

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

**On: 15 June 2022**

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**Report by: Chief Executive**

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**Heading: Community Asset Transfer Policy and Procedures**

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**1. Summary**

1.1 The purpose of this report is to advise Board Members of a refresh to the Council's policy and procedures in relation to community asset transfer.

**2. Recommendations**

2.1 It is recommended that Board: -

- i) Note the content of the refreshed Renfrewshire Council community asset transfer policy and procedures; and
  - ii) Approve both documents for immediate implementation.
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**3. Background**

3.1. Community asset transfer (CAT) is covered by legislation through Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act) and the Asset Transfer Request (Procedure) (Scotland) Regulations 2016.

3.2. The Act introduced a right for community bodies to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for any land or buildings they feel they could make better use of.

3.3. The Act requires those public authorities to assess requests transparently against a specified list of criteria, and to agree the request unless there are reasonable grounds for refusal.

- 3.4. Renfrewshire Council has a proven track record supporting and working with communities to deliver asset transfers for community benefit. During the Covid-19 pandemic, however, several CAT requests were unable to be progressed due to restrictions and staff being otherwise deployed, creating a backlog of applications.
- 3.5. From the start of 2022, officers have undertaken a review of the processes for CAT and sought to streamline these to process requests more efficiently. The result of this review is a refreshed CAT policy and set of procedures that ensures that the Council complies with the legislation and is able to process requests expediently.

#### **4. Refreshed CAT Policy and Procedures**

- 4.1. The refreshed CAT policy sets out the Council's continued approach and commitment to asset transfer under the Act where that will bring benefits to communities and contribute towards the priorities of the Community Plan, Our Renfrewshire 2017-2027.
- 4.2. The Policy is underpinned by 4 core principles:
  - ***Proactive Approach*** - the Council will seek to implement the policy proactively through officer support in order to encourage appropriate groups to consider asset transfer as a means of realising their ambitions;
  - ***Respond Strategically*** - the Council will respond to requests for asset transfer by exploring the strategic implications and benefits of each transfer request;
  - ***Transparency and Consistency*** - the Council will treat all asset transfer requests equally and will publish full details of our process which will include a clear first point of contact; clear stages and timescales for each party; and our decision-making process and criteria;
  - ***Proportionality*** - we will be proportionate and measured in our assessment of each asset transfer request against a fixed set of criteria.
- 4.3. Within the policy, it is recognised that some assets may have to remain under Council ownership and management, to support delivery of essential services or support economic activity in an area.
- 4.4. The refreshed CAT policy is supported by detailed procedures and guidance for communities and Council officers.

#### ***Procedures and changes to our process***

- 4.5. One of the most important changes to our procedure is that a single point of contact for CAT has been established within the Council's Place and Regeneration Team to manage the request process from end-to-end, liaising with departments across the Council as required.

- 4.6. The lead officer will co-ordinate a small team of officers from across the Council to provide information and expert support to community bodies when required and to confirm eligibility of key documents at each stage of the process leading to formal acknowledgement, validation, and referral to the Officer CAT Panel for recommendation.
- 4.7. This approach makes the most of strengths across the Council, reducing the burden on any single Council team and speeding up the process for community bodies seeking to make applications.
- 4.8. The Council have introduced a pre-CAT request process. This is a voluntary stage of the process which allows officers receiving the request to quickly provide feedback to community bodies as to their eligibility and the availability of the asset identified, thereby, avoiding unnecessary cost and in some cases, raised expectations.
- 4.9. We have re-established the CAT Panel consisting of Heads of Service and Senior Officers from across the Council to assess CAT applications and make recommendations to Board for approval or to the Head of Economy and Development to refuse the request.
- 4.10. The CAT Panel will meet on a regular basis and will receive updates on applications as they progress, thereby building knowledge and understanding of requests and leading to improved outcomes. The Panel is Chaired by the Head of Economy and Development.
- 4.11. The CAT Panel met on 20 April 2022 to review drafts of this policy and procedures and recommend them to the Board for approval and immediate implementation.
- 4.12. Copies of the CAT policy and procedures are attached as Appendices 1 and 2 to this report.

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## **Implications of the Report**

1. **Financial** – None.
2. **HR & Organisational Development** – None.
3. **Community Planning**  
**Our Renfrewshire is well** – supporting the wellness and resilience of our citizens and communities.
4. **Legal** – policy and procedures support the Council in complying with Part 5 of the Community Empowerment (Scotland) Act 2015.
5. **Property/Assets** – As per this report.

6. **Information Technology** – None.

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 because no groups or individuals have any involvement currently at the property. 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** – None.

9. **Procurement** – Not applicable.

10. **Risk** – None.

11. **Privacy Impact** – Not applicable.

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

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### **List of Background Papers**

None.

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**Author:** Sandra Inrig – 07483 395945  
[Sandra.inrig@renfrewshire.gov.uk](mailto:Sandra.inrig@renfrewshire.gov.uk)



**Renfrewshire  
Council**

**COMMUNITY ASSET TRANSFER  
POLICY  
2022**



## Document Control

<b>Date</b>	<b>Version</b>	<b>Status</b>	<b>Lead Officer</b>	<b>Amended</b>
07/04/2022	Version 1.0	Draft	Sandra Inrig	11/04/2022
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## 1 Introduction

- 1.1 Part 5 of the [Community Empowerment \(Scotland\) Act 2015](#), enacted in January 2017, hereinafter referred to as the “Act”, introduces a right for community bodies to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for any land or buildings they feel they could make better use of. Community bodies can request ownership, lease or other rights, as they wish. The “Act” requires those public authorities to assess requests transparently against a specified list of criteria, and to agree the request unless there are reasonable grounds for refusal.
- 1.2 Renfrewshire Council has a proven track record supporting and working with communities to deliver asset transfers for community benefit.
- 1.3 Our Community Asset Transfer Policy (the “CAT Policy”) is a strategic document which sets out the legislative requirements and wider context for the policy as well as Renfrewshire Council’s continued approach and commitment to Asset Transfer under the “Act”.
- 1.4 The Policy will support a transparent, positive and proactive framework that enables and manages the transfer of assets from the Council to eligible<sup>1</sup> Community Controlled Bodies in order to bring about long-term social, economic and environmental benefits to the community.
- 1.5 The sections below provide information on the aims of community asset transfer; as well as the national and local context; the scope and details of the CAT Policy.

## 2 Aims of Community Asset Transfer

- 2.1 The aim of community asset transfer (CAT) is community empowerment – that is, to ensure that land and buildings are retained or transformed then operated for public benefit through community asset ownership and management.
- 2.2 The Council’s asset portfolio includes buildings, land, playing fields and other facilities and structures which are used for a variety of different social, community and public purposes. They are used to support service delivery by the Council or partners such as the community and voluntary sector organisations; for community use; and to stimulate economic activity and regeneration.
- 2.3 The transfer of assets to, or management by, community controlled bodies opens up new sources of finance, not available to the Council, to develop and extend the use of existing facilities.
- 2.4 Benefits of asset transfer to the local community, include:
- Community empowerment;
  - Regeneration of communities;

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<sup>1</sup> As defined in the [Community Empowerment \(Scotland\) Act 2015](#) and related [guidance](#)  
Renfrewshire Council Community Asset Transfer Policy 2022

- Extend the use of an asset, adding value in relation to the number of people benefitting and the range of opportunities it offers;
- Stimulate the involvement of local people in shaping and regenerating their communities;
- Retention of the building in community use, otherwise at risk of closure;
- Provide new opportunities for local learning and community capacity building and participation; and
- Promote a sense of civic pride and responsibility.

