

Minutes of the Extraordinary Meeting of Lucky Ewe Trustees held on Thursday, 2nd June 2022 at 19:45 at Reivers Cottage, Cuparmuir and via Zoom

Trustees present: Joan Brown (Chair) Alana Paterson-Brown, Anna Chworow, Jill Dawson (Treasurer), Abbey-Leigh Doig, Libby Elliot, Claudia Marshall, Richard Young and Mary Gibbon (Secretary)

1. Asset Transfer Request: Decision Notice - Refused. Date of Notice: 31/05/22

The meeting discussed the above decision by NHS Fife.

The reasons for this decision are outlined by NHS Fife below:

- The request did not provide sufficient evidence on how the group intended to fund the proposal in a sustainable way. The applicant had not identified **all costs** associated with establishing the Charity on the Stratheden site and delivering the proposal (including, but not limited to the following, the provision of services, access requirements, car parking requirements, obtaining any necessary planning consent, **the extent of the refurbishment costs (including the removal of asbestos from the mortuary building)**, reliance on third parties), **in the short-term, nor how these costs would also be covered in the medium and long term**. Nor did the applicant provide sufficient evidence of contingency planning for each stage of the proposals.
- The request did not provide sufficient evidence of (i) the applicant's need for the extent of the land and building requested; and/or (ii) the applicant having the appropriate skills and resources required to manage and maintain the significant extent of assets requested.
- The projected benefits were not based on clearly evidenced information, and the proposal did not demonstrate a coherent plan for the development of these benefits in a robust and deliverable fashion.
- The request did not provide sufficient evidence of the level and nature of the community support for the proposals and/or demand for some of the proposed services.
- Agreeing to the request would restrict the Board's ability to carry out its functions. There would be a direct impact on NHS Fife's ability to deliver health and care services on the Stratheden site, with clinical concerns raised around infection control mitigation and potential health and safety risks of very vulnerable patients for whom Stratheden is their place of residence. The potential for the Board's future plans (including possible future expansion of the extent of mental health inpatient facilities required across Fife and on the Stratheden site) to be limited by the extent of the request was also noted.
- The offer rental of £52 per annum was significantly below the anticipated market value of £580,000 and the market rental value of £3,500 per annum. The loss of capital receipt would impact on the Board's ability to invest proceeds in patient care.
- A proposed lease term of 25 years for the land requested would create a Modern Limited Duration Tenancy ('MLDT'), with a separate commercial lease being required in respect of the mortuary building. The grant of a MLDT raises a number of concerns for the Board, including: the security of tenure afforded to a tenant under a MLDT; possible difficulties in irritating such a lease following tenant breaches; statutory assignation provisions; possible implications on the landlord to provide fixed equipment; potential difficulties in agreeing use restrictions, particularly given the staged nature

of Lucky Ewe's proposals and the extent of the area of land requested set against an insufficient level of evidence of the need for such a sizeable area of land and that the appropriate skills and resources will be in place to manage and maintain the land and buildings.

The Meeting discussed the reasons laid out by NHS Fife for its decision and a number of salient points emerged:

- Many of the objections raised (please note my highlights in red) have been addressed by Lucky Ewe when the Charity responded to additional questions from NHS Fife after validation (submitted 14th April 2022). For example,
- *Question: How do you intend to fund the significant costs of renovation works of the mortuary building and replacement programme for equipment etc?*
*Answer: Lucky Ewe is seeking a lease on the Old Mortuary Building from NHS. This is to give us access to necessary services – water, electricity, drains, and sewerage – in the short term. Renovation of the building will take place later in our project. The Old Mortuary building is a significant liability. Lucky Ewe will seek support from the **Scottish Land Fund for purchase and renovation of the building**. Our project is unique and Fife Council is likely to support an application from Lucky Ewe to the **Regeneration Capital Grant Programme**. Meanwhile, as much help as NHS Fife can offer, as an **Anchor Institution**, to help us make an accessible base for our clients / interns / your patients will be gratefully received.*

Question: Grants awarded by Corporate bodies are usually for specific projects. How confident are you that "community" fundraising will generate sufficient funds to cover expenses not funded from grants awarded?

*Answer: Lucky Ewe's work lies at the intersection of employability, mental health and youth work – areas which are highly attractive to funders, as reflected by our track record. An increasing number of funders, including our existing funder the **Robertson Trust**, offer unrestricted funding, recognising its importance to charities. For other work, a 10% overhead charge is normally added to funding bids, to cover any indirect costs.*

- Trustees questioned whether NHS Fife fully understood their obligations regarding a Community Asset Transfer request bearing in mind Part 5 of the Community Empowerment Act (2015) states:

*The relevant authority must listen to what the community transfer body wants to do with the land or building. If their plan will help people more than other ways of using the land, they will be allowed to do it. **(in force 23 January 2017)***

The land at present has been farmed over the last five years by a local farmer who pays no rent to NHS Fife.

- Trustees noted the lack of detail provided by NHS Fife in its reasons. For example,

There would be a direct impact on NHS Fife's ability to deliver health and care services on the Stratheden site, with clinical concerns raised around infection control mitigation and potential health and safety risks of very vulnerable

patients for whom Stratheden is their place of residence. The potential for the Board's future plans (including possible future expansion of the extent of mental health inpatient facilities required across Fife and on the Stratheden site) to be limited by the extent of the request was also noted.

It would be helpful to know exactly the health and safety risks concerned and also whether a decision partly based on "future plans" which may never materialise is viable.

Trustees agreed to appeal the NHS Fife Decision. The Appeal in writing will be made to the Scottish Ministers; the application appeal must be made by 30th June 2022.

We will also invite the Reporter appointed to visit Lucky Ewe.

Actions

- Joan will liaise with Lynn Molleson of Community Ownership Support Service. Lynn will provide us with the expert knowledge needed for Lucky Ewe's Appeal.
- Claudia will look again at the Lucky Ewe Business Plan
- Anna will check our Financial Plan
- Mary will liaise with Alyssa to inform Lucky Ewe members of developments
- Jen and Jenny will provide feedback and evidence of intern/community support
- Libby will summarise information regarding Stratheden site visits

It was agreed to accept the welcome offers of support from Councillor Margaret Kennedy of Cupar Ward and Ceri Williams (who has already come on board with a helpful summary)

Anna, Claudia, Jill and Abby will revisit the Stratheden site in the next few days.

There was no other business and the meeting finished at 21:30.

The next meeting will be held on 9th June 2022 at 15 Ceres Rd, Cupar at 19:30.