

Your Ref:

Our Ref: DC/FB

10 November 2014

Kevin Stewart MSP

Convenor

Local Government and Regeneration

Committee Meeting

Room T3.40

The Scottish Parliament

EDINBURGH

EH99 1SP

Chief Executive Service

Council Offices

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Dear Mr Stewart

**LOCAL GOVERNMENT & REGENERATION
COMMITTEE MEETING – 27 OCTOBER 2014**

I refer to your letter of 6 November regarding the above Committee meeting.

Firstly, let me offer my sincere apologies for the delay in responding to you with the information you have requested.

As requested a copy of our Community Asset Transfer Process (Appendix 1) is enclosed for your reference.

I have also attached a timeline showing dates and details of correspondence both internally between the relevant Council departments and also between the Council and Gillespie, Gifford & Brown LLP, the agents acting on behalf of the Inspired Community Enterprise Trust (Appendix 2). I hope that this shows that since the start of this transaction in April 2013 that correspondence between the parties has been detailed and for the most part regular although I would point out that due to the need for both Council Committee approval and Big Lottery Funding requirements that there have been periods of apparent inactivity on the side of both the Landlord and the Tenant.

Let me also assure you that Dumfries and Galloway Council has as one of its principal priorities the facilitation of the empowerment of local community groups within our Council area. We have entered into many arrangements over recent years with such bodies and by way of illustration I have attached a paper entitled 'Recent Community Asset Transfers (Appendix 3) which provides examples for your consideration.

Many/

Mr Stewart

10 November 2014

Many other similar arrangements are in the process of being formalised throughout Dumfries and Galloway. In addition we work closely with our Community Council colleagues to ensure that due consideration is given to the residents of all former Burgh areas when administering ground deemed to fall within The Common Good.

I hope you find the contents of both this letter and the appendices annexed provide you with the level of detail you require.

Yours sincerely

A handwritten signature in black ink, reading "Derek Crichton". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Derek Crichton
Head of Corporate Support

Encs

Dumfries & Galloway Council Community Asset Transfer Process

1. Background

On 19 March 2013 the Policy and Resources Committee agreed a Disposal Policy for Dumfries & Galloway Council. This includes the option for 'complex disposal at less than best consideration' whereby ownership of a property is transferred to another body for, usually, a nominal sum.

Whilst the Policy provides for the legal aspects, this process provides guidance for officers and community groups to ensure a consistent approach with due diligence and transparent decision making hence the need for an agreed Community Asset Transfer Process. Furthermore, the Policy provides a maximum 18 month timescale for groups to demonstrate significant progress from expression of interest towards transfer of ownership. This process provides clear steps to allow projects to move through the requisite steps within that time frame.

It is recognised that Council properties which are deemed surplus to requirements for service delivery can continue to play a key role in communities. However, this potential must be matched by viable community groups with suitable skills and a sustainable business plan that is not dependent on ongoing Council revenue funding.

2. Purpose of Community Asset Transfer

The selling of a public asset to a community group for a nominal sum is governed by the Disposal of Land by Local Authorities (Scotland) Regulations 2010. These Regulations, provide that "where the Capital Value of the land is greater than £10,000, but the proposal is to dispose of the land for less than 75% of the Capital Value (this includes Disposal by lease), the Council should:

- appraise and compare the costs, other dis-benefits and benefits of the proposal;
- be satisfied that the disposal for that consideration is reasonable;
- and agree that the disposal is likely to contribute to any of the purposes of economic development or regeneration; health; social well-being; or environmental well-being; in respect of the whole or any part of the area of the local authority or any persons resident or present in that area. (references to "well-being" are to be construed as for the purposes of section 20 of the Local Government in Scotland Act 2003(2).

It is considered that community empowerment, resilience and capacity building can all be encompassed within social wellbeing. Although the legislation refers to 'land' the provisions apply to buildings as well.

3. The Community Asset Transfer Process

The Process for Community Asset Transfer (CAT) is outline below and summarised in Appendix 1 which also sets out roles and who makes decisions. This both guides community groups though their own development, where needed, whilst also ensuring that due consideration of the regulatory requirements can be evidenced.

It should also be noted that the timescales are indicative. It is necessary that organisations are able to demonstrate significant active progress since, where this is not evident, then the Council may explore other disposal routes.

