



## ***Asset Transfer Review Body***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

17 November 2022

A hybrid meeting of the **Asset Transfer Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Thursday 24 November 2022 at 2:00pm**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence.
2. Declarations of Interest - Members must declare any interests they have in the items of business for consideration at the meeting, identifying the relevant agenda items and the nature of their interests.
3. Order of Business, including notice of urgent business, declarations of interest in any urgent business and consideration of reports for information.

The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4. Application for Review of Asset Transfer Committee Decision - The Low Port Centre, Linlithgow - report by Clerk (herewith).

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NOTE      **For further information please contact Lorraine McGrorty on 01506 281609 or email [lorraine.mcgrorty@westlothian.gov.uk](mailto:lorraine.mcgrorty@westlothian.gov.uk)**





## **CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)**

**This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.**

**Interests must be declared at the meeting, in public.**

**Look at every item of business and consider if there is a connection.**

**If you see a connection, decide if it amounts to an interest by applying the objective test.**

**The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.**

**If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.**

**If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.**

**When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.**

**Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.**

**More detailed information is on the next page.**

Look at each item on the agenda, consider if there is a “connection”, take advice if necessary from appropriate officers in plenty of time. A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors’ remuneration, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an “interest” by applying the objective test. The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- [Councillors’ Code of Conduct, part 5](#)
- [Standards Commission Guidance, paragraphs 129-166](#)
- [Advice note for councillors on how to declare interests](#)

If you require assistance, contact:-

- James Millar, Interim Monitoring Officer and Governance Manager, 01506 281613, [james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk)
- Committee Services Team, 01506 281604, 01506 281621  
[committee.services@westlothian.gov.uk](mailto:committee.services@westlothian.gov.uk)

January 2022





## **ASSET TRANSFER REVIEW BODY**

### **APPLICATION FOR REVIEW OF ASSET TRANSFER COMMITTEE DECISION – THE LOWPORT CENTRE, LINLITHGOW**

## **REPORT BY CLERK TO THE ASSET TRANSFER REVIEW BODY**

### **A PURPOSE OF REPORT**

This report describes the documents and other matters relevant to the consideration by the Asset Transfer Review Body of an application for a review of terms/conditions specified in the decision notice, dated 1 July 2022, issued in respect of the asset transfer of the Low Port Centre, Linlithgow to St. John's Church Linlithgow approved at a meeting of the Asset Transfer Committee on 20<sup>th</sup> June 2022.

### **B GROUNDS OF REVIEW**

A review is requested by St John's Church Linlithgow ('SJCL') on the grounds that the decision notice issued on 1 July 2022 by the Council in respect of the approval of the asset transfer request contains the following terms and conditions that differ to a significant extent from those specified in the asset transfer request:

1. Terms of Lease: A 2-year lease period was requested by SJCL to provide an opportunity for both WLC and SJCL to validate the operating model proposed by SJCL, and for SJCL to evidence community benefit. The period was agreed by the Asset Transfer Committee subject to condition 5, as set out in the Decision Notice, that the Lease would be granted on a full repairing and insuring basis. SJCL are seeking a review of the nature of the lease arrangements on the grounds that a full repairing and insuring lease, whilst common in the commercial property sector, adds material commitments to the arrangements for SJCL at an early stage of the asset transfer process. SJCL submit that, if entering into a full insuring and repairing lease, they would require to bring forward considerable work (and incur expense) to review the condition of the Low Port Centre building in advance of the lease period prior to accepting such a commitment. It is considered by SJCL that this requirement is contrary to the stated intention of SJCL, as set out in the asset transfer request, to review the condition of the building during the lease, which SJCL believe to be consistent with the intention of the 2 year lease period, as set out in the Decision Notice, which is for SJCL "to be satisfied as to the financial viability and sustainability of their project".
2. Condition of Lease Commencement: Condition 8, as set out in the Decision Notice, provides that "the Council will ensure the Low Port Centre is statutorily compliant at the lease's date of entry". It is submitted by SJCL

that, when coupled with review ground 1. noted above, this will place significant potential liability on SJCL from day 1 of the lease, which is counter to the spirit of the lease arrangement requested under the asset transfer request. It is submitted that a full repairing and insuring lease will require SJCL, as tenants, to go beyond 'statutory compliance' and require that the property is kept in a 'good and substantial repair condition'. SJCL have requested that the Council reviews i) the standard of the building they are willing to commit to, and (ii) obtains an independent building survey in advance of, the commencement of the Lease. SJCL have submitted that they are specifically concerned about the condition of a wall with a significant crack and request that this be investigated by the Council prior to the commencement of the Lease.

3. Common Access Road and Car Parking: Condition 3, as set out in the Decision Notice, states that the common access road and car parking areas that are shared by the Low Port Centre and Low Port Primary School are excluded from the asset transfer and the intended operating arrangements. SJCL submit that this matter was not raised with them prior to the Council determining the asset transfer request. Whilst SJCL accept the need for shared access to allow Low Port Primary School to operate, it is submitted that condition 3 will place an obligation upon them to meet a proportionate share of the costs of maintaining the common access road and car parking area, but without any involvement in the decision to undertake that work. SJCL submit that the access road is, in places, in a poor state at present. SJCL request that condition 3 be reviewed such that SJCL are not liable for costs in relation to the access road and car parking area.

The reasons why the Asset Transfer Committee determined that the asset transfer request should be granted subject to the said conditions are as set out in the Decision Notice.

## **C REVIEW DOCUMENTS**

The following documents form the review documents for consideration by the Asset Transfer Review Body and are circulated to members with this report:

1. The Asset Transfer Request Form submitted by the applicant, together with supporting documents, dated 26 October 2021.
2. The report by Head of Finance and Property Services to the Asset Transfer Committee dated 20 June 2022.
3. The Decision Notice, issued by the Strategic Property Asset Manager, dated 1 July 2022.
4. A letter dated 29 July 2022 from St. John's Church, Linlithgow, setting out the Application for Review.

The applicant has not stated which procedure they consider to be most appropriate for the handling of the review.

## **D SITE VISITS AND FURTHER PROCEDURE**

Prior to determining the Application for Review, the Board must firstly consider whether it has sufficient information to reach a decision at the meeting.

If members do not consider they have enough information to determine the application for review, they must decide what further procedure to use to obtain that information. This could be by written submissions, a hearing session, or site visit to the premises.

## **E ASSET TRANSFER REVIEW POLICIES AND GUIDANCE**

The Asset Transfer Committee approved the community asset transfer request of the Low Port Centre, Linlithgow, to SJCL. The transfer was considered in accordance with the provisions of Part 5 of the Community Empowerment (Scotland) Act 2015 and the council's approved Community Asset Transfer Policy and associated governance arrangements.

SJCL has exercised their right to request an application for review as they consider that the terms and conditions set out in the Decision Notice differ to a significant extent from those specified in their asset transfer application.

In considering the application for review, the Asset Transfer Review Body must decide to either:-

- (a) confirm the original decision of the Asset Transfer Committee; or
- (b) modify the original decision of the Asset Transfer Committee, or any part of its decision (including any terms and condition specified in the decision notice to which the asset transfer request relates), or
- (c) substitute the original decision with different decision.

Subject to any over-riding legal requirements, the committee is bound by council policy in its decision-making.

Contact Person: Lorraine McGrorty, Committee Officer, Clerk 01506 281609

[lorraine.mcgrorty@westlothian.gov.uk](mailto:lorraine.mcgrorty@westlothian.gov.uk)

Lesley Montague, Legal Advisor

[lesley.montague@westlothian.gov.uk](mailto:lesley.montague@westlothian.gov.uk)

Date of meeting: 24 November 2022

## Appendix 1

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015****ASSET TRANSFER REQUEST FORM****IMPORTANT NOTES:**

**This is a standard asset transfer request form which can be used to make a request to West Lothian Council.**

**You do not need to use this form to make an asset transfer request, but using this form will help you to make sure you include all the required information.**

**You should read West Lothian Council's Asset Transfer Policy: Guidance Note for Applicants before making a request.**

**You are strongly advised to contact West Lothian Council and discuss your proposals with us before making an asset transfer request.**

**When completed, this form must be sent to:**

The Asset Manager  
Property Management and Development  
West Lothian Council  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

**This is an asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015.**

**Section 1: Information about the community transfer body (CTB) making the request**

**1.1 Name of the CTB making the asset transfer request**

St John's Church, Linlithgow

In accordance with the Community Empowerment (Scotland) Act 2015 and West Lothian Council's approved policies and practices, St John's Church Linlithgow (SC050351) proposes to form a new legal entity (which meets the requirements of the relevant legislation) to take ownership of the Low Port Centre by Community Asset Transfer.

**1.2 CTB address. This should be the registered address, if you have one.**

Postal address:  
183 High Street  
Linlithgow  
Postcode: EH49 7EN

**1.3 Contact details. Please provide the name and contact address to which correspondence in relation to this asset transfer request should be sent.**

Contact name: [REDACTED]  
Postal address: [REDACTED]  
[REDACTED]  
Postcode: [REDACTED]  
Email: [REDACTED]  
Telephone: [REDACTED]

☒ We agree that correspondence in relation to this asset transfer request may be sent by email to the email address given above. (Please tick to indicate agreement)

You can ask the relevant authority to stop sending correspondence by email, or change the email address, by telling them at any time, as long as 5 working days' notice is given.

1.4 Please mark an "X" in the relevant box to confirm the type of CTB and its official number, if it has one.

|   |  |  |
|---|--|--|
|   | Company, and its company number is<br>.....  |  |
| X | Scottish Charitable Incorporated Organisation (SCIO), and its charity number is SC050351 | In accordance with the Community Empowerment (Scotland) Act 2015 and West Lothian Council's approved policies and practices, St John's Church Linlithgow (SC050351) proposes to form a new legal entity (which meets the requirements of the relevant legislation) to take ownership of the Low Port Centre by Community Asset Transfer. |
|   | Community Benefit Society (BenCom), and its registered number is<br>.....                |  |
|   | Unincorporated organisation (no number)  |  |

**Please attach a copy of the CTB's constitution, articles of association or registered rules.**

1.5 Has the organisation been individually designated as a community transfer body by the Scottish Ministers?

No ☒

Yes ☐

Please give the title and date of the designation order:

|  |
|--|
|  |
|--|

1.6 Does the organisation fall within a class of bodies which has been designated as community transfer bodies by the Scottish Ministers?

No ☒

Yes ☐

If yes what class of bodies does it fall within?

**Section 2: Information about the land and rights requested** 2.1 Please identify the land to which this asset transfer request relates.

You should provide a street address or grid reference and any name by which the land or building is known. If you have identified the land on the relevant authority's register of land, please enter the details listed there.

It may be helpful to provide one or more maps or drawings to show the boundaries of the land requested. If you are requesting part of a piece of land, you must give a full description of the boundaries of the area to which your request relates. If you are requesting part of a building, please make clear what area you require. A drawing may be helpful.

The Low Port Centre,  
1 Blackness Road,  
Linlithgow,  
West Lothian.  
EH49 7HZ

The attached drawing shows in green the area we are interested in, which includes the Low Port Centre building, surrounding area, road and car park but we are open to discussion with West Lothian Council on what is appropriate and practical for both parties and also for Low Port Primary School.

2.2 Please provide the UPRN (Unique Property Reference Number), if known. If the property has a UPRN you will find it in the relevant authority's register of land.

UPRN: Not applicable

### Section 3: Type of request, payment and conditions

3.1 Please tick what type of request is being made:

☒ for ownership (under section 79(2)(a)) - go to section 3A

☐ for lease (under section 79(2)(b)(i)) – go to section 3B

☐ for other rights (section 79(2)(b)(ii)) - go to section 3C

#### 3A – Request for ownership

What price are you prepared to pay for the land requested? :

Proposed price: £ 0

Please attach a note setting out any other terms and conditions you wish to apply to the request.

#### 3B – Request for lease

What is the length of lease you are requesting?

N/a

How much rent are you prepared to pay? Please make clear whether this is per year or per month.

Proposed rent: £ per

Please attach a note setting out any other terms and conditions you wish to be included in the lease, or to apply to the request in any other way.



### 3C –Request for other rights

What are the rights you are requesting?

Short term lease from 1 April 2022.

In addition to our application for a Community Asset Transfer we would like to explore with West Lothian Council the opportunity of a lease of the Low Port Centre on a transitional short-term basis for church and community use while the Community Asset Transfer process is in progress.

We anticipate that this would be a community benefit lease with no charge due to the community benefits which will be gained from the St John's Church proposal.

Do you propose to make any payment for these rights?

Yes ☐

No ☒

If yes, how much are you prepared to pay? Please make clear what period this would cover, for example per week, per month, per day?

Proposed payment: No payment due to the community benefits which will be gained from the St John's Church proposal.

Please attach a note setting out any other terms and conditions you wish to apply to the request.

## Section 4: Community Proposal

### 4.1 Please set out the reasons for making the request and how the land or building will be used.

This should explain the objectives of your project, why there is a need for it, any development or changes you plan to make to the land or building, and any activities that will take place there.

#### **St John's Church is very keen to work with West Lothian Council to investigate a Community Asset Transfer of the Low Port Centre.**

St John's currently has a number of community activities and would like to expand these through working in partnership with other existing and developing community groups for the overall benefit of the wider community. St John's leadership, trustees and members are excited about the potential of the Low Port Centre but also realistic about the practicalities of owning, running and maintaining a building of this size and complexity.

St John's Church has been a presence in Linlithgow since the early 1900s. The church owns a building in Union Road, rents a shop front property at 183 High Street and also (prior to April 2020) hired Linlithgow Academy for Sunday morning services. The church has 231 adult contacts on the church database which includes 176 committed members and currently employs 6.5 FTE staff.

St John's has outgrown its original building in Union Road and regularly used Linlithgow Academy for Sunday morning services but has an aspiration to expand its activities in the community throughout the week and move to premises which can be used more flexibly for that purpose.

#### **How we propose the Low Port Centre will be used.**

It is anticipated that the building would be used for St John's Church's regular church activities and a wide range of community activities both existing and new including:

##### **St John's activities**

- Sunday worship and children's/youth work
- Various regular St John's Church group meetings
- Toddler group (weekly)
- Parents' cafe
- Sew Blessed (craft group)
- Community café
- Youth groups (various evenings)
- Worship band practice
- Meeting point (monthly club for seniors)
- Counselling

##### **Community activities**

- The New Well charitable organisation
  - Counselling sessions
  - Job Club

- Oasis café
  - Befriending
  - Training
- Office space
- The Ladies Choir
- Writers group
- Kids art class
- 1st Step Charitable organisation
  - bike sales, in partnership with community café
  - recovery group
  - Cocaine anonymous recovery group
- Lochside playgroup
- Linlithgow Young People's Project
  - Drop in youth sessions
  - Youth counselling
  - Holiday programmes
- Men in sheds practical help group
- Safe Families
- Sports groups - Sailing Club, Kayaking Club, Cycling, Climbing, etc.
- Linlithgow Air Cadets
- Concerts and practice space for drama and music groups
- Other local groups or individuals who need regular or occasional rooms/ hall space e.g., uniformed organisations, children's parties, sports groups, book festivals, etc.
- MSP's surgery
- Work with local businesses e.g. Far from the Madding Crowd to have author launches and book festivals, with Low Port Music to run record fairs.

Additionally the accommodation wing is a great facility and offers a unique opportunity to be used for the benefit of the community and to bring visitors and commercial benefit into the town. Some of the potential longer term uses and partners we have identified are as follows.

- The Heralds Trust is an organisation who had over 200 overseas visitors join their "Gospel Go" teams in 2019 prior to Covid and expect teams to start again in Spring 2022. An average stay for their teams is 7 - 10 days and they have been looking for a base to operate from in Linlithgow. They had expressed an interest in the Low Port Centre but have now withdrawn and want to work with us as a delivery partner.
- Backpackers Hostel to expand tourism opportunities in Linlithgow.
- Additional accommodation for use during town-based events e.g. Party at the Palace, Linlithgow Marches, Pedal for Scotland, Folk festival, Spectacular Jousting event, etc

We are also aware that a mural by James Cumming is part of the building and is an important piece of art which we would want to ensure is protected and able to be viewed by the public.

## Benefits of the proposal

4.2 Please set out the benefits that you consider will arise if the request is agreed to.

This section should explain how the project will benefit your community, and others. Please refer to the guidance on how the relevant authority will consider the benefits of a request.

West Lothian Council's mission statement is - "striving for excellence... working with and for our communities". We consider that our proposal for a Community Asset Transfer will help the council in its mission to work with, and for, the community of Linlithgow and beyond. St John's has a similar aim in being a community-focused church, seeking to find ways to develop and expand our community work.

The proposed asset transfer could assist the council in fulfilling the values of 'making best use of our resources' and 'working in partnership'. It could also help to support some of the West Lothian Council multi-agency strategies such as the Anti-poverty strategy. The Low Port Centre is a significant building that, despite being identified as surplus to council requirements, is still a valuable and useful resource. If the council was willing to work with St John's church and our associated charities and organisations, the resource of the Low Port Centre building could be made 'best use of'. An asset transfer would demonstrate a powerful message, showcasing council and local partnership to the people in this community.

The proposed activities that we expect to facilitate from the Low Port Centre will support the council in achieving all the identified priorities in West Lothian Council's Corporate Plan 2018-2023. The following are some examples for each of the eight priorities:

1. Improving attainment and positive destinations for school children.
  - Partnering with LYPP in their work with young people locally
  - Providing space for other children's and youth groups, sports clubs and uniformed organisations
  - Providing the possibility of volunteering and work opportunities for young people in the café and Men's shed
  - Running parenting groups
2. Delivering positive outcomes and early interventions for early years.
  - Expanding the long-running St John's Toddler group
  - Partnering with the local playgroup
3. Minimising poverty, the cycle of deprivation and promoting equality.
  - Partnering with 1st Step, providing space for support groups and work opportunities.
  - Running the Christians Against Poverty Money Course
  - Having close links with the West Lothian Food Network, Foodbank and CAP Debt Centre
4. Improving the quality of life for older people.
  - Continuing to run Meeting Point for older members of the community
  - Encouraging intergenerational, all-age activities to include older people

5. Improving the employment position in West Lothian.
  - Expanding The New Well CAP Job Club for local unemployed people
  - Work alongside local business to help them grow and expand e.g. Book Festivals, Record Fairs, etc.
  - Providing employment in maintaining and running the building, in the café, in the hostel/residential wing, in social enterprise projects
6. Delivering positive outcomes on health.
  - Increasing capacity for The New Well counselling service
  - Running Oasis café with befrienders to support those struggling with poor mental health and with loneliness
  - Developing trauma aware practice across the organisations using the building
7. Reducing crime and improving community safety.
  - Being part of the Police Scotland's 'Keep Safe Initiative'
8. Protecting the built and natural environment.
  - Maintaining and upgrading the Low Port Centre building for generations to come in as sustainable a way as possible
  - Developing and implementing a Carbon neutral strategy
  - Working with the Sailing Club and Kayaking Club to encourage water sports on the loch
  - Supporting cycle tourism with the Linlithgow Community Development Trust and 1st Step



## **Restrictions on use of the land**

4.3 If there are any restrictions on the use or development of the land, please explain how your project will comply with these.

Restrictions might include, amongst others, environmental designations such as a Site of Special Scientific Interest (SSI), heritage designations such as listed building status, controls on contaminated land or planning restrictions.

We are aware that we will be required to investigate and understand the current planning status of the Low Port Centre and that this could lead to a Change of Use application for our use of the building. Any development of the building will be in line with the Local Development Plan, being mindful that the building is within the Linlithgow Palace and High Street Conservation Area and adjacent to Low Port Primary School, with associated safety issues. We will be guided by the West Lothian Council Planning Department regarding planning regulations.

The mural entitled 'Community - A festival of time' by James Cumming which was commissioned by the Linlithgow community in 1988 is part of the building and is an important piece of art which we would want to ensure is protected and able to be viewed by the public. It is now being considered for its Historic Environment Scotland listing. Please see the letter from the artist's daughter Laura Cumming, Art Critic with the Observer newspaper in the attached Proposal document.

## **Negative consequences**

4.4 What negative consequences (if any) may occur if your request is agreed to? How would you propose to minimise these?

You should consider any potential negative consequences for the local economy, environment, or any group of people, and explain how you could reduce these.

Our on-going discussions with the Community Council, Linlithgow Community Development Trust and other local organisations along with the current community consultation will be used to identify the community needs, requirements and expectations. We will tailor our plans appropriately.

However there could be negative consequences for our local economy and multiple community groups if the Low Port Centre is not retained and enhanced for ongoing community use. There is a lack of other similar facilities in Linlithgow.

## Capacity to deliver

### 4.5 Please show how your organisation will be able to manage the project and achieve your objectives.

This could include the skills and experience of members of the organisation, any track record of previous projects, whether you intend to use professional advisers, etc.

