



Asset Transfer Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

20 February 2023

A hybrid meeting of the **Asset Transfer Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Monday 27 February 2023 at 2:00pm**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members must declare any interests they have in the items of business for consideration at the meeting, identifying the relevant agenda items and the nature of their interests.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of Asset Transfer Committee held on Monday 20 June 2022 (herewith)

Public Items for Decision

5. Asset Transfer Request by Bathgate Community Development Trust for Bathgate Social Work Centre , 69 Whitburn Road, Bathgate - report by Head of Finance and Property Services (herewith)

NOTE **For further information please contact Anastasia Dragona on tel. no. 01506 281601 or email anastasia.dragona@westlothian.gov.uk**



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.

Interests must be declared at the meeting, in public.

Look at every item of business and consider if there is a connection.

If you see a connection, decide if it amounts to an interest by applying the objective test.

The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.

If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.

When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.

Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.

More detailed information is on the next page.

Look at each item on the agenda, consider if there is a “connection”, take advice if necessary from appropriate officers in plenty of time. A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors’ remuneration, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an “interest” by applying the objective test. The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- [Councillors’ Code of Conduct, part 5](#)
- [Standards Commission Guidance, paragraphs 129-166](#)
- [Advice note for councillors on how to declare interests](#)

If you require assistance, contact:-

- James Millar, Interim Monitoring Officer and Governance Manager, 01506 281613, james.millar@westlothian.gov.uk
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, carol.johnston@westlothian.gov.uk
- Committee Services Team, 01506 281604, 01506 281621
committee.services@westlothian.gov.uk

January 2022

MINUTE of MEETING of the ASSET TRANSFER COMMITTEE held within MS TEAMS VIRTUAL MEETING ROOM, on 20 JUNE 2022.

Present – Councillors Cathy Muldoon (Chair), Alison Adamson, Diane Calder, Harry Cartmill, Craig Meek and Kirsteen Sullivan

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee approved the draft minute of meeting held on 15 February 2021. The minute was thereafter signed by the Chair.

3. ASSET TRANSFER REQUEST BY ST. JOHN'S CHURCH LINLITHGOW FOR THE LOW PORT CENTRE, BLACKNESS ROAD, LINLITHGOW

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising that a valid community asset transfer request had been received from St. John's Church, Linlithgow, in respect of the Low Port Centre, Blackness Road, Linlithgow and inviting the committee to determine the request on behalf of the council.

The Committee heard Mr Billy Fraser and Ms Heather Begarnie speak in support of the application on behalf of St. John's Church.

The report recommended that committee:

1. Notes the receipt of a valid community asset transfer request from St. John's Church in respect of the Low Port Centre, Blackness Road, Linlithgow.
2. Approves the community asset transfer request received from St. John's Church, Linlithgow, in respect of the Low Port Centre, Blackness Road, Linlithgow, on the terms and subject to the conditions as set out in the report.

Decision

To approve the terms of the report and approve the asset transfer subject to the terms and conditions set out in the report.

DATA LABEL: PUBLIC



ASSET TRANSFER COMMITTEE

ASSET TRANSFER REQUEST FOR THE FORMER BATHGATE SOCIAL WORK CENTRE, 69 WHITBURN ROAD, BATHGATE

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to advise the Asset Transfer Committee that a valid community asset transfer request has been received from Bathgate Community Development Trust Limited (BCDTL) in respect of the former Bathgate Social Work Centre, 69 Whitburn Road, Bathgate and to ask the committee to determine that request on behalf of the council.

B. RECOMMENDATION

It is recommended that the Asset Transfer Committee:

1. Notes the receipt of a valid Community Asset Transfer Request from BCDTL for the former Bathgate Social Work Centre, 69 Whitburn Road, Bathgate.
2. Refuses the community asset transfer request received from BCDTL for the former Bathgate Social Work Centre, 69 Whitburn Road, Bathgate for the reasons set out in this report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs. Being honest, open and accountable. Making best use of our resources. Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The council's approved Community Asset Transfer Policy and associated governance arrangements.</p> <p>Part 5 of The Community Empowerment (Scotland) Act 2015.</p> <p>S74 (2) of the Local Government (Scotland) Act 1973.</p> <p>Disposal of Land by Local Authorities (Scotland) Regulations 2010.</p>
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.

- V Relevance to Single Outcome Agreement**
- Outcome 4: We live in resilient, cohesive and safe communities.
 - Outcome 5: People most at risk are protected and supported to achieve improved life chances.
 - Outcome 7: We live longer, healthier lives and have reduced health inequalities.
 - Outcome 8: We make the most efficient and effective use of resources by minimising our impact on the built environment.
- VI Resources - (Financial, Staffing and Property)**
- If this asset transfer request were approved, the council would forgo a potential capital receipt in the region of £480,000 during 2023/24.
- VII Consideration at PDSP**
- Not Applicable.
- VIII Other consultations**
- The local elected members for the ward have received a copy of this report for information.

D. TERMS OF THE REPORT

D.1 Asset Transfer Request Details

The asset transfer request details are as follows:

Applicant:	Bathgate Community Development Trust Limited
Subject property:	Former Bathgate Social Work Centre 69 Whitburn Road Bathgate EH48 1HE
Ward:	Bathgate
Local Members:	Councillor William Boyle Councillor Harry Cartmill Councillor Tony Pearson Councillor Pauline Stafford
Lead officer:	Scott Hughes (Asset Manager) Direct dial: (01506) 281825 Email: scott.hughes@westlothian.gov.uk

D.2 Introduction

Bathgate Community Development Trust Limited (BCDTL) have submitted a community asset transfer request to the council for the former Bathgate Social Work Centre at 69 Whitburn Road, Bathgate under the provisions of Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act). A copy of that request is included at Appendix 1.

The Act requires that the council must approve the request unless, having regard to the statutory factors, the encouragement of equal opportunities and the observance of the equal opportunity requirements, there are reasonable grounds for refusing it.

Under the Act, the council has a statutory obligation to determine community asset transfer requests within six months of the request's validation date. In this instance that deadline falls on 31 March 2023. No extension to the timescale has been agreed.

D.3 Background

The former Bathgate Social Work Centre at 69 Whitburn Road, Bathgate is located in the south-west of the town centre and offers 790m² of traditional cellar office accommodation over two-storeys along with secure car parking for 26 cars. The extent of the property is shown hatched in black on the location plan at Appendix 2.

The property was vacated in October 2022 when Social Policy staff relocated to alternative council facilities in Bathgate, Linlithgow and Whitburn. In advance of the property falling vacant, Council Executive at its meeting on 16 August 2022 declared the property surplus to requirements and agreed that it should be marketed for sale or lease, with any expressions of interest from the community being considered as part of the disposal process. The property was openly marketed immediately thereafter and a closing date for offers was set for 12 noon on 4 October 2022.

On 28 September 2022, prior to the closing date, officers received the abovementioned community asset transfer request from BCDTL. Under the Act, once an asset transfer request has been made, the council is not allowed to dispose of the property to anyone except the asset transfer applicant, until the request has been dealt with. This does not apply however if, as in this case, the property was advertised for sale or lease before the request was made. In these cases, an asset transfer request can still be made, but it does not prevent negotiations or proceedings continuing with, or bids being made by, any other party.

A number of commercial bids to purchase were received at the closing date on 4 October 2022. These were for a variety of potential uses that are broadly in keeping with the adopted West Lothian Local Development Plan 2018 and the prices offered by the interested parties are considered by officers to represent market value.

There were no other expressions of interest from the community at the closing date.

