

Notice of Meeting and Agenda



Community Asset Transfer Committee

Venue: Council Chambers,
Midlothian House, Dalkeith, EH22 1DN

Date: Wednesday, 19 June 2019

Time: 12:00

Director, Resources

Contact:

Clerk Name: Verona MacDonald

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Further Information:

This is a meeting which is open to members of the public.

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1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

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|------------|---|-------|
| 4.1 | Minute of Meeting of the Community Asset Transfer Committee held on 30 April 2019 | 3 - 8 |
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5 Public Reports

- | | | |
|------------|---|---------|
| 5.1 | Timeline request - Report by Acting Director, Resources | 9 - 18 |
| 5.2 | Application by Bonnyrigg After School Club - Report by Acting Director, Resources | 19 - 64 |

6 Private Reports

None

7 Date of Next Meeting

None scheduled



Community Asset Transfer Committee

Date	Time	Venue
30 April 2019	9.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Muirhead (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Hackett
Councillor Hardie	

In attendance:

Kevin Anderson, Acting Director, Resources	William Venters, Principal Solicitor
Magnus Inglis, Resource Officer, Education	Stephen Bermingham, Senior Communities Officer
Verona MacDonald, Democratic Services Team Leader	

Also present:

Trisha Sime (on behalf of the applicants for Item No. 5. 1 on the agenda)	Sam Elliot (on behalf of the applicants for Item No. 5.2 on the agenda)
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1. Apology

The Clerk intimated an apology for absence on behalf of Councillor Winchester.

2. Order of Business

It was noted that the order of business was as per the agenda circulated.

Prior to the commencement of business, the Chair made reference to a letter he had received just before the meeting commenced from the applicant with regard to Item No. 5.2 on the agenda. He advised that it was likely the other Members present had also received the same letter and suggested that Members may wish to take a few minutes to read over the letter. With the agreement of the other Members, the Chair adjourned the meeting for up to 20 minutes.

Sederunt:- The meeting re-convened at 9.16 am

3. Declarations of interest

None

4. Minute of Previous Meeting

The Minute of Meeting held on 21 January 2019 was submitted and unanimously approved. The Chair was thereafter authorised to sign the Minute as an accurate record.

5. Reports

Report No.	Report Title	Presented by:
5.1	Application by Bonnyrigg Rose Community Football Club for an asset transfer of Poltonhall Pavilion and associated grounds, Polton Avenue Road, Bonnyrigg	Acting Director, Resources
Outline of report and summary of discussion		
<p>The Acting Director, Resources spoke to the terms of the report circulated with the agenda. He noted that the site included the caretaker's flat, pitches and parkland and was valued at £345,000. The current cost to the Council for pitch maintenance being £26,663 per year with additional costs for the maintenance of the car park and when the income from football lets of £19,927 is off-set against the maintenance costs, the annual loss incurred by the Council is at least £6,736. He noted that these figures did not include the replacement of the astro pitches which were anticipated to be approximately £202,000 and that this is because no financial provision for this is included in the General Services Capital Plan.</p> <p>Councillor Muirhead enquired as to whether a clear agreement had been reached with the applicant with regard to ownership of machinery and who would be responsible for the maintenance of areas and the machinery. Mr</p>		

Anderson advised, should the Committee agree to the transfer application, these were matters which would be resolved between the Council and the applicant prior to the agreement being concluded. He confirmed initial discussion had taken place. Councillor Muirhead queried whether this should have been done prior to the application being before the Committee and Mr Anderson in reference to the report advised that Fields in Trust still had to agree to remove the part of the application area which is subject to an agreement between them and the Council and the completion of any asset transfer would be subject to formal approval by Fields in Trust. He further advised that if the Committee wished legal agreements to be concluded prior to considering applications that this would cause a considerable delay in processing applications and remind Members that the Council has a legal obligation to make a decision on applications within 6 months of them being deemed valid.

Councillor Alexander, with reference to Page 7 of the report, asked for confirmation that any financial benefit derived by the Lands Tribunal varying or waiving the use restriction would return to the Council. Mr Anderson confirmed that this would also be written into the final agreement whereby, as per the terms of the report, the Council would receive 100% of the uplift in value ie the difference in value between the land as a community football club and the value with the proposed change of use.

The Chair, with reference to the terms of the report and the application, asked for clarification as to who would be responsible for the replacement of the pitches. Mr Anderson advised that the Council did not have the financial provision in the General Services Capital Plan and therefore would not undertake this prior to the asset transfer. Councillor Muirhead stated it was important that the applicant was aware of this and suggested the Council could work with the applicant with a view to identifying external funding including developer contributions.

Councillor Hardie stated developer contributions should not be used for projects outwith the Council. Councillor Muirhead advised that he was referring to additional developer contributions and in light of the applicant's application whereby the facility would be used by the wider community.

The Chair then asked the applicant, Ms Sime who was present, if she wished to address the Committee. Ms Sime advised that the site would become a community facility and a considerable consultation exercise had already begun and the results would contribute to the Club's plans going forward.

The Chair referred to the outstanding arrears noted in the report. Stephen Bermingham advised that the Club currently owed £20,000 but he understood Elected Members had suggested to the Club this would be waived due to work undertaken and money invested in the facility by the Club.

Ms Sime advised that Elected Members had told the Club the arrears would be written off due to money being spent by the Club on the facility.

Councillor Hackett took issue with this statement and advised that this was not right as many other clubs pay rent and also spend money on facilities and therefore Clubs were not being treated the same. Councillor Hardie stated that Elected Members did not have the authority to act in this manner. He subsequently requested that his concern with regard to the advice provided by

Mr Bermingham and Ms Sime with regard to Elected Member involvement in arrears of rental due to the Council, be recorded in the Minute of the meeting.

Councillor Cassidy, seconded by Councillor Alexander, moved grant of the application to transfer. The Chair advised that he was minded to agree to the Motion but on the basis outlined above whereby a clear agreement had to exist between the Council and the Club as to where responsibilities lay and that this should include the need to ensure the facilities are maintained at the same standard that the Council has for other facilities. He further noted that the agreement should also highlight that the Council does not have the money to fund the replacement of the pitches and therefore this would become the responsibility of the Club.

The Committee then heard from William Venters, Principal Solicitor who advised that should the Committee agree to the application this was in effect an agreement in principle with the legislation allowing for a period of 6 months for detailed discussion and the legal agreement to be finalised.

With no Member being otherwise minded, Councillor Cassidy's Motion with the additional requirements outlined by the Chair, became the unanimous decision of the Committee.

Decision

The Committee agreed to the application submitted by Bonnyrigg Rose Community Football Club subject to:

- (a) the conditions detailed in Section 3.5 of the Director, Resources report together with the conditions agreed by the Committee namely (i) that clear agreement had to exist between the Council and the Club as to where responsibilities lay and that this should include the need to ensure the facilities are maintained at the same standard the Council has for other facilities; (ii) the agreement highlights the Council does not have the money to fund the replacement of the pitches and that responsibility for this lies with the Club ;
- (b) Fields in Trust approving the removal of the part of the application area subject to the current agreement with the Council and;
- (c) such other reasonable terms and conditions as the Director, Resources may consider necessary in order to protect the interests of the Council.

Action

Director, Resources

Report No.	Report Title	Presented by:
5.2	Application by Bonnyrigg After School Club for an asset transfer of Poltonhall Bowling Club and land, Bonnyrigg	Acting Director, Resources

Outline of report and summary of discussion

The Acting Director, Resources spoke to the terms of the report circulated with the agenda. He noted the letter circulated to Members by the applicant and advised that whereas he was aware of it from what the Chair had said earlier in the meeting he had not had a chance to read or consider it.

Councillor Hackett advised that the site was part of the Strategic Housing Investment Plan (SHIP) approved by the Council in November 2018 but that the application may pre-date the approval of the SHIP. Mr Anderson confirmed that the application had come in before the Council had approved the SHIP.

The Chair enquired as to whether the applicant had been advised after the Council decision in November that the asset was therefore not available for transfer. Stephen Bermingham advised that whereby the timing was unfortunate the applicant had been advised. Councillor Hardie stated that the application had been made in good faith prior to the Council agreeing the SHIP and in effect deciding to do something else with the land.

In light of the foregoing, the Chair proposed that the application be continued for allow further discussion between the Council and the applicant. In doing so he enquired whether the applicants, who were represented, wished to address the Committee. Mr Sam Elliot on behalf of the applicants advised that the letter he had circulated to Members was important because officers in the Council had directed the Club to the site but the Club had not been advised of the inclusion of the land within the SHIP. He pointed out that the Council's Communities Team had provided a letter of support for the application. He further addressed issues contained in the objection from Bonnyrigg Community Council which was appended to the report in relation to car parking. He stated that the Community Council had advised him that should the car parking issue be addressed they would withdraw their objection to the application.

The Committee then heard from William Venters, Principal Solicitor. He advised of the terms of Standing Order 7.2 whereby the Committee cannot overrule a decision taken by the Council.

Discussion continued in relation to the powers the Committee had and in particular why the application had come before the Committee given that the land in question had already been designed for housing in terms of the Council's Strategic Housing Investment Plan (SHIP). Councillor Hardie suggested that the Committee undertook a quasi-judicial role and therefore had the power to grant the application regardless of the decision taken by the Council in November 2018. The Chair reminded Members that the Council had decided to deal with asset transfer applications by creating the Committee and also a Review Committee however the Council could have decided to have only a Review Committee with applications being considered and decided upon by officers only. He therefore suggested that the Committee was not quasi-judicial.

After further discussion, the Chair, seconded by Councillor Hackett, moved that the application be continued to a future meeting of the Committee to be held as soon as possible. In the meantime, further discussion should take place between appropriate Council officers and the applicant with regard to the application. It was further noted that this may also necessitate a further report to Council with regard to the inclusion of the land in the SHIP. The Chair enquired if the applicant was willing to agree to extend the 6 month period to allow for the additional discussion and Mr Elliot confirmed that he was agreeable to this course of action.

With no other Member being otherwise minded, this became the unanimous decision of the Committee.

The Chair further apologised to Mr Elliot with regard to the confusion which had arisen and discussion which had taken place some of which related to internal Council issues. He explained that the Committee was a recently formed one dealing with new legislation and to a great extent officers and Members were still getting to grips with the tasks delegated to them.

