



## Falkirk Council

Place Services

**Asset Transfer under the Community Empowerment (Scotland) Act 2015**  
**Decision Notice – Agreed**  
**Bainsford Hall Community Group**  
**(Company Number CS004325, Charity Number SC049761)**

To: [REDACTED]  
Bainsford Community Hall  
David's Loan  
Falkirk  
FK2 7NS

This Decision Notice relates to the asset transfer request made by:

**Bainsford Hall Community Group** in relation to **Bainsford Community Hall, David's Loan, Falkirk FK2 7NS** as shown on the attached plan.

At its Executive Committee meeting on **28 November 2024**, **Falkirk Council** decided to **agree** to the request.

The reasons for this decision are as follows:

The Council is satisfied that the transfer of **Bainsford Community Hall** will support community empowerment, enable future investment and deliver significant benefits including positive health and wellbeing outcomes.

#### Principal Heads of Terms

- (1) The Council will lease **Bainsford Community Hall** to **Bainsford Hall Community Group** for a period of **25 years**;
- (2) The annual rent under the lease will be **£1 per annum** (if asked) reflecting the benefits that will derive from the project;
- (3) The lease will be granted subject to;
  - (i) the extent of the Council's title to the property and
  - (ii) any existing burdens in the Council's title.

The Council must comply with Data Protection Legislation as defined by the Data Protection Act 2018. If you supply personal information to us, it may have to be disclosed to the data subject, unless there are good reasons for withholding it. You can find out how we handle personal data at [www.falkirk.gov.uk/privacy](http://www.falkirk.gov.uk/privacy)

Falkirk Stadium  
Stadium Way  
Grangemouth  
Falkirk  
FK2 9EE  
Telephone: 01324 506070

[www.falkirk.gov.uk](http://www.falkirk.gov.uk)

- (4) Each party will be responsible for their own legal expenses in connection with the transfer but the applicant will meet the costs of any necessary outlays incurred, for example copy deeds, property searches, plan reports, coal mining reports, property enquiry certificates and others;
- (5) The lease will be granted on a full repairing and insuring basis.
- (6) The Council shall be entitled to bring the lease to an end if the leased subjects are not used for the permitted use narrated in the lease for a period of one year or more; and
- (7) Should the group become insolvent and be wound up, the Office of the Scottish Charity Regulator (OSCR) requires that any surplus assets are transferred to an organisation with similar purposes thus providing some protection in respect of the risk of loss of the facility to the community. As the proposal involves a lease the Council may terminate the lease should there be no alternative charity to take over the tenant's part of the lease.

The Principal Heads of Terms above are not exhaustive terms and conditions of the prospective lease of Bainsford Community Hall and associated land to you. The said Principal Heads of Terms are not intended to form part of any legally binding contract and are expressly subject to completion of formal legal missives in accordance with Scots Law.

If you wish to proceed, you must submit an offer to:

**Chief Governance Officer,  
Falkirk Council,  
The Foundry  
4 Central Boulevard  
Larbert  
FK5 4RU**

by **18 June 2025**. The offer must reflect the terms and conditions contained in this document and may include such other reasonable terms and conditions as are necessary or expedient to secure the transfer within a reasonable time.

The offer must be prepared by a firm of solicitors and must contain the following:

1. The name of the subjects on which the offer is made
2. The name of the Community Transfer Body
3. The date of the Decision Notice
4. Confirmation of permissions (planning, environmental etc) in place and any that remain outstanding at the time of offer
5. Confirmation that the specific terms and conditions under which the Decision Notice was issued are acceptable.

### **Right to Review**

If you consider that the terms and conditions in this decision notice are significantly different to those in your request, you may apply to the Council to review this decision.

Any application for review must be made in writing to:

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

by **21 January 2025**, which is 20 working days from the date of this notice.

Your application for review **must** -

- specify the land to which the asset transfer request relates; and contain the following: -
- The name and contact address of the community transfer body;
- A statement setting out your reasons for requiring the review, and all of the matters which you want to raise in the review; and
- A list of documents and other evidence supporting your request for review (along with copies of any which have not already been submitted to the council).

Your application for review **may** also include a statement saying what procedure you consider the council should use to conduct the review, e.g. whether there should be a hearing or a site visit. For the avoidance of doubt, the Council is not bound to follow your preferred procedure.

Further guidance on making an application for review is available within the Sections 17 and 18 of the Scottish Government's Community Empowerment (Scotland) Act 2015: Community Transfer Bodies' Guidance, published on 23<sup>rd</sup> January 2017 and available online via this link [Guidance on Decision Notice Review Process](#)

Yours sincerely,



**M Paul Kettrick**  
**Head of Investment, Assets and Climate**  
**Place Services**  
**Falkirk Council**  
**4 Stadium Way, Falkirk**  
**FK2 9EE**