

29 May 2019

Mrs Trish Sime
Bonnyrigg Rose Community Football Club
Poltonhall Pavilion
Polton Avenue Road
Bonnyrigg
Midlothian
EH19 2NU



Dear Mrs Sime

ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT – DECISION NOTICE

This Decision Notice relates to the asset transfer request made by Bonnyrigg Rose Community Football Club (BRCFC) on 25 July 2018 in relation to the Poltonhall Sports complex pavilion (including the caretaker's flat), grass pitches, artificial pitches and the car park (the Property).

Midlothian Council has decided to agree to the request for ownership.

The reasons for this decision are as follows:

- The transfer of ownership will allow BRCFC the ability to secure a loan to replace the astro pitches which the Council is unable to do to due to financial constraints.
- The transfer will generate financial savings for the Council.
- The club has demonstrated a high level of community engagement
- The transfer will secure a safe, health promoting facility for Bonnyrigg and the surrounding area, helping to attract/retain a workforce, and promote the social inclusion/cohesion in the community which is vital for the economic future of Midlothian

Terms and conditions

The request is agreed under the following terms and conditions:

1. The consideration for the transfer of the Property shall be for the nominal value of £1, (if asked);
2. The use of the Property shall be restricted in all time coming to the sole purpose of a community football club;
3. An overage burden which provides that in the event of any sale for an alternative use, the Council would receive a 100% of the uplift in value, i.e. the difference in value between the land as a community football club and the value with the proposed change of use.

4. BRCFC shall, in all time coming keep the property (a) in good and substantial condition and repair and will, as and when necessary, reinstate and rebuild the property, all in accordance with good building practice and all applicable legislation and regulations and (b) insured with a reputable insurance provider against all normal commercial risks to the sight and reasonable satisfaction of the Council.
5. The Council will not be replacing or repairing the astro turf pitches prior to the transfer of the Property to BRCFC.
6. Any moveable items within the Property which are owned by Council shall not be included in the transfer unless the Director, Resources considers that it is appropriate to do so.
7. That part of the Property which falls within land in which Fields in Trust have an interest is subject to Fields in Trust agreeing to the transfer of that part.
8. Such other reasonable terms and conditions as the Director, Resources may consider necessary in order to protect the interests of the Council.

In order to proceed with the process BRCFC must submit an offer to Midlothian Council within six months. The deadline for an offer to be made is 30 October 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 transfer 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:

Alasdair Mathers
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZG

By 25 June 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/>