D.4 SJCL's Validated Community Asset Transfer Request

D.4.1 Details of the proposal

Under BCDT's proposals, the former Bathgate Social Work Centre would be converted for use as a music, arts and wellbeing hub. The project would be delivered in partnership with two other third sector organisations, namely Reconnect SCIO and Trash Panda CIC and would provide rehearsal space, teaching rooms, studios and a wellbeing hub for local artists and the wider community.

BCDTL have not provided a business plan in support of their community asset transfer request. A two-year cashflow projection for the proposed project has been provided, a copy of which is included at Appendix 3. An index of all the supporting information provided by BCDTL is included at Appendix 4.

BCDTL's proposal is that they will lease the former Bathgate Social Work Centre from the council for a three-year period at a rental of £1 per annum, although the rent being offered is stated in the community asset transfer request as being "subject to negotiation". At the end of that three-year lease, ownership of the property would transfer to BCDTL. The community asset transfer request states that the price at which the property would transfer to BCDTL at the end of the three-year lease is "To Be Confirmed".

The community asset transfer request states that Reconnect SCIO has pledged £30,000 (if required) over the proposed three-year lease period towards any potential shortfalls whilst the project becomes established.

D.4.2 Representations

In accordance with statutory requirements, the receipt of this community asset transfer request has been advertised online and on site. There have been no representations received in respect of this community asset transfer request.

BCDTL have however provided letters of support for their proposals from Martyn Day MP (copy provided at Appendix 5) and from Fiona Hyslop MSP (copy provided at Appendix 6).

D.4.3 Market Value

The market value of the council's property interest has been assessed by the council's Property Services Manager as being in the region of £480,000 (four hundred and eighty thousand pounds sterling).

D.4.4 Legal Implications

BCDTL's community asset transfer request and their constitution were vetted by officers and confirmed as being valid in terms of Part 5 of the Community Empowerment (Scotland) Act 2015. The request was validated on 1 October 2022.

A title check has been carried out for this property. Any decision to approve this community asset transfer request would be subject to the existing title conditions affecting the property.

D.4.5 Community Asset Transfer Officer Board Evaluation

In accordance with the council's approved Community Asset Transfer Policy, BCDTL's asset transfer request was considered by the Community Asset Transfer Officer Board on 9 February 2023. The Board, comprising officers from a range of key service areas across the council, evaluated the request using a scorecard approach. A copy of the Board's completed scorecard is included at Appendix 7.

Section 82 of the Community Empowerment (Scotland) Act 2015 defines the criteria against which asset transfer requests must be evaluated and determined. Those criteria are set out in detail at Appendix 8 of this report. The Board's evaluation of BCDTL's asset transfer request was in accordance with those stated criteria.

The Board's findings can be summarised as follows.

The proposed project appears not to have progressed far beyond the initial conception stage, with no evidence of community engagement having taken place to establish need or demand for the project and no business plan or skills audit produced to demonstrate that the project is both financially viable and sustainable.

No information has been provided as to why this particular property has been chosen over any potential alternative locations or other delivery models. For example, given the involvement and stated support of Reconnect, use of the Regal Theatre in Bathgate (currently leased by the council to Reconnect) for this proposed project may provide an opportunity for mutual benefit and a pooling of resources.

The property is a two-storey building comprising 790m² of traditional cellular office accommodation. No information has been provided as to what works would be required to make the property fit for purpose as "state of the art rehearsal space, teaching rooms, studios and wellbeing hub" going forward, what the cost of those works would be or how the works would be funded.

It is unclear what BCDTL would bring to this project or what their role in it would be, with the limited information provided essentially relating to the services and activities that Trash Panda would deliver directly. Similarly, no information has been provided as to what the relationship would be between BCDTL and Reconnect / Trash Panda, nor how that relationship would be governed relative to the project and its day-to-day operations.

BCDTL are considered by officers to be a fledgling organisation with no identified prior experience of owning, occupying or managing business premises or undertaking the considerable practical, financial and statutory responsibilities that accompany it.

The application refers to ownership of the property transferring at the end of the proposed three-year lease, however it does not state how much BCDTL would pay to acquire the property at that time and no information is provided as to how that acquisition would be funded. The published accounts provided by BCDTL confirm they currently have no reserves, assets or resources that could be used to support an acquisition at market value.

The Board considered there to be a better alternative option for this property, that being the realisation of a significant capital receipt that represents full market value.

D.4.6 Alternative proposals for the asset

It is the responsibility of the council to consider BCDTL's Community Asset Transfer request in the context of possible alternative uses for the asset (including disposal on the open market where appropriate).

The council has no operational requirement for the property and it was formally declared surplus by Council Executive on 16 August 2022.

The property was subsequently advertised on the open market in accordance with the council's approved Surplus Property Procedure. At the closing date a number of commercial offers to purchase were received that broadly match the council's assessment of market value. Those offers remain open for acceptance by the council. .

No alternative community proposals have been presented for the property.

D.4.7 Recommendation

Committee is recommended to refuse the community asset transfer request submitted by BCDTL for the former Bathgate Social Work Centre, 69 Whitburn Road, Bathgate for the following reasons.

The Board considered that the application submitted by BCDTL does not contain the evidence that would be required to recommend that the application should be supported. The project appears not to have progressed far beyond the initial conception stage, with no evidence of community engagement having taken place to establish need or demand for the project and no business plan or skills audit produced to demonstrate that the project is both financially viable and sustainable. Further, no information has been provided as to why this particular property has been chosen over any potential alternative locations or alternative delivery models.

It is unclear what BCDTL would bring to this project or what their role in it would be, with the limited information provided essentially relating to the services and activities that Trash Panda would seek to deliver directly. Similarly, no information has been provided as to what the relationship would be between BCDTL and Reconnect / Trash Panda, nor how that relationship would be governed relative to this project and its day-to-day operations.

BCDTL are considered by officers to be a fledgling organisation with no identified prior experience of owning, occupying or managing business premises or undertaking the considerable practical, financial and statutory responsibilities that accompany it.

The application refers to ownership of the property transferring at the end of the proposed three-year lease, however it does not state how much BCDTL would pay for the property at that time and no information is provided as to how that acquisition would be funded. The published accounts provided by BCDTL confirm they currently have no reserves, assets or resources that could be used to support an acquisition at market value.

The Board considered there to be a better alternative option for this property, that being the realisation of a significant capital receipt that represents full market value. Capital receipts raised by the council from the sale of surplus land and property assets make a vital contribution towards the council's capital investment programme, enabling the council to sustain, maintain and, where possible, developed its operational assets to meet strategic outcomes and service delivery needs.

Having regard to the statutory factors, the encouragement of equal opportunities and the observance of the equal opportunity requirements, the Board considered there are reasonable grounds for refusing the asset transfer request.

A draft Decision Notice is provided at Appendix 9. Committee is recommended to approve the issuing of that Decision Notice in determination, on behalf of the council, of the community asset transfer request submitted by BCDTL for the former Bathgate Social Work Centre at 69 Whitburn Road, Bathgate.

E. CONCLUSION

Having taken cognisance of the statutory criteria for determining community asset transfer requests as set out in Section 82 of the Community Empowerment (Scotland) Act 2015, the asset transfer request submitted by BCDTL is not considered to represent the best available option for the use of this property. There are considered to be reasonable grounds for refusing that request.