3.1 Preliminary Activity

The success of a Stage 1 application will be determined during this phase. Although the Stage 1 application only requires an outline business plan, having a clear vision and refined business plan will help to ensure the success of suitable applications.

Community

- Groups can be galvanised around various visions. However, to satisfy the wellbeing requirements, it would not be sufficient for a group to be motivated to 'save' an asset. A viable and sustainable vision, supported by a robust business plan, is also needed. These take time to develop and be refined. An outline business plan should be prepared to support a Stage 1 application. Guidance on the content expected from a full business plan is contained in the support notes for a Stage 2 application.
- Where a group is newly formed, it may be prudent for it to consider managing the asset through a short term management agreement in order to develop organisational capacity, refine the vision and test the business plan prior to taking on the financial risks of ownership. This short term arrangement should be reviewed annually for evidence of significant progress
- Where grant funding will be a core element of a business plan, such as with a development project, it is essential that groups engage with potential funders at this early stage. Funder requirements can have a significant influence on the shape and structure of a project.

Council

Council support will be provided through Community and Customer Services. Officers will:

- provide information, advice and support to community groups considering CAT whilst clearly explaining the decision making process. This will include clarity on the support available from the Council during the process and the timescales that must be adhered to by both parties
- confirm if the asset has already been declared surplus to CCS or Council needs
- liaise with the Estates team to confirm the status of the property in terms of Title Deeds
- provide accurate running costs for the building
- assist in building the capacity of community groups, where that is requested. This may include the establishment of a constituted group, developing or enhancing

partnership working with local groups and organisations, or a skills / training assessment to ensure that the organisation is ready and prepared to manage the asset in the future.

- give advice on developing a vision for the asset (with reference to Section 2 above), the scope of any projects and potential funding routes. This could include providing support to identify how the asset meets the organisations objectives, its ability to meet the needs of the wider community now and in the future, how viable the project is and how sustainable the asset will be
- advise groups on consultation methods to provide sufficient evidence of community support for the proposals. This may include an introduction to the National Standards for Community Engagement, support to plan and deliver a community meeting, assistance to develop an online survey or advice on how to gather letters of support.
- provide information on the condition of the asset, such as existing condition surveys, asbestos registers or legionella test records. If necessary, provide up to date condition surveys to support funding bids.

3.2 Stage 1 – Suitability

The first stage in the process results in a decision on whether to proceed to the more detailed assessment at Stage 2. The first stage allows the community group to submit its proposals in outline. The application requirements and assessment criteria are shown in Appendix 2.

1. Community group submits initial application. If more than one group is interested then notification of a closing date for applications may be considered. Any decision will also consider which application presents the greatest potential community benefit in addition to other factors.
2. On receipt of application, the Officers will:
 - a. check that the application is competent
 - b. confirm if the property has already been declared surplus
 - c. confirm that clear title exists
 - d. review the most recent condition survey, identify any significant issues and liaise with other Departments if that is necessary. Preference will be given to organisations able to lever external funding to improve the condition.
 - e. confirm whether TUPE rights apply where a member of Council staff is employed in relation to an asset

Where these checks reveal any issues that could prohibit or prevent asset transfer then they need to be resolved before the application can be considered further.

3. Views of Area Committee Chair and Ward Members will be sought on the application.
4. The Head of Resource Planning and Community Services will review information in support of the application and the viability of the organisation before making an assessment on the suitability of the asset for transfer, the strength of the outline proposal (particularly potential community benefit), and the standing of the organisation. The possible outcomes are detailed below and the reasoning for the decision will be clearly communicated to the applicant:
 - a. application suitable to proceed to Stage 2
 - b. application suitable to proceed to Stage 2, subject to the property being formally declared 'surplus with complex disposal at less than best consideration',
 - c. recommendation that the organisation consider an annual management agreement years before re-submitting a Stage 1 application
 - d. reject the request.
5. Area Committee Chair and Ward members will be advised of the decision.

3.3 Stage 2 – Detailed Assessment (6 to 12 weeks from Stage 1 decision)

The organisation has the opportunity to submit a detailed application based on a "sound" business plan. The application requirements and assessment criteria are shown in Appendix 2.

