



REPORT TO: CORPORATE COMMITTEE ON 13 JUNE 2023

SUBJECT: INFORMATION REPORT: COMMUNITY ASSET TRANSFERS – ANNUAL REPORT

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 This report meets the reporting requirements of section 95 of the Community Empowerment (Scotland) Act 2015 in relation to Community Asset Transfer requests dealt with during the period 1 April 2022 to 31 March 2023.
- 1.2 This report is submitted to Committee in terms of Section III (B) (32) of the Council's Scheme of Administration relating to the consideration of Community Asset Transfer (CAT) requests.

2. BACKGROUND

- 2.1 The CAT Scheme is concerned with the transfer of Council-held land and buildings to community-controlled bodies. Moray Council has a long history of transferring assets to the community through transferring ownership, granting leases and entering into management agreements.
- 2.2 Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act) gives eligible community-controlled bodies a right to make asset transfer requests to public authorities. The Act requires those authorities to assess requests transparently against a specified list of criteria, and to agree the request unless there are reasonable grounds for refusal.
- 2.3 Section 95 of the Act requires each authority to publish an asset transfer report by the end of June each year. This report covers the period 1 April 2022 to 31 March 2023. There is no legal requirement that all asset transfer requests be made under the Act. Therefore, in the interests of transparency and completeness, details of those requests received outwith the Act are also included in the annual report.
- 2.4 The legislation requires the report to cover two areas of activity. The first relates to asset transfer requests and decisions made in respect of these. The second relates to actions taken by the Council to promote the use of asset transfer requests and to support community transfer bodies in the making of such requests.

- 2.5 During the period 1 April 2022 to 31 March 2023, Moray Council completed the transfer of three property assets to the community and at the end of the reporting period was in the process of transferring two more. One asset transfer request was refused and one community body withdrew from the process after its request had been approved. Further information on these is included in the Annual Report, which is attached as **Appendix 1**.
- 2.6 In addition to the seven asset transfer requests referred to above, officers dealt with twenty-one formal Expressions of Interest (EOIs) during the reporting period, eleven of which remained live as at 31 March 2023. These figures exclude enquiries that had not yet progressed to the formal EOI stage. There is no requirement that all cases first go through the EOI process. Community groups are free to go straight to making an asset transfer request.
- 2.7 The Council's Community Support Unit (CSU) provides capacity building support to community groups at all stages of the CAT process. Officers from the CSU carry out initial assessments of all groups submitting an EOI. This assessment identifies if the group is eligible to make an asset transfer request under the CAT Scheme, has the skills and experience to take on responsibility for an asset, and considers any community engagement that has been done by the group. From this assessment, CSU officers can work with the groups on addressing any issues.

3. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Transferring assets to the community supports the LOIP aim of creating more resilient and sustainable communities with less need for universal services provided by the public sector and is consistent with the Corporate Plan value of promoting community empowerment as a means of supporting communities take on more responsibility.

Where the property is a Common Good asset, the interests of the inhabitants of the former burgh take precedence over the Council's Corporate Plan and the Local Outcomes Improvement Plan (LOIP).

Where the property is held under a Public Trust, it is burdened with the trust purposes. Consequently, a request must be considered only in relation to uses that reflect the trust purposes.

(b) Policy and Legal

On 21 March 2017, the Policy and Resources Committee approved the following policy statement in relation to Community Asset Transfers (para 5 of the Minute refers).

"Moray Council recognises the important role that the transfer of property assets can play in empowering communities and strengthening their resilience. Where appropriate, the Council will use the transfer of assets to give more control to communities and local people, inspire them to find local solutions to community needs, and as a means of helping communities become more sustainable in the long term. In determining

all asset transfer requests, the Council will have regard to the guidance provided by the Scottish Government in relation to asset transfer requests made under Part 5 of the Community Empowerment (Scotland) Act 2015, whether or not such requests are made under the provisions contained in the Act.”

Where assets are transferred at less than market value, such disposals must comply with the Disposal of Land by Local Authorities (Scotland) Regulations 2010, which requires that the Council must be satisfied that the proposed transfer is reasonable and that the disposal is likely to contribute to at least one of the following purposes:

- a) Economic Development,
- b) Regeneration,
- c) Public Health,
- d) Social Wellbeing, or
- e) Environmental Wellbeing.

Reasonableness is taken to imply that the requested discount is the minimum necessary to allow the project to proceed and that it is proportionate to the costs and benefits of the project.

The Community Empowerment (Scotland) Act 2015 only applies to the Council when acting in its capacity as a local authority. Where the Council Members act as Trustees under a Public Trust, they are not acting in the capacity of a local authority but in their capacity as Trustees under and in terms of the Trust. Consequently, the Act confers no rights on community-controlled bodies in these cases.

(c) Financial Implications

There are no financial implications arising directly from this report.

(d) Risk Implications

There are no risk implications arising directly from this report.

(e) Staffing Implications

There are no staffing implications arising directly from this report.

(f) Property

There are no property implications arising directly from this report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment is not required.

(h) Climate Change and Biodiversity Impact

There are no climate change or biodiversity implications arising from this report.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), Chief Financial Officer, Head of Economic Growth and Development, Head of Education Resources and Communities, Legal Services Manager, Asset Manager (Commercial Buildings), S. Souter Senior Accountant, Community Learning and Engagement Manager, L. Robinson Committee Services Officer, and Equal Opportunities Officer have been consulted and their comments incorporated in the report.

4. CONCLUSION

- 4.1 During the year ending 31 March 2023, officers dealt with seven valid asset transfer requests and a further twenty-one expressions of interest.**
- 4.2 The Annual Report provides details of the actions taken to support communities in the making of asset transfer requests.**

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Background Papers:	Held by author
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