COMMENTS BY THE COMMUNITY TRANSFER BODY ON A REPRESENTATION MADE ON ITS APPLICATION FOR REVIEW

Community Empowerment (Scotland) Act 2015, section 86
Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016, regulation 4(6)

Details	
Application for review by	Falkirk Thornhill Community Hall SCIO (SC047801), lodged 28 September 2026
Representation	Response
Property	Thornhill Community Centre, Thornhill Road, Falkirk FK2 7AE
Address	Thornhill Community Hall, Thornhill Road, Falkirk FK2 7AE
Contact email	[redacted]
Sent to	Strategic Property Review Team, Falkirk Council, StrategicPropertyReview@falkirk.gov.uk
Date	4 November 2026

1. Introduction

1.1 Falkirk Thornhill Community Hall SCIO ("FTCH") makes these comments under regulation 4(6) on the representation made by the Rainbow Muslim Women's Group SCIO (the "RMWG") on FTCH's application for review. They respond to the points the RMWG makes, and refer to FTCH's Statement of Case of 28 September 2026 (the "Statement"), which the Council holds. The comments deal first with the points on which the RMWG's representation most depends: the officers' assessment (section 4), collaboration and the mediation (section 5), and what the Council's own records now show about the process (section 6). They then answer the RMWG's remaining points.

1.2 In summary, the RMWG's representation contradicts its own earlier position. It:

(a) now accepts that the Committee must make its own assessment, while still asking it to rest its decision on the officers' recommendation;

(b) identifies no distinct substantive ground for refusing FTCH's request beyond its reliance on the earlier assessment and its assertion that its own proposal is the stronger;

(c) says that "many" matters are disputed, but does not dispute one specific fact in FTCH's Statement, or cite a single document, date or record in support of anything it says;

(d) asks the Committee to set aside the record of the licence period as irrelevant, although the RMWG's own review relies on that same period as the test of collaboration; and

(e) asks the Committee not to examine the process that produced the recommendation in the RMWG's favour, while maintaining, unevidenced, its own allegations against FTCH.

1.3 The RMWG also acknowledges the submissions made by existing user groups and local residents, but does not engage with what any of them said.

1.4 Since FTCH lodged its Statement, Falkirk Council has responded, on 26 October 2026, to the information requests identified in section 12 of the Statement. FTCH refers below only to

those parts of the Council's response, and of the records it disclosed, that directly answer points the RMWG makes in its representation: in particular, **the RMWG's claims that FTCH's process concerns are unsupported "allegations", that the officers' assessment was a "detailed evaluation", and that the Council "recognised" that collaboration was not possible.** These are the Council's own records, on matters already raised in the Statement.

2. What the RMWG now accepts

2.1 The RMWG's representation states that it "agrees that the Review Committee must undertake its own assessment of the competing applications". That is the statutory position: section 86(8) of the Act applies section 82(3) to (5) to the review, and the Committee must itself compare the two requests on the evidence now before it (Statement, section 3).

2.2 It is a change of position. The RMWG's own review asked the Committee to "uphold" the officers' recommendation and framed the question as what evidence "justifies departing from the recommendation" (RMWG Review Submission, sections 1, 10 and 19). Its representation then returns to that framing in its conclusion, saying that FTCH's review does not "provide a sufficient basis for rejecting the original recommendation".

2.3 **There is no statutory decision in the RMWG's favour for the Committee to "uphold", and no existing decision that FTCH must displace.** The Executive considered both requests on 18 June and 13 August 2026 and decided neither, and no decision notice was issued on either. The RMWG's own review confirms this: it exists only because the determination period expired without a decision notice. The officers' recommendation is advice, which the Executive did not adopt as a determination. FTCH asks the Committee to hold the RMWG to the position it now accepts: the comparison is the Committee's own, and the earlier scoring is one piece of material within it, not a starting point that FTCH must displace.

3. No reasonable ground for refusing FTCH's request

3.1 Under section 82(5), applied by section 86(8), the Committee must agree FTCH's request unless there are reasonable grounds for refusing it. The guidance recognises that the greater benefits of an alternative proposal can amount to such a ground, and that is the only ground the RMWG asserts. **The RMWG identifies no distinct substantive ground for refusing FTCH's request beyond its reliance on the earlier assessment and its assertion that its own proposal is the stronger.** It does not criticise FTCH's community benefit, its evidence of need, its business plan, its income, its reserves, its governance, its Enablement Fund request, or its provision for the RMWG at the Centre, and it produces no evidence that any element of FTCH's request is incapable of delivery.

3.2 **FTCH's request is not simply one against which no ground of refusal has been found. It is a positively evidenced, whole-community proposal from an organisation embedded in the community this Centre serves.** FTCH has managed the Centre for around a decade and operates from Thornhill alone. Its trustees are drawn from the groups that use the Centre. Its consultation, survey and petition are specific to this Centre. Its evidence covers the existing groups, the groups seeking to return and the new groups waiting to start or expand there (section 9). And its request expressly keeps a protected place for the RMWG.

