



COMMUNITY ASSET TRANSFER

Moray Council
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Findhorn Village Conservation Co Ltd

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

Our Ref: CAT/ATR/086

Sent via email to:

Date: 8 June 2021

Dear Company Members

CAT/ATR/086 DECISION NOTICE – AGREED

This Decision Notice relates to the asset transfer request made on 25 January 2021 by the Findhorn Village Conservation Company Ltd in relation to the Findhorn public toilets.

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 assets comprise:

- (i) the Toilet Block (North), West Dunes, Findhorn,
- (ii) the Toilet Block (South), West Dunes, Findhorn, and
- (iii) the site of the former Toilet Block, East Beach, Findhorn.

The locations of the assets are shown on the attached site plan.

(b) Price – the price payable will be £nil.

(c) Contamination – the Council is to transfer the property “with information” in terms of Contaminated Land legislation with the purchaser indemnifying the Council against any future claims relating to contaminated land. A desktop study by the Council’s Environmental Health Section concluded that there are no known contaminative uses near these sites.

(d) Services – the purchaser will satisfy itself as to the existence, condition and suitability of all services. The Council will provide the purchaser with information on the existence of all services to the best of its knowledge and belief.

(e) Existing Lease – the existing lease terms in respect of the Toilet Block (North) will apply until the date of transfer.

(f) Fees/Expenses – each party will meet its own legal expenses in the processing of the transaction, including legal expenses and surveyors fees.

(g) 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 likely to contribute to the priorities set out in the Council's Corporate Plan and Local Outcomes Improvement Plan;
- (ii) The strength of the Company's overall business case is considered moderate to strong. That is,
 - (a) The Company'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 are considered to be acceptable, could lead to value for money, and are sufficient to justify a disposal at less than market value.
- (iii) No reasonable grounds were found for refusing the request. However, as the request is for a transfer at a price of £nil, it is not considered reasonable that the Council be required to incur additional expenditure to facilitate the transfer.

If you wish to proceed, you must submit an offer to Moray Council at the address above by **8 December 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 **6 July 2021**, which is 20 working days from the date of this Notice.

If you have any questions about the asset transfer process please contact the Community Asset Transfer Team via CAT@moray.gov.uk or telephone 07929 785090.

Yours sincerely



Lorraine Paisey
Chief Financial Officer