

ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT
DUMFRIES AND GALLOWAY COUNCIL DECISION NOTICE - REFUSAL

14th July 2021

Dear Chair,

You will recall I wrote to you on the 10th March 2021 outlining the Decision made by the Finance, Procurement & Transformation (FPT) Committee for your Request to transfer ownership of the Kirkcolm Village Hall to the Kirkcolm Community Trust (KCT) and the next steps available to you in the process.

The decision of the FPT Committee was:

AGREED that the request for the Community Asset Transfer of the car park to Kirkcolm Community Trust be refused and that the Council's Community Asset Transfer Team revisit the Kirkcolm Community Trust's Business Plan and Community Asset Transfer request to take account of the future use or sale of the Hall.

I appreciate the work recently undertaken by the Trust, and with the support of your local Ward Officer, to enhance your Business Plan, addressing the areas of concern discussed at the meeting around financial sustainability and future carpark access, and it is welcoming to see these areas addressed. However, as the Village Hall has not been included in the application, it is the Council's view that this is essentially the same CAT Request and therefore, the decision made by FPT Committee on 17th November 2020 to refuse the KCT Request to transfer ownership of the Kirkcolm Village Carpark is reaffirmed. We do appreciate that the decision-making process subsequent to the decision on 17 November 2020 has been complicated, and we are very grateful to you for your understanding as we worked through the governance arrangements.

The next steps available to the Trust are therefore those laid out in my letter of 10th March 2021:

- a) accept the decision of the FPT Committee to refuse the original Request, or
- b) disagree with the decision made by FPT Committee and request a Review of Decision by Dumfries & Galloway Council.

I would be obliged if you could inform me of which option the Trust opts for.

As per my letter of 10th March 2021, should the Trust opt to request a Review of Decision this must be made in writing not later than 20 working days from the date on this letter.

Any request to review must include the following information:

- Name and contact address of the community transfer body
- The name of the land / asset that the asset transfer request relates to
- A statement by the community transfer body setting out their reasons for requiring a review

Any application for review must be accompanied by a list of documents or evidence the local authority does not already have.

Any application for review this decision must be made in writing to the following address and email:

Community Development and Empowerment Manager,
Communities Directorate
Dumfries and Galloway Council,
Municipal Chambers,
Buccleuch Street,
Dumfries,
DG12AD.

Or by email to: CommunityAssetTransfer@dumgal.gov.uk

Guidance on making an application for review is available on the Council's Community Asset Transfer website:

<http://www.dumgal.gov.uk/article/16441/Community-asset-transfer>

Officers from Community Planning and Engagement Service, would be happy to meet with you to support your group in deciding which Option to take and the next steps available to the Trust; and should you wish to submit an Appeal, you will be assisted by us to do so. This has been a unique CAT process and we will support you going forward.

To this end, your local Ward Officer will be in touch over the next few days to make the necessary arrangements to facilitate a meeting, should you choose to take up our offer.

Yours



Colin Freeman

Project Manager – Asset Transfer & Leases