EAST RENFREWSHIRE COUNCIL

COMMUNITY ASSET TRANSFER

A Toolkit to Support Community Groups

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**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

**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.

## 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?

### 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

### 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?

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| --- | --- | --- |
| **Skills**  | **Committee Members** | **Notes** |
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### 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** |
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## 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.

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| --- | --- |
| **Policy** | **Committee Member** |
| Writing Funding Applications |  |
| Business Planning |  |
| Community Engagement |  |
| Policy Writing |  |
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# 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

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.

## **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.

## 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/ 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%202020.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?

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## 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?

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## Have you discussed with potential funders?

Yes No

If yes, record some of the details here;

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| --- | --- | --- |
| Funder Name & Contact Details  | Area/ Activities they might help | Notes |
| *i.e National Lottery, Joe Bloggs XXXX XXX XXXX* | *Grant for upgrading of an asset*  | *Group meets criteria for grant, need to complete application.**No deadline for application submissions.* |
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## Have you identified legal and other professionals, eg solicitors, surveyors, architects?

Yes No Not Sure

If Yes, make sure notes are here;

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| --- | --- | --- |
| **Service** | **Contact Details** | **Notes** |
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## 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:

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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.

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| --- | --- | --- |
| Name and Contact Details | Potential Skill | Who will contact them? |
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# 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

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

# 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?

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

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