

15 November 2019

Irene Hogg MBE  
CEO  
LASC Childcare Service LTD  
Loanhead Centre  
George Avenue  
Loanhead  
Midlothian  
EH20 9LA

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

This Decision Notice relates to the asset transfer request made by Loanhead After School Club Childcare Services (LASC) on 14 December 2018 in relation to Rosewell Pavilion and land to the rear of the property (the Property).

At their meeting on 17 September 2019, the Community Asset Transfer Committee decided to agree to the request for a 50 year lease of the Property, subject to the terms and conditions below.

The reasons for this decision are as follows:

- LASC will provide locally accessible childcare and summer holiday provision for the Rosewell area.
- The transfer will provide a saving to the Council. During 18/19 Midlothian Council spent £10,541 maintaining the pavilion and paying rates and utilities and only received £1,800 in income from lets.
- The proposed lease would remove maintenance, repair, renewal and reinstatement liabilities for the Council and place these on LASC for the period of the lease.
- The hall will be available for community use and the showers and changing rooms will be refurbished for community sports use.
- The transfer of halls and pavilions, of which Rosewell is one, is part of the council's financial strategy.
- The proposed service assists the council in meeting the requirements of the early years expansion programme to enable 1140 hours of early learning and childcare to be provided to eligible 2 year olds and all 3 and 4 year olds. Providing early learning and childcare places offer a sustainable income source.

## **Terms and conditions**

Subject to further detailed terms and conditions of lease, the heads of terms of a lease of the Property to LASC are:

1. A 50 year term from a date of entry to be agreed;
2. The Property shall be used for the purpose of providing child care services and a community sports facility for the benefit of Rosewell and the surrounding area and for no other purpose unless with the written consent of the Council;
3. The property to be let on a Full Repairing and Insuring basis;
4. The rental to be £1 per annum, if demanded;
5. The rental shall be subject to review every 5 years throughout the lease term;
6. The proposed tenant would be required to obtain planning consent for the change of use and extension to the existing pavilion;
7. The proposed tenant would be responsible for any rates, insurance and utility charges applicable to the property;
8. The proposed tenant would be required to facilitate existing and new users of the property and charge hourly rates for such uses equivalent to council hourly rates;
9. The council shall be entitled to free use of the property on an ad hoc basis to facilitate public meetings or as a polling station during local and national elections; and
10. No use of the property will be accepted that generates a nuisance to the surrounding residents and the council shall be sole judge of what constitutes such a nuisance.

LASC obtaining appropriate planning permission and building warrant consents for the Property within 12 months of the date of this Decision Notice.

LASC paying any legal costs associated with the Council nominating an area at open space in Gorton Road, Rosewell for designation as a protected "Field" under the Fields in Trust scheme in compensation for the loss of ground in Rosewell Park;

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

In order to proceed with the process LASC must submit an offer to Midlothian Council within at least six months of the date of this Decision Notice. The deadline for an offer to be made is 15 May 2020. 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 13 December 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

Kevin Anderson  
Executive Director - Place