

# Community Asset Transfer

## Gluasad So-mhaoin Coimhearsnachd

Guidance  
Stiùireadh



This guidance is designed to inform community groups interested in a Community Asset Transfer

# Community Asset Transfer

## Glusad So-mhaoin Coimhearsnachd

### What is a Community Asset Transfer?

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.

Photo by Molly Fearn



### What to think about before moving forward

1. Are you a registered body with the appropriate governing documents, policies, and insurances in place? You can check at:  
[www.bit.ly/HC-CommunityAssetTransfer](http://www.bit.ly/HC-CommunityAssetTransfer)
2. Do you have a clear proposal of what you are going to deliver, both in terms of the use of the building/area and the use you will put to any income you derive from it? (e.g., will any income be used to further benefit the community?).
3. Do you have a clear plan to resource the renovation of the building/area, clearly identified funders that meet the criteria and that have given any indication of support?
4. Evidence that you can achieve what you want to do – (e.g., are you a viable group, do you have the appropriate skills, have you thought about what's required to manage the requirements to make the project viable and sustainable.
5. Does the Building/Area belong to the Highland Council. You can check at:

[www.bit.ly/HC-CommunityAssetTransferPage](http://www.bit.ly/HC-CommunityAssetTransferPage)

# The Process

## Stage 1: Expression of Interest

1. Complete the expression of interest form. This will set out the interest of your organisation. (It is strongly advised this be done before submitting a formal asset transfer request.)

you can download a form here: [www.bit.ly/HC-AT-ExpressionOfInterest](http://www.bit.ly/HC-AT-ExpressionOfInterest)

and a full formal application here: [www.bit.ly/HC-AT-FormalApplication](http://www.bit.ly/HC-AT-FormalApplication)

2. Provide a copy of your constitution
3. Submit the form to the Council's Single Point of Contact at: [cat@highland.gov.uk](mailto:cat@highland.gov.uk)
4. Contact DTAS .... For early support and assistance: [www.dtascot.org.uk](http://www.dtascot.org.uk)

## Stage 2: Assessment and Consideration

All the required information must be provided before any request can be validated. Any request should be submitted on the Asset Transfer Request (ATR) form and must include:

1. Organisation constitution and evidence of the type of organisation you are. This can be confirmed through DTAS [www.dtascot.org.uk](http://www.dtascot.org.uk) or OSCR [www.oscr.org.uk](http://www.oscr.org.uk) for details
2. Details of the asset being requested and what type of transfer e.g. ownership, management, leasing or use
3. What you intend to use the asset for?
4. 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 you are able to pay.
5. What benefits you believe this will bring to your community: economic, regeneration, health, social wellbeing, environmental or whether it will tackle inequalities
6. You need to demonstrate community support for the ATR, perhaps through consultation, or letters of support.

## Stage 3: Negotiation of Contract

1. You must engage in the process to agree contractual terms. This will include agreeing legal, financial and any legacy elements.
2. You will also need to finalise any financial arrangements during this stage of the process.
3. You will 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.

## Further Information

### Scottish Government:

[www.bit.ly/ScotGov-AssetTransferGuide](http://www.bit.ly/ScotGov-AssetTransferGuide)

### Highland Council:

[www.bit.ly/HC-CommunityAssetTransferPage](http://www.bit.ly/HC-CommunityAssetTransferPage)

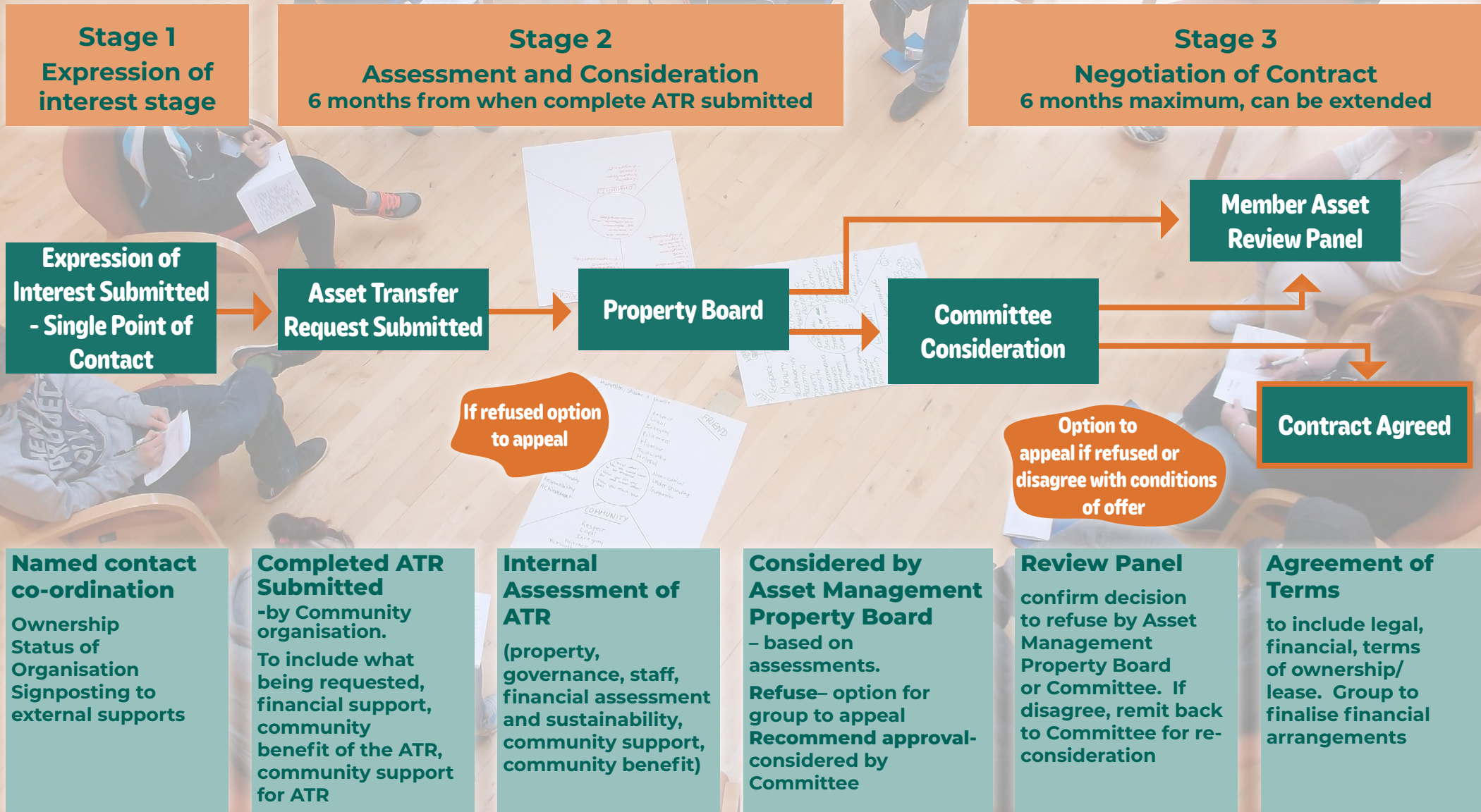
### Development Trust Association:

[www.bit.ly/DTAS-CommunityAssetTransfer](http://www.bit.ly/DTAS-CommunityAssetTransfer)



Photo by Caithness Collection

# Flow Chart Clàr-srutha



## Named contact co-ordination

Ownership  
Status of Organisation  
Signposting to external supports

## Completed ATR Submitted

-by Community organisation.  
To include what being requested, financial support, community benefit of the ATR, community support for ATR

## Internal Assessment of ATR

(property, governance, staff, financial assessment and sustainability, community support, community benefit)

## Considered by Asset Management Property Board

- based on assessments.  
Refuse- option for group to appeal  
Recommend approval- considered by Committee

## Review Panel

confirm decision to refuse by Asset Management Property Board or Committee. If disagree, remit back to Committee for re-consideration

## Agreement of Terms

to include legal, financial, terms of ownership/ lease. Group to finalise financial arrangements