



Community Asset Transfer Procedure

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1. Community Asset Transfer in Dumfries and Galloway Council

This Procedure should be read in conjunction with the Dumfries and Galloway Community Asset Transfer(CAT) Strategy; the [Scottish Government Guidance for Local Authorities](#); and the Council's Disposal and Acquisition Policy.

At all times the full Act and associated Guidance will act as the reference point for the approach taken by the Council.

Community Transfer Bodies do not have to use the Council forms but are strongly recommended to do so as they have been designed in association with community bodies who have already undertaken CATs to ensure that everything required for the smooth progress of an Application is submitted.

At the end of each financial year, commencing in 2018, the Council will publish a report on the number of requests it has received and the number which have been agreed, refused, appealed etc. It will also report on action it has taken to promote the use of asset transfer requests and to support community transfer bodies to make requests.

Community Transfer Bodies and other community groups engaged with this process are therefore encouraged to provide feedback on their experience to inform this report and assist in making improvements to our arrangements.

2. Statutory Requirements

2.1 Part 5 of the Community Empowerment (Scotland) Act 2015 sets out the key rights and duties and provides a framework for the asset transfer process.

Key features of the Act and the secondary legislation are:

- Council will provide a register of land
- Council will provide information about land or buildings on request
- The timescale between the Council's acceptance notice of an application which contains the full required information and a decision notice being issued is 6 months
- Only a Community Asset Transfer Body can be considered for Asset Transfer (Section 5)
- Communities have a right to request any asset belonging to the Council
- Decisions are made by the Council against the process and considerations outlined in Section 16
- Local Elected Members must deal with appeals along with Scottish Ministers should appeals be escalated.

2.2 The legislation provides a framework for community bodies to request to buy, lease or acquire other rights in land or buildings belonging to public authorities, in order to achieve their own goals. It does not prescribe or constrain what those goals may be. It establishes a statutory right for community bodies to make asset transfer requests for land owned or leased by listed "relevant authorities" including Councils. An asset does not have to be declared surplus to be available - and the Act gives communities the power to request ownership, lease or management of any asset.

2.3 Where communities bring forward proposals for asset transfer, the decision whether to approve the request or not must take into account whether the proposals are likely to promote or improve social or environmental wellbeing, public health, economic development or regeneration, or reduce socio-economic inequalities.

2.4 The decision whether to approve the request or not must also take into consideration the Council's ability to achieve Best Value from the public pound.

3. Community Transfer Body

3.1 To make an asset transfer request to the Council, an organisation needs to be a Community Transfer Body. This is either a community controlled body or a body designated by the Scottish Ministers.

3.2 A community controlled body does not have to be incorporated, but it must have a written constitution, with a minimum of 20 members and provision for transfer of its assets on winding up. It is for community bodies to define the community they represent, whether it is geographical or a community of interest. Membership of the body must be open to all members of the defined community, and the legislation does not impose any restriction on the age of members.

3.3 A Community Transfer Body must:

- Say what community it speaks for
- Allow all people who are part of that community to be members of the organisation; the legislation does not impose any restriction on the age of members.
- Most of the members of the organisation must be from that community
- Any money the organisation makes must benefit that community
- A community can be a community of interest.

3.4 An organisation can ask Ministers to designate it as a Community Transfer Body. The Act does not require a Community Transfer Body to be incorporated in order to make an asset transfer request for lease or other rights. Since the property remains in the ownership of the relevant authority, it is for the authority to decide what type of legal structure is appropriate, depending on the rights requested. This should be proportionate, taking into account the type of activity, duration of the lease or other agreement and the scale of the responsibilities involved

3.5 A Community Asset Transfer request to the Council must be accompanied by a copy of the Community Transfer Body's constitution or other governing documents.

4. Register of Land and Property

The Council will establish, maintain and make available on the Community Asset Transfer webpage a public register of all of its land and properties, to the best of its belief.

This register will include a link to the 'GIS' map and show the location, property outline and boundary of all properties that the Council has title deeds for.

5. Information about Land and Buildings

5.1 Dumfries and Galloway Council will, wherever possible, provide a property report for each asset to be transferred containing such information as the current condition of the building, the running costs, the costs of utilities, the current income from users, and the cost of other outgoings. Exceptions may exist on the grounds of protecting personal data or commercial sensitivity.

5.2 The Council will also present the current market value of the asset, and in doing so create the opportunity to have an early discussion around proportionate discount and proportionate benefits delivered by the transfer.