#### 2.5 Benefits to voluntary or community groups, include:

1. Generate long term sustainable revenue streams for groups making them more sustainable;
2. Provide local people with a meaningful stake in the future development of the place in which they live and/or work;
3. Be used as leverage to draw in new funding and expand the level of community activity; and
4. Provide opportunities for the creation of new partnerships with access to resources not available to the Council.

#### 2.6 Benefits to the Council, include:

- Providing a more accessible and responsive base from which services can be delivered;
- Delivering wider social, economic and environmental benefits for local citizens;
- Providing a catalyst for inward investment and local multipliers through local purchasing and employment;
- Helping to progress community planning priorities;
- Providing opportunities for long-term working between sectors;
- Creating the opportunity for investment in the asset that may not be possible within Council ownership;
- Building capacity for a more sustainable third sector; and
- Bringing back into full use properties deemed surplus to requirements or underutilised.

### 3 Community Transfer Bodies

3.1 There is no comprehensive definition for the types of community bodies or voluntary groups who can apply for asset transfer under this policy. Applicants may take many forms and can also adopt different types of legal structures.

3.2 For the purpose of this policy, Renfrewshire Council adopts the definition of a Community Transfer Body in section 77 of the “Act”, that is, as either a **community-controlled body** or a body **designated by the Scottish Ministers**.

3.3 A community-controlled body does not have to be incorporated, however, it must have a written constitution, articles of association, or rules which include the provisions set out in paragraph 5.10 of the Scottish Government [Guidance](#) for community asset transfer bodies, namely:

- (a) a definition of the community to which the body relates - the group may represent the community in a particular area or people who have a common interest or characteristic; the definition should be clear enough to show whether a person is a member of the community or not;
- (b) provision that the majority of the members of the body is to consist of members of that community - membership must be open to anyone who is a member of the defined community and there must not be any additional requirements;
- (c) provision that the members of the body who consist of members of the community have control of the body;
- (d) a statement of the body’s aims and purposes, including the promotion of a benefit for that community; and
- (e) provision that any surplus funds or assets of the body are to be applied for the benefit of that community.

3.4 A community-controlled body which wants to make an asset transfer request for **ownership** must also

- be incorporated as a company, a SCIO (Scottish Charitable Incorporated Organisation) or a BenCom (Community Benefit Company);
- have a minimum of 20 members; and
- have provision for the transfer of its assets on winding up to another community transfer body or registered charity.

3.5 It has been queried whether membership is open to all if membership fees are charged. The Scottish Government’s view is that fees may be charged, but they should be set at a level that is affordable for members of that community.

### 4 Local Policy Context

4.1 This Policy for community asset transfer (CAT) is aligned to the wider Council and Community Planning Partnership, and contributes to achieving the priorities of the Renfrewshire Council Plan 2017 – 2022, and subsequent versions; the Council's financial strategies; and [Our Renfrewshire](#), the community plan for Renfrewshire 2017-27.

4.2 *Our Renfrewshire* has four Key Priorities which are supported by the CAT Policy. These are:

- *Our Renfrewshire is thriving*: maximising economic growth that is inclusive and sustainable;
- *Our Renfrewshire is well*: supporting the wellness and resilience of our citizens and communities;
- *Our Renfrewshire is fair*: addressing the inequalities that limit life chances;
- *Our Renfrewshire is safe*: protecting vulnerable people and working together to manage the risk of harm.

4.3 For the purposes of this policy an asset shall be considered to be land or buildings in the ownership of, or leased by, Renfrewshire Council for public use and includes, town halls, village halls, community centres, bowling greens, public conveniences, public parks, country parks, playing fields, disused land, etc.

4.4 Not all Council assets will be considered suitable for transfer. Details for why an asset may not be considered suitable are set out in the legislation and guidance documents<sup>2</sup> and examples are included in the policy statement below.

## 5 National Context

### Legislation governing Asset Transfer

5.1 Over recent years legislation and national policy in Scotland (such as the Land Reform (Scotland) Act 2003 and the joint Scottish Government / COSLA Community Empowerment Action Plan 2009) has recognised the importance of, and been developed to support, strong, independent and resilient communities - empowered communities.

- **The Local Government in Scotland Act 2003** set out that Scottish Ministers may, by regulations, provide the circumstances by which local authorities can dispose of land at less than best consideration.
- **Disposal of Land by Local Authorities (Scotland) 2010 Regulations** gave discretionary powers to local authorities to dispose of land (and assets) to community bodies at less than best financial consideration without reference to the Minister, provided a local authority is satisfied that they are achieving “best value” through economic, regeneration, social, environmental or health benefits.

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<sup>2</sup> [Community Empowerment \(Scotland\) Act 2015](#) and related [guidance](#)  
Renfrewshire Council Community Asset Transfer Policy 2022

The [Regulations](#) can be used as an option to transfer assets to community groups without using the Community Empowerment (Scotland) Act 2015.

- In 2014 additional guidance was added to the **Public Finance Manual** which clarified and strengthened the process of disposing of public sector land and buildings.
- In 2015, the **Community Empowerment (Scotland) Act 2015** set out rights for community bodies to seek to acquire rights in any land and property held by a named public body.

### **The Community Empowerment (Scotland) Act 2015**

5.2 The Community Empowerment (Scotland) Act 2015 (Act) was introduced by Scottish Ministers to help to empower community bodies through the taking of ownership or control of land and buildings from public bodies (called "relevant authorities" in the "Act"), and by strengthening their voices in decisions about public services.

5.3 The "Act" provides for a range of actions to enhance community empowerment. See Appendix 1 for a full list of all 11 actions.

5.4 Part 5 of the "Act" provides community bodies with a right to request to purchase, lease, manage or use land and buildings belonging to local authorities, Scottish public bodies or Scottish Ministers.

5.5 The Community Empowerment (Scotland) Act 2015 and subsequent guidance for relevant authorities on Part 5, enacted on 23 January 2017, sets the context for the Council's Community Asset Transfer Policy.

5.6 Details of the "Act" and all published Guidance can be downloaded from <https://www.renfrewshire.gov.uk/article/4534/Community-Asset-Transfer>.

## 6 Renfrewshire Council Policy on Community Asset Transfer

6.1 This policy, dated April 2022, replaces all previous policy statements in relation to Community Asset Transfer by Renfrewshire Council and is supported by a detailed process map and guidance documents.

6.2 The Community Asset Transfer Policy is a strategic document which sets out Renfrewshire Council's continued approach and commitment to asset transfer under the Community Empowerment (Scotland) Act 2015.

6.3 Renfrewshire Council is committed to CAT where that will bring benefits to communities and contribute towards the priorities of the Community Plan, [Our Renfrewshire 2017-2027](#).

6.4 We recognise that CAT can be a valuable part in supporting and sustaining local communities and wish to ensure council assets can be owned and/or managed by local people, where appropriate.