3.3 **FTCH's business case is built around Community Wealth Building, community benefit and social value. These are not features added to the model; they are the model.** As

FTCH's request sets out, every surplus is reinvested locally through the charity in building improvements, subsidised community access and expanded services; procurement prioritises local contractors and suppliers; the Centre is to provide volunteer-to-employment pathways, training, employability and social enterprise activity, and affordable space for local self-employed practitioners; and FTCH will report each year on its community impact against the Falkirk Plan priorities and Community Wealth Building. Commercial activity, such as private parties and events, represents only around 10 per cent of FTCH's model and helps subsidise community access at £14 an hour, with any surplus reinvested through the charity. The same expertise sits on FTCH's Board, which brings professional experience in social value, responsible business and Community Wealth Building, alongside governance, finance and community health. **An earned-income model designed to keep community access affordable and reinvest every surplus locally is a means of securing long-term community benefit. It is not evidence that FTCH is less committed to community** (section 4).

3.4 Against that evidence, a six-point difference between two requests that the officers rated Strong, built from panel views and recorded before most of the subsequent operating evidence existed, does not, without more, establish a reasonable ground for refusing FTCH's request (Statement, section 6). The RMWG's representation provides no new evidence capable of doing so.

4. The officers' assessment

4.1 The RMWG says that FTCH merely disagrees with professional judgement and that "no substantive evidence has been presented" that undermines the officers' conclusions. FTCH's Statement sets out that evidence, and the RMWG answers none of it:

(a) every reason given for the six-point difference is expressed as a "panel view" (Council report, paragraph 4.17 and Appendix 2);

(b) [redacted] confirmed at the Executive on 18 June 2026 that an element of commercial activity is required and that both applications were strong, and confirmed in writing on 12 August 2026 that "it was felt" one application was more community focused;

(c) on Performance Management, the criterion most directly concerned with monitoring, reporting and evidencing outcomes, FTCH scored higher;

(d) the Council's report relies twice on a letter of support for the RMWG written by the Council's own [redacted] team (paragraphs 5.28 and 5.40);

(e) FTCH was marked down because the panel felt it appeared "more commercial", although the Council's own officer has confirmed that commercial activity is required, and although commercial activity, around 10 per cent of FTCH's model, is what allows FTCH to charge community groups £14 an hour and is reinvested in the Centre as a registered charity (Statement, section 6);

(f) the RMWG's Council-assessed equality assessment records that data on the Centre's existing users "was not available" to it, and rates the impact as low on the strength of its assurance alone; and

(g) the panel assessed the requests in March and April 2026, before the extension the RMWG refused and before most of the operating record existed.

4.2 FTCH's challenge is not disagreement with professional judgement. It is a challenge to how the scores were arrived at, and to what the panel treated as a weakness. The disclosed Council documents show no weighting or comparative analysis capable of explaining the six-point difference beyond the published panel views, which the Council's own officer has described as what "was felt". Appendix 2 records the panel's view that "FTCH appear more commercial and RMWG appear more dedicated to community". FTCH was marked down for its earned income, for identifying competitors in its business plan, and for offering lower-cost therapies. Yet when questioned by members at the Executive on 18 June 2026, [redacted] accepted that an element of commercial activity is required, and members at the Executive acknowledged that it reduces risk. Commercial activity is around 10 per cent of FTCH's model; it subsidises affordable community charges, and as a registered charity FTCH reinvests every surplus in the Centre and its community. No evidence has been identified to explain why a financially sustainable earned-income model that keeps charges low shows less commitment to community.

4.3 The RMWG says the recommendation followed "detailed evaluation of governance, community benefit, sustainability and deliverability". The Council has since confirmed, in its response of 26 October 2026 to FTCH's information requests, that "the evaluation scoring was the only basis of the recommendation", and that each panel member scored from the applications and business plans, independently and in advance of the panel meetings. **On the Council's own account, the recommendation had no evidential or evaluative basis separate from the evaluation scoring. It therefore stands or falls with the reliability of that scoring.** The "detailed evaluation" the RMWG refers to is the scoring the Committee is now asked to examine.

4.4 That matters because **if the scoring is unsound, the recommendation cannot cure it: on the Council's own account, the scoring was its only basis.** The Council has withheld the individual and collective scoring sheets, officer comments and moderation records. Nothing disclosed shows how six independent sets of scores became the published "panel views", or what comparative evidence supports the view that "FTCH appear more commercial and RMWG appear more dedicated to community". The question for the Committee is not whether officers were entitled to exercise professional judgement. It is whether there was identifiable evidence capable of supporting that conclusion. None has been disclosed.

