

Community Asset Transfer

Annual Report: 1 April 2022 to 31 March 2023



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Empowering Communities

Community empowerment refers to the process of enabling communities to increase control over their own lives. Communities are groups of people who share common interests, concerns or identities. Empowerment refers to the process by which people gain control over the factors and decisions that shape their lives.

Moray Council has long recognised the important role that the transfer of property assets can play in empowering communities and strengthening their resilience. The Council's Community Asset Transfer (CAT) Scheme supports its Corporate Plan priority of empowering and supporting communities. Where appropriate, the Council will use the transfer of assets to give more control to communities, helping to inspire them to find local solutions to community needs and become more sustainable in the long term.

Community Empowerment (Scotland) Act 2015

From 23 January 2017 the Community Empowerment (Scotland) Act 2015 (the Act) gave eligible community bodies a right to make asset transfer requests to public authorities. A request can be made in respect of any land or building that is owned or leased by the relevant authority. The Act requires public authorities to agree to the request unless there are reasonable grounds for refusal.

Section 95 of the Act requires each authority to publish a report annually covering the number of asset transfer requests processed through the year together with details of what actions it has taken to promote the use of asset transfer requests and to support community bodies through the process. There is no requirement that all asset transfer requests be made under the Act. In the interests of transparency and completeness, details of requests dealt with outside of the Act are included in this report.

This report covers the period 1 April 2022 to 31 March 2023. During this time, Moray Council successfully completed the transfers of three assets to the community and is currently in the process of transferring two more. A full list of asset transfer requests dealt with during the reporting period is shown in Appendix 1. Previously successful asset transfers completed since the introduction of the Act in January 2017 are shown in Appendix 2.

Completed Transfers

Findochty Town Hall SCIO secured an initial short-term lease of Findochty Town Hall while it developed its plans to take over responsibility for the facility permanently. Subsequently, the charity received the Keystone Award in recognition of it meeting the required standards of governance and management. Despite the difficulties posed by dealing with the pandemic-related lockdown, the charity carried out numerous improvements to the facility while increasing the extent to which it was used by the community. The hall was held by the Council on an inalienable Common Good title. In October 2020, the Council issued a Decision Notice agreeing to transfer the hall to the charity subject to the necessary court consent being granted. Decree was granted following a successful petitioning of the court thus allowing ownership of the hall to transfer to the charity in July 2022.

The Findhorn Village Conservation Company submitted an asset transfer request for ownership of the two public toilets and the site of a former public toilet located at Findhorn Beach in January 2021. The company intended to re-open the closed toilet, improve the facilities, and expand the service by providing the necessary infrastructure to support a stopover facility for motorhomes. The Council agreed to the company's request and ownership transferred in July 2022.

On 14 June 2022, the Council agreed to transfer ownership of Garmouth Water Tower to Garmouth and Kingston Community Association. The category B listed building, which was leased to the Garmouth and Kingston Amenities Association at a peppercorn rent for a period of 50 years from April 1991, supplied water to Garmouth, Kingston and the surrounding district from the late-1800s until the mid-1960s. The Community Association was set up for the purpose of taking over responsibility for all the assets of the Amenities Association, including a local park and a community hub. Future development proposals for the water tower include enhanced interpretation boards, improved landscaping and upgraded footpath signage, together with the possibility of providing refreshments, seating and a telescope. Ownership of the asset transferred to the Community Association in December 2022.



- The Old Water Tower at Garmouth

Approved Transfers

Coulardbank Playing Field is held by the Council on an inalienable Common Good title. In January 2020, the Lossiemouth Community Development Trust submitted an asset transfer request for a 25-year lease of a site within the Coulardbank playing fields for the purpose of developing a skate park. In October that year, the Council agreed to the requested lease subject to the courts granting consent and to the Trust obtaining the necessary planning consent for the development. Decree has now been granted by the court for the lease of the site, which is currently in the process of being completed.

The Fishermen's Hall Trust secured an initial short-term lease of Buckie's Fishermen's Hall while it developed its plans to take over responsibility for the facility permanently in order to ensure that the facility remained as an important hub supporting the needs of its community. The hall was held by the Council on an inalienable Common Good title. In November 2021, the Council issued a Decision Notice agreeing, subject to court consent, to transfer the hall to the trust. Decree has now been granted for the transfer of the Council's interest in the property, which is currently being progressed.

Expressions of Interest

The Council's CAT Scheme involves a two-stage process. Community bodies are encouraged to take advantage of the pre-application stage by completing an Expression of Interest (EOI) for any land or buildings in which they have an interest. On receipt of an EOI, the Council will:

- check the community body's eligibility under the scheme,
- check that the Council has the ability to transfer the relevant property rights,
- identify the Council's current and future operational requirements for the property,
- identify as far as possible any other material considerations that should be taken into account in determining an asset transfer request for the property, and
- exchange information related to the community, the asset and the potential transfer.

The EOI stage is designed to help the community body avoid abortive work and prepare a robust business case in support of its asset transfer request. Not all community bodies that submit an EOI will progress to making a formal asset transfer request and some will choose to go straight to making a formal request without first submitting an EOI. In addition to the seven asset transfer requests detailed in Appendix 1, we dealt with twenty-one expressions of interest during the period covered by this report, eleven of which remain current.

