

# **COMMUNITY ASSET TRANSFER GUIDE FOR COMMUNITY TRANSFER BODIES**

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## **1. WELCOME**

- 1.1 This guide is for all voluntary and community groups (community transfer bodies) interested in acquiring assets owned by Dundee City Council in order to develop and deliver services and generate benefits for local communities. This guide will explain how to apply for the transfer of an Asset and how we will support you to do this.

## **2 WHAT IS COMMUNITY ASSET TRANSFER**

- 2.1 In 2009 the Scottish Government and COSLA published a Community Empowerment Action Plan. The Community Empowerment (Scotland) Act 2015 (<http://www.gov.scot/topics/people/engage/AssetTransfer>) has moved this forward.
- 2.2 The voluntary approach, already established by the public sector, has been replaced with the introduction of a right for 'Community Transfer Bodies' to make requests to all local authorities, Scottish Ministers and a wide range of other public authorities, for any land or buildings they feel they could make better use of. Community Transfer Bodies can request ownership, lease or other rights, as they wish. The Act requires public authorities to assess requests transparently by placing paperwork relating to requests online.
- 2.3 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.

2.4 Under Section 96 of the Act, guidance has been made available to:-

(i) Community Transfer Bodies (CTB)

<http://www.gov.scot/Topics/People/engage/assettransfer>

(ii) Local Authorities

<http://www.gov.scot/Topics/People/engage/assettransfer>

2.5 There is no legal requirement for all sales, leases and other arrangements with community bodies to go through the system provided by the Act. Where both parties are happy to make arrangements by negotiation, then they can continue to do so. For example, facilities that have routinely been made available for short term use by communities will/can continue to be made available through existing arrangements.

Before you make an asset transfer request you are strongly advised to e-mail the Council's Community Partnership manager at [asset.transfer@dundeecity.gov.uk](mailto:asset.transfer@dundeecity.gov.uk) who will be able to help.

2.7. Community Transfer Bodies need to consider what they want their project to achieve. This will help groups consider whether they need an asset to deliver their aims, and look for somewhere suitable. This is highlighted in advice from the Community Ownership Support Services

<http://www.dtascommunityownership.org.uk>

### **3. HOW TO APPLY TO DUNDEE CITY COUNCIL**

3.1 Before submitting an asset transfer request it is strongly recommended that you read the Scottish Government's Asset Transfer Guidance for Community Transfer Bodies.

<http://www.gov.scot/topics/People/engage/AssetTransfer>

While Community Transfer Bodies have the right to make an asset transfer request at any time, the guidance recognises the importance of making contact with Dundee City Council before making an asset transfer request. Please contact the Community Partnership Manager [nicky.maccrimmon at asset.transfer@dundeecity.gov.uk](mailto:nicky.maccrimmon@dundeecity.gov.uk) to discuss your proposal.

- 3.2 If you are not eligible to make an asset transfer request under the terms of the act or if you wish to make a request without the protection of the Act, then you should discuss your proposals with Dundee City Council's Community Partnership Manager Nicky MacCrimmon at [asset.transfer@dundeecity.gov.uk](mailto:asset.transfer@dundeecity.gov.uk) who will be able to discuss possible alternative options.
- 3.3 Please note you do not need to be a qualifying Community Transfer Body as defined in Section 19 of the Community Empowerment (Scotland) Act 2015 in order for us to discuss the Dundee City Council Asset Transfer pre-application process with you.
- 3.4 Dundee City Council has developed a pre-application process for community bodies who have identified a suitable building or piece of land for their project. <https://www.dundeecity.gov.uk/service-area/neighbourhood-services/housing-and-communities/community-empowerment/community-asset-transfer>  
Dundee City Council can support you to prepare for the asset transfer process and help identify any relevant issues you will need to address in your asset transfer request.
- 3.5 An Asset Transfer Request form <https://www.dundeecity.gov.uk/service-area/neighbourhood-services/housing-and-communities/community-empowerment/community-asset-transfer> has been prepared to help you provide all the information needed for a valid Asset Transfer request. You do not need to use this form to make a request but you must provide all the required information.
- 3.6 In terms of Section 5 of the Procedure Regulations, an asset transfer request is not treated as having been made until all the required information is received.