6. Support and Guidance to Community Groups

Single Point of Contact

6.1 The Community Development and Empowerment Manager will act as the initial point of contact for all community transfer groups. He/she will respond to initial enquiries, offer guidance and effect an early introduction to the local Ward Officer.

6.2 Ward Officers will provide a single point of contact for local community groups to help navigate the Council and co-ordinate work with partner agencies, obtain required information and advise groups on community consultation, governance and business planning. Ward Officers will work with wider colleagues to coordinate the support the community group may require at different stages in the process.

They will:

- clearly present options for the community group and keep them abreast of any developments. They will have honest and at times robust conversations as required
- advise groups on community engagement methods, business planning, governance and help generally build capacity
- signpost community groups towards written support and advice, providing templates and good practice examples for business plans or asset management plans
- provide links to other local/national agencies and intermediaries who can also offer support in some of these areas.

At local level, Ward Officers will:

- work with the board of the community group to understand the vision/ aspiration
- discuss with the board their capacity to take forward the CAT requirements and assist in identifying any widening of the skills set within the board that may be required
- work with key partners such as Third Sector Dumfries and Galloway to develop the skills and capacity of the board
- signpost groups to sources of support independent from the Council- e.g. Third Sector, Dumfries and Galloway, Community Asset Trust; Development Trusts Association Scotland; Scottish Council of Voluntary Organisations
- work closely with the Council's Property and Architectural Services to provide information, advice and support to community groups considering CAT. This will include clarity on the support available from the Council during the process and the timescales that must be adhered to by both parties.
- assist community groups to navigate the Council and partners, in relation to:
 - preparing their business case
 - community consultation - this may include an introduction to the National Standards for Community Engagement, support to plan and deliver a community meeting, assistance to develop a survey or advice on how to gather letters of support.

- potential funding routes and approaches to funders
- work with partners to ensure community groups have a coherent service
- identify with community groups any potential for joint applications based on a mutual understanding of community needs.
- work with Property and Architectural Services to confirm the status of the property in terms of Title Deeds
- work with BTS to establish any technology (hardware, software or license) costs that may be relevant and associated with the asset.
- work with Community Asset Managers to provide accurate running costs for the building/ land and any other queries
- be clear about the CAT process, including timescale, and should, for example, avoid making commitments or assumptions about the outcome of any potential request.

Post Transfer Support

Ongoing support may be required for a period after the transfer and may include:

- Business development support
- Statutory requirements – licenses, certification, etc.
- Training and director development
- Human resources and staff management
- Networking with established community groups for peer to peer support

Ward officer contact will be continued and be ongoing although as the community group becomes more confident and self-sustaining, this support will decrease proportionately.

There are also many established community groups that have been through the process of asset acquisition and can provide peer to peer advice/learning.

The other specialist organisations can also give ongoing advice and guidance.

7. The Community Asset Transfer Process

7.1 Pre- application Discussion

Informal discussion

Community groups considering asset transfer are encouraged to have an initial conversation with the Community Development and Empowerment Manager or their local Ward Officer. Contact details are available on the Council's CAT webpage.

This first point of contact allows officers and the community group to discuss the community vision and begin an initial dialogue. It allows officers to assist the organisation to look at its vision, its governance capacity and interpret the CAT process. Groups will also be directed to further advice and support.

Timescale

There are no prescribed timescales for this stage of the CAT process but it is anticipated that an initial discussion can take place within one week of an approach being made.

7.2 Stage 1 Application – Expression of Interest

The community group may then choose to submit a Stage 1 Application - Expression of Interest (Appendix 1) Community bodies do not have to have any contact with the Council pre-application and do not have to use our forms/website. They can apply as they wish; however the use of this form is intended to help applicants in starting to address the different aspects of a transfer and start to gather all the required information.

Information required in the Expression of Interest

- Community group's structure and purpose
- their experience in project development and main activities
- their roots in the community
- identification of asset and reason for taking it on
- what benefits there will be for the local community
- what potential disbenefits may be delivered by the transfer

Assessment of the Application

Following receipt of a Stage 1 Application, officers will check that the community group fulfils the basic criteria and that the property is suitable for transfer.

The Community Development and Empowerment Manager, with the support of officers from different services across the Council, will review information in the Stage 1 Application- Expression of Interest and make an assessment on the initial suitability for transfer.

