

Asset Transfer under the Community Empowerment (Scotland) Act 2015

DECISION NOTICE – AGREED

Colmonell Community Association SCIO SC049177

To: [REDACTED] Vice Chair and Trustee, Colmonell Community Association

Address: [REDACTED]

Date: 18 December 2019

This Decision Notice relates to the asset transfer request made by **Colmonell Community Association** validated on 2 October 2019 in relation to the request to purchase the property known as the **former public convenience, Main Street, Colmonell KA26 0RY**.

South Ayrshire Council has decided to **agree** to the request.

This decision was made by the Council's Leadership Panel at its meeting on 26 November 2019 after a thorough evaluation process and the reasons for the decision are as follows:

1. The disposal is considered to be reasonable and will remove the former public convenience in Colmonell from Council responsibility including the associated liability of any future costs and repairs.
2. Colmonell Community Association has demonstrated in the submission that they are a viable community controlled body with suitable skills and the capacity to deliver the proposal.
3. The application, business plan and other supporting information provided is considered to be proportionate to the scale and nature of the request whilst the non-financial benefits of the request are proportionate to the value of the asset and justify the proposed discount in market value.

4. The Council having assessed the proposed benefits are satisfied that the applicant has demonstrated that the transfer will promote or improve regeneration, public health, social wellbeing, environmental wellbeing and provide a new facility for the community of Colmonell with a likely positive impact to the protected characteristics of disability in providing the only public access disabled toilet within the local area.
5. The former public convenience will be reopened for the benefit of the community of Colmonell including residents, visitors and tourists to the area.
6. The request will make a positive contribution towards meeting the strategic objectives of the Council 2018-2020.
7. There are no obligations that may prevent, restrict or otherwise affect the Council's ability to agree the request.
8. There are considered to be no reasonable grounds for refusing the request.

The attached document specifies the terms and conditions subject to which we would be prepared to transfer ownership of the asset to you. If you wish to proceed with the acquisition, it must, within a period of 6 months of the date of this notice, submit to the Council an offer to acquire ownership of the property. The offer must reflect the terms and conditions attached and may include other such reasonable terms and conditions as are necessary or expedient to secure the transfer within a reasonable time.

The offer must be prepared by a firm of solicitors and should be addressed to:


Head of Regulatory Services
Chief Executive's Office
South Ayrshire Council
County Buildings
Wellington Square
Ayr
KA7 1DR

The offer must also contain the following:

1. The name of the subjects on which the offer is made
2. The name of the Community Transfer Body
3. The date of the Decision Notice

4. Confirmation that the specific terms and conditions under which the Decision Notice was issued are acceptable

Following receipt of the formal offer it is expected that the asset transfer will be concluded within 6 months. If the transfer is not made within 6 months then a request for an extension should be made as soon as possible.

Right to request a review

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may request a review by the Council.

Any request for review must be made in writing by **21 January 2020** which is 20 working days from the date of this notice, to:

[REDACTED]
Head of Regulatory Services
Chief Executive's Office South Ayrshire Council
County Buildings
Wellington Square
Ayr
KA7 1DR

Email: [REDACTED]

Guidance on requesting a review is available within the Scottish Government [Guidance for Community Transfer Bodies](#) (Section 17 and 18).

Terms and Conditions

Former public convenience, Main Street, Colmonell, Girvan KA26 0SE (the property)

Colmonell Community Association SCIO SCO49177

1. The sale price shall be:-

ONE POUND STERLING (£1)

2. Responsibility for all costs including maintenance, utilities, insurances associated with the asset will transfer in full to the Colmonell Community Association
3. The property shall be used solely for community use by the Colmonell Community Association, as outlines in their asset transfer request and accompanying documentation lodged in support of the request. Any change in use will require the prior written consent of the Council which shall not be unreasonably withheld in the case of a proposed use which is consistent with the terms of the asset transfer request and accompanying documentation;
4. Colmonell Community Association agree to a clawback agreement whereby the Council will have the right to recover the financial discount being the sum of £4999 if the expected benefits justifying the reduction are not delivered or if the property is no longer used by the Colmonell Community Association or if any other condition is not met.

The above terms and conditions shall be subject to such other reasonable terms and conditions as the Head of Regulatory Services may consider appropriate to protect the best interests of the Council.

These Heads of Terms are not intended to form part of any legally binding contract and are expressly subject to completion of formal missives in accordance with Scots law.

[REDACTED]

X

[REDACTED]