



Midlothian Council
Place Directorate
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN

Kevin Anderson
Executive Director - Place

17 March 2022

St David's Brass Band SCIO
c/o Alistair Taylor
67 Caiyside
Edinburgh
EH10 7HW

ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT – DECISION NOTICE

This Decision Notice relates to the asset transfer request made by St David's Brass Band SCIO on 5 January 2021 in relation to Vogrie Hall and surrounding land at 33 Vogrie Road, Gorebridge, EH23 4HH as shown hatched and coloured yellow on the attached plan (the Property).

At their meeting on 24 February 2022, the Asset Transfer Committee decided to agree to the request for ownership of the Property, subject to the terms and conditions below.

The reasons for this decision are as follows:

- The assessment panel scored 40 out of a possible 70 point score (57%) which demonstrates that the proposal is likely to achieve best value and comply with the Disposal of Land by Local Authorities (Scotland) Regulations 2010;
- St David's Brass Band SCIO will provide locally accessible expressive arts and community facilities;
- The transfer of the Property will provide a saving to the Council in relation to the cost of repairs (£537,493) to the building;
- The transfer of the Property would ensure that the Council's liabilities for maintenance, repair, renewal and insurance would pass to St David's Brass Band SCIO;
- The Property will be available for community use as St David's Brass Band SCIO have secured £275,000 to refurbish the building from grants and a private donation; and
- The transfer of halls and pavilions, of which Vogrie Hall is one, is part of the Council's financial strategy.

Your Ref:
Our Ref:

Tel 0131 271 3418
www.midlothian.gov.uk

Terms and conditions

Subject to detailed legal terms and conditions, the heads of terms for the transfer in ownership of the Property to St David's Brass Band SCIO are:

1. The consideration is £1000.00;
2. The date of transfer or entry is to be agreed;
3. The Property shall be used as an expressive arts centre which includes use for band rehearsals, concerts and competitions and providing additional community facilities for the benefit of Midlothian residents and those living in the surrounding areas and for no other purpose unless with the written consent of the Council;
4. The Band be required to obtain all necessary statutory consents (including planning consent and building warrants) for any changes to the existing building and the proposed use;
5. The Band be responsible for any rates, insurance and utility charges applicable to the property and for keeping the building in a good and substantial repair;
6. The Band repair and refurbish Vogrie Hall in accordance with the phased approach detailed in their application within a reasonable time;
7. The Band be required to pay the Council 100% of the uplift in value in the event that a planning permission alternative to the proposed use is granted in the future;
8. The transfer is subject to the current lease which the Council has with Scottish Power for the substation sited within the curtilage of Vogrie Hall (Scottish Power has a lease with the Council until 13 October 2038);
9. Certain provisions be also included as title conditions as outlined in section 4.2 of the report to the Asset Transfer Committee, namely that:

(a) the use of the Property must be restricted in all time coming to the sole purpose of an expressive arts centre which includes use for band rehearsals, concerts and competitions and additional community facilities on a not for profit basis;

(b) 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 expressive arts and community centre and the value with the proposed change of use; and

(c) the Band shall, in all time coming keep the Property (i) 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 regulation and (ii) insured with a reputable insurance provider against all normal commercial risks to the sight and reasonable satisfaction of the Council;

10. The Band pay the Council's in house legal fee of £1000 plus reasonable disbursements; and
11. Such other reasonable legal terms and conditions as the Executive Director, Place may consider necessary in order to protect the interests of the Council.

In order to proceed with the process St David's Brass Band SCIO 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 **18 September 2022**. 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:

Saty Kaur
Executive Business Manager Place
Midlothian House
40 – 46 Buccleuch Street
Dalkeith
EH22 1DN

By **Tuesday 19 April 2022** which is 20 working days from the date of this notice (taking account of Easter holidays).

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

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