APPENDIX 2 TO REPORT NO 173/24

DETAILS OF CONSULTATION

Consultation Process

The statutory Section 104 consultation started on 7 November 2023 and ran until 15 January 2024, with details on the Council's website 'Have Your Say'; posted on Tell Me Scotland https://engage.angus.gov.uk/disposal-of-common-good-property-at-the-inch-pavilion-montrose . Notices were also placed at the site and on social media.

The consultation was reported in the local press with follow up press and social media. Articles were shared across a range of social media platforms and sites.

The 'Have Your Say' website included a survey response and an opportunity to make comment.

The local Montrose Councillors together with Ferryden and Craig Community Council and Montrose Community Council were directly notified on 7 November 2023 in accordance with statutory requirements to notify community councils and community bodies.

26 responses were received of which 2 were duplicate responses although from different e-mail addresses. All were through the 'Have Your Say' website.

This report to the Policy and Resources Committee fulfils the requirement to publish the representations that the council received.

Consultation Responses

Disposal/Change of Use of Common Good Property at The Inch Pavilion, Montrose (Sale to Montrose Port Authority)	Total
Supportive	3
Non-Supportive	20
Neutral	3
Total	**26**

APPENDIX 2

CONSULTATION COMMENTS

All of the responses are reproduced below unedited, except where the response has included information which may personally identify the submitter. The responses are in order from supportive, non-supportive through to neutral.

Key themes have emerged from some of the representations made in response to the formal consultation. These are summarised in Col. 1 of the Table below. Col. 2 provides factual clarification in response to the points made under these themes and aims to inform elected members in their decision-making and in having regard to the representations. Members are, however, required to consider and have regard to all of the individual representations and not just the table that summarises them.

Col 1 - Key themes	Col 2 - Clarification on points made
Multiple responses have requested that the building and ground is retained for community use and/or as a café/florist.	The original operators of the Bowling Club amalgamated with another bowling club in Montrose which resulted in the facility no longer being required for bowling. The pavilion itself is currently leased out as flower shop. The site including the building and Bowling green was declared surplus at Policy & Resources Committee on the 31 August 2021 and members approved to market the property for sale. As part of the options appraisal process community benefits were considered which would cover allotments etc. This was reflected in the scores against the objectives attached to the submissions . Those objectives and the rationale for weightings are included in **Appendix 4.** As outlined in in Appendix 3, when assessing the submissions from the bidders, "Community benefits" and "Impact on Angus area wide on Net Zero carbon emissions and impact on Angus biodiversity" were objectives the bids were evaluated against as part of the options appraisal. Weightings were attached to those objectives and the rationale for weightings is included in **Appendix 4.** In addition, the sale of the property will also be subject to a court process. The sale cannot proceed without the court firstly granting consent to the disposal of the common good asset. The Council will follow due process. The court will consider a number of factors relating to the proposed disposal and would have discretion in granting or refusing consent and could also grant consent subject to conditions.

Requested that highest offer be accepted.	Report 296/23 to Policy and Resources Committee on 24 Oct 2023 recognised that the preferred option was not the highest consideration offered however it does exceed the valuation price. As detailed in the report, the bids were not scored only on capital implications and the evaluation methodology used is detailed in Appendix 3. Capital implications are considered to be a significant factor (but not the only factor) in determining best consideration for the asset. The original offers were the subject of a follow-up request for further information regarding proposed use of the site, taken together these were assessed through an option appraisal process. Bids were scored according to objectives and weightings that were developed on the basis that the option that best satisfied those objectives, as weighted, would be demonstrably consistent with the Council's statutory duties, the Council Plan and the Community Plan. Montrose Port Authority's bid was the highest scoring option and accordingly was the preferred option. Details of the option appraisal and assessments are contained in Report Nr. 296/23 approved at the Policy and Resources Committee on 24/10/2024.
Request to see all offers submitted, exempt information made public and suspend the process to confirm legality	The Council may by resolution exclude the public from a meeting during consideration of an item of business whenever it is likely, in view of the nature of proceedings, that if members of the public were present during consideration of that item of business there would be disclosed exempt information. Exempt information is defined in terms of Part I of Schedule 7A to the Local Government (Scotland) Act 1973. There is a proper and legal basis for this detail being exempt as it includes information relating to the financial and business affairs of the bidders (para 6 of Part I of Schedule 7A) and also conditions to be included in the contract for the sale of inch pavilion (para 9 of Part I of Schedule 7A). Disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property. For example, if this information regarding the value and bids received were to be disclosed, and if the preferred bid were not to proceed, this information is considered likely to impact on any new future bids and prejudice the Council in negotiations.

