



Mr Calum Currie,  
Harbour Office,  
Portpatrick Harbour,  
Portpatrick,  
Wigtownshire,  
DG9 8AN

9 June 2021

**Portpatrick Village Hall, Welsh Place, Portpatrick, Stranraer, DG9 8TZ:  
Asset Transfer Appeal**

Dear Mr Currie,

I refer to Portpatrick Harbour Community Benefit Society's (PHCBS) application for appeal under section 88(2) of the Community Empowerment (Scotland) Act 2015 (the "Act") relating to the asset transfer request in respect of Portpatrick Village Hall from Dumfries & Galloway 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. I was concerned to read that the Reporter concludes that PHCBS is not a community transfer body eligible to make an asset transfer request.

The Reporter concludes that PHCBS is not a community transfer body as defined in section 77 of the Act as it is not a community controlled body in terms of section 19 of the Act, nor has it been designated as a community transfer body by Order under section 77(2) of the Act. In particular, it has not been designated by the Asset Transfer Request (Designation of Community Transfer Bodies) (Scotland) Order 2016 as its rules do not meet the tests set out in section 34 of the Land Reform (Scotland) Act 2003.

The Scottish Ministers agree with the Reporter that PHCBS is not a community transfer body. Scottish Ministers therefore find that this appeal is incompetent and accordingly the appeal is dismissed. The Scottish Ministers do not make any findings on the merits of the case. Despite this I am grateful to the Reporter for carrying out the appeal and for producing this report.



I would like to thank Portpatrick Harbour Community Benefit Society for providing the necessary information. I understand that you will be disappointed given the hard work and effort involved in coordinating all the required information for your application.

I note from Dumfries & Galloway Council and the Reporter's report that a mediated approach was suggested as a means to resolve the future of Portpatrick Village Hall. I encourage Portpatrick Harbour Community Benefit Society to consider engaging with Portpatrick Community Development Trust and Dumfries & Galloway Council to ensure community benefits continue to be delivered from the hall and a solution is found. I will be writing to Dumfries and Galloway Council separately to request that they work with you and Portpatrick Community Development Trust to explore options to help achieve your community's ambitions.

Despite PHCBS not being a community transfer body eligible to make an asset transfer request, we will still 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. The 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 Ministers please see: <http://www.gov.scot/Topics/Built-Environment/planning/Appeals/ourperformance/commentsandcomplaints>.



**TOM ARTHUR**

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Colin Freeman, Dumfries & Galloway Council

Interested parties:

Judith Anderson  
Sylvia Armour  
Keith Ballard  
Lynn Ballard  
Margaret Barry  
Jennifer Black  
Catherine Buchanan  
Cathie Buchanan  
Allan Burgess  
John Dickson  
Alec Gault  
Elaine Gerrard  
Gibb  
Jim & Vi Gibbons  
June Hoad  
Edward Ing  
Carlyn McDougall  
Dorothy McKnight  
John & Sheila McPhail  
Andrew Mellor  
Robert Millar  
Donald Muir  
Alex & Mary Palmer  
Jonathon Pearson  
Dani Rae  
Alick Rintoul  
Tony Schofield  
Hazel Sheffield  
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