

# **VOLUME 1**

## **REVIEW SUBMISSION**

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

### **APPLICATION FOR REVIEW UNDER SECTION 86**

**THORNHILL COMMUNITY CENTRE**

**ON BEHALF OF**

## **RAINBOW MUSLIM WOMEN'S GROUP SCIO**

**Submitted To:**

**Malcolm Bennie**

Director of Place Services  
Falkirk Council  
Falkirk Stadium  
4 Stadium Way  
Falkirk  
FK2 9EE

**Review Applicant:**

Rainbow Muslim Women's Group SCIO

**Scottish Charity Number:**

SC047758

**Property:**

Thornhill Community Centre  
Thornhill Road  
Falkirk

**Date of Submission:**

9<sup>th</sup> September 2026

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(Scottish Charity No. SC047758)

Submission Date: 9<sup>th</sup> September 2026

## **CONTENTS**

1. Executive Summary
2. Applicant Details
3. Property Details
4. Basis for Review
5. Procedural History
6. The Council's Assessment and Recommendation
7. Rainbow Muslim Women's Group: An Established Community Organisation
8. Exhaustive Attempts at Collaborative Working
9. Mediation and Its Outcome
10. Why the Officer Recommendation Should Be Upheld
11. Community Benefits
12. Governance, Capacity and Deliverability
13. Sustainability, Investment and Long-Term Stewardship
14. Impact of Continuing Uncertainty on the Community
15. Comparison With Alternative Proposals
16. No Reasonable Grounds Exist to Refuse the Request
17. Review Procedure Requested
18. Outcome Sought
19. Conclusion

## **Supporting Evidence**

This Review Submission should be read alongside the accompanying Evidence Bundle.

The purpose of this submission is to set out the factual background, procedural history, and the reasons why Rainbow Muslim Women's Group SCIO respectfully submits that its Community Asset Transfer Request should be agreed. The accompanying Evidence Bundle contains the supporting documentation upon which this submission relies, including the original asset transfer request, officer assessment materials, governance documentation, licence arrangements, mediation materials, community support evidence, and related correspondence.

Whilst the Review Submission is intended to be read as a standalone document, it should be considered together with the Evidence Bundle as a complete record of the matters relied upon by RMWG in support of this review application.

## 1. EXECUTIVE SUMMARY

This Application for Review is submitted by Rainbow Muslim Women's Group SCIO ("RMWG") under Section 86 of the Community Empowerment (Scotland) Act 2015 following the expiry of the statutory determination period without the issue of a Decision Notice in respect of its Community Asset Transfer Request for Thornhill Community Centre. Falkirk Council has subsequently confirmed that no decision notice was issued within the prescribed period and that review rights have arisen.

This review concerns a Community Asset Transfer Request that has already been subject to a comprehensive assessment by Falkirk Council.

Following that assessment, Council officers concluded that RMWG represented the strongest proposal and recommended that ownership of Thornhill Community Centre should transfer to RMWG. RMWG achieved the highest overall assessment score and was identified as the preferred applicant following consideration of governance, sustainability, deliverability, community benefit, equality outcomes and organisational capacity.

Executive subsequently elected to defer determination to allow mediation and exploration of potential collaborative arrangements between the competing applicants. RMWG respected that decision entirely and participated fully, professionally and in good faith throughout the mediation process.

It is important to recognise, however, that mediation did not occur in isolation.

For many months prior to mediation, the parties had already been occupying Thornhill Community Centre under a Council-established principal licence and sub-licence arrangement. Shared occupation, operational engagement, governance discussions, Council intervention and the development of operational frameworks all represented opportunities to explore collaborative working in practice. Those opportunities were extensive and sustained.

The mediation process represented the latest stage in that wider effort. That process concluded without agreement.

The independent mediator recorded that no agreement had been reached and that the parties were unable to unify around a collaborative approach to securing the Community Asset Transfer of Thornhill Community Centre.

- No jointly governed proposal emerged.
- No agreed governance framework emerged.
- No alternative proposal emerged capable of replacing the recommendation already before Falkirk Council.

Accordingly, this review raises a straightforward and important question:

What evidence emerged following the Council's assessment process that justifies departing from the recommendation already reached by Falkirk Council's professional officers?

RMWG respectfully submits that no such evidence exists.

The Council's own assessment process identified RMWG as the strongest application.

The collaborative alternative subsequently sought by Executive was explored extensively and did not materialise.

The officer recommendation therefore remains the strongest, most comprehensive and most evidence-based conclusion available to the Review Committee.

For these reasons, RMWG respectfully invites the Review Committee to uphold the merits of the original recommendation and determine that ownership of Thornhill Community Centre should transfer to Rainbow Muslim Women's Group SCIO

## **2. APPLICANT DETAILS**

Rainbow Muslim Women's Group SCIO ("RMWG") is a Scottish Charitable Incorporated Organisation registered with OSCR under charity number SC047758.

RMWG exists to advance education, organise activities which improve quality of life, promote religious and racial harmony and support those in need. For more than two decades the organisation has delivered projects, programmes and services throughout Falkirk and the wider Forth Valley area.

## **3. PROPERTY DETAILS**

This review relates to:

**Thornhill Community Centre**  
**Thornhill Road**  
**Falkirk**

The property has been the subject of competing Community Asset Transfer Requests and has been occupied under principal licence and sub-licence arrangements since October 2025.

## **4. BASIS FOR REVIEW**

RMWG's application was validated on 16 February 2026. The statutory determination period expired on 16 August 2026. No Decision Notice was issued. Falkirk Council subsequently confirmed that RMWG was entitled to seek review.

This review is therefore submitted under Section 86 of the Community Empowerment (Scotland) Act 2015.

## **5. PROCEDURAL HISTORY**

The history of this matter is important because it demonstrates both the thoroughness of the Council's assessment process and the extensive efforts subsequently undertaken to explore collaborative alternatives.

RMWG submitted a Community Asset Transfer Request in respect of Thornhill Community Centre. A competing request was submitted by Falkirk Thornhill Community Hall SCIO. Following validation, Council officers undertook a detailed assessment of both applications against the statutory criteria.

That assessment resulted in a recommendation that ownership should transfer to RMWG.

When the matter came before Executive in June 2026, members chose not to determine the applications immediately. Instead, Executive elected to defer determination to allow independent mediation and further exploration of collaborative working arrangements between the parties.

Mediation subsequently took place during July 2026. An independent mediator engaged with both organisations and explored whether a collaborative model could be developed.

The mediation concluded without agreement.

Executive subsequently reconsidered the matter in August 2026. No Decision Notice was issued and the statutory determination period expired shortly thereafter.

## **6. THE COUNCIL'S ASSESSMENT AND RECOMMENDATION**

The Council's assessment process should be regarded as the foundation of this review.

The recommendation in favour of RMWG was not reached casually, nor was it the view of a single officer. It was the outcome of a structured assessment process undertaken by Falkirk Council in accordance with the statutory framework for Community Asset Transfer requests.

The applications were examined in detail.

- Governance arrangements were assessed.
- Community benefit proposals were assessed.
- Financial sustainability was assessed.
- Organisational capacity was assessed.
- Equality impacts were assessed.
- Public health and social wellbeing outcomes were assessed.

Following that process, the Council's professional officers reached a clear conclusion.

RMWG represented the strongest proposal and ownership should transfer to RMWG.

The assessment scoring reflected that conclusion.

RMWG achieved a score of 68 out of 80, while the competing application achieved 62 out of 80.

The significance of these findings should not be understated.

This review does not begin from a position of uncertainty.

It begins from a position where the Council's own assessment process has already identified the preferred applicant.

## **7. RAINBOW MUSLIM WOMEN'S GROUP: AN ESTABLISHED COMMUNITY ORGANISATION**

RMWG is not a newly established body seeking to develop capability.

It is an established community organisation with a substantial track record of delivery.

For more than twenty years, RMWG has delivered programmes and activities designed to improve health, wellbeing, education, community participation, social inclusion and community cohesion.

The organisation has developed strong relationships across the voluntary, community and public sectors and has demonstrated an ability to secure external funding, manage projects and mobilise volunteers.

The Annual Report for 2025 demonstrates the breadth of activity undertaken by the organisation.

These activities include:

- health and wellbeing programmes;
- yoga and mindfulness sessions;
- family activities;
- youth programmes;
- educational visits;
- community events;
- women's empowerment initiatives;
- charitable and humanitarian projects;
- volunteering opportunities;
- food support and social inclusion programmes.

The organisation's work has also attracted external recognition, including awards acknowledging contributions to health, wellbeing and community development.

This record demonstrates that RMWG is not merely proposing future community benefit.

It is already delivering it.

## **8. EXHAUSTIVE ATTEMPTS AT COLLABORATIVE WORKING**

One of the most striking features of this case is the extent to which collaborative working has already been explored.

Collaborative working was not ignored.

Collaborative working was not refused.

Collaborative working was actively tested over a prolonged period.

In September 2025 Falkirk Council established a framework under which the parties would operate through a principal licence and sub-licence arrangement. The intention was to enable shared occupation and provide a practical opportunity for collaboration to develop.

From October 2025 onwards the parties occupied and operated within the same facility.

This meant that collaborative working was not simply a theoretical aspiration.

It was tested in practice.

As operational issues arose, RMWG sought to establish greater clarity through governance proposals, communication protocols, operational rules and dispute-resolution arrangements. These proposals were documented and shared with Falkirk Council.

Despite those efforts, significant operational difficulties continued to arise.

Disputes emerged regarding management responsibilities, operational authority, cost-sharing arrangements and day-to-day operation of the facility.

Council officers were required to intervene and provide clarification regarding the operation of the licence arrangements and the obligations of the parties.

It is therefore important to understand that when Executive later directed formal mediation, mediation was not the beginning of a conversation.

It was the latest stage in an extended and sustained effort to determine whether a viable collaborative model could emerge.

## **9. MEDIATION AND ITS OUTCOME**

The purpose of the mediation was clear.

Executive wished to determine whether a collaborative arrangement could emerge that might justify departing from the officer recommendation already before it.

RMWG participated fully and constructively in that process.

The independent mediator met both parties, facilitated discussions and explored possible pathways forward.

The outcome was equally clear.

No agreement was reached.

The mediator recorded that the parties were unable to unify around a collaborative approach to the Community Asset Transfer.

Importantly, mediation did not produce:

- an agreed governance structure;
- a jointly developed proposal;
- a shared operational framework;
- or an alternative application capable of replacing the officer recommendation.

The significance of that outcome is considerable.

The reason for Executive's deferral was tested.

The process concluded.

The hoped-for collaborative alternative did not emerge.

## **10. WHY THE OFFICER RECOMMENDATION SHOULD BE UPHELD**

The central issue before the Review Committee is not whether collaboration would have been desirable. It is difficult to imagine any community organisation arguing that collaboration, where achievable, is not a positive objective.

Rather, the issue is whether the extensive efforts undertaken to achieve that objective resulted in the emergence of a viable alternative proposal capable of replacing the recommendation already before Falkirk Council.

The answer to that question is no.

When Falkirk Council officers completed their assessment of the competing Community Asset Transfer applications, they did so following a detailed and structured evaluation process. Both applications were considered against the relevant statutory criteria and, having undertaken that assessment, officers concluded that RMWG represented the strongest proposal and should be awarded ownership of Thornhill Community Centre. That conclusion reflected the professional judgement of the Council's own assessment process and resulted in a clear recommendation in favour of RMWG.

Executive subsequently elected not to determine the applications and instead chose to provide a further opportunity for collaboration to be explored. RMWG respected that decision and engaged fully in the process which followed. However, it is important to recognise that mediation was not taking place in a vacuum. The parties had already occupied the same building under licence and sub-licence arrangements since October 2025 and had already been given numerous opportunities to develop practical mechanisms for collaborative working. Governance proposals had been prepared, operational frameworks had been suggested, Council officers had been involved and practical collaboration had already been tested in the day-to-day operation of the building.

The mediation process represented one final opportunity to determine whether a collaborative future was achievable.

The independent mediator's report now provides the answer to that question.

No agreement was reached. The parties were unable to unify around a collaborative approach and no workable alternative proposal emerged. Whilst the mediation process may have provided clarity regarding the positions of the parties, it did not produce an agreed governance structure, an alternative transfer proposal, or any arrangement capable of replacing the recommendation already before the authority.

The significance of this is substantial.

Executive deferred determination because it wished to establish whether a different course of action could emerge. That opportunity was provided. The process has now concluded. The hoped-for alternative did not materialise. The Review Committee is therefore effectively returned to the same position that existed before the June 2026 deferral, namely that the Council's own assessment process had identified RMWG as the strongest proposal and recommended transfer accordingly.

The Review Committee is respectfully invited to attach significant weight to that fact. The recommendation remains the only fully assessed, fully evaluated and evidence-based proposal before the authority. No subsequent evidence has emerged capable of displacing it.

## **11. COMMUNITY BENEFITS**

The Community Asset Transfer legislation places significant emphasis upon community benefit.

The evidence demonstrates that RMWG delivers community benefit across all of the principal statutory themes.

The organisation promotes health and wellbeing through regular health, fitness and wellbeing programmes.

It promotes social wellbeing through volunteering, community participation, skills development and activities that reduce isolation.

It supports economic development through employability, skills training and volunteering opportunities.

It contributes towards equality and reduction of inequalities through extensive engagement with women, ethnic minority communities, older people, young people and families facing barriers to participation.

The Council's own assessment recognised these benefits and attached significant weight to them.

## **12. GOVERNANCE, CAPACITY AND DELIVERABILITY**

The evidence before the Review Committee demonstrates that RMWG possesses the governance arrangements, organisational maturity and delivery capability required to steward Thornhill Community Centre successfully.

The organisation operates as a SCIO with an established constitutional structure and trustee board.

- It has demonstrated the ability to secure and manage external funding.
- It has demonstrated the ability to deliver significant programmes.
- It has demonstrated the ability to recruit and coordinate volunteers.
- It has demonstrated resilience and sustainability over a prolonged period.

These strengths were recognised by the Council's own assessment process.

## **13. SUSTAINABILITY, INVESTMENT AND LONG-TERM STEWARDSHIP**

The long-term future of Thornhill Community Centre requires investment, planning and confidence.

The Council's own recommendation included provision for Enablement Funding of up to £101,738 to support improvements to the facility.

Those improvements include measures intended to improve sustainability, modernise facilities and strengthen the long-term viability of the building.

RMWG has demonstrated a track record of securing funding and delivering projects and is therefore well placed to maximise these opportunities.

#### **14. IMPACT OF CONTINUING UNCERTAINTY ON THE COMMUNITY**

The absence of a final determination affects more than the parties.

It affects the community.

Continued uncertainty restricts long-term planning.

- It delays investment.
- It postpones refurbishment projects.
- It prevents funding opportunities from progressing.
- It creates uncertainty for those who use and rely upon the centre.

The Community Asset Transfer process exists to deliver positive community outcomes.

The community now deserves certainty and a clear direction for the future.

#### **15. COMPARISON WITH ALTERNATIVE PROPOSALS**

Section 82 of the Community Empowerment (Scotland) Act 2015 requires the authority, when considering an asset transfer request, to consider the benefits of the proposal before it and compare those benefits with any alternative proposals. That obligation applies equally during the review process.

In this case, that comparison has already been undertaken through Falkirk Council's own assessment process. The competing applications submitted by RMWG and FTCH were evaluated against the relevant criteria and scored accordingly. Following that exercise, Council officers concluded that RMWG represented the stronger proposal and recommended that ownership of Thornhill Community Centre should transfer to RMWG.

Executive subsequently deferred determination in order to establish whether a collaborative alternative could emerge through mediation. The independent mediation process has now concluded and no agreement was reached. The mediator confirmed that the parties were unable to unify around a collaborative approach to securing the Community Asset Transfer.

Accordingly, the comparison between available options now remains substantially the same as that previously assessed by officers. The collaborative alternative that Executive hoped might emerge did not materialise, and no replacement proposal was brought forward that was capable of displacing the recommendation already before the authority.

RMWG therefore respectfully submits that the evidence continues to support the conclusion reached by Falkirk Council's own assessment process, namely that RMWG represents the strongest proposal when compared with the available alternatives.

## **16. NO REASONABLE GROUNDS EXIST TO REFUSE THE REQUEST**

The statutory framework requires that a request should be agreed unless reasonable grounds exist for refusal.

The Council's own assessment recommended transfer to RMWG.

- RMWG achieved the highest assessment score.
- The evidence demonstrates substantial community benefit.
- Governance and sustainability are well evidenced.
- Collaboration was extensively explored.
- No viable alternative proposal emerged.

Accordingly, RMWG respectfully submits that there are no reasonable grounds to refuse the request.

## **17. REVIEW PROCEDURE REQUESTED**

RMWG considers that the Review Committee already possesses a substantial body of information arising from the original Community Asset Transfer process, including the asset transfer request, the competing application, the officer assessment, Executive reports, representations received during consultation, and the outcome of the mediation process. In addition, this Review Submission is accompanied by a comprehensive Evidence Bundle containing the documents upon which RMWG relies in support of this review application.

Having regard to the volume of material already available, RMWG considers that the review is capable of determination on the basis of the written submissions and documentary evidence before the Committee. The principal issues are well defined and have been the subject of extensive consideration through the original assessment process, the Executive's deliberations, the shared occupation arrangements, and the mediation process.

However, should the Community Empowerment Review Committee consider that a hearing session, site visit or any other procedure would assist in reaching its determination, RMWG would welcome the opportunity to participate fully and provide any further clarification that the Committee may consider helpful.

## **18. OUTCOME SOUGHT**

Rainbow Muslim Women's Group respectfully requests that the Community Empowerment Review Committee:

1. Uphold the merits of the RMWG Community Asset Transfer request and uphold this review;
2. Conclude that the request should be agreed;
3. Determine that the transfer of Thornhill Community Centre should proceed in favour of RMWG; and

4. Issue an appropriate decision notice in accordance with the Community Empowerment (Scotland) Act 2015.

## 19. CONCLUSION

This review concerns the future ownership, stewardship and long-term development of a significant community asset. It is a review that takes place following a full statutory assessment process, extensive officer consideration, prolonged shared occupation arrangements, independent mediation and the eventual expiry of the statutory determination period without a decision being issued. The Review Committee is therefore not being asked to determine this matter in the absence of evidence. Rather, it is being asked to consider the substantial body of evidence that has already been gathered and to determine whether any material basis now exists to depart from the conclusion previously reached by Falkirk Council's own assessment process.

The Council's assessment process was comprehensive. It evaluated both competing applications against the statutory criteria and considered governance, sustainability, deliverability, community benefit, equality impacts and organisational capacity. Having undertaken that work, Council officers concluded that Rainbow Muslim Women's Group represented the strongest proposal and recommended that ownership of Thornhill Community Centre should transfer to RMWG. That recommendation was supported by the highest overall assessment score and reflected the professional judgement of those responsible for evaluating the competing applications.

Executive subsequently chose to explore whether a collaborative alternative could emerge. RMWG fully respected that decision and participated constructively throughout the process. However, the possibility of collaborative working was not explored solely through the mediation exercise itself. The parties had already been operating within the same facility under a principal licence and sub-licence arrangement since October 2025. Shared occupation, governance discussions, operational frameworks, Council intervention and mediation all represented substantial and sustained efforts to determine whether a collaborative model could be achieved in practice. In that regard, collaboration was not merely considered as a theoretical possibility. It was actively tested through practical experience over a prolonged period.

The outcome of those efforts is now known. The independent mediator confirmed that no agreement was reached and that the parties were unable to unify around a collaborative approach to securing the Community Asset Transfer. Whilst the mediation process may have clarified the positions of the parties, it did not result in an agreed governance structure, a jointly developed proposal, or any alternative arrangement capable of replacing the recommendation already before Falkirk Council. The purpose for which Executive deferred determination was therefore fully explored, yet the hoped-for alternative did not emerge.

Importantly, this review is not solely concerned with what failed to emerge. It is equally concerned with what has already been demonstrated. RMWG is an established community organisation with a proven track record spanning more than two decades. Throughout that period the organisation has delivered programmes and services that improve health and wellbeing, reduce social isolation, support learning and personal development, promote equality and community cohesion, and provide practical support to individuals and families. The

organisation has demonstrated effective governance, responsible financial management, successful grant-management capability, strong partnerships, and the ability to mobilise and sustain significant volunteer involvement. The evidence before the Review Committee demonstrates not merely an aspiration to deliver community benefit, but an established history of doing so.

The Council's own assessment reached the same conclusion. Officers determined that RMWG was best placed to secure the long-term future of Thornhill Community Centre and to maximise the benefits that ownership would bring to the wider community. Significantly, nothing that has occurred since that recommendation was reached has undermined those findings. If anything, the subsequent events have reinforced the robustness of the original assessment. The extensive efforts to establish a collaborative alternative did not result in a superior proposal. The recommendation therefore stands today supported not only by the original assessment process, but also by the evidence gathered since.

The community has now waited through a full assessment process, an extended period of shared occupation, multiple attempts to establish collaborative arrangements, a formal mediation process and the expiry of the statutory determination period. The continuing uncertainty has delayed investment, restricted long-term planning and postponed opportunities to improve and develop the facility for the benefit of local people. The community is entitled to certainty regarding the future of this important asset and the opportunity to realise the benefits identified during the Council's own assessment process.

The question that remains for the Review Committee is therefore a straightforward one:

**What evidence has emerged since the officer recommendation was reached that justifies a different conclusion?**

RMWG respectfully submits that no such evidence exists.

The Council's assessment remains the most comprehensive evaluation undertaken in relation to the competing applications. The recommendation flowing from that assessment remains unchanged. The community benefits identified by officers remain compelling. The organisational capacity, governance arrangements and sustainability credentials of RMWG remain strong. The possibility of collaborative governance has been explored extensively and no viable alternative proposal has emerged.

Accordingly, and having regard to the entirety of the evidence before it, RMWG respectfully invites the Community Empowerment Review Committee to conclude that Rainbow Muslim Women's Group remains the organisation best placed to secure the long-term future of Thornhill Community Centre and to uphold the original recommendation of Falkirk Council's professional officers by determining that ownership of the asset should transfer to Rainbow Muslim Women's Group SCIO

**Review Applicant:** Rainbow Muslim Women's Group

# **VOLUME 2**

## **EVIDENCE BUNDLE COVER NOTE**

### **Supporting Documentation**

This Evidence Bundle should be read alongside the accompanying Review Submission.

The documents contained within this bundle provide the evidential basis for the matters set out within the Review Submission and are arranged in thematic sections for ease of reference.

The bundle includes the original Community Asset Transfer Request, officer assessment materials, governance documentation, licence arrangements, mediation documentation, community support evidence, operational governance documents and related correspondence relied upon by Rainbow Muslim Women's Group SCIO in support of its review application.

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

**APPLICATION FOR REVIEW UNDER SECTION 86**

**THORNHILL COMMUNITY CENTRE**

**EVIDENCE BUNDLE**

**Submitted on behalf of**

**RAINBOW MUSLIM WOMEN'S GROUP SCIO**

**Review Applicant:** Rainbow Muslim Women's Group SCIO (SC047758)

**Property:** Thornhill Community Centre, Thornhill Road, Falkirk

**Review Authority:** Falkirk Council Community Empowerment Review Committee

**Submitted to:**

Malcolm Bennie  
Director of Place Services  
Falkirk Council  
Falkirk Stadium  
4 Stadium Way  
Falkirk  
FK2 9EE

**Review Applicant:**

Rainbow Muslim Women's Group SCIO  
(Scottish Charity No. SC047758)

Submission Date: 9<sup>th</sup> September 2026

This Evidence Bundle should be read alongside the Review Submission lodged under Section 86 of the Community Empowerment (Scotland) Act 2015. The documents contained within this bundle are arranged in thematic sections and provide supporting evidence for the matters set out in the Review Submission

## **EVIDENCE BUNDLE INDEX**

### **SECTION A – STATUTORY & PROCEDURAL DOCUMENTS**

| <b>Ref</b> | <b>Document</b>                                                       |
|------------|-----------------------------------------------------------------------|
| A1         | FC to RMWG – Signed Application Acknowledgment                        |
| A2         | FC Officers CAT Recommendation Report                                 |
| A3         | FC to RMWG re. 13.8.26                                                |
| A4         | RMWG to FC re. 13.8.26                                                |
| A5         | Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 |
| A6         | CAT Review Guidance                                                   |

### **SECTION B – RMWG COMMUNITY ASSET TRANSFER APPLICATION**

| <b>Ref</b> | <b>Document</b>                                             |
|------------|-------------------------------------------------------------|
| B1         | RMWG – CAT Application                                      |
| B2         | RMWG to FC Officers – November 2026 Response                |
| B3         | EPIA Questionnaire – Rainbow Muslim Women's Group – 13.1.26 |

### **SECTION C – GOVERNANCE & ORGANISATIONAL CAPACITY**

| <b>Ref</b> | <b>Document</b>                      |
|------------|--------------------------------------|
| C1         | RMWG Constitution                    |
| C2         | RMWG Annual Report / Accounts – 2025 |

### **SECTION D – LICENCE, SUB-LICENCE & SHARED OCCUPATION**

| <b>Ref</b> | <b>Document</b>                                                   |
|------------|-------------------------------------------------------------------|
| D1         | S064 – Heads of Terms – Thornhill Community Hall – Signed 17.9.25 |
| D2         | FC to RMWG FRI Licence – Signed                                   |
| D3         | FC to RMWG Sub Licence – Signed                                   |
| D4         | Updated Tenant Information Pack (2024)                            |

## **SECTION E – GOVERNANCE, COLLABORATIVE WORKING & OPERATIONAL ARRANGEMENTS**

| <b>Ref</b> | <b>Document</b>                                                                                          |
|------------|----------------------------------------------------------------------------------------------------------|
| E1         | Memo to Falkirk Council – 27 February 2026                                                               |
| E2         | Operational Rules – 27.2.26 (Final)                                                                      |
| E3         | Falkirk Council clarification regarding licence responsibilities, running costs and recharge obligations |
| E4         | Summary of Shared Running Costs                                                                          |

## **SECTION F – MEDIATION**

| <b>Ref</b> | <b>Document</b>               |
|------------|-------------------------------|
| F1         | Post Mediation Report SM05246 |

## **SECTION G – COMMUNITY SUPPORT, CONSULTATION & REPRESENTATIONS**

| <b>Ref</b> | <b>Document</b>                                                           |
|------------|---------------------------------------------------------------------------|
| G1         | RMWG Response to Public Representations re. RMWG Application              |
| G2         | Statement on Behalf of RMWG to Falkirk Council Executive (13 August 2026) |

## **SECTION H – REPRESENTATIONS REGARDING COMPETING APPLICATION**

| <b>Ref</b> | <b>Document</b>                          |
|------------|------------------------------------------|
| H1         | RMWG–FTCH CAT Application Representation |

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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 358**

**COMMUNITY EMPOWERMENT**

**The Asset Transfer Request (Review  
Procedure) (Scotland) Regulations 2016**

|                                                |         |                           |
|------------------------------------------------|---------|---------------------------|
| <i>Made</i>                                    | - - - - | <i>8th November 2016</i>  |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>10th November 2016</i> |
| <i>Coming into force</i>                       | - -     | <i>23rd January 2017</i>  |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 86(3) and (7)(b)(i) and 87(3) of the Community Empowerment (Scotland) Act 2015<sup>(1)</sup> and all other powers enabling them to do so.

**PART 1**

**Preliminary**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 and come into force on 23rd January 2017.

(2) These Regulations (other than Part 4) apply to applications for review made under section 86(2) of the Act (review by local authority).

(3) These Regulations apply as specified in regulation 13 to applications for review made under section 87(2) of the Act (review of decisions by the Scottish Ministers).

**Commencement Information**

11 Reg. 1 in force at 23.1.2017, see reg. 1(1)

**Interpretation**

2. In these Regulations—

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<sup>(1)</sup> 2015 asp 6.

- “the Act” means the Community Empowerment (Scotland) Act 2015;
- “asset transfer request” means the asset transfer request to which the application for review relates;
- “community transfer body” means the community transfer body which made the asset transfer request;
- “contact address” has the meaning given in regulation 18;
- “decision notice” means the notice given by the relevant authority of its decision on the asset transfer request;
- “hearing session” means a hearing held or to be held into matters specified in a notice given under rule 1(1) of the Hearing Session Rules;
- “Hearing Session Rules” means the rules set out in the schedule;
- “interested party” means any person from whom the relevant authority received representations (which were not subsequently withdrawn) in connection with the asset transfer request;
- “period allowed for determination of the request” means—
- (a) the period of 6 months beginning with the validation date; or
  - (b) such longer period as may be agreed between the community transfer body and the relevant authority under section 82(8)(b) of the Act;
- “relevant authority” means the relevant authority to whom the asset transfer request is made;
- “review documents” means the decision notice in respect of which the application for review is made, the application for review, all documents accompanying the application for review in accordance with regulation 3 and any representations or comments made under regulation 4(4) or (6);
- “review panel” means the persons appointed by the Scottish Ministers under regulation 12(1) to consider the asset transfer request and to report to them on it;
- “rule” means a rule set out in the schedule;
- “specified matters” are, in relation to a request for further written representations or information under regulation 8 or to a particular hearing session, those matters which are set out in the notice given under regulation 8(1) or rule 1(1) of the Hearing Session rules, as the case may be;
- “validation date” has the same meaning as in the Asset Transfer Request (Procedure) (Scotland) Regulations 2016(2); and
- “working day” means every day except—
- (a) Saturday and Sunday;
  - (b) 25th and 26th December; and
  - (c) 1st and 2nd January.

#### **Commencement Information**

**I2** Reg. 2 in force at 23.1.2017, see reg. 1(1)

## PART 2

### Application for review under section 86(2) of the Act

#### Application for review

3.—(1) An application for review to the local authority under section 86(2) of the Act is to be made in writing in accordance with this regulation.

(2) The application for review must be made to the local authority within the period of 20 working days beginning with, in the case of an application for review made by virtue of—

- (a) section 86(1)(b)(i) or (ii) of the Act, the date of the decision notice; and
- (b) section 86(1)(b)(iii) of the Act, the date of expiry of the period allowed for determination of the request.

(3) The application for review must—

- (a) include the name and contact address of the community transfer body;
- (b) specify the land to which the asset transfer request relates;
- (c) include a statement setting out the community transfer body's reasons for requiring a review of the case and by what, if any, procedure (or combination of procedures) the community transfer body considers the review should be conducted; and
- (d) be accompanied by a list of all documents, materials and evidence which the community transfer body intends to rely on in the review.

(4) Subject to paragraph (5)—

- (a) all matters which the community transfer body intends to raise in the review must be set out in the application for review or in the documents, materials and evidence referred to on the list submitted in accordance with paragraph (3)(d); and
- (b) the application for review must be accompanied by a copy of all documents, materials and evidence specified on such list other than any documents, materials or evidence which—
  - (i) the community transfer body has already provided to the local authority in connection with the asset transfer request; or
  - (ii) the local authority otherwise already holds.

(5) In addition to matters set out in the application for review and in the documents, materials and evidence referred to the list submitted in accordance with paragraph (3)(d), the community transfer body may raise matters and submit further documents, materials or evidence only—

- (a) in accordance with and to the extent permitted by regulation 4(6); or
- (b) where the local authority makes a request (under regulation 8(1), rule 1(1) of the Hearing Session Rules or otherwise) for further representations to be made or further information to be provided by the community transfer body.

#### Commencement Information

I3 Reg. 3 in force at 23.1.2017, see reg. 1(1)

#### Notification to interested parties and publication

4.—(1) The local authority must before the expiry of the period of 10 working days beginning with the date on which the application for review is made—

- (a) send an acknowledgement of the application for review to the community transfer body stating the date on which the application for review was made and inform the community transfer body how documents related to the review may be inspected; and
  - (b) give notice of the review to each interested party.
- (2) Notice under paragraph (1)(b) is to be given—
- (a) in writing to an interested party who is an owner, tenant or occupier of the land to which the asset transfer request relates; and
  - (b) in writing or by advertisement in a newspaper circulating in the locality where the land is situated, to any other interested party.
- (3) Notice under paragraph (1)(b) is to—
- (a) state the name of the community transfer body;
  - (b) specify the land to which the asset transfer request relates;
  - (c) state that copies of any representations previously made with respect to the asset transfer request, will be considered by the local authority when determining the review;
  - (d) state that further representations may be made to the local authority and include information as to how any representations may be made, by what date they must be made and that a copy of the representation will be sent to the community transfer body for comment; and
  - (e) state how a copy of the application for review and other documents related to the review may be inspected.
- (4) An interested party may within the period of 10 working days beginning with the date on which notice is given under paragraph (1)(b) make representations in respect of the review to the local authority.
- (5) The local authority must send a copy of any representations received under paragraph (4) to the community transfer body and must inform the community transfer body how and by what date (being a date not less than 10 working days after the date on which such copy is sent under this paragraph) the community transfer body may make comments to the local authority on such representations.
- (6) The community transfer body may, on or before that date, make comments on such representations to the local authority.
- (7) An interested party may, in addition to any representations made by virtue of paragraph (4), raise matters and submit further documents, materials or evidence only in accordance with a request made under regulation 8(1), rule 1(1) of the Hearing Session Rules or otherwise.

#### **Commencement Information**

**I4** Reg. 4 in force at 23.1.2017, see reg. 1(1)

#### **Publication of review documents**

5. The local authority must, in relation to a review, make a copy of—
- (a) the review documents; and
  - (b) any notice given under regulation 4(1)(b),

available for inspection on a website or by other electronic means until such time as the review is determined.

#### **Commencement Information**

**I5** Reg. 5 in force at 23.1.2017, see reg. 1(1)

## **PART 3**

### **Procedure for Determination**

#### **Determination without further procedure**

6. Where the local authority considers that the review documents provide sufficient information to enable it to determine the review, it may determine the review without further procedure.

#### **Commencement Information**

**I6** Reg. 6 in force at 23.1.2017, see reg. 1(1)

#### **Decision as to further procedure**

7.—(1) Where the local authority does not determine the review without further procedure, the local authority may determine the manner in which the review is to be conducted.

(2) The local authority may determine at any stage of the review —

- (a) that further representations should be made or further information should be made available or provided to enable the review to be determined; and
- (b) how such further representations or further information should be made available or provided.

(3) Where the local authority considers that further representations should be made or further information should be made available or provided by means of—

- (a) written submissions, regulation 8 applies;
- (b) a hearing session, the Hearing Session Rules apply.

(4) Notices given under regulation 8(1) or rule 1(1) of the Hearing Session Rules may be given separately or combined into a single notice.

#### **Commencement Information**

**I7** Reg. 7 in force at 23.1.2017, see reg. 1(1)

#### **Written submissions**

8.—(1) Where the local authority has determined that further representations should be made or further information should be provided by means of written submissions, the local authority may request such further representations or information and is to do so by giving written notice to that effect to—

- (a) the community transfer body; and
- (b) any other person from whom the local authority wishes to receive further representations or information.

- (2) The notice given under paragraph (1) is to—
- (a) set out the matters on which such further representations or information is requested;
  - (b) specify the date by which such further representations or information are to be sent to the local authority; and
  - (c) provide the name and address of any person to whom the notice is given.
- (3) Any further representations made or information provided in response to the notice given under paragraph (1) (“additional material”) are to be sent to the local authority on or before the date specified for that purpose in the notice and a copy of any additional material is to be sent on or before that date to any other person to whom the notice was given.
- (4) Within a period of 10 working days beginning with the date of receipt of a copy of the additional material, any person to whom the notice under paragraph (1) was given—
- (a) may send comments to the local authority in respect of the additional material; and
  - (b) must, when doing so, send a copy of such comments to any other person to whom the notice was given under paragraph (1).
- (5) A copy of any additional material or any comments required to be sent to a person under this regulation is to be sent to the person at the address stated for that person in the notice given under paragraph (1).
- (6) In this regulation “additional material” has the meaning given in paragraph (3).

#### **Commencement Information**

**I8** Reg. 8 in force at 23.1.2017, see reg. 1(1)

#### **Time period for decision**

**9.** The period prescribed for the purposes of section 86(7)(b)(i) of the Act is the period of 6 months beginning with the date on which the application for review under section 86(2) of the Act is made.

#### **Commencement Information**

**I9** Reg. 9 in force at 23.1.2017, see reg. 1(1)

#### **New evidence**

**10.—(1)** If, after the conclusion of any further procedure conducted by virtue of regulation 7, the local authority proposes to take into consideration any new evidence which is material to the determination of the review, the local authority must not reach a decision on the review without first affording the community transfer body and any other relevant party an opportunity of making representations on such new evidence.

(2) In this regulation “relevant party” means—

- (a) where the new evidence relates to a specified matter considered at a hearing session, any person entitled to appear at that hearing session;
- (b) where the new evidence relates to matters in respect of which further written representations or information was sought by a notice under regulation 8(1), any person to whom such notice was sent.

#### **Commencement Information**

**I10** Reg. 10 in force at 23.1.2017, see reg. 1(1)

## **PART 4**

### **Reviews under section 87(2) of the Act**

#### **Reviews under section 87(2) of the Act**

**11.**—(1) An application for review under section 87(2) of the Act is to be made in writing in accordance with this regulation.

(2) The application for review must be served on the Scottish Ministers within the period of 20 working days beginning with, in the case of an application for review made by virtue of

- (a) section 87(1)(b)(i) or (ii) of the Act, the date of the decision notice; and
- (b) section 87(1)(b)(iii) of the Act, the date of expiry of the period allowed for determination of the request.

#### **Commencement Information**

**I11** Reg. 11 in force at 23.1.2017, see reg. 1(1)

#### **Review panel**

**12.**—(1) Where an application for review is made the Scottish Ministers must appoint 3 persons, no more than one of <sup>[F1]</sup>whom may be a member of the staff of the Scottish Ministers, to consider the asset transfer request and report to them on it (“the review panel”).

(2) Following such consideration the review panel must report

- (a) their findings in fact and conclusions in respect of the asset transfer request; and
- (b) their recommendations as to the determination of the asset transfer request,

to the Scottish Ministers.

#### **Textual Amendments**

**F1** Words in reg. 12(1) substituted (22.1.2017) by The Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/411), regs. 1, 3(2)

#### **Commencement Information**

**I12** Reg. 12 in force at 23.1.2017, see reg. 1(1)

#### **Application of regulations**

**13.** These Regulations, other than regulations 3(1) and (2), 9 and 10, apply to a review under section 87(2) of the Act as they apply to a review under section 86(2) of the Act as if

- (a) in regulation 3(4), in regulation 4 and in regulation 5, references to the local authority were references to the Scottish Ministers;

- (b) in Part 3 and in the Hearing Session Rules references to the local authority were references to the review panel; and
- (c) in regulation 6 for “it to determine the review, it may determine the review” there were substituted “them to do so, the review panel may finalise their report”;
- (d) in regulation 7(1)—
  - (i) for “does not determine the review without” there were substituted “consider that”; and
  - (ii) after “procedure” there were inserted “is desirable to assist them in the preparation of their report”.

#### **Commencement Information**

**I13** Reg. 13 in force at 23.1.2017, see reg. 1(1)

#### **New evidence**

**14.**—(1) If, after the consideration of the review panel’s report, the Scottish Ministers propose to take into consideration any new evidence which is material to the determination of the review, the Scottish Ministers must not reach a decision on the review without affording the community transfer body and any other relevant party an opportunity of making representations on such new evidence.

(2) In this regulation—

“relevant party” means—

- (a) where the new evidence relates to a specified matter considered at a hearing session, any person entitled to appear at that hearing session;
- (b) where the new evidence relates to matters in respect of which further written representations or information was sought by a notice under regulation 8(1), any person to whom such notice was sent.

#### **Commencement Information**

**I14** Reg. 14 in force at 23.1.2017, see reg. 1(1)

## **PART 5**

### **General**

#### **Further copies of documents etc.**

**15.**—(1) The relevant authority may require any person who has submitted documents, materials or evidence under these Regulations in connection with the review to—

- (a) provide to the relevant authority such number of additional copies of such of those documents, materials or evidence as they may specify; and
- (b) provide to such other persons as they may specify such copies or additional copies of any documents, materials or evidence as they may specify.

(2) The relevant authority must, until such time as the review is determined, make copies of such documents, materials or evidence provided under paragraph (1)(a) available for inspection at

an office of the relevant authority and, where practicable, must afford any person who so requests a reasonable opportunity of taking copies of such documents (or any part thereof).

#### **Commencement Information**

**I15** Reg. 15 in force at 23.1.2017, see reg. 1(1)

#### **Compliance with notification and consultation procedures**

**16.** (1) The relevant authority must, to the extent not already done so, comply with regulations 6 (notification of asset transfer request) and 7 (publication of asset transfer request) of the Asset Transfer Request (Procedure) (Scotland) Regulations 2016(3) before determining the review.

(2) Where the relevant authority notifies any person in accordance with paragraph (1), references in these Regulations (other than regulation 4) to an interested party include any such person from whom the relevant authority received representations (which are not subsequently withdrawn) in connection with the asset transfer request.

#### **Commencement Information**

**I16** Reg. 16 in force at 23.1.2017, see reg. 1(1)

#### **Decision notice**

**17.** The relevant authority must—

- (a) give notice of the decision to the community transfer body;
- (b) notify every person who made (and did not subsequently withdraw) representations in respect of the review that a decision on the review has been made and how a copy of the notice of the decision may be inspected; and
- (c) make a copy of the decision notice available for inspection on a website or by other electronic means.

#### **Commencement Information**

**I17** Reg. 17 in force at 23.1.2017, see reg. 1(1)

#### **[<sup>F2</sup>Contact address**

**18.** (1) In relation to a review to which these Regulations apply, the “contact address” is the address (or addresses), including any address (or addresses) for the purposes of electronic communication within the meaning of regulation 19, to which the community transfer body wishes any document relating to the review to be sent.

(2) The contact address is the address (or addresses) included in the application for review unless the community transfer body subsequently expressly informs the relevant authority of a change to the contact address.]

### Textual Amendments

- F2** Reg. 18 substituted (22.1.2017) by The Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/411), regs. 1, 3(3)

### Commencement Information

- I18** Reg. 18 in force at 23.1.2017, see reg. 1(1)

### Electronic communication

**19.**—(1) Where the criteria in paragraph (2) are met, any document required or authorised to be sent by these Regulations may be sent by electronic communication and any requirement in these Regulations that any document is to be in writing is fulfilled.

(2) The criteria are—

- (a) the recipient agrees, or is deemed to have agreed under paragraph (3) [<sup>F3</sup>or (5A)], to receive it electronically; and
- (b) the document transmitted by electronic communication is—
  - (i) capable of being accessed by the recipient;
  - (ii) legible in all material respects; and
  - (iii) sufficiently permanent to be used for subsequent reference.

(3) Any person sending a document using electronic communication is to be taken to have agreed—

- (a) to the use of such communication for all purposes relating to the review which are capable of being carried out electronically; and
- (b) that the address for the purpose of such communication is the address incorporated into, or otherwise logically associated with, that communication.

(4) Deemed agreement under paragraph (3) subsists until that person gives notice to revoke the agreement.

(5) Notice of withdrawal of consent to the use of electronic communication or of revocation of agreement under paragraph (4) takes effect on the later of—

- (a) the date specified by the person in the notice; or
- (b) the expiry of the period of 5 working days beginning with the date on which the notice is given.

[<sup>F4</sup>(5A) Where the contact address includes an address (or addresses) for the purposes of electronic communication (“electronic communication contact address”) the community transfer body is taken to have agreed—

- (a) to the use of electronic communication for all purposes relating to the review which are capable of being carried out electronically; and
- (b) that the address for the purposes of such communication is the electronic communication contact address.

(5B) Where any document is sent to the community transfer body by electronic communication by virtue of this regulation, the address (or addresses) for the purpose of such communication—

- (a) where there is an electronic communication contact address, must be the electronic communication contact address; and

(b) may, in addition, be any address which the community transfer body has agreed, or is deemed to have agreed under paragraph (3), may be used for the purpose of electronic communication.]

(6) In this regulation—

“address” includes any number or address used for the purpose of such communication or storage;

“document” includes any notice, consent, agreement, decision, representation, statement, report or other information or communication;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(4);

[<sup>F5</sup>“electronic communication contact address” has the meaning given in paragraph (5A);]

“legible in all material respects” means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form; and

“sent” includes served, submitted or given and cognate expressions are to be construed accordingly.

#### **Textual Amendments**

- F3** Words in reg. 19(2)(a) inserted (22.1.2017) by The Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/411), regs. 1, 3(4)(a)
- F4** Reg. 19(5A)(5B) inserted (22.1.2017) by The Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/411), regs. 1, 3(4)(b)
- F5** Words in reg. 19(6) inserted (22.1.2017) by The Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/411), regs. 1, 3(4)(c)

#### **Commencement Information**

- I19** Reg. 19 in force at 23.1.2017, see reg. 1(1)

St Andrew's House,  
Edinburgh  
8th November 2016

*KEVIN STEWART*  
Authorised to sign by the Scottish Ministers

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(4) 2000 c.7. Section 15 was amended by the Communications Act 2003 (c.21), schedule 17, paragraph 158.

## SCHEDULE

## Regulation 2

### Hearing Session Rules

#### **Notice of hearing session and specified matters**

1.—(1) Where the local authority has determined that a hearing session should be held it is to give written notice to that effect to—

- (a) the community transfer body;
- (b) any interested party who made representations in relation to specified matters; and
- (c) any person who the local authority wishes to make further representations or to provide further information on specified matters at the hearing session.

(2) The notice given under paragraph (1) is to specify the matters to be considered at the hearing session.

(3) Only specified matters are to be considered at the hearing session.

(4) A person given notice under paragraph (1)(b) or (c) and who intends to appear at the hearing session must within the period of 10 working days beginning with the date of such notice inform the local authority in writing of that intention.

#### **Commencement Information**

**I20** Sch. para. 1 in force at 23.1.2017, see reg. 1(1)

#### **Appearances at hearing session**

2. The persons entitled to appear at a hearing session are—

- (a) the community transfer body; and
- (b) any other person who, in response to a notice given under rule 1(1), has informed the local authority of their intention to appear at the hearing session in accordance with rule 1(4).

#### **Commencement Information**

**I21** Sch. para. 2 in force at 23.1.2017, see reg. 1(1)

#### **Date and notification of hearing session**

3.—(1) The date, time and place at which the hearing session is to be held is to be determined (and may subsequently be varied) by the local authority.

(2) The local authority is to give to those persons entitled to appear at the hearing session such notice of the date, time and place fixed for the holding of a hearing session (and any subsequent variation thereof) as may appear to the local authority to be reasonable in the circumstances.

#### **Commencement Information**

**I22** Sch. para. 3 in force at 23.1.2017, see reg. 1(1)

### **Service of hearing statements and documents**

4.—(1) Where required to do so by notice given by the local authority, a person entitled to appear at the hearing session must, by such date as is specified in the notice, send to the local authority, the community transfer body and to such other persons entitled to appear at the hearing session as the local authority may specify in such notice –

- (a) a hearing statement; and
- (b) where that person intends to refer to or rely on any documents when presenting their case a copy of every document (or the relevant part of a document) on the list comprised in that hearing statement which is not already available for inspection under regulation 5, 15(2), or paragraph (2) of this rule.

(2) The local authority must make a copy of any hearing statement or other document (or any part thereof) which, or a copy of which, has been sent to it in accordance with this rule, available for inspection on a website or by other electronic means until such time as the review is determined.

(3) Any person who has served a hearing statement in accordance with this rule must—

- (a) when required by notice in writing from the local authority, provide such further information about the matters contained in the statement as the local authority may specify; and
- (b) at the same time send a copy of such further information to any other person on whom the hearing statement has been served.

(4) Different dates and different persons may be specified for the purposes of paragraph (1).

(5) In this rule, “hearing statement” means, and is comprised of

- (a) a written statement which fully sets out the case relating to the specified matters which a person proposes to put forward to a hearing session;
- (b) a list of documents (if any) which the person putting forward such case intends to refer to or rely on; and
- (c) a list of any other persons who are to speak at the hearing session in respect of such case, any matters which such persons are particularly to address and any relevant qualifications of such persons to do so.

### **Commencement Information**

**I23** Sch. para. 4 in force at 23.1.2017, see **reg. 1(1)**

### **Procedure at hearing**

5. (1) Except as otherwise provided in these Hearing Session Rules, the procedure at a hearing session shall be as the local authority determines.

(2) The local authority is, having considered any submission by the persons entitled to appear at the hearing session, to state at the commencement of the hearing session the procedure the local authority proposes to adopt.

(3) Any person entitled to appear may do so on that person’s own behalf or be represented by another person.

(4) Where there are two or more persons having a similar interest in the issues being considered at the hearing session, the local authority may allow one or more persons to appear on behalf of some or all of any persons so interested.

(5) A hearing shall take the form of a discussion led by the local authority and cross examination is not permitted unless the local authority considers that cross examination is required to ensure a thorough examination of the issues.

(6) Subject to paragraph (7), a person entitled to appear at a hearing session is entitled to call evidence.

(7) The local authority may refuse to permit—

- (a) the giving or production of evidence;
- (b) the cross examination of persons giving evidence; or
- (c) the presentation of any other matter,

which the local authority considers to be irrelevant or repetitious.

(8) The local authority may proceed with a hearing session in the absence of any person entitled to appear at the hearing session.

(9) The local authority may from time to time adjourn the hearing session and, if the date, time and place of the adjourned hearing session are announced before the adjournment, no further notice is required otherwise rule 3 applies as it applies to the variation of the date, time or place at which a hearing session is to be held.

#### **Commencement Information**

**I24** Sch. para. 5 in force at 23.1.2017, see **reg. 1(1)**

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision in connection with applications for review made to a local authority under section 86 of the Community Empowerment (Scotland) Act 2015 (“the Act”) and applications for reviews made to the Scottish Ministers under section 87 of the Act.

Part 1 of the Regulations sets out how the Regulations apply and are to be interpreted. Part 2 of the Regulations makes provision in relation to procedure for making an application for review under section 86(2) of the Act. Regulation 3 sets out the time period within which and how such an application for review must be made. Regulation 4 provides for notification of the review to interested parties and gives such parties an opportunity to make representations and for the community transfer body to comment on any such representations. In terms of regulation 5 the local authority are to publish copies of documents relating to the review on a website or by other electronic means.

Part 3 of the Regulations relates to the process of determination of a review. Regulation 6 to 8 make provision for the procedure, if any is considered to be required, to be followed by the local authority when considering a review. Regulation 8 sets out procedures for how written submissions are to be sought and the Hearing Session Rules set out in the schedule contain rules as to how hearings are to be conducted. Regulation 9 relates to further procedure by the local authority if the local authority proposes to consider new evidence after the conclusion of any procedure under regulation 8 or the Hearing Session Rules.

Part 4 of the Regulations makes provision in respect of reviews under section 87(2) of the Act. Regulation 11 sets out the time period within which and how such an application for review must be made. Regulation 12 requires the Scottish Ministers to appoint persons to form a review panel to consider the review and report to them on their findings and recommendations for disposal of the review. Regulation 13 applies provisions of the Regulations to applications for review under section 87 of the Act with modifications to take account of the fact that applications are made to the Scottish Ministers rather than the local authority and the procedure for section 87 reviews is to be conducted by a review panel. Regulation 14 relates to further procedure by the Scottish Ministers if they propose to consider new evidence after the conclusion of any procedure under regulation 8 or the Hearing Session Rules.

Part 5 makes general provisions in relation to the provision of further copies of documents (regulation 15), notification of the decision on review (regulation 17), the definition of 'contact address' (regulation 18) and the use of electronic communications (regulation 19). Regulation 16 requires the relevant authority to ensure that publication and notification procedures set out in the Asset Transfer Request (Procedure) (Scotland) Regulations 2016 are fulfilled if this has not already been done.

**Changes to legislation:**

There are currently no known outstanding effects for The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016.

2016 No. 358

## COMMUNITY EMPOWERMENT

**The Asset Transfer Request (Review Procedure)  
(Scotland) Regulations 2016**

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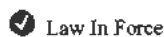
|                                            |                           |
|--------------------------------------------|---------------------------|
| <i>Made</i>                                | <i>8th November 2016</i>  |
| <i>Laid before the Scottish Parliament</i> | <i>10th November 2016</i> |
| <i>Coming into force</i>                   | <i>23rd January 2017</i>  |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 86(3) and (7)(b)(i) and 87(3) of the Community Empowerment (Scotland) Act 2015 and all other powers enabling them to do so.

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**Extent**Preamble: Scotland

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**PART 1****Preliminary**

Law In Force

**1.— Citation, commencement and application**

- (1) These Regulations may be cited as the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 and come into force on 23rd January 2017.
- (2) These Regulations (other than Part 4) apply to applications for review made under section 86(2) of the Act (review by local authority).
- (3) These Regulations apply as specified in regulation 13 to applications for review made under section 87(2) of the Act (review of decisions by the Scottish Ministers).

**Commencement**

Pt 1 reg. 1(1)-(3): January 23, 2017

**Extent**

Pt 1 reg. 1(1)-(3): Scotland

 **Law In Force**

**2. Interpretation**

In these Regulations—

“the Act” means the Community Empowerment (Scotland) Act 2015;

“asset transfer request” means the asset transfer request to which the application for review relates;

“community transfer body” means the community transfer body which made the asset transfer request;

“contact address” has the meaning given in regulation 18;

“decision notice” means the notice given by the relevant authority of its decision on the asset transfer request;

“hearing session” means a hearing held or to be held into matters specified in a notice given under rule 1(1) of the Hearing Session Rules;

“Hearing Session Rules” means the rules set out in the schedule;

“interested party” means any person from whom the relevant authority received representations (which were not subsequently withdrawn) in connection with the asset transfer request;

“period allowed for determination of the request” means—

(a) the period of 6 months beginning with the validation date; or

(b) such longer period as may be agreed between the community transfer body and the relevant authority under section 82(8)(b) of the Act;

“relevant authority” means the relevant authority to whom the asset transfer request is made;

“review documents” means the decision notice in respect of which the application for review is made, the application for review, all documents accompanying the application for review in accordance with regulation 3 and any representations or comments made under regulation 4(4) or (6);

“review panel” means the persons appointed by the Scottish Ministers under regulation 12(1) to consider the asset transfer request and to report to them on it;

“rule” means a rule set out in the schedule;

“specified matters” are, in relation to a request for further written representations or information under regulation 8 or to a particular hearing session, those matters which are set out in the notice given under regulation 8(1) or rule 1(1) of the Hearing Session rules, as the case may be;

“validation date” has the same meaning as in the Asset Transfer Request (Procedure) (Scotland) Regulations 2016; and

“working day” means every day except—

(a) Saturday and Sunday;

- (b) 25th and 26th December; and
- (c) 1st and 2nd January.

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**Commencement**

Pt 1 reg. 2 definition of "the Act"- definition of "working day" (c): January 23, 2017

**Extent**

Pt 1 reg. 2 definition of "the Act"- definition of "working day" (c): Scotland

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## PART 2

### Application for review under section 86(2) of the Act

✓ Law In Force

#### 3.— Application for review

- (1) An application for review to the local authority under section 86(2) of the Act is to be made in writing in accordance with this regulation.
- (2) The application for review must be made to the local authority within the period of 20 working days beginning with, in the case of an application for review made by virtue of—
  - (a) section 86(1)(b)(i) or (ii) of the Act, the date of the decision notice; and
  - (b) section 86(1)(b)(iii) of the Act, the date of expiry of the period allowed for determination of the request.
- (3) The application for review must—
  - (a) include the name and contact address of the community transfer body;
  - (b) specify the land to which the asset transfer request relates;
  - (c) include a statement setting out the community transfer body's reasons for requiring a review of the case and by what, if any, procedure (or combination of procedures) the community transfer body considers the review should be conducted; and
  - (d) be accompanied by a list of all documents, materials and evidence which the community transfer body intends to rely on in the review.
- (4) Subject to paragraph (5)—
  - (a) all matters which the community transfer body intends to raise in the review must be set out in the application for review or in the documents, materials and evidence referred to on the list submitted in accordance with paragraph (3)(d); and
  - (b) the application for review must be accompanied by a copy of all documents, materials and evidence specified on such list other than any documents, materials or evidence which—
    - (i) the community transfer body has already provided to the local authority in connection with the asset transfer request; or
    - (ii) the local authority otherwise already holds.

(5) In addition to matters set out in the application for review and in the documents, materials and evidence referred to the list submitted in accordance with paragraph (3)(d), the community transfer body may raise matters and submit further documents, materials or evidence only—

- (a) in accordance with and to the extent permitted by regulation 4(6); or
- (b) where the local authority makes a request (under regulation 8(1), rule 1(1) of the Hearing Session Rules or otherwise) for further representations to be made or further information to be provided by the community transfer body.

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**Commencement**

Pt 2 reg. 3(1)-(5)(b): January 23, 2017

**Extent**

Pt 2 reg. 3(1)-(5)(b): Scotland

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 **Law In Force****4.— Notification to interested parties and publication**

(1) The local authority must before the expiry of the period of 10 working days beginning with the date on which the application for review is made—

- (a) send an acknowledgement of the application for review to the community transfer body stating the date on which the application for review was made and inform the community transfer body how documents related to the review may be inspected; and
- (b) give notice of the review to each interested party.

(2) Notice under paragraph (1)(b) is to be given—

- (a) in writing to an interested party who is an owner, tenant or occupier of the land to which the asset transfer request relates; and
- (b) in writing or by advertisement in a newspaper circulating in the locality where the land is situated, to any other interested party.

(3) Notice under paragraph (1)(b) is to—

- (a) state the name of the community transfer body;
- (b) specify the land to which the asset transfer request relates;
- (c) state that copies of any representations previously made with respect to the asset transfer request, will be considered by the local authority when determining the review;
- (d) state that further representations may be made to the local authority and include information as to how any representations may be made, by what date they must be made and that a copy of the representation will be sent to the community transfer body for comment; and
- (e) state how a copy of the application for review and other documents related to the review may be inspected.

(4) An interested party may within the period of 10 working days beginning with the date on which notice is given under paragraph (1)(b) make representations in respect of the review to the local authority.

(5) The local authority must send a copy of any representations received under paragraph (4) to the community transfer body and must inform the community transfer body how and by what date (being a date not less than 10 working days after the date on which such copy is sent under this paragraph) the community transfer body may make comments to the local authority on such representations.

(6) The community transfer body may, on or before that date, make comments on such representations to the local authority.

(7) An interested party may, in addition to any representations made by virtue of paragraph (4), raise matters and submit further documents, materials or evidence only in accordance with a request made under regulation 8(1), rule 1(1) of the Hearing Session Rules or otherwise.

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**Commencement**

Pt 2 reg. 4(1)-(7): January 23, 2017

**Extent**

Pt 2 reg. 4(1)-(7): Scotland

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✓ Law In Force

**5. Publication of review documents**

The local authority must, in relation to a review, make a copy of—

- (a) the review documents; and
- (b) any notice given under regulation 4(1)(b),

available for inspection on a website or by other electronic means until such time as the review is determined.

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**Commencement**

Pt 2 reg. 5(a)-(b): January 23, 2017

**Extent**

Pt 2 reg. 5(a)-(b): Scotland

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## PART 3

### Procedure for Determination

✓ Law In Force

**6. Determination without further procedure**

Where the local authority considers that the review documents provide sufficient information to enable it to determine the review, it may determine the review without further procedure.

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**Commencement**

Pt 3 reg. 6: January 23, 2017

**Extent**

Pt 3 reg. 6: Scotland

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 **Law In Force****7.— Decision as to further procedure**

- (1) Where the local authority does not determine the review without further procedure, the local authority may determine the manner in which the review is to be conducted.
- (2) The local authority may determine at any stage of the review—
- (a) that further representations should be made or further information should be made available or provided to enable the review to be determined; and
  - (b) how such further representations or further information should be made available or provided.
- (3) Where the local authority considers that further representations should be made or further information should be made available or provided by means of—
- (a) written submissions, regulation 8 applies;
  - (b) a hearing session, the Hearing Session Rules apply.
- (4) Notices given under regulation 8(1) or rule 1(1) of the Hearing Session Rules may be given separately or combined into a single notice.

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**Commencement**

Pt 3 reg. 7(1)-(4): January 23, 2017

**Extent**

Pt 3 reg. 7(1)-(4): Scotland

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 **Law In Force****8.— Written submissions**

- (1) Where the local authority has determined that further representations should be made or further information should be provided by means of written submissions, the local authority may request such further representations or information and is to do so by giving written notice to that effect to—
- (a) the community transfer body; and
  - (b) any other person from whom the local authority wishes to receive further representations or information.
- (2) The notice given under paragraph (1) is to—

- (a) set out the matters on which such further representations or information is requested;
- (b) specify the date by which such further representations or information are to be sent to the local authority; and
- (c) provide the name and address of any person to whom the notice is given.

(3) Any further representations made or information provided in response to the notice given under paragraph (1) (“additional material”) are to be sent to the local authority on or before the date specified for that purpose in the notice and a copy of any additional material is to be sent on or before that date to any other person to whom the notice was given.

(4) Within a period of 10 working days beginning with the date of receipt of a copy of the additional material, any person to whom the notice under paragraph (1) was given—

- (a) may send comments to the local authority in respect of the additional material; and
- (b) must, when doing so, send a copy of such comments to any other person to whom the notice was given under paragraph (1).

(5) A copy of any additional material or any comments required to be sent to a person under this regulation is to be sent to the person at the address stated for that person in the notice given under paragraph (1).

(6) In this regulation “additional material” has the meaning given in paragraph (3).

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**Commencement**

Pt 3 reg. 8(1)-(6): January 23, 2017

**Extent**

Pt 3 reg. 8(1)-(6): Scotland

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✓ Law In Force

**9. Time period for decision**

The period prescribed for the purposes of section 86(7)(b)(i) of the Act is the period of 6 months beginning with the date on which the application for review under section 86(2) of the Act is made.

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**Commencement**

Pt 3 reg. 9: January 23, 2017

**Extent**

Pt 3 reg. 9: Scotland

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✓ Law In Force

**10.— New evidence**

(1) If, after the conclusion of any further procedure conducted by virtue of regulation 7, the local authority proposes to take into consideration any new evidence which is material to the determination of the review, the local authority must not reach a decision on the review without first affording

the community transfer body and any other relevant party an opportunity of making representations on such new evidence.

(2) In this regulation “relevant party” means—

- (a) where the new evidence relates to a specified matter considered at a hearing session, any person entitled to appear at that hearing session;
- (b) where the new evidence relates to matters in respect of which further written representations or information was sought by a notice under regulation 8(1), any person to whom such notice was sent.

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**Commencement**

Pt 3 reg. 10(1)-(2)(b): January 23, 2017

**Extent**

Pt 3 reg. 10(1)-(2)(b): Scotland

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## PART 4

### Reviews under section 87(2) of the Act

✓ Law In Force

#### 11.— Reviews under section 87(2) of the Act

(1) An application for review under section 87(2) of the Act is to be made in writing in accordance with this regulation.

(2) The application for review must be served on the Scottish Ministers within the period of 20 working days beginning with, in the case of an application for review made by virtue of—

- (a) section 87(1)(b)(i) or (ii) of the Act, the date of the decision notice; and
- (b) section 87(1)(b)(iii) of the Act, the date of expiry of the period allowed for determination of the request.

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**Commencement**

Pt 4 reg. 11(1)-(2)(b): January 23, 2017

**Extent**

Pt 4 reg. 11(1)-(2)(b): Scotland

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✓ Law In Force

## 12.— Review panel

(1) Where an application for review is made the Scottish Ministers must appoint 3 persons, no more than one of [whom may be a]<sup>1</sup> member of the staff of the Scottish Ministers, to consider the asset transfer request and report to them on it (“the review panel”).

(2) Following such consideration the review panel must report—

- (a) their findings in fact and conclusions in respect of the asset transfer request; and
- (b) their recommendations as to the determination of the asset transfer request, to the Scottish Ministers.

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### Notes

- <sup>1</sup> Words substituted by Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016/411 (Scottish SI) reg.3(2) (January 23, 2017: substitution came into force on January 22, 2017 but cannot take effect until SSI 2016/358 comes into force)

### Commencement

Pt 4 reg. 12(1)-(2)(b): January 23, 2017

### Extent

Pt 4 reg. 12(1)-(2)(b): Scotland

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✓ Law In Force

## 13. Application of regulations

These Regulations, other than regulations 3(1) and (2), 9 and 10, apply to a review under section 87(2) of the Act as they apply to a review under section 86(2) of the Act as if—

- (a) in regulation 3(4), in regulation 4 and in regulation 5, references to the local authority were references to the Scottish Ministers;
- (b) in Part 3 and in the Hearing Session Rules references to the local authority were references to the review panel; and
- (c) in regulation 6 for “it to determine the review, it may determine the review” there were substituted “them to do so, the review panel may finalise their report”;
- (d) in regulation 7(1)—
  - (i) for “does not determine the review without” there were substituted “consider that”; and
  - (ii) after “procedure” there were inserted “is desirable to assist them in the preparation of their report”.

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### Commencement

Pt 4 reg. 13(a)-(d)(ii): January 23, 2017

### Extent

Pt 4 reg. 13(a)-(d)(ii): Scotland

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✓ Law In Force

#### **14.— New evidence**

(1) If, after the consideration of the review panel's report, the Scottish Ministers propose to take into consideration any new evidence which is material to the determination of the review, the Scottish Ministers must not reach a decision on the review without affording the community transfer body and any other relevant party an opportunity of making representations on such new evidence.

(2) In this regulation—

“relevant party” means—

- (a) where the new evidence relates to a specified matter considered at a hearing session, any person entitled to appear at that hearing session;
- (b) where the new evidence relates to matters in respect of which further written representations or information was sought by a notice under regulation 8(1), any person to whom such notice was sent.

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#### **Commencement**

Pt 4 reg. 14(1)-(2) definition of "relevant party" (b): January 23, 2017

#### **Extent**

Pt 4 reg. 14(1)-(2) definition of "relevant party" (b): Scotland

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## **PART 5**

### **General**

✓ Law In Force

#### **15.— Further copies of documents etc.**

(1) The relevant authority may require any person who has submitted documents, materials or evidence under these Regulations in connection with the review to—

- (a) provide to the relevant authority such number of additional copies of such of those documents, materials or evidence as they may specify; and
- (b) provide to such other persons as they may specify such copies or additional copies of any documents, materials or evidence as they may specify.

(2) The relevant authority must, until such time as the review is determined, make copies of such documents, materials or evidence provided under paragraph (1)(a) available for inspection at an office of the relevant authority and, where practicable, must afford any person who so requests a reasonable opportunity of taking copies of such documents (or any part thereof).

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**Commencement**

Pt 5 reg. 15(1)-(2): January 23, 2017

**Extent**

Pt 5 reg. 15(1)-(2): Scotland

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✓ Law In Force

**16.— Compliance with notification and consultation procedures**

(1) The relevant authority must, to the extent not already done so, comply with regulations 6 (notification of asset transfer request) and 7 (publication of asset transfer request) of the Asset Transfer Request (Procedure) (Scotland) Regulations 2016 before determining the review.

(2) Where the relevant authority notifies any person in accordance with paragraph (1), references in these Regulations (other than regulation 4) to an interested party include any such person from whom the relevant authority received representations (which are not subsequently withdrawn) in connection with the asset transfer request.

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**Commencement**

Pt 5 reg. 16(1)-(2): January 23, 2017

**Extent**

Pt 5 reg. 16(1)-(2): Scotland

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✓ Law In Force

**17. Decision notice**

The relevant authority must—

- (a) give notice of the decision to the community transfer body;
- (b) notify every person who made (and did not subsequently withdraw) representations in respect of the review that a decision on the review has been made and how a copy of the notice of the decision may be inspected; and
- (c) make a copy of the decision notice available for inspection on a website or by other electronic means.

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**Commencement**

Pt 5 reg. 17(a)-(c): January 23, 2017

**Extent**

Pt 5 reg. 17(a)-(c): Scotland

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✓ Law In Force

### **[ 18.— Contact address**

(1) In relation to a review to which these Regulations apply, the “contact address” is the address (or addresses), including any address (or addresses) for the purposes of electronic communication within the meaning of regulation 19, to which the community transfer body wishes any document relating to the review to be sent.

(2) The contact address is the address (or addresses) included in the application for review unless the community transfer body subsequently expressly informs the relevant authority of a change to the contact address.

] <sup>1</sup>

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#### **Notes**

- <sup>1</sup> Substituted by Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016/411 (Scottish SI) reg.3(3) (January 23, 2017: substitution came into force on January 22, 2017 but cannot take effect until SSI 2016/358 comes into force)

#### **Commencement**

Pt 5 reg. 18(1)-(2): January 23, 2017

#### **Extent**

Pt 5 reg. 18(1)-(2): Scotland

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✓ Law In Force

### **19.— Electronic communication**

(1) Where the criteria in paragraph (2) are met, any document required or authorised to be sent by these Regulations may be sent by electronic communication and any requirement in these Regulations that any document is to be in writing is fulfilled.

(2) The criteria are—

- (a) the recipient agrees, or is deemed to have agreed under paragraph (3) [ or (5A) ] <sup>1</sup>, to receive it electronically; and
- (b) the document transmitted by electronic communication is—
  - (i) capable of being accessed by the recipient;
  - (ii) legible in all material respects; and
  - (iii) sufficiently permanent to be used for subsequent reference.

(3) Any person sending a document using electronic communication is to be taken to have agreed—

- (a) to the use of such communication for all purposes relating to the review which are capable of being carried out electronically; and
- (b) that the address for the purpose of such communication is the address incorporated into, or otherwise logically associated with, that communication.

(4) Deemed agreement under paragraph (3) subsists until that person gives notice to revoke the agreement.

(5) Notice of withdrawal of consent to the use of electronic communication or of revocation of agreement under paragraph (4) takes effect on the later of—

- (a) the date specified by the person in the notice; or
- (b) the expiry of the period of 5 working days beginning with the date on which the notice is given.

[ (5A) Where the contact address includes an address (or addresses) for the purposes of electronic communication (“electronic communication contact address”) the community transfer body is taken to have agreed—

- (a) to the use of electronic communication for all purposes relating to the review which are capable of being carried out electronically; and
- (b) that the address for the purposes of such communication is the electronic communication contact address.

(5B) Where any document is sent to the community transfer body by electronic communication by virtue of this regulation, the address (or addresses) for the purpose of such communication—

- (a) where there is an electronic communication contact address, must be the electronic communication contact address; and
- (b) may, in addition, be any address which the community transfer body has agreed, or is deemed to have agreed under paragraph (3), may be used for the purpose of electronic communication.

] <sup>2</sup>

(6) In this regulation—

“address” includes any number or address used for the purpose of such communication or storage;

“document” includes any notice, consent, agreement, decision, representation, statement, report or other information or communication;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>3</sup>;

[ “electronic communication contact address” has the meaning given in paragraph (5A); ] <sup>4</sup>

“legible in all material respects” means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form; and

“sent” includes served, submitted or given and cognate expressions are to be construed accordingly.

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## Notes

<sup>1</sup> Words inserted by Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016/411 (Scottish SI) reg.3(4)(a) (January 23, 2017: insertion came into force on January 22, 2017 but cannot take effect until SSI 2016/358 comes into force)

<sup>2</sup> Added by Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016/411 (Scottish SI) reg.3(4)(b) (January 23, 2017: insertion came into force on January 22, 2017 but cannot take effect until SSI 2016/358 comes into force)

<sup>3</sup> Section 15 was amended by the Communications Act 2003 (c.21), schedule 17, paragraph 158.

<sup>4</sup> Definition inserted by Community Empowerment (Miscellaneous Amendments) (Scotland) Regulations 2016/411 (Scottish SI) reg.3(4)(c) (January 23, 2017: insertion came into force on January 22, 2017 but cannot take effect until SSI 2016/358 comes into force)

**Commencement**

Pt 5 reg. 19(1)-(6) definition of "sent": January 23, 2017

**Extent**

Pt 5 reg. 19(1)-(6) definition of "sent": Scotland

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✓ Law In Force

*KEVIN STEWART*

Authorised to sign by the Scottish Ministers  
St Andrew's House,  
Edinburgh

8th November 2016

**SCHEDULE****Hearing Session Rules****Regulation 2**

✓ Law In Force

**1.— Notice of hearing session and specified matters**

(1) Where the local authority has determined that a hearing session should be held it is to give written notice to that effect to—

- (a) the community transfer body;
- (b) any interested party who made representations in relation to specified matters; and
- (c) any person who the local authority wishes to make further representations or to provide further information on specified matters at the hearing session.

(2) The notice given under paragraph (1) is to specify the matters to be considered at the hearing session.

(3) Only specified matters are to be considered at the hearing session.

(4) A person given notice under paragraph (1)(b) or (c) and who intends to appear at the hearing session must within the period of 10 working days beginning with the date of such notice inform the local authority in writing of that intention.

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**Commencement**

Sch. 1 para. 1(1)-(4): January 23, 2017

**Extent**

Sch. 1 para. 1(1)-(4): Scotland

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✓ Law In Force

## **2. Appearances at hearing session**

The persons entitled to appear at a hearing session are—

- (a) the community transfer body; and
- (b) any other person who, in response to a notice given under rule 1(1), has informed the local authority of their intention to appear at the hearing session in accordance with rule 1(4).

