

The Highland Council
Communities and Partnerships Committee
8 December 2016

Agenda Item	11
Report No	CP 31/16

The Community Empowerment (Scotland) Act 2015 – Community Asset Transfer Approach

Report by Acting Head of Policy

Summary

The Community Empowerment (Scotland) Act 2015, in seeking to strengthen and empower communities, provides for community bodies to request ownership, lease, management or use of publicly owned buildings or land whether or not they are available for sale or deemed surplus to requirements by the owning body – Asset Transfer Requests.

This paper sets out the requirements and scope of the legislation, and recommends a process to deal with community asset transfer that builds on existing Council processes and sets out the key issues particularly around assessing requests, decision making, price, timescales and costs. Members are asked to consider and agree the approach outlined to support the Asset Transfer Process in Highland.

1. Background

- 1.1 The Community Empowerment (Scotland) Act 2015 seeks to empower communities by giving them control over assets in their communities so that they are enabled to drive change and achieve their goals.
- 1.2 The Act moves asset transfer from a voluntary approach by public bodies to one which introduces **a right for community bodies** to make requests for ownership, lease, management or use of publicly owned buildings or land whether or not they are available for sale or deemed surplus to requirements by the owning body¹.
- 1.3 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. This shifts the balance of power clearly towards the community body.

¹ The public bodies in scope of this part of the Act are: *Boards of management of a college of further education and higher education; the British Waterways Board; the Crofting Commission; a Health Board; HIE; a local authority; National Park Authority; Scottish Courts and Tribunals Service; Scottish Enterprise; SEPA; SFRS; Scottish Ministers; SNH; Scottish Police Authority; Scottish Water; a Special Health Board; a Regional Transport Authority.*

1.4 This report sets out the requirements and scope of the legislation and particular considerations of the community asset transfer process. The report recommends a process to deal with community asset transfer that builds on existing Council processes and also sets out the key issues such as costs and supports. Members are asked to consider and agree the approach outlined to support the Asset Transfer Process in Highland.

2. Community Asset Transfer – An Overview

2.1 To make an asset transfer request, an organisation needs to be a "community transfer body". This body must also be constituted and where the transfer of an asset is involved, it must also be incorporated as a company, a SCIO (Scottish Charitable Incorporated Organisation) or a BenCom (Community Benefit Company), with a minimum of 20 members and provision for transfer of its assets on winding up. Full details of the bodies eligible can be found at Appendix 2.

2.2 To make an asset transfer, a community body must submit a range of information which will include defining the nature of the asset they are interested in and the terms on which they wish the asset, provide financial details of the proposed purchase/lease and ongoing funding of the asset and describe the benefits they believe the transfer will bring.

2.3 It is only once all the appropriate information has been received that an asset transfer request will be **considered to be validated. The relevant authority then has a period of six months to make** its decision on the asset transfer and issue a decision notice to the community transfer body, setting out its decision and the reasons for it. The decision should not be unnecessarily delayed. It may be possible to make **a decision in less than six months if the request is straightforward** or there has been substantial discussion with the community transfer body before the request is submitted. On the other hand, a longer period may be required for complex requests or where another process is required to remove a restriction on the relevant authority.

2.4 In response to the decision notice, the community transfer body must submit an offer to take ownership of the land, lease it or take up the rights covered by the request. They must do this by the date stated in the decision notice, which has to be at least 6 months from the date of the decision notice although this may be longer if negotiated between the two parties. **It may take much less than six months in straightforward cases.**

2.5 The Act allows for a community transfer body to seek a review or appeal if:

- their request is refused,
- 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.

For Local Authorities, this review/appeal should take place internally and be overseen by elected Members.

3. Specific Considerations of the New Duties

3.1 *Assessing Requests*

The initiative is placed on the community body to provide a range of information to the owning public body which includes the potential benefit that would come from the asset transfer.

3.1.2 In deciding whether to agree to or refuse the request, the relevant authority must consider a number of areas including:

- the reasons for the request;
- whether agreeing to the request would be likely to promote or improve
 - economic development
 - regeneration
 - public health
 - social wellbeing
 - environmental wellbeing, or
- whether agreeing to the request would be likely to reduce socio-economic inequalities;
- any other benefits that might arise if the request were agreed to
- how the request relates to the relevant authority's duties under Equalities legislation;
- the level of community support for the asset transfer request;
- any obligations that may prevent, restrict or otherwise affect the authority's ability to agree to the request.

