

From Richard Kelly, on the 23/04/2019

Hi Jenny

That's really good news about SLF. I look forward to hearing from Joyce in due course.

Kind regards, Richard

**From:** Jenny Reeve [REDACTED]

**Sent:** 19 April 2019 13:42

**To:** Kelly, Richard [REDACTED]

**Cc:** Daniella Kidd [REDACTED]; David Henderson [REDACTED]  
Henderson, Jackie (FS) [REDACTED]; Joyce Moss [REDACTED]  
[REDACTED]

**Subject:** Re: Heads of terms - Beatroute Arts

Hi Richard,

Thanks for getting in touch and I hope all's well.

We've just been given the good news that we've been successful in our Stage 1 application to the Scottish Land Fund, which means we can proceed with valuation of the asset. The DV should have valuation to Beatroute by mid-week next week, at which point I will consult with our solicitor, Joyce Moss who is an Associate at Mitchells Robertson (on cc here) and guiding us re: Heads Of Terms.

It will therefore be Joyce who contacts you on Beatroute's behalf in the first instance, and we can hopefully take everything forward from there.

Wishing all a lovely holiday weekend (with sunshine!)

Jenny

Jenny Reeve  
Director  
Beatroute Arts Centre  
285 Wallacewell Road  
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Tel: 0141-558-1387

Scottish Charity No. SC036099



\*\*Please Note [REDACTED] email address is no longer active please contact me on [REDACTED]

**From:** "Kelly, Richard" [REDACTED]  
**Date:** Thursday, 18 April 2019 at 08:20  
**To:** [REDACTED]  
**Cc:** Daniella Kidd [REDACTED], David Henderson [REDACTED]  
[REDACTED] "Henderson, Jackie (FS)" [REDACTED]  
**Subject:** RE: Heads of terms - Beatroute Arts

Hi Jenny  
Thank you for your email of 8 April below.

I'm happy to leave it with you to get back in touch when you feel it would be more productive to schedule another meeting, and once you have had time to consult and progress things at your end. There have been no revisions to the Council's proposed draft Heads of Terms so we look forward to taking the negotiations forward in due course.

With regards to your request for a proposed purchase price, a valuation of circa £80,000 was provided to you on 12 February by the Council's Property and Land Services. As set out in sections 11 and 12 of the [Guidance for Community Transfer Bodies](#), the Act places a responsibility on Community Transfer Bodies to obtain their own valuation and advise the price they are prepared to offer for the asset. The Act states that the Relevant Authority then takes the decision whether to accept the price offered or not. On this point however, we would hope to continue our dialogue with you so that, as part of Heads of Terms, the price can be discussed and agreed.

I hope this is helpful but please get in touch if you have any additional questions.  
Kind regards  
Richard

**From:** Jenny Reeve [REDACTED]  
**Sent:** 08 April 2019 15:52  
**To:** Kelly, Richard [REDACTED]  
**Cc:** Daniella Kidd [REDACTED], David Henderson [REDACTED]  
Henderson, Jackie (FS) [REDACTED]  
**Subject:** Re: Heads of terms - Beatroute Arts

Hi Richard,

I'm very well thanks, how are you doing? Apologies that it's taken me so long to get back to you. The end of the financial year is always a bit mad, so I'm just getting out from under everything now!

We're very happy to meet again, I'm just chatting to folks at our end about the timing of this though and I'm wondering if it might be more productive to meet once Beatroute has had a chance to have a valuation carried out of the asset by the D.V, and spoken with a solicitor in order to bring a set of draft Terms forward which are agreeable to the charity, OSCR, funders etc? Unless GCC has since reviewed the draft Terms we received and we could take a look at any revisions? I'm thinking this might move the process forward more quickly so that when we meet, we can be hopefully refining detail rather than talking over the existing Terms which have raised issues. A proposed purchase price would also be really helpful, as any discount offered will presumably impact upon the Terms offered.

Let me know your thoughts.