To allow St John's to make a decision on whether or not to progress with an offer for the Low Port Centre, we conducted a comprehensive feasibility study. The outcome of this detailed study was that St John's should pursue a Community Asset Transfer of the Low Port Centre. The building represents an opportunity to constructively engage with the community in an unprecedented way which meets the vision of the church. It also showed strong local support for the Low Port Centre to be retained for community use and benefit. A number of other partners have also indicated their desire to make use of the building if it were to be obtained by St John's.

We believe that we have a unique offering and identity which will allow the much-valued community asset of the Low Port Centre to continue to be used for the benefit of the local community. Our interest in the building has cross community support from groups and individuals who are supporting our application and have a desire to see the Low Port Centre retained as a significant community asset.

Since January 2021 we have been in regular discussion with Scott Hughes, West Lothian Council Asset Manager in the pre-application stage of our asset transfer. The information received from Scott has been invaluable to get us to the stage of submitting an offer with a view to proceeding with a Community Asset Transfer application. We have also received support from Lynn Mollison of DTAS and are keen to continue these relationships as we develop our plans further.

Following discussions with Martin Thomson, West Lothian Council Business Growth Adviser, we are aware of the valuable help and support that he can provide. If West Lothian Council decides to engage with us to progress a Community Asset Transfer we will work closely with him to further develop our business case using the modelling tools that are available to financially assess the social and health benefits which could be realised.

As part of a Community Asset Transfer application, we understand that the following three pieces of information must be included and these will be developed as we progress through the process.

### 1. Business plan

What have we done so far?

- Carried out an internal feasibility study containing information on:
  - Services which we will provide and service providers
  - Options for use
  - Organisational Structure
  - Schedule

- Financial analysis and forecast
- Funding opportunities
- Engaged with Martin Thomson of West Lothian Council's Economic Development Team regarding general support and assistance and specifically to understand how to identify the economic benefit from social and health improvements.

What will we do during the Community Asset Transfer process?

- Submit for review a draft constitution for the new St John's legal entity, and then proceed to form that entity which will qualify as a community body under the relevant legislation to acquire the property.
- Detail a full and comprehensive business plan for the running and sustainability of the Low Port Centre.
- Further engage with the Economic Development Team to calculate and quantify monetary benefits from social and health improvements.
- Engage building professionals to create upgrade, refurbishment and maintenance plans for the sustainable use of Low Port Centre.
- Develop a fully costed commercial plan for efficient and effective operation of Low Port Centre as a vibrant community hub aided by utilising the offer of local business expertise. e.g. Jim Hay, Court Residences.
- Fully develop workable partnership agreements with willing organisations, local businesses etc.
- Develop a funding and financing strategy to ensure surety and stability in capability to operate Low Port Centre in a cost effective and sustainable manner.
- Develop robust plan for residential wing using learning from other organisations experience e.g. Callander Youth Hostel, Edinburgh Backpackers, Heralds Trust.

## 2. Community engagement analysis

What have we done so far?

- We have engaged with the Community Council and have kept them informed of our interest in the Low Port Centre. They fully support our intention to pursue an asset transfer for the benefit of the community.
- We have had an article in the local 'Black Bitch' magazine, delivered to every house in Linlithgow, to inform local people and ask for interested parties to contact us. Individuals and organisations have begun conversations with us and there has been considerable interest in our plans.
- We are in ongoing discussions with both St Michael's Church of Scotland and Linlithgow Community Development Trust and are jointly undertaking a wider Community Consultation exercise in Linlithgow. The outcome of this will give clear insights into the needs and aspirations within the town and will ensure that we are working together to address the needs and use the various premises across the town most appropriately.
- We have had an initial conversation with Low Port Primary School to inform them of our plans and listen to their concerns about the future use of the Low Port Centre.

What will we do during the Community Asset Transfer Process?



- Engage further with the community by developing the existing relationships which have been identified so far to more clearly define the shared use of the building.
- Consult further with Linlithgow Community Council for support in the planning and development issues and the local impact of the use of the Low Port Centre.
- Investigate and detail further opportunities for community and individual partnerships including any requirements relating to the Community Regeneration team.
- Continue to be part of the Community Consultation led by St. Michael's Church and Linlithgow Community Development Trust, and work together to implement the outcomes identified by the community as they relate to the Low Port Centre building.
- Consult and liaise with local businesses to ensure mutually supportive solutions.
- Consult and engage with Low Port Primary School, as potential neighbours, to prioritise safety for the children.

### 3 Skills Audit

What have we done so far?

- Initial analysis of manpower, skills, experience and roles required for efficient and successful operation of the Low Port Centre.

What will we do during the Community Asset Transfer Process?

- Carry out a full skills audit detailing to understand what will be required to successfully operate and run the Low Port Centre.
- Work closely with organisations and individuals who can support and assist us in the process - [REDACTED] etc
- Investigate funding opportunities for skilled resources and suitably qualified staff

The St John's Church Property Team members who will be working on the Community Asset Transfer application are as follows:

- [REDACTED] - Property team lead who has lived in Linlithgow and been a member of St John's church for 20 years. Has over 40 years business experience in senior management positions in the energy industry and most recently Business Project Director for company wide IT transformation programme.
- [REDACTED] - Community Development Manager for St John's church responsible for connecting with the local community to find ways to work together for mutual benefit. Lived in Linlithgow for over 14 years and teaches part-time at Springfield Primary School.
- [REDACTED] - Lead Pastor for St. John's Church. Previously led a similar project as part of role as Operations Director for Central Church, Edinburgh where £150k was raised annually from conference income and income from renting office space.
- [REDACTED] - Property professional bringing 16 years' experience of working in the residential property sector including owning and managing a property business. Lived in Linlithgow and has been a member of St John's Church for over 30 years.
- [REDACTED] - Lived in Linlithgow all his life and has been a part of St. John's Church since a child. Started the "Autobits" business on the High

Street in 1997 which is still trading today. Responsible for St John's properties since 2008.

- [REDACTED] St John's Church youth worker who has worked within the church community and wider community for the past 7 years. Has professional training in informal education and community work.
- The St John's Church Trustees is a group of 8 individuals and is chaired by [REDACTED] who has led the group since May 2020 and was previously the Church Treasurer from 2009. Stephen is a Chartered Accountant who has lived in Linlithgow since 2008.
- St John's also has access to support from professionals with experience in building structures and professionals with legal experience in Community Asset Transfer applications.

## **Progress so far**

Since early 2021 we have:

- Engaged with Scott Hughes of West Lothian Council regarding the potential for a Community Asset transfer of the Low Port Centre
- Continued to meet monthly with Scott to understand the Low Port Centre in more detail to allow us to complete a detailed feasibility study
- Visited the Low Port Centre on 3 occasions to fully understand the scope and nature of the building
- Consulted with St John's Church membership on the proposed Community Asset transfer and received full support
- Initially consulted with community groups, organisations and individuals to understand extent of community support
- Carried out onsite non disruptive testing to ascertain extent of repair work required
- Fully reviewed available documentation supplied by West Lothian Council on the Low Port Centre
- Held initial discussions with professionals and technical experts who will be able to assist us if our Community Asset Transfer application is successful.

The completed Business Plan, Community Engagement Analysis and Skills Audit will be St John's opportunity to provide evidence that we are in a position to complete a Community Asset Transfer successfully. It will also give us the opportunity to understand if the building is entirely suitable for our needs and if we have the finance and capability to do this sustainably. There is a long way to go but with determination and the will of the community behind us, we are hopeful of success. West Lothian Council will understand that it is unrealistic to commit to further expenditure in all these areas without confirmation of a successful Community Asset Transfer application.

## Section 5: Level and nature of support

5.1 Please provide details of the level and nature of support for the request, from your community and, if relevant, from others.

This could include information on the proportion of your community who are involved with the request, how you have engaged with your community beyond the members of your organisation and what their response has been. You should also show how you have engaged with any other communities that may be affected by your proposals.

St John's Church has received significant local support for a Community Asset Transfer application from active community groups and individuals including the following.

- Linlithgow Community Council who have stated that they *"fully support the proposal for a Community Asset Transfer with St John's Church being the lead partner and overall manager of the Low Port Centre"* (See article published in the Black Bitch magazine in section 7)
- Linlithgow Community Development Trust who are keen to find ways to partner and work jointly with us, particularly around sustainability, cycling and social enterprise.
- There has been significant community wide support from local individuals and organisations. These are included in section 7 - other supporting documentation.

We are also aware that St Michael's Parish Church is involved in a building renovation project which will potentially involve the creation of additional space at Cross House for community purposes. The old library building is also going to be available for community use through the Linlithgow Community Development Trust (LCDT). We are in ongoing discussions with both St Michael's and LCDT and are jointly undertaking a wider Community audit/ consultation to ensure that we are working together to meet the needs across Linlithgow and talking about the most appropriate uses of the various premises across the town.

## Section 6: Funding

6.1 Please outline how you propose to fund the price or rent you are prepared to pay for the land, and your proposed use of the land.

You should show your calculations of the costs associated with the transfer of the land or building and your future use of it, including any redevelopment, ongoing maintenance and the costs of your activities. All proposed income and investment should be identified, including volunteering and donations. If you intend to apply for grants or loans you should demonstrate that your proposals are eligible for the relevant scheme, according to the guidance available for applicants.

St John's Church is offering to enter into the Community Asset Transfer process with West Lothian Council for the Low Port Centre. Due to the substantial funds required to make the building compliant and to renovate and refurbish the building we are looking to acquire the Low Port Centre for no cost. We intend to raise the funds for the necessary works which are initially estimated at between [REDACTED] and [REDACTED]

As part of our internal feasibility study we undertook a financial analysis of the Low Port Centre. We have used information provided by West Lothian Council and WLL to inform our analysis. Included in this information was a condition survey report which had been published on 24/12/16. The purpose of the report was to determine the condition of the property and provide life cycle costs attributed to each element of the property. These costs have been included in the financial projections. Similarly an electrical condition survey report was included with an estimated cost of [REDACTED] to be carried out over a 5-year period from 2016. For both these reports it has been assumed that any work required in the last 5 years will have to be carried out immediately and any other phased work for years 6-10 will have to be done in the next 1-5 years.

We have also had a visual inspection by an engineer of an area where the condition report indicated that there was significant cracking to the external walls and a window lintel. The preliminary view is that the remedial work could be in the range of [REDACTED] to [REDACTED]. Further onsite investigation will be required to fully understand the scope and nature of the issue before an accurate costing can be obtained.

All of the above requirements will have to be verified but we have included them in the projections although it should also be noted that these are at 2016 prices and no ROI/ RPI increase has been applied. The more detailed costings which we will carry out during the asset transfer process will require to include the increased building costs for certain materials which are currently rising faster than inflation due to a combination of Covid and Brexit. We have also been advised by professionals that there is a shortage of labour at present which will likely impact on costs and timeline estimates for undertaking the work.

Of additional concern is that this survey undertaken in 2016 is the most recent information available on the condition of LPC and no information is available on current condition and any associated repairs and maintenance requirements.

Additionally we estimate that our current operating costs will increase significantly to operate and run the Low Port Centre. Our initial forecasts indicate that these costs may be partially, if

not fully, offset by increased income. This will be clarified in our detailed business plan which will be prepared if our offer is accepted.

We are also aware that we will be required to investigate and understand the current planning status of the Low Port Centre and that this could lead to a change of use application for our use of the building. Any development of the building will be in line with the Local Development Plan being aware that the building is within the Linlithgow Palace and High Street Conservation Area and adjacent to Low Port Primary School, with associated safety issues. We will be guided by the West Lothian Council Planning Department regarding planning regulations.

Having considered the additional expenditure and investment which will be required to make the building fit for its renewed purpose, we consider it reasonable that we would not be expected to pay for a Community Asset Transfer of the Low Port Centre.

Taking these costs into account and including refurbishment costs we have estimated that we will require to raise between [REDACTED] and [REDACTED] to make the building compliant and fit for purpose. Following this we will then be required to invest significant sums on an annual basis to bring the building fully up to standard. Raising the required capital is a significant challenge to the viability of the project and will likely be best achieved by combining a range of funding options such as:

- Gifts and donations
- Grants
- Loans e.g., Stewardship Services who specialise in provision of loans to charities (<https://www.stewardship.org.uk/loans>)
- Specific funding for community and church projects - for example:
  - National Churches Trust - The Gateway Grants Programme offers grants to places of worship for costs towards developing a church building project such as feasibility studies, options appraisals, professional fees, surveys and other development costs up to RIBA Planning Stage 1. The aim is to help churches develop appropriate, high quality, well researched projects before approaching a major grant funder.  
They prioritise applications that can demonstrate strong community engagement and sound plans for economic viability.  
Potential finance available: Grants of £3000 - £10000 not exceeding 50% of the project cost.  
Timeframe: Next Deadline - 13th January 2022 (Midnight)  
Decision Date - March 2022
  - UK government levelling up fund – Investing in infrastructure that improves everyday life across the UK. The £4.8 billion fund will support town centre and high street regeneration, local transport projects, and cultural and heritage assets. This would have to be applied for in partnership across Linlithgow.
  - Community Ownership Fund - UK government fund to help community groups buy or take over local community assets at risk of being lost.

Potential finance available: Community groups can bid for up to £250,000 in matched funding to help them buy or take over local community assets at risk of being lost, to run as a community-owned business.

Timeframe: The Fund will run until 2024/25 and there will be at least 8 bidding rounds in total.

- Investing in Communities Fund, Scottish Government Empowering Communities Programme - Eligible applicants include community anchor organisations, community councils and third sector organisations that promote or improve the interests of their local communities, and community social enterprises that re-invest profits generated for the sustainable and lasting benefit of the local communities being supported.

Potential finance available: Grants of up to £250,000 are available over three years.

Timeframe: The next round will open for applications in 2022 to cover the period from 1 April 2023 to 31 March 2026.

- Local Authority fund to help organisations who have agreed a CAT and require to carry out upgrade work.

Potential finance available: A share of £1M funding

Timeframe: Ongoing, in discussion with West Lothian Council

- Allchurches Trust - supports the repair, restoration, protection and improvement of church buildings, cathedrals and other places of Christian worship, especially where those changes support wider community use. Grants also equip Christian charities and churches to help the most vulnerable and tackle social issues, including homelessness, poverty, climate change and cultural cohesion; and provides funding for projects that support church growth and leadership and sharing the Christian faith.

Potential finance available: Between £200 and £130,000

Timeframe: No deadlines for receiving applications. Every application is reviewed by the Trustees and a decision communicated within three to six months.

- National Lottery Community funding - Scottish Land Fund. The fund will help communities take ownership of the land and buildings that matter to them, as well as practical support to develop their aspirations into viable projects. It supports communities to become more resilient and sustainable through the ownership and management of land and land assets.

Potential finance available: £10000- £1000000

Timeframe: There are no deadlines and applications are accepted on a rolling basis.

- People's Postcode Trust - supports smaller charities and good causes in Scotland to make a difference to their community for the benefit of people and the planet.

Potential finance available: Up to £20000

Timeframe: Monthly deadlines from Spring 2022

- Aviva - Community Fund supports projects that are fighting climate change and building stronger, more resilient communities across the UK.  
Potential finance available: Up to £50000  
Timeframe: Applications are open all year, with quarterly funding rounds for eligible charities.
- The Robertson Trust - Community Building Grant for capital funding towards a community hub to host or deliver a range of work addressing the impacts of poverty and/or trauma. Grants are towards new buildings, or the upgrade and refurbishment of existing buildings.  
Potential finance available: £2000 - £75000  
Timeframe: Apply at any time, decisions within 8 to 12 weeks.

## Section 7: Other supporting documentation

To enable the council to fully consider your application, the following supporting documentation must be submitted as part of your application:

- A copy of your organisation's constitution;  
*Attached - "St John's Church constitution"*
- A business plan (that is proportionate to the nature of the asset transfer request);  
*Attached - "Business Plan Information" and a spreadsheet entitled "Expenditure and Income for Low Port Centre for West Lothian Council asset transfer application". These are extracts from the feasibility study on the suitability of the Low Port Centre for St John's Church. This includes some of the relevant information from which a fully detailed and costed business plan will be produced if our application is successful.*
- Audited accounts (or a financial projection where the applicant has been operating for less than one year).  
*Attached - "St John's Final Accounts December 2020".*
- Annual reports (where these are available)  
*Attached - "Annual Report 2020".*

Applicants are advised to refer to the council's Community Asset Transfer Policy Guidance Note for Applicants for further details of what information should be included in these supporting documents. (insert link here to Guidance Notes)



## Signature

Two office-bearers (board members, charity trustees or committee members) of the community transfer body must sign the form. They must provide their full names and home addresses for the purposes of prevention and detection of fraud.

This form and supporting documents will be made available online for any interested person to read and comment on. Personal information will be redacted before the form is made available.

**We, the undersigned on behalf of the community transfer body as noted at section 1, make an asset transfer request as specified in this form.**

**We declare that the information provided in this form and any accompanying documents is accurate to the best of our knowledge.**

Name Stephen Pashley

Address 3 Kettil'stoun Grove

Linlithgow

Date 26/10/21

Position Chair of Trustees

Signature *Stephen Pashley*

Name Billy Fraser

Address 65 Kettil'stoun Mains

Linlithgow

Date 26/10/21

Position Chair or Property Group

Signature *Billy Fraser*

## Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this form.

### Section 1 – you **must** attach your organisation's constitution, articles of association or registered rules

Title of document attached: *Attached - "St John's Church SCIO constitution".*

### Section 2 – any maps, drawings or description of the land requested

Documents attached: *Attached - "CAT map of LPC site"*

### Section 3 – note of any terms and conditions that are to apply to the request

Documents attached:

### Section 4 – about your proposals, their benefits, any restrictions on the land or potential negative consequences, and your organisation's capacity to deliver.

Documents attached: *Attached - "Proposal from St John's Church"*

### Section 5 – evidence of community support

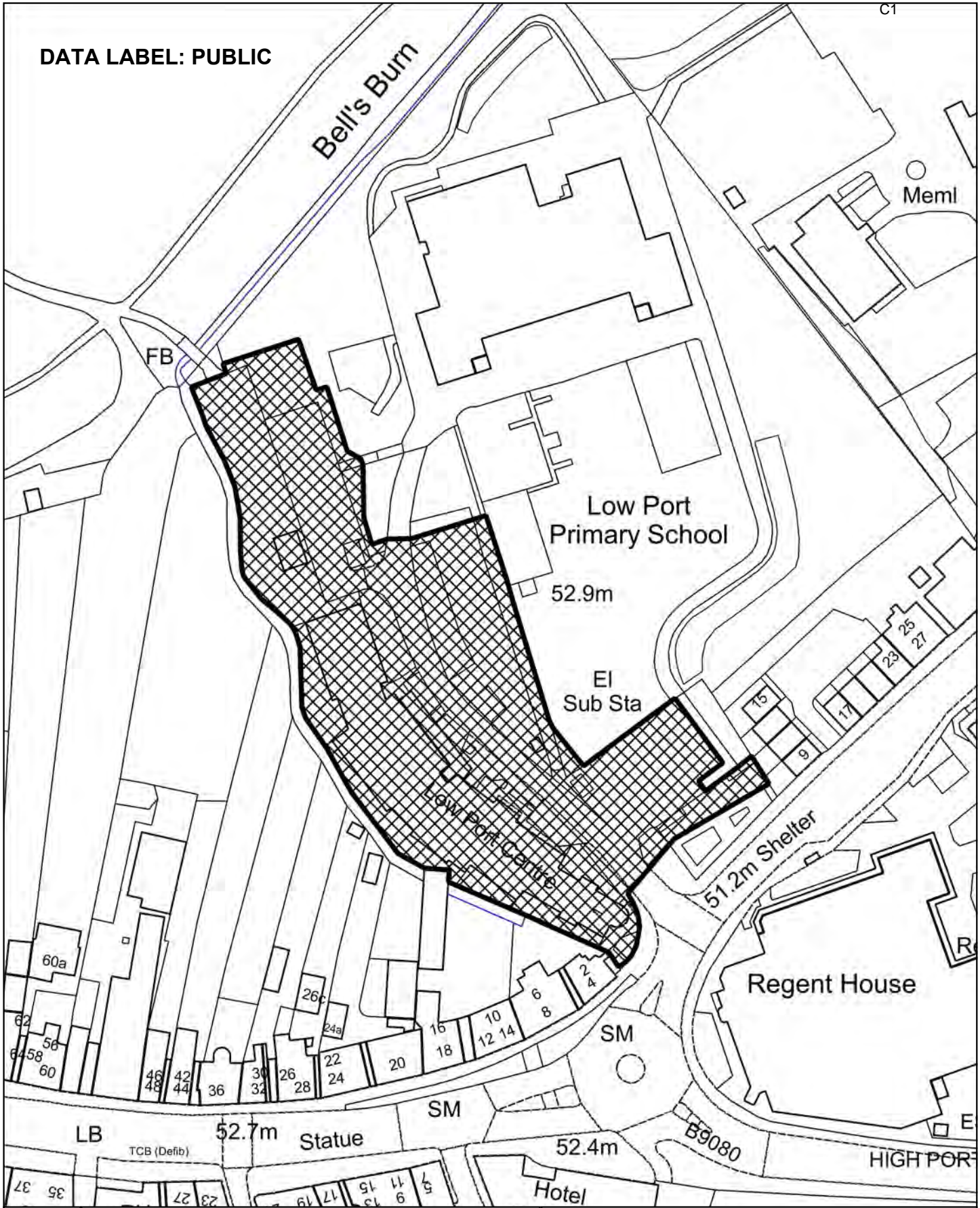
Documents attached: *Attached - "Proposal from St John's Church" which includes an article from the Community Council in the Black Bitch magazine and letters of support from organisations and businesses.*

### Section 6 – funding

Documents attached:

### Section 7 – supporting documentation

Documents attached: *Attached - "Proposal from St John's Church"*



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# THE LOW PORT CENTRE COMMUNITY BENEFIT PROPOSAL FROM ST JOHN'S CHURCH LINLITHGOW







# THE LOW PORT CENTRE COMMUNITY BENEFIT PROPOSAL FROM ST JOHN'S CHURCH LINLITHGOW

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# 1. OUR COMMUNITY PROPOSAL <sup>C1</sup>



**ST JOHN'S CHURCH LINLITHGOW IS COMMITTED TO INVESTIGATING THE SUITABILITY OF THE LOW PORT CENTRE AS A VIBRANT, ACTIVE AND SUSTAINABLE HUB TO SERVE THE COMMUNITIES OF LINLITHGOW AND WOULD WELCOME THE OPPORTUNITY TO ENTER INTO THE COMMUNITY ASSET TRANSFER PROCESS WITH WEST LoTHIAN COUNCIL.**

## **1.1 WHO WE ARE AND WHY WE ARE MAKING THE REQUEST**

St John's Church is very keen to work with West Lothian Council to investigate a Community Asset Transfer of the Low Port Centre.