For more information about what is required please refer to Chapter 8 of the Scottish Government Asset Transfer Guidance for Community Transfer Bodies <http://www.gov.scot/Topics/People/engage/AssetTransfer>

- 3.7 Dundee City Council must agree to a request unless there are “reasonable grounds for refusal”. There is no definition of “reasonable grounds” provided in the guidance and will need to be interpreted on a case by case basis. The decision making process provides for a comparison between the benefits of the Community Transfer Bodies proposal and the benefits of any alternative, including the current use.
- 3.8 Community Transfer Bodies should note that, the legislation, where appropriate, requires the Council to formally consider the transfer of an asset, with both a right of review undertaken by the Council and, where appropriate, a further right of appeal to the Scottish Government. In considering any application the Council shall always take into account a situation where the asset is already being occupied and used. The Council would not pre-judge any application that is received. The fact that the asset in question is already occupied and used and in terms of such occupation and use will have an important bearing on any decision making. Accordingly an application that is made for an asset that is not already occupied and used will be met more favourably where there is not a competing consideration.
- 3.9 All pre-application requests and asset transfer requests can be e-mailed to [asset.transfer@dundeecity.gov.uk](mailto:asset.transfer@dundeecity.gov.uk) or posted to Community Partnership Manager, Mitchell Street Centre, Mitchell Street, Dundee DD2 2LJ.

#### **4. ASSET REGISTER**

- 4.1 Section 94 of the Community Empowerment (Scotland) Act 2015 (the Act) requires Dundee City Council to make available a register of land and buildings that it owns or leases “to the best of its knowledge and belief”. The inclusion of an asset on the register is a requirement of the Act and does not necessarily imply that Dundee City Council is actively seeking to transfer that asset to the community. <https://www.dundee.gov.uk/service-area/neighbourhood-services/housing-and-communities/community-empowerment/community-asset-transfer>

Additional information relating to individual rateable properties can be found at [www.saa.gov.uk](http://www.saa.gov.uk)

#### **5. COMMITMENT TO CAPACITY BUILDING AND SUPPORT**

- 5.1. Dundee City Council recognises that voluntary and community groups across Dundee are at different stages of maturity and has made a commitment to promoting transfer options through awareness raising, outreach and support. Officers from a wide range of services are actively working with voluntary and community organisations to build capacity and to provide them with the confidence and skills to take on the management of an asset.
- 5.2. Dundee City Council will work in partnership with community transfer bodies to support them through the asset transfer process. However, there will be professional costs associated with any Asset Transfer and community transfer bodies must consider how they will meet these costs. Costs may include architects and surveyors fees, consultancy fees and legal fees. These costs will be incurred when calling on independent professional advice to help with the transfer process. You must consider seeking independent professional advice when developing a plan for community asset transfer, along with the costs of maintaining any asset.
- 5.3. There are a range of funding options available which can enable community transfer bodies to purchase assets from the Council. These can involve grants,

borrowing and fundraising and it is important that community transfer bodies investigate these in full. Commercial borrowing is another option but any repayments would need to feature in the Business Plan. The Council may also be able to help with some of the costs associated with the transfer, however, it is important that the level of support needed is established at an early stage in the process. There are also organisations who can provide support for little or no cost.

## **6. THINGS YOU NEED TO THINK ABOUT BEFORE CONSIDERING A COMMUNITY ASSET TRANSFER**

1. Clearly define/identify what your project is for. It is important to be clear at the outset what your project aims to achieve.
2. Do you have the appropriate robust governance structures in place?
3. Do you have any outstanding debt with Dundee City Council?
4. Which community do you represent and which community will your project work with? This should be detailed in your governance documents.
5. Is there a need for your project? You will need to provide evidence of community consultation to show how your organisation has established need. You will also need to consider whether any other group / organisation is providing the same or a similar project.
6. Do you need a property to deliver your project? If yes please think about how much space you will require, what type of space (i.e. office, storage, kitchen, space for sporting activities etc) and where any property should be located?
7. How will your organisation pay for the asset (either purchase or rent) taking into account any social value / community benefit? As part of any application you will need to submit a business plan including cashflows detailing your

organisations financial capability and sustainability. The business plan will also need to provide information about your organisational capacity to deliver and sustain the project and how you will meet future operational costs.

8. How will you provide evidence of Community benefit which must promote or improve:

- Economic development
- Regeneration
- Public Health
- Social Wellbeing
- Environmental Wellbeing
- And reduce inequality

## **7. HOW THE COUNCIL WILL ASSESS YOUR APPLICATION:**

Upon submission of a valid asset transfer request, an evaluation will be carried out by Dundee City Council's Community Asset Transfer Group. This group is made up of officers from a number of service areas across Dundee City Council (Neighbourhood Services, City Development, Finance and Legal). Other officers from different service areas will be involved as required. The Community Asset Transfer Group will then make a recommendation to the elected members as to whether to agree to the request or not.