The Committee agreed to continue the application to a future meeting to be held as soon as possible, to allow further discussion to take place between appropriate Council officers and the applicant and further noted that the applicant had no objection to the 6 month time period for determination of the application being extended. It was noted that prior to determination of the application by the Committee, a further report may be required to go before the Council with regard to the Strategic Housing Investment Plan (SHIP).

Action

Director, Resources

The meeting terminated at 10.28 am

Community Asset Transfer timeline - Polton Bowling Club Request

Report by Kevin Anderson, Acting Director, Resources

1 Purpose of Report

The purpose of this report, as requested by the Community Asset Transfer Committee at its meeting of 30 April 2019, is to set out the series of events, communications and decisions that led to the site of Polton Bowling Club being pursued as a community asset transfer, and later designated as a Strategic Housing Investment Plan site for 18 units of social housing. The report is based on a review of documentation provided by the range of council services involved. It concludes with recommendations for service improvement.

2 Background

2.1 Community Empowerment Act (Scotland) 2015

On 2 October 2018 Council approved a Community Asset Transfer Framework to assist with the determination of CAT requests and agreed to establish the Community Asset Transfer Committee to determine initial CAT requests and the Community Asset Transfer Review Committee to consider any review applications. Each Committee is to comprise six elected members.

This change in policy reflected the Scottish Government's move forward from a voluntary approach to a more formal asset transfer process with the introduction of the Community Empowerment (Scotland) Act 2015. The Act introduced a right for community groups to make requests to all relevant authorities (which includes local authorities) for any land or buildings they feel they could make better use of.

Part 5 of the Act came into force on 23 January 2017 and sets out the formal asset transfer process that must be adhered to if a valid request is received under the Act by the Council. The Council must comply with the Asset Transfer Regulations of the Act. The new Community Asset Transfer Framework helps ensure the Council complies with the legal requirements of the Act.

CAT applications are administered and assessed by the Community Management Assessment Group (CMAG) of officers from a set of Council services using the assessment framework approved by Council. The CMAG initially included Legal, Property, Financial, Estates, Land & Countryside, Sport and Leisure, Education and Communities, Adult Health and Care staff and is chaired by the Acting Director Resources. The Housing Service have subsequently been represented since December, 2018.

In deciding whether to agree to or refuse a CAT request, the Council must consider the following:-

- (a) the reasons for the request;
- (b) any other information provided in support of the request;
- (c) whether agreeing to the request would be likely to promote or improve:-
 - economic development
 - regeneration
 - public health
 - social wellbeing
 - environmental wellbeing, or
 - whether agreeing to the request would be likely to reduce socio-economic inequalities
- (d) any other benefits that might arise if the request were agreed to;
- (e) how the request relates to the Council's duties under Equalities Legislation; and

- (f) any obligations that may prevent, restrict or otherwise affect the authority's ability to agree to the request.

In reaching its decision, the Council must compare the benefits of the community transfer body's proposals with the benefits that might arise from any alternative proposal. Alternative proposals may be another asset transfer request; another proposal made by the Council, such as designation for social housing; continuing the existing use or disposal on the open market.

As well as assessing the benefits which the proposed CAT may deliver the Council must also assess whether the community transfer body is able to successfully deliver the project, and make it sustainable.

Importantly, the Act requires the Council to agree a CAT request unless there are reasonable grounds for refusing it.

2.2 Strategic Housing Investment Plan 2019/20-23/24

In 2016 the Scottish Government announced its intention to support the development of 50,000 new affordable homes in Scotland by March 2021. Meeting this target is ambitious and will require increased investment by the Scottish Government, Local Authorities and Registered Social Landlords and a step change in the pace of housebuilding in order that it is achieved. The delivery of more affordable housing remains a high priority for the Council, which has delivered over 1,000 new council houses in Midlothian, and has committed to a development plan for a further 1000 new council houses.

The purpose of Midlothian's Strategic Housing Investment Plan (SHIP) is to set out strategic investment priorities for affordable housing over a 5 year period to achieve the outcomes set out in the Local Housing Strategy (LHS). The SHIP is also the key document for identifying strategic housing projects towards meeting the Government's 50,000 affordable housing target. This document is updated annually to present up to date information on affordable housing investment plans

3 Timeline of events

3.1 October 2017- Bowling club closure proposed by sport and leisure service as a budget saving.

22 June 2018 – Expression of Interest received from Bonnyrigg and Sherwood Community Development Trust (Sam Elliot is the chair)

30 July 2018 – discussed at CMAG meeting, Director Resources to discuss with elected members.

27 August 2018 – CMAG meeting “Polton Bowling Green/Pavilion – Education Resources officer to arrange a visit and contact Property Strategy Manager for surveys etc. Education interested in the site as an office based for Early Years staff (approx. 30). If this gets the go ahead the decision needs to be formalised through the group and council for transparency. KIC Dance and Bonnyrigg and Sherwood Development Trust both still interested and may submit formal applications”.

31 August 2018 - Director of Education contacted the housing service to determine if it had an interest in this site.

4 September 2018 – Construction team enquired as to the initial planning view of this site for residential development.

4 September 2018 – Planning respond to note that the prospect of residential development could be considered

14 September 2018 – formal application received from Bonnyrigg after School Club for ownership of Polton Bowling site.

20 September 2018 – due diligence checks carried out with request for further information.

September / October 2018 - BASC and Communities Team staff corresponded as the application was developed, gathering letters of support, constitution, companies house information, accounts, building floorplans.

7 November 2018 – Communities Team asked by BASC to provide a letter to STV to confirm they had initiated a CAT process, as BASC had made a grant submission.

13 November 2018 – SHIP passed at Full Council included this site.

27 November 2018 – Construction confirm approval of SHIP to the Estates Team (NB. this was not highlighted to the Communities Team)

5 December 2018 - BASC submit pre planning application to Council

6 December 2018 – acknowledgement date of CAT set by Council

13 December 2018 - CAT application acknowledgment letter sent to BASC

18 December 2018 - public notice of CAT request published by Council, comments to be received by 1 February 2019

18 December email to Housing Service from Communities Team asking for confirmation of status of the site.

20 December 2018 – all elected members emailed by Communities Officer to advise asset transfer had been accepted for consideration

27 January 2019 - resident's letter raising concerns on the CAT application received

28 January 2019 – Initial assessment carried out, noted to speak to Housing to find out what the level of intent was for this site

29 January 2019- email to Housing from Communities asking for confirmation of status of the site.

29 January 2019 - pre-application planning enquiry response email sent to BASC

1 February 2019 – response from Bonnyrigg and Lasswade Community Council re parking concerns on the CAT application.

11 February email from Communities to Housing asking for confirmation of the status of the site in relation to the SHIP

4th March 2019 – Initial site assessment for Bonnyrigg After School Club.

4.1 Resource

There are no specific resource issues arising from this timeline report.

4.2 Risk

The failures of internal communication highlighted in this report led to:

- an ineffective meeting of the CAT Committee at which elected members were left unable to make a decision
- frustration from the CAT applicant as they considered that they had been misled for some months by Council staff
- reputational damage to the council
- loss of trust in the CAT process

4.3 Recommendations to mitigate risk

The following recommendations arise from a review of the timeline, and a wider consideration of feedback from applicants, members and officers involved in the asset transfer process to date. It is recommended that:

- The CMAG reports become a standing agenda item at the Capital Asset management group chaired by the Chief Executive to resolve any conflicts between the different strategies being pursued across the Council Directorates
- all SHIP sites named locations should be clearly identified on the publicly accessible Council asset register
- designation within the SHIP should be made a clear reason for refusal of a CAT application in guidance to applicants
- Advice notes from services which are members of the CMAG regarding the status of sites should be clearly explained by staff from these services to applicants directly rather than through the Communities team
- Applicant advice should clearly set out that applying for external funding prior to achieving a transfer is done by applicants at their own risk and will not form a requirement on the Council to make a specific decision within any external timeline.
- Applicant advice will also clearly set out that incurring costs for architects , planning applications, conditions surveys , consultancy's will be met by applicants at their own cost and will not be met by the Council. This advice will also make clear that incurring such costs in advance of agreement to transfer is undertaken at the applicants own

risk and as such cannot be reclaimed should an application be refused .

•Applicant advice should also be amended to make clear the role of Fields in Trust (FIT) as legal supervisor of public playing fields in all Scottish Councils. This should also make clear that any additional application and legal fees, where FIT have such rights, will need to be met by applicants.

4.4 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- Community safety
- Adult health, care and housing
- Getting it right for every Midlothian child
- Improving opportunities in Midlothian
- Sustainable growth
- Business transformation and Best Value
- None of the above

4.5 Key Priorities within the Single Midlothian Plan

The community asset transfer process supports the strategic priorities of the Single Midlothian Plan.

4.6 Impact on Performance and Outcomes

This review of timeline and risk is intended to support improvements in performance

4.7 Adopting a Preventative Approach

The proposed changes to the asset transfer guidance to applicants and to internal communications and governance arrangements are intended to prevent a recurrence of these events.

4.8 Involving Communities and Other Stakeholders

This review of the timeline of events has taken into consideration the views of the applicant as expressed at the CAT committee, in writing and verbally.

4.9 Ensuring Equalities

There are no specific impacts on protected characteristics groups arising from this report

4.10 Supporting Sustainable Development

There are no specific impacts on sustainable development arising from this report

4.11 Digital Issues

There are no digital issues arising from this report.

5 Recommendations

As Housing Services have now been included in the CMAG communication issues set out here should be mitigated. The due diligence system for CAT has been updated to include specific references to the SHIP and other Directorate's interests.

It is recommended that the Committee agree that:

- The CMAG reports become a standing agenda item at Capital asset management group chaired by the Chief Executive to resolve any conflicts between different strategies being pursued across the Council Directorates
- all SHIP sites named locations should be clearly identified on the publicly accessible Council asset register
- designation within the SHIP be made a clear reason for refusal of a CAT application
- Advice notes from services which are members of the CMAG regarding the status of sites should be clearly explained by staff from these services to applicants directly rather than through the communities team
- Applicant advice on the CAT site to clearly set out that applying for external funding prior to achieving a transfer is done by applicants at their own risk and will not form a requirement on the Council to make a specific decision within any external timeline.