4.5 What emerged through the deputations and the officer's own answers is therefore at odds with the score itself. A recommendation cannot safely be accepted while the scoring it rests on is open to that question. The RMWG asks the Committee to accept the recommendation without examining it. FTCH asks the Committee to examine it, which is the Committee's task on review.

4.6 Repeating a score and a recommendation is not the same as showing that the reasoning behind them is sound. The RMWG calls the officers' assessment "independent" and says operational matters "do not outweigh" it. The RMWG has now accepted that the Committee must make its own assessment. The officers' scores are part of the material the Committee considers; they are not a decision, and they are not a substitute for the comparison the Act requires the Committee to make.

5. Collaboration and the mediation

5.1 The RMWG says that the absence of agreement "reflects the inability of both parties to reach a shared position rather than a refusal by one party alone". The documented record does not support that. Its clearest episode is one the RMWG's representation does not mention at all: on 13 August 2026 the Executive voted for a three-month extension to explore a single

application on joint governance; FTCH accepted it in writing on 16 August 2026; the RMWG refused it, in a letter it has produced in its own review bundle, and announced its refusal in the Falkirk Herald on 17 August 2026. **One party agreed and the other refused.**

5.2 The same pattern runs throughout. In May 2025, and more than once later that year, the RMWG told FTCH that it did not want to collaborate with anyone because its own plans were too far advanced. At the meeting on 3 September 2025 FTCH presented plans that it had paid its architect to redesign around the RMWG's needs, and offered the RMWG a long-term anchor let. The RMWG said that it wanted its own space and did not wish to sub-let from FTCH, and itself proposed that FTCH should hold the licence while both requests were assessed; the Council confirmed that position in writing the next day. During September 2025, with FTCH to continue as licence holder, FTCH offered the RMWG a third of the main hall's use as a long-term anchor let. That offer was discussed face to face and confirmed in writing, and **the RMWG initially accepted it. It then rejected it without FTCH's knowledge and approached the Council directly.** On 17 September 2025 FTCH again offered the RMWG up to a third of the Centre, and it renewed that offer on 29 September 2025. The RMWG declined. After Council officers met the RMWG without FTCH present, the RMWG became the licence holder of the whole Centre, with FTCH placed under a sub-licence. On 26 November 2025 it said FTCH's groups should pay it directly and that there was no point in FTCH being at the Centre. In July 2026 FTCH put a legally enforceable equal governance model to the independent mediator, and in its deputation of 13 August 2026 it reminded the Executive that the absence of agreement did not mean the absence of an offer. Throughout, FTCH's own request has provided for the RMWG as an anchor let, and FTCH has maintained that position ever since (Statement, section 5).

5.3 The RMWG refers to "extensive discussions" facilitated by the Council "over a prolonged period". The formal collaboration processes the RMWG relies on were the Council-facilitated meeting of 26 November 2025, whose agreed follow-up meeting never took place, and the independent mediation of July 2026. FTCH asks the Committee to invite the RMWG to identify any proposal for sharing the Centre that the RMWG itself has ever made, with its date and terms. FTCH is not aware of one.

5.4 The RMWG says this "reality was recognised by the Council". The Council's report was written in May 2026, before the mediation and before the extension. The Council has since stated that it "maintained the position that collaboration was not possible and this was the focus of the August 2026 Executive report". That was the position put to members in the officers' reports. The elected members, who take the decisions, did not adopt it: the Executive deferred its decision on 18 June 2026 so that collaboration could be tested, and on 13 August 2026 voted to explore joint governance. **FTCH accepted what the Executive asked for. The RMWG declined it.**

5.5 The mediator reported that no agreement was reached. That is not a finding that no proposal was made, or that both parties took the same position. FTCH relies only on its own private session and the mediator's report, and has disclosed nothing said by the RMWG in the joint session. **FTCH waives its own confidentiality in the July 2026 mediation, so far as it is entitled to do so, and has already consented, subject to the mediator's confidentiality requirements, to the record of the joint session being made available to the Committee.** If the RMWG continues to rely on the mediation as showing that collaboration was impossible, FTCH invites it to give the same consent. FTCH also holds a contemporaneous, dated written record made at the time of the mediation, which can be made available if the Committee requests it, to the extent the mediator's confidentiality requirements permit.

5.6 The Council has disclosed the terms of reference under which it appointed the independent mediator. They required the mediator's report to set out a clear way forward that was one of three outcomes: that the groups could not collaborate; that they would jointly progress the transfer through a newly formed community organisation; or that one group would lead the transfer with the other as an anchor or sub-tenant. **FTCH put forward arrangements corresponding to both collaborative outcomes: a protected anchor let for the RMWG, and legally enforceable equal governance.** The RMWG's representation does not identify any collaborative outcome that it proposed or accepted.