3.1.3 The relevant authority must compare the benefits of the proposal in the request to the benefits of any alternative proposals, whether those come from the authority itself or anyone else, and consider how the potential benefits relate to the functions and purposes of the authority, and any other matters they consider relevant.

3.1.4 When comparing the benefits of other proposals to the benefits of the asset transfer request, the non-financial benefits of the other proposals should be considered, where possible, as they are for the asset transfer request. The price offered for the transfer should also be considered alongside the non-financial benefits. In its simplest form, we should consider what outcomes could be achieved with any profit or savings that might be made, or what impact any financial loss might have, compared with the benefits offered by the community project or alternative proposals.

3.2 *Best Value and Conditions to Protect*

3.2.1 **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 community transfer body 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 to accept that price.

3.2.2 All relevant authorities have a duty to secure **Best Value** in their operations, including when disposing of or letting property. However, it has long been recognised that best value does not always mean the highest possible price,

and all authorities have the ability to dispose of property at less than market value where there are wider public benefits to be gained.

- 3.2.3 The likely price of the asset is something the community transfer body will need to consider at an early stage in developing its proposals, along with the initial and ongoing costs of the project. It will be helpful for relevant authorities to give an indication of their expectations in terms of price at an early stage in discussions, if possible. **Community transfer bodies should not assume that asset transfers will be at a nominal sum.**
- 3.2.4 In the case of asset transfer to community bodies, disposal at less than market value, or with other support or concessions, may be justified by reference to the expected benefits to be delivered by the project. In that situation, relevant authorities sometimes seek to protect themselves against the risk that the benefits may not be delivered by including clauses in the contract requiring some form of restitution if the project fails. It is for relevant authorities to determine whether it is appropriate to include such conditions in the contract (and for community transfer bodies to decide whether to accept the transfer on those terms).
- 3.2.5 Where ownership of the asset is transferred, the main ways of protecting the discount are:
- where a reduced price was agreed in recognition of the benefits to be delivered, the community body may be required to repay the difference in price if the benefits are not delivered.
 - where the price was based on a lower valuation for a particular use, conditions may be imposed to return any increase in value to the authority, if the use of the property is changed or the expected benefits are not delivered.
 - if the property itself is important to the community, for example due to its heritage or location, arrangements may be made to enable the authority to recover the property if it is no longer used by the community body for the agreed purpose (or the community body is wound up).

3.3 ***Register of Land and Prohibition on Disposal***

- 3.3.1 Public bodies must respond to information requested about the assets it holds. They must also establish, maintain and publish a register of land that is owned or leased by them.
- 3.3.2 Once an asset transfer request has been made, the relevant authority is not allowed to sell, lease or otherwise dispose of the land it relates to, to anyone other than the community transfer body that made the request, until the whole process is completed.
- 3.3.3 The prohibition on disposal does not apply if, before the asset transfer request is made, the land has already been advertised for sale or lease, or the relevant authority has entered into negotiations or begun proceedings to transfer or lease the land to another person. In these cases, an asset transfer request can still be made, but it will not prevent negotiations or proceedings continuing with, or bids being made by, any other person.

4. Proposed Highland Council Process

4.1 The Council has a current asset transfer process and has successfully concluded a number of transfers to communities. However the Community Empowerment (Scotland) Act 2015 brings a fundamental change on to the purpose, scope, and requirements for community asset transfer, shifting the balance from a Local Authority driven process to one which is responsive to the communities we serve. The Council's move to being an enabling Council is reflective of this shift in approach.

4.2 It is sensible to build on the current processes and systems we have rather than start afresh. A refreshed process should therefore:

- Be a redesigned and repurposed asset transfer policy which should join up the processes and decision making for all asset disposals - commercial and community
- Be proactive in disposing of property either commercially or by community asset transfer-commercial and community marketed.
- Build on the existing governance arrangements through the Asset Management Property Board and Resources Committee
- Promote the support from all sectors available to communities wishing to take over assets
- Be outcome focussed (both strategically and locally) in considering community benefit
- Take a Community Planning Partnership view of community asset requirements

4.3 A refreshed process that meets the requirements of the Act and better supports communities to consider asset transfer is set out in appendices 1 and 2. This is comprised of:

- An Asset Transfer Process Flow Chart
- Highland Council's Draft Asset Transfer Process Approach

4.4 The Council's proposed process is set out over three key stages:

4.4.1 *Stage 1 - Expression of Interest:*

An expression of interest stage is not prescribed in the act; however it would stimulate a useful dialogue between communities and the Council. It would also capture key information on the asset, the community body and the scope of the proposal early in the process. It will ensure that the community body is signposted to the appropriate supports to develop their asset transfer request. It is proposed this is submitted to a single point of contact who will then allocate this request to a named officer. This will be the contact for the organisation going forward.