F. BACKGROUND REFERENCES

Council Executive – 28 November 2017 – Community Empowerment (Scotland) Act 2015: Community Asset Transfer Policy and Governance Review

Council Executive – 16 August 2022 – Surplus Properties

Appendices/Attachments:

Appendix 1 – BCDTL's Community Asset Transfer Request

Appendix 2 - Location Plan

Appendix 3 – Hub cashflow projections

Appendix 4 – Index of supporting documentation provided by BCDTL

Appendix 5 – Letter of support from Martyn Day MP

Appendix 6 – Letter of Support from Fiona Hyslop MSP

Appendix 7 – Community Asset Transfer Officer Board Scorecard

Appendix 8 - Section 82 Criteria for determining asset transfer requests

Appendix 9 - Draft Decision Notice

Contact Person: Scott Hughes, Asset Manager, Finance and Property Services

Tel: (01506) 281825, E-mail: scott.hughes@westlothian.gov.uk

Donald Forrest, Head of Finance and Property Services

Date of meeting: 27 February 2023



COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

ASSET TRANSFER REQUEST FORM

IMPORTANT NOTES:

This is a standard asset transfer request form which can be used to make a request to West Lothian Council.

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

You should read West Lothian Council's Asset Transfer Policy: Guidance Note for Applicants before making a request.

You are strongly advised to contact West Lothian Council and discuss your proposals with us before making an asset transfer request.

When completed, this form must be sent to:

The Asset Manager
Property Management and Development
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

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

Bathgate Community Development Trust Ltd

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

Postal address:

43 Bruce Street

Bathgate

West Lothian

Postcode: EH48 2TJ

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: Donald Stavert

Postal address: 43 Bruce Street Bathgate West Lothian

Postcode: EH48 2TJ

Email:

Telephone:

x We agree that correspondence in relation to this asset transfer request may be sent by email to the email address given above. **x** = yes (*Please tick to indicate agreement*)

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	Bathgate Community Development Trust Ltd SC644723
	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:

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- 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?

Community Controlled Body (Private company limited by guarantee without share capital)
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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.

69 Whitburn Road
Bathgate
EH48 1HE

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:

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

x 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: TBC - after a 3 year lease period

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?

3 years then full asset transfer

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

Proposed rent: £1 per year (subject to negotiation)

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
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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.

Music, Arts & Wellbeing Hub

CREATE

Offering a space and opportunities for artists across West Lothian
to create something amazing

REHEARSE

Providing state of the art rehearsal spaces, teaching rooms,
studios and a wellbeing hub

BREATHE

Our safe space for anyone in our community offering free
one to one support and wellbeing groups.

This will be a partnership project with Reconnect SCIO and Trash Panda CIC.

Over recent years we have seen a surge of particularly young talent coming up through West Lothian. Artists such as Lewis Capaldi and The Snuts have been topping the charts but all while funding and investment to the arts has had to take a back bench to so many other essential services. But a creative outlet is such a key element to life and wellbeing. Where we understand local authorities are restricted in funding we look to step in and help fill the void.

We are looking to create a safe and well equipped rehearsal and creative space that is affordable and accessible to all. The building will facilitate a variety of rooms for bands, artists and other creative outlets to rent on a monthly or hourly basis.

At present we have a long list of bands, music teachers and individual musicians who are looking to reserve a room for monthly rent as well as a number of organisations looking for creative spaces to gather in.

Each room will offer the opportunity for either monthly or hourly rent. This will include rooms that are fully equipped to allow for new artists to have a safe space to come and start their journey into music.

This unique project is being undertaken by the CDT, Reconnect Charity and Trash Panda CIC with both the charity and social enterprise being organisations that put our community at the heart of what we do. The building allows for profits to be made through the arts and for this to then let us reinvest into our community. Profits made are put towards free services for the community to support a variety of needs.

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.

West Lothian will finally have a central, fully equipped and accessible arts and creative hub. As we and so many know including funders such as Creative Scotland - West Lothian is drastically under funded in the arts in comparison to other areas of similar populations in Scotland.

This building presents another opportunity to change that and Reconnect has already built strong links with Creative Scotland funders and been in receipt of funding for the last 18 months. This is the first time in The Regal's history it has been funded via Creative Scotland and we hope to extend that to include work and projects at the new Hub.

We are also bringing together the acts and artists to create a space that will be there not just for them but generations to come. Our focus is to keep these facilities affordable - which is particularly important in the current financial climate. As well as being safe; given it is a central, accessible and welcoming location. This means bands and artists do not need to go to industrial estates alone on dark nights and especially being aware of safety for young artists starting out or practising.

The power of creativity is life changing, this outlet can be how someone manages mental health struggles, it can be their social opportunity and it can also become a life changing career. We have a 'safe space' environment where teens and adults can access support from people who have been there both in the career path but also in struggles with mental health. Once the Hub is established we intend on running projects that combine skills and training in the arts but also in emotional and mental health stability .

Target Groups

Males - Ages 21 to 40

In Scotland, there has been a rise in suicides in males aged 15-24 and males still make up the majority of cases overall. With an audience of majority males engaging in the music, merchandise and content we produce, we have been able to get them to start engaging in the support side as well. Our male clients are having difficult and powerful conversations around their mental health and we have started to normalise opening up about how they feel.

Young Females - Ages 14 to 28

Another at risk group in Scotland is females under 25, here we are seeing suicide rates rise. We have been overwhelmed with the response from teenage females looking to talk about issues such as social media, self esteem and pressures on appearance. Moreover, we are also getting more females to work with us in the creative arts. Through interviews with female musicians, poets and venue managers have all become stepping stones into our plan to showcase potential paths for women in the arts. We are looking to develop and promote women in the arts.

Social Impact to Date

Trash Panda CIC

The social enterprise (community interest company) operates by reinvesting profits from touring with bands and event production into free services for the community which includes;

FREE One to One Support

We provide completely free one to one support to anyone in the community who needs this. We offer walk and talk sessions, calls/texts and in person catch ups. To date we have worked with over 150 clients since launching the service in Nov 2020.

Positive Steps Walking Challenge

We have now hosted three successful rounds of Positive Steps Walking Challenge, once in January and then again in June. A walking group challenge with prizes and a great WhatsApp group of support. Our challenge was also nominated for a Scottish Walking Award.

Where's Your Head At? Podcast

Join us for our mental health podcast series. where we have open and honest conversations around mental health with local artists. Helping to raise awareness and normalise peoples struggles and discussing solutions.

Reconnect Regal

Reconnect Regal are making big steps to improve and increase access to education in the arts in West Lothian. In addition to running a successful theatre they have also been operating their stage school with plans to greatly increase in scale.

In partnership with the West Lothian College and North Lanarkshire College they are intending to offer education and training in a variety of creative areas. This includes Music Technology and Film & Theatre Production. The development of this between the Reconnet, the College's and the Film Studio team at the Pyramids promises to provide multiple opportunities in learning and employment across West Lothian.

The music, film and live entertainment industry has more to offer than just jobs for artists and we hope that together with these partnerships with organisations we will be able to make West Lothian a key player in this developing industry.

Benefits Beyond the Hub

All the organisations involved will be able to evolve their social impact with any generated surplus being shared between the partner organisations. Providing extra funding for all the above mentioned services such as walking groups, 1-1 support, community education and community development plus so much more. BCDT, Reconnect SCIO and Trash Panda CIC are all Bathgate organisations with a passion for evolving the community and its assets.

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.

None that we are aware of.

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.

We understand that this is a prime bit of real estate for the council to sell and profit for the organisation. However, bringing say another supermarket or fast food restaurant to Bathgate doesn't seem to be what the people of West Lothian are demanding or needing. There is a clear void in the arts space and by helping us with this the council can be a huge part in assisting.