- Applicant advice to clearly set out that incurring costs for architects , planning applications, conditions surveys, consultancy's will be met by applicants at their own cost and will not be met by the Council
- Applicant advice to be amended to make clear the role of Fields in Trust (FIT) as legal supervisor of public playing fields in all Scottish Councils. This will also make clear that an additional application and legal fees ,where FIT have such rights, will need to be met by applicants

June 2019

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Community Asset Transfer Request: Bonnyrigg After School Club

Report by Kevin Anderson, Acting Director, Resources

1 Purpose of Report

The purpose of this report is to ask Council to consider and agree the Community Asset Transfer (CAT) application from Bonnyrigg After School Club (BASC) for the former Polton Bowling Club, Eskdale Drive, Bonnyrigg for use as an Early Years Provision and Community Centre.

2 Background

This report replaces the report considered by the Committee at their meeting on 30 April and includes new information and clarifications supplied by the applicant in response to the assessment presented to the Committee on that date.

2.1 Community Empowerment Act (Scotland) 2015.

In deciding whether to agree to or refuse a CAT request, the Council must consider the following:-

- (a) the reasons for the request;
- (b) any other information provided in support of the request;
- (c) whether agreeing to the request would be likely to promote or improve:-
 - economic development
 - regeneration
 - public health
 - social wellbeing
 - environmental wellbeing, or
 - whether agreeing to the request would be likely to reduce socio-economic inequalities
- (d) any other benefits that might arise if the request were agreed to;
- (e) how the request relates to the authority's duties under Equalities Legislation; and
- (f) any obligations that may prevent, restrict or otherwise affect the authority's ability to agree to the request.

In reaching its decision, the Council must compare the benefits of the community transfer body's proposals with the benefits that might arise from any alternative proposal. Alternative proposals may be another asset transfer request; another proposal made by the Council; continuing the existing use or disposal on the open market.

As well as assessing the benefits which the proposed CAT may deliver the Council must also assess whether the community transfer body is able to successfully deliver the project, and make it sustainable.

Importantly, the Act requires the Council to agree a CAT request unless there are reasonable grounds for refusing it.

3 Report Implications

3.1 Resource

A key part of the Council's financial strategy is the rationalisation of land and buildings. Council policy is to consider Asset Transfer for halls and pavilions that meet approved criteria. A transfer will reduce future financial burdens to the Council associated with these facilities. The "services with communities" business transformation work stream has a target of £1 million budget savings and community asset transfers are expected to contribute to this target being met. In October 2017 the closure of Polton Bowling Club was included as part of the cuts to address the financial challenge to 2021/22 with a recommendation to hand the site over to a community group for bowling or other suitable alternate use. The closure is expected to have saved £20,000 per annum ground maintenance costs, and an average of £3,877 per year maintenance and energy costs

3.2 Bonnyrigg After School Club

The application is being made by Bonnyrigg After School Club (BASC), registered charity SC029617. The organisation is run by a Senior Management Team and Board of Directors. BASC have been operating for nearly 25 years and now operate 6 projects across the wider Bonnyrigg area, serving 300 children per week. The wrap around nursery currently operating from Poltonhall Recreation Pavilion was

inspected by the Care Inspectorate in April 2018 and received 'Good' ratings in each of the four areas of inspection.

3.3 Bonnyrigg After School Club request

BASC have requested ownership of Polton Bowling Green Pavilion including all the land inside the fenced area, at nil value. See map in **appendix 1**.

The application was received on 14 September 2018 and after the due diligence checks there was a request for further information. After the additional information was provided the formal acknowledgement date was set, 6 December 2018. The Council has 6 months from the acknowledgement date to make a decision, i.e. 6 June 2019. A report was considered by the Committee at their meeting on 30 April. The meeting was adjourned for further information due to additional submissions being made by BASC. Elected members also required clarification of the status of the site as it has also been identified within the Strategic Housing Investment Plan (SHIP).

An extension to 6 month period referred to above was agreed with BASC until 30 June. See application from BASC in **appendix 2** and email from BASC **appendix 3**

The original application was published on the council's website and details were sent to elected members, Bonnyrigg and Lasswade Community Council and Poltonhall and District Community Council. The notice of CAT was displayed at the site, requesting comments by 1 February 2019. There was one recorded comment from Bonnyrigg and Lasswade Community Council (BLCC) and one from a local resident, – **see appendix 4**.

BLCC initially expressed "serious concerns about the suitability of the premises in this application. Main concerns are the distinct lack of suitable parking and the inevitable increase in traffic in an already congested part of Bonnyrigg. There are safety issues which the

Community Council does not believe have been fully considered. We are also concerned about the proposal to use the car park at the Roman Catholic Church”.

A further statement of 13 May 2019 from BLCC states

“I am writing as Chairman of Bonnyrigg & Lasswade Community Council to follow up the comments made by ourselves regarding the proposed Asset Transfer of Poltonhall Bowling Club to the Bonnyrigg After School Club. We have been informed by them that the Roman Catholic Church next door will allow the use of their Car Park by the car drivers dropping off and collecting children and additionally, that the BASC will have a staff member monitoring the parking at peak periods. Clearly this has given us some reassurance that provision has been made for parking. It is likely this provision will be adequate in the early stages when the capacity of the present building is limited. However we understand there are likely to be plans in future for further buildings on the site. Should the extra capacity provided by these plans be considerable it is unlikely the parking would be sufficient for all the drop-offs and pick-ups. This area close to Lasswade High School Centre has challenges for the management of peak period traffic at present and we would not wish to see future increases to capacity leading to a deteriorating child safety environment.

We have been asked to withdraw our objection to this asset transfer as the BASC has made provision for safe parking, and we are happy to do. However we do not have adequate information on the plans for the site to be confident that the parking provision and management will be sufficient in the longer term

A local resident lives adjacent to the bowling club and has concerns that users of the facility will park up on the pavement and potentially block access to the driveway. It is also worth noting that there have been a number of complaints relating to parking in the immediate area caused in part by the high school and retail unit’s demand.”

Since the 30 April CAT committee, BASC have reached an informal agreement with the Roman Catholic Church to allow use of the church car park some 60 metres away from Polton Bowling club (see correspondence - **appendix 5**), and has committed to ensuring staff will be present outside at key drop- off and pick up times to ensure parents make use of this facility.

Since the meeting on 30 April the Planning Service has advised that at the present time no formal planning application has been submitted. Informal advice has previously been provided that indicated that the proposed drop off and pick up of children associated with this proposed development is likely to add to peak time congestion and have a detrimental impact on pedestrian safety. It is considered unlikely that the highway impacts could be satisfactorily mitigated without alternative parking being secured, and unless that were the case it would be unlikely that a planning application would be supported by officers.

3.4 Initial Assessment

The Community Management Assessment Group (CMAG), comprising officers from Communities, Estates, Finance, Education, Legal and Land Resources undertook a formal assessment on 4 March 2019 in accordance with the Council approved Framework. This assessment recommended that the Council refuse the request for the reasons below:

1. The site was identified on the Strategic Housing Investment Plan (SHIP) 2019/20 – 2023/24 which was approved at Council on 13 November 2018. The SHIP planned to accommodate 18 units on the site.
2. In addition the BASC business case was not considered strong in a number of areas. The population figures used were out of date and statements on population growth were therefore inaccurate.
3. Although there was a reference to partnership working there was limited reference to local partners in the Bonnyrigg area.

4. The financial forecast contained some inaccuracies and no estimate of NI and pension costs for staff.
5. Although the application stated that the wrap around nursery will deliver early learning and childcare, BASC are not currently in partnership with the Council and are therefore not delivering funded early learning and childcare at this time. Should they become a funded provider (they have advised separately that this is their intention) then from August 2020 all funded ELC providers will be expected to pay front line staff delivering 1140 hours at least the real living wage. The real living wage is currently £9 per hour but this had not been taken account of in the financial forecast, or that that meals will need to be provided to the children.
6. A survey used in support of the bid was aimed at parents so did not incorporate a wider community view and some 'closed' questions were used in the survey design. Question 2 of the survey made reference to turning the pavilion into a community hub providing a range of community services but then listed "extended early years and childcare services such as nursery, breakfast club, after school club and holiday play schemes" and made no mention of other community groups.
7. The business plan did not appear to create any additional childcare capacity but suggests they will move the current provision for 16 children from Poltonhall Recreation Pavilion (currently leased from the Council to Bonnyrigg Rose Community Football Club) to the former Polton Bowling Club, where 16 children will be accommodated.
8. In an article in the Midlothian Advertiser on 10 April 2019 the applicant stated that the plan also includes a café, this is not mentioned in the application received by Midlothian Council which implied a further increase in traffic congestion and associated problems with parking.

The initial assessment scored the project 33 out of a possible 70 (47%).

Since the 30 April meeting ,at which a written submission and delegation was received from BASC, the CMAG has undertaken further communication with BASC and undertook a reassessment on 30 May, based on the information and clarifications received. The reassessment process scored the application at 43 out of a possible 70 point score (61%) and as a result the application is now recommended for approval.

See appendix 6

The issue of the allocation of the site to the SHIP raised at the meeting on 30 April has now been clarified with Housing Services. They have confirmed that sites shown in the SHIP are all indicative and subject to revision based on technical assessments which may result in sites being deleted or added in to the SHIP without the need for full Council approval. The normal process is for such revisions to be notified to Council as part of the regular updates to the social housing new build programme provided by Housing Services. There is no legal commitment of this specific site to the SHIP as it has not been transferred to the Housing Revenue Account or included in any capital financing agreement with Scottish Government. Housing have indicated that they are content to remove this site from the SHIP and can identify an alternative location for the proposed units in the Bonnyrigg area to meet the goals of the SHIP.

CMAG now recommend that the CAT be granted for the following reasons:

- It will save the Council £20,000 per year ground maintenance costs and £3,877 running costs
- the site is not required by the SHIP
- the application now presents an adequate business case
- Whilst the initial proposal was a move of an existing service and does not create additional capacity or employment, the plans to adapt and extend the building do offer the potential for both increased childcare capacity and additional employment, subject to planning consent being given.

- BASC have applied for delivery partner status with Midlothian Council for delivering Early Learning and Childcare, The objection of the Bonnyrigg and Lasswade Community Council has been withdrawn
- 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

3.5 Risk

There is a risk that failure to develop the pavilion leaving it empty makes it more likely to be subject to vandalism and other forms of anti-social behaviour. If the site, through neglect, remains unused it will detract from the amenity of the area and potentially generate complaints from local residents. The Council is also incurring continuing costs for maintaining the building in a safe condition. The Services with Communities transformation work stream has a target to achieve £1 million savings. Amongst the approaches this is taking, the transfer of assets to community management and resulting revenue savings to the Council has been identified as a means of working towards this target. Failure to approve transfers will reduce the likelihood of making progress towards this savings target.

