



Glasgow City Council

**Wellbeing, Empowerment, Community and
Citizen Engagement City Policy Committee**

**Report by Executive Director of Development and
Regeneration Services**

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Item 4

16th November 2017

ARRANGEMENTS FOR DEALING WITH ASSET TRANSFER REQUESTS

Purpose of Report:

To advise of arrangements for dealing with asset transfer requests in terms of the Community Empowerment (Scotland) Act 2015 and provide an evaluation and grading matrix.

Recommendations:

It is recommended that the Committee

- (1) notes the contents of the report; and
- (2) notes a proposed evaluation and grading matrix enabling consistent and transparent assessment of asset transfer requests.

Ward No(s):

Citywide: ✓

Local member(s) advised: Yes No consulted: Yes No

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1 Background

- 1.1 Part 5 of the Community Empowerment (Scotland) Act 2015 introduces a right for community bodies (referred to as community transfer bodies) to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies (referred to as relevant authorities), for any land or buildings they feel they could make better use of. They can request ownership, lease or other rights, as they wish. The Act requires relevant authorities to transparently assess requests against a specified list of criteria, and to agree requests unless there are reasonable grounds for refusal.
- 1.2 Various regulations have been made and the Scottish Government has issued statutory guidance in relation to Part 5 of the Act which came into force in January 2017.
- 1.3. Whilst the Act places responsibilities on relevant authorities, Members may recall that the Council had previously agreed an Asset Transfer Policy on 13 December 2012. This policy set out the approach to the transfer of control and/or management of community or under-used Council assets to community or third sector groups. Its principal objective was to support residents who wanted to constitute themselves as a group and to manage a local community facility to improve local services, enhance community capacity, improve value for money and create a more sustainable community and third sector.
- 1.4 In taking forward requirements under the Act, the Council Executive Committee on 16 March 2017 approved:
 - the delegation of authority to the Executive Director of Development and Regeneration Services, in consultation with the Depute Leader of the Council, to deal with asset transfer requests from community transfer bodies and to issue decision notices following consideration of the requests; and
 - the establishment of an Asset Transfer Review Committee, as required by the Act, with the following Terms of Reference – “To deal with requests for review of asset transfer request decisions made under delegated authority, in terms of the Community Empowerment (Scotland) Act 2015”.
- 1.5 The Committee also noted that a further report would be submitted once the evaluation and scoring matrix had been developed.
- 1.6 Officers have developed procedures and processes in order to deal with asset transfer requests to the Council. This report updates on progress and provides an assessment matrix enabling a transparent basis for assessing requests under the Act. It also outlines support available to community transfer bodies.
- 1.7 As at 6 November 2017, 28 Enquiry Forms have been submitted. These Forms are checked to establish whether the asset is owned by the Council and, if not, referred to appropriate bodies. 18 Community Asset Transfer Request Forms have been issued with 3 returned to date. It is only when an Asset Transfer Request Form has been validated as complete, that the formal 6 month timetable set out in the Act begins.

2 Asset transfer requests

- 2.1 The Act allows a community transfer body to make an asset transfer request to a relevant authority. The Act and the guidance explains the requirements for being a community transfer body.

- 2.2 A request can be made in relation to any land which is owned or leased by the Council. The Act requires each relevant authority to establish, maintain and make available a register of land which it owns or leases "to the best of its knowledge and belief". The asset register has been published on the Council website. A map based application is under development enabling communities to view assets along with some basic information.
- 2.3 The community transfer body can ask to buy or lease the land, or to have other rights, for example to occupy or use the land for a particular purpose. The request must contain certain information, including the reason for making the request, the benefits of the request, and, if relevant to the request, the price they are prepared to pay. A Community Asset Transfer Request Form seeking such information has been developed based on a template provided by Scottish Government.
- 2.4 The Council has set up a process to acknowledge the request, to publish it, to notify others who may be interested and to allow them to make representations. This process includes advising local members of requests involving assets within their wards. Any representations received will also be published and considered as part of the process.
- 2.5 In deciding whether to agree to or refuse a request, the Council must consider a range of criteria as set out in the Act. The assessment criteria and summary matrix are provided within this report (**Appendix 2**).
- 2.6 The Council must compare the benefits of the proposal in the request to the benefits of any alternative proposals, whether those come from the authority itself or anyone else, and consider how the potential benefits relate to the functions and purposes of the authority, and any other matters it considers relevant.
- 2.7 When the Council has made its decision, it must issue a "decision notice" setting out its reasons for agreeing or refusing the request. The Council must agree to the request unless it has a good reason to say no. The Council has 6 months to make its decision. If the Council agrees to the request along with any conditions, there is a process to negotiate the final contract.
- 2.8 There are various options for review or appeal if the request is refused, if no decision is given within the time allowed, or the community transfer body does not agree with conditions imposed by the Council.
- 2.9 At the end of each financial year, the Council must publish a report on the number of requests it has received and the number which have been agreed, refused, appealed etc. It must also report on action it has taken to promote the use of asset transfer requests and to support community transfer bodies to make requests. This is detailed at Section 5 of the report.
- 2.10 A summary of the asset transfer process is included in **Appendix 1** to this report. Information has already been published on the Council's website at <https://www.glasgow.gov.uk/index.aspx?articleid=20590>. This includes the Council's Asset Register, information on how to apply and support available.

3 Application and assessment process

- 3.1 Based on the application and assessment framework within the Act, the Council has developed an approach which builds on existing policy and practice and which has the following key features:

- It enables community transfer bodies to proceed at a pace that suits them
- It provides different routes to asset transfer
- It has a focus on dialogue and partnership

3.2 Community transfer bodies are encouraged to discuss their interest at an early stage with the Council to establish the most appropriate route to progress their interest. This could involve bodies using the existing arrangements (e.g. license to occupy, short and long term lease) or arrangements under the Act for transferring an asset.

3.3 In the event that bodies wish to make an asset transfer request through the Act, they are required to provide specific information. The Council has developed a Community Asset Transfer Request Form to gather this information.

4 Assessment

4.1 The Act sets out what relevant authorities must consider to make a decision on the asset transfer request. A summary table (at **Appendix 2** to this report) has been developed for Glasgow setting out the assessment criteria and grading. The criteria include the following:

- Organisation Information including governance and capacity to deliver
- Asset Information including asset status and proposed use
- Type of request including any payment and conditions
- Community Proposal including project aims, community engagement by the community transfer body and potential impact
- Support including details of stakeholder engagement and evidence of partnership working
- Financial Information including fundraising, financial planning and management
- Risk/Social Impact including potential impact and barriers/challenges

4.2 The assessment process will involve a wide range of officers from across the Council family and may involve further dialogue with the community transfer body. It will take into account any representations made by other parties including Elected Members. Officers will make a recommendation to the Executive Director of Development and Regeneration Services, who will consult with the Depute Leader of the Council, in making a decision on the request.

4.3 Scottish Government recognise that Relevant Authorities (as well as Community Transfer Bodies) will learn from, and review, their approach to asset transfer under the Act. It is therefore envisaged that the process will be refined on an ongoing basis.

5 Support

5.1 The Council is required to promote the use of asset transfer requests and to support community transfer bodies to make requests. It is intended to further publicise the scheme widely through a range of stakeholders including:

- Area Partnership Members
- Glasgow City Council Elected Members
- Glasgow Community Councils
- Glasgow Equality Forum
- Glasgow's Third Sector Forum
- Local Housing Associations

- Organisations in receipt of Council's Integrated Grant Fund
- Relevant Council and Council family officers
- Sector Partnership Members
- Voluntary Sector Networks
- Youth Network

5.2 The Council website provides details of [support](#) and potential funding that is available to community transfer bodies including through:

- Big Lottery Fund
- Community Land Advisory Service Scotland
- Community Ownership Support Service
- Development Trusts Association Scotland
- Scottish Community Development Centre

5.3 Support will also be available at various stages through the Council and wider Council family. This could include support for business development, capacity building and potential funding support. Funding for small scale projects continues to be available through the Area Partnership Budgets and may also be available through the Co-operative Development Fund and Regeneration Capital Grant Fund.

5.4 The Executive Committee in April 2016 agreed to set aside funds of £150,000 towards the establishment of a Fairer Glasgow Fund. The Executive Committee noted that the Fund would help organisations who wish to develop proposals around Community Asset Transfers and Participation Requests as the relevant parts of the Community Empowerment (Scotland) Act 2015 come into force. It will be important for the Fund (a) to complement and fill any gaps not met by current and emerging funding streams and (b) to retain a degree of flexibility to respond to needs which, as yet, are unknown and which will emerge as implementation of the Act gets underway. Proposals will be brought forward for this Fund in due course once implementation of the Act has been further progressed.

5.5 In addition, the [KeyStone Award](#) was piloted for the first time in an urban setting (Glasgow) during 2015/16. KeyStone is SCVO's quality award programme designed to give information, support and encouragement to people who manage community buildings. It has been taken forward by partners from the Third Sector Interface, Glasgow Life, Jobs & Business Glasgow and Glasgow City Council. It relies on organisations working through the programme with the support of a Mentor (drawn from the Third Sector Interface, Glasgow Life and Jobs & Business Glasgow). Following evaluation of the initiative involving 6 pilot organisations, it has been rolled out during 2017 with a further 9 organisations currently working towards achieving the Award. KeyStone can play an important role in supporting and building the capacity of some of the city's organisations working towards Asset Transfer.

6 Policy and Resource Implications

Resource Implications:

Financial: Specific financial and resource impacts remain to be quantified as this depends on the extent to which communities use the powers available to them under the Act.

Legal: These proposals are to ensure the Council

complies with Part 5 of the Community Empowerment (Scotland) Act 2015

Personnel: The staffing resources required to progress a community asset transfer significantly exceed the staffing resources required to progress disposal of an asset on the open market. There are also resource implications arising from aborted requests.

Procurement: None

Council Strategic Plan: Specify which theme(s) and outcome(s) the proposal supports

Equality Impacts:

EQIA carried out: Equality screening was carried out as part of the process

Outcome: No further action required

Sustainability Impacts:

Environmental: Through the transfer of under-used assets to community ownership, the overall sustainability of services and assets in the city can be improved

Social: Transfer of assets could have a positive impact on local communities

Economic: Transfer of assets could assist in regenerating the wider community

7 Recommendations

It is recommended that the Committee:

- (1) notes the contents of the report; and
- (2) notes a proposed evaluation and grading matrix enabling consistent and transparent assessment of asset transfer requests.

Summary of Asset Transfer process

