

**To:** Infrastructure Land & Environment Policy Board

**On:** 29 May 2024

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**Report by:** Chief Executive

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**Heading:** Community Asset Transfer Annual Return (1st April 2023 – 31st March 2024)

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## 1. Summary

- 1.1 In accordance with Section 95 of the Community Empowerment (Scotland) Act 2015, the Council is required to complete an Annual Return to the Scottish Government of Community Asset Transfer requests in the foregoing year and to publish said return on the Council website.
- 1.2 In the year 1<sup>st</sup> April 2023 until 31<sup>st</sup> March 2024 the Council received 33 new applications, enquiries and expressions of interest. A total of 5 applications were validated in the period and 5 applications were approved. Moreover, within the period 2 applications were concluded.

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## 2. Recommendations

- 2.1 It is recommended that the Board: -
- i. Notes and approve the contents of this report; and
  - ii. Authorise the Head of Economy and Development to submit the return to the Scottish Government and publish it on the Council's webpage.
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### 3. **Background**

- 3.1. Part 5 of the Community Empowerment (Scotland) Act 2015 (“the Act”), which became effective from the 23<sup>rd</sup> of January 2017, allows for eligible community controlled organisations, known as Community Transfer Bodies (CTBs), to apply to own, lease or manage any property or land owned or leased by Renfrewshire Council.
- 3.2. The Infrastructure, Land and Environment Board approved a review of the Council’s Community Asset Transfer (CAT) policy and procedures on the 15<sup>th</sup> of June 2022.
- 3.3. On the 29<sup>th</sup> of September 2022, the Council approved a change to the Council’s Scheme of Delegation requiring all CAT applications after this date to be decided by a sub-committee of the ILE Board.
- 3.4. All CAT requests received by the Council are scrutinised by officers for completeness and eligibility before being formally acknowledged, a process referred to as ‘validation’. Only fully validated applications are assessed by an officer CAT Panel and recommended to the CAT Sub-Committee for determination.
- 3.5. Prior to consideration by the CAT Panel and recommendation to the CAT Sub-Committee for determination, all validated applications are published on the Council’s website and notices displayed or issued to interested parties for a minimum of 20 working days.
- 3.6. The Act requires the Council to issue a decision to CTBs within 6 months of validating a CAT application and to conclude leases or exchange contracts within 6 months of receiving a formal offer from the CTB which must be received within 6 months of the Council’s decision notice.

### 4. **Community Asset Transfer requests 2023/24**

- 4.1. Within the period 1<sup>st</sup> April 2023 – 31<sup>st</sup> March 2024, the Council received 33 new applications, enquiries and expressions of interest.
- 4.2. Five applications were validated in the period all of which were subsequently approved by the CAT Sub-Committee. These are:
  - **Lochwinnoch Community Development Trust** – 10 year lease of ground on Lochhead Avenue Lochwinnoch to create Lochwinnoch Social Garden. Request validated on 1/03/2023; approved on 24/05/2023.
  - **Linwood War Memorial Association** – 99 year ground lease of the vacant site cornered by Old Candren Road, Bridge Street and the A761 in Linwood. CAT request is to erect a monument and create a space of remembrance and contemplation. Request validated on 24/07/2023; approved on 30/08/2023.

- **Linwood Community Gardens Limited** – full ownership of the Linwood Community Garden off Brediland Road, Linwood. The land sits within the grounds of the On-X Sports Centre and was developed and used as a community garden from 1996 before being abandoned in 2012. CAT request is to restore the gardens for community use. Request validated on 24/07/2023; approved on 30/08/2023.
- **Erskine Community Allotments SCIO** – full ownership of the Erskine Community Allotments and an adjoining vacant plot on Barrhill Road, Erskine. CAT request is to secure and extend the allotments creating 24 new starter plots helping to alleviate the waiting time and meet demand. Request validated on 24/11/2023; approved on 24/01/2024.
- **Bee Happy** – rights in relation to the community orchard planted on land within Mansfield, Mansfield Avenue, Houston. CAT request is to manage and extend the orchard to create a nuttery. Request validated on 24/11/2023; approved on 24/01/2024.

4.3. In addition to the applications received, validated and determined above, a further 8 applications have been progressed and are expected to conclude, be validated or be determined in 2024/25. These are:

***Applications previously determined but not concluded***

The following applications are approved and were previously reported but are not concluded:

- **Renfrew Victoria Youth Football Club** – 25-year lease of Kirklandneuk Playing Fields & Pavilion, Renfrew. Application approved on 20/03/2019 subject to separation of services from adjoining community centre. Services have now been fully separated and the draft lease is with the lawyers to conclude.
- **Woodlands Bowling Club SCIO** – full ownership of the Woodland Bowling Club, Brediland Road, Linwood. Application approved by delegated authority on 02/08/2022 subject to renunciation of asset by OneRen. Renunciation approved by OneRen Board on 21 September 2023. Contracts are currently with the lawyers to conclude.
- **Western Desert Recce Group** – full ownership of the Whitehaugh Barracks, Whitehaugh Avenue, Paisley. Application approved by the CAT Subcommittee on 15/03/2023. Contracts are currently with the lawyers to conclude.

***Applications previously reported to be determined***

The following applications have been reported previously but remain unvalidated awaiting final details from the groups:

- **Renfrew Cricket Club** – 30-year lease of cricket ground in KGV Playing Fields, Renfrew. Originally submitted in 2019, group have recently been awarded SCIO status and are in the process of resubmitting their application.
- **Ferguslie Community Development Trust**– long-term lease of St Ninian’s Church Hall. Application reported last year however group have been working on their business case and expect to present their completed application for validation later this year.

***New applications received in 2023/24 still to be determined***

The following are new applications received in the last year but remain unvalidated awaiting final details from the groups:

- **Renfrewshire Witch Hunt 1697** – management rights within Gallows Green, Queen Street, Paisley.
- **Calderglen Football Club** – full ownership of the paying fields known as Calderglen within Lochwinnoch Public Park, Lochlip Road, Lochwinnoch.
- **Bridge of Weir Men’s Shed** – full ownership of the pavilion within Houston Road Playing Fields.

4.4. Two applications previously reported as approved were concluded in 2023/24. These are:

- **Friends of Howwood Park** – 10 year lease of Howwood Park Pavilion, Howwood. Application was approved on 27/01/2021; lease concluded on 19/03/2024.
- **Inchinnan Development Trust** – 50 year lease of India Tyres Playing Field. Application approved on 15/06/2022; lease concluded 14/03/2024.

**5. Reviews and Appeals**

5.1. During the reporting period, there have been no requests for review or appeal under Section 86 of the Act.

**6. Renfrewshire Council Performance**

6.1. Since launching our revised CAT policy and procedures in 2022, the Council has received over 70 enquiries and has over 40 live applications and expressions of interest.

6.2. Following submission of an expression of interest, applicants receive feedback within 4 weeks and where applicable invited to submit a full application. The time taken to complete this depends on the CTB and the complexity of the project.

- 6.3. In the two years since 2022, we have approved 8 applications and rejected 1. The number of applications approved is equivalent to the number approved in the years from 2017 to 2022. See table below:

<b>Applications Approved</b>	
	<b>TOTAL</b>
2024 (to date)	<b>2</b>
2023	<b>4</b>
2022	<b>2</b>
2021	<b>1</b>
2020	<b>0</b>
2019	<b>5</b>
2018	<b>1</b>
2017	<b>1</b>
2016	<b>0</b>
	<b>16</b>

- 6.4. The legislation requires that applications are determined within 6 months of being validated. Within Renfrewshire, applications are determined within an average of 8-12 weeks.
- 6.5. The legislation also requires that leases and contracts of sale are concluded within 6 months of receiving an offer from the CTB which must be received within 6 months of receiving the decision notice.

## 7. Annual Return to Scottish Government

- 7.1 Based on the account of activity above, the figures to be reported to the Scottish Government for 2023/24 are:

Total number of applications received (validated) in 2023/24	4
Number of successful applications determined in 2023/24	5
Number of unsuccessful applications determined in 2023/24	None
Number received in 2023/24 and yet to be determined	3
Number received prior to 2023/24 and yet to be determined	2
Number of applications received which resulted in transfer of ownership, lease, or rights to a community transfer body in 2023/24	2

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## Implications of the Report

1. **Financial** – not applicable.
2. **HR & Organisational Development** – Not applicable.

### 3. **Community/Council Planning –**

- *Our Renfrewshire is well* – community transfer applications are considered for the benefit of our communities.
- Working together to improve outcomes – we work across Council departments and with external agencies to enable our Community Transfer Bodies to be successful in their request for assets.

4. **Legal** – Legal Services are consulted in terms of advising on the title for the applications and reviewing Community Transfer Body's' constitutions, as well as the conveyancing for successful applications.

5. **Property/Assets** – Estates Team consulted in terms of asset availability and suitability for transfer.

6. **Information Technology** – not applicable.

### 7. **Equality & Human Rights -**

- (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – Consideration given to individual applications where applicable.

8. **Procurement** – Not applicable.

10. **Risk** – Not applicable.

11. **Privacy Impact** – not applicable.

12. **Cosla Policy Position** – not applicable.

13. **Climate Risk** – None.

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