St John's currently has a number of community activities and would like to expand these through working in partnership with other existing and developing community groups for the overall benefit of the wider community. St John's leadership, trustees and members are excited about the potential of the Low Port Centre but also realistic about the practicalities of owning, running and maintaining a building of this size and complexity.





St John's Church has been a presence in Linlithgow since the early 1900s. The church owns a building in Union Road, rents a shop front property at 183 High Street and also hired Linlithgow Academy for Sunday morning services. The church has 231 adult contacts on the church database which includes 176 active members and currently employs 6.5 FTE staff.

St John's has outgrown its original building in Union Road and has used Linlithgow Academy for Sunday morning services but has an aspiration to expand its activities in the community throughout the week and move to premises which can be used more flexibly for that purpose.

## **1.2 HOW WE PROPOSE THE LOW PORT CENTRE WILL BE USED.**

It is anticipated that the building would be used for St John's' regular church activities and a wide range of community activities both existing and new including:

### **ST JOHN'S ACTIVITIES**

- Sunday worship and children's/youth work
- Various regular St John's Church group meetings
- Toddler group (weekly)
- Counselling
- Sew Blessed (craft group)
- Youth groups (various evenings)
- Worship band practice
- Meeting point (monthly club for seniors)
- Men 'n' Sheds
- Community café



## COMMUNITY ACTIVITIES

- The New Well charitable organisation
  - Counselling sessions
  - Job Club
  - Oasis café
  - Befriending
  - Training
- Office space
- The Ladies Choir
- Writers group
- Kids art class
- Sports groups - Sailing Club, Kayaking Club, Cycling, Climbing, etc.
- Concerts and practice space for drama and music groups
- Other local groups or individuals who need regular or occasional rooms/hall space e.g. uniformed organisations, children's parties, sports groups, book festivals, etc.
- Work with local businesses e.g. Far from the Madding Crowd to have author launches and book festivals, with Low Port Music to run record fairs.
- 1st Step Charitable organisation
  - Bike repair and sales, in partnership with community café
  - Recovery group
  - Food distribution
- Lochside playgroup
- Linlithgow Young People's Project
  - Drop in youth sessions
  - Youth counselling
  - Holiday programmes
- Linlithgow Air Cadets
- Safe Families



**ADDITIONALLY THE ACCOMMODATION WING IS A GREAT FACILITY AND OFFERS A UNIQUE OPPORTUNITY TO BE USED FOR THE BENEFIT OF THE COMMUNITY AND TO BRING VISITORS AND COMMERCIAL BENEFIT INTO THE TOWN. SOME OF THE POTENTIAL LONGER TERM USES AND PARTNERS WE HAVE IDENTIFIED ARE AS FOLLOWS:**

- The Heralds Trust is an organisation who had over 200 overseas visitors join their “Gospel Go” teams in 2019 prior to Covid and expect teams to start again in Spring 2022. An average stay for their teams is 7 - 10 days and they have been looking for a base to operate from in Linlithgow. They are interested in working with us as a delivery partner.
- Backpackers Hostel to expand tourism opportunities in Linlithgow.
- Additional accommodation for use during town-based events e.g. Party at the Palace, Linlithgow Marches, Pedal for Scotland, Folk Festival, Spectacular Jousting event, etc

We are also aware that a mural by James Cumming is part of the building and is an important piece of art which we would want to ensure is protected and able to be viewed by the public.



# 2. BENEFITS OF THE PROPOSAL



## 2.1 THE BENEFITS THAT WE CONSIDER WILL ARISE IF THE REQUEST IS AGREED TO

West Lothian Council's mission statement is - "striving for excellence... working with and for our communities". We consider that our proposal for a Community Asset Transfer will help the council in its mission to work with, and for, the community of Linlithgow and beyond. St John's has a similar aim in being a community-focused church, seeking to find ways to develop and expand our community work.





The proposed asset transfer could assist the council in fulfilling the values of 'making best use of our resources' and 'working in partnership'. It could also help to support some of West Lothian Council's multi-agency strategies such as the Anti-poverty strategy. The Low Port Centre is a significant building that, despite being identified as surplus to council requirements, is still a valuable and useful resource. If the council was willing to work with St John's Church and our associated charities and organisations, the resource of the Low Port Centre building could be made 'best use of'. An asset transfer would demonstrate a powerful message, showcasing council and local partnership to the people in this community.

The proposed activities that we expect to facilitate from the Low Port Centre will support the council in achieving all the identified priorities in West Lothian Council's Corporate Plan 2018-2023. The following are some examples for each of the eight priorities:

## **1. IMPROVING ATTAINMENT AND POSITIVE DESTINATIONS FOR SCHOOL CHILDREN.**

- Partnering with LYPP in their work with young people locally
- Providing space for other children's and youth groups, sports clubs and uniformed organisations
- Providing the possibility of volunteering and work opportunities for young people in the café and Men's shed
- Running parenting groups

## **2. DELIVERING POSITIVE OUTCOMES AND EARLY INTERVENTIONS FOR EARLY YEARS.**

C1

- Expanding the long-running St John's Toddler group
- Partnering with the local playgroup

## **3. MINIMISING POVERTY, THE CYCLE OF DEPRIVATION AND PROMOTING EQUALITY.**

- Partnering with 1st Step, providing space for support groups and work opportunities.
- Running the Christians Against Poverty Money Course
- Having close links with the West Lothian Food Network, Foodbank and CAP Debt Centre

## **4. IMPROVING THE QUALITY OF LIFE FOR OLDER PEOPLE.**

- Continuing to run Meeting Point for older members of the community
- Encouraging intergenerational, all-age activities to include older people

## **5. IMPROVING THE EMPLOYMENT POSITION IN WEST LOTHIAN.**

- Expanding The New Well CAP Job Club for local unemployed people
- Work alongside local businesses to help them grow and expand e.g. Book Festivals, Record Fairs, etc.
- Providing employment in maintaining and running the building, in the café, in the hostel/residential wing, in social enterprise projects

## **6. DELIVERING POSITIVE OUTCOMES ON HEALTH.**

- Increasing capacity for The New Well counselling service
- Running Oasis café with befrienders to support those struggling with poor mental health and with loneliness
- Developing trauma aware practice across the organisations using the building



## 7. REDUCING CRIME AND IMPROVING COMMUNITY SAFETY.<sup>C1</sup>

- Being part of the Police Scotland's 'Keep Safe Initiative'

## 8. PROTECTING THE BUILT AND NATURAL ENVIRONMENT.

- Maintaining and upgrading the Low Port Centre building for generations to come in as sustainable a way as possible
- Developing and implementing a Carbon Neutral Strategy
- Working with the Sailing Club and Kayaking Club to encourage water sports on the loch
- Supporting cycle tourism with the Linlithgow Community Development Trust and 1st Step





# 3. CAPACITY TO DELIVER

C1



To allow St John's to make a decision on whether or not to progress with an offer for the Low Port Centre we conducted a comprehensive feasibility study. The outcome of this detailed study was that St John's should pursue a Community Asset Transfer of the Low Port Centre. The building represents an opportunity to constructively engage with the community in an unprecedented way which meets the vision of the church. It also found that there is a strongly supported community interest in the Low Port Centre being retained for community use and benefit. A number of other partners have also indicated their desire to make use of the building if it were to be obtained by St John's.





We believe that we have a unique offering and identity which will allow the much-valued community asset of the Low Port Centre to continue to be used for the benefit of the local community. Our interest in the building has cross community support from groups and individuals who are supporting our application and have a desire to see the Low Port Centre retained as a significant community asset.

Since January 2021 we have been in regular discussion with Scott Hughes, West Lothian Council Asset Manager in the pre-application stage of our asset transfer. The information received from Scott has been invaluable to get us to the stage of submitting an offer with a view to proceeding with a Community Asset Transfer application. We have also received support from Lynn Mollison of DTAS and are keen to continue these relationships as we develop our plans further.

Following discussions with Martin Thomson, West Lothian Council Business Growth Adviser we are aware of the valuable help and support that he can provide. If West Lothian Council decides to engage with us to progress a Community Asset Transfer we will work closely with him to further develop our business case using the modelling tools that are available to financially assess the social and health benefits which could be realised.

As part of a Community Asset Transfer application, we understand that the following three pieces of information must be included and these will be developed as we progress through the process.

### **3.1. BUSINESS PLAN**

#### **WHAT HAVE WE DONE SO FAR?**

- Carried out an internal feasibility study containing information on:
  - Services which we will provide and service providers
  - Options for use
  - Organisational Structure
  - Schedule
  - Financial analysis and forecast
  - Funding opportunities
- Engaged with Martin Thomson of West Lothian Council Economic Development Team regarding general support and assistance and specifically to understand how to identify the economic benefit from social and health improvements.

#### **WHAT WILL WE DO DURING THE COMMUNITY ASSET TRANSFER PROCESS?**

- Submit for review a draft constitution for the new legal entity, and then proceed to form that entity which will qualify as a community body under the relevant legislation to acquire the property.
- Detail a full and comprehensive business plan for the running and sustainability of the Low Port Centre.

- Further engage with the Economic Development Team to calculate<sup>C1</sup> and quantify monetary benefits from social and health improvements.
- Engage building professionals to create upgrade, refurbishment and maintenance plans for the sustainable use of Low Port Centre.
- Develop a fully costed commercial plan for efficient and effective operation of Low Port Centre as a vibrant community hub aided by utilising the offer of local business expertise. e.g, Jim Hay, Court Residences.
- Fully develop workable partnership agreements with willing organisations, local businesses etc.
- Develop a funding and financing strategy to ensure surety and stability in capability to operate Low Port Centre in a cost effective and sustainable manner.
- Develop robust plan for residential wing using learning from other organisations experience e.g, Callander Youth Hostel, Edinburgh Backpackers, Heralds Trust.

## **3.2. COMMUNITY ENGAGEMENT ANALYSIS**

### **WHAT HAVE WE DONE SO FAR?**

- We have engaged with the Community Council and have kept them informed of our interest in the Low Port Centre. They fully support our intention to pursue an asset transfer for the benefit of the community.
- We have had an article in the local 'Black Bitch' magazine, delivered to every house in Linlithgow, to inform local people and ask for interested parties to contact us. Individuals and organisations have begun conversations with us and there has been considerable interest in our plans.
- We have had an initial conversation with Low Port Primary School to inform them of our plans and listen to their concerns about the future use of the Low Port Centre.

- We are in ongoing discussions with both St Michael's Church of Scotland and Linlithgow Community Development Trust and are jointly undertaking a wider Community Consultation exercise in Linlithgow. The outcome of this will give clear insights into the needs and aspirations within the town and will ensure that we are working together to address the needs and use the various premises across the town most appropriately.

## **WHAT WILL WE DO DURING THE COMMUNITY ASSET TRANSFER PROCESS?**

- Engage further with the community by developing the existing relationships which have been identified so far to more clearly define the shared use of the building.
- Consult further with Linlithgow Community Council for support in the planning and development issues and the local impact of the use of the Low Port Centre.
- Investigate and detail further opportunities for community and individual partnerships including any requirements relating to the Community Regeneration team.
- Continue to be part of the Community Consultation led by St. Michael's Church and Linlithgow Community Development Trust, and work together to implement the outcomes identified by the community as they relate to the Low Port Centre building.
- Consult and liaise with local businesses to ensure mutually supportive solutions.
- Consult and engage with Low Port Primary School, as potential neighbours, to prioritise safety for the children.

## 3.3 SKILLS AUDIT

### WHAT HAVE WE DONE SO FAR?

- Initial analysis of manpower, skills, experience and roles required for efficient and successful operation of the Low Port Centre.

### WHAT WILL WE DO DURING THE COMMUNITY ASSET TRANSFER PROCESS?

- Carry out a full skills audit detailing to understand what will be required to successfully operate and run the Low Port Centre.
- Work closely with organisations and individuals who can support and assist us in the process - Scott Hughes, Lynn Mollison, Martin Thomson, Jim Hay, John Kelly, etc
- Investigate funding opportunities for skilled resources and suitably qualified staff

The St John's Church Property Team members who will be working on the Community Asset Transfer application are as follows:

- Billy Fraser - Property team lead who has lived in Linlithgow and been a member of St John's church for 20 years. Has over 40 years business experience in senior management positions in the energy industry and most recently Business Project Director for company wide IT transformation programme.
- Heather Begarnie - Community Development Manager for St John's church responsible for connecting with the local community to find ways to work together for mutual benefit. Lived in Linlithgow for over 14 years and teaches part-time at Springfield Primary School.
- Stuart Aitken - Lead Pastor for St. John's Church. Previously led a similar project as part of role as Operations Director for Central Church, Edinburgh where £150k was raised annually from conference income and income from renting office space.
- Amanda Campbell - Property professional bringing 16 years experience of working in the residential property sector including owning and managing a property business. Lived in Linlithgow and has been a member of St John's Church for over 30 years.



- Richard Steedman - Lived in Linlithgow all his life and has been a part of St. John's Church since a child. Started the "Autobits" business on the High Street in 1997 which is still trading today. Responsible for St John's properties since 2008.
- Andy Clark - St John's Church youth worker who has worked within the church community and wider community for the past 7 years. Has professional training in informal education and community work.
- The St John's Church Trustees is a group of 8 individuals and is chaired by Stephen Pashley, who has led the group since May 2020 and was previously the Church Treasurer from 2009. Stephen is a Chartered Accountant who has lived in Linlithgow since 2008.
- St John's also has access to support from professionals with experience in building structures and professionals with legal experience in Community Asset Transfer applications.

### **3.4 PROGRESS SO FAR SINCE EARLY 2021 WE HAVE:**

- Engaged with Scott Hughes of West Lothian Council regarding the potential for a Community Asset transfer of the Low Port Centre
- Continued to meet monthly with Scott to understand the Low Port Centre in more detail to allow us to complete a detailed feasibility study
- Visited the Low Port Centre on three occasions to fully understand the scope and nature of the building
- Consulted with St John's Church membership on the proposed Community Asset transfer and received full support
- Initially consulted with community groups, organisations and individuals to understand extent of community support
- Carried out onsite non disruptive testing to ascertain extent of repair work required
- Fully reviewed available documentation supplied by West Lothian Council on the Low Port Centre
- Held initial discussions with professionals and technical experts who will be able to assist us if our offer is successful and West Lothian Council confirms our preferred bidder status



**THE COMPLETED BUSINESS PLAN, COMMUNITY ENGAGEMENT ANALYSIS AND SKILLS AUDIT WILL BE ST JOHN'S OPPORTUNITY TO PROVIDE EVIDENCE THAT WE ARE IN A POSITION TO COMPLETE A COMMUNITY ASSET TRANSFER SUCCESSFULLY. IT WILL ALSO GIVE US THE OPPORTUNITY TO UNDERSTAND IF THE BUILDING IS ENTIRELY SUITABLE FOR OUR NEEDS AND IF WE HAVE THE FINANCE AND CAPABILITY TO DO THIS SUSTAINABLY. THERE IS A LONG WAY TO GO BUT WITH DETERMINATION AND THE WILL OF THE COMMUNITY BEHIND US, WE ARE HOPEFUL OF SUCCESS. WEST LOTHIAN COUNCIL WILL UNDERSTAND THAT IT IS UNREALISTIC TO COMMIT TO FURTHER EXPENDITURE ON ALL THESE AREAS WITHOUT CONFIRMATION OF PREFERRED BIDDER STATUS.**



# 4. LEVEL AND NATURE OF SUPPORT

C1

## 4.1 DETAILS OF THE LEVEL AND NATURE OF SUPPORT FROM OUR COMMUNITY


St John's Church has received significant local support for a Community Asset Transfer application from active community groups and individuals including the following:

- Linlithgow Community Council who have stated that they “fully support the proposal for a Community Asset Transfer with St John's Church being the lead partner and overall manager of the Low Port Centre” (See article published in the Black Bitch magazine in sect. 6)
- Linlithgow Community Development Trust who are keen to find ways to partner and work jointly with us, particularly around sustainability, cycling and social enterprise.
- There has been significant community wide support from local individuals and organisations. These are included in sect. 6.

We are also aware that St Michael's Parish Church is involved in a building renovation project which will potentially involve the creation of additional space at Cross House for community purposes. The old library building is also going to be available for community use through the Linlithgow Community Development Trust (LCDT). We are in ongoing discussions with both St Michael's and LCDT and are jointly undertaking a wider Community audit/consultation to ensure that we are working together to meet the needs across Linlithgow and talking about the most appropriate uses of the various premises across the town.

# 5. FINANCE

C1



**ST JOHN'S CHURCH IS OFFERING TO ENTER INTO THE COMMUNITY ASSET TRANSFER PROCESS WITH WEST LOTHIAN COUNCIL FOR THE LOW PORT CENTRE. DUE TO THE SUBSTANTIAL FUNDS REQUIRED TO MAKE THE BUILDING COMPLIANT AND TO RENOVATE AND REFURBISH THE BUILDING WE ARE LOOKING TO ACQUIRE THE LOW PORT CENTRE FOR NO COST. WE INTEND TO RAISE THE FUNDS IN THE NEW COMMUNITY BODY FOR THE NECESSARY WORKS WHICH ARE INITIALLY ESTIMATED AT BETWEEN £1.1M AND £1.5M.**

## 5.1 FINANCIAL CONSIDERATIONS

As part of our internal feasibility study we undertook a financial analysis of the Low Port Centre. We have used information provided by West Lothian Council and West Lothian Leisure to inform our analysis. Included in this information was a condition survey report which had been published on 24/12/16. The purpose of the report was to determine the condition of the property and provide life cycle costs attributed to each element of the property. These costs have been included in the financial projections. Similarly an electrical condition survey report was included with an estimated cost of £250,688 to be carried out over a 5-year period from 2016. For both these reports it has been assumed that any work required in the last 5 years will have to be carried out immediately and any other phased work for years 6-10 will have to be done in the next 1-5 years.

We have also had a visual inspection by an engineer of an area where the condition report indicated that there was significant cracking to the external walls and a window lintel. The preliminary view is that the remedial work could be in the range of £20k to £200k. Further onsite investigation will be required to fully understand the scope and nature of the issue before an accurate costing can be obtained.

All of the above requirements will have to be verified but we have included them in the projections although it should also be noted that these are at 2016 prices and no ROI/ RPI increase has been applied. The more detailed costings which we will carry out during the asset transfer process will require to include the increased building costs for certain materials which are currently rising faster than inflation due to a combination of Covid and Brexit. We have also been advised by professionals that there is a shortage of labour at present which will likely impact on costs and timeline estimates for undertaking the work.

Of additional concern is that this survey undertaken in 2016 is the most recent information available on the condition of the Low Port Centre and no information is available on current condition and any associated repairs and maintenance requirements.

Additionally we estimate that our current operating costs will increase significantly to operate and run the Low Port Centre. Our initial forecasts indicate that these costs may be partially, if not fully, offset by increased income. This will be clarified in our detailed business plan which will be prepared if our offer is accepted.

We are also aware that we will be required to investigate and understand the current planning status of the Low Port Centre and that this could lead to a change of use application for our use of the building. Any development of the building will be in line with the Local Development Plan being aware that the building is within the Linlithgow Palace and High Street Conservation Area and adjacent to Low Port Primary School, with associated safety issues. We will be guided by the West Lothian Council Planning Department regarding planning regulations.



Having considered the additional expenditure and investment which will be required to make the building fit for its renewed purpose, we consider it reasonable that we would not be expected to pay for a Community Asset Transfer of the Low Port Centre.

## 5.2 OUR POTENTIAL OPTIONS FOR FUNDING

Taking these costs into account and including refurbishment costs we have estimated that we will require to raise between £1.1m and £1.5m to make the building compliant and fit for purpose. Following this we will then be required to invest significant sums on an annual basis to bring the building fully up to standard. Raising the required capital is a significant challenge to the viability of the project and will likely be best achieved by combining a range of funding options such as:

- Gifts and donations
- Loans e.g., Stewardship Services who specialise in provision of loans to charities (<https://www.stewardship.org.uk/loans>)
- Specific funding for community and church projects - for example:
  - ▲ UK government levelling up fund – providing investment and infrastructure to improve everyday life in the UK
  - ▲ Community Ownership Fund - UK government fund to help community groups buy or take over local community assets at risk of being lost
  - ▲ Investing in Communities Fund – Scottish Government Empowering Communities Programme
  - ▲ Local Authority fund of £1m to help organisations who have agreed a Community Asset Transfer and require to carry out upgrade work
  - ▲ National Churches Trust - A charity dedicated to supporting places of worship of historic, architectural and community value used by Christian denominations throughout the UK
  - ▲ Allchurches Trust - provides grant funding, advice, resources to support churches and charities to meet community needs and protect heritage buildings/skills in UK
  - ▲ National Lottery Community funding
  - ▲ The Robertson Trust - Community Building Grant for capital funding
  - ▲ Centre for Local Economic Strategies - national organisation for local economies

# 6. OTHER SUPPORTING DOCUMENTATION



## 6.1 EVIDENCE OF COMMUNITY SUPPORT

Attached is an article from the Black Bitch magazine and letters of support from:

- The New Well
- Linlithgow Young People's Project
- Linlithgow Community Development Trust
- The Heralds Trust
- West Lothian Sailing Club
- Lochside Playgroup
- 1st Step
- Linlithgow RAF Air Cadets
- Linlithgow Contract Bridge Club
- Linlithgow Folk Festival Association
- Scotch Hop
- Linlithgow String Orchestra
- Linlithgow Players
- Linlithgow Speakers
- Enjoyaball
- Far from the Madding Crowd bookshop
- First Adventures Parents' Forum
- Laura Cumming



# TACKLING TWO MAJOR COMMUNITY ISSUES

## LINLITHGOW COMMUNITY COUNCIL HIGHLIGHTS THE ISSUES

### Low Port Centre - what next?

Low Port Centre was conceived as a purpose-built outdoor pursuits centre, promoted by Mel Gray, constructed by Lothian Regional Council, and opened in 1987. Low Port Centre was initially managed by a dedicated committee of local residents to provide outdoor education facilities for young people locally, and from all parts of Scotland and indeed overseas. The centre provided catered residential accommodation for up to 36 people. It contains a games hall, an indoor climbing wall, lounge, general purpose room and café. Water sports on Linlithgow Loch and climbing at nearby crags and quarries were popular, with many courses run during school holidays. West Lothian Council adopted the ownership and the running of the centre in 1997.

**In 2017 West Lothian Leisure took on the tenancy of Low Port Centre from West Lothian Council and continued to provide a more limited offering of outdoor education.**

On 1st January 2020 the residential wing was closed and the centre became a day centre. In late February 2021, West Lothian Leisure announced their plans to give up their tenancy (which should run until March 2022) to vacate the site and provide outdoor learning and activities from other locations in West Lothian.



On 23rd February 2021, responding to a Facebook leak of West Lothian Leisure's intentions to close Low Port Centre, Linlithgow and Linlithgow Bridge Community Council included a discussion of the future of Low Port Centre at its monthly online public meeting. Representatives of Lochside Playgroup spoke of their concern at the sudden closing. **Councillor Tom Conn** stated that if a group wished to take forward an asset transfer then West Lothian Council had information on the condition of the building and running costs which would be freely available.

At the March monthly online public meeting of the Community Council, **Heather Begarnie, Community Development Manager for St John's Church and Manager of the New Well**, introduced the aspirations of St John's Church and the New Well to consolidate and expand its activities in new premises. Heather is currently at an early stage of discussions with West Lothian Council to consider the feasibility of using the Low Port Centre and the possibility of a Community Asset Transfer. St John's Church and the New Well are keen to consult with local organisations to determine the most beneficial ways to partner across organisations to share space and join up services and activities. They envisage any space being multiuse, supporting the local community whilst also meeting the needs of St John's church members. Heather emphasised their enthusiasm to talk with any individuals and/or organisations who are interested in being part of the conversation about the future of Low Port Centre.

**The Community Council fully supports the proposal for a Community Asset Transfer with St John's Church being the lead partner and overall manager of the Low Port Centre.**

### Linlithgow Community Council

Linlithgow and Linlithgow Bridge Community Council hold a public meeting each month to discuss matters of interest to residents. Previous articles in the Black Bitch have described town planning matters on which a community council has a statutory right to be consulted. This article describes two other recently discussed matters which are of importance to the community.





4 August 2021

To whom it may concern.

### **Support for St John's Church Community Asset Transfer of The Low Port Centre**

The New Well is actively supporting St John's Church as they seek to take over the ownership and running of the Low Port Centre building for church and community use.

The New Well is a charitable organisation (SC050173) which has been established from St John's Church and retains a very close connection with the church.

The charitable purpose of The New Well is the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage. The New Well's vision is to journey towards a flourishing community where people experience hope and connection. The strategy is to bring this through enhancing emotional, financial and spiritual wellbeing by providing community support services.

The New Well requires space for:

- Counselling sessions (3-4 small rooms to be used most weekdays)
- Job Club (weekly session and additional 1:1 support each week)
- Oasis café (for those struggling with poor mental health)
- Drop in community café
- Befriending support
- Money Management and Life Skills courses
- Training courses and events

The Low Port Centre would provide suitable accommodation for The New Well to expand and develop services. It would also allow us to work in closer partnership with other organisations with whom we already have good links such as LYPP and 1<sup>st</sup> Step as well as with St John's Church.

Kind regards,



Chair of Trustees, The New Well





29 The Vennel  
Linlithgow  
EH49 7EX

C1

August 12<sup>th</sup>, 2021

Dear West Lothian Council,

As St John's church in Linlithgow begin the journey of finding a new premises in the town, we would like to extend our support in their desire to secure the Lowport Centre as part of a community asset transfer. St John's Church and Linlithgow Young People's Project have a long standing partnership with LYPP being established by St John's Church and St Michael's Parish church more than 30 years ago. Over the decades we have worked together to provide many community events, often partnering together to run joint provision on Marches Day, youth work events and schools work in the town as well as drawing on the members of St John's as part of our volunteer base.

LYPP reaches around 1000 young people each year and employs 5 staff. We have 2 sessional staff, funded by Stewart Investors and West Lothian Council as well as a strong volunteer base. LYPP is a community based youth project which aims to support young people in all aspects of their development. The central focus of our work is to foster a sense of 'hope' in the lives and circumstances of the young people we work with, many of whom are disadvantaged. We do this by engaging them in relevant activities, enabling them to express themselves in a wide variety of ways and by creating opportunities for them to learn about themselves and develop new skills.

LYPP has 5 main areas of work which include 2 weekly sessions at our Youth Centre, 'Lounge', (topic based discussion, activity programmes and accredited learning opportunities) Schools work (Linlithgow Academy, Lowport Primary, Linlithgow Primary and Bridgend Primary), Holiday Programmes (low cost holiday programmes throughout Easter, Summer and October), Mental Health (focussed group work, Mental Health Champions programme at Linlithgow Academy, schools based mentoring and Youth Counselling service) and our work in Bridgend, a small village just outside of Linlithgow (2 youth clubs, football project, accredited learning opportunities, mentoring and schools work).

We plan, deliver and evaluate all our work around the following 5 outcomes:

- 1- Increased capacity to make informed, positive and healthy lifestyle choices
- 2- Increased belief in self and ability to achieve goals
- 3- Increased sense of belonging and ability to take responsibility for the communities of which they are part
- 4- An increase in young people taking steps towards positive destinations in education, employment or training
- 5- Increased number of young people developing key life skills

Our commitment to working together is still strong and since we ourselves are to lose our premises for the last 21 years (our site in the Vennel, Linlithgow is currently up for sale), we would be interested in discussing how the Lowport Centre could work for some of our needs too.

Kind Regards,



---

Linlithgow Young People's Project is a charitable trust  
Scottish Charity Number SCO19826

## Acquisition of the Low Port Centre

Dear [REDACTED]

I am delighted, as Chair of the Linlithgow Community Development Trust (LCDT), to write in support of St. John's/ New Well acquiring the Low Port Centre for community use. I know from our informal discussions that you and friends are very open to suggestions that will complement and enhance the community use of the building. In particular, we at LCDT see common areas of activity around at least three topics - active travel and cycle repair use/ activities, tourism ( we think the Cycle Circuit when constructed will bring a new tourist sector to the town ) and the promotion of renewable energy.

All good wishes for a successful outcome on the asset transfer.

[REDACTED]

Chair, Linlithgow Community Development Trust (LCDT)



**From:** [REDACTED]@theheraldstrust.org>

**Sent:** 29 August 2021 15:37

**To:** [REDACTED]@gmail.com

**Subject:** Low Port Centre Linlithgow

Dear [REDACTED]

The Heralds Trust Go Teams & Interns Accommodation- Low Port Centre

Further to our meeting I can confirm we will be withdrawing our note of interest with West Lothian Council for the Low Port Centre.

We will now explore opportunities to be a preferred stakeholder partner to use accommodation and training rooms of Low Port Centre directly through St John's Church.

We had over two hundred visitors join our gospel go teams in 2019 prior to Covid and expect teams to start again in Spring 2022. An average stay is 7 -10 days. We look forward to working with you in the coming months in this partnership.

Please don't hesitate to contact me if you require further information.

Gods best,

[REDACTED]

Director of Ministry

██████████  
Community Development Manager  
St. John's Church  
Linlithgow, West Lothian EH49 7EN



**West Lothian Sailing Club – WLSC**

██████████  
██████████@gmail.com  
2<sup>nd</sup> August 2021

Dear ██████████

I write with the backing of and on behalf of **West Lothian Sailing Club** with the strongest possible support for the plans in progress to bid for the retention of the Low Port Centre, Linlithgow, by means of a community asset transfer, for future use by the community and organizations that have had the benefit of operating out of the Low Port Centre for many years to date.

**West Lothian Sailing Club** was constituted as a club around the year 2007 and has been in continual operation since then. The club was founded on the back of a highly successful After Schools Sailing Programme based at the Low Port Outdoor Education Centre. This enabled youngsters who had come through the programme to continue exploring and developing their sailing and windsurfing skills in their own time whilst attracting parents and other adults to frame an enthusiastic, fun loving, lively and entertaining community organization with water sports at its heart. The club was always going to use the Low Port Centre as its base owing to a number of key factors:

- Access to sailing/windsurfing equipment
- Access to suitable safety and wet gear clothing
- Access to changing facilities
- Access to a drying room
- Access to toilet facilities
- Access to safety boat and tender
- Access to rooms for committee meetings
- Access to Linlithgow Loch

The club has also used the catering facilities during fund raising events, the accommodation facilities during international exchange visits with clubs visiting us from Germany, the lounge facilities during awards ceremonies, the barbeque area and the sports hall.

**West Lothian Sailing Club** has therefore always had a very close alliance with the Low Port Centre, so much so that its continued existence as a club relies wholly upon it being able to gain access to the above facilities through written agreements and suitable agreed charges levied for their use.

The COVID-19 pandemic lockdown has prevented the club from meeting to sail since the close of the sailing season in November 2019 but we have continued as a committee to meet and discuss the ways and means of returning to sailing throughout the period since March 2020.

Despite the Centre being closed, the club is once more about to embark on a late sailing season from 4<sup>th</sup> August 2021 to 31<sup>st</sup> October 2021 now that COVID restrictions have eased.

The restrictions imposed by the Centre being closed has made this arrangement extremely difficult to achieve but we are determined to continue to operate as a sailing club on what is one of the most iconic stretches of water in Scotland. With its stunning backdrop and an ideal sail training environment, Linlithgow Loch provides a fantastic place for families to come together on the water for life giving leisure activities each week.

Continued access to the Low Port Centre as a base for the club will allow it to continue to thrive as a community organization that attracts young and old alike onto the water in a safe and carefully managed fashion and under the governance of the Royal Yachting Association (RYA).

As an absolute minimum, the sailing club needs to be able to retain access to the secure Yard, the Fuel Store, the Peel Gate, the Lochside Shed, the Changing Facilities and the Toilet Facilities to be able to operate at all. Additional preference would be for retaining access to the workshop for carrying out boat repairs and to a committee/club room to serve as a base for club members to meet together on non-sailing occasions. The club would seek to purchase its own vessels in the event that the existing equipment are disposed of through sale or auction.

The club strongly supports the bid to see the Low Port Centre transferred to the community of Linlithgow through a community asset transfer agreement, which would allow the club to continue as a thriving entity for outdoor water sports leisure activities for years to come.

Sadly, West Lothian Sailing Club will not survive in the absence of access to the Low Port Centre and under its constitution would be required to call an AGM or EGM to dissolve the club and dispose of its assets. This would be a catastrophe for the community and for the club members and it is unlikely that sailing would ever take place again under the auspices of such a sailing club as the one currently operating on Linlithgow Loch out of the Low Port Centre.

I hope that this does not come to pass and that instead, through the asset transfer agreement, access to the facilities provided through the Low Port Centre will continue to allow many youngsters, adults, families and friends to learn and enjoy the pleasures and freedoms of sailing on Linlithgow Loch in future years.

With warm regards



 (WLSC Committee Member)  
For and on behalf of WLSC



C1  
'Gowan Cottage'  
13 Strawberry Bank,  
Linlithgow  
EH49 6BJ

[lochsidecommittee@yahoo.com](mailto:lochsidecommittee@yahoo.com)  
[lochsideplaygroup@yahoo.com](mailto:lochsideplaygroup@yahoo.com)

St John's Church  
1 Union Road,  
Linlithgow,  
EH49 7DY

Date: 03<sup>rd</sup> August 2021

To Whom it may concern,

### **Letter of support**

Lochside Playgroup, an established community-run charity childcare provider in Linlithgow for children aged 2yrs 3mths – 5 years (the last of 5 playgroups that have operated in the town), would like to voice our support for the proposed Community Asset Transfer of ownership of Low Port Centre to St John's Church and their New Well Charity.

Our Playgroup has used Low Port Centre for approximately 7 years and with a heavy heart we have had to vacate the building due to the closure of the centre. Low Port Centre was such a wonderful space for our children and families to use, particularly due to its accessibility to various high-quality outdoor spaces, which more than satisfied both Scottish Government and Care Inspectorate early years outdoor childcare standards – the children went on daily walks to the peel to immerse themselves in the history of the town whilst they played in the shadows of Linlithgow Palace, they used the swings, fed the swans and also had access to the 'Secret Garden' (a wildlife garden owned by West Lothian Council that Low Port Centre users used as well as Low Port School). In addition to this, the central location of Low Port Centre and its parking provision made it the perfect space for us – we regularly ventured out into the location community and frequently visited the local Independent Bookshop for story time and to choose our books on World Book Day. Whilst we continue to try and negotiate our relocation to other premises in the town we are well aware that no other space in Linlithgow can offer us such a high quality learning environment.

We really feel that the people of Linlithgow, particularly young people and their families, should be able to continue using Low Port Centre for years to come. We would like to be considered as a local community group that would use Low Port Centre when St John's/New Well take ownership of the premises.

We wish St John's the best of luck – as a church which has children, families and the local community at its very core they would be a perfect fit as owners of Low Port Centre going forward.

Kind regards,

Chair of Trustees, Lochside Playgroup





### ***Inspiring Recovery Together***

***Working towards communities that make addiction recovery real. That means challenging stigma, supporting people to see their own strengths, and creating opportunities for them to rebuild social connections and find purpose and fulfilment in their local communities***

To whom it may concern,

1<sup>st</sup> Step is a local charity that supports individuals and families affected by addiction and mental ill health in their recovery journeys. We provide safe spaces, and opportunities that empower people to improve their lives and make positive contributions to our community.

1<sup>st</sup> Step is now a well-established charity supporting many individuals and families facing challenges and disadvantage. Our successful 1<sup>st</sup> Step Bike project refurbishes donated bikes, and offers a variety of training and participation opportunities that help people develop “recovery capital”, reduce waste and promote healthy, sustainable travel. It was established at the Linlithgow Recycling Centre and has now developed, despite the challenges of COVID-19 to require additional space to be able to support more participants.

We have worked in collaboration with St. John’s Church for a number of years. 1<sup>st</sup> Step have benefited from their support, particularly in pre-COVID-19 times when St. John’s have hosted our monthly sales of refurbished bikes.

1<sup>st</sup> Step is supportive of the application by St. John’s Church for the asset transfer of the Lowport Centre building in Linlithgow because, in collaboration with other partners it has the potential to become an extremely valuable community asset.

The Lowport Centre has the potential to provide a friendly, safe environment for people, many of who are very anxious, to attend supported training courses. Our current Recycling Centre base will always be essential to 1<sup>st</sup> Step Bikes to be able to refurbish donated bikes and provide additional training space but, particularly during the winter the Lowport would provide an essential warm, safe, community space enabling us to offer a more supportive environment to beneficiaries and be able to support a higher number of people referred to us by a diverse range of agencies.

The space would also enable us to offer our volunteers further opportunities to repairs bikes for local people and families and thus promoting and enabling cycling in Linlithgow and beyond. This opportunity would create local employment of people far from the workplace and has the potential to improve 1<sup>st</sup> Step Bikes financial sustainability.

Yours faithfully,

A black rectangular box redacting the signature of the Development Manager.

Development Manager

1<sup>st</sup> Step Development Ventures



**439 (Linlithgow) Squadron**  
**Commanding Officer**  
**Barkhill Road**  
**Linlithgow**  
**EH49 6BY**

Tel: [REDACTED]  
 Email: [oc.439@rafac.mod.gov.uk](mailto:oc.439@rafac.mod.gov.uk)  
 Scottish Charity No: SC024676

25 Aug 21

To whom It may concern,

### **ST JOHN'S CHURCH LINLITHGOW – LOW PORT APPLICATION**

I am writing in full support of St John's church intention to secure ownership of the Low Port centre in Linlithgow. I believe this is a wonderful opportunity to come together as a community and for the RAF Air Cadets to work in partnership with our Church.

Information on the RAF Air Cadets can be found on our national website <https://www.raf.mod.uk/aircadets/>. We are a military youth organisation open to 12–20-year-olds throughout the United Kingdom and we offer a wide variety of opportunities to our Cadets and, in Scotland, our training is accredited by the SQA to ensure our Cadets are awarded recognition of their efforts on their exam certificates.

The aims of the Air Training Corps are:

1. To promote and encourage among young men and women a practical interest in aviation and the Royal Air Force (RAF).
2. To provide training which will be useful in both the Armed Forces and civilian life.
3. To foster a spirit of adventure and to develop the qualities of leadership and good citizenship.

By having access to the Low Port centre, through St Johns, we would be able to deliver these aims in a variable learning environment. We would plan to use the centre for a variety of classroom and adventure training activities. We would be interested in undertaking canoeing and kayaking on Linlithgow Loch while utilising indoor spaces to teach our syllabus and explore key learning areas such as STEM, leadership and citizenship. Additionally, we are part of South East Scotland Wing which yields around 300-400 Cadets. The opportunity to use the centre would be available to these Cadets through my Squadron in partnership with St Johns.

As a Squadron, we accept Cadets throughout the West Lothian & Falkirk council areas. Our Cadets and Staff are from a wide variety of socio-economic backgrounds; indeed, I would argue that we yield cadets from extreme ends of the spectrum and the importance of having a local training resource, with minimum cost to the participant, is paramount to ensuring equal opportunities for our Cadets.

I would be happy to provide further information should it be required.

Yours faithfully,



**Flight Lieutenant RAFAC**

The Aims of the Air Cadets are:



1. To promote and encourage among young people a practical interest in aviation and the Royal Air Force.
2. To provide training which will be useful both in the Service and civilian life.
3. To foster the spirit of adventure and to develop the qualities of leadership and good citizenship.



61 Beechwood  
Linlithgow  
West Lothian  
EH49 6SE

28<sup>th</sup> July 2021

**Low Port Centre – Linlithgow Contract Bridge Club**

To whom it may concern,

Before the Covid-19 pandemic, Linlithgow Bridge Club held club competitions two evenings a week in the Burgh Halls throughout the year. Separately, we also had league matches against other clubs, with the home matches taking place at various places around Linlithgow, none of which were ideal. I'm fairly new to the club, but I don't believe there has been a settled venue for home league matches for some time.

Since the March 2020 lockdown and the ongoing restrictions, the club has been unable to meet to play face-to-face bridge and so we have resorted to playing club tournaments and matches online. This has been very successful so, with the convenience of playing online, I would imagine some online bridge will continue even after the club is able to meet in person again. It is therefore difficult to estimate precisely the demands our club would have on any venue in future, but I would imagine it would be a minimum of two evenings a week, for a minimum of three hours for each session. It is unlikely to be more than three evenings a week.

For a small club with a small income, renting the Burgh Halls is quite expensive and is the major outgoing from the club. We also use two different rooms for the two different club nights, neither of which is perfect. If there was an alternative venue in the town that had a room suitable for playing bridge, the club would be very interested, particularly if there was a facility for making our own teas and coffees. The room would need to be able to host typically around 24 people seated at 6 small tables, although it may sometimes be higher than that, say, 32 at 8 tables.

If you require any further information, please contact me.

Sincerely,



Secretary Linlithgow Contract Bridge Club

@gmail.com





[www.linlithgowfolk.com](http://www.linlithgowfolk.com)

8 Chalmers' Buildings  
Main Street  
Linlithgow Bridge  
EH49 7EN

July 30<sup>th</sup> 2021

[REDACTED]  
c/o St John's Church in Linlithgow  
183 High Street  
Linlithgow  
EH49 7EN

Dear [REDACTED]

I am writing on behalf of the Linlithgow Folk Festival Association (LFFA) to formally offer our support to St John's Church in its endeavours to obtain an Asset Transfer of the Low Port Centre.

Our Association was first established in 1998 and our main aim is to foster interest and participation in traditional music, dance, and song in all its various forms. To this end, we organise a five-day festival in Linlithgow in the second week of September, as well as music sessions, ceilidhs, and other events throughout the year. We are particularly keen to encourage young people and our Festival organises a Youth Showcase and outdoor stage at the Cross, where under-eighteens can perform at the very heart of the Festival.

Given the dearth of performance space in Linlithgow, we would envisage using the hall at the Low Port Centre for smaller concerts and the various rooms for meetings and workshops. We would like to start music sessions for young people and the Low Port Centre would provide us with facilities to do so, thereby avoiding having to take under-age people into licensed premises.

It would be very beneficial to our Festival – and to the town as a whole – if there were greater visitor accommodation in Linlithgow.

To this end, LFFA would be very supportive of some of the land at the Low Port Centre being used to create an official motorhome stopover site.

A stopover site would increase the range of accommodation options in the town, not only during the folk festival but throughout the year. Every year the LFFA receives queries as to whether motorhome parking is possible in the town, and we know that several motorhomes park informally overnight at the loch during the festival. A stopover site at the east end of the loch would provide visitors with an attractive and quiet place to stay with easy access for the town and would reduce pressure on the already busy loch car parks. It would be a great asset to the Folk Festival, and other events such as Party at the Palace, Jousting, Riding of the Marches etc, to be able to publicise that motorhome parking is available.

With ever-increasing numbers of motorhome and campervan owners keen to explore Scotland, there is growing demand for overnight parking sites. The vast majority of motorhome owners are responsible, prefer to stop in places where parking is permitted, and are happy to pay a modest sum to support communities and locations which offer such parking. A stopover site would generate income for the trust/organisation operating it, as well as generating wider income for the town businesses which would benefit from the overnight custom (bars, restaurants, cafes, shops).

Motorhome stopovers are not fully-fledged caravan sites. Some simply provide a sanctioned place for parking for motorhomes and campervans which are self-sufficient, while others also provide some amenities (e.g., fresh water, grey water disposal, chemical waste disposal point, electric hook-ups).

Some more informal sites with no amenities are free or operate an honesty box scheme (e.g., at West Wemyss harbour, there is a request for donations for the harbour restoration fund, and at Kinlochleven there is a request for donations for general village upkeep). Other sites require payment online or at a staffed community centre (e.g., Lochore Meadows Country Park). A typical fee is £10 for basic amenities such as fresh water or waste disposal, increasing to £15 or £20 with electric hook-ups. This is a list of some of the stopover sites currently operating in Scotland: <https://www.ukmotorhomes.net/uk-stopovers/motorhome-stopover-listing/#Scotland>

The members of the Folk Festival Association wish you every success in your endeavours and look forward to hearing of a successful outcome.

Yours aye



Director

Linlithgow Folk Festival Association



3 Aug 2021

Dear [REDACTED]

I am writing in my capacity as a Trustee of Linlithgow Scotch Hop Scottish Charity (SCIO) SC046165.

Low Port Centre has been the wet weather venue for our annual programme of traditional Scottish Dancing for many years.

Our programme takes place each year for 5 Wednesdays during July and August and offers a dance programme for all in the Courtyard of Linlithgow Palace. On evenings when weather forecast is poor, we decant to Low Port and use the large hall, one of the upper floor rooms, associated communal corridor space and WC provision. We attract a wide range of participants from all over the world as well as people from across central Scotland. Some of these dancers have been regulars for years. We attract High quality Scottish Dance bands who are keen to take part.

Low Port Sports Hall is the only Hall of suitable size for these events in Linlithgow that is easily accessible from the Railway Station and town centre Bus Stops. It is easily located by visitors and strangers to the town and close enough to the Palace to enable visitors to change direction on wet evenings. It's loss would require us to reduce the number of participants on wet evenings and result in reduction of ticket sales.

Linlithgow Scotch Hop would unreservedly support any initiative that offered continuity of use into the future. On behalf of the Trustees and participants we wish you well with your efforts to take control of the premises.

Regards,

[REDACTED] Trustee,

[REDACTED] Linlithgow [REDACTED]

Our Website can be viewed at [www.Scotchhop.org.uk](http://www.Scotchhop.org.uk), also on Facebook





**Re: LETTER OF SUPPORT**

Linlithgow String Orchestra  
c/o [REDACTED]  
'Gowan Cottage'  
13 Strawberry Bank,  
Linlithgow  
EH49 6BJ

[linlithgowstringorchestra@gmail.com](mailto:linlithgowstringorchestra@gmail.com)

St John's Church  
1 Union Road,  
Linlithgow,  
EH49 7DY

Date: 03<sup>rd</sup> August 2021

To Whom it may concern,

Linlithgow String Orchestra would like to voice our support for the proposed Community Asset Transfer of ownership of Low Port Centre to St John's Church and their New Well Charity.

The Low Port Centre is such a wonderful space that the people of Linlithgow should be able to continue using it for years to come. In terms of Linlithgow String Orchestra, we would like to be considered as a local community group that would use Low Port Centre for our rehearsals and/or concerts. This would be of benefit to the players in the orchestra as the high-quality facilities on offer, a namely the size of the hall and parking, would provide us with extra space to grow and to potentially evolve into a Symphony Orchestra. Having concerts at Low Port Centre could also bring members of the community into the centre.

We wish St John's all the best as there would be no better custodian of Low Port Centre than a church which has community at its very core.

Kind regards,

[REDACTED]

[REDACTED]

President, Linlithgow String Orchestra

70 Kettil'stoun Mains  
 Linlithgow  
 EH49 6SL

West Lothian Council,  
 With Reference to –  
 The Low Port Centre,  
 Linlithgow

28<sup>th</sup> July 2021

Dear Sir, Madam

I am a member of The Linlithgow Players. We are an amateur dramatic group based in Linlithgow.

During a "normal" year we present several productions, all aimed at the Linlithgow community. Our year starts with a Pantomime, involving young people from local schools and staged at the Academy theatre. Followed closely by a Spring Production and this has been staged at various venues including Donaldsons' School and the Star and Garter. We then prepare ourselves for full costume re-enactments at Linlithgow Palace. Our Autumn show, composed of several short plays is a very popular 'dinner' theatre – normally staged at Linlithgow Primary School.

For all of these shows we used rooms at The Low Port Centre for evening rehearsal. At least one room twice a week, 7.30 – 10pm, for most weeks in a year.

In the future we would like to be able to use the Low Port Centre as follows:

- as rehearsal space for our productions – two evenings a week, 7.30pm – 10pm, normally Tuesdays and Thursdays. Occasionally, for our Autumn show, we will need an extra room twice a week.
- as rehearsal space for larger productions, using the hall or canteen area. Especially when we are rehearsing the Pantomime and have a cast of up to 40.
- as a space to offer drama classes and workshops for Linlithgow residents of all ages. These would probably be at weekends.
- finally, we would like to use the Low Port Centre as a theatre. It is very likely that the Academy and Linlithgow Primary School halls will not be available for audiences for the foreseeable future, and this will have an incalculable impact on local amateur theatre, both musical and drama. If the Low Port Centre is transferred as an asset for the community, we would support the purchase of portable staging and lighting equipment in order that the large hall, and other large areas of Low Port Centre, could be, occasionally, transformed into much needed theatre space.

If you need any further information from me, I can be contacted at this email address,

@yahoo.co.uk.


Yours truly,



Committee member – The Linlithgow Players

78 Acredales  
 Linlithgow,  
 West Lothian  
 EH49 6JA

27<sup>th</sup> July 2021

  
 Community Development Manager  
 St John's Church,  
 183 High Street,  
 Linlithgow,  
 West Lothian,  
 EH49 7EN

Dear 

Re: Support from Linlithgow Speakers for the Asset Transfer of the Low Port Centre to St.John's Church

Further to our previous correspondence, I am writing to you in my capacity as Treasurer of Linlithgow Speakers, to add our sincere support for the Asset Transfer of the Low Port Centre to St.John's Church.

Linlithgow Speakers (<https://linlithgowspeakers.org.uk>) is a not-for-profit volunteer group which is part of the Toastmasters International (<https://www.toastmasters.org>) organisation. We aim to provide a safe, low-cost and encouraging forum in which members can develop their communication and leadership skills.

Since our formation, in 2005, we have supported well over 100 members from very diverse backgrounds and occupations, living not only in the Linlithgow community but throughout West Lothian and beyond. Many of our members have reported advancements in their careers due, in part, to their Toastmasters experience with Linlithgow Speakers.

In 2008, we moved from our initial location to use The Lounge at The Lowport Centre, where we continued as a customer until 2019. The Lowport Centre proved to be an ideal location for us as it offered the following benefits...

|                   |  |
|-------------------|--|
| Central location  | Spacious, well-lit and heated room with audio/visual equipment |
| Car parking       | Internet access  |
| Wheelchair access | Low-cost   |


Not only did we use The Lowport Centre for our regular fortnightly meetings, we also hosted numerous Toastmasters contests which brought people, often upwards of 50, from all over Scotland to Linlithgow.

Following various changes in management at The Lowport and accompanying price increases, we were unable to sustain our usage and left to new, smaller and less ideal premises, in 2019.

Given the potential ongoing social distancing requirements of Covid, we feel a return to a larger space would be wiser for our existing and new members. Hence our desire to return to The Lounge at The Lowport Centre and our sincere support for a swift and successful Asset Transfer of the Low Port Centre to St.John's Church.

Wishing you and everyone at St.John's Church success with your Asset Transfer application.

Yours sincerely

  
 Treasurer, Linlithgow Speakers

**Subject:** Low Port

**From:** [REDACTED]@blueyonder.co.uk

**To:** [REDACTED]@stjohnslinlithgow.org

**Date Sent:** Friday, August 6, 2021 7:55:34 PM GMT+01:00

**Date Received:** Friday, August 6, 2021 7:55:35 PM GMT+01:00

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Hi [REDACTED]

It was with much sadness that I read about the demise of the Low Port Centre. I've run Enjoy-a-Ball in Linlithgow for 16 years now and run many a childrens party at Low Part. It's a wonderful facility with a great games hall, break out rooms for the birthday snack and ample parking. It's an ideal for many activities and just the type of asset that every community needs as we battle growing obesity and falling childrens activity levels.

It would be an absolute travesty for the town to lose such an important asset and I wish you every success in your campaign.

Once gone it can't be resurrected and a long term view needs to be taken to safeguard the well being of future generations

Good luck

[REDACTED]

VOTED BEST UK ACTIVITY FOR CHILDREN AGED 5 TO 12 IN 2010, 2012 & 2013  
We also offer children's parties and holiday camps!

[REDACTED]  
[REDACTED]  
Edinburgh

EH14 3EZ

Tel: [REDACTED] / 0333 [REDACTED]

Email: [REDACTED]@enjoy-a-ball.com

Web: <http://www.enjoy-a-ball.com/>

Facebook: <https://www.facebook.com/-!/pages/Enjoy-a-Ball-South-Queensferry-Linlithgow/139843829390854>

Click here to see Enjoy-a-Ball featuring on the CBeebies show Mighty Mites!  
<http://www.youtube.com/watch?v=oGuMeKz4IW4>





10<sup>th</sup> August, 2021

To Whom It May Concern,

I am writing today in support of St John's Church Community Asset Transfer Request for the Low Port Centre here in Linlithgow. I can't think of a better organisation than St John's to be the curators of this important community asset in Linlithgow.

For a town of our size, we simply don't have that many spaces that can be used for community groups or events, and we would love to see Low Port Centre being maintained for such a purpose.

I founded the West Lothian Schools Book Festival in 2015, it is currently homeless as the marquee where it was held for five years doesn't look like it's coming back for the Civic Festival. In 2019 - the last time we ran the festival in a physical space - it lasted for three days: more than 1200 West Lothian school pupils attended a book festival, for free, right here on their doorstep. We are hoping to run the festival in a physical space again in 2022, and the Low Port Centre would be an ideal location.

The festival is just one example of how we would use the Low Port Centre for community-based events that are good for everyone here in Linlithgow and the surrounding area, and this is why I am happy to fully support the Community Asset Transfer request as we know how many other groups and organisations would benefit from the space.

On a personal level, I grew up in Linlithgow and was lucky enough to enjoy all the positives of having such a wonderful community asset right here in the centre of town, to think that future generations of children and people of all ages won't be able to use the space for similar activities is just unbelievable.

If there is anything else we can do to support the St John's bid, we are happy to do so.

Many thanks for your time,

[Redacted Signature]

[Redacted Name]

**Manager**  
**Far From The Madding Crowd**  
**Linlithgow's Award-Winning Bookshop**  
**Best Independent Bookshop in Scotland, 2017 & 2021**  
[www.maddingcrowdlinlithgow.com](http://www.maddingcrowdlinlithgow.com)

**Subject:** Low Port Centre

**From:** First Adventures Parents Forum <faparentsforum@mail.com>

**To:** [REDACTED]@stjohnslinlithgow.org, [REDACTED]@yahoo.co.uk

**Date Sent:** Monday, August 9, 2021 6:54:15 AM GMT+01:00

**Date Received:** Monday, August 9, 2021 6:54:16 AM GMT+01:00

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Dear [REDACTED]

We are writing in support of St Johns' Church application for a community asset transfer of the Low Port Centre.

The First Adventures Parents' Forum have used the Low Port Centre for our parties for some years. Every year (pre-pandemic) the Parents Forum host parties for the parents and children of the nursery, which are a rare opportunity for parents to meet and they assist the beginning of some very important childhood (and adult) friendships. The central location and size make it perfect. The year that the hire charges were increased by West Lothian Leisure we looked at alternative venues but they all had significant disadvantages such as excluding people without a car, already being fully booked for weekly activities or not big enough.

The last couple of years that we used the Low Port Centre we felt that the management was very poor. Some simple changes, some vision and some good management skills would make the Low Port Centre thrive again, and we feel that based on St Johns' activities elsewhere in the town the church would have the ability to do this.

We very much hope that West Lothian Council will see the value that you will be able to give this venue once again.

Yours sincerely,

First Adventures Parents' Forum

[REDACTED]

To Whom it May Concern, West Lothian Council

I have learned from the people of Linlithgow, and from senior figures in Scottish politics and culture, that the future of the Low Port Centre is now in doubt – and with it the fate of the mural painted directly upon its wall by my late father, James Cumming RSA RSW.

This is a work of incalculable value. It was his last and largest masterpiece, the award-winning glory of his celebrated career and 'the triumph of his mature style', in the words of the Scotsman's art critic. Although his paintings are in museums all over the world, from the Scottish National Gallery of Modern Art to the Museum of Modern Art in New York, as well as numerous private collections, this work is unique. It is his only public mural.

It was commissioned for the citizens of Linlithgow precisely to represent their lives as a community – within a community centre. It is a highly original depiction of the very people who would look at it, those who would come in and out of the centre, who would walk up and down the staircase. Past, present and future citizens are united in this great riverbank vision beneath a crescent moon, where time expands to embrace old and young across the centuries. Not for nothing is it called *The Community: A Festival of Time*.

A mural is an exceptional form of communication. It speaks to those who pass, often by chance; it brings art to those who might not ordinarily see it. It can represent a better world – as in Michelangelo's Sistine Chapel – or fix images in the mind, in the case of Leonardo's Last Supper. And it can reflect society back to itself, as at the Low Port Centre. Cumming's mural is not just a work of immense poetic imagination, it is also a historic record of humanity, from the Scottish veteran to the future astronaut.

Murals cannot be treated in the same way as other images because they are painted directly on to the wall. They cannot be separate from the substance on which they are painted; they cannot be taken down like a picture in a frame. To move a mural is to move the whole wall. This has only very rarely been achieved in the history of art, generally in the case of Renaissance murals by Mantegna and Piero della Francesca. It requires million dollar funding and extremely specialised technology.

Any attempt to move James Cumming's mural in tact upon its wall, from the Low Port Centre, would require this exorbitantly expensive technology.

And any attempt *without* it, on the part of a future owner, would be an unprecedented act of cultural vandalism – for it would amount to nothing less than the destruction of a great and famed work of post-war Scottish art.

For further context, I am attaching the relevant extract from a book on the art of James Cumming and an article by Sandy Wood at the Royal Scottish Academy.

I appeal to you to reconsider all attempts to lose control of this historic building and its mural to a private buyer. Above all, I – and all the signatories below - ask that you guarantee to protect this mural in perpetuity, as a priceless asset and a landmark of cultural heritage, which is now being considered for its Historic Environment Scotland listing.

[REDACTED]

[REDACTED] Chief Art Critic, The Observer

[REDACTED]

[REDACTED] PRSA, RSA President

[REDACTED]

[REDACTED] RSA Collections Curator

[REDACTED]

[REDACTED] RSA, RSA Secretary

[REDACTED]

[REDACTED] RSA, RSA Treasurer







## Appendix 4

### Business plan information

To allow St John's Church to make a decision on whether or not to progress with an offer for the Low Port Centre we conducted a comprehensive feasibility study. This study provided the information required to make an informed decision on whether or not to proceed with a Community Asset Transfer application for the Low Port Centre. Some of the information and part of the financial analysis has been included in the attached spreadsheet to demonstrate to WLC the approach which has been undertaken so far.

If our application is successful then the feasibility study information will be used and expanded in the preparation of a fully detailed and costed business plan. WLC will understand that St John's Church can not reasonably be expected to carry out this extensive and detailed piece of work until a decision is made on whether or not the Community Asset Transfer application process is triggered. As a charity we are seeking to keep our costs as low as possible at this stage of the process but we are prepared to seek professional help to assist us if our application is successful.

#### What have we done so far?

- Carried out an internal feasibility study containing information on:
  - Services which we will provide and service providers
  - Options for use
  - Organisational Structure
  - Schedule
  - Financial analysis and forecast
  - Funding opportunities
- Engaged with Martin Thomson of WLC Economic Development Team regarding general support and assistance and specifically to understand how to identify the economic benefit from social and health improvements.

#### What will we do during the Community Asset Transfer process?

- Submit for review a draft constitution for the new legal entity, and then proceed to form that entity which will qualify as a community body under the relevant legislation to acquire the property.
- Detail a full and comprehensive business plan for the running and sustainability of the Low Port Centre.
- Further engage with the Economic Development Team to calculate and quantify monetary benefits from social and health improvements.
- Engage building professionals to create upgrade, refurbishment and maintenance plans for the sustainable use of Low Port Centre.
- Develop a fully costed commercial plan for efficient and effective operation of Low Port Centre as a vibrant community hub aided by utilising the offer of local business expertise. e.g., Jim Hay, Court Residences.
- Fully develop workable partnership agreements with willing organisations, local businesses etc.