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### **Commencement**

Sch. 1 para. 2(a)-(b): January 23, 2017

### **Extent**

Sch. 1 para. 2(a)-(b): Scotland

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✓ Law In Force

## **3.— Date and notification of hearing session**

(1) The date, time and place at which the hearing session is to be held is to be determined (and may subsequently be varied) by the local authority.

(2) The local authority is to give to those persons entitled to appear at the hearing session such notice of the date, time and place fixed for the holding of a hearing session (and any subsequent variation thereof) as may appear to the local authority to be reasonable in the circumstances.

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### **Commencement**

Sch. 1 para. 3(1)-(2): January 23, 2017

### **Extent**

Sch. 1 para. 3(1)-(2): Scotland

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✓ Law In Force

## **4.— Service of hearing statements and documents**

(1) Where required to do so by notice given by the local authority, a person entitled to appear at the hearing session must, by such date as is specified in the notice, send to the local authority, the community transfer body and to such other persons entitled to appear at the hearing session as the local authority may specify in such notice—

- (a) a hearing statement; and
- (b) where that person intends to refer to or rely on any documents when presenting their case a copy of every document (or the relevant part of a document) on the list comprised

- in that hearing statement which is not already available for inspection under regulation 5, 15(2), or paragraph (2) of this rule.
- (2) The local authority must make a copy of any hearing statement or other document (or any part thereof) which, or a copy of which, has been sent to it in accordance with this rule, available for inspection on a website or by other electronic means until such time as the review is determined.
- (3) Any person who has served a hearing statement in accordance with this rule must
- (a) when required by notice in writing from the local authority, provide such further information about the matters contained in the statement as the local authority may specify; and
  - (b) at the same time send a copy of such further information to any other person on whom the hearing statement has been served.
- (4) Different dates and different persons may be specified for the purposes of paragraph (1).
- (5) In this rule, “hearing statement” means, and is comprised of —
- (a) a written statement which fully sets out the case relating to the specified matters which a person proposes to put forward to a hearing session;
  - (b) a list of documents (if any) which the person putting forward such case intends to refer to or rely on; and
  - (c) a list of any other persons who are to speak at the hearing session in respect of such case, any matters which such persons are particularly to address and any relevant qualifications of such persons to do so.

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**Commencement**

Sch. 1 para. 4(1)-(5)(c): January 23, 2017

**Extent**

Sch. 1 para. 4(1)-(5)(c): Scotland

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Law In Force

**5.— Procedure at hearing**

- (1) Except as otherwise provided in these Hearing Session Rules, the procedure at a hearing session shall be as the local authority determines.
- (2) The local authority is, having considered any submission by the persons entitled to appear at the hearing session, to state at the commencement of the hearing session the procedure the local authority proposes to adopt.
- (3) Any person entitled to appear may do so on that person's own behalf or be represented by another person.
- (4) Where there are two or more persons having a similar interest in the issues being considered at the hearing session, the local authority may allow one or more persons to appear on behalf of some or all of any persons so interested.

(5) A hearing shall take the form of a discussion led by the local authority and cross examination is not permitted unless the local authority considers that cross examination is required to ensure a thorough examination of the issues.

(6) Subject to paragraph (7), a person entitled to appear at a hearing session is entitled to call evidence.

(7) The local authority may refuse to permit—

- (a) the giving or production of evidence;
- (b) the cross examination of persons giving evidence; or
- (c) the presentation of any other matter,

which the local authority considers to be irrelevant or repetitious.

(8) The local authority may proceed with a hearing session in the absence of any person entitled to appear at the hearing session.

(9) The local authority may from time to time adjourn the hearing session and, if the date, time and place of the adjourned hearing session are announced before the adjournment, no further notice is required otherwise rule 3 applies as it applies to the variation of the date, time or place at which a hearing session is to be held.

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**Commencement**

Sch. 1 para. 5(1)-(9): January 23, 2017

**Extent**

Sch. 1 para. 5(1)-(9): Scotland

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision in connection with applications for review made to a local authority under section 86 of the Community Empowerment (Scotland) Act 2015 (“the Act”) and applications for reviews made to the Scottish Ministers under section 87 of the Act.

Part 1 of the Regulations sets out how the Regulations apply and are to be interpreted. Part 2 of the Regulations makes provision in relation to procedure for making an application for review under section 86(2) of the Act. Regulation 3 sets out the time period within which and how such an application for review must be made. Regulation 4 provides for notification of the review to interested parties and gives such parties an opportunity to make representations and for the community transfer body to comment on any such representations. In terms of regulation 5 the local authority are to publish copies of documents relating to the review on a website or by other electronic means.

Part 3 of the Regulations relates to the process of determination of a review. Regulation 6 to 8 make provision for the procedure, if any is considered to be required, to be followed by the local authority when considering a review. Regulation 8 sets out procedures for how written submissions are to be sought and the Hearing Session Rules set out in the schedule contain rules as to how hearings are to be conducted. Regulation 9 relates to further procedure by the local authority if the local authority proposes to consider new evidence after the conclusion of any procedure under regulation 8 or the Hearing Session Rules.

Part 4 of the Regulations makes provision in respect of reviews under section 87(2) of the Act. Regulation 11 sets out the time period within which and how such an application for review must be made. Regulation 12 requires the Scottish Ministers to appoint persons to form a review panel to consider the review and report to them on their findings and recommendations for disposal of the review. Regulation 13 applies provisions of the Regulations to applications for review under section 87 of the Act with modifications to take account of the fact that applications are made to the Scottish Ministers rather than the local authority and the procedure for section 87 reviews is to be conducted by a review panel. Regulation 14 relates to further procedure by the Scottish Ministers if they propose to consider new evidence after the conclusion of any procedure under regulation 8 or the Hearing Session Rules.

Part 5 makes general provisions in relation to the provision of further copies of documents (regulation 15), notification of the decision on review (regulation 17), the definition of 'contact address' (regulation 18) and the use of electronic communications (regulation 19). Regulation 16 requires the relevant authority to ensure that publication and notification procedures set out in the Asset Transfer Request (Procedure) (Scotland) Regulations 2016 are fulfilled if this has not already been done.

## Table of Contents

|                                                                                                 |                  |
|-------------------------------------------------------------------------------------------------|------------------|
| <b>Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016/358 (Scottish SI).</b> | <b><u>1</u></b>  |
| Preamble .....                                                                                  | <u>1</u>         |
| <b>Part 1 Preliminary.....</b>                                                                  | <b><u>1</u></b>  |
| ✓ reg. 1 Citation, commencement and application.....                                            | <u>1</u>         |
| ✓ reg. 2 Interpretation.....                                                                    | <u>2</u>         |
| <b>Part 2 Application for review under section 86(2) of the Act.....</b>                        | <b><u>3</u></b>  |
| ✓ reg. 3 Application for review.....                                                            | <u>3</u>         |
| ✓ reg. 4 Notification to interested parties and publication.....                                | <u>4</u>         |
| ✓ reg. 5 Publication of review documents.....                                                   | <u>5</u>         |
| <b>Part 3 Procedure for Determination.....</b>                                                  | <b><u>5</u></b>  |
| ✓ reg. 6 Determination without further procedure.....                                           | <u>5</u>         |
| ✓ reg. 7 Decision as to further procedure.....                                                  | <u>6</u>         |
| ✓ reg. 8 Written submissions.....                                                               | <u>6</u>         |
| ✓ reg. 9 Time period for decision.....                                                          | <u>7</u>         |
| ✓ reg. 10 New evidence.....                                                                     | <u>7</u>         |
| <b>Part 4 Reviews under section 87(2) of the Act.....</b>                                       | <b><u>8</u></b>  |
| ✓ reg. 11 Reviews under section 87(2) of the Act.....                                           | <u>8</u>         |
| ✓ reg. 12 Review panel.....                                                                     | <u>8</u>         |
| ✓ reg. 13 Application of regulations.....                                                       | <u>9</u>         |
| ✓ reg. 14 New evidence.....                                                                     | <u>9</u>         |
| <b>Part 5 General.....</b>                                                                      | <b><u>10</u></b> |
| ✓ reg. 15 Further copies of documents etc.....                                                  | <u>10</u>        |
| ✓ reg. 16 Compliance with notification and consultation procedures.....                         | <u>11</u>        |
| ✓ reg. 17 Decision notice.....                                                                  | <u>11</u>        |
| ✓ reg. 18 Contact address.....                                                                  | <u>11</u>        |
| ✓ reg. 19 Electronic communication.....                                                         | <u>12</u>        |
| ✓ Signatures .....                                                                              | <u>14</u>        |
| <b>Schedule 1 Hearing Session Rules.....</b>                                                    | <b><u>14</u></b> |
| ✓ para. 1 Notice of hearing session and specified matters.....                                  | <u>14</u>        |
| ✓ para. 2 Appearances at hearing session.....                                                   | <u>15</u>        |
| ✓ para. 3 Date and notification of hearing session.....                                         | <u>15</u>        |
| ✓ para. 4 Service of hearing statements and documents.....                                      | <u>15</u>        |
| ✓ para. 5 Procedure at hearing.....                                                             | <u>16</u>        |
| <b>Explanatory Note .....</b>                                                                   | <b><u>17</u></b> |
| para. 1 .....                                                                                   | <u>17</u>        |
| <b>Table of Contents.....</b>                                                                   | <b><u>19</u></b> |

## **Formal Notice and Request for Urgent Clarification**

### **Community Asset Transfer Applications for Thornhill Community Centre**

**14<sup>th</sup> August 2026**

**To:** Chief Executive, Monitoring Officer, Director of Place Services and Members of Falkirk Council Executive

Rainbow Muslim Women's Group ("RMWG") writes following the decision of Falkirk Council Executive on 13 August 2026 in relation to the competing Community Asset Transfer applications for Thornhill Community Centre.

This correspondence formally records RMWG's position regarding the Executive's decision and seeks urgent clarification regarding the Council's compliance with the Community Asset Transfer process.

#### **Executive Was Reconvened to Determine the Applications**

In June 2026, Executive considered competing Community Asset Transfer applications submitted by Rainbow Muslim Women's Group (RMWG) and Falkirk Thornhill Community Hall (FTCH).

Following a detailed assessment process, Council officers recommended that ownership of Thornhill Community Centre be transferred to RMWG. Executive subsequently deferred determination of the applications to allow mediation to take place between the parties before a final decision was reached.

RMWG accepted that decision and participated fully, professionally and in good faith throughout the mediation process.

Executive met again on 13 August 2026 specifically to consider the outcome of that mediation process and to determine the competing applications.

The outcome of mediation was clear.

Mediation did not produce:

- an agreed governance structure;
- an agreed management framework;
- a jointly developed proposal;
- an agreed allocation of responsibilities; or
- any alternative arrangement capable of being properly assessed against the existing recommendation.

Accordingly, the purpose for which Executive originally deferred determination had been exhausted.

### **Joint Working Has Already Been Tested**

It is important to recognise that mediation did not occur in isolation.

Since October 2025, both organisations have occupied Thornhill Community Centre under licence and sub-licence arrangements. The practical realities of joint occupation have therefore already been tested over a substantial period.

The experience of that period, together with the outcome of mediation, demonstrates that a joint governance arrangement has not emerged despite repeated opportunities for one to do so.

In these circumstances, RMWG struggles to understand the basis upon which Executive concluded that a further period of delay is likely to produce an outcome that failed to emerge through many months of practical operation and formal mediation.

### **Officer Recommendation Remains Unchanged**

The Council's assessment process has concluded.

Professional officers scrutinised the competing applications and recommended transfer of the asset to RMWG.

Executive deferred determination in order to allow mediation.

Mediation has now concluded without producing a viable alternative proposal.

The result is that Executive was effectively returned to the same position that existed prior to the original deferral, with the officer recommendation remaining the only fully assessed and evidence-based proposal before the Council.

### **Concerns Regarding the Executive Motion**

RMWG notes that Executive approved a motion which included provision to:

"Agree to extend the period for determination for both applications by three months subject to agreement by both groups."

Both applicant organisations were present at the Executive meeting, having addressed members through deputations on their respective applications. Members were advised during discussion that any extension of the determination period would require the agreement of both applicant organisations. Despite this, Executive chose not to establish their positions before approving a motion that relied entirely upon their agreement.

Had Executive sought the position of the applicants at that stage, members would immediately have known whether there was any realistic prospect of extending the

determination period. If either applicant indicated that it would not agree to an extension, Executive would have been faced with the need to determine the competing applications at that meeting.

Instead, Executive approved a motion which was expressly dependent upon the subsequent agreement of both applicants, while leaving unresolved the question of whether that agreement could actually be obtained. Only after the meeting did Falkirk Council approach RMWG to seek its consent to the proposed extension.

RMWG has now confirmed that it does not agree to any extension of the determination period. Given that the statutory determination period expires on 16 August 2026, RMWG is concerned that Executive's decision has created unnecessary uncertainty and risks transferring responsibility for the next stage of this process away from Falkirk Council and into statutory review or appeal procedures.

The community is entitled to understand why Executive chose not to establish the applicants' positions before approving a motion that depended entirely upon their agreement.

### **Statutory Compliance**

RMWG understands that the Community Asset Transfer framework requires a decision notice to be issued within the prescribed determination period unless a longer period has been agreed with the relevant community transfer body. Scottish Government guidance further provides that where no decision notice is issued within the required period, rights of review or appeal may arise, and that any extension should be agreed before the determination period expires.

Given that RMWG does not agree to the proposed extension, and with the statutory determination period due to expire on 16 August 2026, Executive's decision has created significant uncertainty regarding the status of the applications and the Council's intended compliance with the statutory process.

RMWG therefore seeks urgent clarification on the following matters:

1. What is Falkirk Council's position regarding the statutory determination deadline applicable to these applications?
2. Does Falkirk Council consider that the determination period can be extended where agreement has not been obtained from both applicant organisations?
3. If so, on what legal basis does the Council consider such an extension to be effective?
4. In the absence of an agreed extension, what steps does Falkirk Council intend to take to comply with its obligations under the Community Asset Transfer framework?
5. Given that mediation has concluded and no alternative proposal has emerged, what material consideration now exists that justifies further delay rather than determination?

The community is entitled to understand why a determination was not reached when Executive had the opportunity to do so and to understand how the Council now intends to bring this matter to a lawful and timely conclusion.

### **Confidentiality of Mediation**

RMWG is additionally concerned that significant discussion at Executive appeared to focus on obtaining further detail regarding matters discussed during mediation.

The purpose of mediation was not to provide decision-makers with a detailed account of confidential discussions between participants.

The relevant question for Executive was whether mediation produced a viable alternative arrangement capable of replacing or improving upon the proposal already assessed by officers.

The answer, as reported to Executive, was that it did not.

RMWG respectfully submits that the outcome of mediation, namely that no viable alternative arrangement emerged, is the material consideration rather than the confidential content of discussions that took place during the process.

### **Detrimental Impact on the Community**

RMWG is increasingly concerned that the continued failure to determine these applications is having a detrimental impact on Thornhill Community Centre and the wider community it serves.

Executive has now had two opportunities to determine the applications. The first was deferred to allow mediation to take place. The second occurred following the conclusion of that mediation process. Despite both opportunities, the community remains without certainty regarding the future ownership and governance of the centre.

Continued delay impacts more than the applicants. It affects centre users, volunteers, community groups, partner organisations and those seeking to plan for the future of the facility.

The absence of a definitive outcome continues to restrict long-term planning, delays investment decisions, and creates unnecessary uncertainty regarding the future development of the centre.

RMWG is particularly concerned that ongoing delay continues to prevent access to enablement funding and other investment opportunities that could otherwise be used to progress refurbishment and improvement works within the building. These are tangible benefits that could already be supporting the future sustainability and development of Thornhill Community Centre.

The community was told that mediation was being undertaken to establish whether an alternative solution could be identified. That process has now concluded. No viable alternative proposal emerged. In RMWG's view, there is therefore no community benefit in extending uncertainty further.

The Community Asset Transfer process exists to secure positive outcomes for communities. RMWG is concerned that continued delay is now undermining that objective and preventing the community from realising the benefits that a clear and timely decision would provide.

The community deserves certainty, accountability and a clear direction for the future of Thornhill Community Centre.

### **Wider Principles**

Throughout this process, RMWG has consistently maintained that Community Asset Transfer decisions should be determined on evidence, capability, governance, sustainability and community benefit.

The Community Asset Transfer process exists to ensure decisions are reached on merit and through objective assessment. The Council's own process led officers to recommend transfer to RMWG.

RMWG remains concerned that, despite a completed assessment process, an officer recommendation, and an unsuccessful mediation process, the Council continues to defer determination rather than reach a decision.

Community leadership can emerge from all parts of Falkirk's diverse population. What matters is capability, commitment, governance, sustainability and the ability to deliver positive outcomes for local people. These are the principles that should guide the determination of any Community Asset Transfer application.

### **Reservation of Rights**

RMWG remains committed to resolving this matter through the proper operation of the Community Asset Transfer process and has engaged constructively throughout, including participating fully and in good faith in mediation.

However, given the proximity of the statutory determination deadline, the absence of an agreed extension, and the Executive's decision not to determine the applications, RMWG is now seeking urgent clarification regarding the Council's compliance with the statutory process.

RMWG is aware of the rights available to community transfer bodies where the prescribed determination period expires without a decision notice being issued.

Nothing in this correspondence should be interpreted as acceptance of any extension to the determination period, and RMWG reserves all rights available to it.

### **Conclusion**

The Council's assessment process has concluded.

The mediation process has concluded.

No viable alternative proposal has emerged.

Executive was reconvened to determine the applications. Instead, it chose to pursue a course of action that was expressly dependent upon the agreement of both applicants despite not first establishing whether that agreement existed

Now that RMWG has confirmed that it does not agree to the proposed extension, Falkirk Council should explain how it intends to proceed and how its actions remain consistent with the statutory Community Asset Transfer framework.

The community deserves certainty.

The time for further process has passed.

The time for determination has arrived.

RMWG requests a substantive written response to the matters raised in this correspondence by **12 noon on Wednesday 19 August 2026**. Given the proximity of the statutory determination deadline, the uncertainty surrounding the status of any proposed extension, and the continuing impact of delay on the future planning and development of Thornhill Community Centre, RMWG considers it essential that the Council clarifies its position as a matter of urgency.

**Yours faithfully,**

**Rainbow Muslim Women's Group**

## RMWG Response

Dear [REDACTED]

Thank you for your email of 14<sup>th</sup> August and your request for clarification. I note your disappointment with the decision taken by the Executive on 13<sup>th</sup> August.

As you will be aware from the meeting and subsequent correspondence on Friday, the decision of the Executive was as below:-

*Executive:*

- 1. Agree to extend the period for determination for both applications by three months subject to agreement by both groups;*
- 2. Agree that the matter be continued for a period of three months to allow officers (and any external mediators as required) to further explore the scope for a single application to be made on the basis of a joint governance arrangement;*
- 3. Agree that the Director of Place Services shall have authority to agree a further extension of the period for determination of both applications.*

This decision was reached after both you and Falkirk Thornhill Community Hall SCIO were heard by way of deputations and lengthy discussion and debate.

As you note, the agreement to extend the determination periods for the applications was subject to both applicants agreeing to an extension. You have notified the Council that you are not in agreement to the extension of the determination period for your application. What this means is that no decision notice on your application has been issued within the required six-month period (16<sup>th</sup> August 2026) based on the validation date of your application which was 16<sup>th</sup> Feb 2026.

As a result of this, you are now in the 20-working day period during which you may apply to the authority for a review in the circumstances where no decision notice has been given in relation to your application and the six month period allowed for determination of your application has expired. The deadline for the review request is 11<sup>th</sup> September 2026.

Section 86 of the Community Empowerment (Scotland) Act 2015 provides for review by the authority and the regulations setting out the relevant procedure are the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 (the 2016 Regulations). The 20-working day period begins with the date of expiry of the period allowed for determination of your application. Such an internal review would be conducted by the Council's Community Empowerment Review Committee. I attach a copy of the 2016 Regulations as well as the Scottish Government Guidance for

Community Transfer Bodies. I would, in particular, refer you to sections 17 and 18 of the Guidance which set out what is involved in seeking a review.

**It is important to note that if no review in writing is sought by you within the 20 working day period, your application is considered to be at an end.**

You may wish to seek your own independent advice or legal advice on the matter.

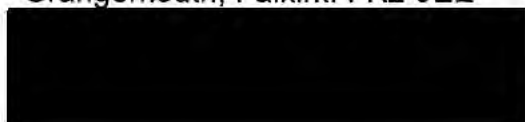
You have asked why both groups were not asked about their view on extension to their determination periods at the meeting. There are two considerations in this regard. Firstly, while a party can make a request for a deputation and be heard at a committee meeting, once the deputation has withdrawn, there is no further opportunity for the party to be heard. Standing Order 10.2 notes that *"No member of the public will be permitted to speak or to take any other part in the proceedings of a meeting of the Council except when addressing the meeting as a member of a deputation under Standing Order 33."* Secondly, the Council is not aware of how decisions are taken by groups on matters such as an extension. This could be, for instance, a matter for trustees as opposed to being a matter for representatives attending a meeting on behalf of the group.

I hope that this is of assistance in clarifying the position.

Yours sincerely,

*Paul Kettrick*

Paul Kettrick  
Head of Investment, Assets and Climate  
Falkirk Council  
Suite 1b, Falkirk Stadium, Stadium Way  
Grangemouth, Falkirk. FK2 9EE



Enquiries to:  
Strategic Property Review Team  
Suite 1B  
Falkirk Stadium FK2 9EE  
StrategicPropertyReview@falkirk.gov.uk

Chair, The Rainbow Muslim Women's Group

## ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT

### ACKNOWLEDGEMENT LETTER

Dear [REDACTED]

This letter is to acknowledge receipt of your asset transfer request in relation to **Thornhill Community Centre**, Thornhill Road, Falkirk.

I confirm that the request is made in accordance with the legislation and all required information has been provided. The validation date for this asset transfer request is **16 February 2026**.

An asset transfer request has also been received from **Falkirk Thornhill Management Committee** in relation to **Thornhill Community Centre**. The property has not been advertised for sale, nor has the Council entered negotiations or initiated proceedings with a view to transferring or leasing property. We therefore consider that the Council is prohibited by section 84(2) of the Act from selling, leasing or otherwise disposing of the property described above until that request is concluded.

Notice of this asset transfer request will be published online at [Community Asset Transfer: Publication of requests and representations - Current notices of request - Falkirk Council](#) and sent to any tenants or occupiers of the land or building. Any representations made to the Council about this request will be copied to you at the contact address provided in your request, and you will have at least 20 working days to comment on them.

The request will be considered by Council Executive. We will give you notice of our decision whether to agree to or refuse your request, and our reasons for that decision, by **16 August 2026**.

**FALKIRK COUNCIL**  
**COMHAIRLE NA H-EAGLAIS BRICE**

Place Services | Falkirk Stadium, 4 Stadium Way, Falkirk FK2 9EE | Director: Malcolm Bennie

If you do not receive a decision by that date, you may apply for a review of the case. You may also apply for a review if your request is refused, or if the request is agreed but the decision notice specifies material terms or conditions which differ to a significant extent from those specified in the request. Guidance on applying for a review is available at [Asset transfer: summary guide - gov.scot \(www.gov.scot\)](http://www.gov.scot). An application for review should be sent to [strategicpropertyreview@falkirk.gov.uk](mailto:strategicpropertyreview@falkirk.gov.uk)

If you have any questions about the asset transfer process, please contact [strategicpropertyreview@falkirk.gov.uk](mailto:strategicpropertyreview@falkirk.gov.uk)

Kind Regards,



 Paul Kettrick  
**Head of Investment, Assets and Climate**  
**Falkirk Council**  
**Suite 1B**  
**Falkirk Stadium**  
**FK2 9EE**

# Agenda Item 16



## Community Asset Transfer of Thornhill Community Centre

**Executive**  
**18 June 2026**

|                      |                                                               |
|----------------------|---------------------------------------------------------------|
| <b>Title:</b>        | <b>Community Asset Transfer of Thornhill Community Centre</b> |
| <b>Submitted by:</b> | <b>Director of Place Services</b>                             |

**1. Purpose of Report**

- 1.1 The purpose of this report is to consider the applications by Falkirk Thornhill Community Hall SCIO (FTCH) and the Rainbow Muslim Women's Group (RMWG) in relation to Thornhill Community Centre. The report sets out the evaluation undertaken to recommend the transfer by way of ownership to Rainbow Muslim Women's Group.

