



COMMUNITY ASSET TRANSFER

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Transition Town Forres Ltd

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Sent via email to:

Our Ref: CAT/ATR/115/COMM-114-11131

Date of Notice: 30 August 2022

Dear Company Members

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 CAT/ATR/115 DECISION NOTICE – REFUSED

This Decision Notice relates to the asset transfer request made by Transition Town Forres Ltd on 3 November 2021 in respect of land at Bogton Road, Forres.

Moray Council has decided to **refuse** the request. The reasons for this decision are set out below.

1) There is insufficient evidence of community support for the proposal.

In administering Common Good assets, the Council is required by section 15(4) of the Local Government etc. (Scotland) Act 1994 to have regard to the interests of the inhabitants of the former Royal Burgh of Forres. Although there was evidence of support for the proposal from the wider community served by the Company, there is a lack of support from the inhabitants of the former Royal Burgh. There was evidence of a reduction in support across all areas between the first and second statutory consultations. Agreeing to the proposal would have the potential to reduce community cohesion and increase tensions within the wider community.

2) There is insufficient evidence that the proposal will deliver Best Value.

Effective leadership is central to delivering Best Value. Whilst there is evidence of a vision that is shared with the Company's community and delivery partners, there is less evidence that there are the means in place to achieve this vision.

Effective governance and accountability arrangements, with openness and transparency in decision-making, appropriate delegation and effective reporting of performance, are essential for taking informed decisions, effective scrutiny of performance and stewardship. Although the Company has recently updated its governing documents, reflecting an increasing awareness of the importance of good

governance, there is a lack of evidence of appropriate arrangements for performance monitoring and reporting, together with a lack of detail as to its financial plans.

Making the best use of resources is at the heart of Best Value. There is insufficient evidence that the Company has the necessary plans and strategies in place, supported by sound governance and strong leadership, to ensure that all its resources are deployed to achieve its strategic priorities, meet the needs of its community and deliver continuous improvement.

3) The projected benefits demonstrate questionable value for money.

Many of the claimed additional benefits are not reliant upon new funding contingent upon a transfer of ownership. There is insufficient evidence that the proposed transfer would deliver additional benefits to the extent suggested by the Company's SROI report or to a level commensurate with the requested discount from market value.

You have a right to apply to the Council to review this decision. Any application for review must be made in writing to committee.services@moray.gov.uk by **27 September 2022**, which is 20 working days from the date of this Notice. Guidance on making an application for review is available at <https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-community-9781786527509/pages/18/>.

If you have any questions about this Notice or 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