The Council has a duty to secure best value for public money and can sell or lease at less than market value where there are wider public benefits to be gained. The information provided in the asset transfer request should demonstrate that the project has clear objectives, including projected outcomes and impacts sought by your organisation alongside any associated dependencies, constraints and risk identified. The benefits of the request should be proportionate to the value of the asset and the level of discount.

The assessment will be based on the information received in the application. The type of information and level of detail required will differ depending on the nature of the request. The Council may ask for clarification or more detail on any issues necessary for our decision.

The application will be assessed based on the following best value characteristics. The Council will use a weighted scoring method with each of the three categories below allocated a different percentage weighting:

**1. Viability (40%)**

Leadership; Governance and Accountability; Use of Resources; Sustainability/Work and Performance Management.

**2. Benefits and Impact (20%)**

Finances; Equality, Contribution to Management of DCC; and Sustainable Development.

**3. Community Support & Non-Financial Benefit (40%)**

Effective Partnerships; Community Support, Non-financial and Wider Public Support.

For more information please see our website

**USEFUL CONTACTS:-**

**Nicky MacCrimmon, Community Partnership Manager**, based in Mitchell Street Centre, Mitchell Street, Dundee DD2 2LJ. Will provide information about Asset Transfer and support through the pre application and application processes.

[asset.transfer@dundeecity.gov.uk](mailto:asset.transfer@dundeecity.gov.uk)

01382 435822

**Communities Officers** are based across the eight wards in Dundee and will be able to provide your organisation with information about community planning and community priorities at local level and support to develop your ideas.

Communities Officer – Strathmartine (contact [nicky.maccrimmon@dundeecity.gov.uk](mailto:nicky.maccrimmon@dundeecity.gov.uk))

Mike Welsh, Communities Officer – Lochee Ward	01382 431839
<a href="mailto:mike.welsh@dundeecity.gov.uk">mike.welsh@dundeecity.gov.uk</a>	
Vanessa Kelly, Communities Officer (26 hrs) – West End Ward	01382 435873
<a href="mailto:vanessa.kelly@dundeecity.gov.uk">vanessa.kelly@dundeecity.gov.uk</a>	
Elaine Pratt, Communities Officer – Coldside Ward	01382 433444
<a href="mailto:elaine.pratt@dundeecity.gov.uk">elaine.pratt@dundeecity.gov.uk</a>	
Stuart Fairweather, Communities Officer – Maryfield Ward	01382 438858
<a href="mailto:stuart.fairweather@dundeecity.gov.uk">stuart.fairweather@dundeecity.gov.uk</a>	
Carole Jenkins, Communities Officer – North East	01382 438596
<a href="mailto:carole.jenkins@dundeecity.gov.uk">carole.jenkins@dundeecity.gov.uk</a>	
Christine Miller, Communities Officer – East End Ward	01382 436910
<a href="mailto:christine.miller@dundeecity.gov.uk">christine.miller@dundeecity.gov.uk</a>	
Natalie Mackland, Communities Officer (26 hrs) – The Ferry Ward	01382 436796
<a href="mailto:natalie.mackland@dundeecity.gov.uk">natalie.mackland@dundeecity.gov.uk</a>	

#### **CLD Regeneration & Participation Workers – Strathmartine, Lochee & West End**

Hazel Feilder <a href="mailto:hazel.feilder@dundeecity.gov.uk">hazel.feilder@dundeecity.gov.uk</a>	01382 436364
Claire Ramsay <a href="mailto:claire.ramsay@dundeecity.gov.uk">claire.ramsay@dundeecity.gov.uk</a>	01382 431838
Emma Boa <a href="mailto:emma.boa@dundeecity.gov.uk">emma.boa@dundeecity.gov.uk</a>	01382 431838

#### **CLD Regeneration & Participation Workers – Coldside & Maryfield**

Jennifer Livingstone <a href="mailto:jennifer.livingstone@dundeecity.gov.uk">jennifer.livingstone@dundeecity.gov.uk</a>	01382 433520
Val Kane <a href="mailto:val.kane@dundeecity.gov.uk">val.kane@dundeecity.gov.uk</a>	01382 438856

#### **CLD Regeneration & Participation Workers – North East, East End and The Ferry**

Jacqui Fleming <a href="mailto:jacqueline.fleming@dundeecity.gov.uk">jacqueline.fleming@dundeecity.gov.uk</a>	01382 438593
Joanne Kelly <a href="mailto:joanne.kelly@dundeecity.gov.uk">joanne.kelly@dundeecity.gov.uk</a>	01382 438593
Lydia Banks <a href="mailto:lydia.banks@dundeecity.gov.uk">lydia.banks@dundeecity.gov.uk</a>	01382 438629
Hayley Tunstall <a href="mailto:hayley.tunstall@dundeecity.gov.uk">hayley.tunstall@dundeecity.gov.uk</a>	01382 436797

