

EAST RENFREWSHIRE COUNCILCABINET27 January 2022Report by Director of EnvironmentCOMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 –  
COMMUNITY ASSET TRANSFER**PURPOSE OF REPORT**

1. The purpose of this report is to seek approval to amend the Council's policy for Community Asset Transfers as governed by the Community Empowerment (Scotland) Act 2015.

**RECOMMENDATIONS**

2. The Cabinet is asked to:
  - a) Approve the amended Community Asset Transfer (CAT) Policy.
  - b) Approve the establishment of the CAT Working Group and CAT Leadership Group.
  - c) Support that the relevant departments notify the Asset Transfer Lead with named representatives outlined in paragraph 14 within 2 weeks of approval.
  - d) Note the upgrading to the ERC CAT webpage and literature to help communities understand the procedures required to request a transfer; and
  - e) Remit consideration of the CAT Review Panel, its terms of reference, and membership to the Council.

**BACKGROUND**

3. The Community Empowerment (Scotland) Act 2015 helps to empower community bodies through strengthening their voices in decisions about public services and use of public body owned buildings and land.
4. Part 5 of the Act came into force in January 2017, providing eligible community organisations the opportunity to apply to a public body to take over the occupation of publicly owned property assets (Land and/Buildings) in one of the following ways;
  - new management agreements for an existing facility or land;
  - leases (including maintenance of the property/land) and;
  - full transfer of ownership and all property responsibilities.
5. As directed by Section 80 of the Act, there are strict criteria that the community organisation must meet to be eligible to apply for a CAT including its legal structure and the need to demonstrate the community benefits an asset transfer would bring to the local area including social, economic, health and environmental. These are more fully described in Appendix One paragraph 4.

6. The Community Empowerment (Scotland) Act 2015 was reported to Cabinet in April 2016, with follow up information brought to Cabinet in subsequent years.
7. The Council's existing CAT procedure involves a 2 stage process;
  - **Stage One** - The community group completes a formal full application form including a business plan and financial information. Council officers review the application seeking any further information before notifying the community organisation of the decision.
  - **Stage Two** - If a CAT request is refused, or if granted different conditions to those on the transfer request are attached to the proposed transfer, the group have the right to appeal firstly to the Council and if the rejection or attachment of different conditions is still upheld; to the Scottish Government.
8. Since Part 5 came into effect, the Council has received 1 formal application for a Community Asset Transfer which is currently under review.

## OVERVIEW OF THE NEW POLICY & KEY PRINCIPLES

9. The full revised policy proposed can be found at Appendix One.
10. The aims of the revised policy are;
  - Set out a clear and consistent approach with greater guidance available to community organisations before a formal application is lodged.
  - Ensure the community organisation meets the eligibility criteria to be a Community Transfer Body (CTB) before a formal application is lodged.
  - Improve the structure of the decision making process.
  - Implement lessons learnt from other public bodies and feedback from CTBs over the first 5 years of Part 5 of the Act being in effect.
11. The stages of the amended policy are;
  - **Stage One**- Expression of Interest (pre formal application to assist the CTB in confirming this is the best route to take and discussing other options if a CAT is not applicable for the CTB).
  - **Stage Two**- Formal Full CAT application request received, the Asset Transfer Lead (see paragraph 12) issues the relevant notifications and works with the CAT Working Group to evaluate and assess the proposal against the ERC Scoring Matrix (see Appendix Three). All information is then passed to the CAT Leadership Group to make a recommendation to Cabinet.
  - **Stage Three**- The Cabinet makes the Council's decision on the CAT application and the Asset Transfer Lead notifies the Community Transfer Body (CTB) in writing of the decision.
  - **Stage Four**- If a CAT request is refused, or the decision notice relating to the request specifies material terms or conditions which differ to a significant extent from those specified in the request the group have the right to appeal firstly to the proposed

Community Asset Transfer (CAT) Review Panel, and if the rejection or the attachment of varied terms and conditions is still upheld; to the Scottish Government. If the Cabinet fail to determine the appeal within 6 months of the validation date of the application, the CTB has the right to appeal directly to Scottish Ministers.

12. An Asset Transfer Lead will take responsibility of overseeing the CAT policy and ensuring the relevant notifications, decision letters and strict timescales are adhered to. It is proposed the Asset Transfer Lead will be the Principal Officer, Asset & Property Management. In the event a CTB seek a review of a decision taken by the Cabinet it will be dealt with by Committee Services.
  13. A CAT Working Group will be formed to provide guidance to the community groups and lead in their relevant skillsets from initial enquiry through to final decision. This ensures the appropriately trained professionals are providing the best advice to the groups.
  14. It is proposed the CAT Working Group will comprise;
    - a. Asset Transfer Lead - Principal Officer, Asset & Property Management
    - b. Representative – Property & Technical Services  
Property related issues including valuation of assets.
    - c. Representative - Community and Learning Development  
Ensures eligibility of the group, advises on the community benefit, and advises on support for the group in the wider local area and all other community related issues.
    - d. Representative - Economic Development  
Advises on the Business Plan, sustainability of the business model.
    - e. Representative - Legal Services  
Advises on any legal issues and formulates the agreement in appropriate format.  
All other legal related matters.
    - f. Representative - Accountancy Services / Finance  
Advises on the financial records and implications of any transfer for the Council.  
All other finance related matters.
  15. The CAT Working Group will assess applications against the proposed ERC Scoring Matrix and put forward their evaluation to the CAT Leadership Group.
  16. It is proposed the CAT Leadership Group is made up of:-
    - Head of Strategic Services, Environment Department
    - Head of Operational Services, Environment Department
    - Head of Communities, Revenues & Change
- It should be noted that in the event one of the above noted officers is unavailable a suitable an alternative senior officer can be substituted to ensure decisions are reached timeously.
17. The CAT Leadership Group will review the evidence and present recommendations regarding the request to the Cabinet who will make a decision on the CAT request, inclusive a decision on the discount factor to be applied to the Market Value or Market Rental for the transfer of an asset if the recommendation is to approve the request.

18. The Act is silent on the monetary value the Council should accept for the transfer of an asset. After considering the approach taken by other councils across Scotland, it is proposed up to maximum discount of 25% of the Market Value will be accepted for a transfer via an outright sale all subject to any legal tests or restrictions on disposals imposed on the council by law.
19. For leased premises while the same percentage discounts should also be apply it is important to retain flexibility to further assist organisations. Consequently further discounts for leased premises may be agreed on a case by case basis and dependent upon the community benefits which can be derived from an organisations occupation of the leased premises all subject to any legal tests or restrictions on disposals imposed on the council by law.
20. The Community Transfer Body (CTB) will be advised in writing of the outcome of the application and where the application is refused provided with information relating to the appeals process and also provide feedback on why the application has been refused.
21. When the Cabinet either refuses an asset transfer request or grants it subject to terms and conditions which differ to a significant extent from those specified in the request, the CTB has a right to appeal firstly to the proposed Community Asset Transfer (CAT) Review Panel. It is proposed that the membership of the Panel will be 5 cross-party Elected Members who are not members of the Cabinet. If the Cabinet decision to refuse the request or to grant subject to the conditions referred to above is upheld by the Panel, the CTB can appeal thereafter to Scottish Ministers.
22. Each individual case will be fully considered on its merits in line with the CAT guidance associated with part 5 of the Community Empowerment (Scotland) Act 2015 and the Council's CAT policy and process.

## **KEY DEPENDENCIES**

23. Cabinet should note that the Community Asset Transfer Model has a number of dependencies including:
  - a) Support of CCS, Legal, Finance, Planning, Economic Development and Estates to utilise the professional skills embedded across the council's departments to help contribute to the determination of a transfer request and assisting groups seeking to transfer an asset.
  - b) Support from the named departments in paragraph 14 to put forward a representative for the Asset Lead Transfer Officer to engage and forward relevant transfer details.
  - c) Key representatives are trained to understand the Council's policy, the procedures and strict timeframes to assist in the recommendation of any CAT enquiry or application relevant to their role in the group.

## **FINANCE**

24. There are no known finance implications but it should be noted that this process can be labour intensive and dependent on the number of requests received this may be an issue going forward.

## **IMPLICATIONS OF THE PROPOSALS**

25. It is anticipated that while this work stream will bring additional duties that existing staff resources will be able to accommodate the workload generated by CAT applications. Should this not be the case a further review may be necessary.

## **CONSULTATION**

26. There has been consultation within the Environment Department and the Corporate and Community Services Department to devise the new framework and with Democratic Services on arrangements for reviews to be heard.

## **CONCLUSION**

27. The amendment to the CAT transfer policy will provide better engagement and tools to the community looking to take over management of a service or council asset.
28. The policy will ensure the Council's procedures in dealing with a CAT request are more transparent, structured and appointed Council officers (representatives) with the relevant skillsets are in place to react to community organisations. .

