

**Asset Transfer under the Community Empowerment (Scotland) Act 2015**

**DECISION NOTICE – AGREED**

**Ayr Lawn Tennis Club SCIO**

To: Ayr Lawn Tennis Club SCIO

Per [REDACTED]  
Seafield Project Team Leader  
Sent by Email to [REDACTED]

Date: 2 March 2022

This Decision Notice relates to the asset transfer request made by **Ayr Lawn Tennis Club, a Scottish charitable incorporated organisation (“SCIO”) having a charity number SC049014 and company number CS003811**, validated on 8 November 2021 in relation to the request to purchase the property known as the Seafield Tennis Courts, Arrol Drive, Ayr KA7 4AZ.

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

This decision was made by the Council’s Leadership Panel at its meeting on 15 February 2022 after a thorough evaluation process. The reasons for the decision are as follows:

1. The proposal is likely to promote or improve public health, through the upgrade and greater accessibility of a sports facility; social well-being, through the provision of organised sporting and recreational activity facilities for the local community; and environmental well-being, through the replacement of the current life-expired playing surface. In doing so, the proposal is likely to reduce inequalities of outcome through socio-economic disadvantage by way of the engagement of the Community Transfer Body (“CTB”) with schools in disadvantaged catchment areas.
2. The Council has no current proposals in relation to the site and is not aware of any alternative proposals. The Council has considered the benefits that might arise from alternative proposals-retaining ownership of the asset or selling the asset on the open market- and compared them to the benefits of the CTB’s current proposals. The CTB’s proposals offer a better long-term plan for sustainable management of the asset.

3. The CTB has identified community support for the proposal from local elected representatives, the community council and residents of the properties adjacent to the site. Other local tennis clubs have also indicated their support.
4. The CTB is a robust and viable organisation, with good standards of governance and the capacity to deliver the proposal in terms of its Constitution, Business Plan and projected accounts. It has identified all the relevant costs of the project and appropriate and realistic sources of funding. The CTB has a strong track record of owning and developing assets, having owned 3 existing courts at Southpark Road, Ayr since 1986 and resurfacing and developing these assets over many years, including the development of a new clubhouse.
5. The projected benefits will contribute to the Scottish Government's National Outcomes on Health and Communities and to the Council's local outcomes in terms of the Council Plan 2018-2022: "3.1 We will enhance collaborative working to maximise support and ensure all residents have the opportunity to be healthy, supported and safe."; "5.2a Support local community-controlled organisations to develop thriving places by empowering them to make better use of local community assets." and "6.1 We will create a greener, healthier South Ayrshire and enhance it for future generations". Finally, it will contribute to achieving the Council's local outcomes in its South Ayrshire Physical Activity and Sport Strategy, Strategic Goal 2: "There will be opportunities for everyone, at every life stage, to become involved, and remain involved, in sport and recreation."
6. The proposal will not have an adverse impact on the Council's ability to deliver its functions.
7. There are no obligations or restrictions imposed on the Council by enactment or otherwise, which prevent, restrict or otherwise affect the ability of the Council to agree to the request.
8. There are no reasonable grounds for refusing the request.

The attached document specifies the terms and conditions subject to which the Council would be prepared to transfer ownership of the property 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:

Karen Briggs  
Service Lead- Legal and Licensing  
Chief Executive's Office

South Ayrshire Council  
County Buildings  
Wellington Square  
Ayr  
KA7 1DR

Email: [REDACTED] or [cat@south-ayrshire.gov.uk](mailto: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**

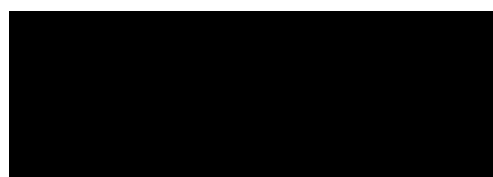
If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may request a review by the Council.

Any request for review must be made in writing by **1 April 2022**, which is at least 20 working days from the date of this notice, to:

Karen Briggs  
Service Lead- Legal and Licensing  
Chief Executive's Office South Ayrshire Council  
County Buildings  
Wellington Square  
Ayr  
KA7 1DR

Email: [REDACTED] or [cat@south-ayrshire.gov.uk](mailto:cat@south-ayrshire.gov.uk)

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



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**Catriona Caves**  
**Head of Regulatory Services**

## Terms and Conditions

1. The sale price shall be FOUR THOUSAND FIVE HUNDRED POUNDS (£4500) STERLING.
2. The subjects shall be used for community use by the Ayr Lawn Tennis Club SCIO (the "Purchaser"), for the advancement of public participation in sport through provision of tennis facilities in Ayr to promote, encourage and facilitate the playing of tennis 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. The Purchaser agrees to the inclusion of the terms of Condition 2 above as an economic development burden in the title granted to the Purchaser.
4. If the proposed project has not been completed and in beneficial use within 2 years of the date of completion of the sale to the Purchaser, the Council will have the option (but no obligation) to buy back the property at the original price of FOUR THOUSAND FIVE HUNDRED POUNDS (£4500) STERLING.
4. In the event that the Purchaser wishes to sell, alienate or dispose of the subjects or any part or parts of them, there is reserved to the Council a right of pre-emption at the original price of FOUR THOUSAND FIVE HUNDRED POUNDS (£4500) STERLING.

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.**