

4 July 2019

Sam Elliot
Bonnyrigg After School Club
Bonnyrigg Primary School
Cockpen Road
Bonnyrigg
Midlothian
EH19 3HR



Dear Mr Elliot

**ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT –
DECISION NOTICE**

This Decision Notice relates to the asset transfer request made by Bonnyrigg After School Club (BASC) on 6 December 2018 in relation to the Polton Bowling Pavilion and Green (the Property).

At their meeting on 19 June 2019, the Community Asset Transfer Committee decided to agree to the request for ownership of the Property, subject to the terms and conditions noted below.

The reasons for this decision are as follows:

- The Council will save £20,000 per year
- the site is not required by the Strategic Housing Investment Plan
- the application presents an adequate business case
- the plans to adapt and extend the building offer the potential for both increased childcare capacity and additional employment, subject to planning consent being given.
- BASC have secured external funding to support conversion of the building and committed the majority of their reserves to add to this which if approved offers the potential to bring an unused property back into use and improve the social and economic wellbeing of working parents in the Bonnyrigg / Poltonhall area.

Terms and Conditions

The request is agreed subject to the following terms and conditions:

1. the transfer of the Property is conditional upon BASC obtaining appropriate planning permission and building warrant consents for change of use and/or an extension to the Property within 12 months of the date of this Decision Notice
2. the consideration for the transfer of the Property shall be for the nominal value of £1.00, (if asked),
3. the use of the Property shall be restricted in all time coming to the sole purpose of an Early Years Provision and Community Centre.
4. 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 an early years provider and the value with the proposed change of use.
5. BASC 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.
6. Such other reasonable terms and conditions as the Acting Director, Resources may consider necessary in order to protect the interests of the Council.

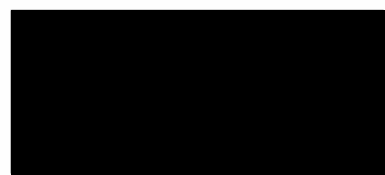
In order to proceed with the process BASC must submit an offer to Midlothian Council within six months. The deadline for an offer to be made is 19 December 2019. The offer must reflect the terms and conditions above, and may include such other reasonable terms and conditions as are necessary or expedient 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 24 July 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/>



Acting Director, Resources