Further information can be obtained from: Phil Daws, Head of Environment (Strategic Services) on 0141 577 3186 or [Phil.Daws@eastrenfrewshire.gov.uk](mailto:Phil.Daws@eastrenfrewshire.gov.uk)

BLANK PAGE

**APPENDICES**

BLANK PAGE



**APPENDIX ONE**

**THE POLICY**

BLANK PAGE

## East Renfrewshire Council

### COMMUNITY ASSET TRANSFER POLICY (Under Part 5 of the Community Empowerment Act)

#### 1. Vision

East Renfrewshire Council (ERC) has a long history of supporting and working with local communities and recognises the important contribution that this makes to improving outcomes for local residents particularly those experiencing the highest levels of inequality.

ERC welcomes the focus placed on empowering and supporting local people to play a more active role in improving their communities as outlined in the Community Empowerment (Scotland) Act 2015. Community Asset Transfer (CAT) can have a significant impact on realising opportunities for community empowerment, enterprise and community led regeneration in the local area. ERC is committed to working with communities to support CAT requests as a potential mechanism for encouraging community ownership and involvement in local service delivery.

ERC is fully committed to maximising its assets, building on existing partnership working with communities against an agreed set of criteria in order to support and deliver the ambitious vision set out in Community Learning and Development Plan. The Council will work with community planning partners where appropriate to implement joint approaches to support communities to actively participate in the development and delivery of shared priorities.

This policy will support CAT as a mechanism by which ERC will demonstrate its continued commitment to engagement and partnership working with the community and voluntary sector to deliver effective local services.

ERC fully supports the underpinning principles of CAT and endeavours to positively support communities throughout the CAT process. However, there may be times that in order to protect the interests of the wider community, assets may need to remain in Council ownership and/or management to support the delivery of essential services or support economic growth and activity in the area.

#### 2. Community Empowerment (Scotland) Act 2015

This policy responds to the framework for CAT requests set out in the Community Empowerment (Scotland) Act 2015 and provides the basis upon which the Council will manage requests for the transfer of assets (buildings or land owned by the Council) made under the Part 5 of the Act.

The aim of the policy is to set out a consistent approach and clear guidance for consideration of transfer of assets (including land and buildings) by the Council to relevant community groups and organisations (herein referred to as the Community Transfer Body or CTB) in the spirit of community empowerment and ownership.

CAT involves the right for a CTB to request to manage, lease or own an asset that is currently owned (or in some circumstances leased) by East Renfrewshire Council. The Council has developed a transparent process for CAT that takes into consideration

community benefit, potential impact on council services and long term sustainability at all stages from pre request discussion to decision and where relevant, appeal.

The policy will be implemented in-line with the Council's statutory obligations for CAT outlined in Part 5 of the Community Empowerment (Scotland) Act 2015

### 3. Scope of East Renfrewshire Council Community Asset Transfer Policy

This policy applies to all Council staff receiving CAT requests and/or managing an opportunity for CAT. The policy also provides guidance to communities wishing to submit a Community Asset Transfer Request (CATR).

Community Asset Transfer refers to the policies and associated procedures that relevant authorities (including local authorities) may use to transfer the ownership, lease or management of an asset to a community transfer body under Part 5 of the Community Empowerment (Scotland) Act 2015. Community Asset Transfer can occur in a range of ways including:-

- new management agreements for an existing facility or land;
- leases (including maintenance of the property/land in accordance with lease terms and conditions) and;
- transfer of ownership and property responsibilities.

### 4. Community Transfer Body (CTB): Community Benefit and Eligibility

The Council has identified a 'First Point of Contact' officer known as the Asset Transfer Lead for CAT enquiries in order to provide guidance to community groups to assess their eligibility to become a Community Transfer Body (CTB), to signpost for additional support as required, and to ensure that the agreed process is understood and adhered to.

This will involve checking with the organisation that they meet the criteria to become a Community Transfer Body (CTB) and are able to enter into a lease or contract with the Council under the terms of the Act. For example in order to be considered as a CTB the operation, governance and practice of the group must reflect:-

- That the group is controlled and managed by community members and ensure that membership is open to any adult who wishes to join;
- It is a community benefit society the registered rules of which includes provision that the society must not have fewer than 20 members;
- An asset clause stating that any profits can only be used to benefit that community and in accordance with the aims and objectives of the organisation (as set out in their constitution or incorporation documents);
- If the request is for transfer of title (ie ownership) the CTB needs to be a not for profit organisation and a Scottish charitable incorporated organisation.
- A clear Dissolution clause that states that the assets of the company can only go to another CTB or charity.

Certain bodies are not automatically eligible for CAT unless designated by Scottish Ministers for example Community Interest Companies (CICS), Community Trusts, Foundations or enterprising Voluntary and Community organisations. Where relevant the rules of these types of organisations would need to be examined to make sure they were eligible.

Companies or other organisations established for profit, for the benefit of private shareholders or to generate equity through 'for profit' objectives, are not eligible to apply for asset transfer under Part 5 of the Community Empowerment (Scotland) Act whether in part or as a whole but may engage with the Council as part of a wider asset management process to negotiate a mutually agreeable outcome.

Additionally, any potential CTB will be required to submit an "Expression of Interest Form (Form 1)" prior to submitting an official full request to consider if they meet the necessary criteria of a CTB but also aid them to demonstrate how they will evidence that the purposes for which they intend to use the asset they are requesting is for community benefit through:-

- contribution to a developing a sustainable community;
- empowering local communities;
- ensuring equality of access and benefit;
- improved quality and efficiency of service;
- demonstrating and enhancing social value;
- partnership working with other community and voluntary sector organisations; and
- assisting local communities to achieve their aspirations.

#### 5. Underpinning Principles of Community Asset Transfer

The following principles govern the Council's approach to Community Asset Transfer:-

- the Council welcomes community interest and requests to improve use and potential for building and land assets;
- applications to transfer assets for community benefit/interest will be considered by the Council in line with the CAT process
- Requests relating to a Council asset will be considered on an individual basis and may therefore result in terms of agreement reflecting the circumstances of the individual case and asset;
- The consideration of expressions of interest and fully developed requests for transfer of an asset should be managed in a manner that promotes positive partnership working throughout the CAT process and beyond any potential handover;
- CAT requests should demonstrate that they meet the eligibility and criteria and provide all information outlined in section 6 of this document.
- Up to a maximum discount of 25% of the Market Value will be accepted for a transfer via an outright sale, with an ability to consider further discounts for leased premises decided on a case by case basis and dependent upon the community benefits (social, environmental, health and economic).

#### 6. Implementation of CAT process

Any CTB considering CAT as an option should, in the first instance, speak to the Council's Asset Transfer Lead who will provide information regarding the process and basic requirements and direct the group to self-assess their eligibility and readiness through the CAT page on the Council's website. To aid this process and in preparation of the official Community Asset Transfer application, the group will be asked to complete an "Expression of Interest Form".

At this point, where it is evident that the group does not meet basic eligibility criteria, and as appropriate, the group may be signposted for additional support or information to assist them to meet their aspirations in the future. If the group meet the CAT requirements, they will be directed by the Asset Transfer Lead to submit an official Community Asset Transfer Form (Form 2).

The Council will accept a CAT request which can demonstrate clear benefits to communities and the capacity of the group to deliver/manage services/assets should the application be successful. The application will be considered where eligibility seems apparent and the group will be advised of the CAT process including timescales.

### 6.1 CAT Process

The Community Transfer Body will be supported to submit their formal request in writing stating that the application is being made under Part 5 of the Community Empowerment (Scotland) Act 2015. The request must detail:-

- the land or building being requested;
- if purchase or rental is being requested and the cost that the community transfer body is prepared to pay along with any other relevant terms and conditions;
- the intended use of the land or building;
- how the CTB will fund and manage its plan for the CAT;
- how the CAT will help the community and that there is support for the proposal from the wider community;
- the community transfer body's rules, or a note that the group has been designated by the Scottish Ministers; and
- details of project beneficiaries and how the proposed activity will address current gaps or complement / add value to existing service provision.

On receipt of the completed request the validation date is set and the Council must acknowledge the request and communicate a decision within 6 months of this date unless an alternative timescale has been formally agreed between the two parties.

The Council will inform those who may own, rent or use the land or building about the request, as well as publicising the request online for a 4 week consultation period. The Council will publish online information and at the subject relating to live CAT requests ensuring that GDPR guidance is adhered to.

The Council will not dispose of, or sell land, to anyone except for the CTB submitting the request until the request has been concluded. Where the asset has already been advertised for sale or lease before the request was made the Council is unable to accept or progress the CAT. Acknowledgement of the request will clearly state the Council's

position in relation to whether a ban on sale or lease to other people applies or if any other asset transfer requests had been received for this asset.

The CTB will be advised in writing of the outcome of the application and where the application is refused provided with information and signposting to assist them to develop or if appropriate to meet their aspirations in relation to CAT. Depending upon the reasons for refusal the group may be referred for direct support or assistance.