4.4.2 *Stage 2- Asset Transfer Request – Assessment and Consideration*

The process formally starts when a community body submits an asset transfer request which contains all the required information around the proposal and the benefits anticipated. For Highland Council, assessment of the asset transfer request will then be undertaken by services across the Council. This will include financial, including the sustainability of the proposals, governance,

community benefit and the level of support for the transfer from the wider community. Local Members will have an opportunity to consider the proposed asset transfer as part of this process.

The request and accompanying assessments will initially be considered by the Asset Management Property Board (AMPB). AMPB will either refuse the request or recommend approval to Resources Committee. Resources Committee will assess the request and either approve or reject the proposal. The decision should also include any conditions associated with the transfer of the asset. This mirrors the current governance which sits around asset disposal.

The community transfer body may choose to appeal the decision taken by AMPB or Resources Committee. As per the legislation, this appeal should be considered by a group of Members and a specific Asset Member Review Panel is recommended. This panel will have the authority to confirm the original decision or, if they disagree, remit this back to Resources Committee for this to be reconsidered. This ensures that final decision making on the disposal of any asset remains with a committee of the Council.

4.4.3 **Stage 3 - Negotiation of contract:**

This stage ensures that the terms and conditions attached to the transfer are in place, and the group has the finance in place. It should be completed within 6 months of the decision to transfer but can happen earlier or the time period be extended if agreed by both parties.

5. **Costs**

5.1 A successful asset transfer process will incur costs external to the Council specifically in terms of legal and property expenditure. These will be around ensuring suitable legal title, recording dues, surveying, valuation and possible architect fees.

There are a number of options for dealing with these costs-

1. They are shared between the Council and the community body – this would create a budget pressure.
2. They are met by the “owning” service within the Council. This could be offset against revenue savings generated by the asset transfer – this would create a budget pressure.
3. The community organisation builds the transfer costs into funding packages they are seeking.
4. They are met by the Council-this would create a budget pressure.

5.2 An approach to asset transfer that is supported by good conversations at a local level and begins with an expression of interest stage should ensure that these type of costs are not incurred unless necessary.

It is recommended that a decision on how costs are met is dealt with on a case by case basis.

6. Support

6.1 Making community asset transfer work is in the interests of communities and the Council. Many communities have access to capacity-skills, knowledge, commitment and resources within their own communities. However, some communities will require support. Support required will be as follows-

- Support to articulate the community's needs, priorities and outcomes requiring improvement
- Support to access the specialist skills and advice to progress plans
- Financial support to come together, develop plans and kick-start those plans

Elected Members will have a key role to play in helping communities work through the issues described above.

6.2 A range of organisations (including the Council) are engaged in supporting communities. Work is underway to ensure that the available support is offered to communities in a more coherent and organised fashion. This is being driven by our Community Planning Partnership (CPP) structures at both a strategic level and locally around the new Community Partnerships. Within these agencies are working together to offer a more joined up service and identify those communities most in need.

6.3 Although the differing governance and decision-making processes of CPP agencies preclude a single system for asset transfer this should not stop us adopting a common "attitude" and "holistic" vision to community asset requirements.

6.4 In addition to the agencies operating within the CPP structures specialist advice on asset transfer to both communities and agencies is available from the **Community Ownership Support Service and other specialist agencies**. These agencies will be critical in supporting communities to bring forward Asset Transfer Requests.

7 Implementation and Review

7.1 The new duties related to Asset Transfer are intended to come into force on the 29 January 2017. It is proposed that the Highland Council process goes live at the same time.

7.2 The Community Empowerment (Scotland) Act 2015 seeks to create a fundamental change in our relationship with communities. It contains a range of measures to stimulate that change. Asset transfer by its nature is a foundation stone of that change. It would therefore be sensible to review the progress we are making regularly, and specifically within 12 months of implementation. It is recommended that this is done internally within the Council but also with key stakeholders.

