

Community Asset Transfer

Information on the CAT Process

This document has been developed to assist Communities who wish to consider making a request for a Community Asset transfer to Falkirk Council for a property currently under Council ownership. For a full Guide to Community Asset transfer please read the Scottish Government Guide to Community Asset Transfer by [following this link](#). Scroll down to the guidance section and review the appropriate guidance for you.

It is important to note that all Community Asset Transfer are co-ordinated and monitored by the Asset Management Unit of Falkirk Council. All queries and requests for information should be made to Asset management team. Please contact us using one of the following methods;

Email – Please email your query to property@falkirk.gov.uk

Post – Please post your query or information request to

Community Asset Transfer team
Asset Management Unit
Falkirk Council
Abbotsford House
Davids Loan, Bainsford
Falkirk FK2 7YZ

Or Call on 01324 504816,

Asking for the Community Asset Transfer Co-ordinator

A Brief Glossary of terms

The best starting point for understanding the Community Asset Transfer process is to first learn the terms that you will come across, and their abbreviations. We have prepared the following list to assist with this;

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

Community Asset Transfer (CAT) – The process where Community led group can take over assets owned by a Relevant Authority – In this case Falkirk Council. The CAT system is the result of the Scottish governments Community Empowerment Act (Scotland) 2015, covered under section 5 (See This Link for the full Act)

Community Transfer Body (CTB) – A community led group who make the asset transfer request, and who if successful will own or lease the property concerned, and operate it under the terms of the final lease or deed. Falkirk Council is fully committed to engaging with Community Asset Transfers to Suitable Community Transfer Bodies. The Validity of the Community groups CTB status is assessed by the Co-ordinative Body. The attributes of a CTB are explained in Part 5, sections 77 and 80 of the [Community Empowerment Act \(2015\) Scotland](#)

Co-ordinative Body – In this case the Asset Management unit of Falkirk Council – The Co-ordinative Body are the first point of contact for information on the process, and will monitor and direct the CAT process from start to finish. Our contact details can be seen above.

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

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

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

Aligned Service/s (AS) – in many cases a Council Service who is not the Owning Service may have an interest in the property asset as the subject of an Asset Transfer. For example Social Work Services may have an interest in Community Halls as they assist to combat social isolation. This interested party is known as an Aligned Service. It is possible to have more than one Aligned Services for a single Asset transfer. These will be contacted by the Co-ordinating Body.

Expression of interest (Eoi) – A short form that introduces the Community group who wish to explore the potential of a CAT. This will allow the coordinative Body an opportunity to see if that group can make a legal CAT request, and will trigger a meeting with the Co-ordinating Officer, where the potential CAT will be discussed in detail.

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

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

The Community Asset Transfer process

As previously stated, the Co-ordination of all Asset Transfers in the Falkirk Council area falls to the Asset Management Unit in Development Services. Contact us using the information given above.

Upon contact you can expect a member of the team to set up a meeting with you to further explain the Community Asset Transfer system and to give you information on the process.

Please note - There is no requirement for leases or similar arrangements with community bodies to go through the system provided by the Act. Where both parties are happy to make arrangements by negotiations, then they can continue to do so.

Potential Applicants are urged to read “Guidance for Community Transfer Bodies” produced by the Scottish Government. This will clarify if your group is suitable for making a CAT Request Application, and will help you decide on what type of Asset Transfer you wish to pursue, ie either a leased agreement or a full ownership transfer.

Finding the appropriate Asset

It may well be that the process starts with the Asset e.g. a community hall. Alternatively your group may have an activity in mind which requires a property or land. Locating the appropriate asset can be done by consulting our Asset Register – [Click this link](#) to access the Falkirk Council Community Asset Register page – where you can view Falkirk Councils Asset Register database. Please note that many of the assets are in full operation use by the Council or its lease holders. Whilst theoretically all Falkirk Council Assets could be subject to Community Asset Transfer, In every case the CTB must prove that its plan is better than the current and extant use of that asset. Thus Assets such as Schools, core administrative buildings and recreational facilities are extremely unlikely to be the subject of successful Asset Transfers .

If having read the advice you, as a group, must decide if;

- a) A transfer can be legally supported (ie yours is a full CTB under the terms of the Act and its guidance).
- b) There is good reason to pursue a Community Asset transfer, for the applicant Group and to the Community as a whole.
- c) That the Group requesting the Asset Transfer can come up with both the funding and the skills necessary to operate the asset.

If these are all answered positively then its time to express your interest in an asset to the Local Authority.

The Expression of Interest Form

Having selected the available asset and decided that its worth requesting an Asset Transfer, You will need to submit your Expression of Interest Form – This is a simplified version of the full request form that gives the Co-ordinator enough information to suitably advise you as to how to proceed. The Eoi will be assessed by Falkirk Councils Community Asset Transfer Group to make sure that it complies with the Community Empowerment Act.

