



The Machine Room,
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29 March 2021

Notice of Appeal to Scottish Ministers under Section 85 (1) (c) of the Community Empowerment (Scotland) Act 2015.

This is an appeal under section 85 (1)(c) of the Community Empowerment (Scotland) Act 2015 against the failure of a relevant authority, in this instance Police Scotland, to provide a decision on our Community Asset Transfer request

A Community Asset Transfer request from the Carnoustie and Monifieth Men's Shed in respect of the Carnoustie Police Office in North Burnside Street, Carnoustie was submitted on 29 August 2019. Following its subsequent validation we were advised a decision would be given by 29 April 2020. We were in due course asked if an extension of a month could be granted and this moved the decision date to the end of May 2020.

At that date no decision was forthcoming. We took no immediate action at this point because, with the pandemic at an intense level, and activity generally restricted, we expected the decision would almost certainly be delayed. We did not give any thought at this stage to the option of an appeal, as we expected that a decision would be given in due time. In taking what we thought was a reasonable attitude in the circumstances, we let the strict deadline for appeal go past, but we had at that time no grounds for thinking such action would be necessary, trusting that the matter would reach a conclusion without taking that step.

Now, ten months on, we feel we have reached the point where an appeal to the Scottish Ministers is the only course of action open to us, having exhausted all informal attempts to resolve the matter

During the time since the end of May 2020 we have made repeated attempts to engage in discussion with officials in the Estates Department of Police Scotland. Documentation of the various e-mails is attached, and we would wish to highlight in particular that from Barbara Calderwood, solicitor (23 December 2020) who suggested extending the decision date to the end of June 2021, adding that it might be forthcoming sooner than that. The Shed Trustees discussed this proposal and were of the view that June was unreasonable, and that an earlier date should be determined. However they were also concerned at the absence of any information as to the reasons for the delay, and felt that they should first be advised if there was any aspect of the CAT application that was causing difficulties,

before settling on decision date They realised that some of the delay is down to operational factors to do with the move to the Community Hub in Carnoustie, and while not wishing to intrude on any matters of confidentiality, felt that a greater degree of transparency was much needed.

No information continued to be forthcoming, with Ms Calderwood and Mr Morman completely discontinuing communication; as a result we decided to propose 31 March be set as final date for a decision. We asked that we be notified by Friday 19 February as to their agreement to this, but again there was no response. A letter to the Chief Constable of Police Scotland has also gone unanswered, and it was this final failure in response that pushed us to proceed with this appeal. Thus the Trustees of the Shed, at their meeting on 22 March 2021 finally decided that the only remaining course of action was to proceed with an appeal to the Scottish Ministers.

George Gammack
Secretary
Carnoustie and Monifieth Men's Shed