Supporting Communities

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 groups submitting an expression of interest. This assessment identifies if the group has the skills and experience to take on an asset and also considers any community engagement that has been done by the group. From this, CSU officers can work with the groups on addressing any issues, e.g. governance, consultation, business planning, etc.

Officers from the CSU encourage groups to consider the requirements of those most in need in their community. CSU will work with the Council's Research and Information Officers to provide relevant data and statistical information to help groups understand the demographics and needs of their communities. We also work with other partners who can provide support to groups – notably the Development Trusts Association Scotland's Community Ownership Support Service (COSS) and Highlands and Islands Enterprise (HIE). HIE have provided funding in the last year for community groups to commission options appraisals and a Social Return on Investment report in support of potential CATs.

During the last year we have worked with a number of groups looking to acquire a diverse range of assets, e.g. open spaces to develop and enhance recreational facilities, public toilets and pavilions to retain and improve these facilities for the community, and office buildings to develop a community hub.

Community Rent Rebates

The Council brought the management of its former Community Rental Grant Scheme within the purview of its CAT Scheme. In August 2022, the Council agreed to extend the Scheme to provide an opportunity to all existing voluntary and community organisations that lease property from the Council to apply for a rent rebate whenever their rent falls due to be reviewed. This element of the scheme is not covered by the Community Empowerment legislation and all applications are considered entirely at the Council's discretion. Applications must be supported by a robust business case demonstrating ongoing benefits commensurate with the rebate being applied for.

Council Asset Register

Section 94 of the Act requires public authorities to make available a register of land and buildings that are owned or leased by the authority. Communities can find out more about the Council's land and buildings from its map-based Asset Register. The full register is available to search or download through the Council's Open Mapping Data Portal 1.



Open Mapping Data Portal:

<https://data-moray.opendata.arcgis.com/>

Contact Us

Further information on the scheme is available from the Council's CAT team or its Community Support Unit (CSU).



by post:

Moray Council, High Street, Elgin IV30 1BX



by phone:

01343 543451



by email:

CAT@moray.gov.uk or CSU@moray.gov.uk



on the web:

<http://www.moray.gov.uk/CAT>

Appendices

Appendix 1

The following asset transfer requests were dealt with during the reporting period 1 April 2022 to 31 March 2023. No validated asset transfer requests were awaiting a decision and no decisions were the subject of a review or appeal during the reporting period.

Table 1. Asset transfers completed by 31 March 2022

Property	Community Body	Type	Transferred	Notes
Findochty Town Hall	Findochty Town Hall (SCIO)	Ownership	21/07/2022	
West Dunes Toilets, Findhorn	Findhorn Village Conservation Company	Ownership	12/10/2022	
Garmouth Water Tower	Garmouth and Kingston Community Association	Ownership	19/12/2022	

Table 2. Approved Asset Transfer Requests Awaiting Completion

Property	Community Body	Type	Approved	Notes
Fishermen's Hall, Buckie	Fishermen's Hall Trust	Ownership	30/11/2021	
Land, Coulardbank Park, Lossiemouth	Lossiemouth Community Development Trust	Lease	06/10/2020	

Table 3. Refused Asset Transfer Requests

Property	Community Body	Type	Refused	Notes
Land, Bogton Road, Forres	Transition Town Forres	Ownership	30/08/2022	

Table 4. Withdrawn Asset Transfer Requests

Property	Community Body	Type	Withdrawn	Notes
Alice Littler Park, Aberlour	Aberlour Community Association	Ownership	03/02/2023	

Appendix 2

The following assets were transferred prior to the current reporting year but after Part 5 of the Community Empowerment (Scotland) Act 2015 came into force on 23 January 2017. No asset transfers were completed between 23 January 2017 and 31 March 2017.

Table 1. Asset transfers completed from 1 April 2021 to 31 March 2022

Property	Community Body	Type	Transferred
Cullen Community and Residential Centre	Three Kings Cullen Association	Ownership	05/11/2021

Table 2. Asset transfers completed from 1 April 2020 to 31 March 2021

Property	Community Body	Type	Transferred
Dufftown Sports and Community Centre	Dufftown Community Centre (SCIO)	Ownership	05/03/2021
Forres Town Hall	Forres Area Community Trust	Ownership	26/02/2021
Land, Lesser Borough Briggs, Elgin	Elgin Sports Community Trust	Lease	23/11/2020

Table 3. Asset transfers completed from 1 April 2019 to 31 March 2020

Property	Community Body	Type	Transferred
Portknockie Bowling Green and Tennis Courts	Portknockie Bowling and Tennis Club	Ownership	08/11/2019
Marine Park, Lossiemouth	Action Marine Park	Ownership	05/06/2019

Table 4. Asset transfers completed from 1 April 2018 to 31 March 2019

Property	Community Body	Type	Transferred
Cabrach School and Community Hall	Cabrach Trust	Ownership	24/10/2018
Abbeylands School, Kinloss	Morayvia	Ownership	05/10/2018

Table 5. Asset transfers completed from 1 April 2017 to 31 March 2018

Property	Community Body	Type	Transferred
Tomintoul Bowling Green	Tomintoul and Glenlivet Bowling Club	Ownership	25/05/2017
Tomintoul Youth Hostel	Tomintoul and Glenlivet Development Trust	Ownership	19/04/2017
Tomintoul Museum	Tomintoul and Glenlivet Development Trust	Ownership	19/04/2017