Once the assessment is complete the CTB in question will be notified as to whether or not they can move forward with a full CAT Request, or in the case of non-compliance with the act, what they would need to do to launch a legal CAT request. The Full Request Form will be issued to the CTB, along with a work plan suggesting assistance that they might seek, and documentation required for their Full Request to be assessed. Please contact the CAT Co-ordinator to receive a copy of the Expression of interest form.

The Full Asset Transfer Request Form

The CTB can now complete the Full Request and compile all the necessary supporting documentation. In advance of this the Group will be contacted by the CAT Co-ordinator from Falkirk Council Asset Transfer team for a meeting. This meeting will give instruction on how to move forward, and who is available to seek help and advice from. From this initial full request meeting, and under normal conditions the CTB will be given 6 months to produce their full request form and additional documentation. If during this process something comes up that will slow the process down, the applicant can request any extension needed to pursue the line of enquiry or action needed. An extension to the time frame might be because the CTB need to seek a building warrant or even planning permission, or might need to perform a survey of some sort. It should be noted that any such surveys, investigations, consultations or permissions are wholly the responsibility of the CTB, who must raise such funds as are necessary themselves to pay for these.

The finalised documentation should be provided to the Community Asset Transfer team by the agreed deadline. For time line purposes it is important for the CTB to understand that An asset transfer request is taken to have been made (Completed) on the date on which the last of the items or information required has been provided. This will be confirmed by Falkirk Council to the applicant group by letter.

Once the Full Request is in

Once the full request is delivered to the CAT Co-ordinator it will be presented at the next meeting of the Community Asset Transfer Group where it will be given a full assessment. If there is any further information required the applicant will be notified immediately and a new time frame established.

If it is complete, and the assessment finds the application to be valid, then the following steps will occur;

Falkirk Council will publish a notification about the request on the Community Asset Transfer section of its website and in a public place near to the land or building that is the subject of the Request. This is so that the public are duly notified of the intention of the Community Transfer Body, and can make representations reference the CAT Request.

Falkirk Council will provide copies of any representations to the CTB and inform them of the date by which they can answer those items to the Council

Falkirk Council will then Send copies of the CAT Request Form and all associated documentation to any other users of the property, and publish these on its website

The Full request with its associated documentation sent to a meeting of the executive Committee of Falkirk Council for its final evaluation and decision– areas that will be considered are

- Does the request assist with Economic Development to the area?
- Does the request help to regenerate the area?
- Does the request benefit the Public Health of the area?
- Does the request assist to improve Social Wellbeing in the area?
- Does the request help Environmental wellbeing in the area?
- Would the request reduce inequalities resulting from societal disadvantage in the area?
- How competing plans might help the community, and which plan carries the most community benefit? (For example how is the building being currently used under Local authority control, or how might the asset be used by a competing asset transfer scheme.)
- How the plans will affect the relevant authority – in this case Falkirk Council.
- Is there anything that would stop Falkirk Council from selling or leasing the land to the Community Transfer Body eg any restrictions on the use of the asset, designations or listing.
- What is the community need and support for the asset Transfer – does the community want or need the plan to go ahead?
- Can the Community Transfer Body access the funds and skills necessary for the plan to be an ongoing success?

Under the Community Empowerment Act (Scotland) 2015 the Relevant Authority, in this case Falkirk Council, must agree to the Asset Transfer request UNLESS it has a good reason not to. Once that decision is made the Community Transfer Body will be informed via a Decision Note. This will describe what the decision is and why / how it has been made. The Authority has up to 6 months to make a decision and let the CTB know what this is.

Final Negotiations

If Falkirk Council agrees to an asset transfer request, the decision notice will include the terms and conditions to include in the contract. The community transfer body must make an offer for the land or buildings, based on those terms and conditions. After the offer, the two sides work together to agree the final contract for the transfer. At this stage it is very likely that you will need to engage the services of a lawyer.

Reviews and Appeals

If the Executive Committee decide not to allow the Asset transfer in terms of Part 5 of the Act to occur, the CTB will be notified immediately. There is a right to appeal their decision for a period of up to six months after the decision is made and the CTB notified.

Reviews and appeals are ways of asking someone to look again at a decision. A community transfer body can ask for a review or appeal if:

- Falkirk Council does not agree to their asset transfer request
- Falkirk Council does not make a decision by the time it should have
- the Community Transfer Body does not agree with the terms and conditions in the decision notice

If this happens please contact the Community Asset Transfer team for further information.

Thank you for reading this Document. We hope it assists you with your Asset Transfer aspirations.