There remains a risk that the CAT application is granted but planning permission for change of use and/or an extension to the building on the site is refused resulting in the site not being able to be utilised as an Early Years Provision and community space. To mitigate this risk it is recommended that the application be granted subject to a condition that the applicant obtains appropriate planning permission and building warrant consents within 12 months of the date of the Decision Notice of the CAT decision being issued. This also avoids the risk of BASC owning the site and developing it for other uses not provided for in their application.

Estates currently value the site as a dated pavilion with some land, at a market figure of £36,000.

It is recommended that the CAT be agreed for the nominal value of £1, (if asked), subject to the condition that the use of the property must be restricted in all time coming to the sole purpose of a an Early Years Provision and Community Centre. It is considered necessary in order protect the Council's interest to include in the disposition to be granted in favour of BASC an economic development burden (EDB) under section 45 of the Title Conditions (Scotland) Act 2003. It is generally accepted that the legislation allows a broad approach to the securing of economic benefit.

There is clear potential economic benefit to the Bonnyrigg area in facilitating the development of the site as an Early Years Provision and community space. It will secure a community facility to the area, helping to attract/retain a workforce, and promotes the social inclusion/cohesion in the community which is vital for the economic future of Midlothian. The plans to adapt and extend the pavilion has the potential for both increased childcare capacity and additional employment.

The CMAG also recommend that, as an added protection, an overage provision is inserted into the disposition in favour of BASC as:

- a. It will ensure that, even if at some point in the future, BASC manage to persuade the Lands Tribunal to vary/waive the use restriction, any future sale for an alternative more valuable use would enable the Council to be compensated; and
- b. The Council is fulfilling its obligation to obtain best value from the transfer of the asset at nominal value. The overage would provide 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 Provision and Community Centre and the value with the proposed change of use.

Lastly, it is also recommended that the EDB provide that 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.

3.6 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- Community safety
- Adult health, care and housing
- Getting it right for every Midlothian child
- Improving opportunities in Midlothian
- Sustainable growth
- Business transformation and Best Value
- None of the above

3.7 Key Priorities within the Single Midlothian Plan

The further information from BASC has clarified that whilst the asset transfer will not initially create additional early year's provision, the proposed redesign and extension of the premises in future years is intended to do so. BASC will provide a childcare service around the funded early learning and childcare hours, enabling parents and carers to purchase additional hours where required, the demand for which is demonstrated by the current uptake and waiting list for the service and the responses to a survey carried out by the council.

BASC are not currently in partnership with Midlothian Council's Early Years to deliver Early Learning and Childcare, but have applied to be part of this arrangement to contribute alongside other private and third sector early year's partners in achieving the requirement to offer 1140

hours of childcare to all parents of 3 and 4 year olds and eligible 2 year olds in Midlothian.

At the time of writing the Early Years team are considering an application for capital funding for a new private nursery provision in the south east of Bonnyrigg in recognition of the significant growth in the population on Bonnyrigg. It would be consistent with this to approve the BASC asset transfer.

3.8 Impact on Performance and Outcomes

This asset transfer will have a limited but positive impact on the performance and outcomes of the authority.

3.9 Adopting a Preventative Approach

This asset transfer will provide limited preventative programmes of activity.

3.10 Involving Communities and Other Stakeholders

The applicant consulted with parents through a short survey – **see appendix 5**. There was further consultation undertaken after the initial assessment at a recent place standard event in Bonnyrigg which indicated wider support.

The community council and elected members were notified of the application. Bonnyrigg and Lasswade Community Council has now indicated qualified support for this proposal. No communication has been received from Poltonhall & Hopfield Community Council. There was one recorded representation to the application which is included in the appendices of this report.

3.11 Ensuring Equalities

A full Integrated Impact Assessment has been considered for this asset transfer and concludes that it will have no negative impact on equalities – **see appendix 6**.

3.12 Supporting Sustainable Development

This asset transfer will have limited impact on sustainable development in Midlothian.

3.13 Digital Issues

There are no digital issues arising from this report.

4 Recommendations

It is recommended that the Committee agree to the CAT application submitted by BASC subject to:

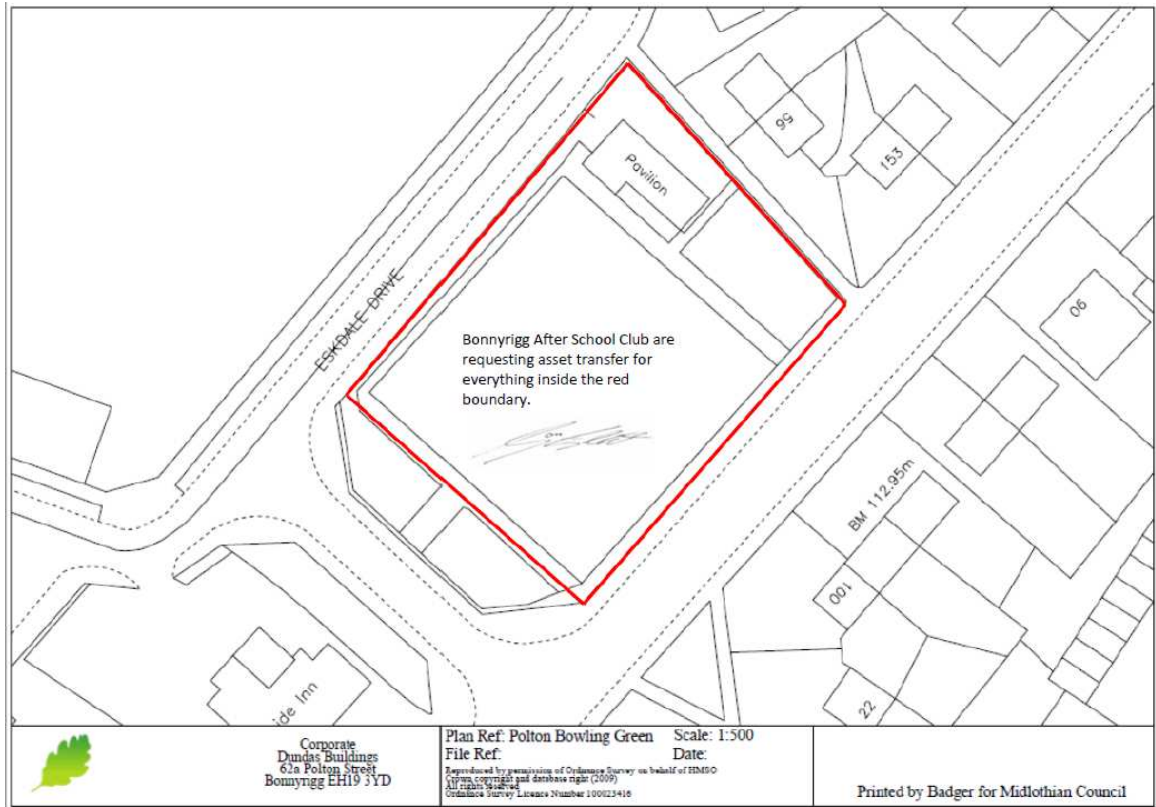
- (a) the conditions referred to in section 3.5 above; and
- (b) such other reasonable terms and conditions as the Acting Director, Resources may consider necessary in order to protect the interests of the Council.

19 June 2019

Report Contact: Alasdair Mathers
0131-271- 3438
alasdair.mathers@midlothian.gov.uk

Appendices

Appendix 1: Map of area



Corporate
Dundas Buildings
62a Polton Street
Bonnyrigg EH19 3YD

Plan Ref: Polton Bowling Green Scale: 1:500
File Ref: Date:
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Appendix 2 Application

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

ASSET TRANSFER REQUEST FORM

Important:

You do not need to use this form to make an asset transfer request, but it will help you to include all the required information. Before making an asset transfer request:

- Read the [asset transfer guidance](#) from the Scottish Government.
- Contact us to discuss your proposals.

Please email to:

communities.team@midlothian.gov.uk

Or mail to:

Communities Team

Fairfield House

Dalkeith

Midlothian

EH22 3AA



This is an asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015.

Section 1: Information about the community transfer body (CTB) making the request

1.1 Name of the CTB making the asset transfer request

Bonnyrigg After School Club

1.2 CTB address. This should be the registered address, if you have one.

Postal address:

Bonnyrigg Primary School
Sherwood Community Centre
Cockpen Road
Bonnyrigg
Postcode: EH19 3HR

1.3 Contact details. Please provide the name and contact address to which correspondence in relation to this asset transfer request should be sent.

Contact name: Sam Elliot

Postal address:

As above

Postcode:

Email: bonnyriggafterschoolclub@gmail.com

Telephone: 0131-663-7181

We agree that correspondence in relation to this asset transfer request may be sent by email to the email address given above. *(Please X to agree)*

You can ask the relevant authority to stop sending correspondence by email, or change the email address, by telling them at any time, as long as 5 working days' notice is given.

1.4 Please mark an "X" in the relevant box to confirm the type of CTB and its official number, if it has one.

X	Company and its company number is	249307
	Scottish Charitable Incorporated Organisation (SCIO), and its charity number is	
	Community Benefit Society (BenCom), and its registered number is	
	Unincorporated organisation (no number)	

Please attach a copy of the CTB’s constitution, articles of association or registered rules.

1.5 Has the organisation been individually designated as a community transfer body by the Scottish Ministers?

No

Yes

Please give the title and date of the designation order:

1.6 Does the organisation fall within a class of bodies which has been designated as community transfer bodies by the Scottish Ministers?

No

Yes

If yes what class of bodies does it fall within?

We are Company ltd by guarantee with charitable status with membership open to all users

Section 2: Information about the land and rights requested

2.1 Please identify the land to which this asset transfer request relates.

You should provide a street address or grid reference and any name by which the land or building is known. If you have identified the land on the relevant authority's register of land, please enter the details listed there.

It may be helpful to provide one or more maps or drawings to show the boundaries of the land requested. If you are requesting part of a piece of land, you must give a full description of the boundaries of the area to which your request relates. If you are requesting part of a building, please make clear what area you require. A drawing may be helpful.

Poltonhall Bowling Green Pavilion, including all the land inside the fenced area.

We have submitted a pre planning application for change of use from a Bowling Green pavilion to an early year's provision and community centre. (Attached)

2.2 Please provide the UPRN (Unique Property Reference Number), if known.

If the property has a UPRN you will find it in the relevant authority's register of land.