Kind regards,

Jenny

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\*\*Please Note [REDACTED] email address is no longer active please contact me on [REDACTED]

**From:** "Kelly, Richard" <[REDACTED]>  
**Date:** Monday, 1 April 2019 at 15:43  
**To:** Jenny Reeve <[REDACTED]>  
**Cc:** Daniella Kidd <[REDACTED]>, David Henderson <[REDACTED]>, "Henderson, Jackie (FS)" <[REDACTED]>  
**Subject:** RE: Heads of terms - Beatroute Arts

Hi Jenny

I hope this email finds you well. I have now had a chat with colleagues from Legal and Property & Land Services. We agree that there are some key issues that it would be helpful to discuss including:

1. Heads of Terms
  - a. Funders and clawback
  - b. Constitution, Dissolution and OSCR
2. Asset value – City Property have confirmed this at £80,000
3. Footprint of asset
4. Decision Date
5. AOCB

Could I suggest that you come back to me when you are ready to meet and we can get a date arranged?

Kind regards, Richard

**From:** Kelly, Richard  
**Sent:** 07 March 2019 12:17  
**To:** 'Jenny Reeve' <[REDACTED]>  
**Cc:** Daniella Kidd <[REDACTED]>; David Henderson <[REDACTED]>; Henderson, Jackie (FS) <[REDACTED]>  
**Subject:** RE: Heads of terms - Beatroute Arts

Hi Jenny

I'm well thanks and hope you are too.

You make some really useful points here which, to me, seem sensible. I'd like to have a chat with my property and legal colleagues and come back to you and hopefully I'll be able to do this by the end of next week. I'll be in touch.

Kind regards, Richard

**From:** Jenny Reeve <[REDACTED]>  
**Sent:** 06 March 2019 11:56  
**To:** Kelly, Richard <[REDACTED]>  
**Cc:** Daniella Kidd <[REDACTED]>; David Henderson <[REDACTED]>; Henderson, Jackie (FS) <[REDACTED]>  
**Subject:** Re: Heads of terms - Beatroute Arts

Hi Richard,

How are you? Hoping all's well.

Having consulted with the Board here at Beatroute re:proposed Heads of Terms, and sought advice from various parties, we feel that we can only begin to negotiate agreeable Terms with the Council under legal guidance. This is of course costly for us, and so we must find a way to cover this expense, and others. We are planning on submitting a Stage 1 application to the Scottish Land Fund by mid-March, with a decision expected by mid-April. Only then can we begin to negotiate the proposed Terms, asset price and any proposed discount.

This of course means that the date you suggest of 12th April for a decision deadline won't be met, and so can I suggest that we negotiate a more workable date, which allows Beatroute time to seek the professional guidance needed in order to proceed?

Our Board have also looked at the proposed area of land to be transferred from the Council to Beatroute and have said that they do not wish to take ownership of any land out-with the green area delineated on the land plan you sent over. I'd imagine that this can be discussed alongside negotiations re: Heads of Terms though.

Please do let me know your thoughts.

Kind regards,

Jenny

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On 26 Feb 2019, at 13:21, Kelly, Richard <[REDACTED]> wrote:

Hi Jenny

Thanks for your quick response. I will seek advice on these points from relevant colleagues and come back to you.

Meantime, please find **attached** a plan of the subjects under consideration; the area which is leased to you is shown coloured green however if the transfer proceeds (disposal) the area shown red is the extent of our title that we would convey to you. I hope this is helpful.  
Regards, Richard

**From:** Jenny Reeve <[REDACTED]>

**Sent:** 25 February 2019 18:33

**To:** Kelly, Richard <[REDACTED]>

Cc: Daniella Kidd [REDACTED]; David Henderson <[REDACTED]>  
Henderson, Jackie (FS) - [REDACTED]  
**Subject:** Re: Heads of terms - Beatroute Arts

Hi Richard,

Many thanks for sending on the draft Terms. Have the Council decided on an agreeable sale price for the asset? That would help us to put this first draft of terms into some sort of perspective financially. If there is still uncertainty around the asset value, would the Council consider conducting a joint valuation with Beatroute Arts? We have received a quote from the D.V, Frances Hay and would be pursuing this line of enquiry in any case in order to obtain our own valuation. The DV office aren't available to carry out a valuation until April however, and it would take until April for us to secure the funding needed to carry out this work.