6.5 This policy document and supporting process and guidance documents<sup>3</sup> are designed to ensure Renfrewshire Council has in place a comprehensive, transparent and consistent process for the consideration, assessment, approval or rejection and completion of community asset transfer requests.

6.6 Our Community Asset Transfer Policy is underpinned by the following core principles:

- **Proactive Approach** - the Council will seek to implement the policy proactively through Community and Economic Development support in order to encourage appropriate groups to consider asset transfer as a means of realising their ambitions;
- **Respond Strategically** - the Council will respond to requests for asset transfer by exploring the strategic implications and benefits of each transfer request;
- **Transparency and Consistency** - the Council will treat all asset transfer requests equally and will publish full details of our process which will include a clear first point of contact; clear stages and timescales for each party; and our decision-making process and criteria.
- **Proportionality** - we will be proportionate and measured in our assessment of each asset transfer request against a fixed set of criteria which are available to download from our website and are set out in the CAT process guide and guidance.

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<sup>3</sup> CAT Process and Guidance Documents are available to download from our [CAT Website](#)  
Renfrewshire Council Community Asset Transfer Policy 2022

- 6.7 Although the presumption will be in favour of a transfer in line with government [guidance](#), Renfrewshire Council require to satisfy themselves as to the capability and eligibility of community transfer bodies (CTB) to manage and sustain the asset and to be able to deliver the benefits detailed within the CAT Request.
- 6.8 Whilst fully supporting the principle of asset transfer, this policy also recognises that some assets must remain under Council ownership and management, in order to support delivery of essential services or support economic activity in an area.
- 6.9 Consideration will be given to the retention of assets which provide an income for the Council, have restrictive covenants on them making them unsuitable for transfer, or should be retained by the Council e.g., some property or land may be tied to the Council's investment programme or where the asset should be retained for the benefit of Renfrewshire residents more widely.
- 6.10 We will make use of a pre-application form to check key aspects of the CTB's eligibility in terms of the "Act" as well as the suitability for transfer of the asset requested.
- 6.11 If the property requested is not available for transfer due to conditions listed above, the CAT request will be declined. We will provide the CTB with reasons for declining the request and will work with them to identify an alternative asset.
- 6.12 In the event an asset has been marketed for sale or lease before a CAT request is received or if the Council has already entered into negotiations or begun proceedings to transfer or lease the land to another person, these proceedings will be continued and the asset may be disposed of before the CAT request has been concluded.
- 6.13 We will provide guidance to our communities and community groups about the process which should be followed when requesting a community asset transfer and the range of options available.
- 6.14 We will work in partnership with community bodies seeking asset transfer to meet the criteria required and for the benefit of our communities.
- 6.15 The Council will publish a register of all assets owned or leased by the Council and a separate Common Good Asset Register. These will be available on our website <https://www.renfrewshire.gov.uk/article/4534/Community-Asset-Transfer> and will be made available for inspection at Renfrewshire House, Cotton Street, Paisley, PA1 1WB by prior arrangement with the Council's Principal Estates Surveyor, [communityassettransfer@renfrewshire.gov.uk](mailto:communityassettransfer@renfrewshire.gov.uk).
- 6.16 The Council will update the asset register when transfer requests have been received in order that groups can see if the asset being considered is already subject to a CAT request.

- 6.17 Once 'validated'<sup>4</sup>, full details of a CAT request will be published on the Council's website and notices will be display within communities where the asset is located.
- 6.18 Members of the public, other community groups or regular users of the asset have a right to representation for or against published CAT requests. Such representations must be in writing. These will be shared with the applicant and also published on the website along with any comments from the community body making the CAT request. Details for how to do this are available to download from our website and are set out in the CAT process guide and guidance.

### Multiple requests for the same asset

- 6.19 In the event of two or more applications being received for the same asset, we will inform both CTBs of the other request but will not share details.
- 6.20 If appropriate and agreeable to both CTBs, we will explore if it is possible for the CTBs to work together to submit a single application. Alternatively, we may ask the CTBs to submit their applications at roughly the same time in order that they can be considered together.
- 6.21 If neither of the above options is possible, the Council will be unable to dispose of the asset to either party until all requests have been concluded, including reviews and/or appeals.

### Right of appeal

- 6.22 Community bodies have a right to call a review or appeal to Scottish Government on any decision made as a result of this policy. Details for how to do this are available to download from our website and are set out in the CAT process guide and guidance.
- 6.23 This Policy will be updated within 20 working days with any changes in the Community Empowerment (Scotland) Act 2015 or related guidance and will be reviewed as fit for purpose every 2 years.

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<sup>4</sup> Validation occurs when all documentation required to request an asset transfer has been received and assessed as meeting the criteria. Validation begins the formal process of the asset transfer request.

## 7 Scope of policy

- 7.1 This policy is effective from **xxx 2022** (date to be inserted following Board approval) and applies to all assets that are owned by or under stewardship of Renfrewshire Council and which are intended for public or community use.
- 7.2 The Council may not otherwise dispose of an asset that is subject to a CAT request until that request has been full concluded, including any review or appeal.
- 7.3 Assets that are required for the delivery of essential services, support economic activity or have restrictive covenants on them may not be suitable for transfer.
- 7.4 As stated above, the policy allows the Council to continue to dispose of assets that have been marketed for sale or lease and/or which are subject to ongoing negotiations to transfer the asset to another person if started before the CAT request has been received.
- 7.5 The Council will advise the CTB making the request of any such circumstances pre-dating their request at the earliest opportunity and will keep them informed of the outcome of same.
- 7.6 If competing bodies do not agree to work together or submit applications in the same time period (paragraph 6.19) the Council will be unable to dispose of the asset until **all requests** have been concluded, including any appeals.
- 7.7 For suitable assets, potential transfers will be considered on a case-by-case basis against a fixed set of criteria<sup>5</sup>.
- 7.8 The range of asset transfer options available to community groups and covered by this policy, are:
- Full ownership, sale of asset to an eligible community transfer body (CTB);
  - Short or medium-term lease to CTB for delivery of community benefit activity;
  - Long-term lease to CTB, 10 years plus, for delivery of community benefit activity;
  - Licence to occupy, whereby a CTB is granted sole use of an asset for delivery of community benefit activity;
  - Other management rights, whereby the Council grants right on a CTB to determine community-based activity.
- 7.9 Assets will not be transferred to individuals or private sector businesses to be used as vehicles for commercial ventures. In addition, assets will not be transferred to individuals or groups for party political or religious use.

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<sup>5</sup> Available to download from <https://www.renfrewshire.gov.uk/article/4534/Community-Asset-Transfer>  
Renfrewshire Council Community Asset Transfer Policy 2022

- 7.10 Any transfers involving Housing Revenue Account property assets will be subject to the approval of Scottish Ministers in terms of the Housing (Scotland) Act 1987.
- 7.11 Any property held within the Common Good Asset Register is subject to public consultation and may require to be brought before a Sheriff for legal determination.
- 7.12 CAT requests for full ownership rights require to meet the additional eligibility criteria,
- be incorporated as a company, a SCIO (Scottish Charitable Incorporated Organisation) or a BenCom (Community Benefit Company);
  - have a minimum of 20 members; and
  - have provision for the transfer of its assets on winding up to another community transfer body or registered charity
- 7.13 If ownership is the preferred transfer option, the Council can provide a market value for the asset. However, it is recommended that both parties seek a joint valuation of the asset and share the cost thereof. CTBs should be aware that CAT does not necessarily guarantee a reduction in value.
- 7.14 Full transfer of ownership will only be agreed with community transfer bodies which the Council considers to have the capacity to succeed in the long term. Each request for ownership will have to demonstrate financial sustainability for the asset and any proposed developments; and an ability to promote, deliver or improve wider community benefits, including, economic; regeneration; public health; social or environmental wellbeing.
- 7.15 Leases will be offered on an 'as seen' and 'full repairing and insuring' basis. It should be noted that the Council is unable to contribute to any improvement or investment works following a validated application and a prior to confirmation of a lease or sale.

## Legal Representation

- 7.16 While Renfrewshire Council can offer assistance to groups developing their constitution or business plans or seeking funding, this will be provided by the Economic Development Team as officer resource permits. Community transfer bodies are strongly advised to take independent property and legal advice.
- 7.17 CTBs will require to employ a solicitor to act on their behalf if seeking transfer of ownership and are strongly advised to employ their own solicitor before signing a lease agreement.

## Appendix 1

### Community Empowerment (Scotland) Act 2015

The Community Empowerment (Scotland) Act 2015 (the “Act”) was introduced by Scottish Ministers to help to empower community bodies through the taking of ownership or control of land and buildings from public bodies and by strengthening their voices in decisions about public services.

There are 11 topics covered by the “Act”. This summary gives a brief description of each topic and how they are being implemented.

Part	Topic	Main content
Part One	National Outcomes	Requires Scottish Ministers to continue the approach of setting national outcomes for Scotland, based on consultation, which guide the work of public authorities.
Part Two	Community Planning	Places Community Planning Partnerships (CPP) on a statutory footing and imposes duties on them around the planning and delivery of local outcomes, and the involvement of community bodies at all stages of community planning.
Part Three	Participation Requests	Provides a mechanism for community bodies to put forward their ideas for how services could be changed to improve outcomes for their community.
Part Four	Community Rights to buy land	Amends the Land Reform (Scotland) Act 2003, extending the community right to buy to all of Scotland (urban and rural) and improving procedures.
Part Five	Asset Transfer Requests	Provides community bodies with a right to request to purchase, lease, manage or use land and buildings belonging to local authorities, Scottish public bodies or Scottish Ministers.
Part Six	Delegation of Forestry Commissioners' functions	Allows for different types of community body to be involved in forestry leasing.

Part	Topic	Main content
Part Seven	Football Clubs	Gives supporters a role in decision-making, or even ownership when the opportunity arises, of their football clubs.
Part Eight	Common Good Property	Places a statutory duty on local authorities to establish and maintain a register of all property held by them for the common good. It also requires local authorities to publish their proposals and consult community bodies before disposing of or changing the use of common good assets.
Part Nine	Allotments	Updates and simplifies legislation on allotments. It requires local authorities to take reasonable steps to provide allotments if waiting lists exceed certain trigger points, strengthens the protection for allotments, requires fair rents to be set and allows tenants to sell surplus produce grown on an allotment (other than with a view to making a profit).
Part Ten	Participation in public decision-making	A new regulation-making power enabling Ministers to require Scottish public authorities to promote and facilitate the participation of members of the public in the decisions and activities of the authority, including in the allocation of its resources. Involving people and communities in making decisions helps build community capacity and also helps the public sector identify local needs and priorities and target budgets more effectively.
Part Eleven	Non-domestic rates	Provides for a new power for councils to create and fund their own localised business rates relief schemes, in addition to existing national rates relief, to better reflect local needs and support communities.

## Glossary

### Common Terms and abbreviations used throughout this document

“Act”; the Act; CEA	Unless otherwise specified, this refers to the Community Empowerment (Scotland) Act 2015 and in particular, Part 5 of said Act
Asset	A building or land owned by or under stewardship of Renfrewshire Council
Asset Register	The list of all assets owned or leased by Renfrewshire Council including those categorised as ‘Common Good’
CAT	Community Asset Transfer as specified in the Act
ComBen	A Community Benefit Organisation; a form of organisation deemed by the Scottish Ministers as a Community Transfer Body able to request ownership of an asset
Community-Controlled Body	A community organisation that has a formal constitution, Articles of Administration or set of rules that determine the purpose and means of governance of the organisation; also refers to a constituted body (group) that is wholly managed by the members (of the body/group)
(the) Council	Renfrewshire Council and including the Political Administration
CTB	Community Transfer Bodies; community organisations who meet the criteria specified in the Act and who make a request for CAT either to lease or to purchase or for other management rights.
Guidance or SG Guidance	This refers to the official guidance documents issued by the Scottish Government in January 2017 when Part 5 of the Act was enacted. The two guidance documents are: Asset Transfer: Guidance for Relevant Authorities; and Asset Transfer: Guidance for Community Transfer Bodies
PART 5	The part of the Act that governs Community Asset Transfer
Relevant Authorities	Term used in the Act to refer to all public bodies covered by the Act; in the case of this document this refers to Renfrewshire Council
SCIO	Scottish Charitable Incorporated Organisation; a form of organisation deemed by the Scottish Ministers as a Community Transfer Body able to request ownership of an asset
SG	The Scottish Government
Transfer or CAT Request	The process of applying for an asset transfer under the Act.

## Useful Links

The following links and organisations offer guidance and support to community transfer bodies and relevant authorities alike.

### **The Community Empowerment (Scotland) 2015, PART 5**

<https://www.legislation.gov.uk/asp/2015/6/part/5/enacted>

### **Scottish Government**

[A Summary Guide to Asset Transfer: https://www.gov.scot/publications/asset-transfer-summary-guide/](https://www.gov.scot/publications/asset-transfer-summary-guide/)

[Guidance for Community Bodies https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-community/](https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-community/)

[Guidance for Authorities - https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-authorities/](https://www.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-authorities/)

[Model Documents - https://www.gov.scot/publications/asset-transfer-model-documents/](https://www.gov.scot/publications/asset-transfer-model-documents/)

### **Renfrewshire Council**

[Renfrewshire Council CAT Web page](#)

[https://www.renfrewshire.gov.uk/article/4534/Community-Asset-Transfer by email to communityassettransfer@renfrewshire.gov.uk](https://www.renfrewshire.gov.uk/article/4534/Community-Asset-Transfer%20by%20email%20to%20communityassettransfer@renfrewshire.gov.uk)

[Renfrewshire Council Community Empowerment Fund](#)

[Planning https://www.renfrewshire.gov.uk/article/2153/Planning-applications by email at dc@renfrewshire.gov.uk](https://www.renfrewshire.gov.uk/article/2153/Planning-applications%20by%20email%20at%20dc@renfrewshire.gov.uk)

### **Others**

DTAS (Development Trust Association Scotland) and COSS (Community Ownership Support Service); links to various guidance documents and sources of support for both Community Transfer Bodies and Relevant Authorities.

<https://dtascommunityownership.org.uk/resources/getting-started/asset-transfer-guidance-community-transfer-bodies>

[Community Ownership Support Service](#); email [david@dtascot.org.uk](mailto:david@dtascot.org.uk)

<https://dtascommunityownership.org.uk/community/community-asset-transfer/business-planning/business-planning>

<https://dtascommunityownership.org.uk/community/community-asset-transfer/business-planning/writing-business-plan>

Local Third Sector Interface: [Engage Renfrewshire](#)

SCVO (Scottish Council for Voluntary Organisations): <https://scvo.scot/support>

SENScot (Social Enterprise Network Scotland): <https://senscot.net/about/>

OSCR (The Scottish Charity Regulator): <https://www.oscr.org.uk/>



Renfrewshire  
Council

**COMMUNITY ASSET TRANSFER  
PROCESS GUIDE  
2022**

**INSERT IMAGE**

## Document Control

<b>Date</b>	<b>Version</b>	<b>Status</b>	<b>Lead Officer</b>	<b>Amended</b>
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## 1 Introduction

- 1.1 The purpose of this document is to outline the process that Renfrewshire Council will follow at each stage of a Community Asset Transfer (CAT) request and supports delivery of the Renfrewshire Council Community Asset Transfer Policy (2022).
- 1.2 The process and procedures detailed in this document reflect Scottish Government Asset Transfer Guidance for Relevant Authorities<sup>1</sup> and complies with the Regulations of PART 5 of the Community Empowerment (Scotland) Act 2015<sup>2</sup>, enacted in January 2017, hereinafter referred to as the “Act”.
- 1.3 The “Act” requires public authorities to assess requests transparently against a specified list of criteria<sup>3</sup>, and to agree to the request unless there are reasonable grounds for refusal.
- 1.4 Our Community Asset Transfer Policy (2022) sets out the Council’s continued commitment to asset transfer under the “Act” stating how we will work in conjunction with communities to enable asset transfer in order to bring about long-term social, economic and environmental benefits to the community.
- 1.5 This Process Guide is designed to ensure a consistent and transparent framework for the receipt, assessment and decision making of all asset transfer requests.

### Scope

- 1.6 Community Asset Transfer is a legislative process which is highly regulated. It is important therefore to ensure that procedures are strictly adhered to and are applied consistently at all stages of the CAT process.
- 1.7 This Process Guide is supported by more detailed operational procedures and separate guidance documents for community groups and elected members.
- 1.8 The “Act” provides for a range of asset transfer options available to community groups and covered by this Process Guide, these are:
  - Full ownership, sale or conveyance of an asset to an eligible Community Transfer Body (CTB)<sup>4</sup>;
  - Short or medium-term lease to CTB for delivery of community benefit activity;

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<sup>1</sup> [Asset Transfer Guidance for Relevant Authorities](#)

<sup>2</sup> [Community Empowerment \(Scotland\) Act 2015](#)

<sup>3</sup> Specified within the Act and Regulations

<sup>4</sup> Additional criteria required

- Long-term lease to CTB, 10 years plus, for delivery of community benefit activity;
- Licence to Occupy, whereby a CTB is granted sole use of an asset for delivery of community benefit activity;
- Other management rights, whereby the Council grants right to a CTB to determine community-based activity.

1.9 For clarity, it is important to note,

- a) The “Act” specifies that CAT requests can be made for any land, building or other structure that is owned or leased by the council;
- b) It is recognised that not all assets are suitable for transfer. Our CAT Policy (2022) gives consideration to the retention of assets which provide an income for the council, have restrictive covenants on them making them unsuitable for transfer, or should be retained by the Council for delivery of essential services, capital investment or for the benefit of Renfrewshire residents more widely.
- c) This consideration in our policy does not prevent community groups from making a request; the “Act” places the burden on the Council to provide a reason for refusal.

1.10 The processes and procedures contained within this guide are effective from the date of Board Approval (15 June 2022).

1.11 In line with Renfrewshire Council Community Asset Transfer Policy 2022, this Process Guide will be updated within 20 working days with any changes in the Community Empowerment (Scotland) Act 2015 or related guidance and will be reviewed as fit for purpose every 2 years.

1.12 For more information contact: [communityassettransfer@renfrewshire.gov.uk](mailto:communityassettransfer@renfrewshire.gov.uk).

## Operational Responsibility

A lead officer within the Council’s Economy and Development team will be identified as the single point of contact (SPOC) for each CAT application. This person will be responsible for ensuring CAT requests are managed in accordance with this guide and will be supported by a small virtual team of officers from across the Council, the CAT Operational Group.

## 2 Community Asset Transfer – Stages

- 2.1 There are several statutory and non-statutory stages that an asset transfer request under the “Act” will go through before the asset can be leased or otherwise transferred to a community body.
- 2.2 Sections 3 to 8 below set out each stage of the CAT process, in order of occurrence. They outline the process and relevant procedures at each stage.
- 2.3 In Renfrewshire, we have introduced a pre-request stage which allows us to get early notice of CAT requests and to be able to check eligibility before a formal request is received. We encourage community groups to make use of this. However, groups can choose to jump straight to the formal, statutory request stage bypassing the initial enquiry and expression of interest. It is hoped that the use of the pre-request stage will reduce the time taken to process the formal request and result in a lower likelihood of the request being refused.

### Pre-Request Stage (Non-statutory)

## 3 Initial Enquiry

- 3.1 Groups are encouraged to discuss their ideas with the Council at an early stage. This may be when they have identified an asset they are interested in, or to discuss their ideas and needs and see whether any suitable assets are available.
- 3.2 Most enquiries will be made directly by groups seeking information and will be received in the dedicated CAT mailbox<sup>5</sup> which is managed by the Council’s Estates Team.
- 3.3 Enquiries may also be made to other departments or referred from other organisations outside with the Council.
- 3.4 However an enquiry is raised, it is important to ensure that all enquiries are dealt with in the same way. If the enquiry is not made to the CAT mailbox directly, full details of the enquiry should be forwarded to the CAT mailbox to be followed up by officers.
- 3.5 The CAT officers will make initial contact with groups to ascertain where they are at in their proposals and whether CAT is an appropriate route for the group to realise their ambitions. Groups will be issued with a standard pre-request information pack and/or expression of interest form, as appropriate.
- 3.6 Officers will agree a timescale with the group to follow up on the enquiry.

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<sup>5</sup> [communityassettransfer@renfrewshire.gov.uk](mailto:communityassettransfer@renfrewshire.gov.uk)

- 3.7 Groups will be advised from the outset if the asset they are interested in is not likely to be available, or if we have a pre-existing CAT request, or have already marketed the asset for sale or lease or if the Council is already in negotiations to transfer the asset to another body.
- 3.8 This is important and may affect the group's decision to apply for a particular asset as well as keeping the Council right in relation to rules on 'Prohibition of Disposal' within the "Act".
- 3.9 A group may continue to apply for an asset subject to existing negotiations and the Council is obliged to consider the request alongside the other use but is not prevented from disposing of the asset so long as marketing and negotiations commenced prior to the full CAT request being received.
- 3.10 The nominated SPOC will be responsible for advising relevant departments in the Council that an enquiry has been received for a property and will update Panel Members at the next scheduled CAT Panel meeting.

### Prohibition of Disposal and Multiple Requests

Once a CAT request has been received, the Council is prohibited from disposing of the asset other than to the CTB making the request until such time as the CAT request is concluded, including periods for review and appeal. There are exceptions to this where the asset has already been marketed for sale or lease or the Council is in negotiations to transfer the asset to another body.

In the case of multiple requests for the same asset, The Council has the option to explore if groups can work together or submit requests at the same time in order to assess together. If this is not feasible, the asset cannot be disposed of until all requests have been concluded, including any appeals.

Neither situation prohibits groups from submitting a CAT request, however, they should be advised that the asset may be disposed of prior to the CAT process being concluded.

## 4 Helping Communities Identify Suitable Assets (Statutory)

- 4.1 It is incumbent on the Council to maintain and make available a register of all assets and common good properties/land whether owned or leased and to provide CTBs with detailed information on the property including condition and running costs, if available.
- 4.2 This is provided and updated quarterly by the Estates team and is hosted on the Council's website.
- 4.3 The likely price of the asset is something the CTB will need to consider at an early stage in developing its proposals. The guidance recommends that it will be helpful for relevant authorities to give an indication of their expectations in terms of price at an early stage in discussions.<sup>6</sup>
- 4.4 This information should be provided by the Council from existing sources, where available, with no costs charged to the CTB for this.

## 5 Expression of Interest (Non-Statutory)

- 5.1 While the statutory scheme requires a full CAT application to be made to initiate the process, in Renfrewshire, we have adopted a two-stage approach in the form of an expression of interest (EOI).
- 5.2 This is more formal than an enquiry and provides us with the outline proposal as well as key details about the organisation.
- 5.3 The expression of interest enables us to initiate preliminary checks on the eligibility of the CTB for the type of request and the availability of the asset requested and to advise the CTB accordingly.
- 5.4 Expressions of interest received will be circulated by SPOC to relevant departments, including One Ren, with a specific request to provide information and/or feedback comments as appropriate.
- 5.5 The CTB's constitution will be shared with the Council's Legal Team with a specific request to confirm if it is likely the CTB will be eligible to apply for CAT whether seeking ownership or lease.
- 5.6 The Council will aim to process EOIs within 20 working days (4 weeks) in order that we can provide early feedback to the CTB with details of any actions to be addressed, for example, to update their constitution to include provision for taking on property or entering into a lease agreement.

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<sup>6</sup> Note: a Valuation Policy will be developed to support this.

- 5.7 If it is likely the CTB will be eligible for the type of CAT requested and the asset in question is likely to be available for transfer, the CTB will be invited to submit a full asset transfer request.
- 5.8 At this point a formal a formal assessment of market value should be instructed. (Sections 11 and 12 of the guidance).
- 5.9 This should be provided by either the District Valuer, or a suitably qualified and experienced independent valuer, registered with an appropriate professional body.
- 5.10 If it is not likely the CTB will be eligible for the type of CAT requested or the asset in question is not likely to be available for transfer, this will be fed back to the CTB by the SPOC and signposted to sources of support. If it is simply that the asset is not likely to be available for transfer, we will work with the CTB to identify an alternative.
- 5.11 There is no timescale for CTBs to submit a request as it is likely they will have received feedback to be addressed in the full request. Either way, the CTB will be required to conduct consultation in the area local to the asset and to develop a full costed business plan for their proposals.
- 5.12 Expressions of Interest will be held open for a maximum of 12 months awaiting a full CAT request is received, thereafter, the CTB will be advised it is no longer considered valid.
- 5.13 The property register must be updated to note the EOI and this must be available for all officers dealing with property. A note will also be added to the online register on the Council's website.
- 5.14 Panel Members will be informed that an EOI has been received for an asset at the next scheduled Panel meeting.

### Pre-Request Stages

It is important to note that, whatever pre-request arrangements Councils may put in place, Community Transfer Bodies have a right to submit an asset transfer request without any previous discussion or if their outline proposals have not been supported. We must be ready to process all requests in accordance with the requirements of the "Act".

## Statutory Request Phase

### 6 Stage 1 – Formal CAT Request (Statutory)

- 6.1 Requests for CAT must be made in writing and state that the request is being made under PART 5 of the “Act”.
- 6.2 Within Renfrewshire, we have adopted the standard template recommended by the Scottish Government.
- 6.3 The legislation requires certain information to be specified in an asset transfer request. This is set out in section 79(4) of the Act and Regulation 3 of the Asset Transfer Requests (Procedure) (Scotland) Regulations 2016 (the Procedure Regulations)<sup>7</sup>. In terms of Regulation 3, an asset transfer request is not treated as having been made until all the required information is received by the relevant authority.
- 6.4 This is important to note and a critical stage of the process. The SPOC will keep in touch with the CTB throughout the process and to help manage expectations of the timescales involved. It is also important that CTBs understand what happens after they submit a request and when it is considered that the request has been made.
- 6.5 Details of the minimum information required on the request is provided at Appendix 1.
- 6.6 Once a CAT request is received, it will be rigorously checked by the CAT Operational Group to ensure that all information has been provided and that we are satisfied on all aspects of eligibility, details of the proposal and community benefits that will be provided, the skills and capability of the CTB to manage the asset and deliver the benefits and also the robustness of the business plan.
- 6.7 Before considering the request complete, the constitution will be passed to the Council’s Legal team to confirm that all of the necessary conditions are covered. The CTB’s business plan will also be shared with the Council’s Economic Development team to provide feedback on the robustness, deliverability and sustainability.
- 6.8 Any comments from either Legal or Economic Development teams will be fed back to the group and support will be provided to help the group make any changes required.
- 6.9 The SPOC will be responsible for managing this process and collating feedback from colleagues.
- 6.10 It is only when we are satisfied on all aspects of the request, constitution and business plan that we can consider the request to have been made.

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<sup>7</sup> <https://www.legislation.gov.uk/ssi/2016/357/contents/made>

- 6.11 There is no timescale for requests to get to this stage and there may be several iterations of documents before they meet the minimum criteria. This will depend on how quickly CTBs can respond to feedback and make any alterations necessary.
- 6.12 The Council will not unnecessarily delay providing the CTB with feedback if their request falls short of the minimum required and should aim to provide constructive and comprehensive feedback within 20 working days (4 weeks) of receiving any document or addition to the request. All feedback must be constructive and be accompanied with an offer and sources of support.

## 7 Validation – Procedure Following Receipt of a CAT Request (Statutory)

- 7.1 Considering that a request has been made triggers an official acknowledgment notice to the CTB and starts the legislative ‘clock’ whereby the Council has up to six-months to give the CTB a decision. This status is referred to as ‘validation’.
- 7.2 Agreeing to validate a request will be managed within the CAT Operational Group and advised to the next available Panel.
- 7.3 The acknowledgment notice will be issued by the SPOC officer at the Council.
- 7.4 As soon as possible after the request has been validated (issue of acknowledgement notice), the Council is required to publish notice that a CAT request has been received for an asset and invite representations from interested parties.
- 7.5 The notice is published on the Council’s website and displayed at the site and within the local community. Copies are issued directly to any tenants, owners and regular users of the facility.
- 7.6 Notices must be displayed for a minimum of 20 days during which any representations can be made to the Council. Representations must be made in writing stating the name of the person/group raising them.
- 7.7 All representations are shared with the CTB and published on the website; CTBs have a right to respond to representations within 20 days of the representation being made and this response will also be published on the website.
- 7.8 The SPOC for the CAT request will be responsible for managing this phase of the process.

## 8 Decision Making Process

- 8.1 As soon as possible following the period for notices and recommendations (up to 40 days), the request will be sent out to the CAT Panel to score against a common set of indicators. Scoring will be done independently and discussed at a CAT Panel meeting to agree a consensus. Based on the consensus score, the Panel will be responsible for recommending to Council Board if the asset transfer should proceed, or if it should be rejected and the reasons for rejection.
- 8.2 Following the decision of the CAT Panel, a report will be prepared with the recommendation and taken to the next available Board by the Head of Economy and Development.
- 8.3 The Council Board will make the final decision to accept or reject the Panel Recommendation.
- 8.4 The Board decision, whether to agree or refuse a CAT request, triggers the next formal stage of the process and a standard decision notice is issued to the CTB by the Head of Economy and Development.
- 8.5 If the Board reject the request, the CTB has 28 days to request a review of the decision and further periods of 28 days to make an appeal or refer to Scottish Government for review.
- 8.6 The Council is now prohibited from disposing of the asset, including leasing, to anyone other than the CTB submitting the request, until such time as contracts are exchanged or any applications for review or appeal are fully concluded.

## 9 Stage 2 – Following Board Approval

- 9.1 In response to the decision notice, the CTB has up to six-months to submit an offer to take ownership of the land, lease it or take up the rights covered by the request.
- 9.2 The offer must reflect the terms and conditions set out in the decision notice; if those terms and conditions are significantly different from those included in the CAT request and are not acceptable to the CTB they can appeal or request a review to the Scottish Ministers within 20 working days of the decision notice. (national guidance section 11).
- 9.3 The Act does not say how much should be paid to purchase an asset or in rent, whether it should be at market value or at a discount. The CTB has to state in the asset transfer request how much they are prepared to pay, alongside the benefits the project will deliver, and the relevant authority has to decide whether or not to accept that price.

- 9.4 If the community transfer body decides to offer a price that is less than the market value, the relevant authority will need to assess whether the non-financial benefits offered by the proposals justify that reduced price.
- 9.5 For purchase or lease, both parties are likely to need a formal valuation for accounting and funding purposes. Chapter 12 of the guidance suggests how this could be done on a joint basis.
- 9.6 It is suggested that this should be done as part of the pre-request phase, however, if the valuation takes place after the request is received or approved, the CTB may wish to revise their offered price on that basis, or a revised price may be included in the decision notice.
- 9.7 If no offer is made by the date set in the decision notice, and the CTB do not appeal or request a review in relation to the terms and conditions of the offer (within 20 days), the process is at an end. The agreement to transfer the property to the community transfer body has no further effect, and the authority is free to keep or dispose of the asset as it wishes.

## 10 Stage 3 – Implementation and Handover

- 10.1 Once an offer has been made by the CTB, the Council has up to six-months to accept the offer, have further negotiations with the CTB and conclude contracts.
- 10.2 This does not mean the transfer has to take place within that time, but the date for the transfer, the price or rent and any other terms and conditions must be agreed. The contract may be conditional on other factors that are needed to allow the community proposals to go ahead, such as confirmation of funding or planning permission.
- 10.3 If the request is for ownership or a long-term lease this will be like any other property transaction, with exchanges between lawyers to agree the final wording, although for other rights the process may be much simpler.
- 10.4 If no contract is concluded within 6 months of the offer, and no other action is taken, the process is at an end. The CTB has no further claim on the property, and the relevant authority can keep it or dispose of it as they wish. This should generally be by mutual consent. However, if the CTB believes there is still progress to be made, they can take action to keep the request alive, including applying to the Scottish Ministers for a direction to extend the period; or raising an appeal the Scottish Ministers, which the Council can be required to accept.

## 11 Review and Appeal

### Introduction

- 11.1 A Community Transfer Body (CTB) can seek a review or appeal if:

- a) their request is refused;
- b) the request is agreed, but the terms and conditions in the decision notice are significantly different from those in the request; or
- c) no decision notice is issued within the required period.

#### 11.2 Options for CTBs include

- a) an internal review by the Council (Section 86 of the Act); or
- b) an appeal to the Scottish Ministers (Section 88 of the Act); this would be where the outcome of the review does not resolve the issue, or if no decision is made within the required period (28 days);

11.3 A CTB can also appeal to the Scottish Ministers even when a request is agreed, but no contract is concluded within the required time limit.

11.4 Section 91 of the Act provides that a CTB cannot seek a review or appeal in relation to the terms and conditions in the decision notice if it has already made an offer, unless it first withdraws that offer; if the CTB makes an offer after submitting an appeal or application for review, the appeal or review is treated as having been withdrawn.

11.5 In all cases the final decision lies with the Scottish Ministers. There is no further route of appeal beyond them (except by judicial review).

### Local Authority Review

11.6 An application for review must be made in writing to the local authority within 20 working days beginning with the date of the decision notice, or if no decision has been made, within 20 working days beginning with the date of the deadline for the decision (6 months from the validation date).

11.7 On receipt of an application for review, the Council must send an acknowledgement of the application to the CTB within 10 working days of receiving it; also within 10 days, the Council must give notice of the review to anyone who made who made representations on the original request.

11.8 The rules for arranging and conducting a hearing session are set out in the schedule to the regulations<sup>8</sup>.

11.9 Having carried out the review, the Council may confirm the original decision, modify it or any part of it (including the terms and conditions set out in the decision notice) or substitute a different decision. They must issue a new decision notice, which replaces the previous decision notice. The decision notice must be given within 6 months of the date the application for review was made.

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<sup>8</sup> <https://www.legislation.gov.uk/ssi/2016/358/contents/made/data.pdf>

## Appeal to the Scottish Ministers

- 11.10 Following a review by the Council, CTBs can appeal to the Scottish Ministers as provided by section 88 of the Act.
- 11.11 The notice of appeal must be made in writing to the Scottish Ministers within 20 working days beginning with the date of the decision notice, or if no decision has been made, within 20 working days beginning with the date of the deadline for the decision (6 months from the validation date); or the date of the decision on the review, or the deadline for that decision.
- 11.12 At the same time as sending the notice of appeal to the Scottish Ministers, the CTB must send a copy to the Council and the Council must respond to the Scottish Ministers within 15 working days of receiving the copy of the notice of appeal.
- 11.13 The rules for arranging and conducting a hearing session are set out in the schedule to the regulations<sup>7</sup>.
- 11.14 Having carried out the appeal, the Scottish Ministers may allow or dismiss the appeal, and may reverse or vary any part of the original decision, even if that part was not mentioned in the appeal, including changing the terms and conditions set out in the decision notice.
- 11.15 If the outcome of the appeal is that the asset is to be transferred, or any terms and conditions in the decision notice are to be changed, the Scottish Ministers must issue a direction to the relevant authority requiring them to issue a new decision notice on those terms. This decision notice replaces any previous decision notice in relation to the asset transfer request.

## 12 Multiple Requests for the same Asset

- 12.1 Each asset transfer request that is received must be processed in line with the procedures and timescales set out in the regulations, even if further requests are received for the same land before the first has been concluded. There is no provision to delay a decision on one request until any previous requests have been considered.
- 12.2 The guidance suggests that if using a pre-application process (as we are in Renfrewshire), that we may be able to agree with the CTBs involved that all requests will be submitted at roughly the same time, allowing them to be processed in parallel.
- 12.3 Each asset transfer request that is received prohibits the relevant authority from disposing of the land to anyone other than the community transfer body making that request, until it has been completed. Where there are multiple requests for the same land, this could result in overlapping prohibitions.

