

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Finance and Resources
<b>DATE</b>	7 December 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Wallace Tower
<b>REPORT NUMBER</b>	RES/22/276
<b>DIRECTOR</b>	Steven Whyte
<b>CHIEF OFFICER</b>	Stephen Booth
<b>REPORT AUTHOR</b>	Cate Armstrong
<b>TERMS OF REFERENCE</b>	4.1 & 4.4

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### 1. PURPOSE OF REPORT

- 1.1 To advise committee of the outcome of the consultation regarding the proposed disposal of this Common Good property following the amendment to the original asset transfer request for the purchase of the Wallace Tower by the Tillydrone Community Development Trust and to request approval to petition the Court, under section 75 of the Local Government (Scotland) Act 1973, to receive authority to dispose of this Common Good Property under section 74 of the Local Government (Scotland) Act 1973 and the Land Disposal (Scotland) Regulations 2010.

### 2. RECOMMENDATION(S)

That the Committee: -

- 2.1 Note the representations received during the Consultation period;
- 2.2 Instruct the Chief Officer - Governance to lodge a petition with the Courts under Section 75 (2) of the Local Government (Scotland) Act 1973 for authority to dispose of the Wallace Tower and associated Common Good land within Seaton Park extending to circa 435sq.m; and
- 2.3 If the requested authority is granted by the Court, instruct the Chief Officer - Corporate Landlord, to progress the asset transfer request under section 74 of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

### 3. CURRENT SITUATION

- 3.1 The background information for this report is contained in our Report (Wallace Tower) that went before the City Growth & Resources Committee on 21<sup>st</sup> September 2022.

- 3.2 To allow the proposed disposal of Wallace Tower to progress the Council must be satisfied that it has fulfilled its obligations under the terms of Section 104 of the Community Empowerment (Scotland) Act Part 8 to publicise the details about the proposed disposal of this Common Good property and ensure that it has notified, and invited representation from the community councils, community bodies known to have an interest in the property, and any other interested parties.
- 3.3 As noted in the previous report the Tillydrone Community Development Trust (TCDT) asked that the site area originally requested be amended to include a larger area of ground. They have confirmed that they would like the site to be increased by circa 34sq.m. extending to a total site area of circa 435sq.m. (Appendix 1)
- 3.4 Following confirmation of the site required the Council started a renewed 8-week consultation process to publicise the revised proposal and allow a representations regarding it.
- 3.5 Notices publicising the request were erected at the Wallace Tower and in the nearby Tillydrone Library in accordance with the legislation requirements. Copies of the Proposal document (Appendix 2) were issued to all the Community Councils within the City and were also available to other interested parties at every library within the City. The Proposal was, published on the Council website and on its social media platforms, and was, also, sent directly to a number of Community Bodies who were known to the Council to have shown interest in the property.
- 3.6 A public survey was also put up on the Aberdeen City Council's Citizen Space to allow members of the public an opportunity to indicate to what extent they agreed with the proposed sale of the Wallace Tower to TCDT and explain the reason for their choice.
- 3.7 The consultation closes on 29<sup>th</sup> November 2022, with a 12.00pm deadline for representations to be received by.
- 3.8 The representations received from the local community are summarised within Appendix 3.
- 3.9 At Committee of 21 September 2022, it was resolved that a Report be brought back to Committee if any adverse representations were made.
- 3.10 At this time 1 negative representation has been received and 3 representations in support.
- 3.11 The Citizen Space consultation survey had received 222 responses as of 28 November 2022. The table below provides a summary of the responses. A full list of the responses is shown in Appendix 4.

	No	%	
Strongly agree	97	43.69%	67.11%
Agree	52	23.42%	
Neither agree nor disagree	10	4.50%	4.50%
Disagree	20	9.01%	28.38%
Strongly disagree	43	19.37%	
	222	100%	100%

- 3.12 As noted above just under 5% of respondent neither agree or disagree with the proposal, just under 29% either disagree or strongly disagree with the proposal and almost 65% responded positively to the proposal.
- 3.13 Of the respondents who disagreed or strongly disagreed 55.56% (15.77% of total respondents) commented that the property should not be sold as it was Common Good Land and should be kept in Council ownership.
- 3.14 14.29% of respondents thought that the property should be leased to TCDT, this equates to 4.05% of the total respondents; 8 of these 9 respondents had also noted that Common Good Land should be retained by the Council.
- 3.15 67.11% of the respondents felt that the disposal of the Wallace Tower by the City Council to TCDT should be progressed as they wanted to see the Tower restored and back into daily use, as a thriving enterprise that was open to the public to visit and use on a regular basis.
- 3.16 Whilst the feedback received indicated that not all respondents are comfortable with ownership of the Wallace Tower no longer being with the Council, it is clear that the majority feel that they would like to see the property restored and back in use.
- 3.17 Approximately one third of the comments received from respondents to the survey published on ACC's Citizen's Space indicated that they felt the Wallace Tower should not be sold as it was Common Good and should be retained by the Council. However, the majority want to see the building restored and back in regular use.
- 3.18 To allow the Council to dispose of the Common Good property the Council need to first petition the Courts for authority so that the proposed sale to TCDT can be progressed and their plans to restore this historic building can be actioned.
- 3.19 TCDT have secured funding of £253,974 which should be committed for spending before the end of the financial year. This funding will allow the group to get a significant amount of the required works completed to get the Wallace Tower back into use.
- 3.20 Given that TCDT have already secured a significant amount of funding for the restoration works it is considered that a sale of this surplus / mothballed property for £1.00 to the TCDT would be seen to demonstrate Best Value for the Council.

