

# Community Asset Transfer Scheme Guidance and Help Notes

## [Appendix 4]



East Dunbartonshire Council recognises that the community and voluntary sector make a significant contribution to the quality of life in its communities. The Council is committed to supporting the community and voluntary sector through the Community Asset Transfer (CAT) scheme. Applications to the scheme can be made by a wide range of groups looking to buy, lease or utilise Council lands or buildings. This guidance to the scheme incorporates a list of priorities and assessment criteria together with procedures for assessing applications as fairly as possible. Applications may be submitted to the Council throughout the year.

**We recommend that applicants read the guidance notes before they start and refer to the help notes while filling out the application form.**

### GUIDANCE NOTES

#### Eligibility

##### Section 1

For your request to be considered you must check the box which states you are applying for an asset transfer under part five of the [Community Empowerment \(Scotland\) Act 2015](#).

#### Who can apply?

To be eligible to apply for an asset transfer your organisation must be a Community Transfer Body (CTB) which can be one of the following:

- A community controlled body with a minimum membership of 20 people
- A body designated as a Community Transfer Body by order of the Scottish Ministers, or
- A Scottish Charitable Incorporated Organisation (SCIO) with a constitution, or
- A Community Based Benefit Society (BenCom), or
- A Company Limited by Guarantee.

You can find out more by reading the [Scottish Government Guidance on Asset Transfer for Community Transfer Bodies](#)

## Eligibility

In order for your application to be eligible the CTB must be able to meet the following criteria:

- have a constitutional document
- be non-profit distributing (any surplus funds or assets must be used for community benefit)
- CTB must be community controlled and membership of the CTB must be open to any member of the community
- The CTB must have a bank account in its own name
- The application must aim to bring benefits to people from East Dunbartonshire
- You must have submitted all the necessary enclosures (see section 8).

If these criteria are not met your application will not be processed. In these circumstances advice and assistance may be available.

An asset transfer means a lot of commitment and may be expensive / incur costs of various professionals. Those interested will need to demonstrate organisational capacity to maintain and develop any assets long-term alongside independent access to funds to acquire / manage assets.

## *Initial Steps*

The CTB must:

- Consult the online East Dunbartonshire Asset Register to see if the Council owns the asset and whether it is available for asset transfer. There are a number of reasons that assets may be unavailable e.g. the Council has advertised the asset for sale or lease or we have already considered a request for asset transfer within the last two years.
- Consult with the community that they support your application
- Research similar projects that could either support or compete with your initiative
- Identify potential partners, and stakeholders including funding opportunities
- Involve current and prospective funders early in the process. Engage with them to gain their views, as well as keeping them informed
- Keep your community informed about your proposal and its progress

## *How to Apply*

**Stage 1:** It is recommended that applicants submit an Expression of Interest form in the first instance. This form allows us to undertake initial checks on the asset you are interested in and feedback any relevant information that might affect your application. We will respond to your initial request within 20 working days and may be able to provide, or signpost to, support.

**Stage 2:** Applicants may proceed directly to stage two which is the full asset transfer application form. Valid submission of this form initiates the six month timescale for us to respond to your asset transfer request.

**Stage 3:** Applicants looking to undertake larger scale projects (of over £10,000 annual financing) will need to submit a stage three application which is a full business plan.

## *How We Assess Your Application*

After your application has been received we will check that it meets our requirements for applying for a CAT request from East Dunbartonshire Council. If you have met these requirements your application will go through our assessment process and we must reply to you within six months. If you do not meet our requirements we will contact you to explain why.

### **What we look at when assessing your application:**

1. Are you contributing towards a priority outcome identified for East Dunbartonshire?
  - Have you demonstrated a need for this project?
  - How likely is it to succeed?
2. Will your proposal tackle inequality?
  - Does the CTB work with a 'Place' community as being a geographical area of need; Hillhead and Harestanes, Lennoxton, Auchinairn and Twechar?
  - Does the CTB work with a 'community of interest' e.g. people who have a disability, or do your proposals for the asset further any part of the General Equality Duty created under the Equality Act 2010?
3. Will your application deliver best value?
  - Are your costs reasonable?
  - Do you have funding in place?
4. Information about the CTB
  - Is the CTB financially sound?
  - Does the CTB have the skills and experience to carry out the project?
5. Do you have a sound business plan for the asset transfer
  - Have you identified sustainable income stream(s) to ensure your project will succeed in the longer term?
  - Have you identified the impact of your project on the community, demonstrated any negative consequences and mitigated any risks?
  - To what extent do you have the support of your local community for your project?
  -

