

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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

31st January 2022

Dear [REDACTED]

You will recall that on 18th November 2021 the Council's Ad Hoc Community Asset Transfer Appeals Sub Committee met to review the decision taken by the Finance, Procurement & Transformation Committee on 17th November 2020 in regards to your CAT Request for the transfer of ownership of the car park, Church Street, Kirkcolm to the Kirkcolm Community Trust.

The decision of the Ad Hoc Community Asset Transfer Appeals Sub Committee was to replace the original decision and approve the transfer request. The decision is as follows:

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.

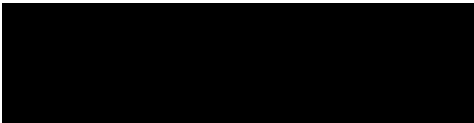
Conditions

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.

Should you be in agreement with the decision of the Ad Hoc Sub Community Asset Transfer Sub Committee the Kirkcolm Community Trust have a maximum of 6 months from the date on this Decision Notice to make your offer in writing to Dumfries and Galloway Council. This offer should be sent to:

PropertyOffers@dumgal.gov.uk

Yours



Project Manager – Asset Transfer & Leases