UPRN:

Section 3: Type of request, payment and conditions

3.1 Please tick what type of request is being made:

for ownership (under section 79(2)(a)) - go to section 3A

for lease (under section 79(2)(b)(i)) – go to section 3B

for other rights (section 79(2)(b)(ii)) - go to section 3C

3A – Request for ownership

What price are you prepared to pay for the land requested? :

Proposed price: £0.00

Please attach a note setting out any other terms and conditions you wish to apply to the request.

3B – request for lease

What is the length of lease you are requesting?

How much rent are you prepared to pay? Please make clear whether this is per year or per month.

Proposed rent: £ per

Please attach a note setting out any other terms and conditions you wish to be included in the lease, or to apply to the request in any other way.

3C – request for other rights

What are the rights you are requesting?

--

Do you propose to make any payment for these rights?

Yes

No

If yes, how much are you prepared to pay? Please make clear what period this would cover, for example per week, per month, per day?

Proposed payment: £ per

Please attach a note setting out any other terms and conditions you wish to apply to the request.

Section 4: Community Proposal

4.1 Please set out the reasons for making the request and how the land or building will be used.

This should explain the objectives of your project, why there is a need for it, any development or changes you plan to make to the land or building, and any activities that will take place there.

We are looking to take over Polton Bowling Green Pavilion so that we can continue to deliver Early Learning and Childcare. Taking over ownership would allow us to further expand our service so that we can meet the demand of childcare as well as supporting the expansion of Early Learning and Childcare 1140 hours. As well as taking over the building to deliver Early Learning and Childcare for August 2020, we also see the building used as a Community Centre so that other groups and organisations can utilise this for community space. In order for us to do this we would initially share the space with groups for the hope to expand the pavilion so that we can further offer community spaces.

Benefits of the proposal

4.2 Please set out the benefits that you consider will arise if the request is agreed to.

This section should explain how the project will benefit your community, and others. Please refer to the guidance on how the relevant authority will consider the benefits of a request.

The application meets the objectives of the following Midlothian Council policies:

We are keen to deliver in partnership our joint corporate ambition to on the, “2020 Vision for Early Years, Early Learning & Childcare Expansion Plan,” which explicitly commits Midlothian Council to declare an existing or surplus building to be considered for transfer to a community group with a view to delivering the Scottish Government’s policy desire to implement the 1140 hours childcare agenda.

The overarching analytically persuasive and robust thrust and recurring theme of the Planning Partnership’s documentation confirms that the exponential increase in population figures, particularly in Bonnyrigg will put enormous pressure on service delivery. Accordingly, new thinking is required and our reasonable and reasoned submission is that our application will help the Community Planning Partnership to achieve the noble vision of ensuring, Midlothian is a, “great place to grow”, and especially for our young children who are growing on a daily basis.

The, ‘Midlothian Moving Forward Community Planning for Midlothian Community Planning Research and Information,’ report (July, 2016) tellingly notes that, in regard to new house building, “the extent and impact of house building indicates that a greater. Percentage of the 3,141 built between 2001 and 2011 we’re larger homes and likely to attract families.” Clearly this is prima facie evidence that supports our application which seeks to bring a robust approach to meeting the obvious commensurate increase in demand for childcare services, not to mention the impact of

the 1140 GIRFECM policy;

Bonnyrigg, according to the nrscotland.gov web site and electoral statistics was, in 2011, Midlothian's biggest and fastest growing town which means Bonnyrigg will face a significant increase in the pending demand for community based early years and childcare services;

Our application supports the strategic priorities of the, "Single Midlothian Plan," which is Midlothian Council's overarching strategic plan framework. We believe BASC's involvement will have a positive impact on the performance and outcomes of the authority and assist the Council in its strategic objectives including commitments as detailed in the, "Bonnyrigg Neighbourhood Plan," and the Improving Opportunities for the People of Midlothian (IOM, 2018/2019).

In respect to the above policy directives the benefits we see are as follows:

1. We share the vision and priorities of the Scottish Government's, "Early Years Framework," and that of, the Early Years Taskforce." Our local vision will be achieved through interagency working with the broader Bonnyrigg community, MAP, and the Planning Partnership. One of the benefits of the asset transfer will be that of dynamic partnerships in action to develop capacity and support structures for early learning and childcare expansion to 1140 hours with focus on high quality provision. We see family, community, and child development benefits in our joint vision of seeking to increase service provision from 600 to 1140 hours so that children in their early years and their families are being provided with quality, community based, not for profit childcare, where young people are supported to be happy, healthy and reach their potential.
2. Another clear benefit of having a new building is that we will be in a solid, sustainable position to offer increased access to quality community based, not for profit, early year's provision. Our primary focus will be on the ethos of GIRFEC and bringing benefits to children, parents and families supporting them to be healthy, to take up family learning opportunities such as PEEPs, The Big Bedtime Read. Here parents will be encouraged to share the benefits of loving and learning together;
3. Another family learning benefit our team will strive to purposefully deliver on will be to increase the amount of time parents report spending reading with their children, visiting the library, and singing together and engaging in arts and crafts activities. Developing positive parenting skills will be a positive benefit;
4. In developing our early intervention strategies and practice we will, in a new dedicated building be in a robust position to develop our early years support structures and expand Bonnyrigg's capacity to offer more families access to 1140 hours of quality, community based, not for profit childcare. Community based, not for profit service delivery would be a major benefit as the community will be helping themselves to have a say in the services they want locally;
5. The increase of early year's provision from 600 to 1140 hours per year for 3 and 4 year olds as per the Children & Young People Scotland Act is something we are prepared for if we can secure the Poltonhall Pavilion. Our aim would be to bringing the benefit of early intervention practice to ensure The children of the Bonnyrigg

community are given the help and support that is appropriate for them to become healthier, more resilient and closing the learning gap;

6. Another benefit would be that through an emphasis on family learning and lifelong learning we will be helping parents to seek employment, or education possibilities, or move up the skills pipeline with a consequential benefit of poverty reduction, here official statistics tell us that Child poverty levels in Midlothian is above the Scottish average at 22.5%. Our dedicated, community based, not for profit service will free up parents to pursue other life goals thus bringing a benefit of enhanced life chances which may see families moving out of relative poverty as disposable income rises. We can offer parents childcare appropriate to their needs and at the times they need it;

7. Yet another benefit would be through our early intervention approach we could contribute to tackling the growing concern with ACES, adverse childhood experiences. Here, evidence suggests that with positive intervention in the very early years that children can grow up without being dependent on costly social services, imprisonment, and healthier so saving the state lots of money in years to come;

8. Another benefit is that our staffs have the qualifications for their posts, or they are working towards the appropriate qualifications. Moreover, all our staff are registered with the SSSC and meet the dictates of the regulatory fitness to practice body.

A.IMPROVEMENT IN CHILCARE SERVICES

More community based childcare is available enabling parents to work or move up the skills pipeline, or advance into education so boosting the family economy and spend more in the local shops;

Extending the 1140 hours service to local people that previously did not have access to quality, not for profit, community based access:

Improved child protection services on offer decreasing the likelihood of ACES and then having a future impact on Lessing the state financial burden on the police, the NHS, ambulances, violence, prison, social workers;

B. IMPACT ON LOCAL EMPLOYMENT/LABOUR MARKET OPPORTUNITIES

Local parents can gain access to skilled employment or qualifications at times that suit them and also because our community based provision is on offer, lessen travel to work distances;

Increase of staff locally to run childcare services;

Parents can start work or own businesses without childcare concerns;

C. ENVIRONMENTAL IMPROVEMENT

Parents do not have to travel too far to say Edinburgh to source quality, community based, not for profit, childcare;

We will bring to life a building that reflects community vision, belief, responsibility;

D. COMMUNITY IMPROVEMENT

De facto we will introduce a locally owned and maintained service asset that will reflect community strength, vision, ambition, belief and pride;

We will set a talismanic exemplar of partnership and community based example for others to follow in terms of anticipated community success, good practice and exceptional childcare services

Restrictions on use of the land

4.3 If there are any restrictions on the use or development of the land, please explain how your project will comply with these.

Restrictions might include, amongst others, environmental designations such as a Site of Special Scientific Interest (SSI), heritage designations such as listed building status, controls on contaminated land or planning restrictions.

No restrictions

Negative consequences

4.4 What negative consequences (if any) may occur if your request is agreed to? How would you propose to minimise these?

You should consider any potential negative consequences for the local economy, environment, or any group of people, and explain how you could reduce these.

Potential noise from children in the garden area

Parking however pick up and drop off points would be the lay by at the Lasswade Centre. Further discussions with the Roman Catholic Church opposite the Lasswade Centre for usage of their car park.

Capacity to deliver

4.5 Please show how your organisation will be able to manage the project and achieve your objectives.

This could include the skills and experience of members of the organisation, any track record of previous projects, whether you intend to use professional advisers, etc.

Bonnyrigg After School Club has been operating for nearly 25 years. The organisation first started with just five children, catering for the 'latch door key children'. Since then our organisation has grown. We now operate six projects for over the Bonnyrigg, Poltonhall and Lasswade catchment. We deliver services to all five schools and nurseries in Bonnyrigg, serving 300 children per week.

Part of the expansion throughout the years is by having a strong Senior Management Team and a focused Board of Directors. Our organisation is headed up by Anne Elliot. Anne brings a wealth of experience and knowledge to our service and to the community. She has led the organisation for the past twenty five years and has developed and expanded the service to meet the demand of childcare. Anne is assisted by her two Service Managers, Sam Elliot and Sarah Thomson. Both Managers have developed both Out of School Care and Early Learning & Childcare in the Bonnyrigg Area. Our Senior Management Team is qualified at degree level with a focus on developing services and management and leadership. The team have experience on developing strategic development plans as well as working with their staff teams on developing operational plans.

Anne and Sam are both Directors on Bonnyrigg & Sherwood Community Development Trust. B&SCDT is a local charity in Bonnyrigg who help support groups and organisations. The trust has set up projects to help support and develop the community of Bonnyrigg. More recently the Trust, with Anne and Sam's direction has taken the charity shop in Bonnyrigg. This is a big project for the Trust as this is only run by volunteers.

The aim of the project is to give back to the community through a grant scheme. The money raised from the project has to go back to the community through supporting groups and organisations.

Our partnership work with organisations consists of Midlothian After School Club Network which is made up of Managers from ASC's in Midlothian. This networking helps our Senior Management Team by gaining knowledge from other services on how they are further developing their services. We also work closely with Play Midlothian and Midlothian Voluntary Action. Both these services help by supporting and given advice on developing projects and services.