8. Implications

- 8.1 Resource: There is no new or additional funding to support the implementation of asset transfer requests and this must be managed within existing resources. This includes staff time to support and undertake the assessments associated with asset transfer. It is anticipated that some additional work will be required compiling and maintaining a register of land, and creating and supporting an appeals process. It will therefore be important to give careful consideration on how the costs associated with transfer are dealt with.
- 8.2 Legal: The guidance sets out how the Government intends public bodies to meet the duties contained within the Community Empowerment Act.
- 8.3 Equalities: It is likely that more vulnerable communities will require additional support to consider asset transfers. It will be important to signpost groups to organisations who can provide this support.
- 8.4 Climate Change/Carbon Clever: None identified at this time.
- 8.5 Risk: There is a risk that the Council does not comply with the new legislation however by establishing a new approach to asset transfer which builds in the new requirements, this should mitigate this risk.
- 8.6 Gaelic: None identified at this time.
- 8.7 Rural implications: None identified at this time.

Recommendation

Members are asked to:

- Note the new requirements and considerations of Community Asset Transfer as allowed for under the Community Empowerment Act.
- Consider and agree the approach outlined in section 4 and appendices 1 and 2 to support the Asset Transfer Process in Highland.

Designation: Acting Head of Policy

Date: 23.11.2016

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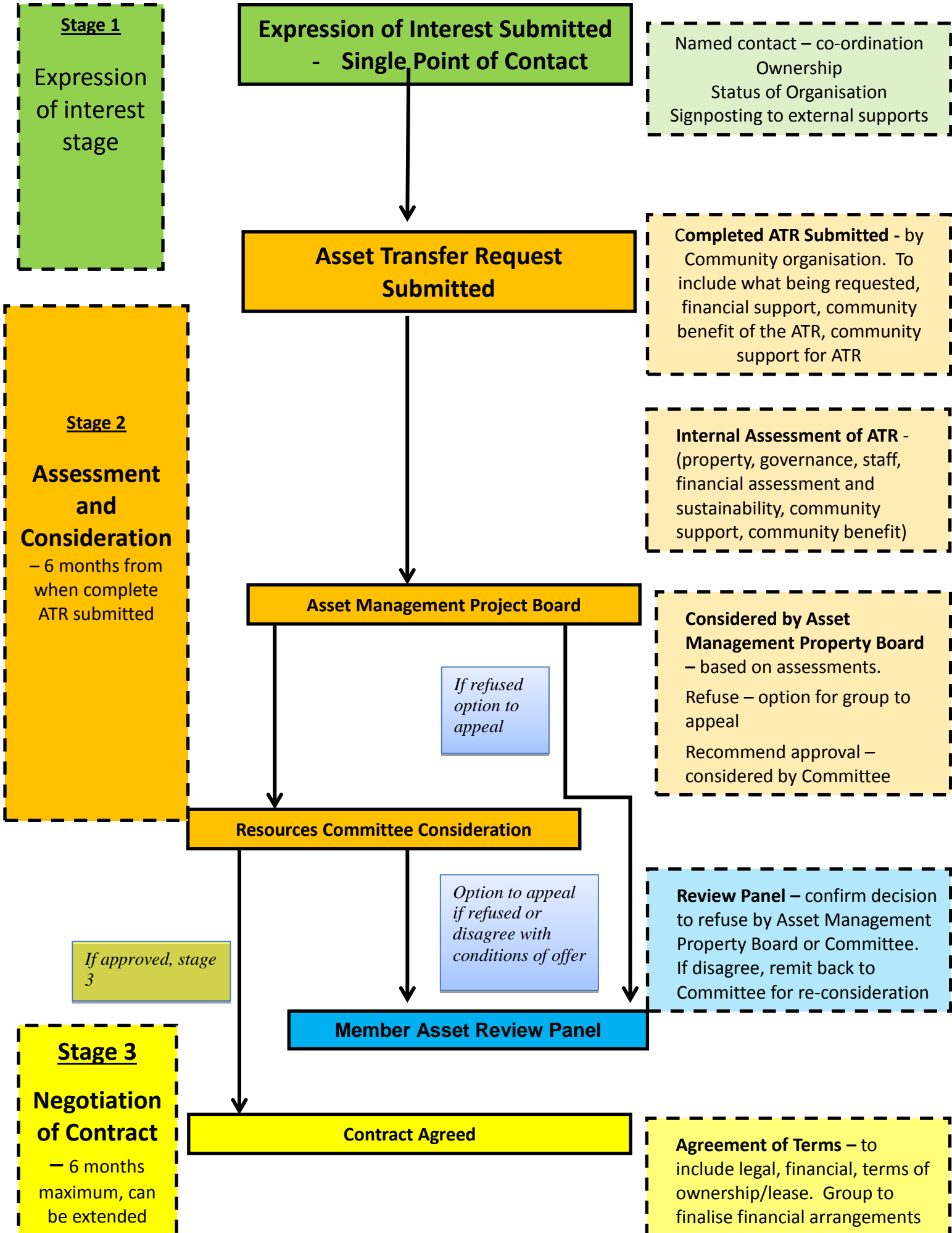
Background Papers:

Appendix 1: Asset Transfer Request Flow Chart

Appendix 2: Highland Council Asset Transfer Request Approach

Appendix 1

Highland Council – Asset Transfer Request Approach



Appendix 2 Highland Council – Asset Transfer Request Approach

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The Community Empowerment (Scotland) Act 2015 seeks to empower communities by giving them control over assets in their communities so that they are enabled to drive change and achieve their goals. The Act moves asset transfer from a voluntary approach by public bodies to one which introduces a right for community bodies to make requests for ownership, lease, management or use of publicly owned buildings or land whether or not they are available for sale or deemed surplus to requirements by the owning body .

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.

The following documentation sets out the process for submitting an Asset Transfer Request to Highland Council, what is expected of your organisation and how you can expect your request to be dealt with. We are encouraging groups to submit an initial Expression of Interest Form in order to understand your interest, direct you to appropriate supports and provide you with a contact for accessing any relevant information that you may require in order to submit a complete Asset Transfer Request.

Who can make an asset transfer request?

Under the terms of the Act, to make an asset transfer request, an organisation needs to be a "community transfer body". There are different requirements depending upon if the organisation wishes to own an asset or to manage/lease it.

For ownership, the community transfer body has to be:

- A Scottish Charitable Incorporated Organisation (SCIO) the constitution of which includes provision that the organisation must have not fewer than 20 members; or
- A Community Benefit Society (BenCom) the registered rules of which include provision that the society must have not fewer than 20 members; or
- A company the articles of association of which include provision such as:
(a) the company must have not fewer than 20 members; and

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(b) on the winding up of the company and after satisfaction of its liabilities, its property (including any land, and any rights in relation to land, acquired by it as a result of an asset transfer request under this Part) passes—

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

For leasing or managing an asset, the community transfer body has to be:

Community-Controlled Body which means a body (whether corporate or unincorporated) which has a written constitution that includes the following—

- (a) a definition of the community to which the body relates;
- (b) provision that the majority of the members of the body consists of members of that community;
- (c) provision that the members of the body, who consist of members of that 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.

Stage 1 – Expression of Interest

Role of the Community Transfer Body

- Complete the expression of interest form at appendix 1. This will set out the interest of your organisation.
- Provide a copy of your constitution.
- Submit the form to the Council's Single Point of Contact at: *TBC*

Role of the Highland Council

- To assess the Expression of Interest and allocate this to a named officer. This will be the named contact for the organisation. The named contact will ensure appropriate ATRs are progressed and engage with the community transfer body to provide information as appropriate.

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- Ownership – we will determine whether the asset is owned by the Council and also an indication of the potential to transfer.
- Status of the Community Transfer Body – we will advise whether you currently have the right status to apply for an asset transfer or whether you would need to change.
- Signposting – we will advise and signpost you to organisations who will be able to support you in developing your asset transfer.

Stage 2 – Assessment and Consideration

Role of the Community Transfer Body

Submit a completed Asset Transfer Request. All the required information must be provided before the request can be validated. Any request should be submitted on the Asset Transfer Request form at Appendix 2 and must include:

- Organisation constitution and evidence of the type of organisation you are
- Details of the asset being requested and what type of transfer -ownership, management, leasing or using
- What you intend to use the asset for
- A business plan of how you propose to fund the purchase/lease of the asset and the ongoing associated revenue costs. You should also provide an indicative price
- What benefits you believe this will bring to your community:- economic, regeneration, health, social wellbeing, environmental or whether it will tackle inequalities
- You need to outline and demonstrate community support for the ATR

Appendix 2

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Role of the Highland Council

ATR Check

- Your named contact will check that the ATR is complete and confirm this with you. We will have 6 months from this date to respond to your request.

Internal Assessments

We will undertake a range of assessments in order to assess your Asset Transfer Request. These may include:

- Property – on the ability for the Council to transfer and the potential impact on Council assets
- Legal – to check the governance of the organisation and any legal title
- Service/HR – should the asset requested be currently in use and have staff/service implications
- Finance – financial assessment of the business plan and sustainability
- Community Benefit – assessment of the level of community benefit and the level of community support for the ATR

Asset Management Property Board (AMPB)

The asset management property board will consider the ATR and accompanying assessments. AMPB may:

- AMPB – refuse the ATR
- AMPB – recommend approval of the ATR for consideration at Committee

Committee Consideration

If the ATR is recommended for approval by AMPB, the Council's Resources Committee will be asked to consider the request and either approve or refuse the request. Any approval will include the conditions on which the Council has chosen to place on the transfer of the asset.

Decision Notice

A Decision Notice will be published either following the decision of AMPB to refuse the transfer or following the Committee Decision.

If the Decision is to Approve, the Decision Notice will also set out any conditions of the transfer.

Member Asset Review Panel

Community Transfer Bodies have the right to appeal if:

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- The request has been refused (whether at AMPB or at Committee)
- There was no decision given within the correct timescale
- They disagree with the conditions set out in the Decision Notice to approve

Any appeal should be made within 20 days of the decision notice.

The ATR will be re-assessed by a Member Asset Review Panel. The Panel will have the option to confirm the decisions already taken or, if they disagree, they can refer it back to Resources Committee for further consideration.

Stage 3 – Negotiation of Contract

Role of the Community Transfer Body

Engage in the process to agree contractual terms. This will include agreeing legal, financial and any legacy elements.

You will also need to finalise any financial arrangements during this stage of the process.

You have the right to appeal to Scottish Ministers, if the contract has not been agreed within 6 months and there has been no mutual agreement to extend the period.

Role of the Highland Council

The Council will work to agree final terms of transfer of ownership/lease.

This process should be concluded within 6 months, although this can be extended by mutual agreement. 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.

Appendix 2

Highland Council – Asset Transfer Request Approach

Summary of Asset Transfer Approach

Asset Transfer Request Stage	Community Transfer Body Role	Highland Council role
<p>Phase one – expression of interest</p>	<p>Complete Expression of Interest Form</p> <p>Submission to central point of contact</p> <p>Provide the constitution</p>	<p><i>Provide a named contact</i> – to ensure appropriate ATRs are progressed, engagement with community organisation</p> <p><i>Determine ownership</i> – needs to be determined re. ability to potentially transfer – indication not a formal judgement.</p> <p><i>Status of the organisation</i> – is the body suitable as defined in the Act - ward manager role</p> <p><i>Signposting</i> – named contact to signpost group to external supports e.g. CAS, HTSI who will support the organisation to develop their ATR</p>
<p>Stage 2 – Assessment and Consideration</p> <p>Asset Transfer Request Submitted</p> <p>Time period of 6 months from complete asset transfer request</p>	<p>Submit a completed Asset Transfer Request. This must include</p> <ul style="list-style-type: none"> ● Constitution ● What is being requested – ownership, management, leasing or using ● What the organisation wants it for ● Business Plan - How the organisation proposes to fund the purchase/lease and ongoing revenue costs and provide an 	<ol style="list-style-type: none"> 1. ATR Check – named contact check that ATR is complete. If yes, confirm with Community Organisation 2. Internal Assessments <ul style="list-style-type: none"> ● Property – on the ability for the Council to transfer and the potential impact on Council assets ● Legal – to check the governance of the organisation and any legal title ● HR – should the asset requested be currently in use and have staff members ● Finance – financial assessment of the business plan and sustainability

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	<p>indicative price</p> <ul style="list-style-type: none"> ● Outline and demonstrate community support for the ATR ● Describe the benefits this will bring to the community:- economic, regeneration, health, social wellbeing, environmental; or tackle inequalities 	<ul style="list-style-type: none"> ● Community Benefit – assessment of the level of community benefit and the level of community support for the ATR <p>3. Asset Management Property Board – to consider ATR and accompanying assessments</p> <ul style="list-style-type: none"> ● AMPB – refuse asset transfer request ● AMPB – recommend approval to Committee of asset transfer request <p>4. Committee Consideration - if recommended for approval by AMPB, Resources Committee to consider</p> <p>5. Member Asset Review Panel – right of appeal if refused by AMPB or at Committee. Re-assessed on same grounds</p>
<p>Phase 3 – Negotiation of Contract</p> <p>Time period – 6 months maximum, can be extended on agreement</p>	<p>Engage in agreement of contract terms – legal, terms, costs, legacy</p> <p>Group needs to finalise financial arrangements</p>	<p>Property, legal and finance support to agree contract terms</p>

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Appendix 2

Appendix 1

Highland Council Asset Transfer Request Approach Expression of Interest Form (*draft*)

The Expression of Interest stage is to open dialogue between the community transfer body and Highland Council. It will identify a named contact for the community transfer body who will be able to provide any information to support the asset transfer request process and signpost to organisations who will be able to support the organisation develop their asset transfer request.

1. Please provide details of the community transfer body making the application

Name of organisation	
Address of organisation	
Telephone Number	
E-mail Address	

2. Please provide your contact details

Your Name	
Contact Address	
Telephone Number	
E-mail Address	
Position in the VCO	

3. Eligibility of community transfer body

Only certain types of organisation can apply for an asset transfer. This will help us identify whether you are currently eligible or whether you may have to change the status of your organisation before submitting the formal asset transfer request.

What type of community transfer body? (please see guidance document to assist)

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Appendix 2

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Do you have a formal constitution, governance document or set of rules?

Yes*

No

If yes, please send a copy with this form

4. Please tell us about the asset (building or land) you are interested in.

This will help us check that we own the asset that you are interested in and give you an informal indication of whether an asset transfer request is likely to be successful.

Name of Asset	
Address of Asset	

Type of transfer you are interested in: owning, using, managing or leasing. If leasing what length of lease is required?

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5. Have you discussed your asset transfer proposal with anybody in Highland Council – a Councillor or an officer? Please provide any details.

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Signed.....

Position

Name.....

Date.....

Please email your completed form to the Central Point of Contact at :
XXXXXX@highland.gov.uk

We will confirm receipt of your Expression of Interest and provide you with a named contact for any communication.

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Appendix 2

Highland Council Asset Transfer Request Approach Asset Transfer Request Form (*draft*)

Appendix 2

Section 1: Information about the community transfer body (CTB) making the request

1.1 Name of the CTB making the asset transfer request

1.2 CTB address. This should be the registered address, if you have one.

Postal address:

Postcode:

1.3 Contact details. Please provide the name and contact address to which correspondence in relation to this asset transfer request should be sent.

Contact name:

Postal address:

Postcode:

Email:

Telephone:

We agree that correspondence in relation to this asset transfer request may be sent by email to the email address given above. (*Please tick to indicate agreement*)

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You can ask the relevant authority to stop sending correspondence by email, or change the email address, by telling them at any time, as long as 5 working days' notice is given.

1.4 Please mark an “X” in the relevant box to confirm the type of CTB and its official number, if it has one.

	Company, and its company number is	
	Scottish Charitable Incorporated Organisation (SCIO), and its charity number is	
	Community Benefit Society (BenCom), and its registered number is	
	Unincorporated organisation (no number)	

Please attach a copy of the CTB’s constitution, articles of association or registered rules.

1.5 Has the organisation been individually designated as a community transfer body by the Scottish Ministers?

No

Yes

Please give the title and date of the designation order:

1.6 Does the organisation fall within a class of bodies which has been designated as community transfer bodies by the Scottish Ministers?

No

Yes

If yes what class of bodies does it fall within?

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Section 2: Information about the asset requested

2.1 Please identify the asset - land or building(s) - which this asset transfer request relates.

You should provide a street address or grid reference and any name by which the land or building is known. If you have identified the land on the relevant authority's register of land, please enter the details listed there.

It may be helpful to provide one or more maps or drawings to show the boundaries of the land requested. If you are requesting part of a piece of land, you must attach a map and full description of the boundaries of the area to which your request relates. If you are requesting part of a building, please make clear what area you require. a drawing may be helpful.

2.2 Please provide the UPRN (Unique Property Reference Number), if known.

This should be given in the relevant authority's register of land

UPRN:

Appendix 2

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Section 3: Type of request, payment and conditions

3.1 Please tick what type of request is being made:

for ownership (under section 79(2)(a)) - go to section 3A

for lease (under section 79(2)(b)(i)) – go to section 3B

for other rights (section 79(2)(b)(ii)) - go to section 3C

3A – Request for ownership

What price are you prepared to pay for the asset requested? :

Proposed price: £

Please attach a note setting out any other terms and conditions you wish to apply to the request.

3B – Request for lease

What is the length of lease you are requesting?

How much rent are you prepared to pay? Please make clear whether this is per year or per month.

Proposed rent: £ per

Please attach a note setting out any other terms and conditions you wish to be included in the lease, or to apply to the request in any other way.

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3C – Request for other rights

What are the rights you are requesting?

Do you propose to make any payment for these rights?

Yes

No

If yes, how much are you prepared to pay? Please make clear what period this would cover, for example per week, per month, per day?

Proposed payment: £ per

Please attach a note setting out any other terms and conditions you wish to apply to the request.

Appendix 2 Highland Council – Asset Transfer Request Approach

Section 4: Community Proposal

4.1 Please set out the reasons for making the request and how the land or building will be used.

This should explain the objectives of your project, why there is a need for it, any development or changes you plan to make to the land or building, and any activities that will take place there.

Appendix 2

Highland Council – Asset Transfer Request Approach

Benefits of the proposal

4.2 Please set out the benefits to the community that you consider will arise if the request is agreed to. This should include:- economic, regeneration, health, social wellbeing, environmental benefits; or how this will tackle inequalities.

This section should explain how the project will benefit your community, and others. Please refer to the guidance on how the relevant authority will consider the benefits of a request.

Highland Council – Asset Transfer Request Approach

Restrictions on use of the land

4.3 If there are any restrictions on the use or development of the land, please explain how your project will comply with these.

Restrictions might include, amongst others, environmental designations such as a Site of Special Scientific Interest (SSI), heritage designations such as listed building status, controls on contaminated land or planning restrictions.

Negative consequences

4.4 What negative consequences (if any) may occur if your request is agreed to? How would you propose to minimise these?

You should consider any potential negative consequences for the local economy, environment, or any group of people, and explain how you could reduce these.

Highland Council – Asset Transfer Request Approach

Capacity to deliver

4.5 Please show how your organisation will be able to manage the project and achieve your objectives.

This could include the skills and experience of members of the organisation, any track record of previous projects, whether you intend to use professional advisers, etc.

Appendix 2 Highland Council – Asset Transfer Request Approach

Section 5: Level and nature of support

5.1 Please provide details of the level and nature of support for the request, from your community and, if relevant, from others.

This could include information on the proportion of your community who are involved with the request, how you have engaged with your community beyond the members of your organisation and what their response has been. You should also show how you have engaged with any other communities that may be affected by your proposals.

Appendix 2 Highland Council – Asset Transfer Request Approach

Section 6: Funding

6.1 Please outline how you propose to fund the price or rent you are prepared to pay for the asset, and your proposed use of the asset.

You should show your calculations of the costs associated with the transfer of the land or building and your future use of it, including any redevelopment, ongoing maintenance and the costs of your activities. All proposed income and investment should be identified, including volunteering and donations. If you intend to apply for grants or loans you should demonstrate that your proposals are eligible for the relevant scheme, according to the guidance available for applicants.

Appendix 2

Highland Council – Asset Transfer Request Approach

Signature

Two office-bearers (board members, charity trustees or committee members) of the community transfer body must sign the form. They must provide their full names and home addresses for the purposes of prevention and detection of fraud.

This form and supporting documents will be made available online for any interested person to read and comment on. Personal information will be redacted before the form is made available.

We, the undersigned on behalf of the community transfer body as noted at section 1, make an asset transfer request as specified in this form.

We declare that the information provided in this form and any accompanying documents is accurate to the best of our knowledge.

Name

Address

Date

Position

Signature

Name

Address

Date

Position

Signature

Appendix 2

Highland Council – Asset Transfer Request Approach

Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this form.

Section 1 – you must attach your organisation’s constitution, articles of association or registered rules

Title of document attached:

Section 2 – any maps, drawings or description of the land requested

Documents attached:

Section 3 – note of any terms and conditions that are to apply to the request

Documents attached:

Section 4 – about your proposals, their benefits, any restrictions on the asset or potential negative consequences, and your organisation’s capacity to deliver.

Documents attached:

Section 5 – evidence of community support

Documents attached:

Section 6 – funding

Documents attached: