

**ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT (SCOTLAND)
ACT 2015**

DUMFRIES AND GALLOWAY COUNCIL DECISION NOTICE – AGREED

Mr Iain Morral

Chair – Kirkcolm Community Trust

C/O Craigholm

Church Street

Kirkcolm

DG9 0NW

29th November 2021

This Decision Notice relates to the asset transfer request made by the Kirkcolm Community Trust for the car park and garages, Church Road, Kirkcolm, DG9 0NW (URN 431x90), validated on 21 February 2020.

On 18 November 2021 the Council's Community Asset Transfer Ad Hoc Appeals Sub Committee reviewed the Decision of the Finance, Procurement & Transformation Committee in relation to the Kirkcolm Community Trust's Request for the transfer of ownership of the car park and garages on Church Road, Kirkcolm, DG9 0NW to the Kirkcolm Community Trust.

The Determination of the Review was to substitute the Decision of the Finance, Procurement & Transformation Committee of 17 November 2020, which was to refuse the Request, and to agree the original Request:

'Decision

NOTED

5.1 the procedure followed by the Finance, Procurement and Transformation Committee on 17 November 2020 when making its decision on the original Community Asset Transfer Request for the transfer of ownership of the Car Park, Church Road, Kirkcolm to the Kirkcolm Community Trust as set out in paragraphs 3.1.7 and Appendix 1 of the report; and

5.2 the reasons provided by the Kirkcolm Community Trust for the request for Review as summarised in paragraph 3.5.2 and detailed in Appendix 2 of the report.

5.3 **DETERMINED** that there was sufficient information to determine the Review as detailed in paragraph 3.7.2 of the report;

5.4 **REVIEWED** the information provided in Appendices 1-6 of the report and background papers and **DETERMINED** the decision made by the Finance, Procurement and Transformation Committee on 17 November 2020 as set out in paragraph 3.7.3 of the report should be substituted; as no reasonable grounds had been provided in the reason for refusal and that the car park and the hall were two separate entities; and

5.5 **AGREED** that a Community Asset Transfer is made to Kirkcolm Community Trust for the nominal sum of £1 with two conditions attached; the asset and all future costs associated with it would therefore sit with the Trust from the date of transfer onwards.

Conditions

1. Normal public access to the car park must be maintained for the duration of the project; and
2. Should the project fail within 10 years from the point of transfer the Council may seek to regain ownership of the car park.'

Next Steps

You or your legal representative needs to write to The Council's making your formal offer for the property for the agreed amount. This offer must be made no later than 28th May 2022 but can be made earlier if your group is in a position to do so.

The offer must be directed to:

Office Manager

Property Offers

Legal Services

Council HQ

English Street

Dumfries,

DG1 2DD; or

<mailto:propertyoffers@dumgal.gov.uk>

The Council will then write to you about next steps in the legal transfer in the property.

Right to Appeal to Scottish Ministers

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may apply to Scottish Ministers to Appeal this decision.

Any application to the Scottish Ministers for Appeal must be made in writing and within 20 working days from the date of this letter.

Guidance on making an application for Appeal is available on the Scottish Government's website: www.gov.scot

Yours sincerely



Colin Freeman

Project Manager – Asset Transfer & Leases