The group has a right to an internal review (setting out their reasons why) by the Council initially and can further appeal to Scottish Ministers if they are not satisfied with the outcome of internal review. A CTB cannot make another CAT request for the same asset within 12 months with the same terms.

The group can also appeal directly to Scottish Ministers if a decision notice is not issued within 6 months of the date of the validation of their request

## 7. Decision Making

### 7.1 Assessment Decision

A CAT Working Group made up of key officers from across Council services including representatives of key areas of business such as property, legal, finance and communities will assess the CAT request and present evidence based on the ERC Assessment Scoring Matrix to the Council's CAT Leadership Group.

The CAT Leadership Group is made up of:-

Head of Strategic Services, Environment Department  
Head of Operational Services, Environment Department  
Head of Communities, Revenues & Change

The CAT Leadership Group will review the evidence and make recommendations regarding the request to East Renfrewshire Council's Cabinet to make a formal decision on the CAT request.

The CTB is then informed of the decision within timescales agreed earlier in the process.

The Council may call upon specialist advisors to provide advice and inform the decision making process. Once the validation notice is issued a decision will be taken and communicated within 6 months. Should an extension be required this can be proposed in writing to the CTB and mutually agreed.

An annual report relating to all CAT requests and their outcome will be reported to the Cabinet.

### 7.2 Successful Outcome

In line with Regulations, the outcome of any CAT request will be communicated to the CTB within 6 months of the validation notice date. Where a decision is in favour of the community group, discussion will take place as to the terms of the CAT and the relationship between the Council and CTB in meeting these terms including financial agreements for sale or rental of the property or land.

### i. Outright Sale

Up to a maximum discount of 25% of the Market Value will be accepted for a transfer via an outright sale.

### ii. Lease or Management Transfer

Similar to an outright sale a maximum discount of up to 25% is envisaged for leases being dealt with under CAT applications. However the Council reserves the right to apply further discounts for leased premises decided on a case by case basis and dependent upon the community benefits (social, environmental, health and economic). The Council will also seek to incorporate within such leases clauses which ensure the CTB maintains its community benefits throughout the duration of any lease. The Council will consider the specific needs of the CTB, the condition of the asset and the requirements of any funders. The length of the lease will be based on:

- the business plan
- the capacity of the organisation to manage the asset
- financial capacity
- any future requirements for the asset by the council

Once granted, leases can be extended or restructured at a future stage, to meet the changes to the organisation's activities or circumstances. Leases will contain clauses that prevent the asset being assigned or sold on for unintended financial gain and the loss of the community agreed benefits. Leases will also contain suitable clauses to ensure the return of the asset to the Council if the terms of the lease clauses are not met, or in the case of dissolution, insolvency or corruption.

### iii. Transferring of the Asset

The CTB must make the Council an offer and the expectation outlined in the statutory guidance is that a contract would be agreed within 6 months of the offer being received.

It is acknowledged that this timescale may not always be achievable due to matters out with the control of both parties and therefore agreement may be reached with the Council or imposed by Scottish Ministers to allow for more time to conclude the process.

## 7.3 Unsuccessful Outcome – Review and Appeal Process

Where a CAT request is unsuccessful, the CTB may request that the Council review their decision and this review must be undertaken by a panel of cross-party Elected Members.

The Community Asset Transfer (CAT) Review Panel is made up of a group of 5 cross-party Elected Members. The internal review process must be politically led and Council officers can act only in an advisory capacity to the review panel.

If the CTB is not satisfied after the internal review, they can appeal to the Scottish Ministers. A CTB can ask for a review or appeal if the Council:-

- does not agree to their asset transfer request;
- does not make a decision by the time it should have; and
- the CTB does not agree with the terms and conditions in the decision notice.



Following consideration by the Review Panel a decision notice will be sent to the CTB with the Panel's decision. The following points apply to CAT reviews and appeals:

- a community transfer body has 20 working days after the issue of the decision notice with the Cabinet's decision to ask for a review or appeal;
- other people who commented on the asset transfer request must be asked what they think about the review or appeal;
- all the papers about the review or appeal must be publically available online; and
- the Review Panel can ask anyone for more information to help them make a decision. They can ask for the information in writing or hold a meeting so people can tell them their views. They can also do other things, such as visiting the land or building the request is about.

## 8. The Asset

The guidance on CAT within the Community Empowerment (Scotland) Act 2015 will ensure that where CAT is being considered, the Council will always take into consideration community benefit. The CTB can indicate the price that they are willing to pay for the asset and the Council must consider the feasibility of agreeing a cost that reflects community benefit and also Council operational requirements. Market value will be considered alongside community benefit. This will inform the assessment and decision-making process, including securing the best price as can reasonably be obtained to support Council operations and priorities.

The Council's assessment of a CAT request and any subsequent decision to proceed will take into account the condition, usage, value of the asset, the availability of other suitable premises from which the proposed activity could take place and value for money offered by the proposal.

The Market Value or Market Rental of the asset price agreed will be informed by the social, economic and environmental benefits generated by the CAT including for example

- Economic development or regeneration
- Health
- Social Wellbeing
- Environmental factors

East Renfrewshire Council will provide information which it holds on the asset to the applicant CTB. The Council will consider requests for information on the asset submitted in writing, where this information is readily available and deemed to be useful to the progression of the CAT process.

CTB's should seek (and fund) any required independent legal and technical advice relating to property condition and value.

## 9. Reporting

The Council is required to report annually on:-

- the number of requests received;
- the outcome of requests; and
- any support put in place to support requests.

The Asset Transfer Lead, on behalf of the CAT Working Group, will provide reports to the Corporate Management Team and the Cabinet regarding any requests received and produce and make available annual reports to Scottish Government, the Cabinet and the public.

## 10. Approaches to Managing Risk

East Renfrewshire Council recognises that there are inherent risks in Community Asset Transfer both for the CTB and for the Council, and has in place mechanisms to ensure a consistent approach to managing these. Each request will be considered on a case by case basis against robust criteria. The assessment and decision making criteria will help to manage and minimise risk and support the CAT process.

The Council will as appropriate sign-post the CTB to the relevant local and national agencies for advice/ resources in managing the risks involved and to support and facilitate successful asset transfer.

## 11. Remit of CAT Panel and CAT Review Panel

### 11.1 CAT Panel

The CAT Panel is responsible for overseeing the development and strategic direction of the CAT policy and implementing the operational process for CAT requests. This group will be made up of officers from across the Council with practical experience and understanding of working with communities, management and transfer of community assets. There is the option to co-opt partners who have particular knowledge and expertise and include representation from the voluntary sector.

The CAT Panel will assess applications against the criteria set out in the community asset transfer process. The Panel will consider policy, legal and financial risk to the Council and provide information to The CAT Leadership Group to inform recommendations to the Cabinet for decision.

### 11.2 Community Asset Transfer (CAT) Review Panel

The Community Asset Transfer (CAT) Review Panel is made up of a group of 5 cross - party Elected Members. Decision making relating to reviews is the responsibility of CAT Review Panel. The internal review process must be politically led and Council officers can act only in an advisory capacity to the review panel.

It should be noted that members of the Cabinet who were party to the decision, or any Elected Member who has either been involved in the asset transfer process or commented publically on the request will not be able to participate in the review process. Where a CTB disagrees with a proposed decision they can appeal to Scottish Ministers for final determination.

**12. Policy Review**

ERC will continue to review the East Renfrewshire Council Community Asset Transfer Policy following an initial twelve month period and in line with any amended guidance from the Scottish Government on Community Asset Transfer.

**13. Scottish Government – Asset Transfer Under the Community Empowerment (Scotland) Act 2015 – Guidance for Relevant Authorities**

ERC will implement this Policy in accordance with the above guidance. All CAT requests will be considered in line with this.

## BRIEF GLOSSARY

**Community Empowerment Act (Scotland) 2015 (The Act)** – A piece of Scottish Legislation approved in June 2015 which sets out a number of items that increase Scottish Communities ability to become more involved with Local governance, and rights which encourage Community Empowerment.

**Community Asset Transfer (CAT)** – The process whereby a Community led group can take over the responsibility of assets owned by a Relevant Authority such as East Renfrewshire Council. The CAT system is the result of the Scottish governments Community Empowerment Act (Scotland) 2015, covered under section 5.

**Community Transfer Body (CTB)** – An eligible community led group who make the asset transfer request, and who if successful will take full responsibility of ownership/ lease or management the property concerned, and operate it under the terms of the final lease or deed. East Renfrewshire Council is fully committed to engaging with Community Asset Transfers to Suitable Community Transfer Bodies. The Validity of the Community groups CTB status is assessed by the relevant representatives in the CAT Working Group. The attributes of a CTB are explained in Part 5, sections 77 and 80 of the Community Empowerment Act (2015) Scotland.

**CAT Working Group** – This is a Group formed by the East Renfrewshire Council to assess CAT Requests, to ensure that are both the CTB and the plan to gain control of the asset, and then to operate it successfully are viable and compliant to The Act.