Section 5: Level and nature of support

5.1 Please provide details of the level and nature of support for the request, from your community and, if relevant, from others.

This could include information on the proportion of your community who are involved with the request, how you have engaged with your community beyond the members of your organisation and what their response has been. You should also show how you have engaged with any other communities that may be affected by your proposals.

Please find attached support letters

We have consulted with groups and organisations in the area on their potential interests with the pavilion. We have also consulted with 100 people within the community with a quick survey asking the following questions;

1. Do you think there is a need and benefit more affordable Out of School Care and Wrap Around Nursery Care?

All agreed that there was a definite need with comments such as;

“Yes, Bonnyrigg is expanding so we will need more childcare”

“It is vital that there is an affordable Out of School Wrap Around Care. If this was not in place, I would not be able to afford to work the hours I do.”

“Very much so, provided it is affordable”

“Absolutely, without the service I would be unable to work full time”

“I would think that most parents are looking for childcare to be as affordable as possible without compromising quality.”

“The area is growing and this provision has to be in place.”

“Absolutely, as an NHS employee our salary is being stretched further, having affordable childcare allows us to invest our money into children’s activities within the community; this helps us to grow it.”

“There are more homes being built in the area therefore more children so these spaces will be needed.”

“Definitely, our community is getting bigger and there is a lack of facilities for the working family.”

“This is an essential service for low income parents/single parents as many would be unable to work without it, so the whole community would benefit from it.”

2. Would you support our bid to take over Poltonhall Bowling Green Pavilion to turn it into a community hub providing a range of community services including extended early years and childcare services such as nursery, breakfast club, after school club and holiday playschemes?

All agreed and said it was a good idea with comments such as;

“As long as the service was still available at Burnbrae.”

“A community hub would be a good addition to Bonnyrigg.”

“As long as it doesn’t affect the schemes currently in place.”

“Yes, definitely something we need.”

“Yes, defiantly if you could find the staff to run it to no detriment of the other existing facilities.”

“Yes, nursery wrap around allowed it to be affordable to attend school nursery with the peers she goes to school with and for me to continue in full time work.”

“Bonnyrigg is crying out for more safe environments for kids to develop further.”

“Yes, I would be supporting with fundraising where available.”

“I’ll support the bid.”

“Yes, as it is a more central area for people to pick up children and it would be a good use for the space.”

“Yes fully support to have these facilities in the one place not relying on other places used by groups.”

3. Any other comments?

“Childcare in the Bonnyrigg area is needed more than ever with all the new houses being built.”

“Great location with great potential, re outdoor space.”

“The after school club is an amazing establishment without it I would be unable to work full time, any sport required I am happy to help.”

“I feel the breakfast club and after school club are lifesavers for my family.”

“If children are not into sport, dancing etc there is nothing for them to do. Some parents can't afford to send them to some activities as their budget does not go far enough.”

“Out of School childcare is a great help for the working families, in and around Bonnyrigg.”

“Without this type of provision, many families and future families would not be able to be active members of the community therefore futures would be quite bleak.”

4. Do you think there is a need for community space in Bonnyrigg? Yes or No

Most replied yes but two said they were unsure and some of their comments are listed below;

“Yes not enough at the moment”

“Yes there seems to be more places closing than opening”

“There is a need for more community space that would allow ages up to 18 to have an area to socialise and enjoy activities with their friends”

“Yes the community is growing an incredible rate. If we do not have secure space to have a community there will not be one. We will lose services and activities to Edinburgh etc “

“Yes with growing population and no resource in community to support this”

“Not enough as it is at the moment”

“There seems to be more places closing than opening.”

“Yes there are very few elderly community links.”

“Yes there is always a need for better community spaces.”

“Yes but I don’t think people will support them.”

“Play park for older aged group.”

5. What would you use more community spaces for?

“Fitness classes, playgroups, art activities.”

“All aspects of community activities from children through to the elderly.”

“I currently help with local youth group and space is already at a premium.”

“Youth clubs, parent groups, breakfast clubs, after school clubs.”

“Nurseries, after school clubs.”

“Recreation”

“I wouldn’t use them.”

“Activities for children and families to come together.”

“I am not sure I would actually use it.”

“Affordable extracurricular activities.”

“Kids clubs, OAP meeting place, dance groups.”

“Exercising and social events.”

“Classes for the community as many are full to capacity so this is a further benefit.”

“Dance lessons, karate etc.”

“More organised activities for local children.”

“Different community services”

“Affordable activities”

“Space for children to play.”

“More park areas for younger children”

“Youth clubs for younger children.”

“Support groups for mothers and babies.”

“Soft play”

“Family provision and activity based themed workshops.”

“Craft workshops.”

“Reading and learning workshops.”

“Youth clubs.”

6. Any other comments

“Keep up the good work.”

“Keep the communications up”

“A youth club would be good in Bonnyrigg”

“For activities low income families can use so children can benefit from this.”

“After school clubs and breakfast clubs are a great support for all the working families in the community.”

“Without After School Clubs we would struggle to continue to work.”

Section 6: Funding

6.1 Please outline how you propose to fund the price or rent you are prepared to pay for the land, and your proposed use of the land.

You should show your calculations of the costs associated with the transfer of the land or building and your future use of it, including any redevelopment, ongoing maintenance and the costs of your activities. All proposed income and investment should be identified, including volunteering and donations. If you intend to apply for grants or loans you should demonstrate that your proposals are eligible for the relevant scheme, according to the guidance available for applicants.

Please see attached the financial forecast.

Maintenance and Repairs

We are a non-profit making organisation and all funds accrued go back in our general reserves fund. We currently have £30,000 in reserves and this fund would support any repairs or maintenance for the provision.

BASC has a sustainable business model operating four Out of School Care (OSC) services and an Early Years Nursery Service. Midlothian Council currently receives £12,000 for rental for OSC accommodation. Our Early Years Provision currently pays £5,000 to Bonnyrigg Rose Football Club for rental accommodation. The £5,000 would be a saving however we would use this money as reserves which would then support repairs and maintenance. We would generate revenue from new community groups and their let charges would reflect a cost that is similar to charges by Midlothian Council so that repairs and maintenance would be factored into this cost.

Funding/Grants

As this is an Early Years Provision we would apply to Midlothian Council's Early Years Expansion Capital Fund which will help our project and support the expansion of the 1140 hrs provision.

We are currently at the second stage of The People's Lottery Award for £50,000. This would allow us to generate the necessary funds to refurbish the hall. If we are unsuccessful with this grant we would apply to Bonnyrigg & Sherwood Community Development Trust through their grant awards for funding towards the emergency repairs e.g. the flooring. All other improvements to the building would be paid through our reserves that our organisation holds for such project.

Signature

Two office-bearers (board members, charity trustees or committee members) of the community transfer body must sign the form. They must provide their full names and home addresses for the purposes of prevention and detection of fraud.

This form and supporting documents will be made available online for any interested person to read and comment on. Personal information will be redacted before the form is made available.

We, the undersigned on behalf of the community transfer body as noted at section 1, make an asset transfer request as specified in this form.

We declare that the information provided in this form and any accompanying documents is accurate to the best of our knowledge.

Name **David Mitchell**

Address **[REDACTED]**
[REDACTED]
[REDACTED]

Date **12/09/2018**

Position **Director/Chairman**

Signature

Name **Carole Haggerty**

Address **[REDACTED]**
[REDACTED]
[REDACTED]

Date	12/09/2018
Position	Director/Treasurer
Signature	

Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this form.

Section 1 – you must attach your organisation’s constitution, articles of association or registered rules

Title of document attached:

Section 2 – any maps, drawings or description of the land requested

Documents attached:

Section 3 – note of any terms and conditions that are to apply to the request

Documents attached:

Section 4 – about your proposals, their benefits, any restrictions on the land or potential negative consequences, and your organisation’s capacity to deliver.

Documents attached:

Section 5 – evidence of community support

Documents attached:

Section 6 – funding

Documents attached

Appendix 3 – confirmation of extension of decision making timing:

Sam Elliot <bonnyrigggafterschoolclub@gmail.com>

Hi Alasdair,

As per our discussion and the agreement from the Community Assessment Transfer Committee meeting I am happy for to extend the decision making date from 6th June to a date some time before 25th June (Full Council). Have been given a date from Verona for the next Community Asset Transfer Committee meeting?

I would appreciate a discussion with your after the Community Management Assessment Group meeting tomorrow, if possible.

We appreciate the work you are doing here Alasdair.

Kind regards,

Sam

Appendix 4: Initial Representation

Asset Transfer Request - Poltonhall Bowling Site [Poltonhall Bowling Green and Pavilion]

Bonnyrigg and Lasswade Community Council agree that there is a need to expand the local provision of early year's education and wrap around child care, particularly with the expansion of the town's population and the arrival of young families in the new housing developments. Bonnyrigg and Lasswade Community Council also recognises the experience of the applicant as a service provider and acknowledge the difficulty of securing suitable premises to accommodate any expansion.

However, we have serious concerns about the suitability of the premises in this application. Main concerns are the distinct lack of suitable parking and the inevitable increase in traffic in an already congested part of Bonnyrigg. There are safety issues which the Community Council does not believe have been fully considered. We are also concerned about the proposal to use the car park at the Roman Catholic Church.

Car parking

The nearest car parks are at the far end of Lasswade Centre and also next to Tesco and other stores. Both appear to be fairly well used during the day and we noted there has been damage to the boundary wall outside Tesco Express, presumably caused by a badly parked vehicle. The lay-by outside Lasswade centre is single yellow line restricted in operation from 8am to 4.30pm. There is no suitable parking directly outside the site. The Community Council has recently been involved in discussions concerning car parking with residents in other areas of Bonnyrigg. Our concerns are that parents will drive to the new facility and will most likely want to park as close as they can outside to drop their children off and pick them up at varying times throughout the day. They are likely to be in a rush, late for work, worrying about traffic, so might not be prepared to walk the distance from the car parks. Because of the lack of parking on the Eskdale Drive side of the bowling facility, there is a high risk of parents parking on the main road, close to the traffic lights and pedestrian crossing on Polton Street.

The community asset transfer application states that the applicant will pursue discussions with the Roman Catholic Church over use of their car park, although it does not indicate whether there is yet an agreement in place over this. The Community Council is concerned that parents will not want to take the time and trouble to park there and walk round to the old clubhouse, especially if they have to open and shut the Church car park gate. If the gate is to be left open for the child care drop offs/pickups, how will the applicant stop other traffic from using it? Also, will the entrance to the Church car park be wide enough for the volume of traffic it would be serving?

