



## COMMUNITY ASSET TRANSFER: ASSET TRANSFER REQUEST

### IMPORTANT NOTES

Eligible Community Transfer Bodies have a right to submit an Asset Transfer Request under Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act). However, there is no legal requirement that all requests must go through the process set out in the legislation where both parties are able to reach an agreement.

**If you wish to make a request under the Act then you must state this clearly in the box at the bottom of this page.** If you are in any doubt then please discuss this with the council's Asset Transfer Team before making your request.

You are strongly advised to contact the council's Asset Transfer Team by telephone on 01343 563915 or by email to [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk) to discuss your proposal prior to making a request.

All community bodies intending to make an Asset Transfer Request to Moray Council are encouraged to take advantage of our pre-application advice service beforehand. This can help improve outcomes and ensure that your request can be processed as quickly as possible through the most appropriate route.

Please complete all sections of this form as fully as possible (if a question is not applicable please mark with N/A) and, where possible, submit the form electronically to [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk).

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

**Do you wish your Asset Transfer Request to be considered under Part 5 of the Community Empowerment (Scotland) Act 2015?**

*(Please tick the relevant box)*

Yes

X

No

*An Asset Transfer Request can only be considered under the Act if it is made by an eligible Community Transfer Body as defined by the Act. Ticking 'No' will mean that your request will be considered outside of the Act.*

**Section A:****Information about the community organisation making the request****1. Details of community organisation**

<b>Name of organisation</b>	Three Kings Cullen Association
<b>Registered address</b>	Cullen Community and Residential Centre Seafield Street, Cullen
<b>Postcode</b>	AB56 4AF

**2. Organisation contact Information**

<b>Contact name</b>	[REDACTED]
<b>Position in organisation</b>	Chairperson
<b>Postal address (inc postcode) <i>If different from above</i></b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Contact telephone no.</b>	[REDACTED]
<b>Contact email address</b>	[REDACTED]

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

**X**

*You can ask us to stop sending correspondence by email, or change the email address, by telling us at any time; please give 5 working days' notice.*

**3. Please tick the corresponding box(es) below to confirm the type of organisation and its official number(s), where applicable:**

Company and its company number...	<input checked="" type="checkbox"/>	SC597960
If the company is a registered charity, please also tick this box and provide its charity number...	<input checked="" type="checkbox"/>	SC048529
Scottish Charitable Incorporated Organisation (SCIO) and its charity number...	<input type="checkbox"/>	
Community Benefit Society (BenCom) and its registered number...	<input type="checkbox"/>	
Unincorporated organisation (no number)	<input type="checkbox"/>	<b>LEAVE BLANK</b>

**4. Please tick the corresponding box below to confirm which documents accompany this advice request:**

Constitution	
Articles of Association	X
Registered Rules	
If the organisation does not have a written constitution, please tick this box.	

*Please note that a formal asset transfer request will only be considered from those community controlled bodies with a written constitution.*

**5. Has the organisation been individually designated as a Community Transfer Body by Scottish Ministers?**

Yes		Please note that this question relates only to those bodies referred to in section 77(2)(a) of the Community Empowerment (Scotland) Act 2015.
No		
Don't know		

**If yes, please give the title and date of the designation order:**

--

**6. Does the organisation fall within a class of bodies which has been designated as Community Transfer Bodies by Scottish Ministers?**

Yes		Please note that this question relates only to those bodies referred to in section 77(2)(b) of the Community Empowerment (Scotland) Act 2015.
No		
Don't know		

**If yes, please give the class of bodies it falls within together with the title and date of the designation order:**

--

**Section B:****Information about the land and rights in which you are interested**

- 1. You should provide a street address and/or grid reference and any name by which the land or building is known as. If you have identified the land via the Council's register of land, please enter the details we have listed.**

Name of Asset	Cullen Community and Residential Centre
Name Asset otherwise known by	
Asset Address	Seafield Street Cullen, AB56 4AF
Grid Reference of Asset	57.689168 -2.815750
Asset UPRN (Unique Property Reference) as listed on Council Register	260649 260622

- 2. Please provide a sketch or drawing showing the boundaries of the land or building in which you are interested. If you are interested in part of a piece of land or building, please explain clearly your requirements in your answer to question 3 below.**

Sketch/drawing attached

- 3. Please provide a description of the asset you are interested in. Your description should give enough information to clearly identify your requirements.**

The Cullen Community and Residential Centre, surrounding grounds and all outbuildings inside the boundary of the old school wall.

## Section C:

### Type of Request

1. Please indicate below what type of request you intend making:

Ownership (section 79(2)(a) of the Act) – go to question 2	X
Lease (section 79(2)(b)(i) of the Act) – go to question 3	
Other rights (section 79(2)(b)(ii) of the Act) – go to question 4	

2. Request for Ownership

What price are you prepared to pay for the asset?	£35.000
---	---------

Go to question 5.

3. Request for a Lease

What length of lease are you proposing?			
How much rent are you prepared to pay?	£	per	

Go to question 5.

4. Request for Other Rights

What rights do you intend requesting?			
Do you propose paying for these rights? (tick box)	Yes	No	
If yes, how much are you prepared to pay?	£	per	

**5. Please set out any other terms and conditions that you wish to apply to your proposals.**

*(This should include details of any responsibilities that you would wish the Council to retain, e.g. responsibilities under a proposed lease arrangement.)*

The Three Kings Cullen Association wish to maintain the Public Library in Cullen Community and Residential Centre and have agreed in negotiation with The Moray Council.

1. To grant a 20 year lease to Library Services.
2. To forego payment of rent from The Moray Council for the whole period of the lease.
3. To charge The Moray Council for library expenses, a figure calculated as a 14% portion of overall expenses paid by the centre.
4. To make the above charges monthly, 6 monthly or annually by agreement.

## Section D: Reasons for Request

### 1. Community Proposal

Please set out the reasons for seeking an asset transfer and describe how the land or building is intended to 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 asset, and any activities that will take place there.)*

The Three Kings Cullen Association seeks a community asset transfer of the Community and Residential Centre from Moray Council.

We commissioned an independent valuation of the site – which valued the asset at £150,000 in March 2018. We are seeking a discount of 85% taking into account the economic, social and environmental benefits being delivered from the asset by our organisation to the local and wider community and improvements carried out to the building since the valuation was carried out.

In a wide variety of different ways, since taking on a lease for Cullen Community and Residential Centre from The Moray Council in September 2018, The Three Kings Cullen Association have fully demonstrated their competence and preparedness to secure a community Asset Transfer on behalf of the people of Cullen and Deskford.

Our Business Case contains details of 9 pillars of excellent practice relating to:

Skilled Management, Increased Footfall in both Community and Residential Sectors, Financial transformation, Capacity to respond to serious community need (public toilets), Provision of responsible employment, Creation of opportunity for Volunteering, Collaborative working and Innovative learning opportunities.

Further information can be found in our full Business Case which accompanies this form.

## **2. Benefits of the Proposal**

Please set out the benefits that you consider would arise if the proposed request were to be agreed.

*(This should explain how the project would benefit your community and others. Please refer to the Scottish Government Guidance document on how the Council will consider the benefits of the request.)*

The benefits are outlined in Section 4 of our Business Plan



### 3. Restrictions on use of the land

If there are any restrictions on the use or development of the land, please explain how your project would 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.)*

### 4. Negative consequences

What negative consequences (if any) may occur if your request were to be agreed? 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.)*

We envisage no negative consequences resulting from a CAT of this building. However, if the CAT was not to proceed and the building be closed, which was the Council's intention, there would be a huge impact on the local community and economy with the loss of space to deliver a wide range of activities, classes, events and residential.

## 5. Capacity to deliver

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

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

This is covered in Section 2 of our Business Plan

## **Section E:**

### **Level and nature of support**

Please provide details of the level and nature of any existing support from your community and describe any consultations carried out.

*(This could include information on the proportion of your community who are involved with the project, how you have engaged with your community beyond the members of your organisation. You should also show how you have engaged with any other communities that may be affected by your proposals.)*

This is covered in Section 4 of our Business Plan and letters of support in the appendices

## Section F: Funding

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 proposed 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.)*

*Where a transfer at less than full market value is being sought, your business case should include a cash flow forecast covering the first full year of operation, together with an indicative budget for at least the following 2 years.)*

Financial information can be found in Section 7 of our Business Plan

## Section G: Declarations

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

**We, the undersigned on behalf of the community organisation as noted at Section A, 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:	[REDACTED]		
Address:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Position:	Chairperson		
Signature:		Date:	15/12/2019

Name:	[REDACTED]		
Address:	[REDACTED] [REDACTED] [REDACTED]		
Position:	Secretary		
Signature:		Date:	15/12/2019

Please send the completed form, together with all accompanying plans and documentation, to:

**By Post:** **Asset Transfer Team**, Moray Council, High Street, Elgin IV30 1BX

**By Email:** [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk)

**If you have any queries regarding the filling in of this form, please contact the Asset Transfer Team on telephone 01343 563915**

## Section G:

### Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this pre-application advice request: (please tick)

Constitution	
Articles of Association	X
Registered Rules	
Financial Statements	
Business Case	X
Sketch / drawing of asset	
Note of terms and conditions you wish to apply	

Please note any additional supporting documents not listed above:


### Useful Links

The following links provide sources of further information, advice or support for community bodies:

[Moray Council Community Asset Transfer](#)

[Moray Council Community Support Unit](#)

[Scottish Government Guidance for Community Transfer Bodies](#)

[Community Ownership Support Service \(COSS\)](#)

[Development Trust Association Scotland](#)

[Business Gateway Moray](#)

[Highlands and Islands Enterprise](#)

[tsiMoray](#)

### Office Use only:

Reference:	CAT 067
Date Received:	03/01/2020
Date Acknowledged:	07/01/2020
Validation Date:	03/01/2020