

To: Infrastructure Land & Environment Policy Board

On: 25 August 2021

Report by: Chief Executive

Heading: Community Asset Transfer Return (1st April 2020 – 31st March 2021)

1. Summary

- 1.1 In accordance with the Community Empowerment (Scotland) Act 2015 the Council is required to publish its Community Asset Transfer report for the period from 1st April 2020 until 31st March 2021. In this year the Council has received 11 enquiries/interests regarding asset transfers with 2 full applications being received and considered.
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2. Recommendations

- 2.1 It is recommended that the Board: -
- i. Approve the Community Asset Transfer Return which will then be published on the Council's webpage for the period 1st April 2020 – 31st March 2021.
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3. Background

- 3.1 The Community Empowerment (Scotland) Act 2015 ("the Act") became effective on 23rd January 2017. From this point Renfrewshire Council has been actively promoting requests to transfer assets to its communities under medium / long term leases, or full ownership where appropriate, and have been supporting community bodies in making such requests via its Community Empowerment Fund. Board members will be aware that at its meeting of 23rd February 2017, the Council agreed its process for dealing with Community Asset Transfer applications. As part of that decision, it was agreed that applications would be determined in the first instance by the Head of Property Services.

Due to recent changes to the Council’s Scheme of Delegation it should be noted that this responsibility will now pass to the Head of Economy and Development.

- 3.2 The Infrastructure, Land and Environment Board has received annual updates on the conclusion of full applications for Community Asset Transfer since 2018. The table below summarises the decisions on all those applications made prior to this year.

Table 1 Community Asset Transfer applications (1 April 2018 - 31 March 2020)

Organisation	Subject asset	Request for	Date (all approved)
Linwood Community Development Trust	Linwood Community Woodland, Linwood	Ownership	30/05/2018
The Star Project	Land within Fountain Gardens, Paisley	Lease	23/01/2019
Kilbarchan AAC (Kilbarchan Harriers)	Land adjacent to On-X, Linwood	Lease	23/01/2019
Viewfield Rovers AFC	Viewfield Park & Pavilion, Lochwinnoch	Lease	20/03/2019
Kustom Kruizers	Former Public Toilets, Renfrew	Lease	29/05/2019

4. Community Asset Transfer requests 2020/21

- 4.1 During the period 1st April 2020 – 31st March 2021, 11 Community Asset Transfer interests were received. Of these interests, 2 full applications were submitted and considered, as summarised below.
- 4.2 The Officer Asset Transfer Panel, chaired by the Head of Property Services met on the 4th of December 2020 to discuss these applications.

1. Friends of Howwood Park/Howwood Park Pavilion

This application was submitted by the Friends of Howwood Park for a Community Asset Transfer on the basis of a 10-year lease for the park pavilion, with a proposed annual rent of £1 if asked. The proposal of the group was to refurbish the pavilion as a community asset for use by a number of local groups. This application was approved and the Infrastructure, Land and Environment Board on the 27th January 2021 authorised the lease agreement.

2. UP2US/Barnbrock Farm, Bridge of Weir

The second Community Asset Transfer application was submitted by the charity UP2US for Barnbrock Farm in Bridge of Weir. UP2US is a charity which cares for vulnerable children up to the age of 26, offering education, training, and residential accommodation.

The application was for a lease for 3 years at an annual rent of £12,000 per annum, and upon expiry of the lease, a proposed purchase price of £350,000.

This proposal was submitted when Barnbrock Farm was being marketed for sale and in terms of the Act, where a local authority receives a Community Asset Transfer request from a community transfer body, it is required to consider and determine the proposal before it can dispose of an asset. The marketing of the farm was therefore stopped while the application was considered.

The Officer Asset Transfer Panel considered the request and, in this instance, decided to refuse this application.

Following this refusal, UP2US submitted a request asking for a review of the decision by the Head of Property Services in respect of their application. In accordance with Part 5 of the Act, this required the Council to form a sub-committee to discuss the refusal, this was agreed by the Board at its meeting of 24th March 2021.

The Community Asset Transfer Request Sub Committee met on the 26th of April 2021 to discuss the review request and asked for further submissions from both the applicant and the Head of Property Services. The Sub-Committee met again on the 18th June 2021 and were advised that UP2US had withdrawn their review request. Therefore the decision by the Head of Property Services to refuse the application stands.

- 4.3 During the reporting period, there were no appeals in terms of Section 85 and one review request in terms of Section 86 of the Act in respect of refusals or conditional acceptances of asset transfer requests. There have been no delays in providing decision and notices. There were no reviews of decisions by the Scottish Ministers in terms of Section 87 of the Act. The review which has been received under Section 86 of the Act and is detailed above has not been concluded during this reporting period.

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 will be considered for the benefit of our communities.
 - Our Renfrewshire is safe – consideration will be given to the safety within our communities in relation to applications.

- Working together to improve outcomes -Multi agencies will be working together to enable our community transfer bodies to be successful in their applications for assets.
4. **Legal** – Legal Services are consulted in terms of advising on the title for the applications and reviewing the groups constitutions, as well as the conveyancing for successful applications. Due to recent changes to the Council’s Scheme of Delegation the responsibilities outlined in the report relating to the Head of Property Services and Community Asset Transfer requests will now pass to the Head of Economy and Development.
 5. **Property/Assets** –Consulting with the community transfer bodies and Council departments to progress applications.
 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.
 9. **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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List of background papers:

- i. Report to Infrastructure, Land and Environment Board, 27th January 2021;
Howwood Park Community Asset Transfer Request
- ii. Report to Infrastructure, Land and Environment Board’ 24th March 2021;
Community Asset Transfer - Request for Review, Barnbrock Farm
- iii. Report to Infrastructure, Land and Environment Board, 26 August 2020;
Community Asset Transfer Returns (1st April 2019 – 31st of March 2020)
- iv. Report to Infrastructure, Land and Environment Board, 28 August 2019:
Community Asset Transfer Returns (1st April 2018 – 31st of March 2019)

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