#### **Green Space and Community Growing Officers –**

Alison Anderson <a href="mailto:alison.anderson@dundeecity.gov.uk">alison.anderson@dundeecity.gov.uk</a>	01382 434737
Kate Treharne <a href="mailto:kate.treharne@dundeecity.gov.uk">kate.treharne@dundeecity.gov.uk</a>	01382 432736

## **DUNDEE THIRD SECTOR INTERFACE**

The Dundee Third Sector Interface (TSI) is a partnership between Dundee Social Enterprise Network, Dundee Voluntary Action and Volunteer Dundee. Dundee TSI's priorities are to develop and support social enterprises and voluntary organisations and to promote and support volunteering.

**Dundee Voluntary Action** provides support to local third sector infrastructure in Dundee

Website: [www.dva.scot](http://www.dva.scot) E.mail: [dva@dva.scot](mailto:dva@dva.scot) Telephone: 01382 305731

**Dundee Social Enterprise Network** specifically supports and promotes the activity of social enterprises in Dundee.

Website: [www.dundeesen.org](http://www.dundeesen.org)

E.mail: [admin@dundeesen.org](mailto:admin@dundeesen.org) Telephone: 01382 504848

**Volunteer Dundee** supports local volunteers and local volunteer involving organisations in Dundee

Website: [www.volunteerdundee.org](http://www.volunteerdundee.org)

E.mail: [info@volunteerdundee.org](mailto:info@volunteerdundee.org) Telephone 01382 305705

**COMMUNITY OWNERSHIP SUPPORT SERVICE** provides support to community groups based in Scotland to take a stake in, or ownership of, land or buildings owned, leased or managed by public authorities. Aims to provide individual community groups and public bodies with a bespoke support service which may include expert advice on all aspects of asset transfer, training courses on asset transfer and the asset development process and sign posting to other support agencies.

<http://www.dtascommunityownership.org.uk/community/community-asset-transfer/getting-started-asset-transfer/are-you-ready>

Email: [coss@dtascot.org.uk](mailto:coss@dtascot.org.uk)

Telephone: 0131 225 2080

## USEFUL INFORMATION:-

### 1. DUNDEE PARTNERSHIP (<http://www.dundeepartnership.co.uk/>)

This website provides community bodies with a wide range of demographic and community information which will help when completing an asset transfer request form, funding applications and producing a business plan.

The section, Local Community Planning, <http://www.dundeepartnership.co.uk/content/local-community-planning>

provides detailed community information and community profiles at Ward level. The Communities Officers and Community Regeneration and Participation Workers will be able to help support you with advice about the local area, funding opportunities and help with establishing community need and benefit.

## SCOTTISH GOVERNMENT

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.

Section 96 of the Act, guidance has been made available to:-

Community Transfer Bodies (CTB)

<http://www.gov.scot/Topics/People/engage/assettransfer>

Local Authorities

<http://www.gov.scot/Topics/People/engage/assettransfer>

## GOVERNANCE, LEGAL AND FUNDING

**Senscot Legal** provides support in legal matters to the social enterprise community and wider third sector in Scotland <http://se-legal.net/>

**Business Gateway Tayside** provides free, expert, local assistance and advice

<https://www.bgateway.com/local-offices/dundee>

**OSCR** (Office of the Scottish Charity Regulator) are the independent Regulator and registrar for Scotland's charities, including community groups, religious charities, schools, universities, grant giving charities, and major care providers

<https://www.oscr.org.uk/>

**Scottish FA** guide to Community Asset Transfers is aimed at football clubs across Scotland who are either considering or in the process of negotiating a change in the way they manage and secure facilities in their local community

<http://scotfa.co/CATguide>

**Scottish Land Fund** supports communities to become more resilient and sustainable through the ownership and management of land and buildings and will fund projects that empower communities through asset ownership

<http://www.communitylandscotland.org.uk/tag/scottish-land-fund/>

**Big Lottery** which helps Scottish communities acquire and manage land and assets through a number of funding streams [advicescotland@biglotteryfund.org.uk](mailto:advicescotland@biglotteryfund.org.uk)

**Scottish Council for Voluntary Organisations (SCVO)** is the membership organisation for Scotland's charities, voluntary organisations and social enterprises. It supports, promotes and connects organisations from across the third sector in Scotland. <http://www.scvo.org.uk/about-us/>