The SLF won't consider funding support to purchase of the asset at a Stage 2 application if excessive clawback terms are proposed, and this first Terms draft certainly seems to suggest as much, nor will OSCR allow us to go against the terms of our constitution. We're seeking some legal advice through COSS at present, and will need to speak with both the SLF and OSCR, so hope to come back to you soon with our thoughts on how to proceed. Until we have more clarity around proposed sale price and the flexibility of the proposed terms, it's hard to know whether the 12th April as decision date is going to be enough time. We must also consider the valuation timeframe when thinking about deadlines for agreement of Terms.

Kind regards,

Jenny

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On 22 Feb 2019, at 13:29, Kelly, Richard <[REDACTED]> wrote:

Hi Jenny

Further to below, please find **attached draft** Heads of Terms for consideration. We would be happy to receive comments and or/meet to discuss.

As discussed and previously emailed, the decision on the request was due on 2 February. Following our meeting and in order to give sufficient time for both parties to agree Heads of Terms, we would propose to extend the date for issuing a formal decision with agreed Heads of Terms etc to Friday 12 April. I hope that this is acceptable to you.

In the meantime, we have requested the precise boundary of the subjects that we can send you.

I look forward to hearing from you in due course.

Kind regards, Richard

Richard Kelly  
Grants and Initiatives Manager  
Chief Executive's Dept – Community Empowerment Services  
Glasgow City Council  
20 Cochrane Street, 4th Floor  
(Entry is via Reception at 40 John Street)  
Glasgow, G1 1HL

Tel: 0141-287 0060

Email: [REDACTED]

**From:** Kelly, Richard

**Sent:** 20 February 2019 10:05

**To:** 'Jenny Reeve' <[REDACTED]>

**Cc:** Daniella Kidd <[REDACTED]>; David Henderson <[REDACTED]>

Henderson, Jackie (FS) <[REDACTED]>

**Subject:** RE: Heads of terms

Hi Jenny

Thank you for coming to meet with us and for your email below. It was very helpful to us to hear more about Beatroute, what you've achieved and your plans.

As promised, I will send you by Friday the draft Heads of Terms for consideration along with a proposed decision date. Once you have sight of the draft, we would be happy to receive comments and or/meet to discuss.

Kind regards, Richard

Richard Kelly  
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Chief Executive's Dept – Community Empowerment Services  
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20 Cochrane Street, 4th Floor  
(Entry is via Reception at 40 John Street)  
Glasgow, G1 1HL

Tel: 0141-287 0060

Email: [REDACTED]

**From:** Jenny Reeve [REDACTED]  
**Sent:** 18 February 2019 12:27  
**To:** Kelly, Richard <[REDACTED]>; Henderson, Jackie (FS)  
[REDACTED]  
**Cc:** Daniella Kidd <[REDACTED]>; David Henderson <[REDACTED]>  
**Subject:** Heads of terms

Hi Richard and Jackie,

Thank you so much for meeting with us on Thursday there, it was great to chat through the asset transfer process and to make real headway. We met with the Scottish Land Fund on Thursday afternoon which was all very positive. When we told Tony from the fund that we were expecting Heads of Terms from the Council this coming week, he said that if clawback or similar terms are included, the Land Fund won't support Beatroute to buy the asset. Beatroute's constitution also states that any asset remaining after the dissolution of the charity should default to another similar non-profit.

Just thought it was worth letting you know the Land Fund's position. I've included here the letter of support from Paul Sweeney and an excerpt from our governing doc re: transfer of assets.

Kindest regards,

Jenny

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[www.glasgow.gov.uk/privacy](http://www.glasgow.gov.uk/privacy)

<Draft Heads of Terms - Beatroute Arts.docx>

<J90681.pdf>