**2. Recommendations**

- 2.1 It is recommended that Executive:

- (1) **Note two interests in the property for asset transfer by Falkirk Thornhill Community Hall (SCIO SC04780), and the Rainbow Muslim Women's Group (SCIO SC047758);**
- (2) **Note the evaluation process and the outcome of the assessment;**
- (3) **Agrees the full ownership Community Asset Transfer of Thornhill Community Centre to Rainbow Muslim Women's Group at the proposed purchase price of £1 for full ownership of the land requested, reflecting the benefits that will derive from the project;**
- (4) **Agrees that the Director of Place Services is authorised to prepare and issue a decision notice to progress the transfer to the Rainbow Muslim Women's Group subject to conclusion of any review/appeal process;**
- (5) **Agrees that the Director of Place Services is authorised to prepare and issue a decision notice rejecting the asset transfer application to FTCH;**
- (6) **Agrees that the Director of Place Services is authorised to prepare and include a condition in the decision notice to RMWG allowing the Council the option to reacquire the property in line with the circumstances outlined in paragraph 7.19;**
- (7) **Agrees that the transfer will be subject to any existing burdens or restrictions in the Council's title;**

- (8) Agrees to grant a sum of up to £101,738 from the Enablement Fund to support capital improvements to the facility subject to further assessment set out in para 5.47;**
- (9) Notes that the assessments undertaken confirm that the proposals are in line with the Council's statutory obligations in terms of the Community Empowerment (Scotland) Act 2015, The Asset Transfer Request (Procedure) (Scotland) Regulations 2016 and The Disposal of Land by Local Authorities (Scotland) Regulations 2010; and**
- (10) Instructs and authorises the Director of Place Services to issue a decision notice and to agree and conclude all necessary legal arrangements to progress the disposal in accordance with Part 5 of The Community Empowerment (Scotland) Act 2015.**

### **3. Background**

- 3.1** Thornhill Community Hall was identified for closure as part of the Council's Strategic Property Review given it is a non-core asset.
- 3.2** Thornhill Community Hall is outlined red as shown in Appendix 1. It is owned by the Council.
- 3.3** Both The Rainbow Muslim Womens Group (RMWG) and Falkirk Thornhill Community Hall (FTCH) have submitted a valid Community Asset Transfer application seeking full ownership of the building.
- 3.4** As previously reported, Falkirk Council has too many buildings that are in poor and ageing condition, not energy efficient, expensive to run and underutilised. The Audit Scotland Best Value Assurance Report (January 2022) states the Council 'needs to quickly progress the remaining key actions in the Strategic Property Review (SPR) and take decisions on its property estate to deliver best value.' Elected Members agreed in January 2024, that in the absence of an asset transfer, alternative delivery model or improved financial performance, properties in scope of the SPR would close in phases. Council reiterated approval of the SPR approach to rationalising non-core properties and empower communities to take responsibility for their management and future use through transfer or lease of assets.
- 3.5** Prompted by the potential closure of the building, the RMWG and FTCH submitted CAT applications seeking to bring it into community ownership. In such circumstances where there are competing applications, the guidance under the Community Empowerment Act (Scotland) 2015 seeks that efforts should be made for groups to work collaboratively. Despite the best efforts of all parties, both parties wished to proceed independently with their respective applications.
- 3.6** Since 1st October 2025 RMWG have been operating the facility under a Full Repair and Insuring Licence as an interim measure until the CAT property transaction concludes. It should be noted as part of the arrangements, FTCH have been a sub-tenant and have been responsible for the management of some of the lets.

## 4. Considerations

- 4.1 In taking a decision on a community asset transfer request, the Council must decide whether to agree to or refuse an asset transfer request. In doing so, it requires to consider the benefits that might arise if the request is agreed to along with those that might arise from any other proposal. It also requires to consider whether the proposal before it will promote or improve: -
- economic development
  - regeneration
  - public health
  - social wellbeing or environmental wellbeing or reduce inequalities of outcome which result from socio-economic disadvantage
  - any other benefits that might arise
- 4.2 The Council must make the decision in a manner which encourages equal opportunities and the observance of the equal opportunities requirements. The Council must also consider other matters it considers relevant, including: -
- the functions and purposes of the authority
  - any obligations that may affect its ability to agree to the request.
- 4.3 Proportionate and appropriate consideration requires to be given to whether the community transfer body is able to successfully deliver the project and make it sustainable, including funding and the capacity and governance of the organisation.
- 4.4 The Council should agree to a request unless there are reasonable grounds for refusing it. Reasons for the Council's decision are to be given to the applicant.

### **Where there are competing applications**

- 4.5 As outlined in the background section of this report in such circumstances where there are competing applications, the guidance under the Community Empowerment Act (Scotland) 2015 seeks that efforts should be made for groups to work collaboratively.
- 4.6 Despite efforts of the Council and both the FTCH and RMWG, a joint application for the asset transfer and shared management approach could not be agreed and therefore both parties have progressed applications to be determined in their own right.
- 4.7 Both applications were subject to deadlines for submission, and both were progressed in accordance with statutory timescales with evaluation only being undertaken when both could be validated in line with the requirements of Part 5 of The Community Empowerment Act (Scotland) 2015.

- 4.8 Officers have evaluated both applications and the outcome of this is outlined in the report with a recommendation to progress the RMWG asset transfer.
- 4.9 Officers involved in the evaluation were from across various Council Services to ensure there were a range of appropriate specialisms and a collective approach to the evaluation. All officers involved in the evaluation process confirmed no conflict of interest. Officers involved in the pre-application discussions with the groups were not involved in the evaluation to avoid even any suggestion of a conflict of interest.

#### **Summary of evaluation process**

- 4.10 Both applications were assessed using the exact same process as all other CAT applications excluding steps 10 and 11. The key steps of the evaluation were as follows:
1. Applications received - The RMWG application was received on 30/09/25. The FTCH application was received on 01/10/25.
  2. Initial review - Both applications were given an initial review on 15/10/25 to confirm if all relevant information was available to validate the application in line with the statutory requirements of the Act.
  3. Feedback stage - Officers requested that the groups provide further information and / or clarification on aspects of the applications in order to enable progression to validation.
  4. Further CAT submissions to address feedback provided - The groups submitted additional information as requested. This process took time to ensure all relevant information was provided to validate in line with the requirements of the Community Empowerment Act (Scotland) 2015, The Asset Transfer Request (Procedure) (Scotland) Regulations 2016 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
  5. Validation - Once all relevant information had been received, the applications were validated. RMWG application was validated on 16/02/26. FTCH application was validated on 02/03/26.
  6. Statutory process commences - Upon validation, the statutory process commences, this includes representations from interested parties within 20 working days of validation and a further 20 working days for the applicant to respond to any representations made. The Council is required to issue a Decision Notice within 6 months from point of the first validation date, by 16 August 2026.
  7. Assessment of applications - An assessment panel made up of Council officers from services across the Council individually assessed each application.
  8. Business plans reviewed – Business plans and cash-flow forecasts of each application were reviewed and assessed.

9. Evaluation and determination by assessment panel - The assessment panel met to discuss the RMWG application on 16/03/26, and the FTCH application on 31/03/26.
10. Further review to finalise recommendations - The assessment panel met on 16/04/26 to further assess and compare both applications. This enabled further robust discussion to underpin the determination of both applications and the recommendation.
11. Representations and responses were reviewed by the assessment panel to ensure all relevant and material considerations were properly assessed and considered. These representations and responses are the views of the individuals and organisations responding to the statutory consultation and are not the views of the Council. The Council does not accept any liability or responsibility for the views expressed therein. These representations are published in accordance with the terms of the Asset Transfer Request (Procedure) (Scotland) Regulations 2016.

- 4.11 Further information has been made available to Elected Members during briefings in relation to the procedural governance given this is a quasi-judicial process.

#### **Community Transfer Body**

- 4.12 Both RMWG and FTCH made the request as a Scottish Charitable Incorporated Organisation with a suitable Community led membership and properly formed Board of Trustees, as required by Part 5 of the Community Empowerment Act (Scotland) 2015 (referred to hereinafter as "the 2015 Act").
- 4.13 In terms of Governance, the 2015 Act sets out requirements for Community Transfer Bodies (CTB). The constitutions of both RMWG and FTCH are consistent with the Scottish Government model SCIO template which is considered to meet the requirements of the legislation and for the groups to enter the proposed ownership arrangement.
- 4.14 Both groups' constitutions enable them to acquire property for the further advancement of objectives that are compatible with the Community Empowerment benefits.
- 4.15 Quantitative and qualitative assessments have been undertaken on these and detailed information on the outcome of this is included in Appendix 2. Both applications were assessed as strong. The assessment key facts summary for RMWG is detailed in Appendix 2A and the assessment key facts summary for FTCH is detailed in Appendix 2B.
- 4.16 Based on the scoring for each application detailed in appendix 2, Officers are recommending approval of RMWG proposals. In summary, RMWG received a scoring of 68 out of 80. FTCH received a scoring of 62 out of 80. This scoring is based on evaluation and assessment of the below objectives, as is consistently considered for all CAT applications:
- Financial
  - Volunteering Hours

- Economy
- Regeneration
- Public Health
- Social Wellbeing
- Environment
- Reducing Inequalities
- Promoting Equality
- Governance
- Funding/Resources
- Sustainability
- Performance Management
- Community Involvement
- Local Community Support

4.17 Further information and narrative on the outcome of the evaluation is included in Appendix 2 and summarised below:

- Both groups are properly constituted for the purposes of the Community Asset Transfer. Panel view is that volunteer experience and track record in a volunteer capacity is stronger for RMWG and FTCH is limited in this area;
- Panel view is that RMWG are more community focused in its objectives than FTCH which provided less evidence and appeared to have a greater commercial focus;
- Panel view that Scottish Government priorities for Public Health, were more aligned to RMWG application than FTCH;
- Whilst both groups have identified environmental improvements to support their asset transfer, RMWG have an embedded environmental approach which includes continuing their environmental education sessions and workshops.

4.18 As a result of the scoring, Officers are recommending the RMWG application is progressed and key information for the application is outlined in the below sections.

#### Transfer Request

4.19 RMWG has applied for full ownership of the building at a discounted cost of £1, reflecting the benefits that will accrue from their proposals.

- 4.20 An independent valuation jointly instructed by Falkirk Council and the applicant was carried out on the property. The valuation provided the opinion of capital value to be £85,000 and rental value to be £10,500 per year.
- 4.21 Accordingly, the transaction will fall within the scope of s11 of the Local Government (Scotland) Act 2003 which amends s74 of the Local Government (Scotland) Act 1973 allowing local authorities to dispose of land for less than best consideration but only in certain circumstances.

#### RMWG Proposals

- 4.22 The RMWG wish to take over the building to protect current lets; to facilitate other community activities; and to use as a base for their group operations. All groups who currently use the building will have their lets honoured and none will be displaced as a result of a community asset transfer to RMWG.
- 4.23 The group wishes to facilitate additional community activities including a foodbank, affordable skills training, a community café, and expanded support services.
- 4.24 In addition, they wish to use the building as a base for their own charitable operations, from which to deliver their classes and activities to their core audience, women from an ethnic minority background.
- 4.25 Enablement Funding is being sought for solar panels (to reduce energy costs); kitchen renovation (to support a new community café) and pavilion renovation (to create a base for the group's core work).

### **5. Recommended proposal**

- 5.1 As outlined above, Officers are recommending the RMWG application is progressed. The RMWG have provided the required information in line with the 2015 Act.

- Community Asset Transfer Application Form
- Community Asset Transfer Business Plan
- Accounts
- 5-year Financial Forecast
- Evidence of Community Engagement
- Letters of Support
- Enablement Fund Request
- "Achievements and Glimpses" document
- Formal Response to Feedback

- 5.2 The following sections, outline the proposals by the RMWG and how these are compatible with the 2015 Act and the Council's aims and objectives.

#### RMWG constitution

- 5.3 The constitution highlights the charitable purposes as follows:

- *The advancement of education*

- *The organisation of recreational activities with the object of improving the conditions of life for the persons for whom the activities are intended*
- *The promotion of religious and racial harmony*
- *The relief of those in need*

5.4 The group's constitution is included in Appendix 3.

5.5 The application by RMWG is considered valid in accordance with the 2015 Act. A full copy of the application is included in Appendix 4 and business plan is included in Appendix 5.

5.6 For information and in the interest of transparency, FTCH constitution is included at Appendix 6, CAT application is included within appendix 7 and business plan is included in appendix 8.

#### Local consultation

5.7 The group's online public survey attracted 135 responses. 95.6% of respondents answered "yes" to the question *"Do you support the idea of this group taking on its own premises and making it into a community cultural hub open to all?"*

5.8 Of the group's members, 35 individuals answered the internal organisational survey. Almost 70% of respondents thought it would be helpful if the group had a dedicated space for their core work.

5.9 A suggestion board within the centre identified potential future activities such as Bookbug, English Conversation classes and cookery sessions.

#### Benefits of RMWG application

5.10 This proposal assists with the delivery of the Falkirk Council Plan in that *"More communities taking over the places they meet in"* is one of the success measures within the objective to "Deliver Stronger and Healthier Communities".

5.11 The proposal also assists the group to deliver the outcomes of Scottish Government's National Performance Framework objective that *"We live in communities that are inclusive, empowered, resilient and safe"*.

5.12 The application form, and business plan (Appendix 4 and 5) also identify the following key benefits:

#### **- Economy**

5.13 A busy, thriving Hall will bring more people to the neighbourhood and contribute to increased footfall at businesses and amenities.

5.14 The group states: "We are seeking to acquire Thornhill Community Hall to establish a permanent, inclusive space that serves not only the Rainbow Muslim Women's Group but the wider Falkirk community. This centre will be a vibrant, welcoming hub where people of all backgrounds — women, families, young people, the elderly, and local organisations — can come together to connect, learn, and grow. Thornhill

Community Centre already hosts a variety of valuable activities, including Zumba classes, music lessons, art workshops, kettlecise, church-led sessions, and mental and emotional wellbeing programmes.

- 5.15 We fully envisage these existing activities continuing and thriving. Our vision is to build on this strong foundation by introducing new programmes — such as affordable skills training, a community café, and expanded support services — that respond to emerging needs and reflect the evolving aspirations of the community.”
- 5.16 The group state that economic empowerment through skills development is a significant part of their core work with ethnic minority women, providing training and pathways to employment, helping individuals gain independence, and contribute to the local economy.
- 5.17 They state that by encouraging and supporting women to start their own businesses, jobs are created and the local economy is stimulated. Strengthening community ties through cultural and social activities creates a supportive environment for economic activities, while developing leadership skills among women leads to more effective community advocacy and economic planning.

#### - **Regeneration**

- 5.18 Proposed upgrades to the building will have good regeneration outcomes including reducing electricity costs to make the business more viable, by the installation of solar panels.
- 5.19 Enhancing the building's appearance and surroundings will make it a welcoming and attractive space for all community members, improving the quality of life and attracting more residents and businesses.
- 5.20 Engaging youth in educational and recreational programs will reduce anti-social behaviour and its environmental impact.

#### - **Public Health**

- 5.21 Many of the classes running in the Hall contribute towards good wellbeing of participants including: Zumba classes, music lessons, art workshops, kettlecise, church-led sessions, and mental and emotional wellbeing programmes. The group state that they will honour all the existing hall lets.
- 5.22 The core RMWG activities will be run from the renovated pavilion space (currently lying unused) to allow current lets to continue operating in the Hall. Where RMWG activities require the kitchen, the pavilion will be offered as alternative accommodation to current lets.
- 5.23 A letter of support from the NHS-funded Braveheart Foundation states that public health initiatives run by the group have “***played a pivotal role in bridging gaps between diverse groups***” Nine letters of support from organisations were received and are included in Appendix 9.
- 5.24 The group states that in their core work they will continue in empowering women to make informed health choices, by conducting workshops addressing issues like

nutrition, exercise, disease prevention, smoking cessation, substance abuse, and domestic violence, working with local health authorities to implement community-wide health initiatives.

- 5.25 The group states that their support groups help individuals manage stress and anxiety, with mindfulness and relaxation exercises improving overall mental wellbeing. Healthy eating is promoted through cooking classes and nutritional education. Regular exercise is encouraged with physical activity programmes. They state that their information sessions on prenatal and postnatal care ensure the health and wellbeing of mothers and babies, while their food bank and parcel delivery service support families and individuals with food provision.

#### **- Social Wellbeing**

- 5.26 Engaging in health and fitness activities in a community setting helps participants feel more connected within their networks.
- 5.27 Involvement in the various clubs and groups helps to combat social isolation.
- 5.28 A letter of support from the Council's Fairer Falkirk team states that RMWG activities have "brought people together and introduced many to new cultural experiences"
- 5.29 A letter of support from Central Scotland Regional Equality Council states that social cohesion and collaborative partnerships across communities will be strengthened if the group acquire the building.
- 5.30 The group states that by organising social events and gatherings, they are able to foster a sense of community and belonging among members of their community, while encouraging volunteerism to enhance social cohesion and provide meaningful ways for individuals to contribute to their community.
- 5.31 In addition they cite the positive wellbeing outcomes which flow from their offering of peer support groups, mentorship programmes, cultural celebrations and festivals, recreational activities, adult education classes, parental support, advocacy and leadership skill development.
- 5.32 Many user statements attest to the improvement of social wellbeing amongst members, including this one:

*"Before I joined the group, I often felt lonely and cut off from others. Taking part in activities like yoga and the coffee and chat sessions has given me a reason to get out of the house, meet new people, and build friendships. Having this safe and welcoming space has made a huge difference to my mental health. I feel happier, more connected, and supported by a community that understands me."*

#### **- Environmental / Climate Change**

- 5.33 The transfer of Thornhill Community Centre would have a positive impact on the Council's organisational 2030 net zero target by reducing the emissions generated from electricity, gas and water consumption by 12 tonnes of carbon dioxide equivalent, based on 2025 figures. It is acknowledged that whilst the reduced

emissions positively impact the Council's organisational targets, the facility will still generate Co2 emissions that impact the wider area emissions; these will be somewhat mitigated by the installation of solar panels as planned by the group.

- 5.34 The group states that a community-owned building means creating a hub for sustainable initiatives and a place where the community can come together to learn, share, and implement eco-friendly practices.
- 5.35 A letter of support from Forth Environment Link states that the group has **"always been passionate about sustainability and equipping their community with resources, skills, conversations and funding to develop their own connection with nature, wellbeing and the planet."**
- 5.36 They will continue their long association with 3 local charities to deliver their environmental work:
- **Bo'ness-based Sustainable Thinking Scotland SCIO:** RMWG distribute fresh produce from the Foodbank Farm to those in need.
  - **The Cyrenians:** RMWG Collect and distribute surplus food from supermarkets to avoid landfill.
  - **Forth Environment Link:** RMWG deliver plant-based cookery lessons to different demographics and host workshops on climate adaptation
- 5.37 They state that they will continue to conduct workshops and seminars on sustainable living practices, such as reducing waste, recycling, water conservation, sustainable active transport, and conserving energy, and plan to implement initiatives like community clean-up days and recycling programmes. They state that promoting sustainable practices and green initiatives in and around the building will improve the local environment and attract eco-conscious businesses and residents.
- 5.38 The group have applied to the Enablement Fund for the installation of solar panels to reduce carbon emissions.
- **Tackling Inequality**
- 5.39 The core work of the group is the empowerment of women from an ethnic minority background, who by virtue of their race and sex, may face barriers. Over several years, the group has built a reputation as a trusted partner, working with statutory services including the Council and the NHS to deliver training and activities in a culturally sensitive manner to their members, who might not always feel able to engage with these services outwith the group.
- 5.40 The group has always worked with economically disadvantaged communities of all backgrounds as described in letters of support from the Avonbridge Community Association and Fairer Falkirk, particularly in the delivery of food and facilitation of cookery lessons. The group have been recipients of the council's School Holiday Fund since 2022, supporting low-income families with nutritious meals and engaging activities during school holidays.

- 5.41 The Supported Accommodation Coordinator at the Council's homelessness service (the Castings) has written a letter of support praising the group's work: ***"Their donations of food have made a significant difference to the residents in our supported accommodation, ensuring that some of the most vulnerable members of our community feel cared for and valued. We wholeheartedly endorse their efforts and believe that having the right building will strengthen their ability to meet growing demand and enhance the wellbeing of countless individuals."***

#### Funding

- 5.42 The group's income over the last 5 years has amounted to over £200,000, comprising donations, fund-raising and grants from local and national funders including the Council, the Big Lottery, Foundation Scotland, CVS, Youth Scotland, Forth Environment Link, and BEMIS amongst others.
- 5.43 The group are currently in Year 1 of a £40,000 grant (unrestricted funding) from Corra Foundation, payable over 5 years.
- 5.44 As with all groups who have entered into an FRI licence, the group are entitled to claim a one-time payment from the revenue fund earmarked to help groups in the early stages of the CAT process. Thornhill Community Centre have received £1,738.65

#### Enablement Fund

- 5.45 Community Transfer Bodies have the right to apply to Falkirk Council's Enablement Fund for larger capital renewals which support the viability of the CAT for properties identified by the SPR.
- 5.46 RMWG's application also includes a request for up to £101,738 from the Enablement Fund. This request follows technical and financial assessments undertaken to inform the Enablement Fund recommendation to Executive. This process ensures there is an established need for the works, that the works are in line with a set criteria for the funding, is proportionate and to allow the Council to demonstrate compliance with its best value obligations. The initial works identified include alteration of the pavilion and a new commercial kitchen to support the viability of the CAT and solar panels to improve energy efficiency in the building.

| Item                                   | Amount (up to inc. VAT) |
|----------------------------------------|-------------------------|
| Alteration of pavilion                 | £51,990                 |
| Supply & install of commercial kitchen | £18,548                 |
| Solar panels                           | £31,200                 |
| Total                                  | £101,738                |

- 5.47 These figures represent the costs based on quotes or professional estimates supplied. The group will continue to research and apply for third-party match funding to go towards funding these works. If successful, this would reduce the amount of Enablement Funding required or potentially support additional works. The group will

seek to inform the Council promptly to allow funds to be reallocated where appropriate.

- 5.48 Following a positive decision notice, the Enablement Funding will only be released once the property transaction is finalised and the building has been transferred by ownership to the group.
- 5.49 The awarding of Enablement Funds will be administered within the SPR team. Groups will procure and manage the works themselves and submit invoices to the SPR mailbox. Invoices will be reviewed and paid to the groups, who will then be responsible for paying the contractors.
- 5.50 Groups must obtain quotes or estimates that are inclusive of VAT, as the amount agreed by Executive is final and cannot be increased.

#### Assessment of proposals

- 5.51 An assessment has been undertaken in accordance with the Council's process for reviewing CAT applications. This includes a quantitative evaluation to consider the financial benefits of the application, and a qualitative evaluation of the application to consider key elements including links to national and local priorities, community benefits, sustainability and governance arrangements. The Community Asset Transfer Assessment Panel have provided their input and have assessed and evaluated all relevant documents received in relation to the Community Asset Transfer of Thornhill Community Centre.
- 5.52 This assessment is undertaken to satisfy the Council's statutory obligations under the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and Part 5 of the 2015. Act.

#### Quantitative evidence

- 5.53 Volunteer hours: The group has stated that Trustees and volunteers jointly work 4576 hours a year at a monetary value of £98,592 per annum.
- 5.54 Direct savings to the Council: Upon transfer of the property, an annual revenue saving of £10,790 on running costs will be delivered which reflects savings agreed within the SPR.
- 5.55 It should be noted that the combined value of the group's volunteer hours, (£98,592 annually) and the direct savings to the Council, (£10,790 annually) exceeds the market value of the property to Falkirk Council which is estimated at £85,000.

#### Qualitative evidence

- 5.56 The assessment by the Community Asset Transfer Working Group of the business plan and the impacts of the proposed ownership transfer are set out in the Assessment Criteria at Appendix 2A.
- 5.57 The group is held in high regard within the local and national third sector, as evidenced in their track record of regularly securing grants from CVS, Corra Foundation and the Council to carry out their work. In the past decade they have consistently received official recognition: CVS Falkirk Volunteer Engaging

Organisation Award Winner; SCVO Scottish Charity Awards Runner Up; CEMVO Scotland Ethnic Minority Awards Nominee; British Muslim Awards Community Group of the Year Winner; and CVS Falkirk Volunteers' Week Outstanding Achievement in Health & Wellbeing. The Chair also received the CVS Lifetime Achievement Award in 2024.

- 5.58 They have provided letters of support from the Council's Homelessness and Fairer Falkirk support teams as well as the following local charities and third sector organisations: Braveheart Foundation, The Conservation Volunteers, Central Scotland Regional Equality Council, Forth Environment Link, Avonbridge Community Association, Sustainable Thinking Scotland and Causeway Music Project.
- 5.59 The group have a strong track record of securing grant funding. A five-year cash flow forecast has been provided which shows a positive cash balance throughout the period. An opening cash balance of £37,662 provides a strong start and year 1 ends with a balance of £141,897. This positive balance is projected through the next 5 years and by year 5 will be £481,941 if all goes to plan. The Group has secured five years of unrestricted funding from the Corra Foundation to support operational and repair costs which underpins these projections.

## **6. Consultation & Engagement**

### Application consultation

- 6.1 Evidence of community consultations for RMWG is included in Appendix 9. In the interests of full transparency, evidence of community consultation for FTCH is included in Appendix 10.
- 6.2 Notification of the request was posted on the Community Asset Transfer section of the Council website and in a publicly accessible location near the property. This ensured the public was duly informed about the Community Transfer Body's intentions and could make representations regarding the Community Asset Transfer request. As Falkirk Thornhill Community Hall (FTCH) are currently a sub-tenant of the RMWG within the Hall, they were notified accordingly.

### Council engagement

- 6.3 Officers from the Council have engaged with both groups to ensure both applications met the requirements of the 2015 Act. CVS Falkirk has supported both groups in the development of CAT applications and business plans.
- 6.4 Officers from across the Council have actively engaged to assess and evaluate the applications and have robustly followed the process outlined in the report and in line with the statutory requirements..
- 6.5 Both organisations have been evaluated against the statutory criteria set out in section 82 of the 2015 Act and the two proposals have been compared to determine the most appropriate way forward.

- 6.6 As part of ensuring the quasi-judicial procedural governance arrangements are adhered to, engagement and briefings have taken place with both Elected Members and the community groups.

## 7. Implications

### Council Plan

- 7.1 The Council Plan can be viewed at [Policies and strategies: Council Plan 2022 - 2027 - Falkirk Council](#).
- 7.2 The implications arising from this report in relation to the Council Plan Priorities and Enablers are:

#### Supporting Stronger & Healthier Communities

Communities that are empowered, inclusive, resilient and safe.



#### Promoting Opportunities and Educational Attainment and Reducing Inequalities

Educational excellence, reduce poverty & inequality, and improve wellbeing.



#### Supporting a Thriving Economy and Green Transition

An economy that is competitive, entrepreneurial, inclusive, and sustainable and an environment that we value, enjoy, protect and enhance.



#### Financial Sustainability

Strategic



Operational



#### Transformation and Improvement



Valued Sustainable Workforce



### Financial

- 7.3 The Community Asset Transfer would deliver the SPR saving of £10,790 associated with the property, as agreed by Council January 2024. This comprises £9,360 from the Hall plus £1,430 from the pavilion.
- 7.4 The Community Asset Transfer of the building would also reduce the overall total backlog in maintenance for Falkirk Council and subsequent capital expenditure

required. As identified in the condition survey undertaken, the total backlog maintenance is estimated at £249,313.

- 7.5 The Council in foregoing the capital receipt requires ensuring that there is compliance with s11 of the Local Government in Scotland Act 2003 which amends s74 of the Local Government (Scotland) Act 1973 allowing local authorities to dispose of land for less than best consideration but only in certain circumstances and the Disposal of Land by Local Authorities (Scotland) Regulations 2010. The proposal is following assessment considered to be compliant with benefits of the transfer and the activities proposed greatly outweighing the disbenefit of foregoing the capital receipt.
- 7.6 The Council has to consider whether the Subsidy Control Act 2022 applies. This Act sets out a four limbed test all of which must be met for the provisions to apply. Officers consider that the proposals do not meet the criteria for 2 of the tests as the group does not fall within the definition of an enterprise and does not impact any defined market with the subsidy being available across the area to similar proposals.
- 7.7 No equipment was transferred to group as part of the handover at the commencement of the FRI Licence, therefore it was determined that there was no subsidy.
- 7.8 The Enablement Fund request of £101,738 is contained within the existing SPR financial model and would be provided through the General Services Capital Programme.

#### **Resources**

- 7.9 Proposals outlined in the report will be managed within existing Property, Legal, Finance and SPR staff resources.

#### **Legal**

- 7.10 Given there are 2 applications, this could potentially lead to a review process. Elected Members in such circumstances will be provided with briefings on the procedural specifics of this.
- 7.11 In the event of a review or an appeal there will be a prohibition on disposing of the property until the review or appeal has been concluded.
- 7.12 Employment issues: No employees remain at the building being considered by this report. Having considered the options available to them, all employees chose to accept either voluntary severance or redeployment and therefore no TUPE considerations apply.
- 7.13 In terms of the 2015 Act a Decision Notice must be issued to the group advising of Council's decision to agree or refuse the request, and the reasons for that decision, by 16/08/2026.
- 7.14 Legal documents pertaining to the conveyance to facilitate the ownership transfer of the asset will be required and the CTB has 6 months from the date of the Decision Notice to make a formal offer to the Council.

- 7.15 Both parties will meet their own legal fees and associated costs. The cost of outlays such as copy deeds, property searches, plan reports, coal mining reports, property enquiry certificates and others will be met by RMWG.
- 7.16 The Statutory process for dealing with Community Asset transfer requests is contained in the 2015 Act and associated Asset Transfer Request (Procedure) Scotland Regulations 2016. Both applications have been received, validated and published in accordance with the legislation. In terms of the 2016 Regulations, representations on CAT applications can be made within 20 working days from point of publication. Following this, applicants have 20 working days to provide a response on any such representations. Representations were received in respect of both applications. Both applicants were then invited to provide a response on their respective representations. RMWG provided a response on representations relating to their application within the statutory 20 working day period. FTCH did not respond within the statutory 20 working day period however a short extension was agreed with FTCH and a response has been provided.
- 7.17 RMWG representations and response are provided in Appendix 11. The FTCH representation and response is provided in Appendix 12. These representations and responses have been reviewed as part of the assessment and evaluation process. These representations and responses are the views of the individuals and organisations responding to the statutory consultation and are not the views of the Council. The Council does not accept any liability or responsibility for the views expressed therein. These representations are published in accordance with the terms of the Asset Transfer Request (Procedure) (Scotland) Regulations 2016.

### **Risk**

- 7.18 Transferring the asset to RMWG to invest and develop it will reduce statutory compliance requirements, maintenance and condition costs and reputational risks to Falkirk Council. Financial risks and all responsibilities associated with the property will transfer to RMWG.
- 7.19 There is a risk that upon transfer RMWG are unable to manage it as planned. This is considered a low risk, given the group's established activities and experience; following appraisal by officers there is confidence in their capacity and leadership.
- 7.20 There is a risk that given there are two competing applicants and Officers are recommending the asset transfer to RMWG, lets currently managed by FTCH will be concerned about their future use of the building. RMWG have provided assurance that all groups who currently use the building will have their lets honoured and none will be displaced as a result of a community asset transfer to RMWG.
- 7.21 The Scottish Government Guidance on community asset transfer notes that the constitution of a CTB requires to include provision that its surplus funds or assets must be applied for the benefit of the community. A CTB eligible for ownership requires to have provision that on winding up any surplus property, after the satisfaction of liabilities, passes to another charity or community body. This means that any property acquired by asset transfer cannot be used or sold for the private profit of the members of the group.

- 7.22 Notwithstanding that, it is proposed that the Council retains the option to take the property back in certain circumstances. In the event that (1) the property is to be sold or otherwise disposed of by RMWG, (2) RMWG is wound up or (3) RMWG 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), the Council will be entitled to the option of first right of refusal to reacquire the property.
- 7.23 Such right to reacquire the property shall be for market value for existing use and shall not be timebound. For the first 10 years the Council's financial support, made up of the market value foregone, plus any Enablement Fund written down (depreciated) over the 10-year period (ie. 10% per year), will be deducted from the market value for existing use at the pre-emption date, and where the outcome is positive this is the price to be paid.
- 7.24 The right of first refusal to reacquire the property shall not, however, operate in the event of a sale, disposal or transfer by/from RMWG to another charitable body which has objectives which are substantially the same as those of RMWG and which would result in the property continuing to be used for a use which is substantially the same as the use proposed by RMWG.
- 7.25 It is important to note that external funders to organisations may seek security for their funding, and the Director of Place Services should be authorised to negotiate and, as appropriate, agree such arrangements where they impact on the Council. Any transfer back to the Council would most likely involve discussion with the Office of the Scottish Charity Regulator (OSCR). The property would then be anticipated to be processed in line with Surplus Property Procedures having regard to discussions with OSCR.
- 7.26 There is a risk that given there are two competing applications, this will lead to a review. There are established processes and protocols for these circumstances.

### **Equalities**

- 7.27 In line with the approach adopted through the Strategic Property Review an Equality and Poverty Impact Assessment (EPIA) was prepared with reference to the closure of the facility, showing a variety of negative potential impacts.
- 7.28 Both RMWG and FTCH CAT applications were evaluated for the purposes of Equality and Poverty Impact Assessment. Officers are satisfied that both groups have undertaken the required engagement and work to address the requirements of an EPIA. These are contained within the respective CAT applications.
- 7.29 Approval of the Community Asset Transfer as set out in this report will ensure the facility remains available to local groups and will mitigate any potential impact on Equalities. As a result, the Community Asset Transfer will not disproportionately disadvantage any person or group of persons identified as potentially having a protected characteristic. The EPIA on the decision of this report is shown in appendix 13.

## **Sustainability/Environmental Impact**

- 7.30 A sustainability assessment is not required.

### **Impact on Climate Change Targets**

- 7.31 The transfer of Thornhill Community Centre would have a positive impact on the Council's organisational 2030 net zero target by reducing the emissions generated from electricity, gas and water consumption by 12 tonnes of carbon dioxide equivalent, based on 2025 figures.
- 7.32 It is acknowledged that whilst the reduced emissions will positively impact the Council's organisational targets, the facility will still generate Co2 emissions that will impact the wider area emissions.

## **8. Conclusion**

- 8.1 Following the statutory process and robust assessment of two CAT applications submitted for Thornhill Community Centre, Officers are recommending the asset transfer of the property to RMWG.
- 8.2 RMWG wish to undertake a community-led transformation of the Thornhill Community Centre. They are requesting full ownership of the building, at the cost of £1. The group has costed plans for capital works to upgrade the facility including solar panels to improve energy efficiency and works to the kitchen and pavilion to support the ongoing viability of the CAT.
- 8.3 The proposal includes a request to the Council's Enablement Fund for £101,738 to support the delivery of these capital improvements works to the property.
- 8.4 RMWG have provided a robust Business Plan.
- 8.5 A full assessment of the proposals has concluded that the group have strong leadership, the business plan is comprehensive, viable and sustainable.
- 8.6 Officers are satisfied that the proposal is compliant with legal requirements on the disposal of assets at less than market value. The council will realise an annual revenue saving of £10,790 through transferring the property which is in line with the Strategic Property Review agreed savings.
- 8.7 The transfer of the facility will support community empowerment, enable future investment and deliver significant local benefits including positive health and wellbeing outcomes. The group's activities are in alignment with the Council Plan 2023 – 2027.

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**Director of Place Services**

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Date: 20 May 2026

## **Appendices**

Appendix 1 – Thornhill Community Centre Disposal Plan  
Appendix 2 – Summary of Panel Assessment Scoring  
Appendix 2A – Assessment key facts summary for RMWG  
Appendix 2B – Assessment key facts summary for FTCH  
Appendix 3 – RMWG Constitution  
Appendix 4 - RMWG Application Form  
Appendix 5 – RMWG Business Plan  
Appendix 6 – FTCH Constitution  
Appendix 7 – FTCH Application Form  
Appendix 8 – FTCH Business Plan  
Appendix 9 – RMWG Community Consultation and Letters of Support  
Appendix 10 – FTCH Community Consultation and Letters of Support  
Appendix 11 – RMWG Representations and response  
Appendix 12 – FTCH Representations and response  
Appendix 13 - EPIA

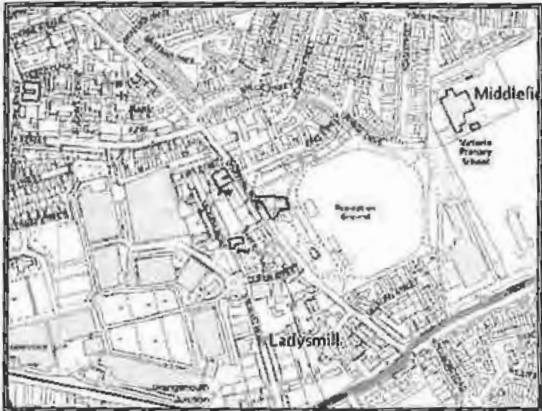
## **List of Background Papers**

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

- Insert list here or if none state “None.”



Falkirk Council



LOCATION PLAN

scale: 1:10,000

Subject:  
Thornhill Community Centre

|        |                       |             |
|--------|-----------------------|-------------|
| Area:  | 1404 sqm (0.347 acre) | or thereby. |
| Scale: | Plan No:              | Date:       |
| 1:500  | 3205                  | 3.5.2024    |



Place Services  
Falkirk Stadium, 4 Stadium Way, Falkirk, FK2 9EE



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O.S.Ref  
NS8980

## Appendix 2 - Summary of Panel Assessment Scoring

|                                | Average - RMWG | Average - FTCH | Comments                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------|----------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Objectives</b>              | 4.7            | 4.3            | Panel view that RMWG was more community focused in its objectives than FTCH which provided less evidence and appeared to have a greater commercial focus.                                                                                                                                                                                    |
| <b>Financial</b>               | 4.3            | 4.3            | Costs identified for Council are same for both applications.                                                                                                                                                                                                                                                                                 |
| <b>Volunteering Hours</b>      | 4.8            | 4.7            | FTCH have identified volunteer hours but not identified how many volunteers to understand if this is sustainable. RMWG have identified 20 volunteers.                                                                                                                                                                                        |
| <b>Economy</b>                 | 4.3            | 4.3            | Both RMWG and FTCH support local economic development.                                                                                                                                                                                                                                                                                       |
| <b>Regeneration</b>            | 4.2            | 3.8            | Panel view RMWG talk about supporting community regeneration and FTCH talk about commercial activity to support regeneration. Panel noted that local businesses were named in FTCH business plan as competitors.                                                                                                                             |
| <b>Public Health</b>           | 4.5            | 3.8            | Panel view that Scottish Government priorities for Public Health, were more aligned to RMWG application than FTCH. In addition, the panel view is that RMWG application is more aligned with the public health needs of local area than FTCH. Panel notes that for some FTCH activity that would be chargeable, this is offered free on NHS. |
| <b>Social Wellbeing</b>        | 4.6            | 3.8            | Current lets for both RMWG and FTCH benefit social wellbeing, however panel view is that RMWG demonstrates better understanding of social wellbeing.                                                                                                                                                                                         |
| <b>Environmental</b>           | 4.2            | 3.8            | Whilst both groups have identified environmental improvements to support their asset transfer, RMWG have an embedded environmental approach which includes continuing their environmental education sessions and workshops.                                                                                                                  |
| <b>Reducing Inequalities</b>   | 4.3            | 3.5            | Panel view is RMWG were more focused on providing community support and noted that FTCH providing lower cost for therapies does not reduce inequality.                                                                                                                                                                                       |
| <b>Promoting Equality</b>      | 4.2            | 3.5            | Both groups undertook an Equality and Poverty Impact Assessment questionnaire which was satisfactory. Panel view is RMWG were more focused on providing community support and noted that FTCH providing lower cost for therapies does not promote equality.                                                                                  |
| <b>Governance</b>              | 5.0            | 4.7            | Both groups are properly constituted for the purposes of the Community Asset Transfer. Panel view is that volunteer experience and track record in a volunteer capacity is stronger for RMWG and FTCH is limited in this area.                                                                                                               |
| <b>Funding/ Resources</b>      | 4.3            | 3.3            | RMWG have a good funding track record and current funding position. FTCH have identified potential funders but don't have same track record of obtaining funding.                                                                                                                                                                            |
| <b>Sustainability</b>          | 3.8            | 3.7            | Recognised that both RMWG and FTCH have limited experience in operating the building. Panel view is that the RMWG is a more established group.                                                                                                                                                                                               |
| <b>Performance Management</b>  | 3.3            | 3.7            | Both FTCH and RMWG identified performance measures associated with the asset transfer. Panel view is that FTCH have a broader scope for performance management including both quantitative and qualitative measurements.                                                                                                                     |
| <b>Community Involvement</b>   | 3.8            | 3.7            | Both RMWG and FTCH undertook community engagement however the panel view is that there could have been improved community involvement and methodology behind the engagement.                                                                                                                                                                 |
| <b>Local Community Support</b> | 3.8            | 3.3            | Panel view is that both RMWG and FTCH engaged with core groups. Unclear on community support for FTCH wider activity i.e. therapies. Panel view is that FTCH appear more commercial and RMWG appear more dedicated to community activity.                                                                                                    |
| <b>Total /80</b>               | <b>68</b>      | <b>62</b>      |                                                                                                                                                                                                                                                                                                                                              |

|               |              |
|---------------|--------------|
| Very Strong   | 69-85        |
| <b>Strong</b> | <b>62-68</b> |
| Moderate      | 55-61        |
| Weak          | 48-54        |
| Poor          | 0-47         |

**\*\*Both applications were considered to be strong**

**Appendix 2A - Assessment key facts summary for RMWG  
COMMUNITY ASSET TRANSFER**

| Name of property<br>Thornhill Community Centre |                                                                              | Name of group<br>Rainbow Muslim Womens<br>Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | SCIO number or equivalent<br><br>SCIO - SC047758 | Sale or lease<br><br>Sale | Length of lease<br><br>N/A | Rental per annum<br>(or outright cost)<br><br>£1 |
|------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------------|----------------------------|--------------------------------------------------|
|                                                |                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | APPLICATION DETAILS                              |                           | ADDITIONAL COMMENTS        | SCORING                                          |
| BENEFITS (OUTCOMES)                            |                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                  |                           |                            |                                                  |
| 1. Objectives                                  | Do project outcomes contribute to achieving the Council's priorities?        | The project aligns with all of the Council's Strategic Plan priorities of supporting stronger and healthier communities; promoting opportunities and educational attainment and reducing inequalities; and supporting a thriving economy and a green transition.<br><br>Supporting stronger and healthier communities is at the heart of community ownership                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                  |                           |                            | 4.7                                              |
| 2. Financial                                   | Is there a financial saving on public sector costs?                          | An asset transfer of the property will generate an estimated annual revenue saving of £10,790 to the Council (£9,360 from the Hall plus £1,430 from the pavilion)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                  |                           |                            | 4.3                                              |
|                                                | Is there an enhanced provision of public benefit through volunteering hours? | They estimate they generate 4,576 volunteer hours per annum<br><br>Generating a financial equivalent of over £100,400 public benefit per annum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                  |                           |                            | 4.8                                              |
|                                                | Current market valuation of the property whether by sale or rent             | £85,000 market value<br>£10,500 per annum market rent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                  |                           |                            |                                                  |
|                                                | Backlog maintenance figure from C&B report                                   | £249,313                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                  |                           |                            |                                                  |
| 3. Non-financial benefits                      | What is the impact on:<br>(i) economy                                        | A busy, thriving Hall will bring more people to the neighbourhood and contribute to increased footfall at businesses and amenities.<br><br>The group states: "We are seeking to acquire Thornhill Community Hall to establish a permanent, inclusive space that serves not only the Rainbow Muslim Women's Group but the wider Falkirk community. This centre will be a vibrant, welcoming hub where people of all backgrounds — women, families, young people, the elderly, and local organisations — can come together to connect, learn, and grow. Thornhill Community Centre already hosts a variety of valuable activities, including Zumba classes, music lessons, art workshops, kettlecise, church-led sessions, and mental and emotional wellbeing programmes.<br><br>We fully envisage these existing activities continuing and thriving. Our vision is to build on this strong foundation by introducing new programmes — such as affordable skills training, a community café, and expanded support services — that respond to emerging needs and reflect the evolving aspirations of the community."<br><br>The group state that economic empowerment through skills development is a significant part of their core work with ethnic minority women, providing training and pathways to employment, helping individuals gain independence, and contribute to the local economy.<br><br>They state that by encouraging and supporting women to start their own businesses, jobs are created and the local economy is stimulated. Strengthening community ties through cultural and social activities creates a supportive environment for economic activities. |                                                  |                           |                            | 4.3                                              |

**Appendix 2A - Assessment key facts summary for RMWG**  
**COMMUNITY ASSET TRANSFER**

|  |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |     |
|--|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|
|  |                       | while developing leadership skills among women leads to more effective community advocacy and economic planning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |     |
|  | (ii) regeneration     | <p>Proposed upgrades to the building will have good regeneration outcomes including reducing electricity costs to make the business more viable, by the installation of solar panels.</p> <p>Enhancing the building's appearance and surroundings will make it a welcoming and attractive space for all community members, improving the quality of life and attracting more residents and businesses.</p> <p>Engaging youth in educational and recreational programs will reduce anti-social behaviour and its environmental impact.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | 4.2 |
|  | (iii) public health   | <p>Many of the classes running in the Hall contribute towards good wellbeing of participants including: Zumba classes, music lessons, art workshops, kettlecise, church-led sessions, and mental and emotional wellbeing programmes. The group state that they will honour all the existing hall lets.</p> <p>The core RMWG activities will be run from the renovated pavilion space (currently lying unused) to allow current lets to continue operating in the Hall.</p> <p>Where RMWG activities require the kitchen, the pavilion will be offered as alternative accommodation to current lets.</p> <p>The group states that in their core work they will continue in empowering women to make informed health choices, by conducting workshops addressing issues like nutrition, exercise, disease prevention, smoking cessation, substance abuse, and domestic violence, working with local health authorities to implement community-wide health initiatives.</p> <p>The group states that their support groups help individuals manage stress and anxiety, with mindfulness and relaxation exercises improving overall mental wellbeing. Healthy eating is promoted through cooking classes and nutritional education. Regular exercise is encouraged with physical activity programmes. They state that their information sessions on prenatal and postnatal care ensure the health and wellbeing of mothers and babies, while their food bank and parcel delivery service support families and individuals with food provision.</p> |  | 4.5 |
|  | (iv) social wellbeing | <p>Engaging in health and fitness activities in a community setting helps participants feel more connected within their networks.</p> <p>Involvement in the various clubs and groups helps to combat social isolation.</p> <p>The group states that by organising social events and gatherings, they are able to foster a sense of community and belonging among members of their community, while encouraging volunteerism to enhance social cohesion and provide meaningful ways for individuals to contribute to their community.</p> <p>In addition they cite the positive wellbeing outcomes which flow from their offering of peer support groups, mentorship programmes, cultural celebrations and festivals, recreational</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | 4.6 |

Appendix 2A - Assessment key facts summary for RMWG  
COMMUNITY ASSET TRANSFER

|             |                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |     |
|-------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|
|             |                                                                                   | <p>activities, adult education classes, parental support, advocacy and leadership skill development.</p> <p>The group states that while their roots lie in supporting ethnic minority women, their work <i>"has grown to encompass a wide range of communities across Falkirk, including families, young people, older adults, and individuals facing social isolation or economic hardship"</i>.</p> <p>They state that they have <i>"delivered programmes in various neighbourhoods — from wellbeing and food support to youth engagement, digital inclusion, and intergenerational activities — always shaped by local needs and open to all, regardless of background, age, gender, or ethnicity."</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |     |
|             | (v) environment / climate change (including figures on carbon dioxide equivalent) | <p>The transfer of Thornhill Community Centre would have a positive impact on the Council's organisational 2030 net zero target by reducing the emissions generated from electricity, gas and water consumption by 12 tonnes of carbon dioxide equivalent, based on 2025 figures. It is acknowledged that whilst the reduced emissions positively impact the Council's organisational targets, the facility will still generate Co2 emissions that impact the wider area emissions; these will be somewhat mitigated by the installation of solar panels as planned by the group.</p> <p>The group states that a community-owned building means creating a hub for sustainable initiatives and a place where the community can come together to learn, share, and implement eco-friendly practices.</p> <p>They will continue their long association with 3 local charities to deliver their environmental work:</p> <p><b>Bo'ness-based Sustainable Thinking Scotland SCIO:</b> RMWG distribute fresh produce from the Foodbank Farm to those in need.</p> <p><b>The Cyrenians:</b> RMWG Collect and distribute surplus food from supermarkets to avoid landfill.</p> <p><b>Forth Environment Link:</b> RMWG deliver plant-based cookery lessons to different demographics and host workshops on climate adaptation</p> <p>They state that they conduct workshops and seminars on sustainable living practices, such as reducing waste, recycling, water conservation, sustainable active transport, and conserving energy, and plan to implement initiatives like community clean-up days and recycling programmes. They state that promoting sustainable practices and green initiatives in and around the building will improve the local environment and attract eco-conscious businesses and residents.</p> <p>The group have applied to the Enablement Fund for the installation of solar panels to reduce carbon emissions.</p> |  | 4.2 |
|             | (vi) other                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |     |
| 4. Equality | What evidence is there that the project:                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |     |

**Appendix 2A - Assessment key facts summary for RMWG**  
**COMMUNITY ASSET TRANSFER**

|                                              |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |     |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|
|                                              | (i) contributes to reducing inequalities (protected characteristics)                                                                                                             | <p>The core work of the group is the empowerment of women from an ethnic minority background, who by virtue of their race and sex, may face barriers. The group is a trusted partner, working with statutory services including the Council and the NHS to deliver training and activities in a culturally sensitive manner to their members, who might not always feel able to engage with these services outwith the group.</p> <p>The group has always worked with economically disadvantaged communities of all backgrounds as described in letters of support from the Avonbridge Community Association and Fairer Falkirk, particularly in the delivery of food and facilitation of cookery lessons. The group have been recipients of the council's School Holiday Fund since 2022, supporting low-income families with nutritious meals and engaging activities during school holidays.</p> |  | 4.3 |
|                                              | (ii) Promotes equality                                                                                                                                                           | <p>The group states that they have been a cornerstone of community empowerment in Falkirk for over two decades, fostering unity across diverse ethnic backgrounds through food banks, educational programmes, cultural events, and inclusive support services.</p> <p>They state that their proposal is more than a building, being an investment in social cohesion, wellbeing, and the future of Falkirk's multicultural society. They state that they will create a welcoming space that brings together people from all ethnic backgrounds, fostering mutual understanding, cultural exchange, and social harmony.</p>                                                                                                                                                                                                                                                                          |  | 4.2 |
| <b>ABILITY TO DELIVER / SUSTAINABILITY</b>   |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |     |
| 5. Governance / Accountability               | Are appropriate governance structures in place?                                                                                                                                  | Yes, the group is a 2-tiered SCIO with a suitable Community led membership and properly formed Board of Trustees, as required by Part 5 of the Community Empowerment Act (Scotland) 2015.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | 5   |
| 6. Availability of Resources / Business Plan | Has the group identified all the resources required, such as funding, staff and volunteer resources with the appropriate skills, and are they sufficient to deliver the project? | <p><b>Funding</b></p> <p>Through fundraising and grant funding the group have secured an average of £40,000 per year since 2020 (Business Plan p.53)</p> <p>They are currently in Year 1 of a £40,000 grant (unrestricted funding) from Corra Foundation, payable over 5 years.</p> <p><b>Enablement Fund</b> – Details of the Enablement Fund request is contained with the CAT application.</p> <p><b>Staff</b></p> <p>2 part-time staff</p> <p><b>Volunteers</b></p> <p>Over 20 active volunteers</p> <p><b>Trustees</b></p> <p>5 Trustees who have served the organisation for between 20 years and 5 years each.</p>                                                                                                                                                                                                                                                                           |  | 4.3 |

## Appendix 2A - Assessment key facts summary for RMWG

### COMMUNITY ASSET TRANSFER

|                             |                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |     |
|-----------------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|
|                             |                                                                                               | Further information is provided in the business plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |     |
| 7. Sustainability           | Has it been demonstrated that the resources are sustainable over the lifetime of the project? | <p>The organisation has been operational for over 20 years with a track record of partnership working and securing funding (typically around £40,000 annual income from diverse sources). They have provided letters of support from the Council's Fairer Falkirk and Homelessness support teams as well as the following local charities and third sector organisations: Braveheart Foundation, The Conservation Volunteers, Central Scotland Regional Equality Council, Forth Environment Link, Avonbridge Community Association, Sustainable Thinking Scotland and Causeway Music Project.</p> <p>Both Braveheart and The Conservation Volunteers have registered their interest in delivering some services from the building, in collaboration with RMWG if the CAT is successful.</p> <p>They have secured five years of unrestricted funding to support operational and repair costs, and benefit from a large, active volunteer base that reflects the diversity of the wider Falkirk area. (Business Plan p. 39)</p> |  | 3.8 |
| 8. Performance Management   | How does the group propose to monitor and report on the achievement of the desired outcomes?  | <p>They state they will monitor usage and participation on a quarterly and annual basis aiming to increase usage by 50% within the first 2 years. They will record attendance figures, membership levels, social media engagement, and website traffic.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | 3.3 |
| <b>COMMUNITY SUPPORT</b>    |                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |     |
| 9. Community Involvement    | Has it been demonstrated that the community were involved in developing the proposal?         | <p>Yes. The group has submitted a breakdown of their engagement results. They received 135 responses to their public online survey (Facebook)</p> <p>In this survey, 95.6% of respondents answered yes to the question "Do you support the idea of this group taking on its own premises and making it into a community cultural hub open to all?" They also received a highly positive response when asked if people would use the facility, and have incorporated respondents' activity ideas into their planning (eg. cookery, fitness, crafting etc).</p> <p>In addition, they received 52 responses to their internal consultation with their members. The written answers all attest to the positive impact the organisation has on their members' lives. Around 92% of respondents answered "yes" or "maybe" when asked if it would make a difference to have a designated space for activities.</p>                                                                                                                   |  | 3.8 |
| 10. Local Community Support | What evidence has been provided of local community support?                                   | <p>As previously stated, a number of local groups and agencies have submitted letters of support praising the RMWG's work with service users.</p> <p>They have submitted a photograph of their suggestion board for users,</p> <p>as well as 3 documents capturing the user statements and pie-chart results of their surveys.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | 3.8 |
| <b>OTHER</b>                |                                                                                               | <b>Letters of support have been provided.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |     |

**Appendix 2A - Assessment key facts summary for RMWG**  
**COMMUNITY ASSET TRANSFER**

|                                    |                                                                                                                                                                                                                                            |  |  |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
|                                    |                                                                                                                                                                                                                                            |  |  |
| Is the building currently staffed? | No employees remain at the building being considered by this report. Having considered the options available to them, all employees chose to accept either voluntary severance or redeployment and therefore no TUPE considerations apply. |  |  |
|                                    |                                                                                                                                                                                                                                            |  |  |
|                                    |                                                                                                                                                                                                                                            |  |  |

| CONCLUSION                                                                                                     |                                      |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------|
| COMMENTS                                                                                                       | OVERALL ASSESSMENT (See Table below) |
| Applicant has met the requirements of the Act and provided information in relation to all assessment criteria. | 68/80<br>Strong                      |

| Evidence    | Overview                                                                                                                                                                                                                                                                                                                               |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Very strong | 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      | 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    | 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        | 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 demonstrates questionable value for money.                                                                                                    |
| Poor        | 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.                                                                                                          |

# Appendix 2B – Assessment key facts summary for FTCH

## COMMUNITY ASSET TRANSFER

| Name of property<br>Thornhill Community Hall |                                                                              | Name of group<br>Falkirk Thornhill Community Hall SCIO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | SCIO number or equivalent<br>SC047801 | Sale or lease<br>Sale | Length of lease<br>N/A | Rental per annum (or outright cost)<br>£1 |
|----------------------------------------------|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-----------------------|------------------------|-------------------------------------------|
|                                              |                                                                              | APPLICATION DETAILS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                       |                       | ADDITIONAL COMMENTS    | SCORING                                   |
| <b>BENEFITS (OUTCOMES)</b>                   |                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                       |                       |                        |                                           |
| 1. Objectives                                | Do project outcomes contribute to achieving the Council's priorities?        | The project aligns with all of the Council's Strategic Plan priorities of supporting stronger and healthier communities; promoting opportunities and educational attainment and reducing inequalities; and supporting a thriving economy and a green transition.<br><br>Supporting stronger and healthier communities is at the heart of community ownership                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                       |                       |                        | 4.3                                       |
| 2. Financial                                 | Is there a financial saving on public sector costs?                          | An asset transfer of the property will generate an estimated annual revenue saving of £10,790 to the Council (£9,360 from the Hall plus £1,430 from the pavilion)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                       |                       |                        | 4.3                                       |
|                                              | Is there an enhanced provision of public benefit through volunteering hours? | They estimate they generate 5,424 volunteer hours per annum<br><br>Generating a financial equivalent of over £105,000 public benefit per annum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                       |                       |                        | 4.7                                       |
|                                              | Current market valuation of the property whether by sale or rent             | £85,000 market value<br>£10,500 per annum market rent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                       |                       |                        |                                           |
|                                              | Backlog maintenance figure from C&B report                                   | £249,313                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                       |                       |                        |                                           |
| 3. Non-financial benefits                    | What is the impact on:<br>(i) economy                                        | <p>A busy, thriving Hall will bring more people to the neighbourhood and contribute to increased footfall at businesses and amenities.</p> <p>The group state that closure of the Hall would mean the 12 current groups and 386+ weekly users will fragment, with services ceasing or relocating, and the intergenerational and cross-community connections built over a decade will be lost.</p> <p>They state that community ownership will support local economic development through affordable workspace for self-employed therapy practitioners and small businesses, with corporate hire rates being discounted for small and medium sized businesses. Volunteer opportunities will build employability skills and create pathways into jobs.</p> <p>The industrial kitchen will be used for hospitality training and a planned foodbank and community café.</p> <p>The group state that Community Asset Transfer will also deliver direct savings to Falkirk Council of over £91,000 over five years, comprising utilities (£61,100), maintenance (£23,864), insurance (£4,403) and staffing (£2,006).</p> <p>Procurement of maintenance, supplies and services will prioritise local contractors and suppliers, supporting local small businesses and self-employed practitioners to embed Community Wealthbuilding principles into a practical, working example of community-led local economic development.</p> |                                       |                       |                        | 4.3                                       |

## Appendix 2B – Assessment key facts summary for FTCH

### COMMUNITY ASSET TRANSFER

|  |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |     |
|--|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|
|  | (ii) regeneration     | <p>Proposed upgrades to the building will have good regeneration outcomes, including reducing electricity costs to make the business more viable, by the installation of LED lighting and a new pavilion roof with improved thermal performance.</p> <p>The group intend to convert the pavilions into therapy and wellbeing spaces for hire by private practitioners alongside a flexible multi-purpose room. The kitchen will be upgraded to an industrial training kitchen and community café, aiding vocational training opportunities with local education providers.</p> <p>The group state that the Hall occupies a strategically central and accessible location directly behind the Central Retail Park which attracts millions of visitors each year, and that regenerating it will transform a standard public asset into a modern, energy-efficient, multi-functional community hub, preserving its heritage significance while ensuring it is fit for purpose for decades to come and secures the building for continued community use.</p>                                                                   |  | 3.8 |
|  | (iii) public health   | <p>The group states that the Hall currently delivers a co-located health and wellbeing ecosystem which functions as a comprehensive preventative health hub complementing statutory provision and reducing system pressure.</p> <p>They plan to convert the pavilions for the following purposes:</p> <p><b>Pavilion 1</b> – Counselling, hypnotherapy, sensory and neurodivergent-inclusive rooms, quiet space for reflection (Therapy and Wellbeing Suite)</p> <p><b>Pavilion 2</b> – Yoga, meditation, employability training, digital skills classes, small corporate hire, volunteer training, with a mini catering facility (Flexible Multi-Purpose Room)</p> <p>The group are committed to honouring all existing lets including fitness and dance classes; badminton; mental health support groups; brain injury rehabilitation; arts programmes for neurodiverse and ASN support groups etc. They state that the renovated kitchen will aid delivery of nutritional information and community food, while therapy and early intervention will expand significantly post-CAT when the Pavilions are converted.</p> |  | 3.8 |
|  | (iv) social wellbeing | <p>There is evidence of long standing lets. The group affirm that co-location is a social wellbeing benefit building shared identity, reducing the siloing of age groups, carers, and vulnerable cohorts into separate service islands, and that the range of current user groups shows the importance of safeguarding intergenerational continuity and preventing fragmentation of community life.</p> <p>The group state that to ensure social wellbeing is accessible to everyone, rather than controlled by informal gatekeeping, they will operate a neutral hub model using an online booking system, a tiered pricing structure, and a proportional usage model.</p> <p>Involvement in the various clubs and groups helps to combat social isolation. The group have identified that for more than 139 regular participants from the current lets, the Hall is their primary point of routine social contact and trusted connection. They state that losing</p>                                                                                                                                                     |  | 3.8 |

## Appendix 2B – Assessment key facts summary for FTCH

### COMMUNITY ASSET TRANSFER

|             |                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |     |
|-------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|
|             |                                                                                   | <p>that weekly anchor increases the risk of deterioration, relapse, disengagement from services, and escalation into crisis support.</p> <p>The group assert that social wellbeing benefit produced at the Hall is measurable, and is created by protecting and expanding a functioning ecosystem rather than replacing it with a single-use model.</p> <p>The group state that in social wellbeing terms, the CAT delivers best value because it (1) tackles the area's most prevalent support need, (2) protects high-impact provision for protected characteristic groups, (3) reverses real displacement already occurring, and (4) strengthens the whole ecosystem through a neutral, transparent model that grows capacity without displacing what is already established</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |     |
|             | (v) environment / climate change (including figures on carbon dioxide equivalent) | <p>The transfer of Thornhill Community Centre would have a positive impact on the Council's organisational 2030 net zero target by reducing the emissions generated from electricity, gas and water consumption by 12 tonnes of carbon dioxide equivalent, based on 2025 figures. It is acknowledged that whilst the reduced emissions positively impact the Council's organisational targets, the facility will still generate Co2 emissions that impact the wider area emissions; these will be somewhat mitigated by the installation of LED lighting and a new pavilion roof which will improve thermal performance, reducing maintenance overheads, consumption, and carbon emissions.</p> <p>The group identify that travel emissions are reduced through the local provision of essential health, mental health, and social services.</p> <p>They state that they will conduct phased building maintenance, preventing the "carbon waste" associated with fabric deterioration.</p> <p>If successful, the group are planning to apply to CARES, Energy Scotland, and FCC Communities Fund for new doors and windows, solar panels, heating upgrade and modern energy-efficient infrastructure.</p> <p>The group have applied to the Enablement Fund for the installation of LED lighting and new pavilion roof.</p> |  | 3.8 |
|             | (vi) other                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |     |
| 4. Equality | What evidence is there that the project:                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |     |
|             | (i) contributes to reducing inequalities (protected characteristics)              | <p>The group are committed to honouring all existing lets, including groups that serve older adults; families and maternal health; ethnicity and faith-based groups; and survivors of trauma. Many of these people face socio-economic disadvantage.</p> <p><b>Disability:</b> The group state that they are committed to accessibility through step-free entry with ramps, automatic doors, accessible toilets with grab rails, wide corridors, and designated disabled parking. Non-slip flooring, good lighting, and hearing loops will support those with visual or hearing impairments. Quiet and sensory-friendly spaces, alongside adjustable lighting, will benefit people with sensory sensitivities. Inclusive activities include adapted exercise classes, creative workshops, peer support groups, employability sessions, and sensory play for children. Together, these provisions create a welcoming environment where people of all abilities can participate fully. They intend to</p>                                                                                                                                                                                                                                                                                                                    |  | 3.5 |

## Appendix 2B – Assessment key facts summary for FTCH

### COMMUNITY ASSET TRANSFER

|                                              |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |     |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|
|                                              |                                                                                                                                                                                  | <p>install an induction loop and disabled alarm system, directly supporting users with hearing impairments and mobility needs.</p> <p><b>Poverty:</b> The group states that the costs of counselling, hypnotherapy, chronic pain support and complementary health provision will be actively addressed through concessionary and free access, funded places, a hardship fund for users unable to afford standard rates, and partnerships with organisations to support or provide free or subsidised services at rates 45 - 60% below commercial equivalents.</p>                                                                                                                                                                                                           |  |     |
|                                              | (ii) Promotes equality                                                                                                                                                           | <p>The group plans to mitigate local Socio-Economic Disadvantage through:</p> <ul style="list-style-type: none"> <li>• <b>Tiered Pricing:</b> Maintaining therapy room rates at a transparent £10 per hour to ensure therapeutic support remains affordable for residents and small providers.</li> <li>• <b>Inclusive Governance:</b> Using the Hallmaster system to eliminate informal gatekeeping and ensure that access is auditable, fair, and open to all.</li> <li>• <b>Funded provision:</b> supported programmes through funding and grant and collaboration.</li> </ul> <p>The group state that they will be addressing Socio-Economic Disadvantage through their direct support of the Fairer Scotland Duty by removing financial barriers to participation.</p> |  | 3.5 |
| <b>ABILITY TO DELIVER / SUSTAINABILITY</b>   |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |     |
| 5. Governance / Accountability               | Are appropriate governance structures in place?                                                                                                                                  | Yes, the group is a 2-tiered SCIO with a suitable Community led membership and properly formed Board of Trustees, as required by Part 5 of the Community Empowerment Act (Scotland) 2015.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | 4.7 |
| 6. Availability of Resources / Business Plan | Has the group identified all the resources required, such as funding, staff and volunteer resources with the appropriate skills, and are they sufficient to deliver the project? | <p><b>Funding</b> The group has identified more than 50 potential funders they can apply to.</p> <p><b>Enablement Fund</b> – Details of the Enablement Fund request is contained with the CAT application. Please note, the figures in the business plan are no longer required.</p> <p><b>Staff</b> The group plan to recruit staff after 2 years</p> <p><b>Volunteers</b> Number of registered volunteers not provided, but group estimates 5,424 volunteer hours consisting of 4,100 hours for operational volunteers plus 1,324 hours from board of trustees.</p> <p><b>Trustees</b></p> <p>5 Trustees who have served the organisation for between 2 years and 3 months each.</p> <p>Further information is provided in the business plan</p>                          |  | 3.3 |
| 7. Sustainability                            | Has it been demonstrated that the resources are sustainable over the lifetime of the project?                                                                                    | <p>The SCIO draws upon a membership of 44 individuals and a volunteer workforce contributing 4,100 hours annually.</p> <p>This volunteer team supports the charity with:</p> <ul style="list-style-type: none"> <li>• IT needs, Social Media, and the management of the 24/7 Hallmaster booking system.</li> <li>• General building maintenance, repairs, and redecoration.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                      |  | 3.7 |

## Appendix 2B – Assessment key facts summary for FTCH

### COMMUNITY ASSET TRANSFER

|                           |                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |      |     |
|---------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-----|
|                           |                                                                                              | <ul style="list-style-type: none"> <li>• Day to day operations, including opening and closing, cleaning, and facilities monitoring, compliance and to meet regulations and statutory obligations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |      |     |
| 8. Performance Management | How does the group propose to monitor and report on the achievement of the desired outcomes? | <p>The proposed pavilion reconfiguration will increase the total potential lettable hours from 395 hours per month to 2,370 hours per month; they state they will monitor usage and participation with the aim of increasing hall usage by 62 additional hours a month by year 4.</p> <p>They state that they will be measuring social value, impact, equality, affordability, and governance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |      | 3.7 |
| <b>COMMUNITY SUPPORT</b>  |                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |      |     |
| 9. Community Involvement  | Has it been demonstrated that the community were involved in developing the proposal?        | <p>Yes. The group states that all existing user groups were consulted, securing interest from anchor lets using online and paper-based surveys.</p> <p>The group launched a new FB page which grew quickly. The survey was shared across 13 FB groups.</p> <p>Existing user groups, businesses, the Society of Sir John de Graeme and Forth Valley College have produced strong indications of partnership, collaborations, and anchor let interest. Trustees spoke to shoppers and 8 local businesses in the Retail Park who were supportive of their plans</p> <p><i>"There is a strong appetite for therapy and wellbeing services, including counselling and hypnotherapy, that could help unburden the NHS and offer accessible care for people who cannot afford private provision."</i></p> <p>Survey feedback includes the following proposed usages:</p> <ul style="list-style-type: none"> <li>• We would use this space for one to one support with service users for interviews for rehab and application form assistance</li> <li>• Guided Meditation Sessions</li> <li>• KCR - Kinetic Chain Release and Connective tissue work</li> <li>• For private meetings</li> <li>• Meditation and Mindfulness and 1-2-1 support</li> <li>• Counselling services and private therapies</li> </ul> <p>The document entitled Community Engagement Evidence contains a screenshot indicating that there were 126 responses to a Google Survey. 98.4% of respondents (124 out of 126) support the hall remaining open and becoming community-owned. There 3 emails endorsing the current committee and the Falkirk Spiritual and Psychic Development class.</p> <p>Page 21 of the Business Plan features 113 verbatim quotes from respondents, 1 of which is an endorsement of the current committee. The remainder are arguing against the closure of the hall:</p> | Page | 3.7 |

# Appendix 2B – Assessment key facts summary for FTCH

## COMMUNITY ASSET TRANSFER

|                                    |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |     |
|------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|
|                                    |                                                             | <ul style="list-style-type: none"> <li>Lack of services already in Falkirk. Closing another centre will adds to the already growing problem. It's a much needed hall.</li> <li>Another hall closed will result in our community falling apart. It will be more of an "everyone for yourself" type of place. No togetherness, nothing to look forward to or take pride in. Another safe space for so many taken away.</li> <li>If community hall was closed we would be unable to hold our meetings and help survivors. It would be almost impossible to find other premisas that are central for everyone and that would meet our needs.</li> </ul> |  |     |
| 10. Local Community Support        | What evidence has been provided of local community support? | <p>Screenshots of written responses, and pie-charts from online consultations have been provided.</p> <p>Organisations with current lets have provided letters of support and these include:</p> <ul style="list-style-type: none"> <li>Mount Zion International Tabernacle</li> <li>Connect2 Forth Valley</li> <li>Willow Tree Performing Arts</li> <li>HSCP</li> </ul>                                                                                                                                                                                                                                                                            |  | 3.3 |
| OTHER                              |                                                             | Letters of support have been provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |     |
| Is the building currently staffed? |                                                             | No employees remain at the building being considered by this report. Having considered the options available to them, all employees chose to accept either voluntary severance or redeployment and therefore no TUPE considerations apply.                                                                                                                                                                                                                                                                                                                                                                                                          |  |     |
|                                    |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |     |
|                                    |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |     |

## CONCLUSION

| COMMENTS                                                                                                       | OVERALL ASSESSMENT (See Table below) |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------|
| Applicant has met the requirements of the Act and provided information in relation to all assessment criteria. | 62/80<br>Strong                      |

| Evidence    | Overview                                                                                                                                                                                                                                                                                                                               |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Very strong | 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      | 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.                                                                                                                           |

## Appendix 2B – Assessment key facts summary for FTCH

### COMMUNITY ASSET TRANSFER

|          |                                                                                                                                                                                                                                     |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Moderate | 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     | 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 demonstrates questionable value for money. |
| Poor     | 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.       |

**Appendix 3 – RMWG Constitution**



**CONSTITUTION OF RAINBOW MUSLIM WOMENS GROUP**

**CONSTITUTION**  
of  
**RAINBOW MUSLIM WOMENS GROUP**

| <b>CONTENTS</b>                                |                                                                                                                                                                  |                   |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>GENERAL</b>                                 | type of organisation, Scottish principal office, name, purposes, powers, liability, general structure                                                            | clauses 1 - 10    |
| <b>MEMBERS</b>                                 | qualifications for membership, application, subscription, register of members, withdrawal, transfer, re-registration, expulsion, termination                     | clauses 11 - 26   |
| <b>DECISION-MAKING BY THE MEMBERS</b>          | members' meetings, power to request members' meeting, notice, procedure at members' meetings, voting at members' meetings, written resolutions, minutes          | clauses 27 - 53   |
| <b>BOARD (CHARITY TRUSTEES)</b>                | number, eligibility, election/ retiral/re-election, termination of office, register of charity trustees, office bearers, powers, general duties, code of conduct | clauses 54 - 83   |
| <b>DECISION-MAKING BY THE CHARITY TRUSTEES</b> | notice, procedure at board meetings, minutes                                                                                                                     | clauses 84 - 99   |
| <b>ADMINISTRATION</b>                          | sub-committees, operation of accounts, accounting records and annual accounts                                                                                    | clauses 100 - 108 |
| <b>MISCELLANEOUS</b>                           | winding up, alterations to the constitution, interpretation                                                                                                      | clauses 109 - 114 |

## **GENERAL**

### **Type of organisation**

- 1 The organisation will, upon registration, be a Scottish Charitable Incorporated Organisation (SCIO).

### **Scottish principal office**

- 2 The principal office of the organisation will be in Scotland (and must remain in Scotland).

### **Name**

- 3 The name of the organisation is Rainbow Muslim Women's Group

### **Purposes**

- 4 The organisation's purposes are:
  - 4.1 The advancement of education
  - 4.2 The organisation of recreational activities with the object of improving the conditions of life for the persons for whom the activities are intended
  - 4.3 The promotion of religious and racial harmony
  - 4.4 The relief of those in need

In furtherance of the aforesaid purposes the organisation shall work in partnership with all relevant stakeholders to deliver our objectives including but not limited to:

- Organise and deliver activities which encourage and promote good physical/ mental health & well-being
- Provide training opportunities to increase the skills and knowledge of participants and to improve their life chances and employability
- Offer opportunities to volunteer with the organisation
- Provide social and recreational activities designed to tackle social isolation and loneliness
- Refer or sign post users to relevant services and organisations
- Participate in community cohesion activities to promote tolerance, understanding and co-operation and to tackle discrimination and prejudice
- Conduct outreach activity to engage with new and existing users in order to promote the services of the organisation and to build good relations

- Deliver personal development workshops designed to increase the self-confidence of participants
- Organise and deliver cultural events designed to bring diverse communities together and to promote equality and diversity, religious and racial harmony

### **Powers**

- 5 The organisation has power to do anything which is calculated to further its purposes or is conducive or incidental to doing so.
- 6 No part of the income or property of the organisation may be paid or transferred (directly or indirectly) to the members - either in the course of the organisation's existence or on dissolution - except where this is done in direct furtherance of the organisation's charitable purposes.

### **Liability of members**

- 7 The members of the organisation have no liability to pay any sums to help to meet the debts (or other liabilities) of the organisation if it is wound up; accordingly, if the organisation is unable to meet its debts, the members will not be held responsible.
- 8 The members and charity trustees have certain legal duties under the Charities and Trustee Investment (Scotland) Act 2005; and clause 7 does not exclude (or limit) any personal liabilities they might incur if they are in breach of those duties or in breach of other legal obligations or duties that apply to them personally.

### **General structure**

- 9 The structure of the organisation consists of:-
  - 9.1 the MEMBERS - who have the right to attend members' meetings (including any annual general meeting) and have important powers under the constitution; in particular, the members appoint people to serve on the board and take decisions on changes to the constitution itself;
  - 9.2 the BOARD - who hold regular meetings, and generally control the activities of the organisation; for example, the board is responsible for monitoring and controlling the financial position of the organisation.
- 10 The people serving on the board are referred to in this constitution as CHARITY TRUSTEES.

## **MEMBERS**

### **Qualifications for membership**

- 11 Our membership shall be open to:-
  - 11.1 Women aged sixteen years and over residing in the Falkirk local authority area who wish to further the purpose and objectives of the Organisation.
  - 11.2 The Organisation shall have no less than 20 members as per the criteria described in clause 11.1.
- 12 Employees of the organisation are not eligible for membership.

### **Application for membership**

- 13 Any person who wishes to become a member must sign a written application for membership; the application will then be considered by the board at its next board meeting.
- 14 The board may, at its discretion, refuse to admit any person to membership.
- 15 The board must notify each applicant promptly (in writing or by e-mail) of its decision on whether or not to admit him/her to membership.

### **Membership subscription**

- 16 Membership subscription will be payable at the annual general meeting.

### **Register of members**

- 17 The board must keep a register of members, setting out
  - 17.1 for each current member:
    - 17.1.1 his/her full name and address; and
    - 17.1.2 the date on which he/she was registered as a member of the organisation;
  - 17.2 for each former member - for at least six years from the date on he/she ceased to be a member:
    - 17.2.1 his/her name; and
    - 17.2.2 the date on which he/she ceased to be a member.
- 18 The board must ensure that the register of members is updated within 28 days of any change:

- 18.1 which arises from a resolution of the board or a resolution passed by the members of the organisation; or
  - 18.2 which is notified to the organisation.
- 19 If a member or charity trustee of the organisation requests a copy of the register of members, the board must ensure that a copy is supplied to him/her within 28 days, providing the request is reasonable; if the request is made by a member (rather than a charity trustee), the board may provide a copy which has the addresses blanked out.

#### **Withdrawal from membership**

- 20 Any person who wants to withdraw from membership must give a written notice of withdrawal to the organisation, signed by him/her; he/she will cease to be a member as from the time when the notice is received by the organisation.

#### **Transfer of membership**

- 21 Membership of the organisation may not be transferred by a member.

#### **Re-registration of members**

- 22 The board may, at any time, issue notices to the members requiring them to confirm that they wish to remain as members of the organisation, and allowing them a period of 28 days (running from the date of issue of the notice) to provide that confirmation to the board.
- 23 If a member fails to provide confirmation to the board (in writing or by e-mail) that he/she wishes to remain as a member of the organisation before the expiry of the 28-day period referred to in clause 22, the board may expel him/her from membership.
- 24 A notice under clause 22 will not be valid unless it refers specifically to the consequences (under clause 23) of failing to provide confirmation within the 28-day period.

#### **Expulsion from membership**

- 25 Any person may be expelled from membership by way of a resolution passed by not less than two thirds of those present and voting at a members' meeting, providing the following procedures have been observed:-
- 25.1 at least 21 days' notice of the intention to propose the resolution must be given to the member concerned, specifying the grounds for the proposed expulsion;

- 25.2 the member concerned will be entitled to be heard on the resolution at the members' meeting at which the resolution is proposed.

### **Termination**

- 26 Membership of the organisation will terminate on death.

## **DECISION-MAKING BY THE MEMBERS**

### **Members' meetings**

- 27 The board must arrange a meeting of members (an annual general meeting or "AGM") in each calendar year.
- 28 The gap between one AGM and the next must not be longer than 15 months.
- 29 Notwithstanding clause 27, an AGM does not need to be held during the calendar year in which the organisation is formed; but the first AGM must still be held within 15 months of the date on which the organisation is formed.
- 30 The business of each AGM must include:-
- 30.1 a report by the chair on the activities of the organisation;
  - 30.2 consideration of the annual accounts of the organisation;
  - 30.3 the election/re-election of charity trustees, as referred to in clauses 59 to 62.
- 31 The board may arrange a special members' meeting at any time.

### **Power to request the board to arrange a special members' meeting**

- 32 The board must arrange a special members' meeting if they are requested to do so by a notice (which may take the form of two or more documents in the same terms, each signed by one or more members) by members who amount to 5% or more of the total membership of the organisation at the time, providing:
- 32.1 the notice states the purposes for which the meeting is to be held; and
  - 32.2 those purposes are not inconsistent with the terms of this constitution, the Charities and Trustee (Investment) Scotland Act 2005 or any other statutory provision.
- 33 If the board receive a notice under clause 32, the date for the meeting which they arrange in accordance with the notice must not be later than 28 days from the date on which they received the notice.

### **Notice of members' meetings**

- 34 At least 14 clear days' notice must be given of any AGM or any special members' meeting.
- 35 The notice calling a members' meeting must specify in general terms what business is to be dealt with at the meeting; and
  - 35.1 in the case of a resolution to alter the constitution, must set out the exact terms of the proposed alteration(s); or
  - 35.2 in the case of any other resolution falling within clause 45 (requirement for two-thirds majority) must set out the exact terms of the resolution.
- 36 The reference to "clear days" in clause 34 shall be taken to mean that, in calculating the period of notice,
  - 36.1 the day after the notices are posted (or sent by e-mail) should be excluded; and
  - 36.2 the day of the meeting itself should also be excluded.
- 37 Notice of every members' meeting must be given to all the members of the organisation, and to all the charity trustees; but the accidental omission to give notice to one or more members will not invalidate the proceedings at the meeting.
- 38 Any notice which requires to be given to a member under this constitution must be: -
  - 38.1 sent by post to the member, at the address last notified by him/her to the organisation; or
  - 38.2 sent by e-mail to the member, at the e-mail address last notified by him/her to the organisation.

### **Procedure at members' meetings**

- 39 No valid decisions can be taken at any members' meeting unless a quorum is present.
- 40 The quorum for a members' meeting is two thirds of members, present in person.
- 41 If a quorum is not present within 15 minutes after the time at which a members' meeting was due to start - or if a quorum ceases to be present during a members' meeting - the meeting cannot proceed; and fresh notices of meeting will require to be sent out, to deal with the business (or remaining business) which was intended to be conducted.

- 42 The chair of the organisation should act as chairperson of each members' meeting.
- 43 If the chair of the organisation is not present within 15 minutes after the time at which the meeting was due to start (or is not willing to act as chairperson), the charity trustees present at the meeting must elect (from among themselves) the person who will act as chairperson of that meeting.

### **Voting at members' meetings**

- 44 Every member has one vote, which must be given personally.
- 45 All decisions at members' meetings will be made by majority vote - with the exception of the types of resolution listed in clause 46.
- 46 The following resolutions will be valid only if passed by not less than two thirds of those voting on the resolution at a members' meeting (or if passed by way of a written resolution under clause 50):
- 46.1 a resolution amending the constitution;
  - 46.2 a resolution expelling a person from membership under clause 25;
  - 46.3 a resolution directing the board to take any particular step (or directing the board not to take any particular step);
  - 46.4 a resolution approving the amalgamation of the organisation with another SCIO (or approving the constitution of the new SCIO to be constituted as the successor pursuant to that amalgamation);
  - 46.5 a resolution to the effect that all of the organisation's property, rights and liabilities should be transferred to another SCIO (or agreeing to the transfer from another SCIO of all of its property, rights and liabilities);
  - 46.6 a resolution for the winding up or dissolution of the organisation.
- 47 If there is an equal number of votes for and against any resolution, the chairperson of the meeting will be entitled to a second (casting) vote.
- 48 A resolution put to the vote at a members' meeting will be decided on a show of hands - unless the chairperson (or at least two other members present at the meeting) ask for a secret ballot.
- 49 The chairperson will decide how any secret ballot is to be conducted, and he/she will declare the result of the ballot at the meeting.

## **Written resolutions by members**

- 50 A resolution agreed to in writing (or by e-mail) by all the members will be as valid as if it had been passed at a members' meeting; the date of the resolution will be taken to be the date on which the last member agreed to it.

## **Minutes**

- 51 The board must ensure that proper minutes are kept in relation to all members' meetings.
- 52 Minutes of members' meetings must include the names of those present; and (so far as possible) should be signed by the chairperson of the meeting.
- 53 [The board shall make available copies of the minutes referred to in clause 51 to any member of the public requesting them; but on the basis that the board may exclude confidential material to the extent permitted under clause 99.]

## **BOARD**

### **Number of charity trustees**

- 54 The maximum number of charity trustees is eleven (11); out of that:
- 54.1 no more than eight (8) shall be charity trustees who were elected/appointed under clauses 59 and 60 (or deemed to have been appointed under clause 58); and
- 54.2 no more than three (3) shall be charity trustees who were co-opted under the provisions of clauses 63 and 64.
- 55 The minimum number of charity trustees is three (3).

### **Eligibility**

- 56 A person shall not be eligible for election/appointment to the board under clauses 58 to 61 unless he/she is a member of the organisation; a person appointed to the board under clause 63 need not, however, be a member of the organisation.
- 57 A person will not be eligible for election or appointment to the board if he/she is: -
- 57.1 disqualified from being a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005; or
- 57.2 an employee of the organisation.

### **Initial charity trustees**

- 58 The individuals who signed the charity trustee declaration forms which accompanied the application for incorporation of the organisation shall be deemed to have been appointed by the members as charity trustees with effect from the date of incorporation of the organisation.

### **Election, retiral, re-election**

- 59 At each AGM, the members may elect any member (unless he/she is debarred from membership under clause 57) to be a charity trustee.
- 60 The board may at any time appoint any member (unless he/she is debarred from membership under clause 57) to be a charity trustee.
- 61 At each AGM, all of the charity trustees elected/appointed under clauses 59 and 60 (and, in the case of the first AGM, those deemed to have been appointed under clause 58) shall retire from office – but shall then be eligible for re-election under clause 59.
- 62 A charity trustee retiring at an AGM will be deemed to have been re-elected unless: -
- 62.1 he/she advises the board prior to the conclusion of the AGM that he/she does not wish to be re-appointed as a charity trustee; or
  - 62.2 an election process was held at the AGM and he/she was not among those elected/re-elected through that process; or
  - 62.3 a resolution for the re-election of that charity trustee was put to the AGM and was not carried.

### **Appointment/re-appointment of co-opted charity trustees**

- 63 In addition to their powers under clause 60, the board may at any time appoint any non-member of the organisation to be a charity trustee (subject to clause 54, and providing he/she is not debarred from membership under clause 57) on the basis that he/she has specialist experience and/or skills which could be of assistance to the board.
- 64 At each AGM, all of the charity trustees appointed under clause 63 shall retire from office – but shall then be eligible for re-appointment under that clause.

### **Termination of office**

- 65 A charity trustee will automatically cease to hold office if: -

- 65.1 he/she becomes disqualified from being a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005;
  - 65.2 he/she becomes incapable for medical reasons of carrying out his/her duties as a charity trustee - but only if that has continued (or is expected to continue) for a period of more than six months;
  - 65.3 (in the case of a charity trustee elected/appointed under clauses 58 to 62) he/she ceases to be a member of the organisation;
  - 65.4 he/she becomes an employee of the organisation;
  - 65.5 he/she gives the organisation a notice of resignation, signed by him/her;
  - 65.6 he/she is absent (without good reason, in the opinion of the board) from more than three consecutive meetings of the board - but only if the board resolves to remove him/her from office;
  - 65.7 he/she is removed from office by resolution of the board on the grounds that he/she is considered to have committed a material breach of the code of conduct for charity trustees (as referred to in clause 82);
  - 65.8 he/she is removed from office by resolution of the board on the grounds that he/she is considered to have been in serious or persistent breach of his/her duties under section 66(1) or (2) of the Charities and Trustee Investment (Scotland) Act 2005; or
  - 65.9 he/she is removed from office by a resolution of the members passed at a members' meeting.
- 66 A resolution under paragraph 65.7, 65.8 or 65.9 shall be valid only if: -
- 66.1 the charity trustee who is the subject of the resolution is given reasonable prior written notice of the grounds upon which the resolution for his/her removal is to be proposed;
  - 66.2 the charity trustee concerned is given the opportunity to address the meeting at which the resolution is proposed, prior to the resolution being put to the vote; and
  - 66.3 (in the case of a resolution under paragraph 65.7 or 65.8) at least two thirds (to the nearest round number) of the charity trustees then in office vote in favour of the resolution.

### **Register of charity trustees**

- 67 The board must keep a register of charity trustees, setting out

- 67.1 for each current charity trustee:
  - 67.1.1 his/her full name and address;
  - 67.1.2 the date on which he/she was appointed as a charity trustee; and
  - 67.1.3 any office held by him/her in the organisation;
- 67.2 for each former charity trustee - for at least 6 years from the date on which he/she ceased to be a charity trustee:
  - 67.2.1 the name of the charity trustee;
  - 67.2.2 any office held by him/her in the organisation; and
  - 67.2.3 the date on which he/she ceased to be a charity trustee.
- 68 The board must ensure that the register of charity trustees is updated within 28 days of any change:
  - 68.1 which arises from a resolution of the board or a resolution passed by the members of the organisation; or
  - 68.2 which is notified to the organisation.
- 69 If any person requests a copy of the register of charity trustees, the board must ensure that a copy is supplied to him/her within 28 days, providing the request is reasonable; if the request is made by a person who is not a charity trustee of the organisation, the board may provide a copy which has the addresses blanked out - if the SCIO is satisfied that including that information is likely to jeopardise the safety or security of any person or premises.

#### **Office-bearers**

- 70 The charity trustees must elect (from among themselves) a chair, a treasurer and a secretary.
- 71 In addition to the office-bearers required under clause 70, the charity trustees may elect (from among themselves) further office-bearers if they consider that appropriate.
- 72 All of the office-bearers will cease to hold office at the conclusion of each AGM, but may then be re-elected under clause 70 or 71.
- 73 A person elected to any office will automatically cease to hold that office: -
  - 73.1 if he/she ceases to be a charity trustee; or

- 73.2 if he/she gives to the organisation a notice of resignation from that office, signed by him/her.

### **Powers of board**

- 74 Except where this constitution states otherwise, the organisation (and its assets and operations) will be managed by the board; and the board may exercise all the powers of the organisation.
- 75 A meeting of the board at which a quorum is present may exercise all powers exercisable by the board.
- 76 The members may, by way of a resolution passed in compliance with clause 46 (requirement for two-thirds majority), direct the board to take any particular step or direct the board not to take any particular step; and the board shall give effect to any such direction accordingly.

### **Charity trustees - general duties**

- 77 Each of the charity trustees has a duty, in exercising functions as a charity trustee, to act in the interests of the organisation; and, in particular, must:-
- 77.1 seek, in good faith, to ensure that the organisation acts in a manner which is in accordance with its purposes;
- 77.2 act with the care and diligence which it is reasonable to expect of a person who is managing the affairs of another person;
- 77.3 in circumstances giving rise to the possibility of a conflict of interest between the organisation and any other party:
- 77.3.1 put the interests of the organisation before that of the other party;
- 77.3.2 where any other duty prevents him/her from doing so, disclose the conflicting interest to the organisation and refrain from participating in any deliberation or decision of the other charity trustees with regard to the matter in question;
- 77.4 ensure that the organisation complies with any direction, requirement, notice or duty imposed under or by virtue of the Charities and Trustee Investment (Scotland) Act 2005.
- 78 In addition to the duties outlined in clause 77, all of the charity trustees must take such steps as are reasonably practicable for the purpose of ensuring: -

- 78.1 that any breach of any of those duties by a charity trustee is corrected by the charity trustee concerned and not repeated; and
- 78.2 that any trustee who has been in serious and persistent breach of those duties is removed as a trustee.
- 79 Provided he/she has declared his/her interest - and has not voted on the question of whether or not the organisation should enter into the arrangement - a charity trustee will not be debarred from entering into an arrangement with the organisation in which he/she has a personal interest; and (subject to clause 80 and to the provisions relating to remuneration for services contained in the Charities and Trustee Investment (Scotland) Act 2005), he/she may retain any personal benefit which arises from that arrangement.
- 80 No charity trustee may serve as an employee (full time or part time) of the organisation; and no charity trustee may be given any remuneration by the organisation for carrying out his/her duties as a charity trustee.
- 81 The charity trustees may be paid all travelling and other expenses reasonably incurred by them in connection with carrying out their duties; this may include expenses relating to their attendance at meetings.

#### **Code of conduct for charity trustees**

- 82 Each of the charity trustees shall comply with the code of conduct (incorporating detailed rules on conflict of interest) prescribed by the board from time to time.
- 83 The code of conduct referred to in clause 82 shall be supplemental to the provisions relating to the conduct of charity trustees contained in this constitution and the duties imposed on charity trustees under the Charities and Trustee Investment (Scotland) Act 2005; and all relevant provisions of this constitution shall be interpreted and applied in accordance with the provisions of the code of conduct in force from time to time

### **DECISION-MAKING BY THE CHARITY TRUSTEES**

#### **Notice of board meetings**

- 84 Any charity trustee may call a meeting of the board or ask the secretary to call a meeting of the board.
- 85 At least 7 days' notice must be given of each board meeting, unless (in the opinion of the person calling the meeting) there is a degree of urgency which makes that inappropriate.

#### **Procedure at board meetings**

- 86 No valid decisions can be taken at a board meeting unless a quorum is present; the quorum for board meetings is two thirds charity trustees, present in person.
- 87 If at any time the number of charity trustees in office falls below the number stated as the quorum in clause 86, the remaining charity trustee(s) will have power to fill the vacancies or call a members' meeting - but will not be able to take any other valid decisions.
- 88 The chair of the organisation should act as chairperson of each board meeting.
- 89 If the chair is not present within 15 minutes after the time at which the meeting was due to start (or is not willing to act as chairperson), the charity trustees present at the meeting must elect (from among themselves) the person who will act as chairperson of that meeting.
- 90 Every charity trustee has one vote, which must be given personally.
- 91 All decisions at board meetings will be made by majority vote.
- 92 If there is an equal number of votes for and against any resolution, the chairperson of the meeting will be entitled to a second (casting) vote.
- 93 The board may, at its discretion, allow any person to attend and speak at a board meeting notwithstanding that he/she is not a charity trustee - but on the basis that he/she must not participate in decision-making.
- 94 A charity trustee must not vote at a board meeting (or at a meeting of a sub-committee) on any resolution which relates to a matter in which he/she has a personal interest or duty which conflicts (or may conflict) with the interests of the organisation; he/she must withdraw from the meeting while an item of that nature is being dealt with.
- 95 For the purposes of clause 94: -
- 95.1 an interest held by an individual who is "connected" with the charity trustee under section 68(2) of the Charities and Trustee Investment (Scotland) Act 2005 (husband/wife, partner, child, parent, brother/sister etc) shall be deemed to be held by that charity trustee;
- 95.2 a charity trustee will be deemed to have a personal interest in relation to a particular matter if a body in relation to which he/she is an employee, director, member of the management committee, officer or elected representative has an interest in that matter.

## **Minutes**

- 96 The board must ensure that proper minutes are kept in relation to all board meetings and meetings of sub-committees.

- 97 The minutes to be kept under clause 96 must include the names of those present; and (so far as possible) should be signed by the chairperson of the meeting.
- 98 [The board shall (subject to clause 99) make available copies of the minutes referred to in clause 96 to any member of the public requesting them.]
- 99 [The board may exclude from any copy minutes made available to a member of the public under clause 98 any material which the board considers ought properly to be kept confidential - on the grounds that allowing access to such material could cause significant prejudice to the interests of the organisation or on the basis that the material contains reference to employee or other matters which it would be inappropriate to divulge.]

## **ADMINISTRATION**

### **Delegation to sub-committees**

- 100 The board may delegate any of their powers to sub-committees; a sub-committee must include at least one charity trustee, but other members of a sub-committee need not be charity trustees.
- 101 The board may also delegate to the chair of the organisation (or the holder of any other post) such of their powers as they may consider appropriate.
- 102 When delegating powers under clause 100 or 101, the board must set out appropriate conditions (which must include an obligation to report regularly to the board).
- 103 Any delegation of powers under clause 100 or 101 may be revoked or altered by the board at any time.
- 104 The rules of procedure for each sub-committee, and the provisions relating to membership of each sub-committee, shall be set by the board.

### **Operation of accounts**

- 105 Subject to clause 106, the signatures of two out of three signatories appointed by the board will be required in relation to all operations (other than the lodging of funds) on the bank and building society accounts held by the organisation; at least one out of the two signatures must be the signature of a charity trustee.
- 106 Where the organisation uses electronic facilities for the operation of any bank or building society account, the authorisations required for operations on that account must be consistent with the approach reflected in clause 105.

## **Accounting records and annual accounts**

- 107 The board must ensure that proper accounting records are kept, in accordance with all applicable statutory requirements.
- 108 The board must prepare annual accounts, complying with all relevant statutory requirements; if an audit is required under any statutory provisions (or if the board consider that an audit would be appropriate for some other reason), the board should ensure that an audit of the accounts is carried out by a qualified auditor.

## **MISCELLANEOUS**

### **Winding-up**

- 109 If the organisation is to be wound up or dissolved, the winding-up or dissolution process will be carried out in accordance with the procedures set out under the Charities and Trustee Investment (Scotland) Act 2005.
- 110 Any surplus assets available to the organisation immediately preceding its winding up or dissolution must be used for purposes which are the same as - or which closely resemble - the purposes of the organisation as set out in this constitution.

### **Alterations to the constitution**

- 111 This constitution may (subject to clause 112) be altered by resolution of the members passed at a members' meeting (subject to achieving the two thirds majority referred to in clause 46) or by way of a written resolution of the members.
- 112 The Charities and Trustee Investment (Scotland) Act 2005 prohibits taking certain steps (eg change of name, an alteration to the purposes, amalgamation, winding-up) without the consent of the Office of the Scottish Charity Regulator (OSCR).

### **Interpretation**

- 113 References in this constitution to the Charities and Trustee Investment (Scotland) Act 2005 should be taken to include: -
  - 113.1 any statutory provision which adds to, modifies or replaces that Act; and
  - 113.2 any statutory instrument issued in pursuance of that Act or in pursuance of any statutory provision falling under paragraph 113.1 above.
- 114 In this constitution: -

- 114.1 "charity" means a body which is either a "Scottish charity" within the meaning of section 13 of the Charities and Trustee Investment (Scotland) Act 2005 or a "charity" within the meaning of section 1 of the Charities Act 2011, providing (in either case) that its objects are limited to charitable purposes;
- 114.2 "charitable purpose" means a charitable purpose under section 7 of the Charities and Trustee Investment (Scotland) Act 2005 which is also regarded as a charitable purpose in relation to the application of the Taxes Acts.