

Governance, Risk and Best Value Committee

10.00am, Tuesday, 8 March 2022

Community Asset Transfer Update – referral from the Finance and Resources Committee

Executive/routine
Wards
Council Commitments

1. For Decision/Action

- 1.1 The Finance and Resources Committee has referred an update report on Community Asset Transfers to the Governance, Risk and Best Value Committee for noting.

Richard Carr
Interim Executive Director of Corporate Services

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Referral Report

Community Asset Transfer Update

2. Terms of Referral

- 2.1 On 3 March 2022, the Finance and Resources Committee considered a report on the Community Asset Transfer Update, which set out the current position in terms of process, timescale and status of community asset transfer applications.
- 2.2 The Finance and Resources Committee agreed:
 - 2.2.1 To note the current process and timescales for dealing with Community Asset Transfer requests.
 - 2.2.2 To refer the report to Governance, Risk and Best Value Committee for noting.

3. Background Reading

- 3.1 [Finance and Resources Committee – 3 March 2022 - Webcast](#)
- 3.2 Minute of the Finance and Resources Committee – 3 March 2022

4. Appendices

- 4.1 Appendix 1 – report by the Executive Director of Place

Finance and Resources Committee

10.00am, Thursday, 3 March 2022

Community Asset Transfer Update

Executive/routine Wards Council Commitments	Routine All
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1. Recommendations

- 1.1 It is recommended that Finance and Resources Committee:
 - 1.1.1 Notes the current process and timescales for dealing with Community Asset Transfer requests; and
 - 1.1.2 Refers this report to Governance, Risk and Best Value Committee for noting.

Paul Lawrence

Executive Director of Place

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Community Asset Transfer Update

2. Executive Summary

- 2.1 This report sets out the current position in terms of process, timescale and status of community asset transfer applications.

3. Background

- 3.1 Since the introduction of Part 5 of the Community Empowerment (Scotland) Act 2015 on 27 January 2017, the Council has made considerable progress with Community Asset Transfers (CATs).
- 3.2 The legislation 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 use to better effect. Community bodies can request ownership, lease or other rights as they wish, through Community Asset Transfer. The Act requires those public authorities to assess requests transparently against specific criteria, and to agree the request unless there are reasonable grounds for refusal.
- 3.3 On 9 November 2021, Governance, Risk and Best Value Committee approved a motion requesting a short report on CATs, providing an update on current process and timescales and including a table on the number of requests received, stage in process for each and details of the time taken to get to that point for each request.

4. Main report

- 4.1 Following the introduction of Part 5 of the Community Empowerment (Scotland) Act 2015, the Council approved the CAT policy on [27 April 2017](#). All CAT requests are processed in accordance with the policy.
- 4.2 In summary, the CAT process requires a Community Body to identify a property that they consider may be suitable for their needs and submit a stage 1 expression of interest form. Following receipt of the application, officers discuss the proposals with the applicant and a stage 1 panel is formed. The panel comprises local

Councillors, relevant officers, the applicant and other interested parties, and they scrutinise the proposal and decide whether the application can move to stage 2.

- 4.3 At stage 2 considerable work is required by the applicant to refine their proposal, including undertaking community consultation, preparing a sustainable business case and ensuring that they have the correct governance and legal status to submit a valid request under the Act.
- 4.4 The amount of time taken to move from stage 1 agreement to a valid stage 2 application is entirely driven by the applicant and is dependent on resources available to them in both terms of financial assistance and expertise. Officers are available to offer guidance to applicants when preparing their detailed application should this be requested.
- 4.5 Once a valid application has been received, the Council has a statutory six-month timescale in which to decide on the application. Officers work closely with applicants to ensure the application aligns with Council priorities and is of a suitable standard to be considered by a stage 2 panel, which again comprises local Councillors, relevant officers, the applicant and other interested parties.
- 4.6 This panel recommends whether the application should be considered by Finance and Resource Committee, when the Council decision to accept or reject the application is made. Following approval by Finance and Resources Committee, the community body has a statutory period of six months in which to submit an offer to purchase the asset. Thereafter the asset is transferred following the successful completion of legal work.
- 4.7 It should be noted that following the stage 2 submission, the applicant has a right of review, initially to the Council and thereafter to Scottish Ministers, should their application be refused or substantially altered.
- 4.8 The Council has a dedicated team responsible for supporting requests and, since 2017, four transfers have been concluded with the assets transferred to community bodies. In addition, a further four transfers have been agreed by the Council and legal work is ongoing to bring them to a successful conclusion.
- 4.9 There continues to be interest from community groups in pursuing transfers with four groups preparing detailed business plans for consideration and seven expressions of interest received that are currently being processed. A summary included in the table at Appendix 1.
- 4.10 In addition to processing requests, a range of activities (including workshops and seminars) to promote and support CAT by community bodies have been undertaken and have been well received. The team continues to provide support and guidance to community groups, council officers and elected members.
- 4.11 Officers remain in contact with community groups once transfers are completed to offer support and assistance should it be required and also to ensure that any conditions specified in decision notices are being addressed. To date there have

been no issues with completed transfers not complying with conditions. If conditions are not met, officers will explore options to ensure compliance.

5. Next Steps

- 5.1 The CAT team will continue to process the requests received and any new proposals received.

6. Financial impact

- 6.1 There are no direct financial implications associated with this report. Capital receipts are received from completed asset transfers and the Council is relieved of future revenue costs and maintenance responsibilities in respect of the buildings transferred.

7. Stakeholder/Community Impact

- 7.1 Council Officers engage fully with Community Bodies throughout the CAT process
- 7.2 Ward elected members are invited to sit on CAT panels as part of the process to consider requests.

8. Background reading/external references

- 8.1 [Community Asset Transfer Policy](#)
- 8.2 [Community Asset Transfer webpage](#)

9. Appendix

- 9.1 Appendix 1 - Summary of Community Asset Transfer Requests Received.

Summary of Community Asset Transfers Agreed

Property	Stage 1 Panel	Stage 2 Submission	Stage 2 Panel	Committee Approval	Transfer Completed
COMPLETED REQUESTS					
Gilmerton Dykes Bothy	March 2017	April 2017	August 2017	November 2017	January 2019
St Oswalds Hall	February 2019	June 2020	July 2020	August 2020	March 2021
Juniper Green Public Toilet	August 2017	February 2020	April 2020	June 2020	April 2021
Old Coach House, Spylaw Park	December 2017	November 2019	January 2020	March 2020	July 2021
APPROVED REQUESTS					
Ravelston Park Pavilion	November 2017	November 2018	December 2018	March 2019	
North Edinburgh Arts	February 2020	May 2020	June 2020	August 2020	
4 Duncan Place	October 2017	November 2019	December 2019	March 2020	
Victoria Primary Newhaven	February 2020	February 2020	July 2020	August 2020	
REQUESTS BEING PROCESSED					
Gracemount Walled Garden	April 2018				
Whale Arts Centre	March 2021				
Loaning Road, Craigentenny	February 2021				
Westfield House	February 2021				
Janitor's House, Sighthill Primary	December 2021				