



Renfrewshire Council

COMMUNITY ASSET TRANSFER POLICY 2022

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Service	Chief Executive's Service Economy and Development	Lead Author	Sandra Inrig
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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 eligible¹ 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 ultimate 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; and to stimulate economic activity and regeneration.

¹ As defined in the [Community Empowerment \(Scotland\) Act 2015](#) and related [guidance](#)
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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;
- 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 asset in the community 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) provision that membership of the body is open to any member of that community;
- (e) a statement of the body’s aims and purposes, including the promotion of a benefit for that community; and
- (f) 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 the 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 documents² 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 of 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

² [Community Empowerment \(Scotland\) Act 2015](#) and related [guidance](#)
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Minister, provided a local authority is satisfied that they are achieving “best value” through economic, regeneration, social, environmental or health benefits.

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 Statement on Community Asset Transfer

6.1 This Policy Statement, dated June 2022, replaces all previous policy statements in relation to Community Asset Transfer 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 Community Asset Transfer (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 documents³ 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.

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.

³ CAT Process and Guidance Documents are available to download from our [CAT Website](#)
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- 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 Capital 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 in paragraphs 6.8 and 6.9, 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.
- 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'⁴, full details of a CAT request will be published on the Council's web page and notices will be displayed 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 a response 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

- 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 option in 6.20 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 and/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 Statement 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.

⁴ 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 16th of April 2022 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 As set out in paragraph 6.9, 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 Excepting 7.2 above, paragraph 6.12 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 Paragraph 7.2 also applies where multiple requests are received for the same asset. 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 criteria⁵.
- 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), for delivery of community benefit activity;
 - 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 (no more than 11 months at discretion of the Head of Economy and Development Services), 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 deliver community-based activity.

⁵ Available to download from <https://www.renfrewshire.gov.uk/article/4534/Community-Asset-Transfer>
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- 7.9 Assets will not be transferred to individuals or private sector businesses or 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.
- 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 Sales and leases will be offered on an 'as seen' and 'full repairing and insuring' basis. It should be noted that the Council will not contribute to any improvement or investment works PRIOR to a lease or sale.

Legal Representation

- 7.16 While Renfrewshire Council can offer assistance to groups developing their, constitution, business case or seeking funding, this will NOT be provided by the Estates Team. Community Transfer Bodies are strongly advised to take independent property and legal advice before committing to a CAT transfer.
- 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 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](https://www.renfrewshire.gov.uk/article/4534/Community-Asset-Transfer) by email to communityassettransfer@renfrewshire.gov.uk

[Renfrewshire Council Community Empowerment Fund](#)

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

<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/>