

# Apply for Fife Council's consent as landlord to assign lease (from one community group or sports club to another)

## GUIDANCE NOTES — INFORMATION REQUIRED

**Assignment means** the transfer of the tenant's interest in a lease by the tenant (assignor) to another party, the assignee. It normally requires the landlord's consent.

**Please read your lease** for details of conditions that apply to the assignment of your lease. This is usually within a clause headed "Alienation". This application form should be submitted by the current tenant or a solicitor acting on their behalf.

**To apply** for the Council's consent as landlord you will require the address of the property, details of the current tenant and proposed new tenant (assignee), the assignee's business plan, a draft assignment and the date of the proposed assignment. If either party is an unincorporated association, a copy of their constitution and the minutes of the meeting that adopted it, both signed and dated by the organisation's secretary. If the minute of the meeting is not available, then a letter signed and dated by the organisation's secretary confirming that the constitution submitted is the current constitution will be acceptable.

**Business plan** Please include in your application a business plan in respect of the proposed assignee's use of the subjects, including financial projections for a minimum of the first three years. This is a link to an example and guidance to what is required,

[https://www.businessgatewayfife.com/sites/bgfife/files/business\\_plan\\_template\\_blank.pdf](https://www.businessgatewayfife.com/sites/bgfife/files/business_plan_template_blank.pdf) .

### Draft assignment and your own expenses

You will be responsible for your own expenses in preparing the draft assignment and applying for the Council's consent as landlord to the assignment. It is **recommended** that you seek your own legal advice and instruct a solicitor, but you are not obliged to do so.

### Estates & Legal costs and expenses

Applications from community groups and sports clubs (excluding professional sports clubs) to assign their lease do not require a contribution to the Council's costs other than the £44 charge by Registers of Scotland for recording the assignment in the Books of Council and Session, which will be refunded if consent is not granted.

**APPLICATION FORM FOR LANDLORD'S CONSENT TO ASSIGNATION**

Address of property .....

**CURRENT TENANT (ASSIGNOR)** .....

Name of person submitting application.....

Position in current tenant .....

Address (for correspondence) .....

.....Postcode .....

Telephone.....Mobile.....Email .....

Current tenant's solicitors (if any). It is recommended that you seek your own legal advice, but it is not mandatory.

Firm's name .....

Address .....

.....Postcode .....

DX number .....Name of solicitor .....

Telephone ..... Email .....

**PROPOSED ASSIGNEE (NEW TENANT)**.....

Address (proposed assignee).....Postcode .....

Telephone.....Mobile.....Email .....

If either party is an **unincorporated association**, please supply a copy of their constitution and the minutes of the meeting that adopted it, both signed and dated by the organisation's secretary. If the minute of the meeting is not available, then a letter signed and dated by the organisation's secretary confirming that the constitution submitted is the current constitution will be acceptable.

**Date of proposed assignation:** .....(At least one month after the submission of this application form including draft assignation, business plan, the documents required for unincorporated associations and payment of £44 costs for which you will be invoiced).

Signed on behalf of **current tenant** .....Name (IN CAPITALS) .....

Date.....

**PLEASE SUBMIT THIS PAGE WITH A COPY OF THE DRAFT ASSIGNATION, PROPOSED ASSIGNEE'S BUSINESS PLAN AND ANY OTHER DOCUMENTS REFERRED TO ABOVE TO: [estates.enquiries@fife.gov.uk](mailto:estates.enquiries@fife.gov.uk)**

**Following receipt of the application you will be invoiced for the cost of recording the assignation in the Books of Council and Session at Registers of Scotland which is currently £44. The payment will be refunded if consent is not granted.**

GDPR: If you would like to know how we store and use your personal information, the Property Services privacy notice can be viewed at <https://www.fife.gov.uk/kb/docs/articles/privacy-notices/propertyassetcontractual-activity>