	One of the representations made states that the respondent believes that the process followed has contravened the Community Empowerment (Scotland) Act 2015 since the public consultation has been undertaken at the point when the Council has identified a preferred bidder. However, legally, the Council is entitled to determine a preferred option and consult only on that preferred option, provided that it remains open to consultees to make representations and that it will have regard to those representations prior to making a final decision. It is only now, at this stage and in this report, that Committee is being asked to make a final decision, having regard to and consideration of, representations made. The Council is satisfied that it has complied with its legal obligations in relation to the process.
Use as possible extension to adjacent cemetery	This option was previously explored by the Council and rejected following a survey and consultation with SEPA due to water table issues.
Request that Montrose Port Authority match highest offer	An assessment and option appraisal has been carried out based on offers received at a closing date and from additional information provided via questionnaires which were issued to all bidders. The preferred bidder (being the highest scoring bid from the Options Appraisal process) has been identified. In accordance with best practice no further negotiation would be undertaken following the receipt bids after the closing date. It would not be appropriate to request that one particular bidder makes changes to key elements of their bid at this stage of the process.

Responses in Support of Disposal/Change in Use Demolition

I am writing in connection with the above proposed sale and have a couple of comments. Having studied the paperwork, I was surprised to see that any information which may have assisted members of the public to form an opinion on this matter are marked 'exempt' and appear to be unavailable. I, in common with many others, have seen previous posts on Facebook (incidentally where I also obtained this email address and notifications). These suggest that a higher offer was made by another party who also wished to purchase the redundant Homeless unit on Queen's Close. I have no way of verifying this information and as a resident of the town, I have a responsibility to be aware of the ways in which our finances are handled. The Common Good Fund is understandably a subject which raises feelings amongst residents and those managing it have a duty to be transparent in all their decisions. I am favourably disposed to The Port Authority as a major employer and financial asset to the town. I can understand that Angus Council may wish to be supportive and sell the plot of land to them because of all the other factors which are clearly weighted in their favour (presumably by design). Might I suggest that in order to avoid conflict, there is transparency about the value of other offers, and the Port Authority, if chosen for other than purely commercial reasons, match the highest offer on the table.
Having read about the proposed sale of this property to Montrose Port Authority I herewith let you know of my support for this plan. Montrose Port Authority is one of the few employers in this area presently showing any interest in expansion and as it stands there are no obvious further properties for them to move in to. The Port Authority is one of the biggest employers in the area and everything should be done to ensure ongoing success. I worked at the harbour REDACTED and cannot recall any of the previous Harbourmasters/CEOs putting in as much effort to secure the future of this small Port as Capt Hutchison is doing now. I think their bid should be accepted.
I am writing in response for your call for feedback on the change of use of the Inch Pavilion in Montrose. As a supporter of the offshore renewable energy sector, I strongly support the change in use of this building. Montrose Port Authority have an exemplary reputation for being considerate of for the use of refurbishing buildings in Montrose, and I believe they have the town at the forefront of their plans. I hope people of Montrose and beyond support this project. If you need any further feedback from me, I would be happy to supply it

