



---

**REPORT TO: MORAY COUNCIL ON 6 JUNE 2018**

**SUBJECT: ASSET TRANSFER REQUESTS – ANNUAL REPORT**

**BY: ACTING CORPORATE DIRECTOR (CORPORATE SERVICES)**

**1. REASON FOR REPORT**

- 1.1 To meet the reporting requirements of section 95 of the Community Empowerment (Scotland) Act 2015 in relation to Community Asset Transfer requests for the period up to 31 March 2018.
- 1.2 This report is submitted to the Council in terms of Section II (13) of the Council's Scheme of Administration relating to reports and strategies of a corporate nature.

**2. RECOMMENDATION**

**2.1 The Council is invited to consider and note that:**

- (i) in the period up to 31 March 2018 no asset transfer requests were made to the Council under the provisions contained in Part 5 of the Community Empowerment (Scotland) Act 2015;**
- (ii) during the same period three property assets were transferred to community bodies and one asset transfer request approved all outside of the Act;**
- (iii) a series of targeted training and workshop events have been delivered over the period, and**
- (iv) training will be arranged for Elected Members.**

**3. BACKGROUND**

- 3.1 Community Asset Transfer (CAT) is concerned with the transfer of property assets held by public authorities to the community. To be eligible to make an asset transfer request under CAT, a body must be controlled by its community. Local authorities have a long history of transferring assets to the community on a voluntary basis, either through the granting of a long lease or a transfer of ownership. Typically, transfers will be at less than market value.

- 3.2 Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act), which gives community-controlled bodies a right to request a transfer of land held by public authorities, came into force on 23 January 2017. Section 95 of the Act requires each public authority to publish an asset transfer report for the reporting year commencing 1 April. As this is the first such report required by the legislation, it covers the period 23 January 2017 to 31 March 2018.
- 3.3 The legislation requires two areas to be covered in the report. The first relates to asset transfer requests received under the Act and decisions made in respect of these. The second relates to action taken by the Council to promote the use of asset transfer requests and to support community transfer bodies in the making of such requests.
- 3.4 The Act provides community-controlled bodies with various rights and protections. However, there is no requirement that all asset transfer requests be made under the Act. During the period covered by this report, the Council did not receive any asset transfer requests under the Act. However, officers dealt with 35 cases over the reporting period, the majority remaining current.
- 3.5 Three property assets were transferred and one further asset transfer request approved all outside of the provisions of the Act – details of these are shown in the **Appendix**. All of the community groups involved were aware of the provisions of the Act but chose not to avail themselves of this. At the time of writing officers were dealing with 28 live cases, the majority being at stage 1 of the process (Expression of Interest).
- 3.6 A series of workshops were delivered during the reporting period aimed at informing officers of the changes brought in by the Act. Invitations to these were extended to officers from Highlands and Islands Enterprise and the Development Trusts Association Scotland. The workshops were well received with many current cases resulting from referrals from those who had attended.
- 3.7 A workshop, to be delivered by the Scottish Government, had been arranged for Elected Members. However, this event was cancelled at short notice. A future training event, to be delivered by officers, will be arranged for Elected Members.
- 3.8 Following the Council's budget decision to close all of its town halls and two of its community centres, making them available for transfer to the community, a series of workshops and drop in sessions were delivered. These events were targeted at those community groups who had shown interest in taking over responsibility of the Council's town halls and community centres. Officers are currently working closely with community groups to ensure that there is a viable group for each facility.
- 3.9 When an Expression of Interest is received by the Council, an officer will meet with the group to assess their readiness to proceed and identify its development needs. The group will then be supported by officers throughout the process.

#### 4. **SUMMARY OF IMPLICATIONS**

##### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Transferring assets to the community supports the 10 Year Plan (LOIP) aim of creating more resilient and sustainable communities with less need for universal services provided by the public sector.

Transferring assets to the community is consistent with the Moray Corporate Plan value of promoting community empowerment as a means of supporting communities to take on more responsibility.

##### **(b) Policy and Legal**

On 21 March 2017, the Policy and Resources Committee approved the following policy statement (para 5 of the Minute refers).

“Moray Council recognises the important role that the transfer of property assets can play in empowering communities and strengthening their resilience. Where appropriate, the council will use the transfer of assets to give more control to communities and local people, inspire them to find local solutions to community needs, and as a means of helping communities become more sustainable in the long term. In determining all asset transfer requests, the council will have regard to the guidance provided by the Scottish Government in relation to asset transfer requests made under Part 5 of the Community Empowerment (Scotland) Act 2015, whether or not such requests are made under the provisions contained in the Act.”

Typically, assets are transferred to the community at less than market value. Such disposals must comply with the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

##### **(c) Financial implications**

There are no financial implications arising directly from this report.

##### **(d) Risk Implications**

Risks will be minimised where all those involved in the process, including Elected Members involved in determining asset transfer requests have received appropriate training.

##### **(e) Staffing Implications**

There are no staffing implications arising directly from this report.

##### **(f) Property**

There are no property implications arising directly from this report.

**(g) Equalities/Socio Economic Impact**

There are no property implications arising directly from this report.

**(h) Consultations**

Consultation has taken place with the Legal Services Manager (Property and Contracts), the Democratic Services Manager and the Community Planning and Development Manager. All comments have been incorporated in the report.

**5. CONCLUSION**

- 5.1 The report is prepared to meet the reporting requirements of the Community empowerment (Scotland) Act 2015 and informs the Council of the activities carried out in the period up to 31 March 2018 and those planned for the current financial year.**
- 5.2 In the period up to 31 March 2018 no asset transfer requests were made to the Council under the provisions contained in Part 5 of the Community Empowerment (Scotland) Act 2015.**
- 5.3 In the period up to 31 March 2018 three property assets were transferred to community bodies and one asset transfer request approved all outside of the Act.**

Author of Report: Andrew Gray, Asset Management Coordinator  
Background Papers:  
Ref:

**Appendix****Asset Transfer Requests not covered by Part 5 of the Community Empowerment (Scotland) Act 2015 dealt with during the period 23 January 2017 to 31 March 2018****Table 1. Asset Transfer Requests approved during period (outwith Act).**

<b>Ref</b>	<b>Date</b>	<b>Property Asset</b>	<b>Organisation</b>
CAT/027/ATR	21/03/17	Former School, Schoolhouse and Hall, Cabrach	Cabrach Trust

**Table 2. Assets transferred during period (outwith Act).**

<b>Ref</b>	<b>Date</b>	<b>Property Asset</b>	<b>Organisation</b>
CAT/049/ATR	25/05/17	Bowling Green, Lecht Drive, Tomintoul	Tomintoul and Glenlivet Bowling Club
CAT/024/ATR	19/04/17	Youth Hostel, Main Street, Tomintoul	Tomintoul and Glenlivet Development Trust
CAT/031/ATR	19/04/17	Former Museum, The Square, Tomintoul	Tomintoul and Glenlivet Development Trust