**THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

**DISPOSAL OF COMMON GOOD PROPERTY**

**Change of use and letting of land at the East car park, Promenade, Leven, Fife**

**DECISION NOTICE**

The Council is proposing to let the land at the East car park at the Promenade, Leven, for the purposes of a mobile catering concession for the sale of hot and cold food and soft drinks (excluding ice-cream and frozen confectionery) to the general public. The land is currently vacant. Before taking a decision, the Council requires to consult under Section 104 of the Community Empowerment (Scotland) Act 2015.

The following representations have been received in response to the consultation carried out under section 104 of the 2015 Act.

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| **Representation** | MSL Leisure Ltd (received 17th January 2022) |

I am writing to object to the proposal to let the land at the East car park at the Promenade, Leven, Fife shown coloured red on the drawing below for the purposes of a mobile catering concession for the sale of hot and cold food and soft drinks (excluding ice-cream and frozen confectionery) to the general public.

Our company, MSL Leisure Ltd, owns and operates the building noted as Amusement Arcade on the drawing. This is currently known as Action Zone, a children’s indoor play area. Within this building there is a kiosk that has served out through a hatch to the public for over 50 years. Throughout lockdown, the hatch was open and served all manner of custom passing along the Promenade. It was the only 1 of our 5 businesses that was available to us and kept us afloat. The hatch is located in the West corner of the building and faces out towards the Promenade, please see additions made to the drawing. We will be opening the hatch for the season from early March through to late November providing everything from hot and cold food, soft drinks, frozen confectionery, scooped and machine whipped ice-cream. The proposed site will impact massively on the much-needed income from this summer. The covid lockdown has forced our children’s indoor play area closed and we now rely heavily on this outlet to fund the hole building.

In addition to the impact the kiosk will have to an existing business it will also greatly affect the prospects of the enhancements we are currently in the process of. This is to extend and improving the interior of the café for our new destination ice cream parlour, which has recently had planning consent passed. Please see the attached plans and drawing for reference. We are also looking to provide a new entertainment venue to the Levenmouth area in the form of a new venture that has not been seen in Fife. The placement of a new mobile catering unit will almost certainly stop our plans and leave a large building on Leven Promenade vacant and remove any prospect to create new employment.

Regarding the placement of this proposed unit, it would not only be directly in front of our proposed front door and existing windows, it would be taking up valuable space in an already overcrowded car park that is utilised by not only our customers but the golf club and visitors to the beach. The proposed area is also a provision for disabled parking due to its proximity to the path and access to the beach.

Please do not hesitate to contact me to discuss this further as it is causing me much anguish, I am available for a site visit at any time and happy to discuss our future plans.

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| **Representation** | Leven Community Council (received by e-mail 13th March 2022) |

Leven Community Council welcomes Fife Councils proposal to dispose of the land at the East car park at the Promenade, Leven for mobile catering use. We believe that this position is no longer needed as there is a built premises at this site which provides a catering service.

We are hesitant at the though of disposal of the land used for mobile catering at the Mid-west car park at the Promenade, Leven. We feel that this site represents Mr Doriano, who was a pillar of the community and feel that it would be a disservice not to remember him with the small token of maintaining an ice cream only service on this land.

We also believe that the land at the bottom of Forth Street at the Promenade, Leven is also proposed to be disposed of for mobile catering use. We believe that this position is no longer needed as there is a built premises at this site which provides a catering service albeit on the opposite side of the road.

Leven Community Council would like to thank you and Fife Council for considering our recommendations.

**Fife Council Response** (to both representations)

In consultation with local elected members, it is proposed that the representation from MSL leisure is approved. The East Car park concession will therefore be removed from the asset register as the existing business can cater for public demand adequately. A separate concession at this site would be seen as overprovision. We note the support of Leven CC for this approach.

**Decision (29th April 2022)**

The decision in respect of the area delineated within the East Car Park is to remove it as a concession site from the asset register.