

DECISION NOTICE**ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

To: Bathgate Band
100 Hope Park Gardens
Bathgate
West Lothian
EH48 2QX

16 March 2025

This Decision Notice relates to the asset transfer request made by Bathgate Band SCIO (BBS) on 4 September 2025 in relation to Former Bathgate West Nursery and adjoining land at Millburn Road, Bathgate.

West Lothian Council has decided to agree to the request, subject to the terms and condition set out below.

The reasons for this decision are as follows:

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 BB is considered to represent the best available option for the use of this property. There are considered to be no reasonable grounds for refusing that request.

The following sets out the terms and conditions upon which we would be prepared to transfer ownership of the property to you.

1. BBS's request for the granting of an initial two year Community Benefit lease of the former Bathgate West Nursery in favour of the existing charity (Bathgate Band SCIO) should be granted on Full Repairing and Insuring (FRI) terms. The applicant shall accept the property in its present condition and the council shall not be required to undertake any repairs or improvements prior to the date of entry under the lease other than to provide certification that any electrical and/or gas systems are safe and compliant.

2. BBS's request for the granting of a subsequent two year Community Benefit lease of the former Bathgate West Nursery in favour of a newly-established two tier SCIO should be granted on FRI terms. The new SCIO shall accept the property in its recorded condition at that time and the council shall not be required to undertake any repairs or improvements prior to the date of entry under the lease other than to provide certification that any electrical and/or gas systems are safe and compliant.

3. The newly-established SCIO shall have the option to purchase the former Bathgate West Nursery at the end of that combined four year lease period. The newly-established SCIO shall pay full market value to purchase that property, less a discount that suitably reflects the positive outcomes that the project has delivered and is shown to be delivering at that time. The full market value shall be independently determined at that time by the Valuation Office Agency (VOA) and the matter shall then be referred back to the Asset Transfer Committee for determination of the discount to be applied. Any improvement works undertaken by either BBS or the newly created SCIO during the four year lease period shall not be taken into consideration by the VOA when establishing the future market value of the property.

4. The lease/transfer of the property will be subject to any existing burdens affecting the property.

5. The purpose of the new SCIO will be to operate the music hub from the former Bathgate West Nursery, Millburn Road, Bathgate. Delegated powers will be granted to the Director of Finance and Property Services to vet and, if satisfied that the newly created organisation meets the requirements of an asset transfer body as set out in the Act, was of equal standing as BBS and able to deliver the project, approve the newly created organisation prior to ownership of the former Bathgate West Nursery being transferred.

6. Prior to taking entry, BBS shall be responsible for securing any planning permissions and/or other statutory consents that might be required in connection with their proposed use and occupation of the former Bathgate West Nursery.

If you wish to proceed, you must submit an offer to us at the following address above by 15 September 2026:

Scott Hughes (Strategic Property Asset Manager)
Property Services
West Lothian Council
Howden South Road
Livingston
EH54 6FF
Email: scott.hughes@westlothian.gov.uk

The offer must reflect the terms and conditions attached, and may include such other reasonable terms and conditions as are necessary or expedient to secure the lease and then transfer of ownership within a reasonable time.

Right to review

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may apply to the council to review this decision.

Any application for review must be made in writing to the following address by 13 April 2026, which is 20 working days from the date of this notice.

Scott Hughes (Strategic Property Asset Manager)
Property Services
West Lothian Council
Howden South Road
Livingston
EH54 6FF
Email: scott.hughes@westlothian.gov.uk

Guidance on making an application for review is available from Scott Hughes (Strategic Property Asset Manager, contact details above) or online 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