1. Community group submits Stage 2 application. If more than one group is interested then notification of a closing date for applications may be considered. Any decision will also consider which application present the greatest potential community benefit in addition to other factors.
2. Application assessed with officers from other Departments where that is appropriate. Applicants should use the Stage 2 application form with reference to the detailed Guidance Notes:
 - Section A: Pass/Fail
 - Section B/C: consideration of benefits/dis-benefits of proposals with regard to evidenced community wellbeing, viability and sustainability, particularly financial sustainability.
3. It may also be that viable disposal options other than for less than best consideration exist. Should this be the case then the preferred Stage 2 application will be reviewed against other options by the Strategic Asset Board to assess which option presents the greatest community benefit. Recommendations from the Group will be included in any report to the Policy and Resources Committee.
4. Head of Resource Planning and Community Services confirms the assessment and recommendation.

5. Report to relevant Area Committee to seek a recommendation prior submitting to Policy and Resources Committee
6. Report to the Policy and Resources Committee for decision. This will contain a summary of the application, assessment and officer recommendation. The possible outcomes are detailed below:
 - a. Approval of transfer to applicant at less than best consideration.
 - b. Conditional approval of transfer to applicant at less than best consideration. (Where a business case is contingent upon the securing of external funding. Conditional approval will be time limited, subject to the likely time frame for funding applications.)
 - c. Reject the application with the reasons and outcome officially minuted. The organisation will be formally written to confirm the reasons for the decision detailing the timescales for the group being able to re-apply.

Note: where a Stage 2 application is rejected, the organisation may not reapply against the same asset within a period of 12 months. It is essential that organisations work closely with Council Officers in the Preliminary and Stage 1 period to ensure that a quality application is produced. Re-applications within 12 months may be considered where there has been a material change which would significantly alter the original application.

3.4 Stage 3 – Implementation (4 to 8 weeks from the Stage 2 decision)

1. Organisation commences implementation of business plan, including the making of funding applications (where relevant).
2. Council finalises legal aspects of transfer, including TUPE arrangements where appropriate.
3. Organisation provides evidence that any conditions have been met in full.
4. Final report to Policy and Resources Committee, where required.
5. Transfer implemented.

3.5 Stage 4 - Handover

Organisation commences operations. Any ongoing support required from Council officers can be covered by an SLA.

4. Glossary

Term	Definition
Clear Title	That the Council has the right to dispose of an asset and that the asset is free of any encumbrances which would restrict or prohibit this.
Community Asset Transfer	Legal ownership of an asset is transferred from a public body, such as a council, to another organisation for 'less than best consideration'. This is permitted under the Disposal of Land by Local Authorities (Scotland) Regulations 2010 as long as the proposals pass tests of reasonableness and community benefit.
Community Group	The formality of a group may change as a vision develops into a business plan. Initially, a group may be nothing more than a community of interest. However, by the time a Stage 1 application is submitted, it should be formally constituted as a voluntary organisation. The final form of a group can be influenced by the business plan and intended funding route, however it needs to be a "legal entity" which is able to own Property.
Competent Application	Organisations must meet certain criteria for a Stage 2 application to be considered. This includes things like being formally constituted. An application will only be considered once evidence for all the conditions in the Stage 2 process have been sufficiently evidenced.
Declared Surplus	Historically, the Council owns many properties which have been used to deliver services. Before an asset can be disposed of, the Council goes through a formal process to agree that it is no longer needed and can be declared surplus to requirements.
Sustainable	Community groups will need to generate income to sustain their activities and be able to maintain an asset into the future. Whilst any business plan will contain assumptions and forecasts, in the context of the Stage 2 assessment, it should appear to have a reasonable chance of success over at least a 3-5 year period.
TUPE	The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) protects employees' terms and conditions of employment when a business is transferred from one owner to another. Employees of the previous owner when the business changes hands automatically become employees of the new employer on the same terms and conditions. It's as if their employment contracts had originally been made with the new employer. Their continuity of service and any other rights are all preserved.