The assessment will look at five key aspects

1. The strength of the outline proposal - particularly the potential community benefit & dis-benefit
2. The standing of the organisation – its governance arrangements and board members

3. A viable and sustainable vision, supported by a robust business plan.
4. Evidence of community support. It is unlikely to be sufficient for a group to be motivated to 'save' an asset.
5. The sustainability of the funding model - where grant funding will be a core element of a business plan, such as with a development project, it is essential that groups engage with potential funders at this early stage. Lead in times for applications to progress through application stages should be considered. Many key funders have long processing timelines. Funder requirements can have a significant influence on the shape and structure of a project.

Outcome of the Assessment

The possible outcomes are detailed below and the reasoning for the decision will be clearly communicated to the applicant:

- applicants recommended to proceed to Stage 2
- applicants recommended to proceed to Stage 2, subject to the property being formally declared 'surplus with complex disposal at less than best consideration'
- applicants recommended that the organisation consider an annual management agreement before re-submitting a Stage 1 application. Where a group is newly formed, and inexperienced in project and building management, it may be prudent for it to consider managing the asset through a short term management agreement in order to develop organisational capacity, refine the vision and test the business plan prior to taking on the financial risks of ownership. This short term arrangement would be reviewed annually for evidence of significant progress and the potential to move to a CAT.

Timescale & Informing Others

There are no prescribed timescales for this stage of the CAT process but it is anticipated that the officers' feedback on a Stage 1 Application would be available within one month of its receipt.

CAT applications must not be allowed stagnate and will only be active for a statutory maximum period of 6 months.

On receipt of an Expression of Interest, the CTB will be supported by the Ward officer for a maximum period of 6 months. Should no progress be made towards a credible Stage Two Application within this period the Expression of Interest (EOI) will be archived and removed from the Council's published list. In cases where it has been assessed that the Expression of Interest has the potential to be developed into a credible Stage Two application, but the CTB requires some additional time, a further 3 months will be granted.

Where an EOI has been received and considered worthy of wider notification an early notice of representation can be made in relation to the proposed transfer.

7.2 Stage 2 Application - Business Plan

This involves the community transfer body providing a wide range of information to support their application for an asset transfer. The level of detail provided should always be proportionate and appropriate to the scale and type of project involved. Our Council's Stage 2 Application Form (Appendix 2) ensures that all necessary information is submitted.

The key requirements for the content of a Business Plan are:

- details of community consultation
- operating plan
- governance structure
- financial forecasts of income and expenditure that do not rely on grants from a public body

For more significant projects then the Business Plan should also include:

- outline drawings
- estimated costs (including any reliance on externally grant funding)
- committed funding

7.3 Acknowledgement and compliance checks

Compliance check

In addition to checking the Business Plan, officers will confirm that clear title exists; review the most recent condition survey, identify any significant issues and liaise with other Services if that is necessary; and confirm whether TUPE rights apply where a member of Council staff is employed in relation to an asset

Where these checks reveal any issues that could prohibit or prevent asset transfer then they need to be resolved before the application can be progressed further.

Acknowledgement of Application

The completion of the Council Stage 2 Application Form ensures that all the relevant considerations for application and documentation are completed and that groups are following the same process.

The Council will acknowledge acceptance of a Stage 2 Application when all relevant information has been provided and the community group meets the criteria to be a Community Transfer Body.

Multiple Requests for the same Asset

Where multiple requests for the same asset are received simultaneously or in close date order the Scottish Government Guidance to Local Authorities will be adhered to, in particular paragraphs 9.29 to 9.32.

Also, where multiple requests have been received Officers will initially work with all Groups to encourage a single and joint request to be developed and submitted. This is not always possible and in such cases it also advised that specialist advice from the Government's CAT Advisors (COSS) be sought at the earliest stage.

7.4 Informing others of the Application and Representations

Informing others of the Application

As soon as practicable after acknowledging the Application, the Council is required to notify others who may be interested through publishing a redacted version of the Stage 2 Application (in order to comply with Data Protection requirements, any personal information will be removed) on the CAT webpage until the request process is completed. Any tenant, group or occupier of the land or building will also be notified.

The Community Transfer Body will also be asked to put up a notice which must be “displayed in a public place in the vicinity of the land to which the asset transfer request relates” - it can be placed, at or close to the site for example, on a community noticeboard rather than erecting a sign on a piece of undeveloped land. The standard notice will inform others of how they can make representation to the Council and required timescales. The Council will ensure the notice is displayed in a prominent and logical place with recognition of the diversity of our rural communities- wherever local events and notices are normally advertised. The notice (Appendix 3) states

- state that an asset transfer request has been made
- identify the community transfer body making the request and the land to which the request relates
- give a brief description of the nature of the rights requested and how the community transfer body propose to use the land
- say how the asset transfer request and associated documents can be inspected
- say how representations about the request may be made, and by what date.

If more than one group is interested then notification of a closing date for applications may be considered. Any decision will also consider which application present the greatest potential community benefit in addition to other factors

Representations

If any representations are received in response to these notices, the Council will send copies to the Community Transfer Body and inform them how and by what date they can make comments about them. The date will be at least 20 working days from the date on which the copy is sent. Personal information will be redacted from representations before they are copied to the Community Transfer Body or published online, and where comments are received that are defamatory, these will be redacted prior to publishing, in consultation with Legal Services.

Sale to Third Parties

Once an asset transfer request has been made, the Council will not sell, lease or otherwise dispose of the land it relates to, to anyone other than the community transfer body that made the request, until the whole process is completed.

Timescale

The time limit for a decision notice to be issued is 6 months from acceptance of the Stage 2 Application.

7.5. Decision Making Process and Considerations

Criteria for Assessing Requests

The following issues will be taken into account when assessing the Application:

- value to our Council in existing use
- feasibility and cost of relocation of services elsewhere
- potential revenue savings arising from transfer
- value for alternative use/redevelopment
- value for proposed and other community purposes
- level of community benefits
- extent of community served
- nature of benefits to be delivered
- links to our Council's priorities
- community need/demand for the services
- likelihood that benefits will be delivered over a 5-year period
- strength of organisation – e.g. the likelihood of the community body being able to deliver the proposed outcomes, taking into account the capacity and governance of the organisation, sources of funding and business plan. Considering whether a proposal is likely to achieve the benefits set out is not only a matter of whether the planned activities would lead to the suggested outcomes. It also requires an assessment of whether the community transfer body is able to successfully deliver the project, and make it sustainable. This should cover both funding and the capacity and governance of the organisation; do members have appropriate skills, experience and qualifications to deliver the project, or does the body have a plan for engaging people who do?; does the community transfer body have suitable governance; are arrangements appropriate for the scale of the project?; where relevant, do they have succession plans in place for recruiting new Board members / Trustees in future?
- sustainability of business plan/project e.g. has the community transfer body identified all the relevant costs of the project or activities?; have they identified appropriate and realistic sources of funding; will they be eligible for any suggested grants; are activities affordable for their target market, do they have a viable business plan for any proposed commercial activities?; where relevant, have they identified how the project will be funded in the longer term?
- sources and level of funding support compare the benefits of the proposal in the request to the benefits of any alternative proposals, whether those come from the Council itself or anyone else
- the extent to which the CAT offers Best Value (this is the requirement to make arrangements to secure continuous improvement in performance whilst maintaining an appropriate balance between effectiveness and economy. It also requires due regard to equal opportunities requirements, and to contribute to the achievement of sustainable development.)
- There are seven Best Value themes which the Council will consider in assessing applications. Economic development; Regeneration; Public health; Social wellbeing; Environmental wellbeing; Reducing inequalities of outcome from socio-economic disadvantage; and any other benefits that might arise through the alternative use of the asset

The assessment team

The assessment will be undertaken by officers from Property and Architectural Services; Finance and procurement; Community Development and Empowerment; Legal Services; Economic Development; and Lifelong Learning.

Other partners may be involved as appropriate e.g. Health and Social Care Partnership where additional expertise is required.

This team will provide the comments on the Business Plan which is the basis of the Report to the Community Transfer Body; and will also inform the decision-making process.

Feedback to the Community Transfer Body

The feedback will include:

- comments on the strategic context including: the Community Transfer Body's objectives, spatial plans and property asset management plan and how the transfer will assist in achieving these
- The anticipated benefits in qualitative terms and monetary terms where possible
- The sale price likely to be received from the community organisation
- A value-for-money statement
- Any special consents likely to be required by the local authority
- Any specific terms and conditions that the local authority may wish to attach to the transfer of the property
- The recommended course of action (i.e. approval to progress the disposal).

Disposal for 'less than best value'

The Council's Disposal and Acquisition Policy sets out the arrangements for the transfer of a property to community ownership and particularly where the proposal is for the sale to be less than the market value – known as 'less than best consideration'.

Asset transfer at 'less than best consideration' is justified when additional benefits empower communities and align with local and national priorities. The Council will use its valuation of the property and consider non-financial benefits to identify any conditions it may wish to place on the CAT to protect any discount given.

The benefits of the request should be proportionate to the value of the asset and any discount requested on the market value of the asset.

Where a discount is to be applied to the asset the Council can choose to consider protecting the asset should the benefits proposed not be delivered or the transfer not be sustainable in the future.

Conditions

The Council has a number of possible conditions that it may wish to incorporate into the transfer agreement, including for example clawback in the event of a resale within a specified period of time; what the Community Transfer Body can use the building for (for example to guarantee ongoing community access). These conditions are part of the

negotiation process as funders may have certain restrictions or requirements attached to their offer and the constitution of the Body itself may determine what happens in the event of dissolution.

The report which is submitted for consideration will include any conditions which the officer team may consider appropriate. These could include:

- Repayment of the difference in price of the asset if the benefits of the transfer are not delivered.
- Return any increase in value to the authority if the property use is changed or the expected benefits are not delivered.
- Recovery of the property if it no longer used by the CTB for the agreed purpose.

Where Council chooses to protect the discount, this must be done in a fashion that is not excessive and can be justified.

Decision

Views of the local Elected Members will be sought at the relevant Area Committee.

A report will be presented to Elected Members at the Finance, Procurement & Transformation Committee for decision. This will contain a summary of the application, the assessment of the officer team and its recommendation; and also the view of the local Elected Members.

The three possible outcomes are detailed below:

- Approval of transfer to applicant at 'less than best consideration'
- Conditional approval of transfer to applicant at 'less than best consideration'. (Where a business case is contingent upon the securing of external funding. Conditional approval will be time limited, subject to the likely time frame for funding applications.)

- Approval of transfer to applicant subject to certain conditions

- Reject the Application

- Reject the Application because of insufficient Business Plan and request that officers continue to work with the Community Transfer Body to submit a renewed Application

7.6 Publication of Decision

When the Council has made its decision, it will issue a decision notice (Appendix 4) setting out its reasons for agreeing or refusing.

If the Council agrees to the request, it will then negotiate the final contract. This can allow time for the community body to confirm funding before the final transfer takes place.

Where an asset transfer request has been considered and refused (including any review or appeal), the Council does not have to accept another similar request for the same property if it is made within two years of the first. The Council may accept a repeat request if it wishes, for example if it is from a genuinely different group or the proposal has been materially improved.

7.7 Reviews and Appeals

The Community Transfer Body can apply for an internal review. Procedures are set out in the Asset Transfer Request (Review Procedure) (Scotland) Regulations. Section 86(10) amends the Local Government (Scotland) Act 1973 so that a review of an asset transfer decision must be carried out by Councillors not involved in the original decision; it cannot be delegated to officers.

There are various options for review or appeal if:

- the request is refused
- no decision is given within the time allowed
- the Community Transfer Body does not agree with conditions imposed by the Council.

The Council's Appeals process will be decided by an Appeals Sub Committee of the Communities Committee.

Applicants have the right, if still unsatisfied, to further appeal to Scottish Ministers.



DUMFRIES AND GALLOWAY COUNCIL

COMMUNITY ASSET TRANSFER

STAGE 1 APPLICATION – EXPRESSION OF INTEREST

Dumfries and Galloway Council is committed to Community Asset Transfer ('CAT') where that will bring benefits to our local communities..

- We recognise that CAT can be a valuable part of supporting and sustaining communities and we wish to ensure council assets are managed by the people who regularly use them.
- We are fully committed to using council assets to form long-term partnerships with third sector organisations in order to create stronger communities.
- We will actively investigate opportunities for CAT to local communities and support community groups through the application process.

If your group wishes to apply for an asset through Dumfries & Galloway Council's CAT process, please complete this expression of interest form and send to the Community Development and Empowerment Manager (contact details below).

Applicants that meet the Council's suitability criteria will be contacted and supported to produce their plan for the asset which is the basis for a final Stage 2 application (see the Community Asset Transfer Process for more detailed information).

If you need help completing the form or have any questions, please contact the CDEM.

We will process your application when we receive all the information relevant to your asset transfer, so please fill in all sections of the form.

1. Please provide details of the organisation making the application

Name of Organisation	
Address of Organisation including postcode	
Telephone Number	
Mobile Number	
E-Mail Address	
Full Name	
Position in Organisation	

2. Please provide your contact details

Contact Address (if different from above)	
Telephone Number	
Mobile Number	
E-Mail Address	

3. Structure of the organisation

What type of organisation are you?	
Do you have a formal constitution, governance document or set of rules?	

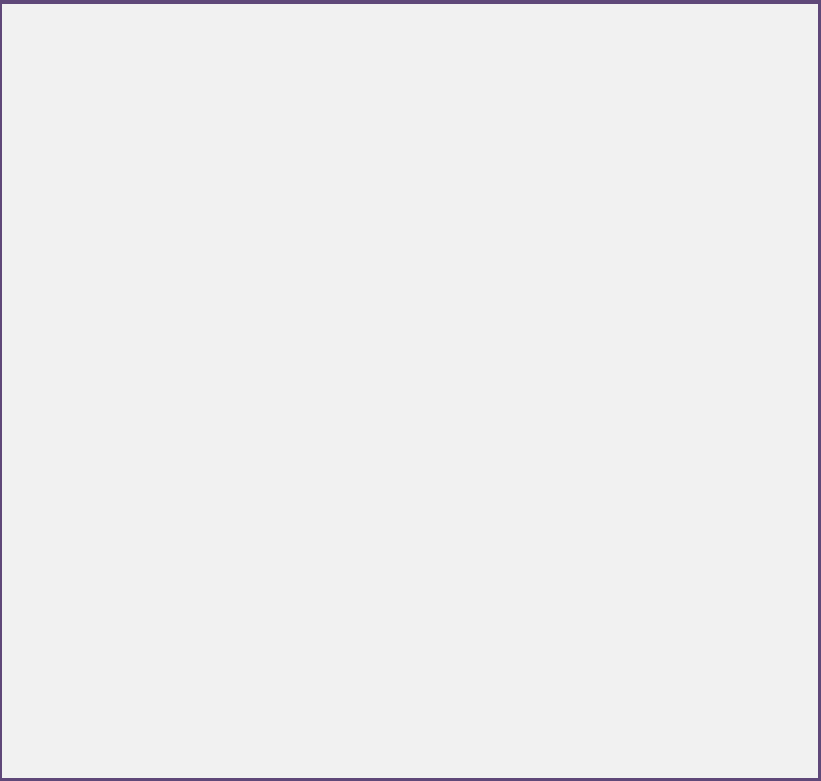
4. What is the structure and purpose of your organisation?

How many people are involved in your organisation?	Management Committee	
	Other	
	Paid staff – full time	
	Paid staff – part time	
	Volunteers	
When was the organisation established?		
What is the purpose and main activities of your organisation?		

Does your organisation have previous experience of managing an asset?

If yes please provide details.

If no, explain what support you think your group might need to get ready to manage the asset.



5. Please tell us about the asset (building or land) you are interested in

Name of Asset	
Address of Asset	
Type of transfer you are interested in - Transfer of ownership - Short term lease is (1-3 yrs) - Long term lease (e.g. up to 25 yrs)	

6. Please tell us, on one page how you will use the asset to the benefit of the local community and how you know that this is what the community needs?

Signed..... Position

Name Date

Completed applications should be sent to: Jamie Ferguson, **Community Development and Empowerment Manager, Dumfries and Galloway Council Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD** and marked **“Community Asset Transfer”**.

CAT Procedure Appendix 2



DUMFRIES AND GALLOWAY COUNCIL

COMMUNITY ASSET TRANSFER

STAGE 2 APPLICATION

Dumfries and Galloway Council supports community groups to meet the ambitions of their local communities through community asset transfers and offers advice and support throughout the whole process from our locally based Ward Officers.

If you have not already done so, please contact us to discuss your proposals before making an asset transfer request.

You will find it helpful to read the Dumfries and Galloway Council Community Asset Transfer Procedure before submitting this application which is available on the Council's Asset Transfer Webpage

When completed, please email this form to :jamie.ferguson @dumgal.gov.uk

Or by post to:

Community Development and Empowerment Manager

Communities Directorate

Dumfries and Galloway Council

Municipal Chambers Buccleuch

Street

Dumfries

DG1 2AD

This is an asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015.

Section 1: Information about the community transfer body (CTB) making the request

1.1 Name of the CTB making the asset transfer request

1.2 CTB address. This should be the registered address, if you have one.

Postal address:

Postcode:

1.3 Contact details. Please provide the name and contact address to which correspondence in relation to this asset transfer request should be sent.

Contact name:

Postal address:

Postcode:

Email:

Telephone:

We agree that correspondence in relation to this asset transfer request may be sent by email to the email address given above. *(Please tick to indicate agreement)*

You can ask the relevant authority to stop sending correspondence by email, or change the email address, by telling them at any time, as long as 5 working days' notice is given.

- 1.4 Please mark an "X" in the relevant box to confirm the type of CTB and its official number, if it has one.

	Company, and its company number is	
	Scottish Charitable Incorporated Organisation (SCIO), and its charity number is	
	Community Benefit Society (BenCom), and its registered number is	
	Unincorporated organisation (no number)	

Please attach a copy of the CTB's constitution, articles of association or registered rules.

- 1.5 Has the organisation been individually designated as a community transfer body by the Scottish Ministers?

No

Yes

Please give the title and date of the designation order:

- 1.6 Does the organisation fall within a class of bodies which has been designated as community transfer bodies by the Scottish Ministers?

No

Yes

If yes what class of bodies does it fall within?

Section 2: Information about the land and rights requested

2.1 Please identify the land to which this asset transfer request relates.

You should provide a street address or grid reference and any name by which the land or building is known. If you have identified the land on the relevant authority's register of land, please enter the details listed there.

It may be helpful to provide one or more maps or drawings to show the boundaries of the land requested. If you are requesting part of a piece of land, you must attach a map and full description of the boundaries of the area to which your request relates. If you are requesting part of a building, please make clear what area you require. a drawing may be helpful.

2.2 Please provide the UPRN (Unique Property Reference Number), if known.

This should be given in the relevant authority's register of land

UPRN:

Section 3: Type of request, payment and conditions

3.1 Please tick what type of request is being made:

for ownership (under section 79(2)(a)) - go to section 3A

for lease (under section 79(2)(b)(i)) – go to section 3B

for other rights (section 79(2)(b)(ii)) - go to section 3C

3A – Request for ownership

What price are you prepared to pay for the land requested? :

Proposed price: £

Please attach a note setting out any other terms and conditions you wish to apply to the request.

3B – request for lease

What is the length of lease you are requesting?

How much rent are you prepared to pay? Please make clear whether this is per year or per month.

Proposed rent: £ per

Please attach a note setting out any other terms and conditions you wish to be included in the lease, or to apply to the request in any other way.

3C – request for other rights

What are the rights you are requesting?

Do you propose to make any payment for these rights?

Yes

No

If yes, how much are you prepared to pay? Please make clear what period this would cover, for example per week, per month, per day?

Proposed payment: £ per

Please attach a note setting out any other terms and conditions you wish to apply to the request.

Section 4: Community Proposal

4.1 Please set out the reasons for making the request and how the land or building will be used.

This should explain the objectives of your project, why there is a need for it, any development or changes you plan to make to the land or building, and any activities that will take place there.

Benefits of the proposal

4.2 Please set out the benefits that you consider will arise if the request is agreed to.

This section should explain how the project will benefit your community, and others. Please refer to the guidance on how the relevant authority will consider the benefits of a request.

Restrictions on use of the land

4.3 If there are any restrictions on the use or development of the land, please explain how your project will comply with these.

Restrictions might include, amongst others, environmental designations such as a Site of Special Scientific Interest (SSI), heritage designations such as listed building status, controls on contaminated land or planning restrictions.

Negative consequences

4.4 What negative consequences (if any) may occur if your request is agreed to? How would you propose to minimise these?

You should consider any potential negative consequences for the local economy, environment, or any group of people, and explain how you could reduce these.

Capacity to deliver

4.5 Please show how your organisation will be able to manage the project and achieve your objectives.

This could include the skills and experience of members of the organisation, any track record of previous projects, whether you intend to use professional advisers, etc.

Section 5: Level and nature of support

5.1 Please provide details of the level and nature of support for the request, from your community and, if relevant, from others.

This could include information on the proportion of your community who are involved with the request, how you have engaged with your community beyond the members of your organisation and what their response has been. You should also show how you have engaged with any other communities that may be affected by your proposals.

Section 6: Funding

6.1 Please outline how you propose to fund the price or rent you are prepared to pay for the land, and your proposed use of the land.

You should show your calculations of the costs associated with the transfer of the land or building and your future use of it, including any redevelopment, ongoing maintenance and the costs of your activities. All proposed income and investment should be identified, including volunteering and donations. If you intend to apply for grants or loans you should demonstrate that your proposals are eligible for the relevant scheme, according to the guidance available for applicants.

Signature

Two office-bearers (board members, charity trustees or committee members) of the community transfer body must sign the form. They must provide their full names and home addresses for the purposes of prevention and detection of fraud.

This form and supporting documents will be made available online for any interested person to read and comment on. Personal information will be redacted before the form is made available.

We, the undersigned on behalf of the community transfer body as noted at section 1, make an asset transfer request as specified in this form.

We declare that the information provided in this form and any accompanying documents is accurate to the best of our knowledge.

Name

Address

Date

Position

Signature

Name

Address

Date

Position

Signature

Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this form.

Section 1 – you **must** attach your organisation’s constitution, articles of association or registered rules

Title of document attached:

Section 2 – any maps, drawings or description of the land requested

Documents attached:

Section 3 – note of any terms and conditions that are to apply to the request

Documents attached:

Section 4 – about your proposals, their benefits, any restrictions on the land or potential negative consequences, and your organisation’s capacity to deliver.

Documents attached:

Section 5 – evidence of community support

Documents attached:

Section 6 – funding

Documents attached:

**DUMFRIES AND GALLOWAY COUNCIL****NOTICE OF ASSET TRANSFER REQUEST**

A Community Asset Transfer request has been made to Dumfries and Galloway Council under Part 5 of the Community Empowerment (Scotland) Act 2015.

The request has been made by <name of Community Transfer Body> and relates to <name of land/ property/ map outline if required>

The request is for purchase/ lease of the land/building at less than best consideration.

The proposed use of the land/building is for:

Members of the public, groups and local stakeholders can make representation on this transfer request at any stage of the process. However, you are advised that this request is at a very early stage and you may not be commenting on the final proposal, but on the general idea and concept being developed.

When this request becomes a formal Stage Two validated application, plans supporting the application will be posted on our Community Asset Transfer website. Please visit our site regularly to keep updated.

The documents relating to this request can be viewed online at (office location)]/[by contacting (contact details)].

Anyone may make representations about this request to Dumfries and Galloway Council. Representations must be in writing and include the name and address of the person making it. A copy of the representation will be given to the organisation making the request.

Representations must be made by [date]. They should be sent to:

CommunityAssetTransfer@dumgal.gov.uk

Or in paper copy to:

General information about the asset transfer scheme is available on the Council's Community Asset transfer webpages:

<https://www.dumgal.gov.uk/article/16441/Community-asset-transfers>

**DECISION NOTICE - AGREED**

To: Name
Address

[Date of notice]

This Decision Notice relates to the asset transfer request made by **[name of community transfer body]** on **[validation date]** in relation to **[description of land]**.

Dumfries and Galloway Council has decided to **agree to** the request.

The reasons for this decision are as follows:

The attached document specifies the terms and conditions subject to which we would be prepared to **[transfer ownership] / [lease] / [(describe rights requested)]** of the land to you. If you wish to proceed, you must submit an offer to us at the address above by **[date – at least 6 months from date of notice]**. The offer must reflect the terms and conditions attached, and may include such other reasonable terms and conditions as are necessary or expedient to secure the **[transfer] / [lease] / [other rights]** within a reasonable time.

Right to [review] / [appeal]

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may **[apply to the Council to review this decision] / [apply to the Scottish Ministers to review this decision] / [appeal to the Scottish Ministers]**.

Any **[application for review] / [appeal]** must be made in writing to **[name and address]** by **[date]**, which is 20 working days from the date of this notice.

Guidance on making an **[application for review] / [appeal]** is available at [...]



DECISION NOTICE - REFUSED

To: Name

Address

[Date of notice]

This Decision Notice relates to the asset transfer request made by **[name of community transfer body]** on **[validation date]** in relation to **[description of land]**. **Dumfries and Galloway Council** has decided to **refuse** the request.

The reasons for this decision are as follows:

Right to [review] / [appeal]

You have a right to **[apply to the Council to review this decision] / [apply to the Scottish Ministers to review this decision] / [appeal to the Scottish Ministers]**.

Any **[application for review] / [appeal]** must be made in writing to **[name and address]** by **[date]**, which is 20 working days from the date of this notice.

Guidance on making an **[application for review] / [appeal]** is available at **[...]**