

COMMUNITY ASSET TRANSFER



Moray Council
High Street, ELGIN IV30 1BX
Telephone: 01343 543451
Fax: 01343 563990

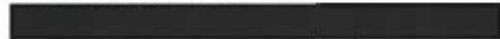
Aberlour Community Association



Contact: Andrew Gray
Direct Dial: 07929 785090
E-mail: CAT@moray.gov.uk
Website: www.moray.gov.uk

Our Ref: CAT/085/ATR

Sent via email to:



Date: 7 October 2020

Dear Association Members

CAT/085/ATR DECISION NOTICE – AGREED

This Decision Notice relates to the asset transfer request made on 22 August 2019 by Aberlour Community Association in relation to Alice Littler Park, Aberlour.

Moray Council has decided to agree to the request for the transfer of ownership of the property subject to the following terms and conditions:

- (a) Subjects – the asset comprises the two areas of ground at Alice Littler Park, Aberlour, designated as areas A and B and outlined in red on the attached plan;
- (b) Condition – the transfer is conditional upon the prohibition from disposal under section 84(2) of the Community Empowerment (Scotland) Act 2015 resulting from the asset transfer request made by Play Aberlour no longer being in force;
- (c) Access Rights Retained – the Council will retain rights of access over the route of the Speyside Way and those areas required to be used in connection with potential future bridge works as shown in the attached plan;
- (d) Access Rights Granted – the purchaser will be granted access rights over the roadway to Alice Littler Park as shown in the attached plan. Maintenance and repair costs of the roadway will be shared by the purchaser and the Council based on respective usage;
- (e) Price – the price payable will be £nil;
- (f) Existing Lease to Aberlour Community Association – the existing lease terms will apply until the date of the transfer;
- (g) Contamination – the property will be transferred 'with information' in terms of contaminated land legislation with Aberlour Community Association indemnifying the Council against any future claims relating to contaminated land.
- (h) Fees/Expenses – each party will meet its own legal expenses in the processing of the transaction, including legal expenses and surveyors fees; and,
- (i) Other Terms – any other detailed terms agreed with the Council's Legal Services Manager and Estates Manager.

The reasons for the Council's decision are as follows:

- (i) The requested transfer is considered to be in keeping with the purposes of the original lease to the Council from the Alice Littler Memorial Trust;
- (ii) The strength of the Association's overall business case is considered to be strong. That is,
 - (a) The Association's governance and financial management arrangements are considered to be sound and sustainable,
 - (b) Best Value characteristics are in evidence in the proposal, and
 - (c) The projected benefits, which were demonstrated well in the Association's submissions, are considered to represent value for money and sufficient to justify a disposal at less than market value.
- (iii) No reasonable grounds were found for refusing the request.

If you wish to proceed, you must submit an offer to Moray Council at the address above by **7 April 2021**. 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 property 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 by **4 November 2020**, being 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 or telephone 07929 785090.

Yours sincerely

Lorraine Paisey
Chief Financial Officer