Perhaps it could be a condition of the asset transfer for the applicant to obtain planning permission to use part of the former bowling green for parking. This would involve additional costs to put in a surface and safe access and egress. Since the applicant proposes to obtain the site for free it would not be unreasonable for them to seek other sources of funding to help with this.

Traffic

The primary purpose of the facility is early years learning and childcare, so it will be used by pre-school children during the day which is the busiest time for traffic. There is already a large volume of traffic around Lasswade Centre, particularly at the start and end of the high school day. If the asset transfer is successful, we believe nearby residents will experience and report increased traffic volume which combined with a lack of suitable parking could result in a serious traffic incident involving a child.

The Community Council suggests that a more appropriate use of the bowling site would be as a community facility for elderly residents, for example for social meetups. The site is on a bus route and may also be accessible for the community bus to drop off and pick up. In the evening it could be used for groups like youth club where parking would not be a necessity.

Bonnyrigg and Lasswade Community Council
Jan 2019

Revised position statement 13 May 2019

From: Bonnyrigg & Lasswade Community Council

Sent: 13 May 2019 13:19

To: Alasdair Mathers

Cc: Catherine Duns

Subject: Asset Transfer Poltonhall Bowling Club application from Bonnyrigg After School Club

Dear Alasdair

I am writing as Chairman of Bonnyrigg & Lasswade Community Council to follow up the comments made by ourselves regarding the proposed Asset Transfer of Poltonhall Bowling Club to the Bonnyrigg After School Club. We have been informed by them that the Roman Catholic Church next door will allow the use of their Car Park by the car drivers dropping off and collecting children and additionally, that the BASC will have a staff member monitoring the parking at peak periods.

Clearly this has given us some reassurance that provision has been made for parking. It is likely this provision will be adequate in the early stages when the capacity of the present building is limited. However we understand there are likely to be plans in future for further buildings on the site. Should the extra capacity provided by these plans be considerable it is unlikely the parking would be sufficient for all the drop-offs and pick-ups. This area close to Lasswade High School Centre has challenges for the management of peak period traffic at present and we would not wish to see future increases to capacity leading to a deteriorating child safety environment.

We have been asked to withdraw our objection to this asset transfer as the BASC has made provision for safe parking, and we are happy to do. However we do not have adequate information on the plans for the site to be confident that the parking provision and management will be sufficient in the longer term.

Yours sincerely,

[REDACTED]

Chairman BLCC

[REDACTED]

[REDACTED],

Bonnyrigg,

Midlothian.

[REDACTED]

27th January 2019

Dear Stephen,

I am writing to give representation and express my concerns regarding the recent proposal made by the Bonnyrigg after School Club in regards to the Poltonhall Bowling Green and Pavilion.

Whilst I wholeheartedly support the need to expand early learning and childcare within the community, I have concerns as to how this will impact the residents and local facilities.

As an employee of Midlothian Council and the Lasswade High School, I see first-hand the difficulties faced by an already over populated area.

The increased parking restrictions around the Bowling Club and Pavilion would put pressure on drivers to use pavements and the areas outside our houses to pick up and drop off their children.

The main bay adjacent to the building already has no parking between 8.30-4.30pm Monday to Friday.

I have a driveway that I need clear access to and from to meet the demands of my own work and I feel the proposed request for ownership of the bowling green and Pavilion will encourage people to use this area and block my access.

Whilst I am aware that the area is now patrolled more frequently with traffic attendants, there are currently no restrictions to prevent the above from happening.

I look forward to hearing from you and addressing the concerns I have outlined above.

Kind Regards,

[Redacted Signature]

Appendix 5: Assessment undertaken on initial information 04/03/19

Name of CTB making the asset transfer request:	Bonnyrigg After School Club
Land to which this asset transfer request relate:	Poltonhall Bowling Pavilion and Site
Validation date:	06/12/18
Date of assessment:	04/03/19
Assessed by:	Community Management Assessment Group
Notes 28/01/19	<p>BASC are currently not in partnership with MC for delivering ELC.</p> <p>The plan is not an expansion as they are going to relocate their current nursery provision from Poltonhall Sports Pavilion.</p> <p>Practicalities of ELC sharing space – needs a lot of resources set up and taken down and storage</p> <p>“exponential” population growth, not a term used in Midlothian Profile</p> <p>The 2016 profile has been referenced but there is a more recent version</p> <p>Not strong partnership detail – who else are they going to work with?</p> <p>Statistics on poverty are out of date</p>

“Improved child protection services on offer”? they should have standard procedures in place

Where is the evidence of demand? Early years team not aware of parents being unable to find childcare.

What hours would they be delivering the service?

Consultation wasn't wide – only current service users/parents

£30k in reserves – restricted or unrestricted?

Current let charges for ASC provision at other MC sites could change and impact on financial model

Real living wage is £9 and is required for staff delivering funded ELC

No holiday pay, NI and pension contributions etc

Constitution – no mention of pre-school, all about out of school care and primary age

Disabled access?

Parking is an issue

Costings for internal refurb, cutting the grass, insurance, cleaning, sundries


Condition survey?

See pre application response


Strategic Housing Investment Plan

PROJECT	SUB-AREA	PRIORITY	DEVELOPER	UNITS - TENURE						UNITS - TYPE			
				Social Rent	Mid Market Rent	LCHO - Shared Equity	LCHO - Shared Ownership	LCHO - Improvement for Sale	P&R	Total Units	GN	Specialist Provision	Type of Specialist Particular Need (if Known)
Rosewell Road, Portonhall	B	Medium	Middlethian Council	18						18	18		

Letters of representation



Letter of Representation - BA



Representation from BLCC - 01.02.19

Projects Objectives	Evidence	Assessment Score 1-5 (1-Weak, 5-Very Strong)
Do the project objectives meet the Single	Not currently in partnership with MC Early Years to deliver ELC.	2

<p>Midlothian Plan objectives?</p> <ul style="list-style-type: none"> • Reduce the economic circumstances gap • Reduce the gap in learning outcomes • Reduce the gap in health outcomes 	<p>Not going to create any additional places, just moving from one site to another.</p>	
<p>Value to relevant authority in existing use of asset?</p> <ul style="list-style-type: none"> • Feasibility and cost of relocation of services elsewhere • Potential revenue savings arising from transfer 	<p>Site in closed, no maintenance getting carried out. Currently on Leisure Account.</p>	<p>2 (if high value to Council score 0, no or little value 5)</p>
<p>Value for alternative use/redevelopment</p>	<p>Early years are not looking to develop this site for a council setting. The site has been identified in the SHIP for 18 units and an enquiry to planning has been made.</p>	<p>0 (if high value to Council score 0, no or little value 5)</p>
<p>Value for proposed and other community benefits</p>	<p>Limited evidence of need, community would only have access in the evenings and weekends. No identified user groups. Concerns about space/storage/parking. Focus of application is on early year's provision.</p>	<p>2</p>
<p>Level of community benefits</p> <ul style="list-style-type: none"> • Extent of community served • Nature of benefits to be delivered • Community need/demand for the services 	<p>As above</p>	<p>2</p>
<p>Likelihood that benefits will be delivered over a 5 year period</p> <ul style="list-style-type: none"> • Strength of organisation • Sustainability of business plan/project • Sources and level of funding support 	<p>Strong organisation, good board Not demonstrated track record of funding and levels of support Financial planning detail poor Have £30k in reserves which would fund repairs or maintenance Made it through to the final stage of The People's Lottery Award for £50k</p>	<p>3</p>

	Plan to access Early Years Capital fund from MC but not currently in partnership.	
Impact of project failure <ul style="list-style-type: none"> To surrounding local environment To reputation of the parties To the service users'/relevant authority's objectives 	Back to starting position Children would need to be relocated in alternative nursery provision	2
7 Best Value themes	Evidence	Score 1-5 (1-Weak, 5-Very Strong)
Vision and Leadership – does the organisation have in place a clear vision and plan for what it will do to contribute to the delivery of improved outcomes for Scotland?	Yes, linked in to 1140 hours but no additional provision, just a relocation.	4
Effective Partnerships – does the organisation have a collaborative approach to the challenges that communities face?	Known brand in the community – 2 senior staff members are volunteers on the board with Bonnyrigg & Sherwood Development Trust. BASC work with Play Midlothian, Midlothian Voluntary Action and Bonnyrigg Rose Community Football Club and are part of Midlothian After School Club Network.	3
Governance and Accountability – can the organisation demonstrate structure, policies and leadership behaviours?	Policies are in place, Care Inspectorate registered, child protection training up to date, staff are SSSC registered.	4
Use of resources – how does the organisation demonstrate effective management of all resources to deliver on outcomes?	Don't own any physical assets. Question over reserves and using them for repairs and maintenance for new facility. Organisation has been running for over 20 years	3
Performance management – does the organisation have robust arrangements in place to monitor and report on outcomes?	AGM, annual accounts, newsletters to families, care inspectorate registered.	4

Sustainability – what is the organisation doing to contribute to sustainable development?	Active Scotland Strategy Midlothian Play Strategy Highly subsidised by MC with 95% let charges	2
Equality – has the organisation taken consideration of an embedded equality issues into its strategy?	Check constitution and ask for equalities policy	

Recommendations:	<ul style="list-style-type: none"> • Refuse (assessment score 47%)
Conditions:	<ul style="list-style-type: none"> • Not a strong business case, move of service not additional capacity • Not currently in partnership with MC for delivering ELC • Concerns raised from resident, Bonnyrigg and Lasswade Community Council and planning about parking • Detailed on Strategic Housing Investment Plan • Limited community consultation undertaken

Appendix 6 e mail from St Matthews Church 17 May 2019

From: [REDACTED]
 To bonnyriggfterschoolclub@gmail.com

_Sam

Further to our recent conversations I confirm that the Parish priest, [REDACTED] has agreed in principle to the use of the car park at :
 St Matthews Parish (Our Lady of Consolation) 46 Eskdale Drive, Bonnyrigg EH19 2JT for the purpose of drop off/ pick up of children for the facility which was formerly the bowling club.