Responses NOT in Support of Disposal/Change of Use

I think this site should not be sold to the port athoroties but used in the community as a Storytelling Centre for the Angus and worldwide area. There is one in Edinburgh but as there is about to be an Angus Book Festival 15-19th November and each year this would be wonderful. Used for schools,home ed groups, local and national storytellers of all genre. There is a huge history of soral storytelling in Scotland but few venues and this wou;ld serve the whole community. Thak you for your time
Councillors are not acting in that capacity with regard to this sale. They are trustees of the Common Good Fund. Effectively, they are required to act as a prudent person would with their own property. Would any prudent person dispose of an asset at a figure £75,000 less than the best offer? I very much doubt it.
I can understand why this area would be important to the Port Authority, but this wee den has probably been a life saver for a lot of people during going through and after COVID and since. I no longer live in Montrose moved to Spain last year but I feel really strongly that this wee area should be saved as a happy, friendly and safe place for people to go, no parking issues and the flowers and coffee are amazing, after what has been happening in Montrose recently devastation, it doesn't need something like the Pavilion to also disappear. Hopefully it can be saved.
I'd be very sad to see The Pavilion go. I also love the florist shop there. It is superb. The Roamer Coffee Van is often there and is a great place for excellent coffee, cakes and companionship. It's an important place for meeting up with friends, outdoor pilates classes, letting the toddlers and young ones have a run around, and all sorts of events. Please don't spoil it.
I have lived in ferryden for over 35 years and and upset and angry that an old part of rossie island history is probably going to be demolished and industrialised . I have always understood that local Angus councils could not sell properties that belonged to the public ! What do they intend on doing with the funds ..it would be different if this was spent on the community in the area . There is virtually nothing in ferryden for kids to do bowling green not in use tennis courts abolished years ago . Yes we have a nice park but that only caters for small kids ! The Pavillion at the moment a flower shop and a coffee shop is based there in the summer months, it's lovely to walk round island and sit and have a coffee in the grounds. I suggest you go and sit there and reflect at the Pavillion site it is a lovely quiet place you can go to sit and reflect when inside it's like there is not a industrial harbour right next to it . Also the public will prob be banned from walking around island at that part . I suggest the council think very carefully about this decision which I know yes harbour jobs ect ect while good for town … destroying green space should not be one . I would suggest the purchaser of the land do something in reflect distorting this lovely space give something back to the area that the public can enjoy .
With ref to the "consideration" for sale of the Inch Pavilion. This consultation should be happening at the point where disposal of common good property is being considered and not after considerable council time and resource has been spent to get the sale to the point of a preferred bidder. This contravenes the requirement of the community empowerment act.Also how can a member of the community form an opinion on this sale without having knowledge of what the other alternatives were. Please suspend this sale until angus council have clarified that due legal process was followed and with full disclosure of alternative bidders.

I've just found out that the council plan to 'sell' the above ground to Montrose Port Authority. I do not agree with this at all. This is a lovely green spot, the only green area on the whole of Rossie Island. Why don't the Port Authority clean up the monstrous metal graveyard which lies in front of the cemetery and private houses?? It's an eyesore, but plenty space for single story offices there. I would be happy with an extension for the graveyard, where my own parents are buried, or, even better, a space to benefit the whole community, like allotments for avid gardeners, a safe play area for children and a coffee shop/cafe for parents, something that would attract teenagers perhaps and keep them off the streets, a community hub ? Please let the community decide instead of taking the money and running, which I believe is the common good fund's money anyway, and not the council's.
Assets , gifts to the Town, Beach Pavillon, Inch Pavillon etc shouldn't have been sold or possibly sold, should have been long term leases, money used for other projects in the Town,after all don't they belong to Montrose and not The Council?
Believe this is a community asset which Ferryden Community Council is interested in and, as such, it should not be sold to a commercial enterprise.
Good day . I do not understand how angus council can propose to sell off a Common good asset to montrose port authority when another local business has offered significantly more for the asset? . There may be personal grievances at play but surely the council has a responsibility to get the best possible deal for montrose.
I strongly object to the sale of the Inch Pavilion and associated land. This small green space currently provides activities and services all year round. The current business in the pavilion building adds joy to being a resident in Montrose. This area needs to remain as it is. There are fewer and fewer charming, thriving businesses in Montrose.The expansion of industry into our green spaces is of great detriment to the attractiveness of the town and erosion of the once significant sense of natural and designed beauty within Montrose.I feel the council should reflect on the long term impact of the loss of such areas. What will be left for future generations if we allow these portions of green to be taken over by industry. The port authority has enough land in town and could well look elsewhere to meet its needs without an impact on its functions. Best, REDACTED
Re the selling of this area is of great concern for myself and my family. It will have an impact. On the community. Montrose is already lacking in accessible public green spaces for young children. Most of the parks are in accessible for children under the age of 2 due to the style or due to vandalism which can take months to then be repaired. The inch pavillion offers an inclosed space for families which our children can run around in and actually be safe within.It also is the location of two local Businesses which thrive and are integral to the montrose community. Both the flower pavillion and roamer offer more to the community other than just their local services. The area has becoming an informal meeting place for groups especially from spring to October when the weather is good. My other concern is of this land has been donated for the common good to be then be sold what are the profits then going to be used for. Will it be put back into the common good fund. Kind regards, REDACTED
We have real concerns that this facility will be lost for nought, the land will simply become an extension to the MPA landscape. We need to preserve our community spaces not lose them to commercial activities with no strategy for future generations enjoyment.