- 12.4 The legislation does not allow for prohibition to be disallowed in terms of section 84(12) of the Act, in respect of subsequent requests. Equally, the prohibition imposed by the first request would not prevent subsequent requests being processed.
- 12.5 Ultimate disposal of the land cannot take place until all requests have been concluded, including any appeals.
- 12.6 In this situation, the Council can apply to the Scottish Ministers for a direction to disapply the prohibition if necessary.

### Multiple Request – an Example

What do we need to do when one or more requests are received for the same asset? The legislation states that each transfer request must be processed following the timelines prescribed, therefore we would need to register the request and start to process it in the same way as the previous one. However, we could ask ourselves - at what stage is the first application?

- a) If this is still at a pre-application stage, we might suggest that each transfer request is submitted at roughly the same time in order that they can be processed in parallel and/or we could explore if it is viable for groups to work together and submit a single application. If neither option is possible, we would need to progress each application separately and advise both that we will be unable to dispose of the asset until each request is concluded, including periods for appeal.
- b) If the first application has been validated or approved, we would still need to process the second application but should advise them of the first which is at a more advanced state, however, we would also need to advise both that we will be unable to dispose of the asset until each request is concluded, including periods for appeal.
- c) If however, we had already issued a Decision Notice to the first CTB, section 84(12) (c) of the Act would enable prohibition to be disallowed on the basis that we “*have proceeded further with a proposed transfer or lease of the land which was initiated before the date on which the asset transfer request is made*”. In this instance, prohibition would not apply and we would be able to conclude the transfer and dispose of the asset before considering the second request.

## 13 Administration and Reporting

- 13.1 Section 95 of the Act requires every relevant authority to publish an annual report setting out the numbers of asset transfer request received and their outcomes.
- 13.2 The report must state:
- a) how many asset transfer requests were received;
  - b) how many requests were agreed to or refused;

- c) for requests agreed to, whether they resulted in transfer of ownership, lease, or conferral of other right;
- d) for appeals relating to requests made to the relevant authority, how many have been allowed, dismissed, or have resulted in any part of the authority's decision being reversed or changed;
- e) where decisions made by the authority have been reviewed, how many have been confirmed, modified or substituted by a different decision.

13.3 The report must also describe anything the relevant authority has done to promote the use of asset transfer requests and support community transfer bodies to make requests.

13.4 Annual reports cover each year from 1 April to 31 March and must be published by 30 June.

## Appendix 1 – Formal CAT Request

There are three key documents required for a CAT request to be considered made – The Standard CAT Request Form; the CTG’s Constitution; and the Business Plan for the asset.

The guidance sets out the minimum level of information that should be contained within the Standard CAT Request Form, these are:

- A. contain the name and contact address of the community transfer body;
- B. be accompanied by a copy of the constitution of the community transfer body;
- C. specify the building or land to which the request relates and provide a map or plan where possible;
- D. specify whether the request is a request for ownership, lease or other rights;
- E. specify the price that the community transfer body is prepared to pay for the transfer of ownership or for a lease;
- F. the duration of the lease requested and any other terms and conditions that the community transfer body considers should be included in any lease;
- G. if the request is for other rights, specify the nature and extent of the rights sought;
- H. specify the reasons for making the request;
- I. describe how the community transfer body proposes that the building or land is to be used;
- J. define the ‘community’ (area or interest) that the asset request is proposed to benefit;
- K. specify the benefits which the community transfer body considers will arise if the authority were to agree to the request;
- L. outline how it is proposed that the transfer of ownership, lease or the conferral of other rights in respect of the asset on the community transfer body (as the case may be); and the proposed use of the asset, are to be funded;
- M. describe and provide evidence of the level and nature of support for the request from the community to which the community transfer body relates and wider community in which the asset is located.

## Appendix 2 – Role of Council Departments

Community Asset Transfer is an intra-Council Process, that is, that it cuts across and impacts on a number of Council Directorates and Service Delivery Areas.

The CAT Process will be managed and overseen by the Head of Economy and Development within Chief Executive's services but will call on other services across the Council as appropriate and at different stages of the process.

Core Services required to deliver CAT, include

- **Estates** – required to confirm that an asset is or can be available for transfer under CAT; assist in helping to identify suitable assets for CTBs; assist in providing information in relation to assets subject to a CAT request, including, market value for lease or purchase; contribute to the decision making process to sell or lease an asset, valuation and the drawing up of contracts and agreements where a CAT request has been approved.
- **Legal** – required to confirm eligibility of the CTB and their constitution prior to validating the request; principal partner in the drawing up of contracts and agreements where a CAT request has been approved.
- **Economic Development** – principal partner in assessing the CTB's Business Plan; provide advice and support to CTBs in the process; information and access to support funding where appropriate.
- **Community Empowerment** – development support to CTBs considering a CAT request; information and access to support funding where appropriate.

### Other Services (as required)

- **Property Services** – contribute- to decision making process; provide information on property, running costs and condition as appropriate.
- **Children's Services** – where impacts children and young people or school estate.
- **One Ren** – where relates to One Ren Estate.

### Operational Groups

- **CAT Operational Group** – a small group of officers from key services to assist in the process of requests.
- **CAT Panel** – A group of senior officers, Heads of Service to assess CAT requests and make recommendations to the Infrastructure, Land and Environment Board.

## Glossary

### Common Terms and abbreviations used throughout this document

“Act”; the Act; CEA	Unless otherwise specified, this refers to the Community Empowerment (Scotland) Act 2015 and in particular, Part 5 of said Act
Asset	A building or land owned by or under stewardship of Renfrewshire Council
Asset Register	The list of all assets owned or leased by Renfrewshire Council including those categorised as ‘Common Good’
CAT	Community Asset Transfer as specified in the Act
ComBen	A Community Benefit Organisation; a form of organisation deemed by the Scottish Ministers as a Community Transfer Body able to request ownership of an asset
Community- Controlled Body	A community organisation that has a formal constitution, Articles of Administration or set of rules that determine the purpose and means of governance of the organisation; also refers to a constituted body (group) that is wholly managed by the members (of the body/group)
(the) Council	Renfrewshire Council and including the Political Administration
CTB	Community Transfer Bodies; community organisations who meet the criteria specified in the Act and who make a request for CAT either to lease or to purchase or for other management rights.
Guidance or SG Guidance	This refers to the official guidance documents issued by the Scottish Government in January 2017 when Part 5 of the Act was enacted. The two guidance documents are: Asset Transfer: Guidance for Relevant Authorities; and Asset Transfer: Guidance for Community Transfer Bodies
PART 5	The part of the Act that governs Community Asset Transfer
Relevant Authorities	Term used in the Act to refer to all public bodies covered by the Act; in the case of this document this refers to Renfrewshire Council
SCIO	Scottish Charitable Incorporated Organisation; a form of organisation deemed by the Scottish Ministers as a Community Transfer Body able to request ownership of an asset
SG	The Scottish Government
Transfer or CAT Request	The process of applying for an asset transfer under the Act.