On our side, should we be successful in this bid our biggest worry is that the building would not be big enough to fill the demand. With such a large waitlist and strong

presence in the industry we know these spaces will be jumped at. Knowing this though, we are already looking for ways to adapt and expand should we need to meet the anticipated high demand.

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.

As mentioned this project unites two West Lothian organisations - Reconnect Charity and Trash Panda CIC. We are united in the passion for the arts and community but with this also brings a variety of experiences. Between our teams we have experience of performing, tour management, business development, back of house tech, mental health/disability support, event management, venue management and adapting to a changing business environment, to name a few.

Reconnect has proven itself in their ability to run and manage the Regal Theatre, such a key monument in West Lothians and its history. Their plans for the future are incredible and watching them develop the theatre over the years with classes, education and production levels has been incredible.

Trash Panda CIC are the company born out of the pandemic and despite of the restrictions on their capacity to deliver at this time they have gone on to produce European Tours with local artists, created a tour van element of the business and supported over 150 people in the community despite only having one part time support worker for the last two years.

In addition, both teams bring together a variety of connections and a huge number of people in the community who are looking to help develop this project. From lawyers to tradesmen, local councillors to business owners, artists both local and globally known - we are ready to create a space for the community that the community believes in.

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.

Trash Panda CIC have a large number of local artists who have voiced support in this project including Dictator, Wrest, Mark Sharp & the Bicycle Thieves, Megan Black, Silvi, Fraser McLean & Ciara Watt to name a few of a very long list. They also recently set up a Go Fund Me for wellbeing services and from the community and received £2,500 in less than 48 hours of posting.

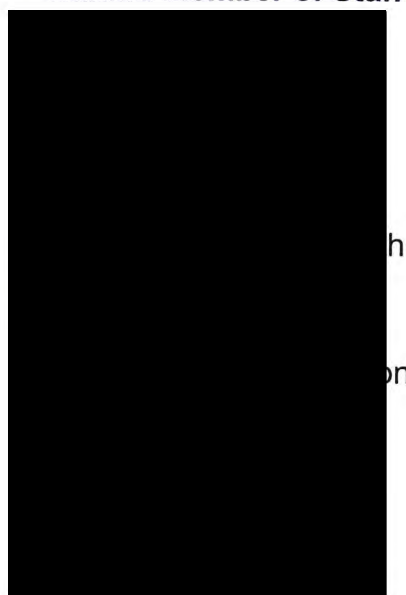
Reconnect also has a list (below) of local community organisations that pledge support to their plans for education and development. Many of these organisations use their existing space and could benefit from the spaces at the Hub.

The project is also supported by Bathgate Together, a new community organisation designed to bring 3rd sector organisations together for mutual benefit.

Company

Named Member of Staff

Napiers Bathgate CIC
 Trash Panda CIC
 Bathgate Churches Together
 Bathgate Academy
 Breich Community Association
 West Lothian College
 West Lothian Ward Councillor for Bathgate
 Gig Buddies West Lothian
 West Lothian Pride
 West Lothian Danceworld
 Middle Tones Music Group
 Bathgate FABB Club
 Proscenium Stage School
 Encounter Church Bathgate



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.

Reconnect has pledged £30,000 (if required), over the first 3 years to cover any shortfall while the project gets off its feet.

Trash Panda has a huge community network ready to help with the building alterations, which for the initial stages are relatively minor and money set aside for the first stage of this.

The CDT, Reconnect and Trash Panda will also look at project specific funding as well as pledging the time of its members and staff to help develop the project and its funding requirements.

The three year lease is to allow us to get the project up and running, understand the utility costs once the building has been modified as these will differ from the current output and develop a business plan to allow us to have a sustainable facility that becomes a beacon of musical and creative excellence for generations to come.

The business plan shows that the new hub will be more than self-sufficient and in fact generate revenue for community reinvestment.

Section 7: Other supporting documentation

To enable the council to fully consider your application, the following supporting documentation must be submitted as part of your application:

- A copy of your organisation's constitution;
- A business plan (that is proportionate to the nature of the asset transfer request);
- Audited accounts (or a financial projection where the applicant has been operating for less than one year).
- Annual reports (where these are available)

Applicants are advised to refer to the council's Community Asset Transfer Policy Guidance Note for Applicants for further details of what information should be included in these supporting documents. (*insert link here to Guidance Notes*)

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 Ronald McLeod

Address 11 Inch Crescent Bathgate West Lothian EH48 1EU

Date 30th September 2022

Position Chair

Signature



Name	Donald Stavert
Address	43 Bruce Street Bathgate West Lothian EH48 2TJ
Date	30th September 2022
Position	Secretary
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

<p>Title of document attached:</p> <p>ARTICLES of ASSOCIATION of BATHGATE COMMUNITY DEVELOPMENT TRUST Ltd</p> <p>CERTIFICATE OF INCORPORATION OF A PRIVATE LIMITED COMPANY</p>
--

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

<p>Former Social Services Building and associated car parking at 69 Whitburn Road Bathgate EH48 1HE</p>