**Relevant Authority** – A Statutory body named by the Scottish Government, in the Community Empowerment Act (Scotland) 2015. For the purposes of this document, East Renfrewshire Council.

**Operating / Holding Service** – All property owned by the council is assigned to a Service or Department. The Managing Service in this context is the Service in the Council (Such as Development Services or Education Services) who hold the property asset that the CTB are interested in. The MS is contacted by the CAT Working Group when CAT interest is shown on one of their property assets.

**Expression of Interest (Eoi)**:- Stage 1 of the CAT Process- Identifies the asset the group seek to take responsibility of

**Full Request Form** The second stage of the CAT Process – An extensive form that must be filled in by the CTB, along with a full set of documentation needed for any Community Asset Transfer to be considered.

**Notifications** - At various stages of the CAT process interested parties will need to be notified of the possible Asset Transfer, and be allowed to make “**Representations**” i.e. comments or objections reference the CAT Plan.

**APPENDIX TWO**

**COMMUNITY ASSET TRANSFER TOOLKIT**

BLANK PAGE

**COMMUNITY ASSET TRANSFER**

**A Toolkit to Support Community Groups**

**EAST RENFREWSHIRE COUNCIL**

BLANK PAGE



**Contents of the Toolkit**

Introduction and Purpose

Your Committee

Your Community

Legal Structure and Eligibility

Finance and Business Planning

Learning from Others

Useful Links and Contacts

Notes Sections

CAT Flow Chart in ERC

BLANK PAGE

## Introduction and Purpose

This Toolkit helps community groups and organisations consider the key issues they need to be aware of when considering a Community Asset Transfer (CAT).

It supports your group to assess your current situation and determine whether or not you are ready to take on an asset. The Toolkit is best completed by several committee members before considering the ownership or leasing of any asset.

The Toolkit covers the following key issues around your group:

- Your Committee Composition and Legal status
- How it currently works and operates Your experience in managing finance and resources
- Your Local community and how they benefit from your project

Each section of the Toolkit contains a series of questions and prompts which will help your group to better understand your current position, the extent to which you have the right skills and experience for taking on an asset, and the support or assistance you might need to progress.

### **What do we mean by taking on an asset?**

Assets are land or buildings that are used to deliver a project or initiative that benefits your community.

There are two key considerations before taking on an asset:

**1 Does your group have the right skills and experience to manage the asset?**

**2 Can your group generate enough money to continue to maintain and improve the asset over time?**

There are different ways in which your group can take on an asset for example through a management agreement, a lease, or full ownership.

Where an asset is currently owned by a public body, like the Council, there are processes in place that support community groups to get access to them. One of these processes is called a Community Asset Transfer.

### **Community Asset Transfer**

Community Asset Transfer is one of the ways through which a community group or organisation can request greater control of a Council-owned asset. The level of control can vary from simple access rights, right up to full ownership.

CAT is a legal process which was introduced under the Community Empowerment (Scotland) Act 2015

If your group submits a full application for Community Asset Transfer (CAT) you will be expected to provide evidence, including:

- a business plan showing how the asset will be sustained;
- details of how the CAT will benefit the community;
- details of how you will manage and finance your plans;
- evidence of support for your ideas among your community;
- and confirmation that funding has been identified and is available.

Help and information on Community Asset Transfer is available from:

**Email:**  
[communityassettransfer@eastrenfrewshire.gov.uk](mailto:communityassettransfer@eastrenfrewshire.gov.uk)

## Your Committee

This section of the Toolkit looks at your committee and how you work together. In this section, there is a small checklist that will help you identify any gaps in knowledge or skills that you will need to address.

If you find that you are unable to answer some questions positively, then this suggests that your Committee needs to do some additional work before you move forward with Community Asset Transfer.

You need to have a strong committee who work well together so that all the responsibility does not fall on one or two people. This is an important step to consider before thinking about a potential Community Asset Transfer. You will need to show that your organisation operates in an open and accountable manner. The questions in this section will give you a view of how well your committee is functioning and how involved your committee members are.

Section 3 of this Toolkit focuses on the legal status of your group and your eligibility to apply for a CAT.

### o Current Committee Knowledge and Understanding

If this flags up areas of concern or specific questions for your committee, it is recommended that this is addressed first as the governance of your group is a key part of a Community Asset Transfer. There is also space for you in this Toolkit to take extra notes in Section 6.

- Do you plan your activities to meet the needs of your local community?

**Yes/ No**

- Do you have an annual action plan?

**Yes/No/Not sure**

- Do all your committee members have a copy of your constitution and understand it?

**Yes/No/Not sure/we need help with this**

- When did you hold your last AGM?

Within the last 12 months/More than 12 months ago

- How often do you hold committee meetings?

**Every weeks/months**

- What does your constitution say?

**Every weeks/months**

- Are all of your committee meetings quorate and do they follow the rules in your constitution?

**Yes No/ Not sure**

If you are not sure, you need to check what your constitution says.

- Do you minute all your committee meetings and note who agrees to do what and when?

**Yes/No**

- As part of a Community Asset Transfer Request you will need to show minutes of the Committee Meeting committee agreed to proceed with a Community Asset Transfer Request. This shows that your Committee supports the application. Do all Committee members receive copies of the minutes of meetings?

**Yes/No**

If not, you need to consider why not and whether all committee members can contribute fully to the committee.

- Ownership or lease of property will carry several responsibilities and decisions could be required in the future. All committee members must understand the responsibilities involved both for themselves and for the whole committee. Do all committee members understand their legal duties?

**Yes/No**

- Do you recruit new committee members following the rules of your organisation?

**Yes/No**

- Community members may have their own impressions of what your group and your committee do and what it is responsible for. When new people join your committee it is important that they clearly understand their roles and responsibilities. Do you give all new committee members copies of your: Constitution Accounts Action Plans Minutes of recent meetings

**Yes/No**

- Do you have clear aims and objectives and do your committee members know and understand what they are?

**Yes/No/Not sure**

- What skills do you need and do you already have them?

Skills	Committee Members	Notes

- Has your committee agreed on clear roles and responsibilities and/or formed subgroups to get tasks done? Make a list of everything which needs to be done. Make sure you have a name or a subgroup name against each task and keep updating the list with both an expected and completed date. This will help you to see the progress you are making and identify any areas in which you need more help. Keep adding to the list as more tasks are identified;

Task	Name	Timescale	Date Completed

o Policies and Procedures

To be considered for a Community Asset Transfer or to successfully apply for funding, your group will need to show that it operates in a responsible way and keeps staff, volunteers, and community members safe.

The policies you need will depend on the asset and what your plans are. Thinking about the policies and procedures early in the CAT process will help your committee be as prepared as possible. Some key areas that you may need to think around are given for you as examples in the table below. You may have other policies that you think are relevant to your project and group depending on your purpose and aims and objectives.

Make a list of policies you think you might need and decide who from the committee will be responsible for putting together or updating your policy. You might allocate responsibility for different policies to different committee members or have more than one committee member work on a policy. This is where your skills on the Committee in Section 1.2 will help you identify skills and experience to put these policies together. Be prepared to show copies of your policies to potential funders and the Council when you apply for Community Asset Transfer.

Policy	Committee Member
Writing Funding Applications	
Business Planning	
Community Engagement	
Policy Writing	

- Your Committee

This next section is about understanding your community. A successful CAT requires evidence of support for your project and this part of the Toolkit helps your committee to think about how your group engages and communicates with community members.

Involving your community in planning your activities helps your group to:

- ensure that the project reflects local needs,
- has local support, and seeks to minimise any adverse unintended consequences;
- gain new ideas and different perspectives;
- identify new partners and supporters;
- find people who can bring new skills,
- knowledge, and experience to the project;
- demonstrate accountability to your community.

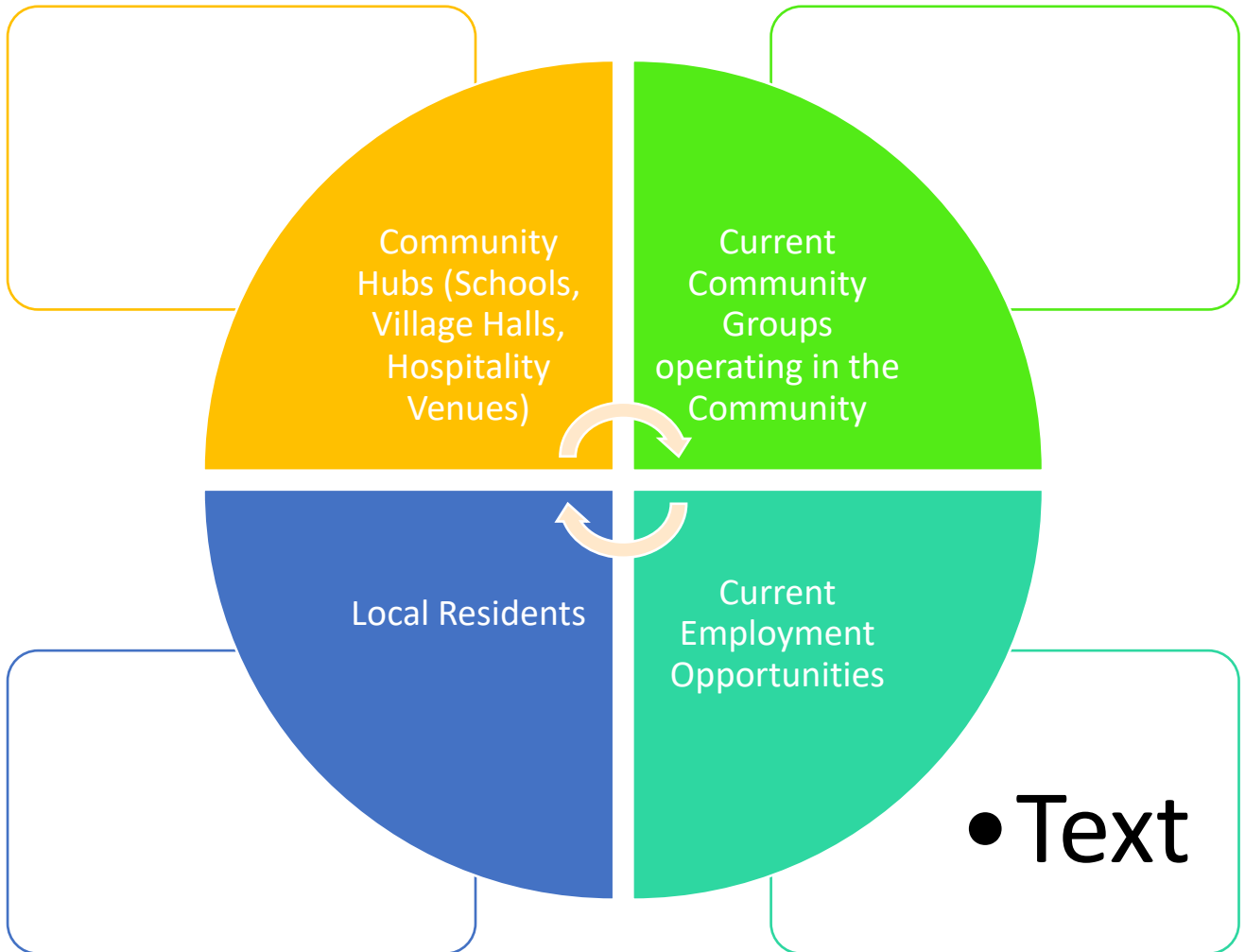
More information and ideas on how to engage your local community can be found in Involving your Community resource which was completed by COSS (Community Ownership Support Service).

The following two diagrams help your group to think about how well you are currently engaging with your community and developing stronger links.

The first diagram is for you to discuss and record what you know about the community you are in. This may include some statistical data for example the local population statistics and demographic, current employment opportunities. By using this diagram as a mind-mapping exercise, it will help you to identify what you already know about your local community and areas where you need to develop further knowledge.



## Diagram 1- Your Community



## Diagram 2- Outreach

This diagram shows how your group is currently engaging with the wider community. If possible, use two different coloured pens to show what you are currently doing and if any ideas of how these areas of your community could be more engaged in your project.

By doing this will give clarity as Your Project/ Group Local Businesses Local Residents Social Media use and other forms of communication Key Partner Organisations Council, Health Board 2 to how you are engaging the wider community and also identify areas for improvement. To have a successful CAT request one of the key areas on which you will be assessed is community engagement and support. Using this tool will help you to strengthen any future CAT request.



- What to do when you have identified a local asset

If your group has an idea for improving your community that will require access to an asset you should have a look around your community to see what is available or check the asset register at:

[www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk)

Once you have identified a building or land belonging to East Renfrewshire Council in which you are interested you will need to complete an **Expression of Interest Form**:

Once the Council receives your **Expression of Interest Form** you will be invited to meet with representatives from the Council to discuss your interest in more detail. As part of this conversation,

Council officers will work with you to try to identify the best way for your group to secure access to the asset.

This may be through a Community Asset Transfer Request and all documentation is available on:

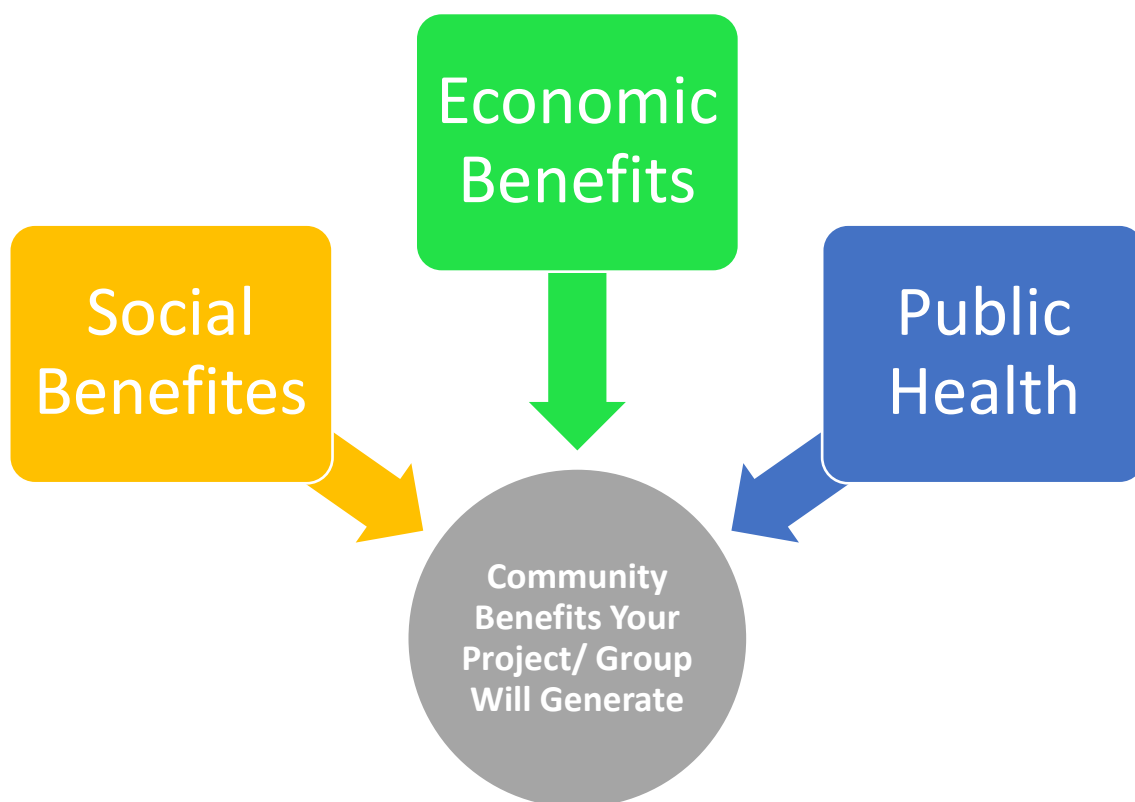
<https://www.eastrenfrewshire.gov.uk/article/4277/Community-asset-transfer>

- Community Benefit

A key aspect of a CAT Request is the level of community benefit it will generate. This could be providing local employment and training opportunities, improving health and wellbeing, or offering a social space for the benefit of community members. The level of community benefit is a **key source of justification for any discount** your group may seek for a lease or purchase of the asset.

**The different benefits that your project would bring to your local area.**

The diagram below shows your committee on how to think about the different benefits that your project would bring to your local area.



It also shows areas in which community benefit is assessed by the CAT team in the Council using a Scoring Matrix which is available for you to look at on the Council's website.

## o Community Engagement

Community support is essential in any successful Community Asset Transfer. Your local community will want to know about your plans, be able to contribute ideas, and may want to help in various other ways. Community engagement allows your group to get the views of local people, get different perspectives on your proposals, and ultimately gather evidence of community support for your plans for the asset. Evidence of community engagement and support is another aspect that the Council will assess as part of any CAT Request.

The National Standards for Community Engagement can be found at [www.scdc.org.uk/what/national-standards/](http://www.scdc.org.uk/what/national-standards/) and can be used to help your group plan and deliver effective community engagement activities.

The following bullet points summarise some of the key areas of community engagement that your group can consider:

- Can you define your community? This should be included in your constitution. If you cover a geographic community this could be an area defined by postcode, Community Council area, an electoral ward, a settlement, a locality, or some other clear definition. If your community is a community of interest this might include people who pursue the same hobby, play a sport, or have an interest in a subject.
- Make a list of the main community organisations in your area and contact them to tell them about your plans. You could contact them individually or invite them to an information event. You should record which organisations you have consulted and what their responses are. Record any negative responses as well as positive ones as this demonstrates transparency and realistic engagement.
- If you are a community of interest you should still contact the community groups in the local geographic area of the asset as you need to show community support. Some of them may wish to work with you or rent some of the space from you and it is always useful to have positive links with your neighbours!
- How can you inform the community of your plans? You need to find out their views as well as tell them about your plans. Ideas of how this may be undertaken could include:

\*Could you set up your own social media account, or start a regular newsletter?

\*Can you use an online survey or hand out paper copies to collect people's views?

\*Is there a community event, a gala day, or a community newsletter where you can share your ideas and ask other people for theirs?

\*Have you spoken to the Community Council, Parent Teacher Association, local health professionals, anyone who provides services in the community?

\*You can also find lots of useful ideas in COSS Publication - Involving Your Community:

<https://dtascommunityownership.org.uk/sites/default/files/Involving%20Your%20Community%20020.pdf>

In Section 6 of this Toolkit, there is a space for you and your committee to look at some of these areas in your context and some key questions for you to access your groups' activities in this area.

- Legal Structure & Eligibility

To be eligible to apply for any type of Community Asset Transfer your group must demonstrate that it is "community – controlled". That means that you must have a written constitution that;

- (a) describes the community to which your group relates;
- (b) confirms that most of the members of your group are members of your community;
- (c) confirms that the members of your group control decision-making;
- (d) confirms that members of your group are open to any member of your community;
- (e) contains a statement of your aims including the promotion of community benefit;
- (f) confirms that any surplus funds or assets are to be applied for the benefit of your community.

A community-controlled body which wants to make a CAT request for ownership must also be a 'community transfer body', meaning that it must have at least 20 members and be incorporated as:

- a company limited by guarantee;
- a two-tier SCIO (Scottish Charitable Incorporated Organisation) with members electing a committee or a BenCom (Community Benefit Company).

**Failure to meet the strict legal structure requirements will mean the group will not be eligible for a Community Asset Transfer.**

- Finance and Business Planning

When submitting your CAT application, you will also be required to submit a business plan that shows your expected income and outgoing related to the asset. This can include expected income from rent, hospitality, or any other way in which you plan to bring in an income. While expected income can never be certain, by engaging with your community and by researching other rental facilities in the area or projects similar to yours in other parts of the country you should have an idea of feasibility.

Your committee may also need to secure funds to purchase/lease or obtain other rights for a property through Community Asset Transfer. The CAT legislation does allow you to offer a price less than the market value of the asset. However, in your application, you will have to show how any discount is justified by the level of community benefit your project will generate. This is referred to as Best Value. Best Value is about ensuring that there are good governance and effective management of resources

to deliver the best possible outcomes for the general public which applies to all public bodies in Scotland.

**Money and Property**

You will also need resources to cover things like insurance, ongoing running costs including any common repair and maintenance obligations, repairs, and perhaps renovations/alterations to the property. COSS can both suggest potential funders.

- How do you manage your group’s finances at the moment?

- If your finances increased significantly due to the capital expenditure of a CAT would you need to change or adapt any of your current finance processes?

**Yes/No/Not Sure**

If “Yes”, how would you need to change your current process?

- Have you discussed with potential funders?

**Yes/No**

If yes, record some of the details here;

Funder Name & Contact Details	Area/ Activities they might help	Notes
<i>i.e National Lottery, Joe Bloggs XXXX XXX XXXX</i>	<i>Grant for upgrading of an asset</i>	<i>Group meets criteria for grant, need to complete application. No deadline for application submissions.</i>

- o Have you identified legal and other professionals, eg solicitors, surveyors, architects?

**Yes/No/Not Sure**

If Yes, make sure notes are here;

Service	Contact Details	Notes

- o Other Professional Support

You will need a solicitor to carry out the conveyancing, source the title deeds for the property, check if there are any shared access agreements in place, and manage all the paperwork. If you have a Solicitor already, you can add their details here. Name and address of your Solicitor:

--

You may need an architect to give you an estimate of possible alterations you could make to the asset and outline costs for the work. You can then make inquiries about potential grants before taking on an asset avoiding the risk of finding it cannot be used as intended.

You may also want to obtain an independent survey of the property which considers the value, and an indication of any essential repairs. If work is needed to upgrade or maintain the property you will need an estimate of the costs involved before you enter into any Asset Transfer Agreement.

Long leases from the Council are usually on a full repairing basis, meaning that you are responsible for all the upkeep, externally and internal maintenance, and repairs to the property. You will also be responsible for any common liabilities such as service charges.

All costs for professional support will need to be met by the project/ group and will be due even if the CAT is rejected.

- Is there anyone in your local community with these skills?

**Yes/No/Not Sure**

If ‘Yes’ have you asked them if they can help, or give you some advice on who else you could approach? They may not be able to offer their services free of charge but might be interested in being involved. There are grants available to cover professional fees. You could consult other community groups who have done something similar to find out who they used.

Name and Contact Details	Potential Skill	Who will contact them?

- Learning from Others

You can learn a lot from community groups who have already gone through the CAT process.

COSS has supported lots of Community Groups through the Community Asset Transfer process and can suggest some which may have similar ideas to your own. It’s always useful to visit and hear what went well, what was a challenge, and what they might do differently next time, or wish they had known at the start of the process.

Contact COSS Community Ownership Support Service at:

Email [coss@dtascot.org.uk](mailto:coss@dtascot.org.uk)

Tel 0131 225 2080



Community Land Scotland also supports Community Groups who own or would like to own land and/or buildings. They organise regular study visits where you can learn from other groups and share ideas. They can be contacted at:

Community Land Scotland

Email: [info@communitylandscotland.org.uk](mailto:info@communitylandscotland.org.uk)

- Useful Links and Contacts

The following links will take you to some helpful websites where information, advice, and guidance on CAT is available:

Scottish Government Guidance for groups who are considering CAT;

<https://dtascommunityownership.org.uk/resources/getting-started/asset-transfer-guidance-community-transfer-bodies>

Community Ownership Support Service (COSS) has experience in supporting community groups through the CAT process and have lots of useful information on their website:

<https://dtascommunityownership.org.uk/>

- Notes Section

Your group's legal structure (please select one of the following options);

Unincorporated Association (You have a constitution, but no other legal status):

Charity Charity Number: Single Tier SCIO SCIO Number: Two Tier SCIO SCIO Number: Limited Company Company Number: Community Benefit Society Registration Number:

Community Benefit What is the benefit to the community that will result from you having access to the asset?

What evidence of community support do you have? eg funding pledged, community groups, getting involved in the project, results of surveys or meetings?

**APPENDIX THREE**

**EAST RENFREWSHIRE COUNCIL SCORING MATRIX**

BLANK PAGE



# Community Asset Transfer



## Application Assessment

### Purpose

*The purpose of this Scoring Matrix is to support the **Community Asset Transfer Working Group** in evaluating the community benefit of the CAT Request and pass this information to the Community Leadership Group to make their recommendations for final decision by Cabinet. The Scoring Matrix is intended to guide decision-making.*

### Process

*CAT Working Group comprising representatives from Community Learning and Development (CLD), Estates, Legal, Finance and Economic Development are asked to complete their sections of the assessment and this information is collated and shared with all **CAT Team members**.*

### Structure of Assessment

The application assessment is structured using 5 key headings:

1. Group capacity - CLD
2. Community Benefits (Project outcomes) -CLD
3. Impact on Community Plan priorities - CLD
4. Financial information (including Business Plan) - Economic Development
5. Financial discount -Estates

**Consideration will also be given to the terms and conditions requested by the Community Asset Transfer Body and what equivalent terms may be appropriate.**

Each of the 5 assessment areas will be assessed separately, considering any and all additional supporting documentation and evidence provided. This will be used to give an overall score rating to the request from very strong to poor. A summary of the evidence required to achieve each rating is outlined under each key area and should be considered by the Community Asset Transfer body when completing the application.

### Scoring

To weight an application, the following scores will be applied:

Very Strong = 10 points

Strong = 8 points

Moderate = 5 points

Weak = 2 points

Poor = 0 points

**Comments**

Each of the questions for scoring also include a section where CAT team members can note any points they wish to make, including any points of clarification or requests for additional information.

**Community Transfer Body**

<b>Name of the Group</b>	
--------------------------	--

**The Asset**

<b>Full Name of the Asset</b>	
<b>Location of Asset</b> (Address if possible)	
<b>Unique Property Reference Number of Asset</b> (If Known)	
<b>Details of the asset including asset status and proposed use</b>	

**The Application Process**

<b>Date of Submitted</b>	
<b>Date of Decision</b>	
<b>Recommendation Approval/ Reject/ Defer</b>	
<b>Final Decision</b>	

<b>Summary Grading</b>	<b>Score</b>
1. Group capacity	
2. Community Benefit	
3. Impact on Community Plan priorities	
4. Financial information	
5. Financial discount	

TOTAL SCORE	
-------------	--

### 1. Group capacity and ability to deliver the project including managing performance

Question	SCORE					Comments
	Very Strong 10	Strong 8	Moderate 5	Weak 2	Very Weak 0	
To what extent has the applicant demonstrated that they have the relevant skills, knowledge, and experience to successfully deliver this project?						
To what extent does the applicant have the appropriate governance in place to facilitate the successful delivery of this project?						
To what extent has the applicant outlined their succession plan and ensured the long-term sustainability of the project?						
To what extent has the applicant outlined how they will monitor their achievements and evaluate progress against their outcomes. How will the project report their performance to the community in an open and transparent way?						

**Very Strong:** The applicant has clearly evidenced that they are a robust and viable organisation with effective governance arrangements in place. **1 point** They have secured appropriate funding including long term projections. **1 point**. The group have all the skills, experience, knowledge in place to deliver their project and manage a building effectively including all the task and responsibilities associated with this. **2 points**. The group have the appropriate governance arrangements in place including being a fully functioning, constituted committee. **1 point** They have the appropriate standards, procedures, and policies in place. E.g., Human Resources policies and protocols, Data Protection, Health and Safety procedures including Risk Assessments, Children and Adult Protection processes and policies (where applicable). **1 point** The group have a clear plan with appropriate structures and policies in place to help ensure success in the longer-term including details of succession planning and sustainability for the future. **1 point** Examples of which include self- financing arrangements, environmental sustainability and promoting good governance. The group have effective committee terms and processes in place, including retention,



recruitment, and training for new members. **1 point** The applicant has established processes in place to/ have clearly outlined how they will, monitor their achievements and evaluate progress against their outcomes **1 point** These are clearly linked to local and or national priorities, and use a variety of methods. This includes a well thought out approach to how they will report their performance to stakeholders and the wider community. **1 point**

**Strong:** The applicant has provided adequate evidence that they are a robust and viable organisation with effective governance arrangements in place. The applicant has secured funding including some long-term projections. The group have some of the skills, experience, knowledge in place to deliver their project and manage a building effectively including all the task and responsibilities associated with this. The group are a fully functioning, constituted committee. They have some of the appropriate standards, procedures, and or policies in place. E.g., Human Resources policies and protocols, Data Protection, Health and Safety procedures including Risk Assessments, Children and Adult Protection processes and policies (where applicable). The group have a plan with some of the appropriate structures and policies in place to help ensure success in the longer-term including details of succession planning and sustainability for the future. Examples of which include self- financing arrangements, environmental sustainability and promoting good governance. The group have committee terms and processes in place. The applicant has established a process for how they will, monitor their achievements and evaluate progress against their outcomes These are linked to local priorities and include reporting performance to stakeholders and the wider community.

**Moderate:** The applicant has provided some signs of being a robust and viable organisation with effective governance arrangements in place. The applicant has secured funding including with nominal long-term projections. The group have a few of the skills, experience, knowledge in place to deliver their project and manage a building. The group are a are constituted committee. They have a few procedures in place. E.g., Human Resources policies and protocols, Data Protection, Health and Safety procedures including Risk Assessments, Children and Adult Protection processes and policies (where applicable). The group have a plan with a few of the appropriate structures and policies in place to help ensure success in the medium term but have limited details of succession planning and sustainability for the future. The applicant has established a process for how they will evaluate progress against their outcomes These are linked to local priorities and include reporting performance to stakeholders and the wider community.

**Weak:** The applicant has provided no evidence of being a robust and viable organisation with effective governance arrangements in place. They have not secured funding or considered long-term projections. The group have very limited skills, experience, knowledge in place and none in managing a building. The group are a are constituted committee, however they have no formal procedures in place. E.g., Human Resources policies and protocols, Data Protection, Health and Safety procedures including Risk Assessments, Children and Adult Protection processes and policies (where applicable). The group do not have a firm plan to ensure success in the medium term or succession planning. The applicant has not established a clear process for how they will evaluate their project or report performance to stakeholders or the wider community.

**Very Weak:** The applicant has provided no evidence of being a robust and viable organisation with effective governance arrangements in place. They have not secured funding or considered long-term projections. The group does not have the skills, experience, knowledge in place to deliver their project and manage a building. The group are a not a constituted committee. They have no procedures either informal or formal in place. E.g., Human Resources policies and protocols, Data Protection, Health and Safety procedures including Risk Assessments, Children and Adult Protection processes and policies (where applicable). The group do not have a plan to ensure success in the medium term or sustainability for the future and have not considered it. The applicant has no process for, and not considered how they will evaluate their project or report performance to stakeholders or the wider community.

## 2. Community Benefits – Identified need, project outcomes, stakeholder and community engagement, and partnership working (where applicable).

Question	SCORE					Comments
	Very Strong 10	Strong 8	Moderate 5	Weak 2	Very Weak 0	
To what extent has the applicant demonstrated a clear need within the community for this project? Including engagement and robust statistical evidence.						
To what extent has the applicant identified the project outcomes, including community regeneration, tackling inequalities, improved health outcomes and economic impact? (Where applicable)						
To what extent has the applicant engaged and consulted with their stakeholders?						
To what extent has the applicant engaged with and secured support from the community?						
To what extent is the applicant able to demonstrate partnership working as part of this project? (If applicable)						

Very Strong: The applicant has clearly demonstrated the need for the project based on robust data, both local and national (1 point) and robust engagement with relevant communities and stakeholders and appropriate community groups have had their needs considered. (1 point) The applicant has clear and achievable outcomes based (1

point) on the identified need, including community regeneration, tackling inequalities, improved health outcomes and economic impact? (1 point) (Where applicable). The applicant has clearly outlined where they will impact on either the Fairer East Ren Outcomes, Locality Planning Outcomes and/or Equality Outcomes. (1 point) The project need is clearly based on comprehensive evidence identified through surveys and or extensive research. (1 point) Considerable support for the project has been secured from the community and included in the application. (1 point) The applicant demonstrates strong partnership working, where appropriate, which will enhance the outcomes for the community. Roles and responsibilities of the partners each are clearly defined. Considerable awareness of the potential impact of the transfer on others, and the barriers and challenges in achieving this have clearly been identified (1 point) with a plan to remove or mitigate where appropriate. (1 point) The applicant has provided comprehensive information on the anticipated social benefit and impact of the transfer and how this will be measured. (1 point)

Strong: The applicant has demonstrated the need for the project based on strong data, both local and national and engagement with relevant communities and stakeholders and appropriate community groups have had their needs considered. The applicant has achievable outcomes based on the identified need, including community regeneration, tackling inequalities, improved health outcomes and economic impact? (Where applicable). The applicant has shown where they will impact on either the Fairer East Ren Outcomes, Locality Planning Outcomes and/or Equality Outcomes. The project need is based on evidence identified through surveys and or research. Support for the project has been secured from the community and included in the application. The applicant demonstrates some partnership working, where appropriate, which will enhance the outcomes for the community. Roles and responsibilities of the partners are defined. Awareness of the potential impact of the transfer on others, and the barriers and challenges in achieving this have clearly been identified with a plan to remove or mitigate where appropriate. The applicant has provided adequate information on the anticipated social benefit and impact of the transfer and how this will be measured.

Moderate: The applicant has demonstrated limited need for the project based on strong data, both local and national and engagement with relevant communities and stakeholders and appropriate community groups have had their needs considered. The applicant has outlined minimal outcomes based on some areas of need, including community regeneration, tackling inequalities, improved health outcomes and economic impact? (Where applicable). The applicant has shown some evidence of where it will impact on either the Fairer East Ren Outcomes, Locality Planning Outcomes and/or Equality Outcomes. The project need is based on minimal evidence identified through surveys and or research. Minimal support for the project has been secured from the community and included in the application. The applicant demonstrates limited partnership working, where appropriate, and does not detail how this will enhance the outcomes for the community. Roles and responsibilities of the partners are not clearly defined. Insufficient awareness of the potential impact of the transfer on others, and the barriers and challenges in achieving this have clearly been identified with a no plan to remove or mitigate these. The applicant has provided minimal information on the anticipated social benefit and impact of the transfer and how this will be measured.

Weak: The applicant has demonstrated no/poor need for the project based on strong data, both local and national and engagement with relevant communities and stakeholders and appropriate community groups have had their needs considered. The applicant has outlined no/poor outcomes based on some areas of need, including community regeneration, tackling inequalities, improved health outcomes and economic impact? (Where applicable). The applicant has shown no/poor evidence of where it will impact on either the Fairer East Ren Outcomes, Locality Planning Outcomes and/or Equality Outcomes. The project need is based on no/poor evidence identified through surveys and or research. No/poor support for the project has been secured from the community and included in the application. The applicant demonstrates no/poor partnership working with roles and responsibilities of the partners not defined. No/poor awareness of the potential impact of the transfer on others, and the barriers and challenges in achieving this have not been identified or any plan to remove or mitigate these considered. The applicant has provided no information on the anticipated social benefit and impact of the transfer and how this will be measured.

Very Weak: The applicant has not demonstrated the need for the project; included any data, or carried out any engagement. The applicant has outlined no outcomes. The applicant has shown no evidence of where it will impact on either the Fairer East Ren Outcomes, Locality Planning Outcomes and/or Equality Outcomes. The project need has no evidence base and has not used surveys or research. No support for the project has been secured from the community. The applicant has no partnership working. No awareness of the potential impact of the transfer on others, or the barriers and challenges in achieving this have not been identified. The applicant has provided no information on the anticipated social benefit and impact of the transfer and how this will be measured

3. Impact on Community Plan Priorities – Which Community Plan priority will the project impact on and in what way will it have an impact?						
Question	SCORE					Comments
	Very Strong 10	Strong 8	Moderate 5	Weak 2	Very Weak 0	
To what extent does the project support the Community Plan priority “All children in East Renfrewshire experience a stable and secure childhood and succeed”?						
To what extent does the project support the Community Plan priority “East Renfrewshire residents are healthy and active and have the skills for learning, life and work”?						
To what extent does the project support the Community Plan priority “East Renfrewshire is a thriving, attractive and sustainable place for business and residents”?						
To what extent does the project support the Community Plan priority “East Renfrewshire residents are safe, and live in supportive communities”?						
To what extent does the project support the Community Plan priority “Older people and people with long term conditions in East Renfrewshire are valued; their voices heard, and they enjoy full and positive lives”?						

**Very Strong:** The applicant has provided detailed evidenced that their project links in to one or more of the Community Plan. **2 points** They have detailed how their project will achieve this in line with the Community Plan outcomes **1 point** and the intermediate outcomes which support these (including Fairer East Ren

and Locality Planning Outcomes). **1 point** The applicant has considered the range of critical activities **2 points** and measures **2 points** associated with the Community Plan and demonstrates how their project can contribute to these. **2 points**

**Strong:** The applicant has provided satisfactory evidence that their project links in to one or more of the Community Plan priorities. They have shown how their project will achieve this in line with the Community Plan outcomes and the intermediate outcomes which support these (including Fairer East Ren and Locality Planning Outcomes). The applicant has considered some of the critical activities and measures associated with the Community Plan and demonstrates how their project can contribute to these.

**Moderate:** The applicant has provided limited evidence that their project links to the Community Plan priorities. They have made a minimal attempt to show how their project will achieve this in line with the Community Plan outcomes but made minimal connections to the intermediate outcomes which support these (including Fairer East Ren and Locality Planning Outcomes). The applicant has considered some of the critical activities and measures associated with the Community Plan and but provided a limited demonstration of how their project can contribute to these.

**Weak:** The applicant has provided little or no evidence that their project links to the Community Plan priorities. They have not demonstrated how their project will achieve this in line with the Community Plan outcomes with minimal connections to the intermediate outcomes which support these (including Fairer East Ren and Locality Planning Outcomes). The applicant has not considered the critical activities and measures associated with the Community Plan or demonstrated how their project can contribute to these.

**Very Weak:** The applicant has provided no evidence or understanding that their project links to the Community Plan priorities. They have not demonstrated how their project will achieve this in line with the Community Plan outcomes with no connections to the intermediate outcomes which support these (including Fairer East Ren and Locality Planning Outcomes). The applicant has not considered the critical activities and measures associated with the Community Plan and or demonstrated how their project can contribute to these.

**Financial Information- Includes fundraising, financial planning and management**

(Please include any clarification of funding as part of the application stage together with a business plan projection)

Question	SCORE					
	Very Strong 10	Strong 8	Moderate 5	Weak 2	Very Weak 0	
To what extent has the applicant understood and identified all the relevant costs associated with the transfer and or redevelopment of the asset?						
To what extent has the applicant understood and identified appropriate and realistic sources of funding for the transfer and or redevelopment of the asset?						
To what extent has the applicant understood and identified all relevant maintenance and running costs associated with this project? E.g., Common repair charges and adequate repairs and renewal forecast.						
To what extent has the applicant evidenced appropriate income streams/funding to ensure these costs can be covered including establishing reserves where appropriate? Have they included a business plan showing a minimum of 5-year projection?						

**Very Strong:** The applicant has provided clear evidence showing that sufficient financial resources are/will be in place by the time of the transfer and or redevelopment of the asset. **2 points** This clearly takes account of all the relevant costs associated including maintenance costs, running repairs and any common costs. **2 point** The applicant has shown robust resource planning for medium/long term sustainability. **1 point** This includes detailed, realistic, and achievable income and expenditure, a robust business plan and cash flow forecast provided along with a comprehensive contingency plan. **1 point** The application and supporting documentation clearly explain how their current and future resources are part of a medium to long term project plan (5-10 years). **2 points** Where appropriate this includes the numbers of, and detailed costs associated with employees or volunteers and the financial maintenance of any other project assets. Adequate consideration and provision has been outlined, including all ongoing maintenance obligations, common repair charges, and planned and reactive maintenance changes. **2 points** This is an average of \*\*\*% of the asset value.

**Strong:** The applicant has provided sufficient evidence showing that financial resources are/will be in place by the time of the transfer and or redevelopment of the asset. This takes account of all the relevant costs associated including maintenance costs, running repairs and any common costs. The applicant has shown resource planning for medium/long term sustainability. This includes realistic and achievable income and expenditure, a thorough business plan and cash flow forecast provided along with a comprehensive contingency plan. The application and supporting documentation explain how their current and future resources are part of a medium to long term project plan (5-10 years). Where appropriate this includes the numbers of, and detailed costs associated with employees or volunteers and the financial maintenance of any other project assets. Consideration and provision have been outlined, including ongoing maintenance obligations including common repair charges and planned and reactive maintenance changes.

**Moderate:** The applicant has provided some evidence showing that financial resources will be in place but not all by the time of the transfer and or redevelopment of the asset. There is limited account taken of all the relevant costs associated including maintenance costs, running repairs and any common costs. The applicant has shown resource planning for medium/long term sustainability. There is limited achievable income and expenditure information, and no business plan with cash flow forecast or contingency plan. The application and supporting documentation do not show how their current and future resources are part of a medium to long term project plan (5-10 years). There is no reference to costs associated with employees or volunteers and the financial maintenance of any other project assets. Consideration and provision have not been outlined, in relation to maintenance obligations including common repair charges and planned and reactive maintenance changes.

**Weak:** The applicant has provided insufficient evidence that financial resources are in place or likely to be by the time of the transfer and or redevelopment of the asset. There is no account taken of all the relevant costs associated including maintenance costs, running repairs and any common costs. The applicant has not shown resource planning for medium/long term sustainability. There is no income and expenditure information, and no business plan with cash flow forecast or contingency plan. The application and supporting documentation do not show how their current and future resources are part of a medium to long term project plan (5-10 years). There is no reference to costs associated with employees or volunteers and the financial maintenance of any other project assets. Consideration and provision have not been outlined, in relation to maintenance obligations including common repair charges and planned and reactive maintenance changes.

**Very Weak:** The applicant has provided no evidence that financial resources are in place or likely to be by the time of the transfer and or redevelopment of the asset. There is no information about relevant costs associated including maintenance costs, running repairs and any common costs. The applicant has not shown resource planning for medium/long term sustainability. There is no income and expenditure information, no business plan, cash flow forecast or contingency plan. The application has no supporting documentation, future resource, employee or volunteers' costs and financial maintenance information. There is no information on maintenance obligations including common repair charges and planned and reactive maintenance changes.

Financial Discount – The key purpose of CAT under the Community Empowerment (Scotland) Act is to support eligible bodies to take on the ownership/lease/use of public assets from relevant authorities at less than market value.

Question	SCORE					Comments
	Very Strong 10	Strong 8	Moderate 5	Weak 2	Very Weak 0	
To what extent has the applicant demonstrated that the community benefits associated with this project justify the discount that they are seeking?						

**Very Strong:** Applicant has proposed acceptable terms, with prices reflecting Market/Fair Value. (score would reflect acceptable terms; for example – the right timescale for being able to complete the sale or lease and funds are already in place) the proposal has a cost saving, does not impact on council direct delivery or service and there are no restrictions on the asset transfer

**Strong:** Applicant has proposed terms, with prices reflecting Market/Fair Value. The proposal is cost neutral to the council, it does not impact on council direct delivery of services and there are no restrictions on the asset transfer.

**Moderate:** Applicant has proposed terms, with prices well below Market/Fair Value. The proposals presents difficulties on the council in terms of one or two of the following – direct cost, council direct delivery of services and or restrictions on the assets transfer.

**Weak:** Applicant has failed to propose terms or prices. The proposals presents difficulties to the council in terms of cost, council direct deliver of services and restrictions on the asset transfer.

**Very Weak:** Applicant unsure of securing funding to afford costs. Unlikely to proceed because of ownership restrictions on the asset this would prevent a transfer of responsibility or ownership to another organisation.