I wish to complain, make representation under Section 104 of the Community Empowerment (Scotland) Act 2015 as it relates to the Angus Council plan to dispose of part of the Common Good assets of Montrose and in the jurisdiction of the Ferryden and Craig Community council. (The site of the former Inch Bowling green at Croft Road, Rossie Island.)
I wish to object to the Council accepting an offer from the Montrose port authority, who will no doubt turn another piece of Ferryden/Rossie Island into a dumping ground, as they have at Burnside and the old bus station warehouse, Rossie Island Road. This is common Good ground donated to the people of Ferryden, and should not be for the council to put it up for sale.
As a resident of Caird Avenue, living next to the old bus station, I have previously had to write to them complaining of the metalwork piled high above our boundary wall, and now we have huge containers sitting one on another which tower over our residential dividing fence, we also have large rusty pipes which are an eyesore as we drive into our property. If they take over the bowling green as well, not only will it make an eyesore at the foot of our property, but will increase the traffic for our road, and devalue all our properties.
I would like for you to also take into consideration the adjoining Cemetery, all the additional traffic and heavy metal junk they leave lying around with the forklifts and cranes that are required to move it about, that could have an effect on the settlement of the graves and gravestones, some of which are already problematic, and would not be the peaceful resting place they envisioned when they were laid to rest there.
I am also under no illusion that Montrose Port Authority, will close the bottom end of Croft road preventing locals right of way who often walk around that area., myself and my family included. The Flower Pavilion and Roamer Coffee Stop have built up thriving business's which will no longer be able to run, especially during good weather when many people meet up in the bowling green, who live out with the local area.
I understand there were other offers for the property, some well over the Montrose Port Authority asking price, which does make one question why the Council want to accept this particular offer.
Having spoken to long term residents of Ferryden and Caird Avenue, there was a proposal put forward for the Cemetery to be increased in size which would also allow the piece of land to bring in revenue for the council, keep the area a peaceful green space, and would allow the Flower Pavilion and Roamer Coffee Stop to continue in their business. It would also give local residents somewhere to be laid to rest that is more suitable than making living relatives travel over to the other side of Montrose especially if they do not have their own transport.
I am sure I am not the only person objecting to this sale, and look forward to your reply.