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

<p>Documents attached:</p>

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

<p>Documents attached:</p>

Section 5 – evidence of community support

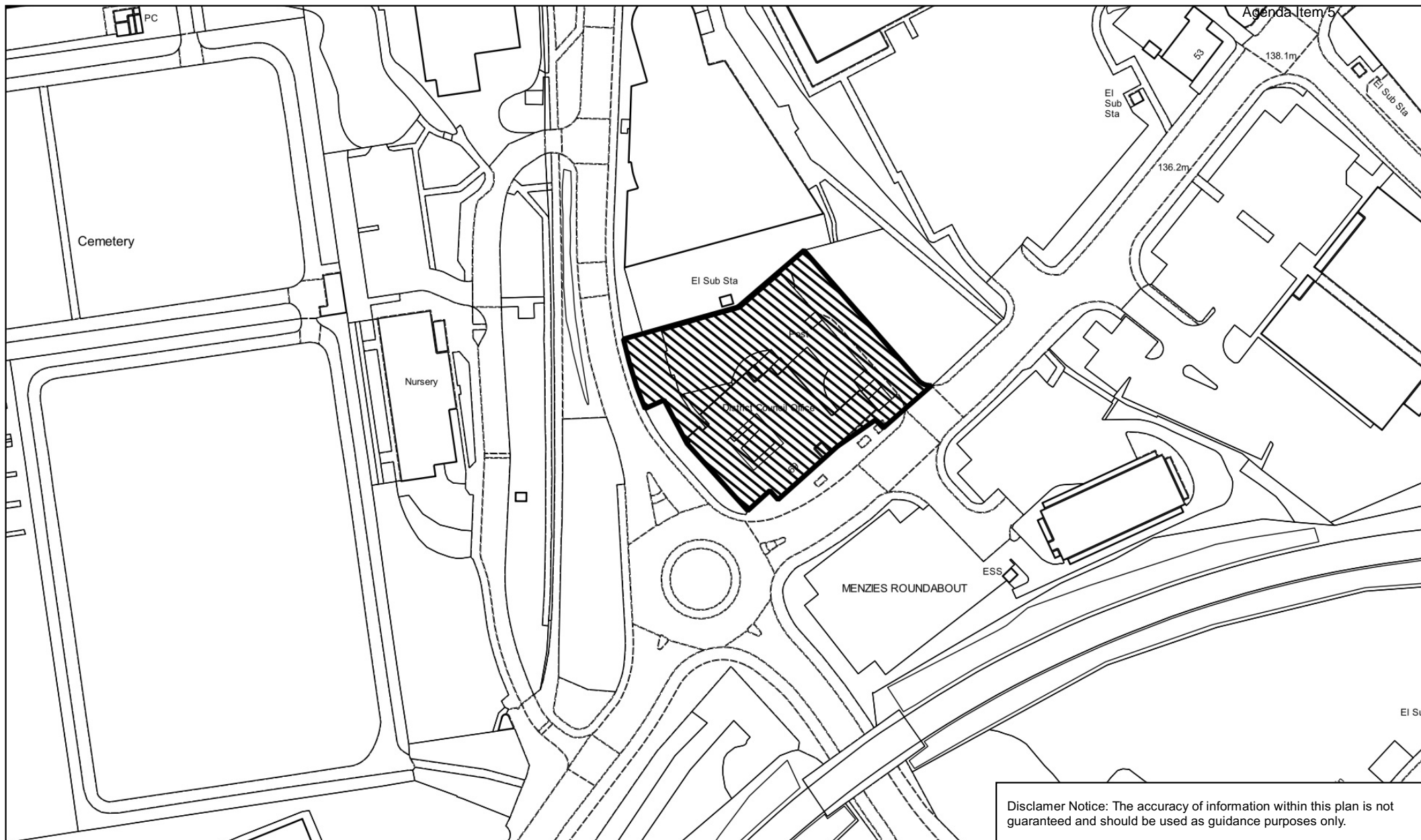
Documents attached: List of supporters

Section 6 – funding

Documents attached: Reconnects audited accounts/ business plan

Section 7 – supporting documentation

Documents attached:



	Appendix 2 - Location Plan Former Bathgate Social Centre	Not to Scale	A4	
Property Management, West Lothian Civic Centre, Livingston, EH54 6FF	8/2/2023	Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2023		

APPENDIX 3 - Projected Cash-flow**Cash-Flow**

	Year 2023														
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan					
Income															
Monthly room hire	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 1,250
hourly room hire	£ 1,000	£ 2,000	£ 3,000	£ 3,900	£ 3,900	£ 3,900	£ 3,900	£ 3,900	£ 3,900	£ 3,900	£ 3,900	£ 3,900	£ 3,900	£ 3,900	£ 3,900
grant income	£ 10,000								£ 10,000						
Venue revenue	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000
Classes fees	£ 400	£ 400	£ 400	£ 400	£ 400	£ 400	£ 400	£ 600	£ 600	£ 600	£ 600	£ 600	£ 600	£ 600	£ 600
	£ -	£ -	£ -	£ -	£ -										
	£ -	£ -	£ -	£ -	£ -										
	£ 13,650	£ 4,650	£ 5,650	£ 6,550	£ 6,550	£ 6,550	£ 16,750	£ 6,750	£ 6,750	£ 6,750	£ 6,750	£ 6,750	£ 6,750	£ 6,750	£ 6,750
Expenditure															
staff costs	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000	£ 3,000
Building Maintenance/contracts	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000
Insurance	£ 137	£ 137	£ 137	£ 137	£ 137	£ 137	£ 137	£ 137	£ 137	£ 137	£ 137	£ 137	£ 137	£ 137	£ 137
Heat & Light	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500	£ 2,500
Telephone/ Internet	£ 112	£ 112	£ 112	£ 112	£ 112	£ 112	£ 112	£ 112	£ 112	£ 112	£ 112	£ 112	£ 112	£ 112	£ 112
Office costs	£ 50	£ 50	£ 50	£ 50	£ 50	£ 50	£ 50	£ 50	£ 50	£ 50	£ 50	£ 50	£ 50	£ 50	£ 50
Accounting & Legal Fees	£ 39	£ 39	£ 39	£ 39	£ 39	£ 39	£ 39	£ 39	£ 39	£ 39	£ 39	£ 39	£ 39	£ 39	£ 39
consumables	£ 100	£ 100	£ 100	£ 100	£ 100	£ 100	£ 100	£ 200	£ 200	£ 200	£ 200	£ 200	£ 200	£ 200	£ 200
	£ 6,938	£ 6,938	£ 6,938	£ 6,938	£ 6,938	£ 6,938	£ 6,938	£ 7,038	£ 7,038	£ 7,038	£ 7,038	£ 7,038	£ 7,038	£ 7,038	£ 7,038
Opening Balance	£ 10,000	£ 16,712	£ 14,424	£ 13,136	£ 12,748	£ 12,360	£ 11,972	£ 21,784	£ 21,496	£ 21,208	£ 21,208	£ 21,208	£ 21,208	£ 21,208	£ 21,208
Total Income	£ 13,650	£ 4,650	£ 5,650	£ 6,550	£ 6,550	£ 6,550	£ 16,750	£ 6,750	£ 6,750	£ 6,750	£ 6,750	£ 6,750	£ 6,750	£ 6,750	£ 6,750
Total Expenditure	£ 6,938	£ 6,938	£ 6,938	£ 6,938	£ 6,938	£ 6,938	£ 6,938	£ 7,038	£ 7,038	£ 7,038	£ 7,038	£ 7,038	£ 7,038	£ 7,038	£ 7,038
Closing Balance	£ 16,712	£ 14,424	£ 13,136	£ 12,748	£ 12,360	£ 11,972	£ 21,784	£ 21,496	£ 21,208	£ 20,920					
Surplus	£ 6,712	-£ 2,288	-£ 1,288	-£ 388	-£ 388	-£ 388	£ 9,812	-£ 288	-£ 288	-£ 288	-£ 288	-£ 288	-£ 288	-£ 288	-£ 288

Feb	March	Total	Notes/ Assumptions

£	1,250	£	1,250	£	15,000	Monthly room hire
£	3,900	£	3,900	£	41,100	hourly room hire
				£	20,000	grand income
£	1,000	£	1,000	£	12,000	Venue revenue
£	600	£	600	£	6,000	Classes fees
				£	-	
				£	-	

£	6,750	£	6,750	£	94,100
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£	3,000	£	3,000	£	36,000	staff costs
£	1,000	£	1,000	£	12,000	Building Maintenance
£	137	£	137	£	1,644	Insurance
£	2,500	£	2,500	£	30,000	Heat & Light
£	112	£	112	£	1,344	Telephone/ Internet
£	50	£	50	£	600	Office costs
£	39	£	39	£	468	Accounting & Legal Fees
£	200	£	200	£	1,700	consumables

£	7,038	£	83,756
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£	20,920	£	20,632		
£	6,750	£	6,750	£	94,100
£	7,038	£	7,038	£	83,756
£	20,632	£	20,344		

-£	288	-£	288	£	10,344
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Data Label: Public

Appendix 4: Index of supporting documentation provided by Bathgate Community Development Trust Limited (BCDTL)

No.	Document
1.	BCDTL signed accounts – October 2020
2.	BCDTL Certificate of Incorporation
3.	BCDTL Memorandum and Articles of Association
4.	Reconnect SCIO Accounts 2020/21
5.	Reconnect SCIO Accounts 2019/20
6.	Hub Cashflow Projections
7.	List of supporters (Regal Theatre Regeneration Plans)



HOUSE OF COMMONS

LONDON SW1A 0AA

Our Ref: MD32074

Date: 24 January 2023

To whom it may concern

I write in support of the Asset Transfer Request made by Bathgate Community Development Trust Ltd for the property at 69 Whitburn Road, Bathgate, EH48 1HE. I understand that the proposal is for the building to be used as a Music, Arts and Wellbeing Hub, in a partnership project with two other Bathgate-based organisations, Reconnect SCIO and Trash Panda CIC.

