

DATE: 10 June 2019

Your Ref:

Our Ref: LSE18091C/MC

**SENT BY FIRST CLASS RECORDED
DELIVERY**

FAO

Gorebridge Community Cares

Legal Services Department
Police Scotland, Clyde Gateway
2 French Street
Dalmarnock
Glasgow
G40 4EH
DX512100

Dear

**ASSET TRANSFER REQUEST – DECISION NOTICE
GOREBRIDGE COMMUNITY CARES
THE FORMER GOREBRIDGE POLICE STATION, 35 HUNTERFIELD
ROAD, GOREBRIDGE, EH23 4TP**

This Decision Notice relates to the asset transfer request made by **Gorebridge Community Cares** (“the Community Transfer Body”) in respect of **the Former Gorebridge Police Station, 35 Hunterfield Road, Gorebridge, EH23 4TP** (“the Property”) (the asset transfer request having been validated on 3 July 2018).

I write to confirm that the Scottish Police Authority has decided to **agree** to the request.

The request was evaluated by Police Scotland’s Estates, Legal and Portfolio Assurance Departments and feedback on the proposals outlined by the Community Transfer Body was given by the Local Division. Approval was thereafter sought from the Scottish Police Authority to approve the asset transfer request. Such approval was granted on 6 June 2019.

The reasons for the decision are as follows:-

1. The Community Transfer Body has clearly identified the needs of the local community and has carried out extensive research to establish how they can best serve the community of Gorebridge.

2. It is considered that the proposal would be likely to promote or improve public health, social wellbeing and environmental wellbeing by bringing a vacant former Police Station back into use for the purpose of community initiatives designed to tackle mental health issues, social isolation, poor health and low educational achievement affecting the Gorebridge community.
3. It is considered that agreeing to the request will enable the Community Transfer Body to provide services to the local community which will reduce inequalities of outcome which result from socio-economic disadvantage experienced by some members of the local community.
4. The community benefit to be received in addition to a capital receipt of £162,000 for the property is considered to represent best value to the Scottish Police Authority for the asset.
5. Transferring the Property to the Community Transfer Body will have the potential to strengthen links between Police Scotland and local partners.
6. There being no reasonable grounds for refusal of the request, the request ought to be approved.

The Scottish Police Authority is prepared to transfer ownership of the Property to the Community Transfer Body but that subject to the following terms and conditions:-

- (i) The sale price shall be ONE HUNDRED AND SIXTY TWO THOUSAND POUNDS (£162,000) STERLING (excluding VAT, if any).
- (ii) The Property shall be used solely for community use by the Community Transfer Body, as outlined in their constitution and in accordance with the proposals contained in the Community Asset Transfer Request made by the Community Transfer Body. Any change in use will require the prior written consent of the Scottish Police Authority which shall not be unreasonably withheld where the proposed use is consistent with the aims of the Community Transfer Body's constitution.
- (iii) The transfer will be conditional on:
 - (a) satisfactory confirmation that offers of grant/funding for delivery of the project are in place at the date of transfer to the Community Transfer Body;
 - (b) the Community Transfer Body confirming that they are satisfied with the terms of the titles to the Property / confirming that any title issues have been resolved to the Community Transfer Body's satisfaction (both parties acting reasonably);
 - (c) any consents including planning and other statutory consents and permissions required to deliver the project being in place at the date of transfer;
 - (d) Scottish Police Authority obtaining the approval of the Scottish Government to the sale of the property at a price below market value (in accordance with the Authority's obligations set out in the Scottish Public Finance Manual).

If you wish to proceed, you must submit an offer to Scottish Police Authority to acquire ownership of the Property no later than **11 December 2019**. The offer must reflect the terms and conditions stated herein and may include other reasonable terms and conditions as may be necessary or expedient to secure the transfer within a reasonable period of time.

The offer must be prepared by a firm of solicitors and should be addressed to:-

Head of Legal Services
Police Service of Scotland
Clyde Gateway
2 French Street
Dalmarnock
Glasgow, G40 4EH

The offer must also contain the following:

1. The name of the Property for which the offer is made.
2. The name of the Community Transfer Body.
3. The date of the Decision Notice.
4. Confirmation that offers of grant/funding will be in place at the date of transfer.
5. Confirmation of the necessary consents and permissions that are in place and those that remain outstanding at the time of the offer.
6. Confirmation that the specific terms and conditions under which the Decision Notice was issued are acceptable.

Right to appeal

If you consider that this decision notice specifies material terms or conditions which differ to a significant extent from those specified in the asset transfer request, you may appeal to the Scottish Ministers.

Such an appeal must be made in accordance with The Asset Transfer Request (Appeals) (Scotland) Regulations 2016 and must be served on the **Scottish Ministers** within **20 working days** of the date of this notice i.e. by 8 July 2019.

There is also a right of appeal where no contract is concluded within a period of 6 months beginning with the date of the offer.

Guidance on appeals is available within the Scottish Government's publication "Asset Transfer under the Community Empowerment (Scotland) Act 2015 – Guidance for Community Transfer Bodies."

Yours faithfully

Legal Services Department