

Asset Transfer under the Community Empowerment (Scotland) Act 2015

DECISION NOTICE — AGREED

Pinwherry and Pinmore Community Development Trust SCIO SC048025

To: Mrs. Marie McNulty, Chair of Pinwherry and Pinmore Community Development Trust

Sent by email to: [REDACTED]

Date: 3 February 2021

This Decision Notice relates to the asset transfer request made by **Pinwherry and Pinmore Community Development Trust (PPCDT)** validated on 7th August 2020 in relation to the request to purchase the property known as the **former village primary school, Main Street, Pinwherry, South Ayrshire KA26 ORN.**

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

This decision was made by the Council's Leadership Panel at its meeting on 19 January 2021 after a thorough evaluation process and the reasons for the decision are as follows:

1. The submitted documentation for the proposal to purchase the asset and redevelop to become a sustainable multi-purpose and accessible community-centred facility with a community hall, kitchen, office space and meeting room is considered to be proportionate to the scale and nature of the asset request.
2. In creating a new facility, it is anticipated that PPCDT will deliver local benefits including improving social community activities, develop services that will reduce isolation and loneliness among the elderly, provide services for young people and provide space and facilities to enable local business growth.
3. PPCDT has clearly evidenced that they are a robust and viable organisation with effective governance arrangements in place.
4. Full consideration has been given in the submission to the aims, objectives and vision of PPCDT who have shown clear thought to the future direction of how the asset transfer will benefit the community post-transfer with comprehensive evidence of need and demand provided.

5. PPCDT has provided very strong evidence of partnership working arrangements, relevant links with groups, along with strong community engagement activity as evidenced in the asset transfer request, community survey, range of letters of support from the community and representations received which are all in support of the transfer.
6. PPCDT has provided strong evidence as detailed in their Business Plan and Annual Report and Financial Statements for the year ended April 2019 that indicates that sufficient financial resources will be in place by the time of the asset transfer including costs associated with the transfer of the asset, and consideration has been given to contingency planning in maintaining financial reserves to be utilised to enable operations to continue in the event of an unforeseen or unplanned situation.
7. PPCDT has provided very strong information that confirms they have the necessary capabilities to manage the centre in a manner consistent with PPCDT's purposes and have undertaken a broad range of consultation to understand any potential impacts of acquiring the asset.
8. Approving the request will not restrict the Council's ability to carry out its functions.
9. A disposal will remove the former village primary school from Council responsibility and any associated liability of costs and repairs in the future.
10. A capital receipt of £25,000 will be received by the Council.
11. The request will contribute to achieving the Council's strategic objective of 'Stand up for South Ayrshire'.
12. There are no obligations that may prevent, restrict or otherwise affect the Council's ability to agree the request.
13. 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, you 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:

Catriona Caves
Head of Legal, HR and Regulatory Services
Chief Executive's Office
South Ayrshire Council
County Buildings
Wellington Square

Ayr

KA7 1DR

Email: cat@south-ayrshire.gov.uk

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 **3 March 2021**, which is 20 working days from the date of this notice, to:

Head of Legal, HR and Regulatory Services

Chief Executive's Office

South Ayrshire Council

County Buildings

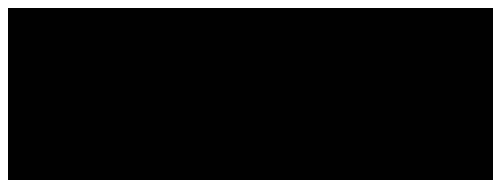
Wellington Square

Ayr

KA7 1DR

Email: cat@south-ayrshire.gov.uk

Guidance on requesting a review is available within the Scottish Government's Guidance for Community Transfer Bodies (Section 17 and 18) available at the following link:- <https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-community-9781786527509/>



Catriona Caves
Head of Legal, HR and Regulatory Services

Terms and Conditions

**The former Pinwherry Primary School, Main Street, Pinwherry, Girvan, South Ayrshire
KA26 0RN**

Pinwherry and Pinmore Community Development Trust (PPCDT) SCIO SC048025

1. The sale price shall be:-

TWENTY FIVE THOUSAND POUND STERLING (£25,000)

2. The property shall be used solely for community use by Pinwherry and Pinmore Community Development Trust SCIO ('PPCDT'), as outlined 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;
3. Responsibility for all costs including external maintenance and repairs will transfer to PPCDT, and;
4. The £106,709.64 (inclusive of VAT) from the Advancing Community Assets Fund (ACAF) required for works to the main building and nursery annex building and roofing repairs will be used as described in the asset transfer request and in accordance with the ACAF Guidance for applicants.

The above terms and conditions shall be subject to such other reasonable terms and conditions as the Head of Legal, HR and 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.