- Develop a funding and financing strategy to ensure surety and stability in capability to operate Low Port Centre in a cost effective and sustainable manner.
- Develop robust plan for residential wing using learning from other organisations experience e.g., Callander Youth Hostel, Edinburgh Backpackers, Heralds Trust.

### **Financial Projections**

The attached spreadsheet details some of the financial projections which have been carried out on a simple basis and are informed by the information which has been provided by WLC. A number of assumptions have been made in order to provide a view of broad capital and operating/ revenue costs. The existing St John's Church (SJC) spend for 2020 has been used as the basis on which to build up the operating/ revenue costs. The additional costs and income for the Low Port Centre have been added to assess the financial challenge which is required to be met.

For the purposes of this analysis it has been presumed that the finance for capital/ one off costs will be raised with no additional impact on operating/ revenue costs. There are no costs included in the projections to service a loan but included in the table below entitled "Stewardship Services basic loan information for 15 year term" are the additional costs per annum to pay off loans in value between £250k and £750k. If we were to take out a loan from Stewardship Services then these additional costs would be incurred which would have an impact on the viability of the project for SJC.

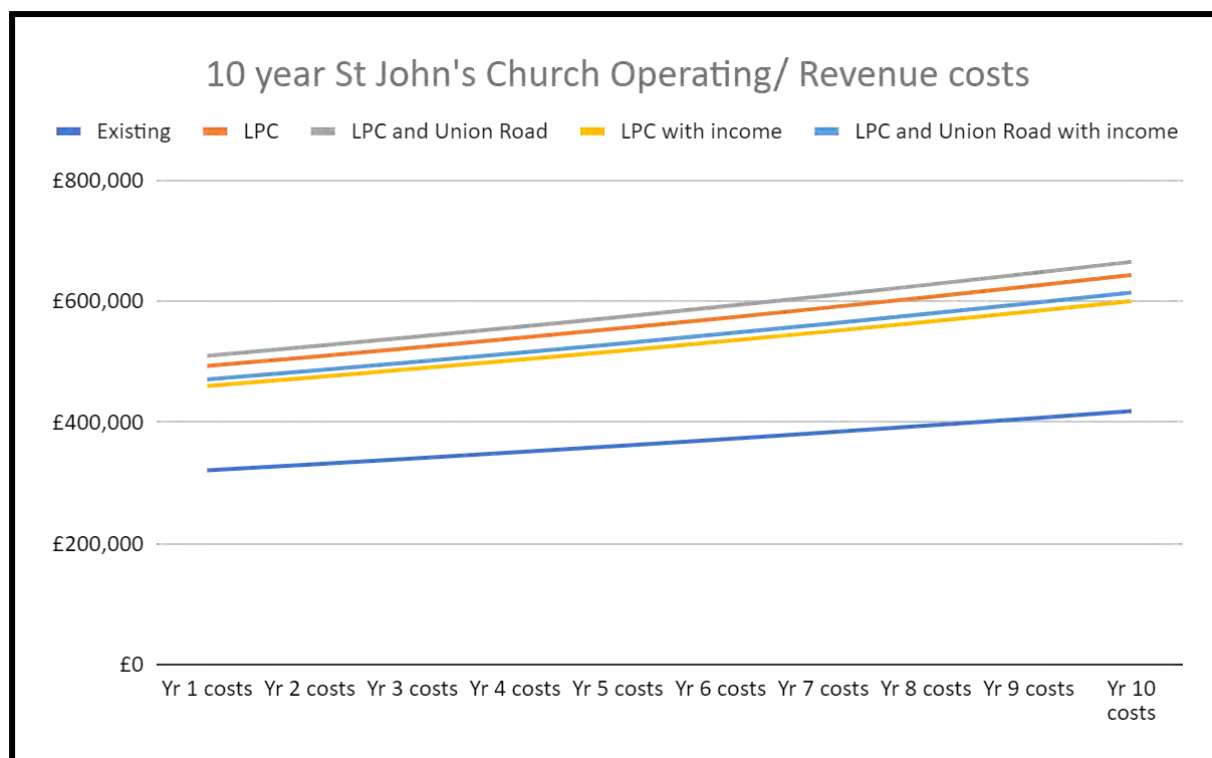
An income range of between £98,351 and £154,078 has been estimated based on an appraisal of the available opportunities from known organisations including The New Well. It is not unreasonable to expect that the income from LPC could be increased. In the scenario where the Union Road building is retained an income of £12k has been assumed for rental of the premises.

Within the information provided by WLC there was a condition survey report which had been published on 24/12/16. The purpose of the report was to determine the condition of the property and provide life cycle costs attributed to each element of the property. These costs have been included in the financial projections and the conclusions and recommendations from this condition survey report are shown in Appendix 3. Similarly an electrical condition survey report was included with an estimated cost of £250,688 to be carried out over a 5 year period from 2016. For both these reports it has been assumed that any work required in the last 5 years will have to be carried out immediately and any other phased work for years 6-10 will have to be done in the next 1-5 years.

All of the above requirements will have to be verified but we have taken a cautious view and included them in the projections although it should also be noted that they are at 2016 prices and no ROI/ RPI increase has been applied. Of additional concern is that this survey undertaken in 2016 is the most recent information available on the condition of LPC and no additional information is available on current condition and any associated repairs and maintenance requirements.



LPC has not been valued but a valuation of St John's Union Road building has been carried out and it has been assumed that if the property was marketed it would sell for at least £150k and this figure has been used in the financial analysis.  
Below is the summary position of the 10 yr commitment for SJC.



|  |                                |                   |
|--|--------------------------------|-------------------|
| Total 10 year revenue/ operating total costs commitment assuming 3% compounded annual increase | Existing                       | <b>£3,677,092</b> |
|  | LPC                            | <b>£5,653,284</b> |
|  | LPC and Union Road             | <b>£5,844,158</b> |
|  | LPC with income                | <b>£5,275,119</b> |
|  | LPC and Union Road with income | <b>£5,397,210</b> |

| Minimum LPC valuation required | Amount of loan available (65% of LPC valuation) | Interest rate | Cost per annum | Total cost of loan |
|--------------------------------|---|---------------|----------------|--------------------|
| £384,615                       | £250k   | 4.25%         | £22,572        | £338,580           |
| £769,231                       | £500k   | 4.25%         | £45,132        | £676,980           |
| £1,153,846                     | £750k   | 4.25%         | £67,704        | £1,015,560         |

Data Label: Public

**Appendix 5: Index of supporting documentation provided by St. John's Church Linlithgow**

| No. | Document                                       |
|-----|--|
| 1.  | St John's Church Linlithgow Annual Report 2020 |
| 2.  | St John's Church – Proposal for Linlithgow     |
| 3.  | St John's Church SCIO constitution             |
| 4.  | St John's final accounts – December 2020       |
| 5.  | Project business plan                          |
| 6.  | Project income & expenditure projections       |

**APPENDIX 6: Community Asset Transfer Officer Board Scorecard**
**COMMUNITY ASSET TRANSFER OFFICER BOARD**
**COMMUNITY ASSET TRANSFER REQUEST SCORECARD**

Date of Board meeting: 9 June 2022

Community Transfer Body: St John's Church Linlithgow (SJCL)

Subject Property: Low Port Centre, Blackness Road, Linlithgow

| <b>Table 1a: Statutory Criteria for Determining Community Asset Transfer Requests</b>  |  |
|--|--|
| <b>Community Empowerment (Scotland) Act 2015: Section 82</b><br><br><b>Criteria for determining an asset transfer request</b><br><br>In reaching its decision, the council must take into consideration the following matters: | <b>Board Comments</b>  |
| (a) the reasons for the request  | The Board has taken cognisance of the reasons for SJCL's community asset transfer request as detailed in their application. The Board has also fully considered the outcomes that would be delivered as a result of this project being successfully delivered. |
| (b) any other information provided in support of the request (whether such other information is contained in the request or otherwise provided)  | The supporting information provided by SJCL has been fully considered as part of the Board's deliberations.  |
| (c) whether agreeing to the request would be likely to promote or improve:   | The Board has considered each of these criteria in turn and, at Table 1a below, SJCL's application has been allocated a score relative to  |

|  |  |    |
|--|--|----|
|  | how likely the request would be to promote or improve that particular criteria.  | Q1 |
| (i) economic development   |  |    |
| (ii) regeneration  |  |    |
| (iii) public health  |  |    |
| (iv) social wellbeing  |  |    |
| (v) environmental wellbeing  |  |    |
| (d) whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage  | The Board has considered this criterion and, at Table 1a below, SJCL's application has been allocated a score relative to how likely the request would be to reduce inequalities of outcome which result from socio-economic disadvantage. |    |
| (e) any other benefits that might arise if the request were agreed to  | The Board has considered this criterion and, at Table 1a below, SJCL's application has been allocated a score relative to any other benefits that might arise if the request were agreed to.   |    |
| (f) any benefits that might arise if the authority were to agree to or otherwise adopt an alternative proposal in respect of the land to which the request relates                           | The Board has considered alternative proposals in respect of the subjects and has taken these into account as a key element of its deliberations.  |    |
| (g) how such benefits would compare to any benefits such as are mentioned in paragraphs (c) and (e)  | The Board has fully considered the advantages and disadvantages of alternative proposals and compared these against SJCL's proposal.   |    |
| (h) how any benefits such as are mentioned in paragraph (f) relate to other matters the authority considers relevant (including, in particular, the functions and purposes of the authority) | The Board has considered how the advantages or disadvantages of alternative proposals would relate to and impact upon other relevant matters, in particular the functions and stated aims of the council.                                  |    |



|  |  |    |
|--|--|----|
|  |  | Q1 |
|  |  |    |
| (i) any obligations imposed on the authority, by or under any enactment or otherwise, that may prevent, restrict or otherwise affect its ability to agree to the request | The Board has considered any existing obligations that may prevent, restrict or otherwise affect its ability to agree to this request. |    |
| (j) such other matters (whether or not included in or arising out of the request) as the authority considers relevant.   | The Board, as part of its deliberations, has considered all matters deemed relevant to SJCL's proposal.                                |    |
| (k) The council must determine the application in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements   | The Board acknowledges and understands this requirement.   |    |
| (l) In subsection (f), an "alternative proposal" includes:<br>(i) another asset transfer request<br>(ii) a proposal made by the authority or any other person            | The Board understands the meaning of an "alternative proposal" and has accounted for this in its deliberations.                        |    |
| (m) The authority must agree to the request unless there are reasonable grounds for refusing it.   | The Board acknowledges and understands this requirement.   |    |

| <b>Table 1b: Scoring against Statutory Outcomes</b>               |  |  |
|---|--|--|
| Statutory Outcome   | Is the proposal likely to promote or improve the outcome? (Yes / No) | On a scale of 0 – 10, score the impact the proposal will have on that outcome (0 = lowest, 10 = highest) |
| Economic Development  | Yes  | 8  |
| Regeneration  | Yes  | 7  |
| Public Health   | Yes  | 8  |
| Social Wellbeing  | Yes  | 8  |
| Environmental Wellbeing   | Yes  | 6  |
| Reduce inequalities which result from socio-economic disadvantage | Yes  | 7  |
| Other positive outcomes   | Yes  | 7  |
| <b>TOTAL SCORE (from a maximum of 70 points):</b>                 |  | <b>51</b>  |

| <b>Table 1c: Statutory Outcomes Scoring Evaluation</b> |  |
|--|--|
| <b>Outcome Delivery</b>                                | <b>Overview</b>  |
| Very strong<br>(a score of 60 or above)                | The project will deliver a wide range of positive outcomes and in doing so will significantly benefit the community. Those outcomes are consistent with the evaluation criteria as set out in Section 82 of the Community Empowerment (Scotland) Act 2015 and compliment the council's own stated aims and objectives. |
| <b>Strong<br/>(a score of 50 to 59)</b>                | <b><i>The project will deliver positive outcomes across a range of areas and will demonstrably benefit the community.</i></b>  |
| Moderate<br>(a score of 40 to 49)                      | The project will deliver some positive outcomes and the community will benefit from those outcomes, however the project is limited in its range.   |
| Weak<br>(a score of 30 to 39)                          | The application provides little evidence that the community will materially benefit from the proposed project, with only very limited positive outcomes being adequately demonstrated.   |
| Poor<br>(a score of 29 or less)                        | The application fails to provide evidence that the community will materially benefit from the proposed project.  |

| Table 2a: Community Transfer Body and Project Evaluation |  |  |                                   |  |  |
|--|--|--|-----------------------------------|--|--|
| Theme  | Summary  | Information Required   | Has evidence been provided? (Y/N) | Summarise that evidence  | Evidence-based score<br><br>Lowest = 0<br>Highest = 10 |
| 1. Vision and Leadership                                 | An organisation will have in place a clear vision and plan for what it will do to contribute to the delivery of improved local and/or national outcomes. This may be linked to one or more local or national priorities. | A clear plan for achieving the intended outcomes, showing links to local or national priorities. Members will show they have the relevant skills and experience to deliver the intended objectives.                      | Yes                               | SJCL are an established and respected organisation with a track record of owning and managing its own property and working with community partners to deliver positive outcomes. Their application sets out a clear vision for the project and a pathway for delivery. | 8  |
| 2. Effective Partnerships                                | An organisation will show how it, and its partnerships, provides a collaborative approach to the challenges that communities face.   | The detail of any partnerships in place to help ensure successful delivery of the intended benefits. Community support is vital and can be shown through a variety of metrics such as surveys, consultations or ballots. | Yes                               | SJCL are fully engaged with their community and have used that engagement to inform their activities and priorities. They have a track record of working in partnership with other organisations to deliver positive outcomes for their community.                     | 8  |
| 3. Governance and Accountability                         | An organisation will demonstrate structures, policies and leadership behaviours that support the application of good standards of governance and accountability.   | An outline to illustrate that the appropriate structures and policies are in place to help ensure success in the longer-term.  | Yes                               | SJCL have provided confirmation of their legal structure and demonstrated sound governance arrangements. They have also provided confirmation of membership, which satisfies   | 8  |

|                           |  |  |     |  |    |
|---------------------------|--|--|-----|--|----|
|                           |  |  |     | statutory requirements for transfer of ownership.  | C1 |
| 4. Use of Resources       | An organisation will show how its effective management of all resources (including staff, assets, and information) is contributing to the delivery of specific outcomes, highlighted in the national outcomes. | Explain how the body's current and future resources will be used as part of a medium to long term plan (5-10 years). This could include the numbers of employees or volunteers and the maintenance of any asset. This could also include the funding requirements of the group and the sources of funding already in place.        | Yes | SJCL own and operate premises in Union Road, Linlithgow. They have produced a business plan that identifies anticipated operating costs and projected income. They recognise the importance of employing a dedicated Business Manager and Fundraiser as a key element of the project's immediate and long-term viability and sustainability and they have identified potential external funding sources. | 8  |
| 5. Performance Management | An organisation will ensure that robust arrangements are in place to monitor the achievement of its desired outcomes as well as any reporting arrangements.  | Outline the way in which a community transfer body will be able to monitor the achievement of its objectives, whether that be recording volunteers time or the amount of benefit achieved as part of the overarching vision. To demonstrate openness and transparency it will be important to report performance to the community. | Yes | SJCL have provided a business plan which sets out the organisations monitoring and evaluation provisions going forward. The business plan also confirms how the results of that evaluation will be reported.   | 8  |
| 6. Sustainability         | An organisation will demonstrate an effective use of resources in the  | There are five broad principles of sustainability:   | Yes | SJCL have proven that they can successfully own and operate their own property   | 7  |



|                                      |   |   |     |  |    |
|--------------------------------------|---|---|-----|--|----|
|                                      | <p>short-term and an informed prioritisation of the use of resources in the longer-term in order to contribute to sustainable development. The goal of Sustainable Development is to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.</p> | <ul style="list-style-type: none"> <li>• promoting good governance;</li> <li>• living within environmental limits;</li> <li>• achieving a sustainable economy;</li> <li>• ensuring a stronger healthier society; and using sound science responsibly.</li> </ul> <p>A community transfer body could demonstrate how its future funding or self-financing arrangements are to be achieved. Any proposal could also include any positive impact on the natural environment.</p> |     | <p>using their existing resources. They have also provided a business plan that provides detail on projected revenue income and expenditure along with potential sources of capital funding.</p> <p>A number of SJCL's proposed positive outcomes are aimed at ensuring a stronger, healthier society and having a positive impact on the natural environment.</p> | C1 |
|                                      |   |   |     |  |    |
| 7. Equality                          | An organisation will demonstrate that consideration of equality issues is embedded in its vision and strategic direction and throughout all of its work.  | The transfer body should establish that the different groups within the community have had their different needs taken into account. Request should include where a proposal may be reducing inequalities of outcome from socio-economic disadvantage.  | Yes | SJCL have demonstrated that their proposal seeks to deliver positive outcomes across a wide demographic in line with the findings of their community engagement. The group's stated vision, mission and values have equality at their core.  | 8  |
| 8. Alignment with council objectives | The organisation will demonstrate what its proposed outcomes are and how these align with   | The community transfer body will identify each of the outcomes it aims to deliver from the project and will demonstrate how these   | Yes | SJCL's stated aims and targeted outcomes very much chime with and reference the council's own corporate priorities. The proposal   | 8  |

|   |                                      |  |  |   |           |
|---|--------------------------------------|--|--|---|-----------|
|   | the council's own stated priorities. | outcomes align with the councils stated priorities (referencing such documents as the Corporate Plan, Single Outcome Agreement, Local Outcome Improvement Plans, management plans and corporate strategies). |  | presents an opportunity to further enhance partnership working and compliment council services without duplication. | C1        |
| <b>TOTAL SCORE (out of a possible maximum of 80):</b> |                                      |  |  |   | <b>63</b> |

**Table 2b: Community Transfer Body and Project Scoring Outcome**

| <b>Evidence</b>                         | <b>Overview</b>  |
|---|--|
| Very strong<br>(a score of 70 or above) | 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. |
| <b>Strong<br/>(a score of 60 to 69)</b> | <b><i>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.</i></b>   |
| Moderate<br>(a score of 50 to 59)       | 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<br>(a score of 40 to 49)           | 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 demonstrate questionable value for money.   |
| Poor<br>(a score of 39 or less)         | 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.  |

| <b>Table 3: Statutory Criteria for Determination: Outcome</b>  |     | C1 |
|--|-----|----|
| Having taken cognisance of the statutory assessment criteria, does the Board consider that the proposal presented by the applicant represents the best available option for the use of this asset? (Yes / No). | Yes |    |
| If No, provide details here of the better alternative option:<br><br>Not applicable.   |     |    |
| Does the Board consider there to be reasonable grounds for refusing this community asset transfer request? (Yes / No)  | No  |    |
| If Yes, provide details here of the grounds for refusal:<br><br>Not applicable.  |     |    |

### **Commentary**

The Board consider that SJCL have presented a strong case for the asset transfer of the Low Port Centre, Blackness Road, Linlithgow. As evidenced by the scoring in Table 1b, the Board consider that the project will deliver a wide range of benefits and positive outcomes across the Linlithgow community and beyond by facilitating and delivering activities that will support and encourage economic development, regeneration and health and wellbeing across a wide demographic.

Importantly, SJCL have shown evidence of having engaged with their community to understand its needs and priorities and have sought to address these through this project. Further, SJCL have acknowledged the importance of working partners to support and complement existing services and to avoid duplication.

The scores in Table 2a reflect the Board's belief that SJCL are a respected, competent and well-functioning organisation. They have a clear vision, strong leadership and effective governance arrangements in place.

In terms of alternative proposals for the subjects, no other community interests have been received and no other asset transfer requests have been lodged. The council has no operational need for the property and it has been formally declared surplus to requirements by the Council Executive. Whilst the council could potentially secure a capital receipt of £300,000 from the commercial sale of this property, the Board consider that the merits of non-financial benefits and positive outcomes that would be delivered by this project outweigh that potential receipt.

The Board consider there to be no impediments (legal or otherwise) that would prevent SJCL's request being approved.

The Board consider that SJCL's application represents the best available option for the use of this asset.

The Board consider the proposed two-year Full Repairing lease of the property as a pre-cursor to the transfer of ownership to be a sensible model. The employment of a dedicated Business Manager and a Fundraiser is considered key to the success of the project and the Board agrees that the requested funding of £72,000 should be provided to SJCL from the approved Empowering Communities budget in support of this proposed asset transfer.

