




Community Asset Transfer

Guidance for Community Asset Transfer Requests

Purpose of this Guidance

The purpose of this guidance is to help a community group submit a full Community Asset Transfer Request. We recommend that before you do so, you read this guidance carefully, alongside the additional information provided on our website at www.pkc.gov.uk/article/19819/Community-Asset-Transfer . If you have not already done so, we also recommend that you complete an Expression of Interest form as the first step in this process. This form is available on the same webpage.

Many of the questions in the Asset Transfer Request Form ask for a summary of a specific topic or issue. This is because we anticipate that most of the detail of your proposals will be provided in supporting documents, such as your Business Plan.

Structure of this Guidance

This guidance is split into separate parts. **Part 1** provides background information on Community Asset Transfer and the process that is used by Perth & Kinross Council to support groups in making a Request. **Part 2** provides detail and guidance on how to complete the Community Asset Transfer Request Form, taking you through the form, section by section.

Who can make an Asset Transfer Request?

In order to make a Community Asset Transfer Request for management rights or a lease, a community group must be “community-controlled”. The definition of community-controlled is given in Section 19 of the Community Empowerment (Scotland) Act. A community-controlled group must have a written constitution which contains:

- 1 a definition of the community that the group works in;
- 2 confirmation that the majority of members of the group come from that community;
- 3 confirmation that the members have control of the group and its decisions;
- 4 confirmation that membership of the group is open to anyone in the community;
- 5 a statement of the group’s aims and objectives, including the promotion of benefit to the community; and
- 6 a statement that any surplus funds or assets belonging to the group are used to benefit the community.


In addition to these provisions, a community-controlled group should also ensure that its constitution gives it the power to own, lease or manage assets for the benefit of the community.

In order to make a Community Asset Transfer Request for full ownership, the community group must be a “community transfer body” as set out in Section 77 of the Community Empowerment (Scotland) Act. In short, this means that the group must be community-controlled, have a minimum of 20 members and must take one of the following legal structures:

- 1 *Scottish Charitable Incorporated Organisation (SCIO);*
- 2 *Community Benefit Society (BenCom); or*
- 3 *Company Limited by Guarantee.*

Part 1


What is Community Asset Transfer?

Community Asset Transfer is a process through which community groups can request to take on the ownership, lease, management of, or access to land or buildings from a number of public services, including Perth & Kinross Council. Community Asset Transfer was introduced as Part 5 of the Community Empowerment (Scotland) Act 2015. You can read more about this at www.gov.scot/policies/community-empowerment/asset-transfer/ .

Community Asset Transfer gives groups an opportunity to deliver real benefits to their community. Ownership of land or buildings can provide a base for activities and services that may not otherwise be available and can stimulate further community and economic activity. In many cases, successful Community Asset Transfer is a catalyst for wider community regeneration, providing employment opportunities and a genuine hub for community-led development.

It is also important to recognise that Community Asset Transfer is hard work and requires real dedication from members of a community. Key issues to consider include funding, upgrades, repair and maintenance and ensuring the sustainability of the asset and the group.

Community Asset Transfer Process


Perth & Kinross Council has introduced a two-stage process for Community Asset Transfer. Stage 1 is an Expression of Interest (EoI) Form, which is available on our website at www.pkc.gov.uk/article/19819/Community-Asset-Transfer . The EoI is designed to allow community groups to outline their ideas for an asset and provide some information on the legal status of the group. The EoI stage also allows the Council to check the eligibility of the group and provide useful information about the asset, without either party having to go into all of the detail.

The second stage in the process is a full Community Asset Transfer Request, which is also available on our website. This form asks a series of questions, against which any Community Asset Transfer Request will be assessed. A completed form should be submitted alongside any supporting documents (these **must** include a copy of your group’s constitution or legal documents and a Business Plan for the asset).

The Council’s Community Asset Transfer (CAT) Team will assess any valid Request, before making a recommendation to Committee on whether or not to approve the Request. There is a presumption in favour of any valid Request being approved, unless there are reasonable grounds for refusal. There is also a right of appeal if a group feels that decision has been unduly delayed, or if they disagree with the Council’s decision.



Part 2

This section of the guidance will help you to complete the Community Asset Transfer Request Form. If you need any further assistance with this, or if you have any questions, please contact the Community Planning Team on **01738 477834** or CommunityPlanningPartnership@pkc.gov.uk . You may also wish to get your own external advice and support, which is available from organisations including:

- *Perth & Kinross Association of Voluntary Services*
www.thirdsectorpk.org.uk/ 
- *Development Trusts Association (Scotland) - Community Ownership Support Service*
<https://dtascommunityownership.org.uk/> 

Section 1: Summary Information

This section asks you to provide contact information and to summarise your proposal for the asset. We ask these questions to allow us to provide summary information for internal discussion and to ensure ease of contact with your group.

- 1.1 Contact Details** - *Contact details for your group.*
- 1.2 Named Contacts** - *Details of two key contacts for your group.*
- 1.3 Use of the Asset** - *Summarise your plans for the asset. More detail is requested later in the form.*

Section 2: Your Group

This section asks a series of questions about your group. We ask these questions in order to help us to assess how your group currently operates and how the asset will be managed following a successful Request.

- 2.1 Legal Status** - *Please tick one box to indicate your group's legal status. Please note that if you are requesting a transfer of full ownership, your group must be either a SCIO; a Limited Company; or a Community Benefit Society. We ask this question to ensure that your group has an appropriate legal structure to take on the management, lease or ownership of an asset.*
- 2.2 Governance and Accountability** - *Please provide details of how your group currently makes decisions and details of any management or committee structures. If you anticipate changing how your group makes decisions following a successful Request, please describe what changes you think you will make and why. We ask this question to ensure that your group is operating transparently and that the community ultimately has control over decision-making.*

Please provide details of any existing trading or income generation that your group is involved in; and details of any other assets that your group currently manages or owns. We ask these questions in order to get an understanding of your group's experience of running or managing assets, or generating an income to cover costs.

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Section 2: Your Group *(continued)*

- 2.3 Vision and Performance** - Please summarise your overall vision for the asset and the positive impact it will have on your community. Please also indicate how your Request will impact on the strategic objectives of the Council; how you will assess your performance; and how you intend to cover the recurring running costs of the asset. We ask these questions to help us assess the contribution that your Request could make towards the Council's agreed priorities; and help us get a better understanding of how you will maintain a focus on the long-term performance of the asset.
- 2.4 Skills and Capacity** - Please provide details of the skills and capacity of your committee and how you will use these to support the successful management of the asset. Please also set out how your group will ensure that these important skills are available in the long-term. We ask these questions to help us assess the capacity of your committee to take on the management of an asset and to help us better understand your succession planning proposals.

Section 3: Your Request

This section asks a series of more detailed questions about the asset and your interest in it. We ask these questions in order to understand the nature of your Request; the financial aspects of your proposal; and how you will manage risk.

- 3.1 Nature of Your Asset Transfer Request** - Please select the type of Request you are making and then go to the appropriate section thereafter.
- 3.2 Request for Ownership** - If you are requesting full ownership, please confirm the price you are offering to purchase the asset; any other terms or conditions you wish to attach to your offer; and details of how you will fund the purchase. We ask these questions in order to compare your offer with the independent valuation and in order to help us assess the practicality of how your group intends to fund the purchase.
- 3.3 Request for Lease** - If you are requesting a lease, please confirm the length of lease you are interested in; the rent you are offering to pay for the lease; any other terms and conditions you wish to attach to the offer; and details of how you will fund the annual rent. We ask these questions in order to compare your offer with the market rate for the asset and in order to help us assess the practicality of how your group intends to fund the rent going forward.
- 3.4 Request for Other Access or Management Rights** - If you are requesting a different form of access or management rights, please detail what these are; confirm the price your group is offering (if any) to get these rights; any other terms and conditions you wish to attach to the offer; and details of how you will fund the one-off or annual fee. We ask these questions in order to better understand the management arrangement you are seeking and the practicality of these rights, compared to any other option.
- 3.5 Justification of Valuation** - Please explain how your group reached the price you are offering to purchase, lease or have access or management rights to the asset. This could be any form of formula or other logical process which your group feels is appropriate. We ask this question in order to assess any discount you are seeking, ie the difference between the price being offered and the actual value of the asset.

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Section 3: Your Request *(continued)*

- 3.6 Future Investment** - Please summarise any physical works your group intends to undertake on the asset; how these will be funded; and how your group will use any other resources (human, physical or financial) to support these works. We ask these questions to better understand your long-term intentions for the asset; and help us to assess the practicality of your proposals, including the need for any permissions or licenses.
- 3.7 Risk Management** - Please summarise the key risks you have identified when developing your Request and outline how these will be mitigated. We ask this question to get some detail about the issues you expect to encounter and assess the appropriateness of any mitigation activity you intend to take.
- 3.8 Restrictions on Use** - Please provide details of any restrictions on the use or development of the asset, eg is it a listed building, or is it a protected site etc. Please also set out how you will comply with any restrictions. We ask this question to help assess the potential impact of your Request on the wider community and how any restrictions may impact on your overall vision and proposal.

Section 4: Your Community

This section asks a series of questions about your community and how you have engaged your community about your Request. We ask these questions in order to better understand your community and assess the level of support you have to take your Request forward.

- 4.1 Effective Partnerships** - Please provide details of how your group has worked with others in developing your Request, including other community groups, local businesses and public or voluntary sector agencies. We ask this question in order to understand the level of support and advice you have had and have access to in order to support your Request; and assess how appropriate this is when compared to your full proposal.
- 4.2 Community Engagement and Support** - Please provide details of any engagement activities your group has undertaken in support of your Request. Please also summarise the evidence that you have that shows that your community is supportive of your Request. This could include information about any surveys, polls, petitions, community events or meetings that you have organised. We ask these questions in order to help us assess the strength of community engagement and support, for what is a significant development in your community.
- 4.3 Community Needs** - Please provide information about the need that you have identified in your community, and how the asset that you have identified will help to address this need. Please also describe how your Request (if approved) will benefit your community and consider all aspects of community life when you do so. If possible, please also provide a monetary value for the benefits you have identified and explain how you have reached that figure. We ask these questions to assure ourselves that the Request meets a real need in your community; help us to assess the level of benefit that will be generated; and help us to consider if this level of benefit justifies any discount you are seeking to purchase, lease, or have rights of access over the asset.

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Section 4: Your Community *(continued)*

4.4 Negative Consequences - Please provide details of any negative consequences that you feel may arise as the result of your Request. This could include short, medium or long-term impacts on access, other community projects or local business. We ask this question to help us develop a balanced view of your community and the impact of your Request on it; and compare any potential negative consequences with the community benefits you have also outlined.

4.5 Equality - Please provide details on how you will ensure that the asset will be available to all members of your community, regardless of age, gender, ethnicity, religion, mobility, finances or sexual orientation. We ask this question in order to help us assess the extent to which your Request and the benefits you have identified will be available to all members of your community.

Section 5: Confirmation

This section asks two office bearers from your group to sign the form, to confirm that the information that is provided in the form and in any accompanying documentation is accurate, to the best of your knowledge.

Section 6: List of Accompanying Documents

Please use this section to list any and all documents you are providing as well as the completed form. Please remember that this **must** include a copy of your group's constitution, or other legal document(s) **and** your Business Plan for the asset. Accompanying documents may include: evidence of community engagement and support; quotes for any physical works; evidence of funding; or anything else which you feel is relevant.

Section 7: Checklist

This section offers a checklist to help you ensure that you have answered all of the questions correctly and to the best of your ability. If you cannot tick off each of these boxes, please review your Request before submitting it.

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

www.pkc.gov.uk

(PKC Design Team - 2019284)

