be in a position to compile a report for the Area Committee.

Yours sincerely

Angela Keith
Interim Area Manager Banff and Buchan

Additional Questions for consideration to assist the Asset Transfer Application

Responsibilities

- Can you elaborate on how the Friends of Tarlair (FoT) will comply with the Health and Safety at Work etc Act 1974, the Management of Health and Safety Regulations 1999, the Construction (Design and Management) Regulations 2015 and other associated health and safety regulations”.
- Can you confirm how the FoT will be responsible for work activities on the site as part of the Asset Transfer and how the group will ensure responsibility for any volunteers on the site acting on their behalf.

How will the project be managed?

- Could the FoT elaborate on the planned phased approach and estimated timescales for the upgrade works.

The Business Plan

- The costs for the refurbishment/renovation are over 3 years' old. The group has not indicated what increase in these there might have been. Could you confirm whether these are still considered accurate.
- The costs do not include VAT – will the group be in a position to reclaim VAT?
- There is only an indicative figure for the catering equipment and dining area. It would be good to have more detailed information to ensure that nothing has been omitted and that the costs are realistic.
- There is no figure detailed for finishing costs.
- The plan only indicates some potential funding bodies. It would be good to have even a basic funding package drawn up – albeit based on assumptions.
- There is no development cashflow. The group needs to consider how the cashflow of this project can be funded and more detail provided.
- Will any of the funders that are being considered fund any of the elements? If not it will require to be paid for then claimed. Could you describe in more detail how this be managed?
- Within the business objectives of the business plan (page5) – it would be good to see some numbers relating to volunteers, educational resources, heritage centre, etc. This would assist when considering the formula which determines sale/lease at less than best consideration.
- Within operations (page11-12) there is mention of paid staff and volunteers. What are the current numbers of volunteers and is this sustainable? How would this be sustained?
- Could FoT confirm the position with public liability insurance and the cover for all events and management of the building including volunteers.
- Could FoT confirm the position in regard to contents insurance, the figure appears low so a firm estimated cost would be more helpful, appreciating it is indicative at this stage.
- P 10: Marketing the 'site' appears to refer to the wider site, in that it includes the Gala and model boat club. It is noted that the Boat Club already use the site on

Sundays, and questions may be raised about insurance existing for this. – Could the position around this be clarified and the relationship to FoT clearly set out.

- It is clear that the AT is for the pavilion only, although the ‘demand and ‘target customers’ sections clearly reflect groups of people who you anticipate would use the wider area e.g. picnickers, model boaters and swimmers – with some groups accessing the water environment. As owners of the wider site the Council will need to ‘manage’ these activities and may need to invest to mitigate risks associated with increased public use of the site (signage/physical barriers). Can FoT clearly define how the business plan will focus on attracting customer to the pavilion given the Council would not support and encourage people to access the site to use the external water facilities.

The application form

- The 8 points/other terms and conditions that are detailed would benefit from being clearer and more detailed before they could be added to a legal document.

Section 3B – Request for Lease

- **Length of lease** – we note a proposed increase from 25 to 99 years and assume this is for the purpose of funding applications. Could you confirm.
- **Terms and Conditions** – we note the first 5 listed, in that terms such as ‘continued support’, ‘collaborative’ and ‘assisted guidance’ are by their nature unqualified. Could you elaborate on the expectations FoT would have from the Council in relation to these factors appreciating that the Council has already made clear their restricted ability to prioritise and allocate capital and revenue funding to this asset.

Section 4: Community Proposal

- **Business Objectives**
- These read as a coherent ‘Vision’ for the site. It would be helpful for the objectives to be re-written to separate out the short-term objectives, which relate to the building (the subject of the transfer request), and the longer-term objectives which relate to the wider site and future AT proposals. The phases are referred to in the Business Plan.
- **Restrictions on the Use of Land**
- The Friends’ request is for transfer of the pavilion block (Section 2.1), but longer-term aspirations, as reflected in the detail of the Business Plan, are clearly for the restoration and reuse of the wider site. In this context, it should be noted that Permitted Development Rights would not apply anywhere across the site as all the structures are Listed.
- **Risk Analysis**
- This section needs more information: there would be an increased risk to public at the site as a result of the Friends’ proposed activities; a risk to volunteers and a risk to contractors in the absence of adequate safeguards.

- **Capacity to Deliver**
- Under this section, it would be helpful to expand on the potential of AVA and the Business Gateway getting involved. How do the friends intend to approach this and gather support for the project from all sectors?

Section 6: Funding

- Noting that the restoration costs as quoted would have increased since the date of the John Addison report and do not appear to include the cost of fees, likely to be at around 10-15%. Can you clarify if additional costs need to be reflected in the application?