

Wick Community Hub,  
Wick Youth Club,  
Lower Dunbar Street,  
Wick,  
KW1 5AW

The Highland Council,  
Glenurquhart Road,  
Inverness,  
IV3 5NX

## **ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT**

### **DECISION NOTICE 8th OF SEPTEMBER – AGREED**

Dear Julie,

This Decision Notice relates to the asset transfer request made by **Wick Community Hub**, on the 12<sup>th</sup> of November 2019, in relation to Rosebank Playing Fields and Pavilion.

The Highland Council has decided to **agree** the request.

#### **Terms and Conditions**

The request is agreed under the following terms and conditions:

- In respect of a non-negotiable burden on the legal title for the property, successors of Highland Health Board must be offered a pre-emption (first right of refusal) to purchase the asset at market value, prior to determination of any offer for transfer through CAT.
- Subject to refusal of interest in purchase from the successors of Highland Health Board, transfer of ownership of the playing fields and pavilion to Wick Community Hub (WCH) for £1, if asked, for the sole purpose of use as playing fields for public recreation and for no other purpose whatsoever. This restriction on use is included as a pre-existing burden on the legal title and is non-negotiable.
- WCH pay all reasonably incurred property and legal costs associated with the asset transfer process – both the Council's and its own.
- WCH shall be liable for a one-half (50%) share of the cost of maintaining the wall and fences along the northeast-most boundary, separating them from other Subjects.
- Highland Health Board and its successors reserve rights of access over the Subjects for the purpose of maintaining, repairing and renewing the boundary walls and fences to the north-east boundary and restoration of all damage caused to the adjoining property owned by the Health Board, to the satisfaction of them and their successors.
- Any transfer will be subject to existing burdens / conditions in the Council's title to the property (e.g. 3rd Party access rights, etc.). The Council may also

impose further burdens / conditions if they consider this expedient (e.g. economic development burdens, etc). The Council will only transfer property for which it has title to do so.

To proceed with the process, Wick Community Hub must submit an offer to the Highland Council within **six months**. The deadline for an offer to be made is: **8<sup>th</sup> of March 2021**.

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

Any **application for review** must be made in writing to Pablo Mascarenhas, Community and Democratic Engagement Manager, The Highland Council, Glenurquhart Road, Inverness, IV3 5NX **by 6<sup>th</sup> of October 2020**, which is twenty working days from the date of this notice.

Should you have any questions please do not hesitate to get in touch.

Kind regards,

**Pablo Mascarenhas**

**Community and Democratic Engagement Manager**