- 3.21 While this disposal, if allowed, would be at less than best consideration the wider public benefits that will be gained through the proposed disposal are considered to justify the proposed discount.
- 3.22 By bringing the building back into use as a community facility TCDT will promote both economic development and regeneration within the locality through the works to the conserve and restore the building and bring in back into economic use as well as the on-going operation of a café for the local community and visitors in the area.
- 3.23 They will also be restoring a historic well-loved building for the benefit of the local Tillydrone community and the wider community throughout the City.
- 3.24 It is expected that the social wellbeing of the local community will also be promoted through having a community facility to visit / use / meet up with other members of the community. It is intended that the café operations will be contracted out to 3<sup>rd</sup> sector organisation who will provide training and employment for local people.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The disposal of this Common Good property would relieve the Council from the responsibility holding this vacant building within its property infs. A transfer at £1.00 would show best value for the Council as it will remove the liability for the building from the Council
- 4.2 While the holding costs for this historic Common Good property are not substantial there will be ongoing liability due to the threat of vandalism and any associated costs if the recommendations are not approved.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Under Part 8 of the Community Empowerment (Scotland) Act 2015 a local authority is required to consult with the local community when considering any disposal under Section 74 and 75 of the Local Government (Scotland) Act 1973, whether that is by sale, lease, (or other disposal), or change of use of Common Good property. The legislation requires that the Council publish details of the proposed disposal or the change of use of the Common Good property and notify and invite representations from Community Councils and community bodies that are known to the Council to have an interest in the property.
- 5.3 Authority from the Court is required to sell Common Good property under section 75 of the Local Government (Scotland) Act 1973.

5.3 Approximately one third of the comments received from respondents to the survey published on ACC's Citizen's Space indicated that they felt the Wallace Tower should not be sold as it was Common Good and should be retained by the Council. However, the majority want to see the building restored and back in regular use.

## 6. ENVIRONMENTAL IMPLICATIONS

6.1 If this historic building continues to sit unoccupied and uninhabitable it will have a negative impact of the surrounding area, as it sits in a prominent position on the main route coming into Aberdeen City over the Diamond Bridge.

6.2 If the recommendations are approved the restoration and re-occupation of this iconic building can only benefit the local environment.

## 7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	No significant risks identified			
<b>Compliance</b>	No significant risks identified			
<b>Operational</b>	The liability of managing a vacant property	The risk to the Council will be mitigated by the Council getting authority to dispose of the property.	Low	<b>Yes</b>
<b>Financial</b>	The responsibility of on-going holding costs and repairs to a vacant building	The risk to the Council is mitigated but the disposal of the property is authority to dispose of the property is granted.	Low	<b>Yes</b>
<b>Reputational</b>	The council's reputation may be negatively	The risk to the Council will be mitigated if the disposal of the property is authorised and the	Low	<b>Yes</b>

	affected if the building continues to deteriorate under council ownership	transfer of ownership approved.		
<b>Environment / Climate</b>	No significant risk identified			

## 8. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN 2022-2023</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>  <b><u>Working in Partnership for Aberdeen</u></b>	The Proposals in this report have no impact on the Council Delivery Plan
<b><u>Aberdeen City Local Outcome Improvement Plan</u></b>	
Prosperous Economy Stretch Outcomes	The proposals in this report have no impact on the Prosperous Economy Stretch Outcomes
Prosperous People Stretch Outcomes	The Proposals in this Report may improve prosperous People Stretch outcomes by delivering training and help people within the community back into employment.
Prosperous Place Stretch Outcomes	The proposals in this report have no impact on the Prosperous Place Stretch Outcomes
<b>Regional and City Strategies</b>	The proposals in this report have no impact on the Regional and City Strategies.

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	Full impact assessment required / not required (Please note that the Equalities Team have introduced an Integrated <u>Impact Assessment form</u> which replaces the old EHRIA form

<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	

## 10. BACKGROUND PAPERS

- 10.1 Finance & Resources – 21 April 2011 –Wallace Tower, Tillydrone Road – Future Use  
10.2 City Growth & Resources – 21 September 2022 - Wallace Tower

## 11. APPENDICES

- 11.1 Appendix 1 – Site Plan  
Appendix 2 – Amended Proposal Document  
Appendix 3 – Representations  
Appendix 4 – Comments from Survey Respondents

## 12. REPORT AUTHOR CONTACT DETAILS

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