I understand that the intention of the project is to create a safe, affordable and accessible rehearsal and creative space comprising of well-equipped rooms which bands, artists and other creative outlets may rent on a monthly or hourly basis. The organisations leading this project have identified a need in the community for this sort of facility, and have advised me that they currently have a long list of musicians and music teachers seeking to reserve a room, as well as a number of organisations who are looking for creative spaces to gather in. I also note that this proposal has been met with support from a range of local groups and organisations.

The organisations leading this project have further stated that they intend for this building to be profitable, and that those profits will be reinvested into free services to support a variety of needs in the community.

I understand that the realisation of this project will result in a central, affordable and accessible arts and creative hub to serve not just Bathgate but all of West Lothian. I further understand that once the Hub is established, the intention is for there to be opportunities for service users to combine training

Martyn Day M.P.

Linlithgow and East Falkirk Constituency (SNP)

a: House of Commons, London, SW1A 0AA | t: 0207 219 5930 | e: martyn.day.mp@parliament.uk

facebook.com/MartynDaySNP | www.martynday.scot | twitter: @MartynDaySNP

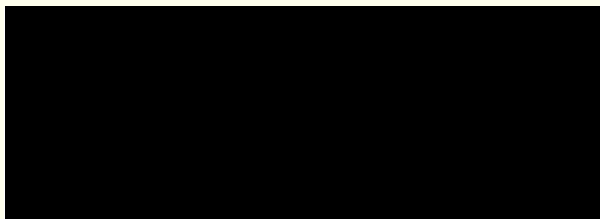


in the arts with support for emotional and mental health. I note that the organisations involved have identified two target groups for the services they intend to provide: males aged 21 to 40, and females aged 14 to 28.

Having considered the proposal, I believe that the organisations involved have identified a clear demand for an arts and wellbeing facility to serve Bathgate and the wider local area. I therefore give this request my full support.

With best wishes

Yours sincerely,



Martyn Day MP

Linlithgow & East Falkirk Constituency (SNP)
a: 62 Hopetoun Street | Bathgate | EH48 4PD
t: 01506 654415 | e: martyn.day.mp@parliament.uk

You can view the privacy policy for the office of Martyn Day MP by visiting <http://www.martynday.scot/privacy-policy.html>

Enc.

**Appendix 6 – Letter of Support from
Fiona Hyslop MSP**



The Scottish Parliament
Pàrlamaid na h-Alba

Graham Hope
Chief Executive
West Lothian Council
Civic Centre
Howden South Road
Livingston
EH54 6FF

27/01/2023

Sent via email to: Graham.Hope@westlothian.gov.uk

Dear Graham,

Community Asset Transfer - 69 Whitburn Road, Bathgate, EH48 1HE.

I am writing to support the Community Asset Transfer Application by Bathgate Community Development Trust Ltd. for the property at 69 Whitburn Road Bathgate EH48 1HE, the former site for Bathgate Social Work Centre. I understand that the Community Development Trust are making the application for Reconnect SCIO and Trash Panda CIC who will operate the venue.

The project seeks to create a music, arts, and wellbeing hub, which would offer state of the art rehearsal spaces, teaching rooms, studios and a wellbeing hub, as well as a safe space for wellbeing groups to provide community support services.

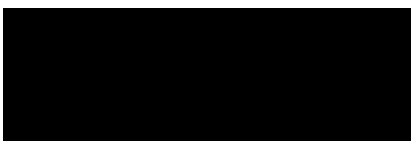
This will bring together two West Lothian based organisations – Reconnect SCIO and Trash Panda CIC. Reconnect currently run and manage the Regal Theatre in Bathgate and their commitment and ambition is already evident since taking responsibility for the historically significant Theatre, and I support them in their plans for the future.

This is a unique opportunity for West Lothian to be ambitious and trust in the skills and experience at our disposal to create something meaningful for our local community which will have a lasting effect.

I believe this project would provide significant benefit to the residents of Bathgate and the wider West Lothian Community and I would be grateful if this application could be given full consideration with particular emphasis on the community benefit.

I look forward to your reply.

Your sincerely,



Fiona Hyslop MSP

Fiona Hyslop MSP

Member of Scottish Parliament for the Linlithgow Constituency

Constituency Office, 59 West Main St., Whitburn, West Lothian, EH47 0QD | 01501 749941

Appendix 7: Community Asset Transfer Officer Board Scorecard

Data Label: Public

COMMUNITY ASSET TRANSFER OFFICER BOARD
COMMUNITY ASSET TRANSFER REQUEST SCORECARD

Date of Board meeting: 9 February 2023

Community Transfer Body: Bathgate Community Development Trust Limited (BCDTL)

Subject Property: Former Bathgate Social Work Centre, 69 Whitburn Road, Bathgate, EH48 1HE

Table 1a: Statutory Criteria for Determining Community Asset Transfer Requests	
Community Empowerment (Scotland) Act 2015: Section 82 Criteria for determining an asset transfer request In reaching its decision, the council must take into consideration the following matters:	Board Comments
(a) the reasons for the request	The Board has taken cognisance of the reasons for BCDTL's community asset transfer request as detailed in their application. The Board has also fully considered the outcomes that would be delivered as a result of this project being successfully delivered.
(b) any other information provided in support of the request (whether such other information is contained in the request or otherwise provided)	The supporting information provided by BCDTL has been fully considered as part of the Board's deliberations.

(c) whether agreeing to the request would be likely to promote or improve:	The Board has considered each of these criteria in turn and, at Table 1a below, BCDTL's application has been allocated a score relative to how likely the request would be to promote or improve that particular criteria.
(i) economic development	
(ii) regeneration	
(iii) public health	
(iv) social wellbeing	
(v) environmental wellbeing	
(d) whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage	The Board has considered this criterion and, at Table 1a below, BCDTL's application has been allocated a score relative to how likely the request would be to reduce inequalities of outcome which result from socio-economic disadvantage.
(e) any other benefits that might arise if the request were agreed to	The Board has considered this criterion and, at Table 1a below, BCDTL's application has been allocated a score relative to any other benefits that might arise if the request were agreed to.
(f) any benefits that might arise if the authority were to agree to or otherwise adopt an alternative proposal in respect of the land to which the request relates	The Board has considered alternative proposals in respect of the subjects and has taken these into account as a key element of its deliberations.

(g) how such benefits would compare to any benefits such as are mentioned in paragraphs (c) and (e)	The Board has fully considered the advantages and disadvantages of alternative proposals and compared these against BCDTL's proposal.
(h) how any benefits such as are mentioned in paragraph (f) relate to other matters the authority considers relevant (including, in particular, the functions and purposes of the authority)	The Board has considered how the advantages or disadvantages of alternative proposals would relate to and impact upon other relevant matters, in particular the functions and stated aims of the council.
(i) any obligations imposed on the authority, by or under any enactment or otherwise, that may prevent, restrict or otherwise affect its ability to agree to the request.	The Board has considered any existing obligations that may prevent, restrict or otherwise affect its ability to agree to this request.
(j) such other matters (whether or not included in or arising out of the request) as the authority considers relevant.	The Board, as part of its deliberations, has considered all matters deemed relevant to BCDTL's proposal.
(k) The council must determine the application in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.	The Board acknowledges and understands this requirement.
(l) In subsection (f), an "alternative proposal" includes: (i) another asset transfer request (ii) a proposal made by the authority or any other person	The Board understands the meaning of an "alternative proposal" and has accounted for this in its deliberations.

