



**COMMUNITY ASSET TRANSFER
PROCESS GUIDE
June 2022
(Updated January 2023)**

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Contents

| | | |
|----|---|----|
| 1 | Introduction | 3 |
| 2 | Community Asset Transfer - Stages | 5 |
| 3 | Initial Enquiry | 5 |
| 4 | Helping Communities Identify Suitable Assets (Statutory)..... | 7 |
| 5 | Expression of Interest (Non-Statutory)..... | 7 |
| 6 | Stage 1 – Formal CAT Request (Statutory) | 9 |
| 7 | Validation – Procedure Following Receipt of a CAT Request (Statutory) | 10 |
| 8 | Decision Making Process | 11 |
| 9 | Stage 2 – Following Board Approval..... | 12 |
| 10 | Stage 3 – Implementation and Handover | 13 |
| 11 | Review and Appeal | 13 |
| 12 | Multiple Requests for the same Asset | 15 |
| 13 | Administration and Reporting | 16 |
| | Appendix 1 – Formal CAT Request Minimum Information | 18 |
| | Appendix 2 – Role of Council Departments..... | 19 |

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 Authorities¹ and comply with the Regulations of PART 5 of the Community Empowerment (Scotland) Act 2015², enacted in January 2017, hereinafter referred to as the “Act”.
- 1.3 The “Act” requires public authorities to assess CAT requests transparently against a specified list of criteria³, 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)⁴, 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;

¹ [Asset Transfer Guidance for Relevant Authorities](#)

² [Community Empowerment \(Scotland\) Act 2015](#)

³ Specified within the Act and Regulations

⁴ Additional criteria required

- 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 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, **15th of 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.

Operational Responsibility

A lead officer within Economy and Development will act as the Single Point of Contact (SPOC). This person will be responsible for ensuring CAT requests are managed in accordance with this guide and the Act. The SPOC 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 a number of 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 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 needs and ideas, or to seek advice on suitable assets.
- 3.2 Most enquiries will be made directly by groups seeking information and will be received in the dedicated CAT Mailbox⁵ which is managed by the CAT Lead.
- 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 received outwith the CAT Mailbox full details of the enquiry should be forwarded to the CAT Mailbox to be followed up by the CAT Lead.
- 3.5 The CAT team will make initial contact with groups to ascertain what stage they are at in their proposals and whether or not 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.

⁵ communityassettransfer@renfrewshire.gov.uk

- 3.6 The CAT Lead will agree a timescale with the Group to follow up on the enquiry.
- 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 and/or if the Council is already in negotiations to transfer the asset to another body.
- 3.8 This is an important phase of the process 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 CAT Lead will be responsible for advising relevant departments in the Council that an enquiry has been received for a property or land and will update Panel Members at the next scheduled 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 regularly by the Estates team and is hosted on the CAT Web page.
- 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.⁶
- 4.4 This should be provided by the Council from existing information, where available, with no costs charged to the CTB.

5 Expression of Interest (Non-Statutory)

- 5.1 While the statutory scheme requires a full CAT request to be made to initiate the process, in Renfrewshire, we have adopted a two-stage approach in the form of an Expression of Interest.
- 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 the CAT Lead 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 Legal Services 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 It is important that we can 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.

⁶ 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 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 CAT Lead and the CTB will be 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, thereafter, the CTB will be contacted to confirm their interest and/or 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 CAT web page.
- 5.14 Panel Members will be informed that an EoI has been received for an asset at the next scheduled Panel meeting but will not receive copies of paperwork and will not be required to make a decision at this stage.

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. This is available to download from the Council website and a copy is provided for information at Appendix 2.
- 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)⁷. 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 CAT Lead 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 Case accompanying the CAT Request form.
- 6.7 Before considering the request complete, the constitution will be passed to Legal Services to confirm that all of the necessary conditions are covered. The Business Case will also be shared with Economic Development to provide feedback on the robustness, deliverability and sustainability.
- 6.8 Any comments from either Legal or Economic Development will be fed back to the group and support will be provided to help the group make any changes required.

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

- 6.9 The CAT Lead 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 Case that we can consider the request to have been made.
- 6.11 There is no timescale for requests to get to this stage and there may be several iterations of documents before they are considered final and/or meet the requirements in the Act. This will depend on how quickly CTBs can respond to feedback and make any alterations necessary.
- 6.12 We must 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, addition or amendment 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 that a request is complete (Validation) will be managed within the CAT Operational Group and advised to the next available Panel.
- 7.3 An Acknowledgment Notice will be issued to the CTB by the CAT Lead.
- 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 to invite representations from interested parties. Our standard notice is attached as Appendix **XX**
- 7.5 The notice is published on the CAT web page 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 CAT Lead 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 representations (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 the CAT Subgroup of the Infrastructure, Land and Environment (ILE) 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 CAT Subgroup by the Head of Economy and Development.
- 8.3 The CAT Subgroup will comprise 5 Members of the ILE Policy Board, 3 from the Administration and 2 from Opposition parties or Independents; the Subgroup will be chaired by the Convener or vice-Convener of the ILE Policy Board.
- 8.4 It is the CAT Subgroup of the ILE Board who are the final decision makers agreeing either to accept or reject the Panel Recommendation.
- 8.5 The Subgroup 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.
- 8.6 If the ILE CAT Subgroup REJECT the request; or the request is agreed, but the terms and conditions in the decision notice are significantly different from those in the request; or no decision notice is issued within the required period; the CTB has 20 days to request a review of the decision to the Council Appeals Committee and further periods of 20 days to appeal to the Scottish Government if the Review is unsuccessful.
- 8.7 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.

Decision Notice

- 8.8 As soon as possible after the date of the ILE CAT Subgroup, a standard Decision Notice will be raised and issued to the CTB.
- 8.9 The Decision Notice will specify the decision of the Board and reasons for the decision and will set the procedures to request a Review.

- 8.10 If the decision is to approve the CAT request, the Decision Notice will include initial 'Heads of Terms' for the transfer.
- 8.11 If the 'Heads of Terms' are significantly different from those included in the CAT request and are not acceptable to the CTB, they can request a Review and later appeal to the Scottish Ministers within 20 working days of the Decision Notice. (Section 11).

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 or put forward an alternative.
- 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 request a review in relation to the Terms and Conditions (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.
- 9.8 The time period for an offer to be made may be extended by mutual consent.

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 to the Scottish Ministers, which the Council can be required to accept.

11 Review and Appeal

Introduction

11.1 A Community Transfer Body 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); this would be where the outcome of the review does not resolve the issue, or if no decision is made within the required period (6 months from the date the Review is requested).

- 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 representations on the original request.
- 11.8 The rules for arranging and conducting a hearing session are set out in the Schedule to the Regulations⁸.
- 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.

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.

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

- 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 Regulations⁷.
- 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 preapplication 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.

13.5 In terms of administration, all documentation in relation to the CAT process and requests will be saved in the Network Drive under the folder [..\..\Community Asset Transfer](#).

Appendix 1 – Formal CAT Request Minimum Information

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

- **Assets and 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 Services** – 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 (Social Enterprise)** – 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** – 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 CAT Subgroup of the Infrastructure, Land and Environment Policy Board.

Glossary

Common Terms and abbreviations used throughout this document

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| “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. |