5.7 FTCH authorised the mediator to convey to the Council the matters FTCH had raised in its own private session, and the mediator did so at a meeting with a Council officer on or around 15 July 2026. The Council has now confirmed that this discussion "was not used for any communication, briefing or report and was not shared with Elected Members". FTCH's written submission sent on 11 August 2026 to [redacted] did not reach members either: the Council holds "no records of this being circulated to Elected Members", told FTCH on 12 August 2026 that it would not be distributed, and advised members verbally only that a submission had been made. **The officers' position that collaboration was not possible was therefore put to members without either of the two routes by which FTCH had set out how collaboration could work.** FTCH was left to raise them in its deputation on 13 August 2026, and members then voted to explore joint governance. The "recognition" the RMWG relies on is not a finding made on the full picture. FTCH asks the Committee to look at the actual chronology of proposals, rather than treat the absence of a concluded agreement as showing that both applicants took the same position.

5.8 FTCH's offer stands: a protected anchor let for the RMWG within FTCH's request, or equal governance if the Committee prefers. The RMWG's representation does not say why it could not accept a protected place at the Centre on those terms. Nor does it say anything about what would happen to FTCH, or to the groups FTCH speaks for, if the RMWG's request were agreed. What the RMWG has said on that subject, at the Council-facilitated mediation meeting of 26 November 2025, is that FTCH's groups should pay the RMWG directly and that there was no point in FTCH being at the Centre. FTCH's trustees are themselves users of the Centre who attend or have run groups there. They are part of the existing community the RMWG says it values. By contrast, FTCH's request expressly preserves a protected place for the RMWG.

6. What the Council's own records show about the process

6.1 The RMWG says that the matters FTCH raises about the Council's process "remain allegations" and should not carry weight "unless supported by clear evidence and findings from the appropriate authority". FTCH agrees that these matters are for the Committee to establish. That is why FTCH has asked the Committee, under regulation 8, to obtain the Council's own records on each of them: the licence decision of September 2025, [redacted]'s recusal and continuing role, the basis for a Council officer's assertion that FTCH is in breach, the Council's part in the RMWG's Operational Rules, and the authorship of the [redacted] letter (Statement, section 12). FTCH's Statement identifies the documents it relies on for each. The Council responded to those requests on 26 October 2026. Much of the information has been withheld. **The response does not resolve these matters. It confirms that relevant records exist on some matters and that no recorded information is held on others.** In particular, the Council:

(a) holds no recorded information setting out the date, scope, decision-maker, reason or implementation of the "formal recusal" referred to by [redacted] in her email to FTCH of 19 December 2025, and none recording what work she carried out after it;

(b) holds communications between [redacted] and the RMWG falling within FTCH's request, which covered the Centre, the requests, the licence, the mediation, the assessment, the scoring, the reports and FTCH; holds records relating to the RMWG's Chair in answer to a request for [redacted]'s communications with the RMWG's Chair or spokesperson; and holds internal communications of [redacted] about FTCH, its trustees and complaints, and about concerns of impartiality or conflict of interest. It has withheld all of them;

(c) holds no recorded information of any advice or view given to the RMWG, by any officer, on whether FTCH was in breach of the sub-licence;

(d) holds records of a declaration or discussion of an officer's connection with the RMWG; holds recorded information about officers' connections with the RMWG's Chair or with the spokesperson who represented the RMWG at the mediation and at the Executive; and holds records about conflicts of interest of employees outside the assessment panel. It has withheld all of them;

(e) holds an email between the [redacted] functions and the Strategic Property Review team or assessment panel which confirms a declaration of interest, and has withheld it, stating that the officer concerned was not a member of the assessment panel;

(f) holds communications between those same teams and the RMWG about the Centre or the requests, the names and roles of the [redacted] officers involved in either request or in any letter of support, and the records behind the [redacted] letter of support on which its report relies twice, and has withheld them; and

(g) has confirmed that the RMWG developed the Operational Rules "independently and Falkirk Council made no input to the document".

6.2 [redacted] told FTCH in writing on 19 December 2025 that "as I am [redacted] for both groups I have formally been recused from the assessment process". **A formal recusal is a decision, yet the Council holds no record of when it was made, by whom, why, or what it covered.** [redacted] nevertheless remained the Council's [redacted]. **She continued to deal with both groups after it, at least until March 2026, including setting FTCH's deadline for responses on the proposed memorandum of understanding in January 2026, and she has continued to be copied into correspondence about the Centre, as recently as 21 September 2026.** The Council confirms that it holds her communications with the RMWG and records relating to the RMWG's Chair, and has withheld them. FTCH does not ask the Committee to speculate about what those records contain. It asks the Committee to obtain them, and to establish what the recusal covered, and what part [redacted] played both before and after it, in the licence decision, the sub-licence, the Operational Rules, the mediation, the assessment and the reports to the Executive.

