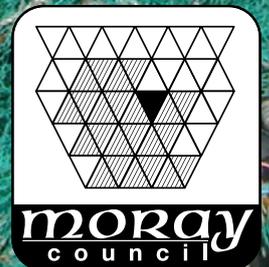


Community Asset Transfer

Annual Report: 1 April 2021 to 31 March 2022



Empowering Communities

Moray Council has long recognised the important role that the transfer of property 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 to build capacity by becoming more informed, involved and influential in service design and delivery. 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 legal requirement that all asset transfer requests be made under the Act. In the interests of transparency and completeness, details of requests received outwith the Act are included in this report.

This report covers the period 1 April 2021 to 31 March 2022. During this time, Moray Council has:

- validated two requests for the transfer of ownership of property assets held by the Council,
- issued decision notices agreeing to two asset transfer requests, and
- completed one transfer of ownership.

A full list of asset transfer requests dealt with during the reporting period is shown in Appendix 1. Previous successfully completed asset transfers since the introduction of the Act are shown in Appendix 2.

Section 94 of the Act requires public authorities to make available a register of land and buildings that is 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 [asset register](#) is available to search or download through the Council's [Open Mapping Data Portal](#).

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 is eligible, 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. During the last year, groups have been supported with addressing governance issues (e.g. Portknockie Community Association who have recently been registered as a SCIO with OCSR), exploring options for groups seeking an asset for their activities (e.g. Elgin Men's Shed), support with the planning of community consultation (e.g. Forres Skate Park Initiative), and with information on sources of external support for their CAT proposals.

Officers from the CSU will work with groups pursuing a CAT of a building in their community 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.

Completed Transfers

The Three Kings Cullen Association is a community-controlled company that was formed in May 2018 in response to the potential closure of the Cullen Community and Residential Centre. The association quickly gained the support of its community to pursue a CAT of the centre. It was supported in preparing its business case by the Council's Community Support Unit, Highland and Islands Enterprise, and the Development Trusts Association Scotland. The association was successful in securing an initial lease of the centre while it developed its plans to take over responsibility for the facility permanently. The association's formal CAT request was approved in August 2020, with ownership of the property transferring to the association in November 2021 despite the difficulties posed by dealing with the pandemic-related lockdown during the period of its lease. The transfer included an agreement to lease back the Cullen Library to the Council.

Approved Transfers

In June 2021, the Council agreed to transfer ownership of the Findhorn Beach public toilets to the Findhorn Village Conservation Company. The company intends to improve the nature of the facilities available to the increasing number of visitors to the village.

In November 2021, the Council agreed to transfer ownership of Buckie's Fishermen's Hall to the Fishermen's Hall Trust. The trust was successful in securing an initial lease of the hall while it developed its plans to take over responsibility for the facility permanently in order to ensure that the facility remains as an important hub supporting the needs of its community.

Transfers agreed in the previous financial year continued to be progressed for three other cases.

Expressions of Interest

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

- check whether the community body is eligible to make a request 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, and
- identify as far as possible any other material considerations that would be taken into account in determining an asset transfer request for the property.

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 eight asset transfer requests shown in Appendix 1, we dealt with twenty-one expressions of interest during the period covered by this report, sixteen of which remain current as at 31 March 2022.

Contact Us

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



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

Appendices

Appendix 1

The following asset transfer requests were dealt with during the reporting period 1 April 2021 to 31 March 2022.

Table 1. Asset transfers completed by 31 March 2022

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

Table 2. Asset transfer requests approved but not yet completed by 31 March 2022

Property	Community Body	Type	Approved	Notes
Fishermen's Hall, Buckie	Fishermen's Hall Trust	Ownership	30/11/2021	Court consent for transfer of inalienable common good asset applied for.
West Dunes Toilets, Findhorn	Findhorn Village Conservation Company	Ownership	08/06/2021	
Alice Littler Park, Aberlour	Aberlour Community Association	Ownership	06/10/2020	
Land, Coularbank Park, Lossiemouth	Lossiemouth Community Development Trust	Lease	06/10/2020	Court consent for long lease of an inalienable common good asset granted on 12 January 2021.
Findochty Town Hall	Findochty Town Hall (SCIO)	Ownership	06/10/2020	Court consent for transfer of an inalienable common good asset granted on 7 May 2021.

Table 3. Validated asset transfer requests awaiting a decision as at 31 March 2022

Property	Community Body	Type	Validated	Notes
Garmouth Water Tower	Garmouth and Kingston Community Association	Ownership	18/03/2022	
Land, Bogton Road, Forres	Transition Town Forres	Ownership	03/11/2021	

No asset transfer requests were refused and no decisions were the subject of a review or appeal during the year.

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.

Table 1. 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 2. 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 3. 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 4. 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

No assets transfers were completed between 23 January 2017 and 31 March 2017.