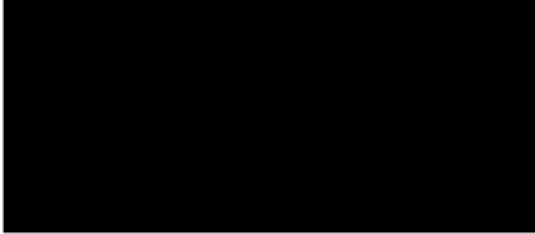


**ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT
DUMFRIES AND GALLOWAY COUNCIL DECISION NOTICE - APPROVAL**

28 June 2023



This Decision Notice relates to the Community Asset Transfer Request made by Castle Douglas Development Forum, in relation to the asset transfer of the Former Outdoor Activity Centre Carlingwark, Lochside Park, Castle Douglas, DG7 1EZ.

The Council's Finance, Procurement and Transformation Committee considered the request at its meeting on 20 June 2023 and agreed the following:

NOTED

- 12.1 the Castle Douglas Development Forum's Asset Transfer Request as laid out in the Stage Two Asset Transfer Application (Appendix 1 to the report) and Business Plan (Appendix 2 to the report);
- 12.2 the outcome of Officer Assessment of the Request in relation to the Council's requirement to meet best value, as detailed at paragraph 3.5.1 in the report;
- 12.3 the outcome of the Social Value assessment of the proposed transfer as detailed at paragraph 3.6 in the report
- 12.4 note the advice from our Legal Services Department that as a result of the common good status of the property, an application is made to the Sheriff Court to seek consent to alienation in terms of Section 75 of The Local Government Scotland Act 1973 as detailed at paragraph 3.2.3 in the report;
- 12.5 the recommendation of Castle Douglas Common Good Sub Committee of 24 May 2023 detailed in paragraph 3.10 in the report;
- 12.6 **AGREED** to a 25 year lease for the Former Outdoor Activity Centre Carlingwark, Lochside Park, Castle Douglas, DG7 1EZ which extends 473.28sqm (5,094.34sqft) with an internal area over two floors of 417.55sqm (4,494.02sqft), to Castle Douglas Development Form, for the sum of £50 per month subject to a successful application being made to the Sheriff Court to seek consent of the alienation of the small section of land detailed in Appendix 3 in terms of Section 75 of the Local Government (Scotland) Act 1973 (subject to the Subsidy Control Act 2022) with the following conditions:
 - 1. that following expiry or early termination of the proposed Lease, the subjects of Lease in whole (being the Common Good Property to be transferred) would be returned to the Common Good Account; and

2. that during the detailed planning stages the community would continue to be engaged to ensure the project design and development was still meeting needs and was on track. This would include:
- a) entering into a lease agreement with the Council under standard terms on a fully repairing and insuring basis;
 - b) focus groups held with volunteers and service users to monitor project design and progress;
 - c) existing sub-groups (to date Park Run, Playpark for All, Civic Fest, EcoCD) encouraged to review and contribute;
 - d) updates provided at the bi-monthly public board meetings to share progress and encourage feedback;
 - e) annual open public meetings to report significant milestones, consult on key decisions and raise issues;
 - f) a progress review of the Business Plan with officers after four years, and subsequent reviews every four years thereafter

Next Steps

You or your legal representative need to write to the Council's Legal Team making your formal offer for the property for the agreed amount. This offer must be made no later than 28 December 2023 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 of the property.

Right to review

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

Any application for review must be made in writing and within 20 working days from the date of this letter to:

Community Development and Empowerment Manager

Communities Directorate
Dumfries and Galloway Council
Militia House
English Street
Dumfries,
DG1 2AD.

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>

Yours sincerely

Jamie Ferguson

Jamie Ferguson

Community Development and Empowerment Manager

Dumfries and Galloway Council