

Your Ref:
Our Ref: DECISIONNOTICE/ADT/05072022
If 'phoning or calling ask for [REDACTED]
Ext. 8639
E-mail: [REDACTED]@eastdunbarton.gov.uk

ASSETS & FACILITIES

ESTATES MANAGEMENT

Broomhill Depot
Kilsyth Road
Kirkintilloch
G66 1TF

5th July 2022

[REDACTED]@eastdunbarton.gov.uk

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT

DECISION NOTICE - AGREED

This Decision Notice relates to the asset transfer request made by Antermony Development Trust (the Applicant) on 20 October 2020 in relation to Antermony Loch, Antermony Road, Milton of Campsie URN: 000132047973, open reservoir, extending to circa 15.96 hectares (the Loch).

East Dunbartonshire Council ("the Council") has decided to agree to the request.

The reasons for this decision are as follows:

- The Applicant provided information detailing how it intends to contribute to the East Dunbartonshire Local Outcomes Improvement Plan ("LOIP"), including supporting and developing employability skills through a range of volunteering opportunities and mentoring activities.
- The Applicant advises that through its activities, it will support individuals experiencing poor mental health, and is collaborating with the Criminal Justice Service by delivering in partnership, the fishing rehabilitation project.
- The Applicant has committed to improving facilities on site including installation of accessible toilets and improvements to the access road.

The attached document specifies the terms and conditions subject to which the Council is prepared to transfer ownership of the Loch to you, the Applicant. If you

wish to proceed, you must submit an offer to the Council at the above noted address by **3rd January 2023**. The offer must reflect the terms and conditions attached, and may include such other reasonable terms and conditions as are necessary or expedient to secure the transfer within a reasonable time.

Right to review

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 Estates Manager, Assets & Facilities, 12 Strathkelvin Place, Southbank, Kirkintilloch by **2nd August 2022**, which is 20 working days from the date of this notice.

Guidance on making an application for review is available at [Community Asset Transfer | East Dunbartonshire Council](#)

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TERMS AND CONDITIONS OF TRANSFER

The Council, through its Policy & Resources Committee, has agreed to the Community Asset Transfer of Antermomy Loch, Milton of Campsie in favour of the Antermomy Development Trust. The transfer of the Antermomy Loch will be subject to the following terms and conditions:

- a. The transfer is subject to and with the benefit of the existing lease in favour of Caurnie Angling Club (the Lease). Other than the Lease, the Applicant will not be permitted to grant any lease over the Loch or any part thereof
- b. The Applicant will not be permitted to amend the terms of the Lease nor grant consent to any application made by the tenant under the Lease without the consent of the Council
- c. The Applicant must ensure compliance with all of the tenant's obligations under the Lease
- d. The Applicant must complete to the satisfaction of the Council the installation of toilet facilities at the Loch within 24 months of the date of transfer.
- e. The Applicant must submit a yearly report to the Council, providing quality and quantitative evidence of collaborative partnership, which supports the principles and meets the outcomes of East Dunbartonshire Community Planning Partnership Local Outcome Improvement Plan (LOIP). The yearly report must meet the Council's monitoring requirements. If the yearly report does not meet these requirements, the Applicant will agree to work in partnership with the Community Planning Partnership and the Council to meet the requirements.
- f. The yearly report must also include details of the number of day passes for non-members that are available and are purchased. There should not be a reduction in the current minimum requirements for day-passes (currently 5 full day passes available during any given period to non-members, excluding Sundays as per lease in favour of Caurnie Angling Club). If this is not met, the Applicant will agree to work with the Council to implement measures to deliver said requirement.
- g. The Applicant must comply with SEPA's CAR Licence and all its associated conditions as owners of the Loch.
- h. The Applicant must monitor, maintain and repair in all time coming the spillway, weir and sluice valve associated with the Loch and provide the Council with any inspection reports in relation to the spillway, weir and sluice valve.

Additionally, the Council's standard conditions relating to all Community Asset Transfers are outlined below:

1. Asset transfers are authorised for the purpose described in the application or specified by the Council and should not be used for any other purpose without the Council's prior written approval. Misuse may result in the termination of the asset transfer and future support being refused. This asset's sole use is as a fishing loch and for undertaking community based activities in line with meeting and/or contributing to the LOIP outcomes and for no other purpose whatsoever.
2. The Applicant will, if asked by an authorised officer of the Council:
 - Provide information or copies of financial records; and,
 - Make available for inspection any land or buildings.
3. The Applicant will be required to enter into a detailed agreement with the Council. This agreement will reflect the level of responsibility undertaken and the Council's expectations of the recipient.
4. Any asset transferred by the Council must:
 - Be managed and controlled by the Applicant;
 - Be kept secure and insured for full value (where appropriate);
 - Be properly maintained; and,
 - Not be sold or disposed of without the Council's prior approval.
5. Where permission is given for the acquisition or improvement of land or buildings, it will be the responsibility of the Applicant to provide full insurance cover for full replacement value if damaged or destroyed. Further, all necessary consents must be obtained prior to commencing work. Evidence of this must be produced if required by an officer of the Council.
6. The Applicant will be responsible for having the appropriate insurances in place; to include but not limited to Public Liability (min £5 million cover) and Employers liability (required even if it is only for volunteers).
7. The Applicant will be expected to develop best practice in equal opportunities and fully comply with any relevant legislation affecting the way a project or activity is carried out.
8. On the date or dates specified above, reports on the asset transfer will be required to be submitted alongside an update on the repair and maintenance of the land or buildings and whether any support or training from the Council is requested. The yearly report will provide both quality and quantitative

information evidencing the applicants collaborative partnership working with a range of partners including Community Justice, Drink Well Age Well Glasgow and others. The report will evidence the performance management methods used to measure and evidence delivery of the outcomes stipulated in the LOIP.

9. Should the Applicant cease to exist, the ownership of land or buildings will revert to the Council or to another organisation in East Dunbartonshire, as approved by the Council. All moneys obtained from any insurance will also revert to the Council or another organisation in East Dunbartonshire as approved by the Council.
10. If the Applicant is to buy services or a series of related services costing more than £10,000, the Applicant will apply a competitive tendering process, unless the Council agrees that there is good reason not to do so.
11. The Council is not liable for any losses or costs arising from a failure to make payments on any agreed date.
12. The Applicant must acknowledge the Council's support in any publicity material produced in connection with the project.

Yours sincerely,

[Redacted signature]

[Redacted name]

Estates Manager