

Communities Team
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZG

Education, Communities and Economy
Director Dr Mary Smith



23 January 2019

Irene Hogg
LASC Childcare Services Ltd
Loanhead Centre
George Avenue
Loanhead
Midlothian
EH20 9LA

Re: ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 – DECISION NOTICE

This Decision Notice relates to the asset transfer request made by LASC Childcare Services Limited (LASC) on 27 June 2018 in relation to the community garden at The Link, Loanhead. On 21 January 2019 Midlothian Council Asset Transfer Committee has decided to agree to the request for a 12 year lease to tie in with remaining tenure of the Link building.

The reasons for this decision are as follows:

- The project will provide outdoor learning opportunities.
- The project will provide volunteering opportunities.
- Users will benefit from the physical and mental health benefits of having outside space to enjoy.

Terms and conditions

The request is agreed under the following terms and conditions:

- LASC shall use and manage the land as a community garden for the benefit of the inhabitants of Loanhead and the surrounding area and for no other purpose whatsoever. The land shall remain open to the general public and local community groups at all times, free of charge. For the avoidance of doubt, LASC hereby agrees that volunteer gardeners can continue to work on the land even when organised outdoor learning is taking place.*
- LASC shall be wholly responsible for maintaining the land in a neat and tidy condition and at no cost to the Council;*

(c) Such other reasonable terms and conditions as the Acting Director, Resources may consider necessary in order to protect the interests of the Council.

In order to proceed with the process LASC must respond to this offer from Midlothian Council within six months. The deadline for an offer to be made is 22 July 2019. The offer must reflect the terms and conditions above, and may include such other reasonable terms and conditions as are necessary or expedient to secure the lease within a reasonable time.

Right to review

If you consider that the terms and conditions differ to a significant extent from those specified in your request, you may apply to the Council to review this decision.

Any application for review must be made in writing to:

Stephen Bermingham
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZG

By 20 February 2019, which is 20 working days from the date of this notice.

Guidance on making an application for review is available:
<https://www.gov.scot/policies/community-empowerment/asset-transfer/>

Yours sincerely

Stephen Bermingham
Senior Communities Officer