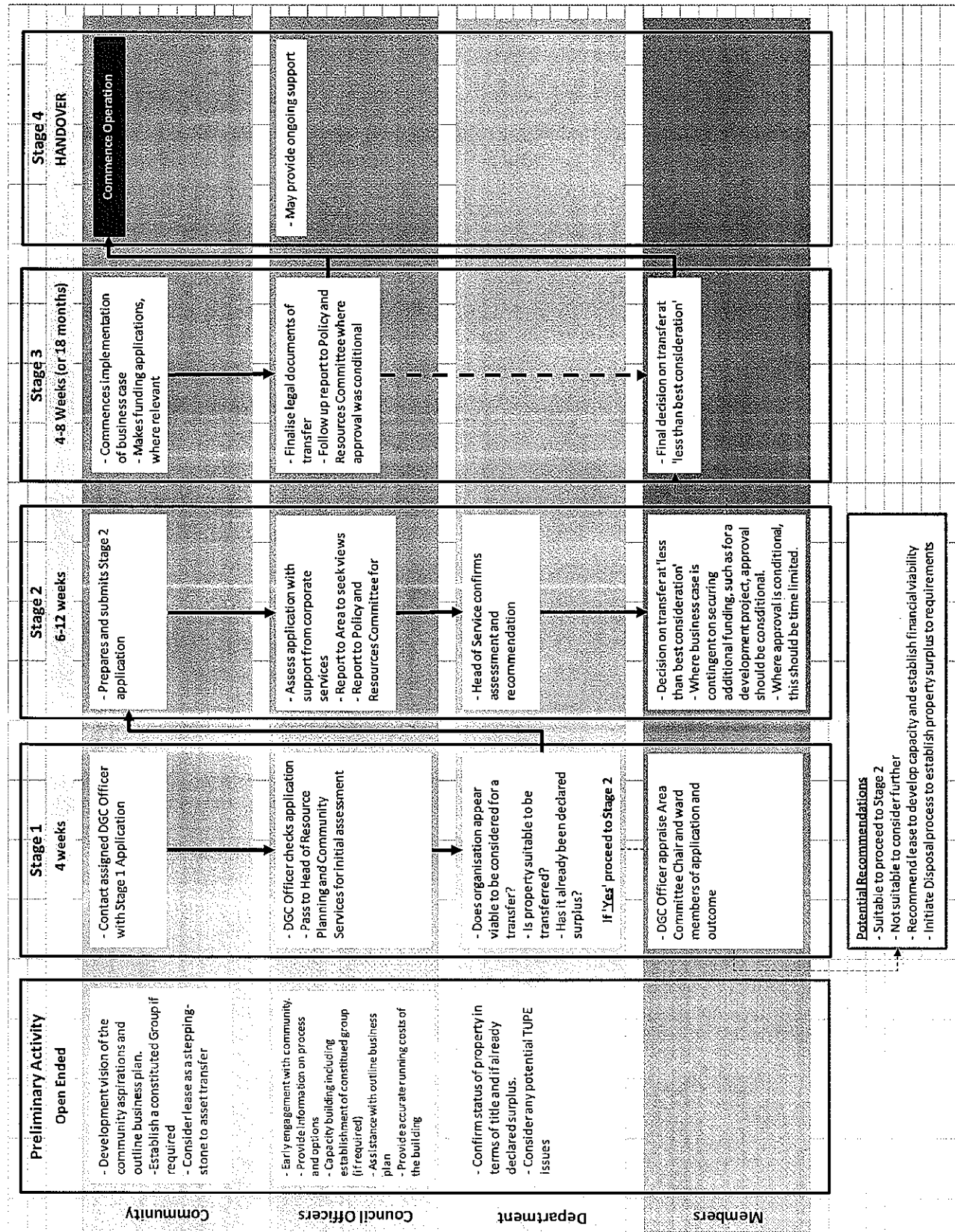
APPENDIX

Term	Definition
Wellbeing	<p>Wellbeing is a subjective evaluation of how we feel about and experience our lives. Wellbeing, positive mental health and mental wellbeing are often used interchangeably, although 'wellbeing' is also used in a broader sense to include physical health.</p> <p>Community wellbeing includes characteristics familiar from the literature on social capital e.g. trust, tolerance, participation, influence, mutual aid, social networks and social support. Other indicators of collective wellbeing are 'collective efficacy' i.e. coming together to solve problems or improve things, intergenerational solidarity and informal social control e.g. neighbourhoods where adults keep an eye on children and young people.</p>
Less than best consideration	<p>Assets have a value: the price they could sell for on the open market. However, it is recognised that outright purchase of an asset, such as a community building, is beyond the reach of many voluntary organisations. Regulations allow ownership to be transferred for less than the market value and this can be done for a nominal sum such as £1.</p>

5. Additional Information Sources

Who	What	How
Development Trusts Association Scotland	The national body for development trusts in Scotland, supporting you to unlock the potential within your community.	www.dtascot.org.uk
Development Trusts Association Scotland	To have and to hold: The Development Trusts Association guide to asset development for community and social enterprises	http://mycommunityrights.org.uk/wp-content/uploads/2012/04/To-Have-and-To-Hold.pdf

Appendix 1: Community Asset Transfer Process



FORMER DINING HALL DUMFRIES ACADEMY DUMFRIES - LEASE TO INSPIRED COMMUNITY ENTERPRISE TRUST LTD

Summary

This transaction is still progressing having started in April 2013.

