

Banknock Community Hall Management Committee

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18 April 2025

To Malcolm Bennie

Director of Place Services

Falkirk Council, 4 Stadium Way

Falkirk FK2 9EE

cc. strategicpropertyreview@falkirk.gov.uk

**APPLICATION FOR REVIEW TO FALKIRK COUNCIL IN RELATION TO BANKNOCK
COMMUNITY HALL MANAGEMENT (BCHMC) UNDER SECTION 86 (2) OF THE
COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

This letter serves as notice of application for Review to Falkirk Council by BCHMC regarding the Decision Notice delivered 27 March 2025, in relation to BCHMC Asset Transfer Request (ATR) for Banknock Community Hall, Kilsyth Road, Banknock FK4 1HY.

This application for Review is made according to the Community Empowerment (Scotland) Act 2015 under Section 86 (1) (b) (ii) whereby *the authority agrees to the request but the decision notice relating to the request specifies material terms or conditions which differ to a significant extent from those specified in the request.*

BCHMC considers that Clause 5 of the Principal Heads of Terms set out in the Decision Notice dated 27/03/2025, conferring the right of first refusal to Falkirk Council to buy back the Hall under certain circumstances, is unacceptable in its current format as:

1. The option to buy back the hall for £1 is not timebound, conferring this right upon Falkirk Council in perpetuity.
2. Does not take into account the substantial value that may be added to the property over time, including capital redevelopment and upgrades funded by other sources of public funding; the substantial input of volunteers to upgrade and run the hall; and the shift in market values over long stretches of time.
3. The trigger condition (3) *BCHMC no longer use the property for the use proposed by them or a use which is substantially the same*, is too broad a definition and may potentially lead to a dispute over re-purchase based on change of use, at some point in the future.
4. The Clause in its current format may prove an impediment to successfully attracting redevelopment funding from major funders or commercial lenders.

It is proposed by BCHMC that the Review Panel give consideration to addressing each of these issues, and the clause is redrafted to reflect:

1. That Falkirk Council shall always retain the right of pre-emption over the property but that after 5 years from transfer of title this should be at market value based on current use, less the depreciated value of any capital funding granted by Falkirk Council to upgrade the property.
2. In the first 5 years after transfer of title, the re-purchase of the property by Falkirk Council should be on terms acceptable to both parties, that reflect the financial contribution made by Falkirk Council (that is, discount on purchase price and capital funding through the Enablement Fund). An example of such terms could be:

Year 1 - £1

Year 1-Year 2 – 10% of market value less the value of any capital funding awarded by Falkirk Council to upgrade the property.

Year 2-Year 3 – 25% of market value less the value of any capital funding awarded by Falkirk Council to upgrade the property.

Year 3-Year 4 – 50% of market value less the value of any capital funding awarded by Falkirk Council to upgrade the property.

Year 4-Year 5 – 75% of market value less the value of any capital funding awarded by Falkirk Council to upgrade the property.

3. The trigger for repurchase as set out in point 3 of Clause 5 should read: *“BCHMC no longer use the property for the use proposed by them or a use which complies with*

their charitable purposes as approved by the Office of Scottish Charities Regulator (OSCR)”

BCHMC wish to make clear their continued commitment to taking ownership of Banknock Hall to deliver benefit to the community of Banknock and the surrounding area. BCHMC wishes to work with Falkirk Council to find acceptable conditions under which to complete the transfer of the property and to work in constructive partnership with the Council in the future to ensure the success of the hall and to benefit the community.

BCHMC propose that the Review is conducted by written submission and an in-person hearing.

Yours sincerely,

 
Chair

BCHMC

List of Documents supporting request for Review: Documents previously submitted as part of the CAT application process.