



Asset Transfer under the Community Empowerment (Scotland) Act 2015

DECISION NOTICE – AGREED

Easthall Residents Association
(Company Number SC345307, Charity Number SC008077)

To: [REDACTED]

Address: [REDACTED]

Date: 22 February 2019

This Decision Notice relates to the asset transfer request made by **Easthall Residents Association** validated on **15 June 2018** in relation to the **former St Scholastica's Primary School Site, Kildermorie Road/Arnisdale Road, Glasgow, G34**.

Glasgow City Council has decided to **agree** to the request.

This decision was made after a thorough evaluation process against pre-determined criteria outlined in the Council report of [November 2017](#). The reasons for this decision are as follows:

1. The Community Transfer Body (CTB) has a strong track record of project delivery and is currently managing an asset and delivering a wide range of services (which are at capacity) on an adjacent site which is leased by City Property to the Easthall Park Housing Co-op and is subject to a parallel Request from the CTB.
2. The proposal is likely to promote regeneration, public health, social well-being and environmental well-being, by bringing a vacant site back into use thereby potentially providing employment and training opportunities and providing sporting and recreation facilities for the local community. In doing so it is likely to reduce inequalities of outcome which result from socio-economic disadvantage experienced in the local area.
3. The Council has no current or planned use for this site, and is not aware of alternative proposals for the site.
4. In the absence of any alternative plans, the planned community benefits coupled with a modest capital receipt of £40,000 fit with the intention of the Community Empowerment (Scotland) Act 2015 that Relevant Authorities should agree to Requests unless there are reasonable grounds for refusal.

The **attached** document specifies the terms and conditions subject to which we would be prepared to transfer ownership of the asset to you. If you wish to proceed, you must submit an offer to us by Wednesday 21 August 2019. The offer must reflect the terms and conditions attached and may include other such reasonable terms and conditions as are necessary or expedient to secure the transfer within a reasonable time.

The offer must be prepared by a firm of solicitors and should be addressed to:

The Head of Legal and Administration,
Chief Executive's Department,
Glasgow City Council,
City Chambers East,
40 John Street,
Glasgow, G1 1JL

The offer also must contain the following:

1. The name of the subjects on which the offer is made
2. The name of the Community Transfer Body
3. The date of the Decision Notice
4. Confirmation that offers of grant/funding will be in place at point of transfer
5. Confirmation of permissions (planning, environmental etc) in place and any that remain outstanding at the time of offer
6. Confirmation that the specific terms and conditions under which the Decision Notice was issued are acceptable.

Following receipt of the formal offer it is expected that the asset transfer will be concluded within 6 months. If the transfer is not made within 6 months then a request for an extension should be made as soon as possible.

Right to request a review

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may request a review by the Council.

Any request for a review must be made in writing by Friday 22 March 2019, which is 20 working days from the date of this notice, to:

██████████
Committee Services Manager
Glasgow City Council
Chief Executive's Department
40 John Street
Glasgow, G1 1JL

Email: ██████████

Guidance on requesting a review is available within the [Guidance for Community Transfer Bodies](#) (Section 17 and 18).

Terms and Conditions

1. The sale price shall be:-
FORTY THOUSAND POUNDS STERLING (£40,000)
2. The subjects shall be used solely for community use by the Purchaser, as outlined in their governing documents and in accordance with the proposal contained in the Community Asset Transfer request. Any change in use will require prior written consent from the Seller which shall not be unreasonably withheld where the proposed use is consistent with the aims of the governing documents.
3. The Purchaser agrees to a clawback agreement in case of any uplift in land value due to commercial or residential planning permission (not including any proposed community uses) this will be 100% of any uplift in excess of FORTY THOUSAND POUNDS STERLING (£40,000), This sum being subject to the deduction of any building improvement works completed prior to the date of consent, subject to satisfactory supporting evidence being provided to the Seller for verification.
4. In the event that the Purchaser wishes to dispoise the subjects either in whole or part there is reserved to Glasgow City Council a right of pre-emption.
5. The transfer will be subject to a resumption clause if the proposed community facilities have not been completed and in beneficial use by the community following 10 years from the date of transfer.
6. The transfer will be conditional on:
 - a. satisfactory confirmation that offers of grant/funding for delivery of the project will be in place at the date of transfer; and
 - b. the requisite consents, statutory or otherwise, required to carry out the project, being in place at the date of transfer.
7. The Purchaser will grant a first ranking security over the subjects in favour of the Seller.