Dumfries and Galloway Council employs one solicitor and one paralegal within its legal services department to deal with their entire portfolio of property and conveyancing matters. This transaction was prioritised taking into account other transactions taking place and the resources available at each stage.

Due to the nature of the transaction and the involvement of the Big Lottery Fund (BLF) negotiations have been complicated and extensive with each party - the Council as Landlords; the Trust as Tenants and BLF as Funders looking to secure and protect their individual positions as much as possible. The needs and requirements of the Funders (i.e. a security over the property) had to be consented to by the relevant Council Committee before progress could be made and several different Council officers have had to provide input and instruction as the final desired outcome has taken shape. It appears that many of the delays on the side of the Trust were attributable to the BLF and their demands.

The Council has been flexible in trying to accommodate the tenants' needs and the demands of the funders at every stage of this transaction.

TIMELINE OF CORRESPONDENCE

DGC – Dumfries and Galloway Council

GG&B - Gillespie, Gifford and Brown Solicitors – agents and solicitors for the Trust.

DATE

29-Apr-13 Offer and draft Lease sent from Legal Services (DGC) to Gillespie, Gifford & Brown (GG&B)

16-May-13 Letter from GG & B to DGC confirming receipt and taking clients instructions

13-Jun-13 Letter from DGC to GG & B - seeking progress - no communication received from GGB since their letter of 16/5

14-Jun-13 Letter from GG & B to DGC - advising they will be meeting with their clients shortly and will revert thereafter

08-Jul-13 Letter from GG & B to DGC - with points regarding the draft Lease to be considered by DGC

12-Jul-13 Internal Memo from Legal Services to Property Services - asking for instructions on letter from GG & B

12-Jul-13 Letter from DGC to GG & B advising we will revert in due course.

02-Aug-13 Letter from GG & B to DGC - seeking progress

20-Aug-13 Letter from DGC to GG & B - advising we have issued a reminder to Property Services for instructions

20-Aug-13 Internal Memo from Legal Services to Property Services - seeking instructions

09-Sep-13 Letter from GG&B to DGC regarding requirements of Big Lottery Fund and confirming earlier email exchange between DGC and GGB re these matters.

13-Sep-13 Internal Memo from Legal Services to Property Services - seeking instructions on letter from GG & B dated 13/9

13-Sep-13 Letter from DGC to GG&B - advising we are seeking instructions from Property Services

02-Sep-13 Internal Memo from Property Services to Legal Services with instructions on Memo to them dated 12 July

16-Sep-13 Letter from DGC to GG & B - advising of instructions from Property Services.

16-Sep-13 E-mail from DGC to GG & B -emails re the length of the lease and requirements of the Big Lottery Fund

17-Sep-13 Letter from GG & B to DGC - commenting on letter from DGC dated 16 September and seeking further info.

23-Sep-13 Various e-mails between DGC and GG&B re fees outlays and requirement of committee consent re the grant of a standard security and discussion re which committee it would be heard by. Meeting between legal services and property services to discuss letter of 17 September.

16, 17, 18 – Various e-mails between DGC and GG&B re the terms of the standard security.
Oct -13

04-Dec-13 E-mail from Property Services to Legal Services with Policy and Resources Committee Report confirming the report homologated by the committee on 03/12 re the granting of a security

05-Dec-13 Letter to GG&B from DGC advising of the committee outcome. (**No further correspondence received from GG&B until 21/3/14 – a gap of more than 3 months**)

21-Mar-14 Letter from GG&B to DGC - to advise they still await confirmation whether The Big Lottery Fund application has been successful

21-Mar-14 Letter from GG&B to DGC - with revisions to draft Lease

26-Mar-14 Internal Memo from Legal Services to Property Services seeking instructions - on Lease

26-Mar-14 Internal Memo from Legal Services to Property Services seeking instructions - on Letter dated 21 March

26-Mar-14 Letter from DGC to GG&B - advising we are seeking instructions from Property Services re Lease

26-Mar-14 Letter from DGC to GG&B - advising we are seeking instructions from Property Services re terms of subsequent letter of same date

09-Apr-14 Telephone discussion between DGC and GGB.

