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**Item 3**  
12th November 2020



**Glasgow City Council**

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

**Report by the Executive Director of Regeneration and the  
Economy**

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**PROGRESS ON ASSET TRANSFER REQUESTS AND ANNUAL REPORT**

**Purpose of Report:**  
To provide the Committee with a progress report on community asset transfer requests and to advise that the annual report has been published, as required by the Community Empowerment (Scotland) Act 2015.

**Recommendations:**  
The Committee is asked to note the contents of the report.

Ward No(s): Citywide: ✓  
Local member(s) advised: Yes  No ✓ consulted: Yes  No ✓  
Local members are advised of notes of interest/applications for transfer relating to their ward but have not been consulted in relation to this report

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### 1 Background and Context

- 1.1 On 23 January 2017 Part 5 of the Community Empowerment (Scotland) Act 2015 (hereafter Act) came into force.
- 1.2 Part 5 of the Act introduced a right for community bodies (referred to in the Act as community transfer bodies) to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies (referred to in the Act as relevant authorities), for any land or buildings they feel they could make better use of. Various regulations have been made and the Scottish Government has issued statutory guidance on how the Asset Transfer aspect of the Act should be implemented.
- 1.3 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”.
- 1.4 The Wellbeing, Empowerment, Community and Citizen Engagement City Policy Committee on [16 November 2017](#) noted arrangements including assessment criteria for dealing with asset transfer requests and, on [15 November 2018](#) and [15 August 2019](#), noted progress reports.

### 2 Approach

- 2.1 The Council’s approach to community asset transfer under the Act builds on existing policy and practice and 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
- 2.2 Community Transfer Bodies (CTBs) are encouraged to register their interest at an early stage with the Council to establish the most appropriate route to progress their interest. This could involve CTBs using the existing arrangements (e.g. license to occupy, short and long term lease) or arrangements under the Act for requesting transfer of an asset.
- 2.3 During 2019-20 the approach has continued to evolve with an increase in dialogue with CTBs particularly around Validated Requests and potential Heads of Terms related to asset transfer.

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### 3 Progress

- 3.1 As at 30 September 2020, 124 Enquiry Forms have been submitted via the [Council webpage](#). These Forms are checked to establish whether the asset is owned by the Council and, if not, organisations are referred to appropriate bodies. 89 Community Asset Transfer Request Forms (based on the Scottish Government template) have been issued, with 23 returned to date.
- 3.2 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.
- 3.3 Once validated, the Council acknowledges and publishes the request and notifies others who may be interested to allow them to make representations. This process includes advising elected members of requests involving assets within their Wards. Any representations received will be published and considered as part of the process.
- 3.4 The Act sets out what relevant authorities must consider to make a decision on the asset transfer request. The assessment criteria includes the following:
- CTB 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 CTB 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
- 3.5 When the Council has made its decision on each of the validated Requests, 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. This deadline can be extended by mutual agreement of the Council and the CTB. If the Council agrees to the request along with any conditions, there is a process to negotiate the final contract.
- 3.6 As at 30 September 2020, 16 Asset Transfer Request Forms have been validated. Of these 16, 7 Requests have been approved, 4 have been refused, and the remainder are being assessed by a wide range of officers from across the Council family. In a number of cases, there is ongoing dialogue between the Council and the CTB. All of these Requests and their supporting documents are available to view on the Council website [here](#).
- 3.7 Section 95 of the Act requires relevant authorities to publish an asset transfer report for each year, setting out the number of validated requests that have been made and number of requests, appeals and decisions that have resulted

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in different outcomes during that year. The annual report for Glasgow City Council is available [here](#).

3.8 Summary data for the period 1 April 2019 to 31 March 2020 is as follows:

- No. of Enquiry Forms submitted = 36
- No. of Requests validated = 7
- No. of Requests agreed = 5
- No. of Requests refused = 1

## 4 Governance

4.1 In September 2017, the decision making arrangements of the Council changed and included the establishment of the Contracts and Property Committee which has delegated to it the power to deal with requests for review of asset transfer request decisions, however during the Covid-19 crisis temporary emergency governance arrangements were put in place and reviews were considered by the City Administration Committee (CAC).

4.2 The CAC on [20 August 2020](#) approved the creation 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.”

4.3 To date 3 requests for review of decisions have been submitted, and of the 3 reviews, 1 has been considered by the CAC, 1 has been withdrawn, and 1 was considered by the Asset Transfer Review Committee on 26 October 2020. All of these review requests and their supporting documents are available to view on the Council website [here](#).

## 5 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 exceed the staffing resources required to progress disposal of an asset on the open market. There are also

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resource implications in ongoing dialogue and information exchanges between CTBs and the Council.

*Procurement:* None

**Council Strategic Plan:** Resilient and Empowered Neighbourhoods. This will primarily focus on Priority 79: Encourage the development of trusts, social and community enterprises to support community ownership and management of assets, but will also contribute to priorities 73, 74, 75, 77 and 78.

### **Equality and Socio-Economic Impacts:**

*Does the proposal support the Council's Equality Outcomes 2017-22* Yes

*What are the potential equality impacts as a result of this report?* The proposal has the potential to impact on the Council Equality Outcomes in relation to the following Improvement Aims:

- Improve economic outcomes for people with Protected Characteristics; and
- Improve access to Council Family Services by people with protected characteristics

*Please highlight if the policy/proposal will help address socio economic disadvantage.* It is anticipated that the policy will help address socio economic disadvantage.

### **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, including Article 19 opportunities:* It is anticipated that the policy will have a positive impact on Third Sector jobs, skills, local communities, social and community cohesion.

*Economic:* It is anticipated that the policy will have a positive economic impact on local communities across Glasgow.

### **Privacy and Data**

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**Protection impacts:** No data protection impacts identified.

**5 Recommendations**

The Committee is asked to note the contents of the report.