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Mr George Gammack
Carnoustie and Monifieth Men's Shed
13a Hill Street
Broughty Ferry
DD5 2JP

28th September 2020

**Former Machine Room and adjacent land and buildings at Invertay House, 3
Maule Street, Monifieth, DD5 4JS: Asset Transfer Appeal**

Dear Mr Gammack,

I refer to Carnoustie and Monifieth Men's Shed application for appeal under section 88 of the Community Empowerment (Scotland) Act 2015 (the "Act") relating to the asset transfer request in respect of the former Machine Room and some of the adjacent land and buildings at Invertay House, 3 Maule Street, Monifieth, DD5 4JS from Angus Council made under section 82 of the Act. In line with Scottish Government guidance, Scottish Ministers appointed an independent Reporter to consider the case and report to them.

The Reporter took account of an asset transfer request from Carnoustie and Monifieth Men's Shed dated 22 October 2018 and Angus Council's decision to refuse the request on 5 April 2019. Also considered were Carnoustie and Monifieth Men's Shed's request for a review on 30 April 2019 and Angus Council's decision to confirm its original decision dated 17 December 2019, and Carnoustie and Monifieth Men's Shed's appeal submission dated 9 January 2020. The Reporter considered key documents associated with all aspects of this process, and assessed the request against criteria set out in Section 82 of the Act; Scottish Government National Outcomes; best value themes; and matters relating to assessment of outcomes.

I would like to thank Carnoustie and Monifieth Men's Shed for providing the necessary information for the purposes of the appeal. This work has now concluded and I have been provided with the Reporter's final report of the Invertay House site, outlining their findings and conclusion.

Scottish Ministers accept the findings and recommendations of the Reporter, and for the reasons set out in their report, dismiss the appeal and refuse the asset transfer request.

I understand that you will be disappointed by this decision given the hard work and effort involved in coordinating all the required information for your application, but I hope that you have gained some positive benefits to engaging with the asset transfer request process, and that this decision does not discourage you from considering any future asset transfers.

There are other options you may wish to consider such as determining if there are any other suitable areas of land or buildings that could meet your needs and you may wish to consider registering your group's interest in these.

I note from the Reporters findings that Angus Council scored Carnoustie and Monifieth Mens Shed very low in their assessment of the request. My letter is copied to Jackie Buchanan, Director of Legal and Democratic Services, Angus Council, and I ask that Angus Council respond directly to me explaining the rationale for their scoring. I also note from the Reporters findings that Angus Council's Review Committee were supportive of the request submitted and encouraged council officials to work with you to look at alternative accommodation. I ask that Jackie and colleagues at Angus Council work proactively with the Scottish Mens Sheds Association and your group to find new premises. I would be grateful if you could provide me with an update when suitable accommodation is secured.

We will publish the attached report provided to Scottish Ministers by the Reporter, and this will be made publically available on the Scottish Government's Community Empowerment website within one week of the date of this letter.

Individuals unhappy with the decision made by Scottish Ministers may be able apply to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ for a judicial review. An application for judicial review must be sought within 3 months of the appeal decision. Scottish Ministers decision can only be challenged on a point of law and you might want to take legal advice before considering this option. For more information on challenging decisions made by Scottish Ministers please see: <http://www.gov.scot/Topics/Built-Environment/planning/Appeals/ourperformance/commentsandcomplaints>.



Aileen Campbell
Cabinet Secretary for Communities and Local Government

Copied to:

Jackie Buchanan, Angus Council

Interested parties:

Mr and Mrs Currie