08-May-14 Letter from GG & B to DGC - seeking progress

14-May-14 Letter from DGC to GG&B - acknowledgement letter. Advising instructions being taken re further revisions /requirements.

10 April to 26 May 14 Internal Memos between Legal Services, Property Services and Finance Treasury re Insurance etc and need to protect Councils position

09-Jun-14 Letter from GG&B to DGC - asking for current position

09-Jun-14 Letter from DGC to GG&B - apologising for delay and including Licence for Works and Lease revised on behalf of DGC following instructions

15-Jul-14 Letter from GG&B to DGC

25-Jul-14 Letter from DGC to GG&B advising DGC solicitor will be on leave for two weeks until 11/08/14

13-Aug-14 Letter from GG & B to DGC - requesting draft Lease clean drafted and insurances under licence for works queries. Query raised re payment of DGCs fees and outlays.

14-Aug-14 Internal Memo from Legal Services to Property Services seeking instructions on terms of letter of 14/08/14.

14-Aug-14 Letter from DGC to GG&B - advising we are seeking instructions on terms of their letter

22 Aug to 30 Sep 2014 E-mails between Legal Services, Property Services and Economic Development - Legal Services requiring a meeting to progress.

25-Aug-14 Letter from DGC to GG&B - enclosing fresh draft Lease and answering insurance queries

29-Aug-14 Letter from GG & B to DGC - revisals to Lease and more insurance queries for consideration by DGC.

03-Sep-14 E-mail from Legal Services to Property Services seeking instructions on terms of GG&B letter

12-Sep-14 Letter from GG&B to DGC - further insurance queries regarding consideration by DGC.

22-Sep-14 E-mail from Legal Services to Property Services seeking instructions on terms of GG&B Letter

24-Sep-14 Internal Memo from Legal Services to Property Services seeking instructions

03-Oct-14 Letter from GG&B to DGC - seeking progress and advising GG&B solicitor going on holiday for two weeks and who would be standing in.

14-Oct-14 E-mail from Legal Services to Property Services seeking instructions re revised schedule for licence of works

14-Oct-14 E-mail from Property Services to Legal Services confirming instructions following discussion with Insurance advisers within DGC.

15-Oct-14 E-mail from DGC to GG&B - asking for electronic copy of revised offer re licence and lease. Also seeking copies of plans, drawings etc for annexation to the schedule - offer unable to be completed until these received. DGC legal services had received no sight to date.

16-Oct-14 Offer from DGC to GG&B prepared - awaiting plans from GGB and then need to seek confirmation from Property Services that these in order.

16-Oct-14 E-mail from The Usual Place to DGC with Planning Permission Building Warrant, Consents etc - as above.

16-Oct-14 E-mail from Legal Services to Property Services to ascertain if these are sufficient and happy to conclude

16-Oct-14 E-mail from Property Services to Legal Services to advise they are happy to conclude

17-Oct-14 E-mail from DGC to GG&B attaching original offer, Licence Agreement etc - all documentation scanned and emailed to GGB (THEN SENT HARD COPY) to comply with the time limits imposed re their offer of funding. DGC Had been advised that unless this paperwork in their hands by this date their funding would be withdrawn.
Therefore great urgency impressed upon DGC. No response received by DGC from GG&B following the transmission of this formal paperwork.

22-Oct-14 DGC email to GG&B seeking confirmation that GG&B now had everything they needed from DGC re this matter.

04-Nov-14 Further DGC email to GG&B advising that we had still not heard back from them in response to the offer.

04-Nov-14 Email from GG&B with insurance queries.

05-Nov-14 Email from GG&B asking if had taken instructions yet on the above

05-Nov-14 Email from DGC to GG&B advising that instructions being sought.

06-Nov-14 Letter from GG&B to DGC raising the question of assignation of the lease and maintenance and repair clauses therein.

07-Nov-14 Instructions re the above being sought from Property Services by Legal Services.

Recent Community Asset Transfers

As part of the Community Facilities Review process for 2013/14 and 2014/15 the following are community facilities which have been transferred or are due to transfer to community groups. There are also many properties which are run by management committees on older leases (particularly in the Nithsdale area).

Pre-2013:

- St Ninian Hall, Isle of Whithorn; Isle Futures, Asset Transfer

2013/14 (all transferred via the standardised agreement – lease):

- Hutton Hall
- Noblehill Community Centre (Dumfries Town Band Community Hall)
- Stakeford Community Centre (Glenaros Church)
- Glenkens Community Centre
- Kirkcudbright Community Centre
- Whauphill Hall (Whauphill Community Association)

2014/15:

- Canonbie Hall, Annandale & Eskdale – Full cost Lease

At the moment the Council is in the process of agreeing the transfer of the following via a standardised agreement:

- Ecclefechan Hall
- Nelson House
- Annan Community Facility
- Sanquhar Community Centre
- Thornhill Community Centre
- Glenlochar Community Centre
- New Galloway Town Hall
- New Luce Village Hall
- Portpatrick Hall – Standardised agreement, then asset transfer

The Council is also seeking to asset transfer the following properties for less than best consideration:

- Stakeford Community Centre (Glenaros Church)
- Noblehill Community Centre (Dumfries Town Band Community Hall)
- Waverley Hall, Creetown (Creetown Initiative)
- Portpatrick Hall (Portpatrick Trust)
- Drummole Hall (Mull of Galloway Trust)
- Glenkens Community Centre

The following properties which the Council considers to be surplus to its requirements are not yet being marketed for sale due to community interest and may ultimately be disposed of at less than best consideration:

- Dryfe Road Offices, Dryfe Road Lockerbie
- Former Johnston Primary School, St Mary's St, Kirkcudbright

The Council's disposal policy permits that a community group has up to 18 months to develop a business case for asset transfer; this period may be extended at the Council's discretion.

Unless stated otherwise, all transfers have been to the specific facility's Management Committee.

There are no instances of the Council having refused to enter into agreement, or seeking to refuse consideration of an asset transfer.

The Council approved a Community Asset Transfer Process in July 2014, a copy of which is enclosed.

Power of Well-Being

Recent examples (since January 2013) where the Council has considered well-being when considering disposal of a property at less than best consideration are:

- 22 January 2013 (item 10) and 18 March 2014 (item 10): Disposal of land to the Rear of Dumfries Academy.

The Council agreed to dispose of 1,400m² and 590m² of land to the Peter Pan Moat Brae Trust for nominal consideration. The Committee decisions and the reports can be found at:

<http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab12.pl?cmte=PRC&meet=21&arc=71>

and

<http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab12.pl?cmte=PRC&meet=31&arc=71>

- 19 March 2013 (item 16): Former Dumfries Academy Dining Hall

The Council agreed to lease the former Dumfries Academy Dining Hall, Academy St/Lovers Walk Dumfries to the Inspired Community Enterprise Trust Ltd, at a nominal rent, subject to appropriate terms and conditions. The committee decision and the report can be found at:

<http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab12.pl?cmte=PRC&meet=22&arc=71>

- 18 June 2014 (item 12): Disposal of High Cemetery Lodge, Craigs Road, Dumfries

The Council noted the two offers received by the closing date set and agreed to accept the higher offer received. Well-being was considered in reaching this decision, although the Council accepted the higher offer. The Committee decision and the report can be found at:

<http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab12.pl?cmte=PRC&meet=36&arc=71>

At its meeting on Tuesday 18 November, the Council is due to consider two further proposals where powers of well-being will be a factor in the decision-making process. The Agenda and the reports will be posted at: <http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab71.pl?cmte=PRC&pn=1>

The two proposals have been recommended by the respective Area Committees, and can be summarised as follows:

- Birchvale Theatre, Dalbeattie

– to dispose of the Birchvale Theatre, Dalbeattie Primary School to Birchvale Players for £1. The Area Committee decision and the report can be found at item 7 of:

<http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab12.pl?cmte=STE&meet=49&arc=71>

- Moffat Memorial Building, Noblehill Park, Dumfries

– to grant a lease for up to 20 years for use as a Men's Shed at a nominal rent. The Agenda and the report can be found at item 7 of:

<http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab14.pl?operation=SUBMIT&meet=52&cmte=NAC&grpId=public&arc=71>