

## ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT

### DECISION NOTICE - AGREED

To: WHALE Arts Centre  
30 Westburn Grove  
Edinburgh  
EH14 2SA

8 February 2023

This Decision Notice relates to the asset transfer request made by Scottish Registered Charity **WHALE Arts Agency** on **14 October 2022** in relation to **30 Westburn Grove Edinburgh EH14 2SA**

**The City of Edinburgh Council** has decided to **agree to** the request.

The reasons for this decision are as follows:

- The community benefit is substantial compared to the value of the asset.
- The disposal will allow WHALE Arts to explore funding options to develop further community programmes and enterprise activities.
- The request will make a significant positive contribution to The City of Edinburgh Councils aspirations and values.

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 at the address below by **7 August 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.

**Brian Paton, Senior Surveyor**

Property & Facilities Management, Resources, Waverley Court Level 1.5, 4 East Market Street, Edinburgh EH8 8BG  
Tel 0131 469 5228 Fax 0131 529 6209 brian.paton@edinburgh.gov.uk

## **Right to appeal**

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may appeal **to the Scottish Ministers**.

Any appeal must be made in writing by **8 March 2023**, which is 20 working days from the date of this notice, to:

Community Land Team

D Spur

Saughton House,

Broomhouse Drive,

Edinburgh,

EH11 3XD

Email: [CRTB@gov.scot](mailto:CRTB@gov.scot)

Guidance on making an **appeal** is available at

[:http://www.gov.scot/Topics/People/engage/AssetTransfer](http://www.gov.scot/Topics/People/engage/AssetTransfer)

## **TERMS AND CONDITIONS**

The terms and conditions subject to which we would be prepared to transfer ownership of 30 Westburn Grove to WHALE Arts Agency are:

1. Purchase price is to be £125,000 exclusive of any fees or taxes.
2. Each party will meet their own fees and costs incurred in concluding the sale.

### **Making a Legal Offer Under the Community Asset Transfer Scheme**

If you wish to proceed, you must submit an offer via Registered Post to us by 7 August 2023.

Under Scots law the offer must be prepared by a firm of solicitors and the offer should be addressed to:

**Brian Paton, Senior Surveyor, The City of Edinburgh Council, Estates Services,  
Waverley Court, Level 1:5, 4 East Market Street, Edinburgh, EH8 8BG**

The offer 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 available 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.

An appeal process to the Scottish Ministers is available for any request to extend the deadline for an offer to be received or completion dates and further details on this may be found

Guidance on making an appeal is available at

[www.gov.scot/Topics/People/engage/AssetTransfer](http://www.gov.scot/Topics/People/engage/AssetTransfer).

Any appeal must be made in writing by 8 March 2023 to the address given in the Decision Notice above.

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