The Board noted that the subjects of the asset transfer (as defined in the plan provided by SJCL) include an access road and car parking areas that are shared by the Low Port Centre and Low Port Primary School. The Board agreed that these areas should remain in council ownership, with SJCL being granted rights of access over the access road and the use of designated car parking areas. The Board also agreed that SJCL should be liable for a share of the future maintenance costs for these areas.

The Board noted the existence of the James Cummings mural in the Low Port Centre and agreed that SJCL should be required to retain and protect that mural.

The Board noted SJCL's intention to enter into the proposed two-year lease in the name of SJCL and then in that two year period to establish a new organisation specifically to take ownership and operation of the Low Port Centre. The Board agreed that committee should be recommended to approve the proposed lease and the subsequent transfer of ownership, subject to both the council and SJCL being satisfied as to the financial viability and sustainability of the project and SJCL within that two year period securing the external funding needed to invest in the building.

The Board also recommended that delegated powers be granted to the Head of Finance and Property Services to vet and, when satisfied, approve the newly created organisation prior to ownership of the Low Port Centre being transferred.

### **Conclusion and Recommendations**

Having taken cognisance of the statutory criteria for determining community asset transfer requests as set out in Section 82 of the Community Empowerment (Scotland) Act 2015, the Board considers that there are no reasonable grounds for refusing the community asset transfer request.

The Board's recommendation to the Asset Transfer Committee is that the community asset transfer request submitted by SJCL should be accepted on the following terms:

1. The council will award SJCL a one-off grant of £72,000 towards the employment of a dedicated Business Manager and a Fundraiser in support of the Low Port Centre asset transfer proposal.
2. The common access road and car parking areas that are shared by the Low Port Centre and Low Port Primary School shall be excluded from this asset transfer. SJCL shall be granted non-exclusive rights of access over the access road and will be allocated designated car parking bays for use in connection with Low Port Centre activities (such bays to be allocated by the Head of Finance and Property Services following consultation with representatives from Low Port Primary School). SJCL shall be responsible for a 50% share of the future repair and maintenance costs associated with the access road and car parking areas.

3. SJCL are required to retain and take steps to suitably protect the James Cummings mural at all times during the two year lease period and to likewise retain and protect that mural for as long as they may own or occupy the Low Port Centre and will take steps to ensure any successors in title do likewise. SJCL will work with Historic Environment Scotland to understand their requirements relative to this mural and SJCL will adhere to any statutory protection that may be afforded to the mural going forward.
4. The council agrees that a two year Full Repairing and Insuring lease of the Low Port Centre shall be granted to SJCL and that ownership of the property shall transfer at the end of that two year period, subject to SJCL being satisfied as to the financial viability and sustainability of their project and SJCL, within that two year period, securing the external funding needed to invest in the building.
5. The council agrees that, should ownership of the Low Port Centre transfer, then it will transfer to a new organisation to be created by SJCL during the two year lease period. The purpose of that new organisation will be to own and operate the Low Port Centre. Delegated powers will be granted to the Head of Finance and Property Services to vet and, if satisfied, approve the newly created organisation prior to ownership of the Low Port Centre being transferred.

(END)



## Appendix 7

**Community Empowerment (Scotland) Act 2015: Section 82****Criteria for determining an asset transfer request**

Section 82 of the Community Empowerment (Scotland) Act 2015 sets out the criteria for determining asset transfer request made by a community transfer body to a relevant authority.

The authority must decide whether to agree to or refuse the request.

In reaching its decision, the authority must take into consideration the following matters:

- (a) The reasons for the request,
  - (b) Any other information provided in support of the request (whether such other information is contained in the request or otherwise provided),
  - (c) Whether agreeing to the request would be likely to promote or improve -
    - (i) Economic development,
    - (ii) Regeneration,
    - (iii) Public health,
    - (iv) Social wellbeing, or
    - (v) Environmental wellbeing,
  - (d) Whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage,
  - (e) Any other benefits that might arise if the request were agreed to,
  - (f) Any benefits that might arise if the authority were to agree to or otherwise adopt an alternative proposal in respect of the land to which the request relates,
  - (g) How such benefits would compare to any benefits such as are mentioned in paragraphs(c)and (e),
  - (h) How any benefits such as are mentioned in paragraph (f) relate to other matters the authority considers relevant (including, in particular, the functions and purposes of the authority),
  - (i) Any obligations imposed on the authority, by or under any enactment or otherwise, that may prevent, restrict or otherwise affect its ability to agree to the request, and
  - (j) Such other matters (whether or not included in or arising out of the request) as the authority considers relevant.
- 4) The authority must exercise the function under subsection (2) in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- 5) The authority must agree to the request unless there are reasonable grounds for refusing it.
- 6) In subsection (3)(f), an “alternative proposal” includes:
- (a) Another asset transfer request,
  - (b) A proposal made by the authority or any other person.

Data Label: Public

**APPENDIX 8: Draft Decision Notice****ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT  
DECISION NOTICE**

To: St. John's Church  
183 High Street  
Linlithgow  
EH49 7EN

20 June 2022

This Decision Notice relates to the asset transfer request made by St. John's Church Linlithgow (SJCL) on 19 July 2022 in relation to The Low Port Centre, Blackness Road, Linlithgow.

West Lothian Council has decided to agree to the request.

The reasons for this decision are as follows:

Having taken cognisance of the statutory criteria for determining community asset transfer requests as set out in Section 82 of the Community Empowerment (Scotland) Act 2015, the asset transfer request submitted by SJCL is considered to represent the best available option for the use of this property. There are considered to be no reasonable grounds for refusing that request.

The following sets out the terms and conditions upon which we would be prepared to lease and then transfer ownership of the property to you.

1. The council will award SJCL a one-off grant of £76,200 towards the employment of a dedicated Project Manager and a Fundraiser in support of the Low Port Centre asset transfer proposal.
2. The lease/transfer of the land will be subject to all existing burdens affecting the property and the renunciation of the existing lease of the Low Port Centre in favour of West Lothian Leisure.
3. The common access road and car parking areas that are shared by the Low Port Centre and Low Port Primary School shall be excluded from this asset transfer. SJCL shall be granted non-exclusive rights of access over the access road and will be allocated designated car parking bays for use in connection with Low Port Centre activities (such bays to be allocated by the Head of Finance and Property Services following consultation with representatives from Low Port Primary School). SJCL shall be responsible for a proportionate share of the future repair and maintenance costs associated with the access road and car parking areas subject to the existing title burdens regarding maintenance

4. SJCL are required to use all reasonable endeavours to retain and take steps to suitably protect the James Cummings mural at all times during the two year lease period and to likewise retain and protect that mural for as long as they own or occupy the Low Port Centre and will take steps to the reasonable satisfaction of the Council to ensure any successors in title do likewise. SJCL will work with Historic Environment Scotland to understand, and meet, their requirements relative to this mural and SJCL will adhere to any statutory protection that may be afforded to the mural going forward.
5. The council agrees that a two year Full Repairing and Insuring lease of the Low Port Centre shall be granted to SJCL and that ownership of the property shall transfer at the end of that two year period, subject to SJCL being satisfied as to the financial viability and sustainability of their project and SJCL, within that two year period, securing the external funding needed to invest in the building. The lease shall include an option for SJCL to break the lease at the end of year 1.
6. The council agrees that, should ownership of the Low Port Centre transfer, then it will transfer to a new subsidiary organisation to be created by SJCL during the two year lease period. The purpose of that new organisation will be to own and operate the Low Port Centre. Delegated powers will be granted to the Head of Finance and Property Services to vet and, if satisfied that the newly created organisation meet the requirements of an asset transfer body as set out in the Act, and was of equal standing of SJCL to secure the delivery of the project, approve the newly created organisation prior to ownership of the Low Port Centre being transferred.
7. The council will not provide SJCL with funding to meet the net operating costs for the Low Port Centre during the lease period. Those operating costs shall be met by SJCL.
8. The council will ensure the Low Port Centre is statutorily compliant at the lease's date of entry. The council consider the Low Port Centre to be in a satisfactory condition and SJCL shall accept the property in its current condition, without the need for the council to undertake any additional works beyond those required to make it statutorily compliant.
9. The approval of this asset transfer request shall be subject to the council undertaking further title investigations and being satisfied that there are no prohibitive title restrictions or issues around common good that would prevent the council from agreeing to this request or impact upon SJCL's proposals for the property.
10. It shall be a condition of any transfer of ownership that SJCL will, to the council's satisfaction, demonstrate the delivery of community benefit to the value of £300,000 (the market value). SJCL will be required to deliver the full value of that community benefit within three years from the date ownership of the Low Port Centre transfers to SJCL. A Standard Security will be granted over the property in favour of the council until such time as that full community benefit has been shown by SJCL to have been delivered. The council will discharge the Standard Security once it is satisfied that the full value of the community benefit has been delivered by SJCL.

If you wish to proceed, you must submit an offer to us at the following address above by 20 December 2022:

Scott Hughes (Strategic Property Asset Manager)  
 Property Services  
 West Lothian Council  
 Howden South Road  
 Livingston

EH54 6FF

Email: [scott.hughes@westlothian.gov.uk](mailto:scott.hughes@westlothian.gov.uk)

The offer must reflect the terms and conditions attached, and may include such other reasonable terms and conditions as are necessary or expedient to secure the lease and then transfer of ownership within a reasonable time.

Right to review

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may apply to the council to review this decision.

Any application for review must be made in writing to the following address by 18 July 2022, which is 20 working days from the date of this notice

Scott Hughes (Strategic Property Asset Manager)

Property Services

West Lothian Council

Howden South Road

Livingston

EH54 6FF

Email: [scott.hughes@westlothian.gov.uk](mailto:scott.hughes@westlothian.gov.uk)

Guidance on making an application for review is available from Scott Hughes (Strategic Property Asset Manager (contact details above) or online at:

[https://www.westlothian.gov.uk/media/18378/Community-Asset-Transfer-Policy-Guidance-Notes-for-Applicants/pdf/Community Asset Transfer Policy Guidance Notes for Applicants.pdf?m=636487586254470000](https://www.westlothian.gov.uk/media/18378/Community-Asset-Transfer-Policy-Guidance-Notes-for-Applicants/pdf/Community_Asset_Transfer_Policy_Guidance_Notes_for_Applicants.pdf?m=636487586254470000)

Data Label: Public

**APPENDIX 8: Draft Decision Notice****ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT  
DECISION NOTICE**

To: St. John's Church  
183 High Street  
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EH49 7EN

20 June 2022

This Decision Notice relates to the asset transfer request made by St. John's Church Linlithgow (SJCL) on 19 July 2022 in relation to The Low Port Centre, Blackness Road, Linlithgow.

West Lothian Council has decided to agree to the request.

The reasons for this decision are as follows:

Having taken cognisance of the statutory criteria for determining community asset transfer requests as set out in Section 82 of the Community Empowerment (Scotland) Act 2015, the asset transfer request submitted by SJCL is considered to represent the best available option for the use of this property. There are considered to be no reasonable grounds for refusing that request.

The following sets out the terms and conditions upon which we would be prepared to lease and then transfer ownership of the property to you.

1. The council will award SJCL a one-off grant of £76,200 towards the employment of a dedicated Project Manager and a Fundraiser in support of the Low Port Centre asset transfer proposal.
2. The lease/transfer of the land will be subject to all existing burdens affecting the property and the renunciation of the existing lease of the Low Port Centre in favour of West Lothian Leisure.
3. The common access road and car parking areas that are shared by the Low Port Centre and Low Port Primary School shall be excluded from this asset transfer. SJCL shall be granted non-exclusive rights of access over the access road and will be allocated designated car parking bays for use in connection with Low Port Centre activities (such bays to be allocated by the Head of Finance and Property Services following consultation with representatives from Low Port Primary School). SJCL shall be responsible for a proportionate share of the future repair and maintenance costs associated with the access road and car parking areas subject to the existing title burdens regarding maintenance



4. SJCL are required to use all reasonable endeavours to retain and take steps to suitably protect the James Cummings mural at all times during the two year lease period and to likewise retain and protect that mural for as long as they own or occupy the Low Port Centre and will take steps to the reasonable satisfaction of the Council to ensure any successors in title do likewise. SJCL will work with Historic Environment Scotland to understand, and meet, their requirements relative to this mural and SJCL will adhere to any statutory protection that may be afforded to the mural going forward.
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6. The council agrees that, should ownership of the Low Port Centre transfer, then it will transfer to a new subsidiary organisation to be created by SJCL during the two year lease period. The purpose of that new organisation will be to own and operate the Low Port Centre. Delegated powers will be granted to the Head of Finance and Property Services to vet and, if satisfied that the newly created organisation meet the requirements of an asset transfer body as set out in the Act, and was of equal standing of SJCL to secure the delivery of the project, approve the newly created organisation prior to ownership of the Low Port Centre being transferred.
7. The council will not provide SJCL with funding to meet the net operating costs for the Low Port Centre during the lease period. Those operating costs shall be met by SJCL.
8. The council will ensure the Low Port Centre is statutorily compliant at the lease's date of entry. The council consider the Low Port Centre to be in a satisfactory condition and SJCL shall accept the property in its current condition, without the need for the council to undertake any additional works beyond those required to make it statutorily compliant.
9. The approval of this asset transfer request shall be subject to the council undertaking further title investigations and being satisfied that there are no prohibitive title restrictions or issues around common good that would prevent the council from agreeing to this request or impact upon SJCL's proposals for the property.
10. It shall be a condition of any transfer of ownership that SJCL will, to the council's satisfaction, demonstrate the delivery of community benefit to the value of £300,000 (the market value). SJCL will be required to deliver the full value of that community benefit within three years from the date ownership of the Low Port Centre transfers to SJCL. A Standard Security will be granted over the property in favour of the council until such time as that full community benefit has been shown by SJCL to have been delivered. The council will discharge the Standard Security once it is satisfied that the full value of the community benefit has been delivered by SJCL.

If you wish to proceed, you must submit an offer to us at the following address above by 20 December 2022:

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The offer must reflect the terms and conditions attached, and may include such other reasonable terms and conditions as are necessary or expedient to secure the lease and then transfer of ownership within a reasonable time.

Right to review

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may apply to the council to review this decision.

Any application for review must be made in writing to the following address by 18 July 2022, which is 20 working days from the date of this notice

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## **ASSET TRANSFER COMMITTEE**

### **ASSET TRANSFER REQUEST BY ST. JOHN'S CHURCH LINLITHGOW FOR THE LOW PORT CENTRE, BLACKNESS ROAD, LINLITHGOW**

### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the Asset Transfer Committee that a valid community asset transfer request has been received from St John's Church Linlithgow in respect of the Low Port Centre, Blackness Road, Linlithgow and to ask the Committee to determine that request on behalf of the council.

#### **B. RECOMMENDATION**

It is recommended that the Asset Transfer Committee:

1. Notes the receipt of a valid community asset transfer request from St. John's Church Linlithgow in respect of the Low Port Centre, Blackness Road, Linlithgow.
2. Approves the community asset transfer request received from St. John's Church Linlithgow in respect of the Low Port Centre, Blackness Road, Linlithgow on the terms and subject to the conditions set out in this report.

#### **C. SUMMARY OF IMPLICATIONS**

|   |   |
|---|---|
| <b>I Council Values</b>   | Focusing on our customers' needs. Being honest, open and accountable. Making best use of our resources. Working in partnership.   |
| <b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b> | <p>West Lothian Council's approved Community Asset Transfer Policy and associated governance arrangements.</p> <p>S74 (2) of the Local Government (Scotland) Act 1973</p> <p>Disposal of Land by Local Authorities (Scotland) Regulations 2010</p> <p>Part 5 of the Community Empowerment (Scotland) Act 2015</p> |
| <b>III Implications for Scheme of Delegations to Officers</b>   | None.   |
| <b>IV Impact on performance and performance Indicators</b>  | None.   |

|  |   |
|--|---|
| <b>V Relevance to Single Outcome Agreement</b>           | Outcome 4: We live in resilient, cohesive and safe communities. Outcome 5: People most at risk are protected and supported to achieve improved life chances. Outcome 7: We live longer, healthier lives and have reduced health inequalities. Outcome 8: We make the most efficient and effective use of resources by minimising our impact on the built environment. |
| <b>VI Resources - (Financial, Staffing and Property)</b> | If this asset transfer request is approved on the recommended terms, the council would forgo a potential capital receipt of £300,000 during 2022/23. The applicant would also be awarded a grant of £76,200 from the approved Empowering Communities budget to support this asset transfer request.   |
| <b>VII Consideration at PDSP</b>                         | Not Applicable.   |
| <b>VIII Other consultations</b>                          | The local elected members for the ward have received a copy of this report for information.   |

## **D. TERMS OF THE REPORT**

### **D.1 Asset Transfer Request Details**

The asset transfer request details are as follows:

|                   |  |
|-------------------|--|
| Applicant:        | St. John's Church Linlithgow   |
| Subject property: | Low Port Centre<br>Blackness Road<br>Linlithgow  |
| Ward:             | Linlithgow   |
| Local Members:    | Councillor Tom Conn<br>Councillor Pauline Orr<br>Councillor Sally Pattle   |
| Lead officer:     | Scott Hughes (Asset Manager)<br>Direct dial: (01506) 281825<br>Email: <a href="mailto:scott.hughes@westlothian.gov.uk">scott.hughes@westlothian.gov.uk</a> |

### **D.2 Introduction**

St. John's Church Linlithgow (SJCL) have submitted a community asset transfer request to the council under the provisions of Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act). A copy of that request is included at Appendix 1.

The Act requires that the council must approve the request unless, having regard to the statutory factors, the encouragement of equal opportunities and the observance of the equal opportunity requirements, there are reasonable grounds for refusing it.

Under the Act, the council has a statutory obligation to determine community asset transfer requests within six months of the request's validation date. In this instance that deadline falls on 18 July 2022. No extension to the timescale has been agreed.

### **D.3 Background**

The Low Port Centre, Blackness Road, Linlithgow is a former outdoor-activities centre. It is owned by the council and forms part of a portfolio of properties that is leased to West Lothian Leisure (WLL).

In 2021, as part of plans to re-provision their outdoor-learning and activity programme, WLL notified the council of its intention to end its lease of the Low Port Centre on 31 March 2022, at which time responsibility for the property and its associated costs would revert to the council. WLL subsequently vacated the Low Port Centre in June 2021 and have managed the mothballed property since then.

Council officers consulted with Heads of Service and no operational need for the facilities at the Low Port Centre was identified. Council Executive at its meeting on 20 April 2021 therefore declared the property surplus to requirements and agreed that it should be marketed in accordance the council's approved Surplus Property Procedure

The property was openly advertised for a period of months and offers to purchase or lease were invited to a closing date on 28 September 2021. Expressions of interest from the community were also invited to that closing date.

A number of submissions were received at the closing date. These included interests for commercial development and from SJCL, who presented proposals that would see the Low Port Centre used for a range of church and community-focused activities under a potential community asset transfer project.

There were no other expressions of interest from the community at the closing date.

The submission from SJCL at the closing date was not a community asset transfer request in terms of the mandatory requirements of the Community Empowerment (Scotland) Act 2015. SJCL however followed up their initial submission with a formal community asset transfer request. That formal request was validated by officers on 19 January 2022. The extent of the property included in that asset transfer application is shown hatched in black on the plan at Appendix 2.

### **D.4 SJCL's Validated Community Asset Transfer Request**

#### **D.4.1 Details of the proposal**

SJCL has been a presence in Linlithgow since the early 1900's and they own a church building in the town's Union Road. SJCL have outgrown that building and regularly use Linlithgow Academy for Sunday morning services. SJCL wish to expand their activities in the community throughout the week and move to premises that can be used more flexibly for those purposes.

The Low Port Centre would be used by SJCL for regular church activities and a wide range of community-focused activities, both existing and new. Full details of SJCL's proposed project are provided in the document "Proposal Linlithgow" at Appendix 3. SJCL have also provided an outline business plan that is included at Appendix 4. SJCL included other supporting documentation as part of their submission and an itemised breakdown of that documentation is provided at Appendix 5.



SJCL's proposal is that they will lease the Low Port Centre from the council for a two-year period under the terms of a Full Repairing and Insuring lease. That lease would be a pre-cursor to the transfer of ownership for £1 at the end of the lease period should the project prove to be financially viable and key external funding secured to invest in the property. It is proposed that a nil rent is paid throughout the lease period having regard to the substantial non-financial community benefits to be delivered by the project.

During that two-year lease period, SJCL would seek to embed and fully establish the project, employing a Project Manager (0.4 FTE) and a Fundraiser (0.8 FTE) to drive the project forward and raise funds to run and invest in the building. The anticipated cost of employing those staff on two-year fixed-term contracts is £76,200 and SJCL have requested that the council support this proposed asset transfer by awarding them a grant of £76,200 from the approved Empowering Communities and Modernisation enabling budget. SJCL have formally applied to the council for that £76,200 grant and officers are minded to approve that application should this asset transfer request be agreed.

SJCL consider that external funding of £1.1 million to £1.5 million is required to make the Low Port Centre fit for purpose going forward and funding applications would be aggressively advanced during the two-year lease period. If funding was not secured during that period, the subsequent transfer of ownership may not proceed and the property may revert to the council.

On 10 June 2022, SJCL wrote to officers to provide additional information that they wish to be included and considered as part of their asset transfer request. That information is summarised as follows:

1. SJCL require that the proposed two-year lease will include a break clause at the end of year one.
2. SJCL require that financial support be provided by the council to enable SJCL to run and operate the Low Port Centre during the lease period. That support will be up to 100% of net operating costs in Year 1 of the lease and up to 66% of net operating costs in Year 2. It is important to note that the council has an approved budget to support asset transfer, however this budget is not intended to support ongoing running costs.
3. SJCL require that the council provides an assurance that the Low Port Centre will be fully statutorily compliant and in good order with no outstanding maintenance or any work required to bring the building to a fully operational standard prior to commencement of the lease.
4. SJCL require that a separately negotiated agreement will be made between the council and a new community body to be formed by SJCL covering the terms for the community asset transfer of the Low Port Centre.

#### **D.4.2 Representations**

In accordance with statutory requirements, the receipt of this Community Asset Transfer Request has been advertised online and on site. There have been no representations received in respect of this Community Asset Transfer Request.

### **D.4.3 Market Value**

The market value of the council's property interest has been assessed by the council's Property Services Manager as being £300,000 (three hundred thousand pounds sterling).

### **D.4.4 Legal Implications**

SJCL's community asset transfer request and their constitution were vetted by officers and confirmed as being valid in terms of Part 5 of the Community Empowerment (Scotland) Act 2015. Officers therefore issued a formal acknowledgment letter confirming the request's validation date as 19 July 2022.

The council's Legal Services have undertaken an initial title check and advised that further investigative work would be required to confirm whether the Low Port Centre should be considered to be common good property and whether there are any title burdens that would prevent the council from agreeing to this request or impact upon SJCL's proposals for the property.

The management of the council's property assets is governed by legal requirements. Section 74(2) of the Local Government (Scotland) Act 1973 requires a local authority disposing of an interest in land or buildings to obtain the best consideration reasonably obtainable. This is generally interpreted as being the monetary market value of the asset. The Act allowed disposal at less than the best consideration subject to the Scottish Ministers consent being obtained

The Disposal of Land by Local Authorities (Scotland) Regulations 2010 removed the requirement for consent by Scottish Ministers, allowing local authorities to make such decisions themselves. In the context of the Regulations, disposal may be by way of either sale or lease.

The Scottish Government issued general guidance to assist councils in considering the use of the Regulations. The guidance reiterates the statutory duty to secure Best Value, including the assessment of the full financial consequences of decisions.

The community asset transfer Decision Notice issued by the council relating to this asset transfer request must, amongst other things:

- a) specify the terms on which, and any conditions subject to which, the council would be prepared to transfer ownership of the land;
- b) state that, if the community transfer body wishes to proceed, it must submit to the authority an offer to acquire ownership of the land; and
- c) specify the period within which such an offer is to be submitted. The period must be a period of at least six months beginning with the date on which the decision notice is given.

### **D.4.5 Community Asset Transfer Officer Board Evaluation**

In accordance with the council's approved Community Asset Transfer Policy, SJCL's asset transfer request was considered by the Community Asset Transfer Officer Board on 9 June 2022. The Board, comprising officers from a range of key service areas across the council, evaluated the request using a scorecard approach. A copy of the Board's completed scorecard is included at Appendix 6.

Section 82 of the Community Empowerment (Scotland) Act 2015 defines the criteria against which asset transfer requests must be evaluated and determined. Those criteria are set out in detail at Appendix 7 of this report. The Board's evaluation of SJCL's asset transfer request was in accordance with those stated criteria.

The Board's findings can be summarised as follows.

The Board consider that SJCL have presented a strong case for the asset transfer of the Low Port Centre, Blackness Road, Linlithgow. As evidenced by the scoring in Table 1b of the scorecard, the Board consider that the project will deliver a wide range of benefits and positive outcomes across the Linlithgow community and beyond by facilitating and delivering activities that will support and encourage economic development, regeneration and health and wellbeing across a wide demographic.

Importantly, SJCL have shown evidence of having engaged with their community to understand its needs and priorities and have sought to address these through this project. Further, SJCL have acknowledged the importance of working with partners to support and complement existing services and to avoid duplication.

The scores in Table 2a of the scorecard reflect the Board's belief that SJCL are a competent and well-functioning organisation, with a clear vision, strong leadership and effective governance arrangements in place.

The Board consider that the anticipated non-financial benefits that the project would deliver outweigh the potential capital receipt that could be secured for the property and as such, the Board was satisfied that the proposed lease and subsequent transfer of ownership to SJCL for £1 represents Best Value to the council.

The Board noted that the subjects of the asset transfer (as defined in the plan at Appendix 2) include an access road and car parking areas that are shared by the Low Port Centre and Low Port Primary School. The Board recommend that these areas should remain in council ownership, with SJCL being granted rights of access over the access road and the use of designated car parking areas. The Board also recommend that SJCL should be liable for a proportionate share of the future maintenance costs for these areas.

The Board noted the existence of the James Cummings mural as an integral part of a stairwell within the Low Port Centre and recommended that SJCL should be required to use all reasonable endeavours to retain and protect that mural.

The communication from SJCL on 10 June 2022 (referred to in section D.4.1 above) was received after the Board had met to consider and evaluate this asset transfer request. The Board did not therefore have an opportunity to consider the additional requirements set out by SJCL in that communication and as such they are not referenced in the Board's scorecard.

Board members have since considered SJCL's additional requirements and concluded the following:

1. The Board recommend that SJCL's request that the proposed lease include a break clause at the end of year one should be agreed.
2. The Board do not consider that the council should provide SJCL with funding to meet the net operating costs for the Low Port Centre during the lease period. The Board consider those costs should be met by SJCL.

3. The Board consider the Low Port Centre to be in a satisfactory condition and recommend that SJCL be required to accept the property in its current condition, without the need for the council to undertake any additional works.
4. The Board noted SJCL's intention to enter into the proposed two-year lease in the name of SJCL and then in that two year period to establish a new organisation specifically to take ownership and operation of the Low Port Centre. The Board agreed that committee should be recommended to approve the proposed lease and the subsequent transfer of ownership, subject to both the council and SJCL being satisfied as to the financial viability and sustainability of the project and SJCL within that two year period securing the external funding needed to invest in the building. The Board also recommended that delegated powers be granted to the Head of Finance and Property Services to vet and, when satisfied that the newly created organisation met the requirements of an asset transfer body as set out in the Act, and was of equal standing of SJCL to secure the delivery of the project, approve the newly created organisation prior to ownership of the Low Port Centre being transferred.

#### **D.4.6 Alternative proposals for the asset**

It is the responsibility of the council to consider SJCL's asset transfer request in the context of possible alternative uses for the asset (including ongoing operational use or disposal on the open market where appropriate).

The council has no operational requirement for the property and it was formally declared surplus by Council Executive on 20 April 2021.

The property was subsequently advertised on the open market in accordance with the council's approved Surplus Property Procedure. At the closing date commercial offers to purchase were received, the highest of which was for £300,000. That offer remains open for acceptance and is conditional upon the bidder securing planning permission for change of use to a residential development.

No alternative community proposals have been presented for the property.

#### **D.4.7 Recommendation**

Committee is recommended to approve the community asset transfer request submitted by SJCL for the Low Port Centre, Blackness Road, Linlithgow subject to the following conditions:

1. The lease/transfer of the land will be subject to all existing burdens affecting the property and the renunciation of the existing lease of the Low Port Centre in favour of West Lothian Leisure.
2. The common access road and car parking areas that are shared by the Low Port Centre and Low Port Primary School shall be excluded from this asset transfer. SJCL shall be granted non-exclusive rights of access over the access road and will be allocated designated car parking bays for use in connection with Low Port Centre activities (such bays to be allocated by the Head of Finance and Property Services following consultation with representatives from Low Port Primary School). SJCL shall be responsible for a proportionate share of the future repair and maintenance costs associated with the access road and car parking areas subject to the existing title burdens regarding maintenance

3. SJCL are required to use all reasonable endeavours to retain and take steps to suitably protect the James Cummings mural at all times during the two year lease period and to likewise retain and protect that mural for as long as they own or occupy the Low Port Centre and will take steps to the reasonable satisfaction of the Council to ensure any successors in title do likewise. SJCL will work with Historic Environment Scotland to understand, and meet, their requirements relative to this mural and SJCL will adhere to any statutory protection that may be afforded to the mural going forward.
4. The council agrees that a two year Full Repairing and Insuring lease of the Low Port Centre shall be granted to SJCL and that ownership of the property shall transfer at the end of that two year period, subject to SJCL being satisfied as to the financial viability and sustainability of their project and SJCL, within that two year period, securing the external funding needed to invest in the building. The lease shall include an option for SJCL to break the lease at the end of year 1.
5. The council agrees that, should ownership of the Low Port Centre transfer, then it will transfer to a new subsidiary organisation to be created by SJCL during the two year lease period. The purpose of that new organisation will be to own and operate the Low Port Centre. Delegated powers will be granted to the Head of Finance and Property Services to vet and, if satisfied that the newly created organisation meet the requirements of an asset transfer body as set out in the Act, and was of equal standing of SJCL to secure the delivery of the project, approve the newly created organisation prior to ownership of the Low Port Centre being transferred.
6. The council will not provide SJCL with funding to meet the net operating costs for the Low Port Centre during the lease period. Those operating costs shall be met by SJCL.
7. The council consider the Low Port Centre to be in a satisfactory condition and SJCL shall accept the property in its current condition, without the need for the council to undertake any additional works.
8. The approval of this asset transfer request shall be subject to the council undertaking further title investigations and being satisfied that there are no prohibitive title restrictions or issues around common good that would prevent the council from agreeing to this request or impact upon SJCL's proposals for the property.
9. It shall be a condition of any transfer of ownership that SJCL will, to the council's satisfaction, demonstrate the delivery of community benefit to the value of £300,000 (the market value). SJCL will be required to deliver the full value of that community benefit within three years from the date ownership of the Low Port Centre transfers to SJCL. A Standard Security will be granted over the property in favour of the council until such time as that full community benefit has been shown by SJCL to have been delivered. The council will discharge the Standard Security once it is satisfied that the full value of the community benefit has been delivered by SJCL.

Committee is recommended to agree the draft Decision Notice included at Appendix 8 and to authorise its issue to SJCL.

## **E. CONCLUSION**

Having taken cognisance of the statutory criteria for determining community asset transfer requests as set out in Section 82 of the Community Empowerment (Scotland) Act 2015, the asset transfer request submitted by SJCL is considered to represent the best available option for the use of this property. There are considered to be no reasonable grounds for refusing that request.

Committee is therefore recommended to approve the community asset transfer request submitted by SJCL for the Low Port Centre, Blackness Road, Linlithgow subject to the conditions set out in section D.4.7 of this report

## **F. BACKGROUND REFERENCES**

Council Executive – 28 November 2017 – Community Empowerment (Scotland) Act 2015: Community Asset Transfer Policy and Governance Review

Council Executive – 20 April 2021 – The Low Port Centre, Blackness Road, Linlithgow

Council Executive – 16 November 2021 – The Low Port Centre, Blackness Road, Linlithgow (update report)

### Appendices/Attachments:

Appendix 1 – SJCL Community Asset Transfer Request

Appendix 2 – Plan showing extent of proposed asset transfer area

Appendix 3 – Proposal Linlithgow

Appendix 4 – SJCL Business Plan

Appendix 5 – Index of supporting information provided

Appendix 6 – Community Asset Transfer Officer Board Scorecard

Appendix 7 - Section 82 Criteria for determining asset transfer requests

Appendix 8 – Draft Decision Notice

Contact Person: Scott Hughes, Asset Manager, Finance and Property Services

Tel: (01506) 281825, E-mail: [scott.hughes@westlothian.gov.uk](mailto:scott.hughes@westlothian.gov.uk)

**Donald Forrest, Head of Finance and Property Services**

Date of meeting: 20 June 2022



**ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT  
DECISION NOTICE**

To: St. John's Church  
183 High Street  
Linlithgow  
EH49 7EN

1 July 2022

This Decision Notice relates to the asset transfer request made by St. John's Church Linlithgow (SJCL) on 19 January 2022 in relation to The Low Port Centre, Blackness Road, Linlithgow.

West Lothian Council has decided to agree to the request.

The reasons for this decision are as follows:

Having taken cognisance of the statutory criteria for determining community asset transfer requests as set out in Section 82 of the Community Empowerment (Scotland) Act 2015, the asset transfer request submitted by SJCL is considered to represent the best available option for the use of this property. There are considered to be no reasonable grounds for refusing that request.

The following sets out the terms and conditions upon which we would be prepared to lease and then transfer ownership of the property to you.

1. The council will award SJCL a one-off grant of £76,200 towards the employment of a dedicated Project Manager and a Fundraiser in support of the Low Port Centre asset transfer proposal.
2. The lease/transfer of the land will be subject to all existing burdens affecting the property and the renunciation of the existing lease of the Low Port Centre in favour of West Lothian Leisure.
3. The common access road and car parking areas that are shared by the Low Port Centre and Low Port Primary School shall be excluded from this asset transfer. SJCL shall be granted non-exclusive rights of access over the access road and will be allocated designated car parking bays for use in connection with Low Port Centre activities (such bays to be allocated by the Head of Finance and Property Services following consultation with representatives from Low Port Primary School). SJCL shall be responsible for a proportionate share of the future repair and maintenance costs associated with the access road and car parking areas subject to the existing title burdens regarding maintenance
4. SJCL are required to use all reasonable endeavours to retain and take steps to suitably protect the James Cummings mural at all times during the two year lease period and to likewise retain and protect that mural for as long as they own or occupy the Low Port Centre and will take steps to the reasonable satisfaction of the Council to ensure any successors in title do likewise. SJCL will work with Historic Environment Scotland to understand, and meet, their requirements relative to this mural and SJCL will adhere to any statutory protection that may be afforded to the mural going forward.

5. The council agrees that a two year Full Repairing and Insuring lease of the Low Port Centre shall be granted to SJCL and that ownership of the property shall transfer at the end of that two year period, subject to SJCL being satisfied as to the financial viability and sustainability of their project and SJCL, within that two year period, securing the external funding needed to invest in the building. The lease shall include an option for SJCL to break the lease at the end of year 1.
6. The council agrees that, should ownership of the Low Port Centre transfer, then it will transfer to a new subsidiary organisation to be created by SJCL during the two year lease period. The purpose of that new organisation will be to own and operate the Low Port Centre. Delegated powers will be granted to the Head of Finance and Property Services to vet and, if satisfied that the newly created organisation meet the requirements of an asset transfer body as set out in the Act, and was of equal standing of SJCL to secure the delivery of the project, approve the newly created organisation prior to ownership of the Low Port Centre being transferred.
7. The council will not provide SJCL with funding to meet the net operating costs for the Low Port Centre during the lease period. Those operating costs shall be met by SJCL.
8. The council will ensure the Low Port Centre is statutorily compliant at the lease's date of entry. The council consider the Low Port Centre to be in a satisfactory condition and SJCL shall accept the property in its current condition, without the need for the council to undertake any additional works beyond those required to make it statutorily compliant.
9. The approval of this asset transfer request shall be subject to the council undertaking further title investigations and being satisfied that there are no prohibitive title restrictions or issues around common good that would prevent the council from agreeing to this request or impact upon SJCL's proposals for the property.
10. It shall be a condition of any transfer of ownership that SJCL will, to the council's satisfaction, demonstrate the delivery of community benefit to the value of £300,000 (the market value). SJCL will be required to deliver the full value of that community benefit within three years from the date ownership of the Low Port Centre transfers to SJCL. A Standard Security will be granted over the property in favour of the council until such time as that full community benefit has been shown by SJCL to have been delivered. The council will discharge the Standard Security once it is satisfied that the full value of the community benefit has been delivered by SJCL.

If you wish to proceed, you must submit an offer to us at the following address above by 31 December 2022:

Scott Hughes (Strategic Property Asset Manager)  
 Property Services  
 West Lothian Council  
 Howden South Road  
 Livingston  
 EH54 6FF  
 Email: [scott.hughes@westlothian.gov.uk](mailto:scott.hughes@westlothian.gov.uk)

The offer must reflect the terms and conditions attached, and may include such other reasonable terms and conditions as are necessary or expedient to secure the lease and then transfer of ownership within a reasonable time.

Right to review

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may apply to the council to review this decision.

Any application for review must be made in writing to the following address by 29 July 2022, which is 20 working days from the date of this notice

Scott Hughes (Strategic Property Asset Manager)  
Property Services  
West Lothian Council  
Howden South Road  
Livingston  
EH54 6FF  
Email: [scott.hughes@westlothian.gov.uk](mailto:scott.hughes@westlothian.gov.uk)

Guidance on making an application for review is available from Scott Hughes (Strategic Property Asset Manager (contact details above) or online at:

[https://www.westlothian.gov.uk/media/18378/Community-Asset-Transfer-Policy-Guidance-Notes-for-Applicants/pdf/Community\\_Asset\\_Transfer\\_Policy\\_Guidance\\_Notes\\_for\\_Applicants.pdf?m=636487586254470000](https://www.westlothian.gov.uk/media/18378/Community-Asset-Transfer-Policy-Guidance-Notes-for-Applicants/pdf/Community_Asset_Transfer_Policy_Guidance_Notes_for_Applicants.pdf?m=636487586254470000)

St Johns Church Linlithgow  
183 High Street  
Linlithgow  
EH49 7EN

Scott Hughes (Strategic Property Asset Manager)  
Property Services  
West Lothian Council  
Howden South Road  
Livingston  
EH54 6FF  
(by email to [scott.hughes@westlothian.gov.uk](mailto:scott.hughes@westlothian.gov.uk))

29 July 2022

Dear Mr Hughes,

**RE: Asset Transfer Under the Community Empowerment Act Decision Notice in relation to the Low Port Centre, Blackness Road, Linlithgow**

I can confirm receipt of the Decision Notice, and note the reasons set out. We welcome the overall decision to agree to our request.

Under the terms of the Notice, we have the right to request review where the terms and conditions differ to a significant extent from those specified in our request. Clearly there were terms we proposed which were not accepted, most notably on help with meeting the operating costs during the lease period and commitments over the condition of the building on commencement of the lease. We understand the rationale is that West Lothian Council (WLC) is unwilling or unable to commit any additional funding over and above that already covered in the Decision Notice, and therefore we will not seek to review the operating costs support.

We request however that the following points are reviewed.

- Terms of the lease. We requested a 2 year lease period to provide an opportunity for both WLC and St John's Church Linlithgow (SJCL) to validate the operating model and evidence community benefit. The Decision Notice grants a 'Full Repairing and Insuring lease', and we would ask that the nature of the lease arrangement be reviewed. This type of lease, whilst common in the commercial property sector, adds material commitments to the arrangements for SJCL at this early stage of the process. As a result, we would need to bring forward considerable work (and incur expense) to review the condition of the building in advance of the lease period prior to accepting such a

commitment. Our intention was to review the condition of the building during the lease, and we believe that this is consistent with intention of the lease period as set out in the Decision Notice which is for SJCL “to be satisfied as to the financial viability and sustainability of their project”.

- Condition on lease commencement. The Decision Notice states that “the council will ensure the Low Port Centre is statutorily compliant at the lease’s date of entry.” Coupled with the first point, this puts significant potential liability on SJCL from day 1 of the lease arrangement, which is again counter to the spirit of the lease arrangement requested. Indeed, typically a Full Repairing and Insuring lease will require tenants to go beyond “statutory compliance” and request that a property is kept in a “good and substantial repair condition”. We ask that i) the council reviews the standard of the building they are willing to commit to at the commencement of the lease, and ii) obtains an independent building survey in advance of the lease commencing. Specifically we are concerned about the condition of a wall with a significant crack and ask that this is investigated prior to the commencement of the lease.
- Common access road and car parking. The Decision Notice states that these areas are excluded from the asset transfer and the intended operating arrangements. This had not previously been raised with us. Whilst we accept the need for shared access to allow Low Port Primary School to operate, the terms are written such that SJCL is responsible and liable for a proportionate share of costs, but without any involvement in the decision to undertake this work. We note also the current poor state of the access road in places. We ask that WLC review this arrangement such that SJCL are not liable for costs in relation to the access road and car parking area.

We would be happy to discuss any of the above matters in more detail with you.

Yours sincerely

Stephen Pashley  
St John’s Church Linlithgow Chair of Trustees