

# COMMUNITY ASSET TRANSFER



Moray Council  
High Street, ELGIN IV30 1BX  
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Elgin Sports Community Trust  
[REDACTED]  
[REDACTED]  
[REDACTED]

Contact: Andrew Gray  
E-mail: [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk)  
Website: [www.moray.gov.uk](http://www.moray.gov.uk)

Our Ref: CAT/060/ATR  
Your Ref:

Sent via email to: [REDACTED]

Date: 10 June 2019

Dear ESCT Members

## CAT/060/ATR DECISION NOTICE – AGREED

This Decision Notice relates to the asset transfer request made on 19 December 2019 by Elgin Sports Community Trust in relation to land at Lesser Borough Briggs, Elgin.

Moray Council has decided to agree to the request for the transfer of the land by means of a long ground lease subject to the following terms:

- (a) The subjects comprise the area of land extending to 1.015ha or thereby located at Lesser Borough Briggs, Elgin, all as shown outlined in red in the attached plan;
- (b) The following main lease terms and conditions will apply:
  - (i) Period of Lease – 99 years.
  - (ii) Date of Entry – to be agreed.
  - (iii) Rent – £3,000 per annum, subject to review every 5 years.
  - (iv) Use – community sports and recreation.
  - (v) Maintenance/repair – tenant's responsibility.
  - (vi) Insurance – tenant's responsibility.
  - (vii) Planning – the tenant to obtain planning consent and building warrant for its proposals.
  - (viii) Development – the tenant to complete its development within timescales to be agreed.
  - (ix) Alienation – no sub-letting or assignments without the consent of the Council.
  - (x) Termination – the Council would have the right to terminate the lease at any time in the event of the community trust's lease from Elgin City Football Club coming to an end.
  - (xi) Fees – each party would meet its own professional fees and expenses in concluding the transaction.

- (xii) Other terms – any other detailed terms and conditions that may be agreed with the Council's Legal Services Manager and Estates Manager.
- (c) Agreement to the transfer would be conditional upon:
  - (i) the Sheriff Court granting the Council consent to dispose of the site by means of a 99-year ground lease;
  - (ii) Elgin City Football Club agreeing to enter into a 99-year ground lease with the community trust in respect of the additional land on terms and conditions to be approved by the Council's Legal Services Manager and Estates Manager; and,
  - (iii) the community trust's ongoing booking and charging arrangements being approved by the Council in order to ensure the availability of the facility to community-based organisations.

The reasons for the conditions are as follows:

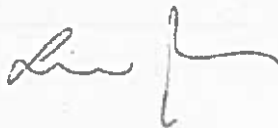
- (i) The site is held on a common good title and, due to its potentially inalienable status, court consent is required before the Council can grant a 99-year lease or otherwise dispose of its interest in the site;
- (ii) The proposed development straddles land owned by Moray Council and land owned by Elgin City Football Club; and,
- (iii) Prior approval of the ongoing booking and charging arrangements is required to ensure the availability of the facility to community-based organisations.

If you wish to proceed, you must submit an offer to Moray Council at the address above by **10 December 2020**. The offer must reflect the terms and conditions set out above, and may include such other reasonable terms and conditions as are necessary or expedient to secure the transfer of the land within a reasonable time.

If you consider that the above terms and conditions differ to a significant extent from those specified in your request, you may apply to Moray Council to have this decision reviewed. Any application for review must be made in writing to [committee.services@moray.gov.uk](mailto:committee.services@moray.gov.uk) by **24 June 2020**, which is 20 working days from the date of this Notice.

If you have any questions about the asset transfer process please contact the Moray Community Asset Team via [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk) or telephone 01343 563726.

Yours sincerely



**Lorraine Paisey**  
Chief Financial Officer