6.3 The same applies to the [redacted] letter. The Council's report relies on it twice in the comparison between the two requests (paragraphs 5.28 and 5.40). The Council now confirms that, within the communications it holds between the [redacted] functions and the Strategic Property Review team or assessment panel, there is an email

confirming a declaration of interest. It has withheld the identity of the officer concerned, the nature of the interest, how it was managed and the surrounding communications, while stating that the officer was not a member of the assessment panel. **The Committee should obtain that declaration, and the communications behind the letter, before deciding what weight can safely be placed on the letter.**

6.4 **These are not merely FTCH's allegations. On each of them, the Council's own response either confirms that relevant records exist and have been withheld, or confirms that it holds no record where FTCH asked for the documentary basis of a Council position.** FTCH intends to ask the Council to review its decisions to withhold those records. But the Committee need not wait for that process. Under regulation 8 it may obtain the records itself, and FTCH asks it to do so. In particular, FTCH asks the Committee to establish what connections exist between officers involved at any stage of this process and the RMWG or its representatives; whether and when each was declared; how each was managed; and whether any officer with such a connection had a part in the licence decision, the Operational Rules, the mediation, the [redacted] letter of support or the reports to the Executive.

6.5 The Council also states that the six members of the assessment panel each confirmed that they had no conflict of interest, and that officers who provided letters of support were not involved in the scoring. FTCH does not suggest otherwise, and does not ask the Committee to infer misconduct from the existence or withholding of any record. **The point is narrower. The RMWG's description of these matters as unsupported allegations does not answer questions raised by the Council's own records, which the Committee can obtain and assess directly under regulation 8.** FTCH will provide relevant records under regulation 8 or by such other procedure as the Committee directs.

6.6 FTCH is not aware of any provision in the Act or the 2016 Regulations requiring a finding by some separate "appropriate authority" before the Committee may consider evidence bearing on the reliability or fairness of the assessment. The Regulations make representations and comments part of the review, and allow the Committee to seek further information and hold a hearing. FTCH is not asking the Committee to act as a disciplinary body. It is asking the Committee to decide what weight can safely be placed on an assessment, which is exactly the Committee's task.

6.7 These matters concern the Council's own records and decisions. They are for the Council to answer, and the Committee is the appropriate authority to consider them. The RMWG does not say that any of them is untrue. A competing applicant asking the Committee not to examine the process that produced a recommendation in its favour is not a reason for the Committee not to examine it.

6.8 FTCH also asks the Committee to apply the RMWG's own standard to the RMWG. It has alleged, in correspondence copied to the Council's Chief Executive and the Provost, at the Council-facilitated meeting of 26 November 2025 and in its representations, that FTCH's conduct is racist, and it has described FTCH's campaign as "divisive" and told a public meeting that FTCH "bullied" it. **None of those allegations has been supported by any evidence identified to FTCH, or in the RMWG's present representation.** The RMWG's representation neither repeats, substantiates nor withdraws them. **On the RMWG's own test, they should carry no weight.**

7. The facts the RMWG does not dispute

7.1 The RMWG says that "many" of the matters in FTCH's Statement "are disputed". It does not say which, or why, and it cites no document. The RMWG had the opportunity under regulation 4(4) to say which facts are wrong and to produce evidence. It has not done so in respect of any of the following, each of which is set out with its evidence in FTCH's Statement:

Fact	Statement
On several occasions FTCH made, renewed or accepted a proposal to share the Centre, and the RMWG declined each one, including the Executive's three-month extension, which FTCH accepted on 16 August 2026 and the RMWG refused, announcing its refusal in the Falkirk Herald on 17 August 2026	Section 5
At the Council-facilitated meeting of 26 November 2025 the RMWG's representatives said that FTCH's groups should pay the RMWG directly, that there was no point in FTCH being at the Centre, and that the Centre was theirs	Sections 5, 7 and 10
Six of the twelve established groups in FTCH's protected timetable have ceased to use the Centre since 1 October 2025, and occupation of that timetable has fallen from 31 per cent to around 19 per cent	Section 10
On 1 December 2025 a protected evening session for elderly and vulnerable users found the building without heat; the Council's contractor recorded 16.5°C; the RMWG then installed a Hive control that only it operates	Section 7
For six weeks in early 2026 the RMWG refused to move one hour within FTCH's own time for Caledonia Services, a statutory mental health service, on the basis of a let that the RMWG said existed but did not	Section 7
On 21 September 2026 the RMWG refused a faith group's one-off event within FTCH's protected hours by reference to its invoice dispute with FTCH, a dispute to which that group has no connection	Section 7
FTCH paid £2,385.38 on 18 September 2026, being every properly substantiated and undisputed charge; 33 itemised queries remain unanswered to this day; the Council's [redacted] has confirmed the Hive installation "should not be included in the 31% recharge"	Section 8
The Council "did not contribute or have any input" in the RMWG's Operational Rules, the RMWG imposed them without FTCH's agreement, has not itself complied with them on the 30-day payment period, broadband costs or the dispute process, while relying on them against FTCH; FTCH's itemised queries remain unanswered	Section 8
The RMWG's proposal moves current lets to the pavilion whenever its activities need the kitchen (Council report, paragraph 5.22); the pavilions are used for storage and are not fit for use by groups until they are developed into usable space	Section 10
The RMWG's only public answer on the security of lets was that they would be honoured unless a group did not pay; FTCH has been told, verbally only, that protection would last twelve months	Sections 7 and 10
The RMWG has not identified or produced any evidence, to FTCH, in its review material or in its present representation, supporting its allegations of racism against FTCH	Section 11

7.2 A general statement that matters are "disputed" is not evidence, and two accounts are not of equal weight where only one of them is documented. **The RMWG has not specifically contested any of these facts or produced any contrary evidence.** FTCH therefore invites the Committee to give the documented evidence its proper weight. If the RMWG now seeks

to dispute any of these matters, FTCH asks that the disputed issue be identified and tested at a hearing, where both parties can be questioned on the documents.

8. The record of the licence period is relevant to the statutory assessment

8.1 FTCH accepts that the Committee does not need to resolve every day-to-day disagreement between the parties. But the RMWG says that operational matters are "not relevant to the statutory assessment" and that the review "is not a forum for determining every operational or interpersonal disagreement". FTCH has not asked the Committee to determine operational disputes. It has asked the Committee to consider fully what more than a year of the RMWG's management of this building shows about the benefits its request is likely to deliver, and about its impact on other groups. That is the statutory assessment:

(a) section 82(3) requires the Committee to consider the benefits likely to arise if each request is agreed, and to compare them;

(b) the Council's own report recognises that consideration must be given to "whether the community transfer body is able to successfully deliver the project and make it sustainable, including ... the capacity and governance of the organisation" (paragraph 4.3);

(c) the guidance requires the Committee to consider the potential impact on other community groups (paragraph 10.20) and the views of local residents outside a community of interest (paragraph 10.23); and

(d) the decision must be made in a manner which encourages equal opportunities (paragraph 10.10).

8.2 The RMWG's own review relies on the same period. It told the Committee that collaborative working "was not simply a theoretical aspiration" but was "tested in practice", and its evidence bundle is built on the licence period: its Operational Rules (E2), the Council's clarification on running costs (E3) and its summary of shared running costs (E4). **The RMWG cannot rely on the licence period where it believes it helps, and call it irrelevant where it does not.**

8.3 Nor are these "isolated disputes". They are a record of almost thirteen months, across access, heating, safety, bookings, finance and communication. The Council's report relied on the RMWG's assurance that every existing group would keep its place (paragraphs 4.22 and 7.20), and the Council-assessed equality assessment of the RMWG's request rates its impact as low on the strength of that assurance alone, recording against every protected characteristic that data on the Centre's existing users "was not available". The licence period is the only test of that assurance there has been.

8.4 The RMWG describes the licence as "temporary". That is why it matters. Under the licence the Council is the licensor and FTCH's groups have the protection of a sub-licence. On transfer, the present licence and sub-licence, and the protections arising from them, would not continue unless they were expressly replaced by enforceable arrangements, and the RMWG has offered none. If the RMWG's management of the building is as the record shows while those protections exist, the Committee is entitled to ask what it would be without them.

9. Existing users, and the "opportunities" the RMWG says it offers

9.1 The RMWG says it "has repeatedly stated its commitment to continued community access" and that any suggestion it seeks to exclude existing users is incorrect. FTCH's case does not rest on the RMWG's intentions. It rests on two things: that the RMWG's commitment is not

enforceable, and what has happened to the existing groups, and how the Centre's users have been treated, while the RMWG has controlled the building.

9.2 On enforceability, the RMWG's representation adds nothing. Its commitment is not a condition of transfer, no group can enforce it, its only public answer was that lets would be honoured unless a group did not pay, its only stated duration is twelve months and only verbally, its own proposal moves current lets to the pavilion when it needs the kitchen, and its Operational Rules, which the Council's [redacted] has confirmed in writing were imposed without FTCH's agreement, can be changed by the RMWG alone. FTCH asks the Committee to require the RMWG to state in writing what protection existing groups would have, for how long, at what charge, on what grounds it could change, who could enforce it, and what independent route a group would have to challenge a decision. The RMWG has never once used the dispute process in its own Rules.

9.3 On outcome, six of the twelve established groups in FTCH's protected timetable have gone, and two of those that remain have told FTCH they will leave if the RMWG's request is agreed. In more than a year of holding the licence, the RMWG's first approach to the Centre's existing groups was a Facebook post on 26 September 2026, two days before FTCH lodged its review. In the same period the RMWG published a statement about FTCH on that page which omitted FTCH's payment of £2,385.38, and deleted FTCH's reply, which simply noted that there were two sides to the story and offered factual information about the review to anyone who wanted it (Statement, section 8).

9.4 The RMWG says its proposal will expand "the range of services, opportunities and activities available to the wider community". FTCH does not dispute the value of the RMWG's work, and acknowledges that its request proposed a food bank, a community café, affordable skills training and expanded support services (Council report, paragraph 4.23), and recorded interest from two partner organisations in delivering services from the building. The question for the Committee is narrower: what benefit is likely to arise from transferring this Centre to the RMWG, and what evidence shows demand for that model among the people of Thornhill, the Centre's existing users, and the groups waiting to join the Centre under FTCH. That requires the Committee to distinguish between the RMWG's established work across the Falkirk area, the programmes it proposes for the Centre if it owns it, what it has actually delivered at the Centre for everyone while controlling it, and evidence of Thornhill-specific need and participation.

9.5 On delivery, the RMWG has controlled the Centre since 1 October 2025. The activities it has added there are its own programme: a weekly cooking class on Mondays, a yoga class, and events publicised at short notice. The yoga class replaced free exercise classes the RMWG had set up in direct competition with FTCH's established paid exercise classes, and was changed only after the existing groups complained and FTCH raised it on their behalf (Statement, sections 4 and 7). Apart from one-off events at short notice, FTCH has seen nothing advertised for a food bank, community café, skills training or expanded support services, and is not aware that any of them has started. FTCH asks the Committee to require the RMWG to set out each activity it has introduced at the Centre since 1 October 2025, how often it runs, how and how far in advance it is publicised to the wider community, attendance numbers, whether it is open to the general public, what evidence there is of participation by local residents and Centre users outside the RMWG's existing membership and service base, and which of the services promised in its request have actually begun. Inclusion should be judged on objective evidence of that kind, not on assumptions either way.

9.6 On demand, the RMWG's public survey of 135 responses asked: "Do you support the idea of this group taking on its own premises and making it into a community cultural hub open to all?" It did not name Thornhill Community Centre. Support for an organisation having premises of its own somewhere in Falkirk is not equivalent to evidence of support for transferring this particular established community facility to it. FTCH's evidence is specific to this Centre: its survey of 126 responses, its groups' own statements, and its petition, which gathered 631 signatures in under three weeks, at least 325 of them from the Falkirk Council area. The guidance asks a community-of-interest body to show how it has engaged with the geographic community around the asset, and says wider community support is particularly important for a key facility (paragraphs 10.21 and 10.23).

9.7 By contrast, FTCH's Statement identifies the groups waiting to come to, return to or expand at the Centre under FTCH: a spiritual church displaced from the Dawson Centre, a new parent and toddler playgroup run by a local resident, therapeutic theatre sessions run by a New Scot, an LGBTQ+ social group, a coffee morning for older residents, the returning community bingo, cultural heritage society and personal development group, a statutory mental health service seeking further recurring sessions, and a church planning a food bank and children's services (Statement, section 4).

9.8 FTCH's representation of 30 September 2026 on the RMWG's own review also records the RMWG's change to its hall prices during the review and its restriction of the public's use of land around the Centre. Those matters are already before the Council and should be considered with these comments; FTCH does not repeat them here.

10. "Each side presents a different account"

10.1 The RMWG says that, on the operational matters, "each side presents a different account of events". FTCH's account is set out with its documents: emails, invoices, supplier bills, payment records, Council correspondence, timetables, photographs and video, listed in Volume 2. The RMWG's representation presents no account and no document on any of them.

10.2 The Operational Rules show why the two accounts are not of equal weight, because the documents are the RMWG's own. The RMWG imposed the Rules on FTCH on 2 March 2026 without its agreement; **the Council has confirmed, most recently on 26 October 2026, that the RMWG "developed this independently and Falkirk Council made no input to the document".** The Rules allow 30 days for payment, but the RMWG demanded 7. They say each party pays for its own broadband, but the RMWG recharged FTCH for its own. They set out a dispute process of written clarification, a meeting within 10 working days and Council mediation, which the RMWG has never used. They describe FTCH's financial questions as "vexatious conduct" warranting suspension of cooperation, and the RMWG has relied on them to threaten debt recovery and termination of the sub-licence, while continuing to invoice FTCH for charges its own Rules do not support. FTCH raised these points in writing in February, May and September 2026, with the Council copied in each time, and none has been answered (Statement, section 8). The RMWG has also relied on the disputed account in decisions affecting FTCH's protected groups, as when it refused a faith group's event by reference to it. This is not a minor billing dispute. It is evidence of governance, financial administration and accountability, and of how disputes affecting other users would be handled if the RMWG owned the building. A body that applies its own rules against others while not following them itself is not presenting "a different account". It is not answering the record.

10.3 Where accounts genuinely conflict, the fair way to resolve them is a hearing. The RMWG's own review said it would welcome a hearing session or site visit if the Committee considered one would assist. FTCH asks for both, under regulation 7(3)(b) and the Hearing Session Rules.

11. The RMWG's request that this Committee approve its application

11.1 The RMWG ends its representation by asking the Committee to "approve RMWG's Community Asset Transfer application". This representation was made on FTCH's application for review. The RMWG's request is the subject of its own, separate application for review, lodged on 9 September 2026, on which FTCH has made representations.

11.2 Within FTCH's review, the RMWG's request is relevant as the alternative proposal whose benefits the Committee must compare. That does not turn the officers' recommendation into a determination of the RMWG's request. Each review must be determined under its own procedure, on all the evidence, and FTCH asks the Committee to keep that distinction clear.

12. Conclusion

12.1 **The RMWG's representation identifies no substantive deficiency in FTCH's request, and produces no evidence capable of displacing FTCH's documented case on community need, whole-community benefit, financial sustainability, Community Wealth Building, social value, governance and delivery.** It does not dispute a single specific fact in FTCH's Statement, does not explain why it refused the Executive's extension, offers no enforceable protection for existing groups, and does not particularise or evidence the wider-community opportunities it relies on. Its case remains principally that the earlier score should decide the matter. Its own representation now accepts that this is not the statutory test.

12.2 FTCH asks the Committee to:

(a) assess the RMWG's request as the alternative proposal under section 82(3), giving it the weight the evidence now warrants, including the evidence on actual delivery, existing users, collaboration and Thornhill-specific community support, rather than treating the earlier officer recommendation as determinative;

(b) agree FTCH's request, which keeps the Centre for the whole community and provides a protected place for the RMWG; or, if the Committee considers that a different governance arrangement is needed to secure the greatest benefit, consider the equal governance model FTCH has proposed;

(c) hold a hearing session and visit the Centre, including the pavilions, and, with the mediator's agreement, obtain the record of the July 2026 joint mediation session, the confidentiality of which FTCH waives so far as it is entitled to do so;

(d) obtain under regulation 8 the Council records identified in section 12 of FTCH's Statement, including those the Council has withheld from its freedom of information response, and ask the Council the questions set out below; and

(e) require the RMWG to answer the following questions before the review is determined.

12.3 Questions for the RMWG:

1. Which specific facts in FTCH's Statement does the RMWG dispute, and on what evidence?

2. Why did the RMWG refuse the Executive's three-month extension to explore joint governance, which FTCH accepted?

3. What proposal for sharing the Centre has the RMWG itself ever made, when, on what terms, and where is it documented?

4. Why could the RMWG not accept a protected anchor let at the Centre under FTCH's request?

5. Why did the RMWG move from proposing, on 3 September 2025, that FTCH should hold the licence while both requests were assessed, to becoming the licence holder itself within three weeks, what contemporaneous record explains that change, and what account did the RMWG take of the Centre's existing groups, given that closure of the Centre was the stated alternative if FTCH did not accept a sub-licence?

6. What enforceable protection would existing groups have under the RMWG's ownership, for how long, at what charge, on what grounds could it change, and who could enforce it?

7. What regular activities has the RMWG introduced at the Centre since 1 October 2025, how often do they run, what are the attendance numbers, are they open to the general public, what evidence is there of participation by local residents and Centre users outside the RMWG's existing membership, and has any of the food bank, community café, skills training or expanded support services promised in its request begun?

8. Does the RMWG maintain its allegations of racism against FTCH and, if so, on what evidence?

12.4 Questions for the Council, under regulation 8:

1. Given that "the evaluation scoring was the only basis of the recommendation", what recorded evidence supports the published conclusion that "FTCH appear more commercial and RMWG appear more dedicated to community", and how were the six officers' independent scores moderated into the final panel views?

2. How was FTCH's Community Wealth Building and social value model taken into account in assessing community benefit, economic development, regeneration and sustainability, and why was the earned income that funds that model instead relied on in describing FTCH as "more commercial"?

3. When was [redacted]'s recusal decided, by whom, for what reason, and what did it cover; and what was her role in the requests, the licence, the sub-licence, the Operational Rules, the mediation, the assessment and the reports, both before and after it?

4. What declarations of interest or connections with the RMWG, its Chair or its spokesperson were recorded for officers involved at any stage of the requests, the licence, the mediation, the letters of support or the reports, including the declaration recorded in the [redacted] email, when was each declared, and how was each managed?

5. Who drafted and approved the [redacted] letter of support for the RMWG, and what communications did the [redacted] teams have with the RMWG about the Centre or the requests?

6. Why were the matters the mediator conveyed on FTCH's behalf on or around 15 July 2026, and FTCH's submission of 11 August 2026, **not** put before elected members?

7. On what recorded evidential basis did [redacted] state that FTCH was in material breach of the sub-licence, given that the Council confirms it holds records on the basis for those statements, and how does that position relate to the Council's confirmation that it **holds no** recorded advice or view given to the RMWG on whether FTCH was in breach?

For and on behalf of the Board of Trustees

Falkirk Thornhill Community Hall SCIO (SC047801)

[redacted], Chair

[redacted], Secretary