To undertake our assessment we will look at your application form, your constitutional document, your accounts and other supplementary information we have asked you to enclose with the application form. You may be required to submit some or all of the following forms: job descriptions, a business plan; equality impact assessment; and environmental screening. Your project should also contribute to one or more of the following outcomes:

- Economic development
- Regeneration
- Public health
- Social wellbeing
- Environmental wellbeing
- Whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage.

The assessment process will involve scrutiny by a Council officer with knowledge of the CTB or type of service to be provided. The Steering Group will then form a recommendation that will be presented to the Council's Place, Neighbourhood and Corporate Assets (PNCA) Committee for a decision. The papers and minutes of PNCA Committee meetings are publicly available.

### *Decision Notice*

#### If your Asset Transfer Request is not approved

If you have been unsuccessful in your application you will be notified in writing within six months of submission of your valid application. CTBs that have been unsuccessful will be offered feedback on their application by the Council and follow-up support with either future applications or other matters relating to the development of their CTB by the Council or by East Dunbartonshire Voluntary Action (EDVA).

#### If Your Asset Transfer Request is approved

If you are successful you will receive a Decision Notice within six months of submission of your valid application. This offer will state the price and may include extra conditions in addition to the standard conditions of sale or lease. If the CTB wishes to proceed with the Asset transfer, it must submit a formal legal offer within six months from the date on which the Decision Notice is given.

### *Review*

The Community Transfer Body can request a review of the case and the Council must carry out the review. The duty to review the case must be discharged by the Council, or a Committee or Sub-Committee of the Council, and not by a Council officer. The committee must be made up of members who have not previously considered the matter.

Following review of the case, the Council may:

- confirm its decision
- change its decision or part of the decision (including any terms and conditions specified in the Decision Notice)
- make a different decision

The Council will issue a new Decision Notice to replace the earlier Notice.

## *Appeal*

There is a right of appeal to the Scottish Ministers where, following a review, the Council:

- refuses the CAT request.
- agrees to the CAT request but the Decision Notice specifies material conditions which differ to a significant extent from those specified in the request
- does not give a decision within the required timescale

The Council does not have to consider the same, or a substantially similar, CAT request for land or buildings within two years of refusing a previous request for the same land or buildings, whether by the same CTB or another CTB. A register of CAT requests and their status is published online to enable CTBs to check if a previous request has been made.

## *Monitoring and Evaluation*

Depending on the nature of the asset transfer, the Council may require a CTB to submit an annual monitoring return and to undertake any remedial action where issues are identified. The type of information required will be set out in the offer. We want to ensure the land or building continues to be safe, in good repair and to identify whether there are any issues with the on-going maintenance. The Council will also ask if your staff or volunteers are up to date with any training or other requirements such as compliance with the Protection of Vulnerable Groups (PVG) membership scheme. This information is very important because it tells the Council whether the asset transfer has been successful and whether you need any further support. It also tells us what makes a successful project; information that will help the Council advise other CTBs on best practice in the future.

### *More Help With Your Application?*

This guidance contains help notes that explain how to answer each question in the application form.

If you need a new copy of the application form or any of the other documents, copies can be downloaded from the Council's web site: [www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk). Forms are also available on request.

If you need extra help to complete the form you can contact:

Community Asset Transfer	or	East Dunbartonshire Voluntary Action
East Dunbartonshire Council		Unit 4/5
Southbank House		18-20 Townhead
Southbank Business Park		Kirkintilloch
Kirkintilloch		G66 1NL
G66 1XJ		Tel: 0141 575 6680
Tel: 0300 123 4510		Email: <a href="mailto:info@edva.org">info@edva.org</a>
Email: <a href="mailto:AssetTransfer@eastdunbarton.gov.uk">AssetTransfer@eastdunbarton.gov.uk</a>		

### *HELP NOTES*

#### *Asset Details*

##### *Section 2*

This section asks you to inform the Council of the name and location of the asset in which you have an interest. Please consult the online East Dunbartonshire Asset Register and provide any reference number from the register. If the asset you are interested in is not on the register you can contact us to check whether we own the land or building. If we do, we should be able to provide you with some information on the land or building. Certain assets are exempt from asset transfer such as roads, canals, houses or lodging-houses so these will not appear on our asset register.

We also ask that you outline the type of asset transfer you are requesting e.g. ownership, lease (including how long) or use of the asset and the price you would be willing to pay.

#### *Contact Details*

### Section 3

This section tells us the name of your CTB and how you can be contacted. The main contact person for your application should be someone who is able to discuss the work of your CTB and the application in detail. The main contact must be a person from your CTB but does not need to be an office bearer.

## Community Transfer Body Information

### Section 4

This section tells us about the purpose and activities of your CTB and where your activities take place and the community you aim to support.

**1. What does your CTB do?**

We want to know about the activities, aims and objectives of your CTB. Tell us what your CTB was set up to do and/or summarise the actual activities that your CTB is involved in.

**2. At what address does you CTB meet?**

This is the place where the activities of your CTB occur. It may be your CTBs building or office, a community centre or other community space such as a town or village hall. We want to know if your CTB is based in East Dunbartonshire.

**3. What community / communities does your CTB work with or support?**

You should start by explaining who your community is, the total number of people in the community, and how many of them are members of your organisation. This information will be publicly available if you represent a geographic community such as a town or a postcode area and it may be helpful to attach a map with your application form. If you represent a community of interest, you might only be able to estimate the total size of the community outside your organisation, but you should provide as much information as you can, for example from the census, other surveys or information from national representative bodies.

The Act asks that projects combat inequality experienced by particular groups (that have protected characteristics under the Equality Act) or inequality experienced due to socio-economic disadvantage. These are called 'communities of interest' or 'communities of place' in the Act. The Scottish Index of Multiple Deprivation (SIMD) 2016 outlines certain areas in East Dunbartonshire that experience the most socio-economic disadvantage, these being Hillhead and Harestanes, Twechar, Auchinairn and Lennoxton. Projects that occur in communities of place or of interest will attract greater support from East Dunbartonshire Council, in accordance with the Act.

**4. Do you currently own, lease or manage any assets?**

We want to know if you currently own, lease or manage any assets and from whom. This lets us know if you have experience and/or knowledge of running an asset. If you currently lease the asset from East Dunbartonshire Council and are looking to take over ownership of the asset, we will look to see whether you have undertaken good asset management during the term of your lease with us.

**5. Does your constitution allow you to undertake certain duties?**

If your CAT application involves owning the asset, employing staff and/or fundraising we will check to ensure that your constitution allows for you to undertake these duties.

**6. Do you have agreement from your CTB to process with the asset transfer request?**

You should have discussed the CAT request at a meeting of your CTBs board or management committee. Please submit a copy of the minute of the meeting where this was discussed and it was agreed to

proceed.

### *Financial Information*

#### *Section 5*

An asset transfer means a lot of commitment and may be expensive / incur costs of various professionals. Those interested will need to demonstrate organisational capacity in order to maintain and develop any assets long-term alongside independent access to funds to acquire and manage any assets. In this section we ask you to outline any funding that you have secured or have applied to in relation to your CAT request. If this funding is still to be confirmed please let us know when you expect a decision.

If you are in receipt of any funding from East Dunbartonshire Council or have been in the last two years you must detail this here. We require you to submit two years of audited accounts with your application form. We will use this information to assess whether your organisation is financially sound.

### *Partnership Working*

#### *Section 6*

It is important that you demonstrate a collaborative approach to meeting the needs of your community. In this section we therefore ask that you outline any partners you will be working with as lead applicant in this application. If we receive more than one CAT request for the same land or building we may ask you to work in partnership with the other interested party.

You may be working with partners on a less formal basis and we ask that you submit details of these in this section.

Please also detail any departments, teams or named Officers you are working with in East Dunbartonshire Council in regard to this application and what the nature of these links are.

### *Details of Request for Asset Transfer*

#### *Section 7*

In this section we ask that you let us know why you are asking for an asset transfer, how you have established the need for your proposal and how you will ensure the sustainability of the asset transfer in the longer term.

#### **1. What purpose will the asset be used for and why is it required?**

Let us know what you intend to use the asset for and why – if this is different from current usage, let us know the benefits of your proposal compared to the current usage. How will you know if these benefits have been achieved?

**2. Does the identified asset have any Built and/or Natural Environmental designations located within or in close proximity to its boundaries?**

A full list of these designations is outlined within the environmental screening form (Appendix 5). If you are unsure you should contact the Sustainability Policy Team in the Council.

**3. Will people use the asset or do people currently use the asset (this can include staff)?**

This section relates to whether your proposal will impact upon any groups who have protected characteristics under the Equality Act 2010. A full list of these groups is outlined in the equality impact assessment form (Appendix 6). If you are unsure you should contact the Council to ask.

**4. Have you received any legal, technical or professional advice on your proposals?**

You may need to have a range of professionals advise you on your proposal e.g. in regard to planning or environmental consents. You should discuss these with the Council who may be able to provide access to existing information or to professional advice. You may need to fund some of these costs from your own resources.

**5&6.** In this section please summarise the key risks you have identified for your CAT request and how you would seek to minimise or manage these risks. You may find it helpful to categorise risks according to how likely they are to occur and what impact they would have if they happened. Key risks can be mitigated by putting in place certain policies and procedures relating to child or vulnerable adult protection, health and safety or via having appropriate insurance – let us know if you have these policies and what insurance policies you have in place.

**7&8. Are you intending to make any alterations to the building or land?**

You must let us know if you plan to make any changes to the asset and what these changes are. If you plan to make changes you should have researched whether these are feasible through seeking appropriate professional advice. Again, the Council may be able to provide advice or guidance but we may not be able to cover all of your costs meaning you need to identify fundraising in your proposal.

**9. Please give details about who will use the asset? Who are the existing and target markets for your proposal?**

Please let us know the main individuals or groups who will use the facility and whether this is different from current usage. Detail here that you have scoped future demand for your proposal and the evidence you have collated.

**10. How will the facility be of benefit to your organisation?**

We are interested in the development of your CTB, its skills and how you encourage and promote participation in local decision making. Let us know how you envisage the proposal benefiting your CTB. You should outline any support or training you may need in this section as it is important you are realistic as to the skills and experience you aspire to develop in the longer term. We may be able to provide support or signpost to where support is available.

**11. Have you consulted the community? Detail results of community consultation exercises undertaken (including the methodology used, the results and the conclusions you are drawing from this) and plans for further consultation. Outline knowledge of other relevant existing community services and facilities.**

It is important you have the support of your local community to undertake the asset transfer. Detail in this section any public consultation such as public meetings, focus groups, questionnaires or newsletters in support of your proposal. If your application is for a larger asset transfer with annual financing over £10,000 a business plan will be required to outline how you plan to generate income from meeting an identified need in

the community. Evidence here could be details of previous letting income for the asset. If a similar facility exists locally, how will you attract people to your facility?

**12. Please indicate which strategic objectives your proposal will support and provide a brief statement detailing how you will achieve this.**

An asset transfer request is only valid if it meets one of these strategic objectives. You must select one or more of these objectives and use evidence and research to support why your proposal will promote or improve this objective and how it will fit with other local strategic plans in place such as the East Dunbartonshire Local Outcomes Improvement Plan. This is the strategic document for the area that is set by a range of local Community Planning Partners.

**13. How will you fund the project and ensure its future sustainability?**

Running an asset incurs a range of ongoing costs such as fees, insurance and even staff. You must identify income generation through fundraising, lettings, hire of facilities; charges etc. and your plans must be robust and based on evidence and research. If you are looking to take on a larger asset involving over £10,000 of annual financing. We may also be able to provide advice on equality impact assessment, risk assessment and environmental screening.

**14. Please demonstrate how your organisation has the capacity and experience to manage the facility. If your community project includes staff then please submit job descriptions for these staff outlining the required qualifications, experience and competences alongside rate of pay and how this will be paid.**

We want to ensure your CTB has the skills and experience to make the asset transfer a success. We may be able to provide support or training to your CTB or signpost you to relevant support or training available. Certain roles will require qualifications and competences and we will check your submitted job description(s) to ensure you have thought about this. Meeting these criteria means one of the key areas of risk is mitigated.

*Enclosures*

*Section 8*

The enclosures that you need to submit depend on the scale of what you are looking to achieve. Applicants applying for asset transfer requests that are under £10,000 annual financing must submit:

- Constitution
- Last two years of audited accounts
- An original bank statement
- Copies of recent minutes of your management committee including and identifying the minute which details the approval for the asset transfer request

Applicants seeking an asset transfer involving over £10,000 annual financing should enclose the above and also:

- Business plan relating to this approval
- Relevant Job Descriptions for staff relating to this proposal (including skills, experience, qualifications and rate of pay)

Applicants selecting 'yes' at sections 7.2 and/or 7.3 should enclose:

- Equality Impact Assessment and/or
- Environmental Screening

*More about enclosures*

The accounts submitted to us must be signed by your auditor or independent examiner. You should provide us with as full an explanation of your accounts as you can, telling us, in particular, about any large assets showing in the balance sheet. Once you have completed your application form you should send it together with all enclosures to the following address:

Community Asset Transfer c/o East Dunbartonshire Council  
Southbank House, Southbank Business Park, Kirkintilloch, G66 1XJ

Tel: 0300 123 45 13

You may send us your application and enclosures by email to [AssetTransfer@eastdunbarton.gov.uk](mailto:AssetTransfer@eastdunbarton.gov.uk) however you must still send us an original signed version of your application form and an original bank statement.

### *STANDARD CONDITIONS*

The following must be met if you are awarded an asset transfer by East Dunbartonshire Council. Other conditions may be made. Failure to meet these conditions may result in your asset transfer being terminated and could affect any future applications.

1. Asset transfers are authorised for the purpose described in the application or specified by the Council in its offer and should not be used for any other purpose without the Council's prior approval. Misuse may result in the termination of the asset transfer and future support being refused.
2. Organisations receiving an asset transfer will, if asked by an authorised officer of the Council:
  - Provide information or copies of financial records; and,
  - Make available for inspection any land or buildings.
3. Key partner organisations in receipt of asset transfer from the Council will be required to enter into a detailed agreement with the Council. This agreement will reflect the level of responsibility undertaken and the Council's expectations of the recipient.
4. Any asset transferred by the Council must:
  - Be managed and controlled by the organisation;
  - Be kept secure and insured for full value (where appropriate);
  - Be properly maintained; and,
  - Not be sold or disposed of without the Council's prior approval.
5. Where permission is given for the acquisition or improvement of land or buildings it will be the responsibility of the applicant to provide full insurance cover for full replacement value if damaged or destroyed. Further, all necessary consents must be obtained prior to commencing work. Evidence of this must be produced if required by an officer of the Council.
6. Organisations will be expected to develop best practice in equal opportunities and fully comply with any relevant legislation affecting the way a project or activity is carried out.
7. On the date or dates specified in the offer, reports on the asset transfer will be required to be submitted alongside an update on the repair and maintenance of the land or buildings and whether any support or training from the Council is requested. What is expected in terms of monitoring and evaluation information will be specified in the offer.
8. Should the organisation cease to exist, the ownership of land or buildings will revert to the Council or to another organisation in East Dunbartonshire. All moneys obtained from any insurance will also revert to the Council or another organisation in East Dunbartonshire
9. If the organisation is to buy services or a series of related services costing more than £10,000, the Applicant will apply competitive tendering, unless the Council agrees that there is good reason not to do so.
10. The Council is not liable for any losses or costs arising from a failure to make payments on any agreed date.

**11. The Applicant must acknowledge the Council's support in any publicity material produced in connection with the project.**

### **Other Formats & Translations**

**This document can be provided in large print, Braille or on CD and can be translated into other community languages. Please contact the Council's Corporate Communications Team at 12 Strathkelvin Place, Kirkintilloch, G66 1TJ, tel 0300 123 4510**

本文件可按要求翻譯成中文，如有此需要，請電 **0300 123 4510**。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر **0300 123 4510** پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ **0300 123 4510** ਫੋਨ ਕਰੋ।

Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòn gu **0300 123 4510**

अनुरोध करने पर यह दस्तावेज़ हिन्दी में भाषांतरित किया जा सकता है। कृपया **0300 123 4510** पर फ़ोन कीजिए।