I am writing to voice my strong objection to the sale of the Common Good Property, Inch Pavilion and Bowling Green, currently a Common Good asset, to Montrose Port Authority or any other Company who plan to turn it into an industrial site.The area is currently used by a flower shop to provide a service to the community as well as a mobile coffee and cake shop. These outlets are popular throughout the year.The site is situated adjacent to a historic graveyard within which are the deceased relatives of current Montrose and Ferryden residents. I note from within the proposal that an extension to this graveyard had been proposed however SEPA said this was not viable due to the nature of the ground. It is interesting therefore to read that the proposal from Montrose Port Authority includes construction of an office block which one assumes would have the need for foundations at a similar depth into the ground declared by SEPA as unsuitable for burials.The possibilities for this lovely area of ground beside a well- used pathway around Croft Road are many and varied. It links well to Core path 093 around Esk Road and also through Ferryden to the Lighthouse providing benefits to Montrose residents. It is currently used regularly by walkers and cyclists who stop at the Coffee shop within the bowling green grounds. It has potential to provide men's/women's shed type hobby crafts facilities, a memorial garden adjacent to the current graveyard, an area of allotments or creation of a community market garden and many other possibilities.
Having read all of the available documentation provided in the consultation I find it very surprising

that within the Appendix 6 document on objectives and weighting, section 4 on Community benefits, it is stated that 'although community benefits would enhance the area and provide support to the local community this was not considered as important as potential economic growth'. Surely the health and wellbeing of Montrose residents and of course the current residents in Caird avenue who will undoubtedly be disturbed by any major construction should have equal importance? There are many unused areas and buildings near the old dock area in Montrose that could be utilised and that area improved rather than destroy a pleasant green space much enjoyed by local residents and wildlife in Croft Road.

Yours faithfully, REDACTED

DISPOSAL OF COMMON GOOD ASSET - INCH BOWLING GREEN, ROSSIE ISLAND MONTROSE.

During the last six or seven years we have been regularly reminded (Richard Stiff ex CEO Angus Council started the ball rolling) by existing representatives of Angus Council & elected Councillors that the residents of Angus faced grave choices in future years as a result of funding cuts. At one stage it was estimated that by 2025, 100% of the council's budget could easily be consumed by the commitment to social care & education.Storm Babet and the subsequent storms have only served to inflict deeper financial challenges on an already seemingly hopeless situation.

Yet here we find the Council willing to deviate from a policy that has existed in modern times of accepting the highest bid when disposing of assets.
I can refer to an article in the Dundee Courier on Sat 2nd Dec, which gave reference to a housing development on a former resource centre in Friockheim. It is stated that the Council preference was to accept the highest bid.Yet , on this sale of land there is a very significant difference in the value offered by the underbidder (_-£73850.00), yet there has been no real explanation given to the residents of Angus, as to the material difference in the intended plans from both bidders.These plans should have been presented in "Janet & John" type language in order that everyone could fully understand why the under bidders bid, represented the best value for the disposal of the site. There should have been no doubting from the information supplied by Angus Council as to why the under bid would be in the better interests of the residents of Angus.Currently in Angus there is considerable on-going disruption to the roads and bridges that link Angus to the rest of communities, both near & far, it seems financially irresponsible to accept a bid that is so significantly lower than the highest bid.

I trust that this concern is noted and understood by the representatives who will be reviewing the comments received.

Without prejudice REDACTED

I wish to endorse the views expressed in REDACTED email of 11 January2024. It would be helpful if you could inform me if the underbid is accurately assessed, and why Angus Council has taken this position.
My details are: REDACTED
I should be grateful for your help in this matter.
REDACTED.

During the last six or seven years we have been regularly reminded (Richard Stiff ex CEO Angus Council started the ball rolling) by existing representatives of Angus Council & elected Councillors that the residents of Angus faced grave choices in future years as a result of funding cuts. At one stage it was estimated that by 2025, 100% of the council's budget could easily be consumed by the commitment to social care & education.Storm Babet and the subsequent storms have only served to

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The information currently available to the general public has been restricted by the use of exemptions . I find this to be ironic , coming in the same week as the revelations relating to the Post Office`s attempts to conceal the defects in the Horizon computer system Currently in Angus there is considerable on-going disruption to the roads and bridges that link Angus to the rest of communities, both near & far, it seems financially irresponsible to accept a bid that is so significantly lower than the highest bid.I trust that this concern is noted and understood by the representatives who will be reviewing the comments received.Without prejudice, REDACTED

In the middle of a very long and precarious period of financial instability that Angus Council (like almost every council in the land) is stuck, that there even needs to be a public consultation on the wisdom of their decisions is incredulous. Yes we all know that there is a statutory consultation required when disposing of Common Good Assets. However, this is merely a formal process to ratify decision's that will have been taken in the greatest of interests for ALL who any Council represents. Yet in this case, it is quite clear that public opinion is very much against the decision taken. It is now a stated fact that Angus Council believe that accepting a bid that is £73,850 lower is in the PUBLIC INTEREST! If it were not so serious, it would almost be funny to draw parallels between this decision and those taken by the hierarchy within the Post Office during the last few decades. It certainly looks like that Angus Council have forgotten the words of Mr Einstein when he reminded us of the following; 'Insanity is doing the same thing over and over again and expecting different results. ' Did those who made the decision truly believe? that if they said it often enough, the financial difference between the bids received was actually irrelevant? Perhaps Angus Council, should consider reflecting on the reality of the public perception of those involved in the Post Office scandal, and question whether they to have acted in a conceited and belligerent way with regards the NEEDS or WISHES of those whom they have been empowered to represent. It is very clear that despite the passing of the decades, those whom made the choices they did within the Post Office will ultimately be held accountable. I would consider that it is wholly appropriate that those that decided to dismiss £73,850 of monies that are destined for good use by the residents in the hinterland of the Montrose Common Good Fund be brought to task. It is not too late for the decision to be reversed and the Montrose Common Good Fund receive the MAXIMUM amount of revenue offered. I trust that this concern is noted and understood by the representatives who will be reviewing the comments received.

REDACTED

DISPOSAL OF COMMON GOOD ASSET - INCH BOWLING GREEN, ROSSIE ISLAND MONTROSE.

It is my understanding that the property had two bids on it , and you are considering the lower bid.

If you were selling any property or item of your own you would not consider a bid of a sizable amount less, you must remember that you are representing the people of Angus

Neutral Responses relating to Disposal/Change of Use

I am the owner of the property at REDACTED and would like to be assured that whoever eventually acquires Inch Pavilion and grounds will NOT block off the part of Croft Road that is presently 'unadopted' by Angus Council (the part from eastern edge of Cemetery wall to northern side of Inch Pavilion) as Braoch Road/Croft Road and beyond is a well-used walking and cycling route, and although vehicle use is restricted due to concrete posts between the vehicle park at Braoch Road and Croft Road, in the past when there were roadworks at Croft Road or Rossie Island Road(A92), the posts were temporarily removed and Croft Road and Braoch Road were used as an alternative route for vehicles, so if the new owners wanted to erect fences, etc., on Croft Road for 'security' or other purposes, this would cause great inconvenience for many people, including myself, as any alternative walking route to/from High Street, etc., is a lot longer! There was also a problem some years ago when the drains on the 'unadopted' part of Croft Road had to be repaired,(probably because some people from the former food factory there had been pouring fatty material down the drains!), and we were told verbally that we might be liable to pay part of the cost of repairs, although this did not happen, but another concern is who would be liable for any future repair costs? There was also another problem some years ago when there were repairs to flooding water at the Inch Pavilion, and the contractor decided to switch off the water there, but that also cuts off the water to my property, (and possibly other properties?) so we had to go to a stopcock at the far end of Caird Avenue to get it switched on again, so if any future development at the Inch Pavilion site takes place, I hope that contractors consult with Scottish Water and/or Angus Council before deciding to switch off the water supply. I have lived at my present address for about REDACTED, and trust that the above concerns will be noted. Thank you.
My concern to this sale is 1 — Heard a higher offer had been submitted but turned down ? 2– The right of way from broach road to Croft road must me kept . 3- They are proposing to build on the land (ie pile driving etc) Who will be responsible for any damage to land subsidedince or damaged graves or gravestones in Rossie island graveyard ? Look forward to your reply
Can I ask if it was the highest bid which was accepted on this proposal to sell? I would like the list of all offers received. Regards REDACTED