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DATE: 24 October 2019

Your Ref:

Our Ref: LSW18408C/MC

**SENT BY FIRST CLASS RECORDED
DELIVERY**

Chief Executive
Active Communities

Legal Services Department
Police Scotland, Clyde Gateway
2 French Street
Dalmarnock
Glasgow
G40 4EH
DX512100

Dear

**ASSET TRANSFER REQUEST – DECISION NOTICE
ACTIVE COMMUNITIES (SCOTLAND) LIMITED
JOHNSTONE POLICE STATION, QUARRY STREET, JOHNSTONE, PA5
8DY**

This Decision Notice relates to the asset transfer request made by **Active Communities (Scotland) Limited** (“the Community Transfer Body”) in respect of **Johnstone Police Station, Quarry Street, Johnstone, PA5 8DY** (“the Property”) (the asset transfer request having been validated on 9 January 2019).

I write to confirm that the Scottish Police Authority has decided to **agree** to the request.

The request was evaluated by Police Scotland’s Estates, Legal and Portfolio Assurance Departments and feedback on the proposals outlined by the Community Transfer Body was given by the Local Division. Approval was thereafter sought from the Scottish Police Authority to agree to the asset transfer request. Such approval was granted on 17 October 2019.

The reasons for the decision are as follows:-

1. The Property has been declared surplus to operational requirements.
2. The community feedback on the proposed uses of the Property namely a community café, fitness studio, women’s centre, health projects and a child day care centre was understood to be generally positive.

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3. The facilities being proposed by the Community Transfer Body align with the community aims and objectives of the Scottish Government and some of the current policing priorities of Police Scotland as detailed within the current policing plan.
4. The asset transfer to the Community Transfer Body will remove the ongoing revenue and maintenance costs for the Property.
5. The community benefit to be received in addition to the capital receipt of £192,000 for the Property is considered to represent best value to the Scottish Police Authority for the asset.
6. The Authority must agree to the request unless there are reasonable grounds for refusal.

The Scottish Police Authority is prepared to transfer ownership of the Property to the Community Transfer Body but that subject to the following terms and conditions:-

- (i) The sale price shall be ONE HUNDRED AND NINETY TWO THOUSAND POUNDS (£192,000) STERLING (excluding VAT, if any).
- (ii) The Property shall be used solely for community use by the Community Transfer Body, as outlined in their constitution and in accordance with the proposals contained in the Community Asset Transfer Request made by the Community Transfer Body. Any change in use will require the prior written consent of the Scottish Police Authority which shall not be unreasonably withheld where the proposed use is consistent with the aims of the Community Transfer Body's constitution.
- (iii) The transfer will be conditional on:
 - (a) satisfactory confirmation that offers of grant/funding for delivery of the project are in place at the date of transfer to the Community Transfer Body;
 - (b) the Community Transfer Body confirming that they are satisfied with the terms of the titles to the Property / confirming that any title issues have been resolved to the Community Transfer Body's satisfaction (both parties acting reasonably);
 - (c) any consents including planning and other statutory consents and permissions required to deliver the project being in place at the date of transfer; and
 - (d) the Community Transfer Body entering into a Clawback Agreement with the Scottish Police Authority and granting a Standard Security to the Scottish Police Authority in relation to any sale of the Property or part or parts of the Property, on such terms and conditions to be agreed between the parties (acting reasonably).

If you wish to proceed, you must submit an offer to Scottish Police Authority to acquire ownership of the Property no later than **27 April 2020**. The offer must reflect the terms and conditions stated herein and may include other reasonable terms and conditions as may be necessary or expedient to secure the transfer within a reasonable period of time.

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

Head of Legal Services
Police Service of Scotland
Clyde Gateway
2 French Street
Dalmarnock
Glasgow, G40 4EH

The offer must also contain the following:

1. The name of the Property for 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 the date of transfer.
5. Confirmation of the necessary consents and permissions that are in place and those that remain outstanding at the time of the offer.
6. Confirmation that the specific terms and conditions under which the Decision Notice was issued are acceptable.

Right to appeal

If you consider that this decision notice specifies material terms or conditions which differ to a significant extent from those specified in the asset transfer request, you may appeal to the Scottish Ministers.

Such an appeal must be made in accordance with The Asset Transfer Request (Appeals) (Scotland) Regulations 2016 and must be served on the **Scottish Ministers** within **20 working days** of the date of this notice i.e. by 21 November 2019.

There is also a right of appeal where no contract is concluded within a period of 6 months beginning with the date of the offer.

Guidance on appeals is available within the Scottish Government's publication "Asset Transfer under the Community Empowerment (Scotland) Act 2015 – Guidance for Community Transfer Bodies."

Yours faithfully