

COMMUNITY ASSET TRANSFER READINESS ASSESSMENT

How ready is your group for Asset Transfer?

Part 5 of the Community Empowerment (Scotland) Act 2015 gives a right to community groups who qualify as a Community Transfer Body (CTB) to request to purchase, lease or manage any land or property owned or leased by Renfrewshire Council.

To check if your organisation qualifies as a CTB, complete the short readiness assessment below.

This is a self-assessment tool and does not need to be submitted to Renfrewshire Council with a CAT request, however, groups considering asset transfer are strongly advised to undertake the exercise with their members and/or committees when thinking about asset transfer.

Support is available on **how** to complete this and what to do if you answer **no** to any of the questions. Contact communityassettransfer@renfrewshire.gov.uk.

Community Transfer Body - Readiness Checklist	YES	NO
1. Status of your organisation		
(a) Is your community group incorporated (Limited Company, Registered Charity, SCIO, Community Benefit Company)?		
(b) Does the group have a written constitution or Articles of Association (set of rules)?		
Your organisation does not need to be incorporated, however, you must have a written constitution which is a set of rules determining who can be a member of your organisation and how you will operate. If looking to own an asset under asset transfer, your organisation must be incorporated. See Note 1 below		
2. Does your constitution/Articles include:		
(a) A definition of the community to which the body relates?		
Your group may represent the community in a particular area (Community of Place) or people who have a common interest or characteristic (Community of Interest).		

(b) Provision that membership of the body is open to any member of that community?		
Membership of your body must be open to anyone who is a member of the community you have defined. There is no maximum number of members required however, if you want to apply to own an asset, you must have a minimum of 20 members.		
(c) Provision that the majority of members of the body is to consist of members of that community?		
It can be helpful to allow people or organisations who are not members of the community to join your group, for example from people who have moved away from the area or organisations who support the community body's purposes [ASSOCIATE MEMBERS]. However, the governing documents must require that those who are members of the community [FULL MEMBERS] must always be in the majority.		
(d) Provision that members of the body, who consist of members of the community, have control of the body?		
Having "control of the body" means that the members of the community elect people to serve on the management committee and are overall in charge of the decisions made by the body.		
(e) A statement of the body's aims and purposes, including the promotion of a benefit for that community?		
This should set out what your organisation is established to do. Your aims and purposes may include activity that goes wider than your own community, such as raising money for charity, promoting your interest to other people or sharing your experience with communities in other areas. But at least one of the purposes of the body must clearly be for the benefit of the community you represent.		
(f) Provision that, in the event of the body being wound up, any surplus funds or assets are to be applied for the benefit of that community?		
Any money or property the body has, after covering its debt or liabilities, must be used to benefit your community as a whole. <i>See Note 2 below</i>		

NOTES:

- 1) If a group is incorporated it is legally a single body rather than just a group of individuals. This means the body can enter into contracts or leases itself, which continue even if the membership changes.

Being incorporated protects members of the Management Committee from personal liability for any debts or damages incurred as a result of the association's activities.

Groups wishing to **own a property** through asset transfer **must** be incorporated as a Company Limited by Guarantee; a SCIO (Scottish Charitable Incorporated Organisation); or a BenCom (Community Benefit Company) and have a **minimum of 20 members**. This is to make sure there are enough people to take on the responsibilities of ownership and keep the body going.

- 2) Any money or property your organisation has, after covering its running costs, must be used to benefit your community as a whole.

On winding up, any money or property remaining after the satisfaction of debts or liabilities, must transfer to a like-minded organisation for the benefit of the community.

For groups wishing to **own a property** through asset transfer, your Articles of Association or Constitution **must** include arrangements for what happens to the body's assets if it is wound up to ensure these are passed on to another community or charitable organisation; these requirements apply after settling any liabilities or contractual agreements, which would include any arrangements to pay back part of a grant or other support. The property must be transferred:

- (i) to another community transfer body; or
- (ii) to a charity.

If the asset transfer is a long-term lease or for other rights over an asset, the asset will return to the Council.

For support in changing your constitution or articles of association or to set up as an incorporated body, contact communityassettransfer@refweshire.gov.uk or speak to Engage Renfrewshire.

Support Services

Support is available to help community groups apply for asset transfer and may include funding to help develop proposals and to apply for incorporation.

Local and national organisations offering support to community groups, include

Community Ownership Support Service

<https://dtascommunityownership.org.uk/>; Tel: 0131 225 2080

Tel: 0131 225 2080 Email: cooss@dtascot.org

The Community Ownership Support Service has a very useful guide, download from

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

Engage Renfrewshire

<https://engagerenfrewshire.org/>;

Tel: 0141 887 7707 Email: info@engagerenfrewshire.com

Renfrewshire Council Sustainable Communities Fund

<https://www1.renfrewshire.gov.uk/article/13563/Sustainable-Communities-Fund>

Tel: 0141 487 1508 Email: sustainablecommunities@renfrewshire.gov.uk

Renfrewshire Council Social Enterprise

<https://investinrenfrewshire.com/communities/>

Tel: 0300 300 1180 Email: Econdev.community@renfrewshire.gov.uk

Guidance Documents

Guidance documents and copies of the Community Empowerment (Scotland) Act 2015 are available to download from <https://www.gov.scot/policies/community-empowerment/asset-transfer/>