(m) The authority must agree to the request unless there are reasonable grounds for refusing it.	The Board acknowledges and understands this requirement.
--	--

Table 1b: Scoring against Statutory Outcomes		
Statutory Outcome	Is the proposal likely to promote or improve the outcome? (Yes / No)	On a scale of 0 – 10, score the impact the proposal will have on that outcome (0 = lowest, 10 = highest)
Economic Development	No	1
Regeneration	No	1
Public Health	Yes	3
Social Wellbeing	Yes	3
Environmental Wellbeing	No	0
Reduce inequalities which result from socio-economic disadvantage	No	1
Other positive outcomes	No	1
TOTAL SCORE (from a maximum of 70 points):		10/70

Table 1c: Statutory Outcomes Scoring Evaluation	
Outcome Delivery	Overview
Very strong (a score of 60 or above)	The project will deliver a wide range of positive outcomes and in doing so will significantly benefit the community. Those outcomes are consistent with the evaluation criteria as set out in Section 82 of the Community Empowerment (Scotland) Act 2015 and compliment the council's own stated aims and objectives.
Strong (a score of 50 to 59)	The project will deliver positive outcomes across a range of areas and will demonstrably benefit the community.
Moderate (a score of 40 to 49)	The project will deliver some positive outcomes and the community will benefit from those outcomes, however the project is limited in its range.
Weak (a score of 30 to 39)	The application provides little evidence that the community will materially benefit from the proposed project, with only very limited positive outcomes being adequately demonstrated.
Poor (a score of 29 or less)	The application fails to provide evidence that the community will materially benefit from the proposed project.

Table 2a: Community Transfer Body and Project Evaluation					
Theme	Summary	Information Required	Has evidence been provided? (Y/N)	Summarise that evidence	Evidence-based score Lowest = 0 Highest = 10
1. Vision and Leadership	An organisation will have in place a clear vision and plan for what it will do to contribute to the delivery of improved local and/or national outcomes. This may be linked to one or more local or national priorities.	A clear plan for achieving the intended outcomes, showing links to local or national priorities. Members will show they have the relevant skills and experience to deliver the intended objectives.	No	<p>The application provides no evidence in this area, with no references to identified local or national priorities.</p> <p>The application provides no evidence of having the relevant skills and experience to deliver the intended objectives.</p>	0

2. Effective Partnerships	An organisation will show how it, and its partnerships, provides a collaborative approach to the challenges that communities face.	The detail of any partnerships in place to help ensure successful delivery of the intended benefits. Community support is vital and can be shown through a variety of metrics such as surveys, consultations or ballots.	Yes	<p>Whilst the application does reference working in partnership with Reconnect and Trash Panda, detail is scarce and it is not clear what role BCDTL would play or what they would contribute to the project.</p> <p>The application provides no evidence of community engagement.</p>	3
3. Governance and Accountability	An organisation will demonstrate structures, policies and leadership behaviours that support the application of good standards of governance and accountability.	An outline to illustrate that the appropriate structures and policies are in place to help ensure success in the longer-term.	No	Whilst a copy of BCDTL's existing constitution was provided, no information was provided to explain the proposed governance / operating arrangements or structures for this project nor the role of Reconnect / Trash Panda in this regard.	2
4. Use of Resources	An organisation will show how its effective management of all resources (including staff, assets, and information) is contributing to the delivery of specific outcomes, highlighted in the national outcomes.	Explain how the body's current and future resources will be used as part of a medium to long term plan (5-10 years). This could include the numbers of employees or volunteers and the maintenance of any asset. This could also include the funding requirements of the group and the sources of funding already in place.	No	<p>No business plan was provided as part of this application and information relating to current and future resources is lacking.</p> <p>The cashflow projections provided are unsubstantiated.</p>	1

5. Performance Management	An organisation will ensure that robust arrangements are in place to monitor the achievement of its desired outcomes as well as any reporting arrangements.	Outline the way in which a community transfer body will be able to monitor the achievement of its objectives, whether that be recording volunteers time or the amount of benefit achieved as part of the overarching vision. To demonstrate openness and transparency it will be important to report performance to the community.	No	The application makes no reference to performance management. It does not say how outcomes will be measured or what targets will be set. There is no reference to reporting performance to the community.	2
6. Sustainability	An organisation will demonstrate an effective use of resources in the short-term and an informed prioritisation of the use of resources in the longer-term in order to contribute to sustainable development. The goal of Sustainable Development is to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.	<p>There are five broad principles of sustainability:</p> <ul style="list-style-type: none"> • promoting good governance; • living within environmental limits; • achieving a sustainable economy; • ensuring a stronger healthier society; and • using sound science responsibly. <p>A community transfer body could demonstrate how its future funding or self-financing arrangements are to be achieved. Any proposal could also include any positive impact on the natural environment.</p>	No	The application makes no reference to sustainability and little evidence is provided in terms of resources.	2

7. Equality	An organisation will demonstrate that consideration of equality issues is embedded in its vision and strategic direction and throughout all of its work.	The transfer body should establish that the different groups within the community have had their different needs taken into account. Request should include where a proposal may be reducing inequalities of outcome from socio-economic disadvantage.	No	The application makes no reference to equality and there is no evidence of engaging with the community to identify its different needs.	1
8. Alignment with council objectives	The organisation will demonstrate what its proposed outcomes are and how these align with the council's own stated priorities.	The community transfer body will identify each of the outcomes it aims to deliver from the project and will demonstrate how these outcomes align with the councils stated priorities (referencing such documents as the Corporate Plan, Single Outcome Agreement, Local Outcome Improvement Plans, management plans and corporate strategies).	No	The application makes no reference to stated council objectives and does not explain how the project's anticipated outcomes would align with these.	2
TOTAL SCORE (out of a possible maximum of 80):					13/80

Table 2b: Community Transfer Body and Project Scoring Outcome	
Evidence	Overview
Very strong (a score of 70 or above)	Governance and financial arrangements are strong and sustainable. Best Value characteristics are evidenced and contained throughout the overall approach. Related projected benefits are very robust and demonstrate value for money: suitability, effectiveness, prudence, quality, value and the avoidance of error and other waste.
Strong (a score of 60 to 69)	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.
Moderate (a score of 50 to 59)	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.
Weak (a score of 40 to 49)	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.
Poor (a score of 39 or less)	Governance and financial arrangements are poor. 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.

Table 3: Statutory Criteria for Determination: Outcome	
Having taken cognisance of the statutory assessment criteria, does the Board consider that the proposal presented by the applicant represents the best available option for the use of this asset? (Yes / No).	No
If No, provide details here of the better alternative option: <p>This application was submitted whilst the subjects were actively being marketed for disposal by the council. A number of significant commercial offers were subsequently received at the closing date which the council's property professionals consider represent full market value. The application by BCDTL is considered to be very weak and as such the realisation of a significant capital receipt is considered to be the best alternative option.</p>	
Does the Board consider there to be reasonable grounds for refusing this community asset transfer request? (Yes / No)	Yes

If Yes, provide details here of the grounds for refusal:

The Board considers the application submitted by BCDTL to be very weak. The project appears not to have progressed far beyond the initial conception stage, with no evidence of community engagement having taken place to establish need / demand for the project and no business plan or skills audit produced to demonstrate that the project is both financially viable and sustainable. Further, no information has been provided as to why this particular property has been chosen over any potential alternative locations or alternative delivery models.

It is unclear what the applicant (BCDTL) themselves would bring to this project or what their role in it would be, with the limited information provided essentially relating to the services and activities that Trash Panda would seek to deliver directly. Similarly, no information has been provided as to what the relationship would be between BCDTL and Reconnect / Trash Panda, nor how that relationship would be governed relative to this project and its day-to-day operations.

BCDTL are a fledgling organisation with no identified prior experience of owning, occupying or managing business premises or undertaking the considerable practical, financial and statutory responsibilities that accompany it.

The application makes reference to ownership of the property transferring at the end of the proposed two-year lease, however it does not state how much BCDTL would pay for the property at that time and no information is provided as to how that purchase would be funded. The published accounts provided by BCDTL confirm they currently have no reserves, assets or resources that could be used to support an acquisition at market value.

The Board considers there to be a better alternative option for this property, that being the realisation of a significant capital receipt that represents full market value.

Commentary

The Board considers the application submitted by BCDTL to be very weak. The project appears not to have progressed far beyond the initial conception stage, with no evidence of community engagement having taken place to establish need / demand for the project and no business plan or skills audit produced to demonstrate that the project is both financially viable and sustainable.

Further, no information has been provided as to why this particular property has been chosen over any potential alternative locations or other delivery models. For example, given the involvement and stated support of Reconnect, use of the Regal Theatre in Bathgate (currently leased by the council to Reconnect) for this proposed project would appear to provide an opportunity for mutual benefit and a pooling of resources.

The property is a two-storey building comprising 790m² of traditional cellular office accommodation. Very little information has been provided as to what works would be required to make the property fit for purpose going forward, what the detailed cost of those works would be or how they would be funded.

It is unclear what the applicant (BCDTL) themselves would bring to this project or what their role in it would be, with the limited information provided essentially relating to the services and activities that Trash Panda would seek to deliver directly. Similarly, no information has been provided as to what the relationship would be between BCDTL and Reconnect / Trash Panda, nor how that relationship would be governed relative to this project and its day-to-day operations.

BCDTL are a fledgling organisation with no identified prior experience of owning, occupying or managing business premises or undertaking the considerable practical, financial and statutory responsibilities that accompany it.

The application makes reference to ownership of the property transferring at the end of the proposed two-year lease, however it does not state how much BCDTL would pay for the property at that time and no information is provided as to how that purchase would be funded. The published accounts provided by BCDTL confirm they currently have no reserves, assets or resources that could be used to support an acquisition at market value.

The Board considers there to be a better alternative option for this property, that being the realisation of a significant capital receipt that represents full market value.

Conclusion and Recommendations

Having taken cognisance of the statutory criteria for determining community asset transfer requests as set out in Section 82 of the Community Empowerment (Scotland) Act 2015, the Board considers that there are reasonable grounds for refusing the community asset transfer request.

The Board's recommendation to the Asset Transfer Committee is that the community asset transfer request submitted by SJCL should be refused for the reasons stated in Table 3 above.

(END)

Appendix 8

Community Empowerment (Scotland) Act 2015: Section 82

Criteria for determining an asset transfer request

Section 82 of the Community Empowerment (Scotland) Act 2015 sets out the criteria for determining asset transfer request made by a community transfer body to a relevant authority.

The authority must decide whether to agree to or refuse the request.

In reaching its decision, the authority must take into consideration the following matters:

- (a) The reasons for the request,
 - (b) Any other information provided in support of the request (whether such other information is contained in the request or otherwise provided),
 - (c) Whether agreeing to the request would be likely to promote or improve -
 - (i) Economic development,
 - (ii) Regeneration,
 - (iii) Public health,
 - (iv) Social wellbeing, or
 - (v) Environmental wellbeing,
 - (d) Whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage,
 - (e) Any other benefits that might arise if the request were agreed to,
 - (f) Any benefits that might arise if the authority were to agree to or otherwise adopt an alternative proposal in respect of the land to which the request relates,
 - (g) How such benefits would compare to any benefits such as are mentioned in paragraphs(c)and (e),
 - (h) How any benefits such as are mentioned in paragraph (f) relate to other matters the authority considers relevant (including, in particular, the functions and purposes of the authority),
 - (i) Any obligations imposed on the authority, by or under any enactment or otherwise, that may prevent, restrict or otherwise affect its ability to agree to the request, and
 - (j) Such other matters (whether or not included in or arising out of the request) as the authority considers relevant.
- 4) The authority must exercise the function under subsection (2) in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- 5) The authority must agree to the request unless there are reasonable grounds for refusing it.
- 6) In subsection (3)(f), an “alternative proposal” includes:
- (a) Another asset transfer request,
 - (b) A proposal made by the authority or any other person.

APPENDIX 9: DRAFT DECISION NOTICE

Data Label: Public

ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT

To: Bathgate Community Development Trust Limited
43 Bruce Street
Bathgate
West Lothian
EH48 2TJ

[*Date]

This Decision Notice relates to the asset transfer request made by Bathgate Community Development Trust Limited (BCDTL) on 1 October 2022 in relation to the former Bathgate Social Work Centre at 69 Whitburn Road, Bathgate.

West Lothian Council has decided to refuse the request.

The reasons for this decision are as follows:

The project appears not to have progressed far beyond the initial conception stage, with no evidence of community engagement having taken place to establish need or demand for the project and no business plan or skills audit produced to demonstrate that the project is both financially viable and sustainable. Further, no information has been provided as to why this particular property has been chosen over any potential alternative locations or alternative delivery models.

It is unclear what BCDTL would bring to this project or what their role in it would be, with the limited information provided essentially relating to the services and activities that Trash Panda would seek to deliver directly. Similarly, no information has been provided as to what the relationship would be between BCDTL and Reconnect / Trash Panda, nor how that relationship would be governed relative to this project and its day-to-day operations.

BCDTL are considered by officers to be a fledgling organisation with no identified prior experience of owning, occupying or managing business premises or undertaking the considerable practical, financial and statutory responsibilities that accompany it.

The community asset transfer request refers to ownership of the property transferring at the end of the proposed three-year lease, however it does not state how much BCDTL would pay for the property at that time and no information is provided as to how that acquisition would be funded. The published accounts provided by BCDTL confirm they currently have no reserves, assets or resources that could be used to support an acquisition at market value.

The property has been openly marketed and a number of significant commercial offers were received at the closing date that officers consider reflect full market value. The council therefore considers there to be a better alternative option for this property, that being the realisation of a significant capital receipt that represents full market value. Capital receipts raised by the council from the sale of surplus land and property assets make a vital contribution towards the council's capital investment programme, enabling the council to sustain, maintain and, where possible, developed its operational assets to meet strategic outcomes and service delivery needs.

Having regard to the statutory factors, the encouragement of equal opportunities and the observance of the equal opportunity requirements, the Board considered there are reasonable grounds for refusing the asset transfer request.

Right to review

You have a right to apply to West Lothian Council to review this decision.

Any application for review must be made in writing to committeeservices@westlothian.gov.uk by [*date], which is 20 working days from the date of this notice.

Guidance on making an application for review is available at:

[https://www.westlothian.gov.uk/media/18378/Community-Asset-Transfer-Policy-Guidance-Notes-for-Applicants/pdf/Community Asset Transfer Policy Guidance Notes for Applicants.pdf?m=636487586254470000](https://www.westlothian.gov.uk/media/18378/Community-Asset-Transfer-Policy-Guidance-Notes-for-Applicants/pdf/Community_Asset_Transfer_Policy_Guidance_Notes_for_Applicants.pdf?m=636487586254470000)

or by contacting committeeservices@westlothian.gov.uk