I trust this is sufficient for your needs

Kind Regards

[REDACTED]
 Member of Parish Council

Appendix 6 Revised assessment undertaken 30 May 2019

Name of CTB making the asset transfer request:	Bonnyrigg After School Club
Land to which this asset transfer request relate:	Polton Bowling Pavilion and Site
Validation date:	06/12/18
Date of assessment:	28/01/19, 04/03/19, 30/5/19
Assessed by:	28/01/19 Justin Venton, Magnus Inglis, Stephen Bermingham, Catherine Duns

	<p>04/03/19 – Gareth Davies, Tony Malone, Magnus Inglis, Matthew Atkins, Stephen C (advisory), Catherine Duns</p> <p>Revised assessment undertaken 30/05/19 – panel -Alasdair Mathers, Magnus Inglis, Mark Kenmure, Catherine Duns, Stephen Clark</p>
Notes	<p>Practicalities of ELC sharing space – needs a lot of resources set up and taken down and storage The 2016 profile has been referenced but there remains a more recent version Not strong on partnership detail. Current let charges for ASC provision at other MC sites could change and impact on financial model Constitution has no mention of pre-school, all about out of school care and primary age Disabled access statement has been made that this will be part of revisions to premises Parking is an issue, RC Church car parking offer confirmation has been submitted Costings for internal refurb, cutting the grass, insurance, cleaning, sundries See pre application response below</p> <p>SHIP – confirmation received from housing that this site can be considered for CAT</p> <p>Letters of representation</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  Letter of Representation - BA </div> <div style="text-align: center;">  Representation from BLCC - 01.02.19 </div> </div>

Projects Objectives	Evidence	Assessment Score 1-5 (1-Weak, 5-Very Strong)
<p>Do the project objectives meet the Single Midlothian Plan objectives?</p> <ul style="list-style-type: none"> • Reduce the economic circumstances gap • Reduce the gap in learning outcomes • Reduce the gap in health outcomes 	<p>Not currently in partnership with MC Early Years to deliver ELC – application received 30/05/19. Providing ELC provision, year 1 is not providing any additional capacity as provision is moving from Poltonhall Sports Complex to Polton Bowling Pavilion. Financial forecast shows considerable increased capacity in year 2.</p>	3
<p>Value to relevant authority in existing use of asset?</p>	<p>Site in closed, no maintenance getting carried out.</p>	4

<ul style="list-style-type: none"> • Feasibility and cost of relocation of services elsewhere • Potential revenue savings arising from transfer 	Currently on Leisure Account.	(if high value to Council score 0, no or little value 5)
Value for alternative use/redevelopment	<p>Early years are not looking to develop this site for a council setting.</p> <p>The site has been identified as a potential site in the SHIP for 18 units and an enquiry to planning has been made.</p> <p>There are planning constraints on the site from the perspective of its use for housing. The SHIP allows flexibility to add and remove sites throughout the lifetime of the plan without the requirement for full Council approval and Housing advice that they would not oppose a CAT for the site.</p>	2 (if high value to Council score 0, no or little value 5)
Value for proposed and other community benefits	<p>There will be 10 hours a week available for community use for 10 weeks until year 2 where they will create more space to increase further usage. Year 2 10 hours per week during term time based on completing an extension. No identified community user groups.</p> <p>Concerns about space, storage and parking for community use (the church have now emailed to say they are happy the car park is used for drop off/pick up of children).</p> <p>Focus of application is on early year's provision.</p> <p>The rate for community groups will be £8.32 per hour making it affordable.</p>	2/3 (potential improvement in score if extension takes place)
Level of community benefits <ul style="list-style-type: none"> • Extent of community served • Nature of benefits to be delivered • Community need/demand for the services 	As above	2/3

<p>Likelihood that benefits will be delivered over a 5 year period</p> <ul style="list-style-type: none"> • Strength of organisation • Sustainability of business plan/project • Sources and level of funding support 	<p>Strong organisation, good board Now demonstrated track record of funding and levels of support Financial planning detail – additional information has been provided Have £30k in reserves which would fund repairs or maintenance Achieved The People’s Lottery Award for £50k Supervision of a capital project of this scale will be a new venture for this board</p>	<p>3</p>
<p>Impact of project failure</p> <ul style="list-style-type: none"> • To surrounding local environment • To reputation of the parties • To the service users’/relevant authority’s objectives 	<p>Building/site would be returned to the Council Children would need to be relocated in alternative nursery provision Aesthetics of the area would be impacted (gateway to Lasswade Centre)</p>	<p>If the impact of project failure is high it scores 0.3</p>
<p>7 Best Value themes</p>	<p>Evidence</p>	<p>Score 1-5 (1-Weak, 5-Very Strong)</p>
<p>Vision and Leadership – does the organisation have in place a clear vision and plan for what it will do to contribute to the delivery of improved outcomes for Scotland?</p>	<p>Yes, linked in to 1140 hours but initially no additional provision, just a relocation, requires planning consent to expand.</p>	<p>4</p>
<p>Effective Partnerships – does the organisation have a collaborative approach to the challenges that communities face?</p>	<p>Known brand in the community – 2 senior staff members are volunteers on the board with Bonnyrigg & Sherwood Development Trust. BASC work with Play Midlothian, Midlothian Voluntary Action and Bonnyrigg Rose Community Football Club and are part of Midlothian After School Club Network.</p>	<p>3</p>
<p>Governance and Accountability – can the organisation demonstrate structure, policies and leadership behaviours?</p>	<p>Policies are in place, Care Inspectorate registered, child protection training up to date, staff are SSSC registered.</p>	<p>4</p>
<p>Use of resources – how does the organisation demonstrate effective management of all</p>	<p>Don’t own any physical assets. Question over reserves and using them for repairs and maintenance for new facility.</p>	<p>3</p>

resources to deliver on outcomes?	Organisation has been running for over 20 years	
Performance management – does the organisation have robust arrangements in place to monitor and report on outcomes?	AGM, annual accounts, newsletters to families, care inspectorate registered.	4
Sustainability – what is the organisation doing to contribute to sustainable development?	Active Scotland Strategy Midlothian Play Strategy Highly subsidised by MC with 95% let charges	2
Equality – has the organisation taken consideration of an embedded equality issues into its strategy?	Check constitution and ask for equalities policy, commitment to disability access given in writing	3

Recommendations:	Agree in principle
Conditions:	<ul style="list-style-type: none"> Concerns raised from resident, and planning about parking. Detailed on Strategic Housing Investment Plan as a potential site. Housing have confirmed that a CAT can go ahead as they are proposing to drop this site from the SHIP

Score	Overview of evidence
5, Very strong	<ul style="list-style-type: none"> Governance and financial arrangements are strong and sustainable Best Value characteristics are evidenced throughout the overall approach Related project benefits are very robust and demonstrate value for money
4, Strong	<ul style="list-style-type: none"> Governance and financial arrangements are sound and sustainable Best Value characteristics are in evidence in the proposal Related projected benefits are demonstrated well and represent value for money
3, Moderate	<ul style="list-style-type: none"> Governance and financial arrangements are in place and acceptable Best Value characteristics have been considered as part of the proposal Related projected benefits are acceptable and could lead to value for money
2, Weak	<ul style="list-style-type: none"> Governance and financial arrangements are weak Best Value characteristics are not well demonstrated in the proposal Related projected benefits are not based on robust information and demonstrate questionable value for money
1, Poor	<ul style="list-style-type: none"> Governance and financial arrangements are poor

	<ul style="list-style-type: none"> • There is little evidence of Best Value characteristics in the proposal • Related projected benefits are ill defined and/or unrealistic and do not demonstrate value for money
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Appendix 7: Integrated Impact Assessment



Integrated Impact Assessment Form

Promoting Equality, Human Rights, and Sustainability

Title of Policy/ Proposal	<i>Asset Transfer – Bonnyrigg After School Club Asset Transfer Request of Poltonhall Bowling Site</i>
Completion Date	<i>18th April 2019</i>
Completed by	<i>Catherine Duns</i>
Lead officer	<i>Stephen Bermingham</i>

Type of Initiative:

Policy/Strategy	New or Proposed
Programme/Plan	Changing/Updated
Project	Review or Existing
Service	Other <input checked="" type="checkbox"/> Asset Transfer
Function	
Statement of Intent	

1. Briefly describe the policy/proposal you are assessing.

Set out a clear understanding of the purpose of the policy being developed or reviewed (e.g. objectives, aims) including the context within which it will operate.

Bonnyrigg After School Club (BASC) have applied through the Community Asset Transfer legislation for a transfer of ownership of Poltonhall Bowling Pavilion, including the land inside the fenced area.

The Scottish Government moved forward from the voluntary approach to asset transfer with the introduction of the Community Empowerment (Scotland) Act 2015 (“the Act”). Part 5 of the Act came into force on 23 January 2017 and sets out the formal asset transfer process that must be adhered to if a valid request is received under the Act. The relevant authority must agree to the request unless there are reasonable grounds for refusal.

The Council recognises that asset transfer can empower communities, build the capacity of local citizens and inspire others to create responsive solutions to community needs. The asset transfer process presents local groups and communities with opportunities to get involved in running assets and delivering services; empowering them to help themselves and create a more sustainable future. Community groups wishing to consider the transfer of an asset will be provided with a dedicated member of staff to help build their capacity and to assist with the application process.

The request has been assessed in line with the assessment framework passed by council on 2 October 2018.

What will change as a result of this policy?

Some additional early years services will be offered in Bonnyrigg/Poltonhall

2. Do I need to undertake a Combined Impact Assessment?

High Relevance	Yes/no
The policy/ proposal has consequences for or affects people	Yes
The policy/proposal has potential to make a significant impact on equality	no
The policy/ proposal has the potential to make a significant impact on the economy and the delivery of economic outcomes	no
The policy/proposal is likely to have a significant environmental impact	No
Low Relevance	
The policy/proposal has little relevance to equality	No
The policy/proposal has negligible impact on the economy	No
The policy/proposal has no/ minimal impact on the environment	No
If you have identified low relevance, please give a brief description of your reasoning here and send it to your Head of Service to record.	
Bonnyrigg After School Club’s asset transfer application has been assessed in line with the Scottish Government guidelines.	
The assessment recommends that the committee accept the application due to:	
<ul style="list-style-type: none"> the revised business case 	

- the site no longer being required on the Strategic Housing Investment Plan to accommodate 18 units
- Concerns over parking around the site having been addressed.
- the impact is judged to be limited as this is initially a relocation of existing services , but may have positive impacts if the provision expands both on women , children and economic circumstances

If you have answered yes to high relevance above, please proceed to complete the Integrated Impact Assessment.

3. Sign off by Head of Service/ NHS Project Lead

Name: Kevin Anderson

Date: 23 April 2019

Background Papers:

