



Community Asset Transfer Strategy

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1. Introduction

The policy intent of this Strategy was agreed by the Communities Committee on 16 October 2016 as follows:

‘to empower communities through their ownership of properties across the region. The primary purpose is community benefit with a secondary but aspect that it makes a positive contribution to the Council’s long term budget position’.

Community Asset Transfer (CAT) is therefore not just about the transfer of land, buildings and structures; rather it is part of a wider picture in helping communities meet their shared aspirations and visions. It is about helping and empowering communities make best use of their local assets to become resilient, entrepreneurial; and thriving in a fiscal climate where the capacity for councils to continue to deliver services in the traditional manner becomes challenging.

Our Council values local empowerment, respects our communities, works in partnership and with communities to sustain services. We do not want to do things “to” communities but rather want to “work with” them so they can ‘do it for themselves’.

Our Council accepts that community ownership and control of land and buildings can make a major contribution towards strengthening and empowering local groups to create thriving places to live - we owns a wide range of land and buildings and appreciate that communities may have a vision, which can benefit from ownership of some of these assets, to address local needs and improve outcomes.

Community asset management is one aspect of empowerment – combined with greater engagement, participatory democracy and supported volunteering there is great potential for a more equal relationship between our Council and our communities when working together

We want to leave a legacy of skills within the local community; our support should leave community groups more empowered and with a greater range of abilities and experience to take on other challenges.

2. Definitions

Throughout the CAT Strategy and the associated Procedure, there are certain terms which are used – some are drawn from the legislation and some have been developed for use in Dumfries and Galloway Council. Here is an explanation of what they mean:

Term	Definition
Clear Title	That the Council has the right to dispose of an asset and that the asset is free of any encumbrances which would restrict or prohibit this.
Community Asset Transfer	Legal ownership of an asset is transferred from a public body, such as a council, to another organisation for 'less than best consideration'. This is permitted under the Disposal of Land by Local Authorities (Scotland) Regulations 2010 as long as the proposals pass tests of reasonableness and community benefit.
Community facilities	town halls, village halls and community centres which provide space for groups or individuals and community groups to meet and undertake n group activities.
Community Group	The formality of a group may change as a vision develops into a business plan. Initially, a group may be nothing more than a community of interest. However, by the time a Stage 1 application is submitted, it should be formally constituted as a voluntary organisation. The final form of a group can be influenced by the business plan and intended funding route, however it needs to be a "legal entity" which is able to own Property. (<i>Section 5 Community Transfer Body</i>)
Competent Application	An application will only be accepted once evidence for all the conditions in the Stage 2 process have been sufficiently evidenced.
Social Capital	the number of people who can be expected to provide support and the resources those people have at their disposal (<i>Bourdieu and Wacquant</i>)
Sustainable	Community groups will need to generate income to sustain their activities and be able to maintain an asset into the future. Whilst any business plan will contain assumptions and forecasts, in the context of the Stage 2 assessment, it should appear to have a reasonable chance of success over at least a 3-5 year period. These conditions should not be dependent on continuous Council funding.
TUPE	The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) protects employees' terms and conditions of employment when a business is transferred from one owner to another. Employees of the previous owner when the business changes hands automatically become employees of the new employer on the same terms and conditions. It's as if their employment contracts had originally been made with the new employer. Their continuity of service and any other rights are all preserved.

Term	Definition
Wellbeing	<p>Wellbeing is a subjective evaluation of how we feel about and experience our lives. Wellbeing, positive mental health and mental wellbeing are often used interchangeably, although 'wellbeing' is also used in a broader sense to include physical health.</p> <p>Community wellbeing includes characteristics familiar from the literature on social capital e.g. trust, tolerance, participation, influence, mutual aid, social networks and social support. Other indicators of collective wellbeing are 'collective efficacy' i.e. coming together to solve problems or improve things, intergenerational solidarity and informal social control e.g. neighbourhoods where adults keep an eye on children and young people.</p>
Less than best consideration	<p>Assets have a value: the price they could sell for on the open market. However, it is recognised that outright purchase of an asset, such as a community building, is beyond the reach of many voluntary organisations. Regulations allow ownership to be transferred for less than the market value and this can be done for a nominal sum such as £1.</p>

3. Context

3.1 National

The Community Empowerment (Scotland) Act (CE(S)A) 2015 and associated Guidance and Regulation – this legislation has a specific focus on community asset transfer to help communities realise their ambition through taking on properties. On 23 January 2017 Scottish Government enacted secondary legislation - the Community Empowerment (Scotland) Act 2015 (Regulations) – relating to asset transfer. The Regulations set out additional information to be provided in an asset transfer request and how an application for review or appeal is to be made. They set out the procedures and timescales for publicising a request, review or appeal, seeking representations or additional information from third parties, and giving notice of a decision. The presumption in the Act shifts the balance of power clearly towards the community bodies by requiring Councils and other public bodies to agree the request unless there are reasonable grounds for refusal.

Commission on the Future Delivery of Public Services – this Commission, chaired by Campbell Christie, highlighted that if they are to be effective, public services must empower individuals and communities by involving them in both the design and delivery of services. It advocated a fundamental overhaul of the relationships between institutions responsible for delivering public services and the needs of individuals and communities

3.2 Regional

Asset transfer arrangements across public sector partners - All public sector partners are subject to the CE(S)A 2015 Regulation and Guidance but the different legislative and decision-making routes mean that a common approach is not practicable. However, procedures and documentation are being shared to ensure consistency wherever possible to make it as straightforward as possible for community groups.

The Collaboration Project has been established by Community Planning Executive Group to bring together key local partners with the Scottish Futures Trust to engage with each other and communities to make use of the property and land assets that they have in our locality. The Project is in its early stages with work being undertaken by GIS mapping and Property Managers for our Council and NHSD&G to share information and approaches to asset planning and office strategies.

3.3 Our Council

Priorities and Commitments – Priority Four; to be an inclusive Council' and a specific Commitment 'ensure that local people and communities are at the heart of our decision-making'

Communities Directorate – vision of the Directorate is 'The vision for Communities Directorate in the Council is about: "enabling communities to take increased responsibility for the prioritisation, management and ownership of services and community assets".

Reshape Programme – the Programme agreed by Full Council in December 2014 provided for a Service Review on Enabling Community Empowerment and its findings were reported to the Customer and Communities Committee in March 2016. CAT was a particular area for development, accelerating the opportunities that could be found through CATs and also in better co-ordination between Property and Architectural Services and Communities Directorate a team of Ward Officers and dedicated staff in Community Development and Empowerment were also a result of this Review. The Delivery Plan is current being implemented.

Community Facilities Review– In 2013 our Council identified 68 properties that were appropriate for community asset transfer.

Financial position – the Council’s Budget position is challenging and capital receipts and CAT are important contributors to both income generation and making savings.

4. Development of the Strategy

Our Strategy has been built on feedback from communities, individuals and community groups about previous and current Council CAT activity; benchmarking and experience from other councils; national and best practice advice' consultation with Elected Members, local partners and hard to reach groups; and Impact Assessment.

4.1 Feedback from communities, individuals and community councils:

Association of Public Service Excellence (APSE) Research with community groups, community councils, representative groups of minority communities; staff focus groups; and individual interviews - March 2015

4.2 Benchmarking and experience of other councils

Analysis of Strategies and discussions with a wide range of other councils in Scotland and England particularly Argyll and Bute, East Ayrshire, North Lanarkshire, Scottish Borders and South Lanarkshire

4.3 National and best practice advice

Development Trusts Association Scotland

4.4 Consultation with Elected Members

- Briefing and discussion session – February 2017

4.5 Consultation with local partners

- Community Learning and Development Partners' Strategy Policy Group; and Trades Unions – discussions – February 2017

4.6 Consultation with the Community Planning Equality and Diversity Group

- Representative organisations for Protected Characteristics particularly age, disability, gender, race, sexuality and religion – facilitated discussion – February 2017

4.7 Stakeholder Impact Assessment

7 positive impacts; 6 neutral; 0 negative – February 2017

4. 8 What did CAT Groups tell us?

- It is hard to understand asset transfer. We need simple guidance, online if possible.
- It can be hard to navigate your way around the Council. We need one point of contact to do the “legwork” with the Council on our behalf.
- Third sector Dumfries and Galloway and the Council work with us. We need them to be talking to each other and clear on roles.
- It is hard to know where to go for advice and support.
- Business planning is not our game. We have ideas to help our communities but we are not business planners and need support to develop our vision into a working plan.
- We don't know what properties the Council owns and what's available. We need a list of the properties.
- We need good quality information about properties, including valuation and former running costs
- We don't want to take time to submit an application only to have it rejected for things we could have been told earlier in the process- we need early support
- We want a dedicated worker for short periods who can help us with all aspects of community asset transfer
- We want the process to be speeded up

5. Our Objectives

In order to achieve the policy intent of the Strategy we have identified four specific Objectives which will shape the detailed activity we undertake:

Objective 1

To promote CAT as a key aspect of community empowerment.

Objective 2

To support community groups throughout the CAT process

Objective 3

To ensure transparency and fairness in our decision-making

Objective 4

To put the customer first and respond to what our service users (CAT) groups and people supporting them are telling us about future improvements

6. Delivering and monitoring the Strategy

Delivering the Strategy

- Set out clear Procedures for a CAT
 - Alongside this Strategy is a detailed Procedure which sets out step by step how a CAT is developed and put into place. A summary is shown in Figure 1.
- Training and development
 - Officers across the Council are being trained in the CAT Procedure
 - The Ward Officers have, and will continue to develop, expertise in working with community groups to develop their skills and abilities in all requirements.
 - Other associated skills such as the Place Standard and Plain English

- Support for community groups.

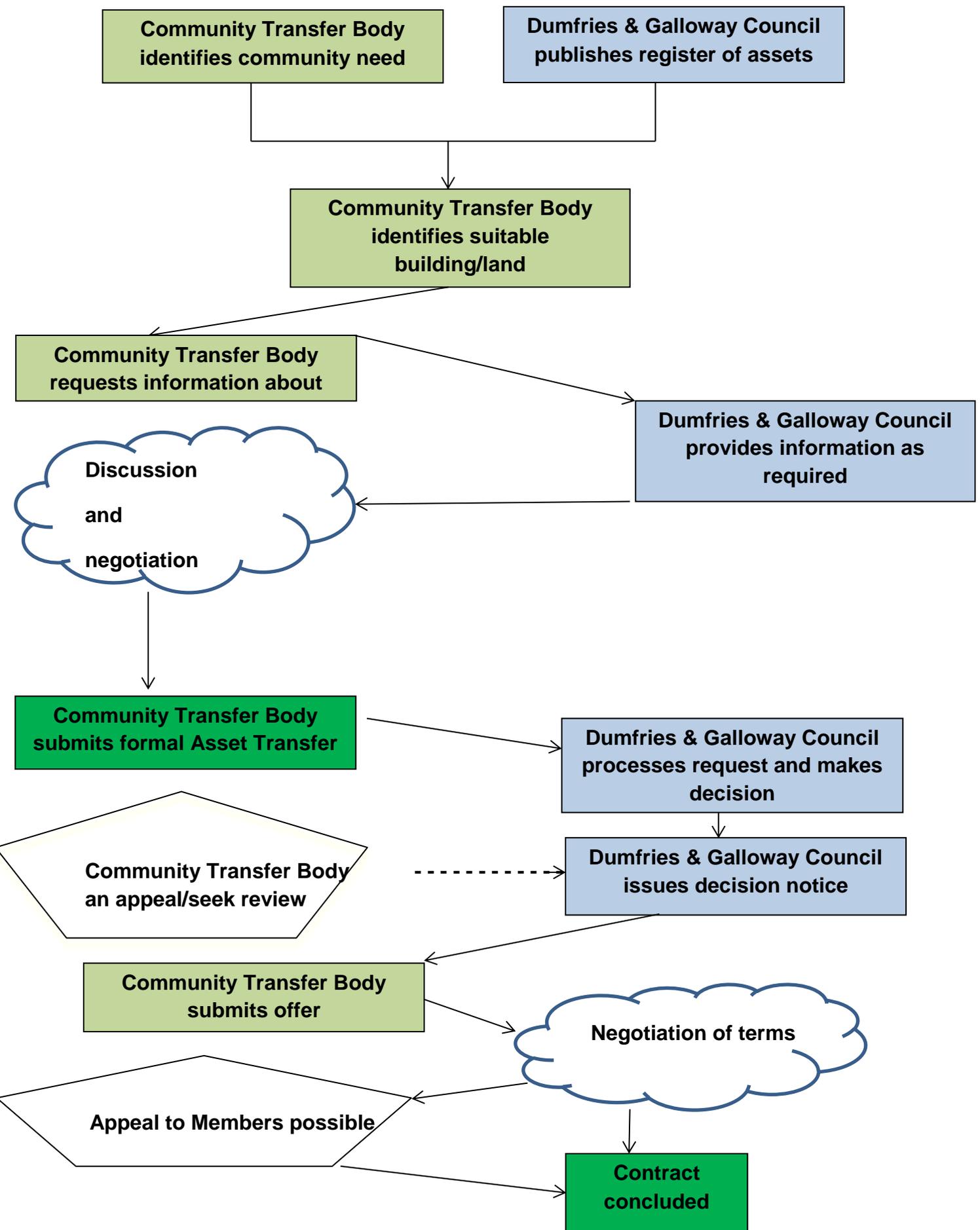
This is a significant aspect of the Strategy and the Procedure gives details of the different types of support and options available to community groups to maximise their potential for undertaking a CAT. There are three specific aspects to this support:

- Providing a single point of contact – the Community Development and Empowerment Manager initially and then the relevant Ward officer. Their role includes assisting community groups in capacity building; accessing specialist support and funding advice from Council services (for business planning, engagement with their residents, property management) and partners. A particular focus will be on areas where social capital is low so that the empowerment of individuals and communities has the greatest positive impact. Proportionate after-transfer assistance will also be given.
 - Signposting community groups to assistance independent from the Council. There are a number of national and local organisations who can provide assistance and it is a matter for the community group to identify who it chooses to engage with. Third Sector, Dumfries and Galloway as the Third Sector Interface is funded by the Council to provide support to third sector organisations and would one of several sources of advice to community groups, along with its associated Community Asset Management Trust; specialist organisations such as the Development Trusts Association Scotland also have a successful track record of supporting groups across our region.
 - Ensuring our Procedure and documentation is clear, easy to understand and access. Plain English Crystal Marks for materials and testing out the user friendly web information – particularly about the properties themselves - will be part of our support.
- Maximising technology
 - There are good examples of using webpages to promote available property and the position of individual properties in the CAT procedure to ensure full transparency.

Monitoring the Strategy

- Communities Directorate Business Plan –there is already a Project about the delivery of the agreed programme of CATs in the Business Plan for 2015-18; and therefore six monthly reports to Committees. Additional CATs will also feature as Projects in the Business Plan and reported at local level.
- Annual Report - In line with the new legislation, an Annual Report will be prepared and submitted to the relevant Committee, listing all asset transfer applications received and detailing the number which have been agreed, refused, appealed etc. It will also report on action it has taken to promote the use of asset transfer requests and to support community transfer bodies to make requests. In line with Scottish Government requirements, the first annual report will be produced before 30 June 2018.

Figure 1 – Dumfries and Galloway Council CAT procedure



5 Evaluating the impact of the Strategy

The monitoring of the number of CATs in itself does not tell us what impact the Strategy has had on the empowerment of communities. There needs to be a dialogue with people who live in communities where CATs have been progressed – those that were successful, and also where they have not succeeded, if there are any in that position.

The Social Capital Index being developed by NHSD&G will assist in determining the impact of the Strategy but in addition, there are evaluation tools which can be applied. This is an area of work in development at both national and local levels and it would be appropriate for the Annual Report to make reference to this.

Appendix 1

Strategies and Plans that link to the Community Asset Transfer Strategy

Dumfries and Galloway Council Anti-Poverty Strategy

Dumfries and Galloway Council Capital Programme

Dumfries and Galloway Community Learning and Development Partners' Strategic Plan 2015-18– Outcome 4 – Communities and target groups have developed increased capacity to plan and deliver solutions that best meet their needs

Dumfries and Galloway Council Community Participation and Engagement Strategy

Dumfries and Galloway Council Digital and ICT Strategy

Dumfries and Galloway Council Disposal Policy

Dumfries and Galloway Council Volunteering Strategy

In development

Disposal and Acquisition Policy - On 19 March 2013 the Policy and Resources Committee agreed a Disposal Policy for Dumfries & Galloway Council. This includes the option for 'complex disposal at less than best consideration' whereby ownership of a property is transferred to another body for, usually, a nominal sum. This Policy provides for the legal aspects and is due to be updated at the Policy and Resources Committee in March 2017.

Appendix 2

CAT Strategy Action Plan

Action	Link to Objective(s)	timescale	lead
Publish new Procedure and updated CAT Application Forms	2, 3 and 4	April 2017	CDEM
Publish online all Council properties	1, 2 ,3 and 4	<i>April 2017?</i>	PAS
Training for officers in new CAT Procedure	2 and 4	April 2017	CDEM
Establish 'virtual network' of officers to assess Applications	2 and 3	March 2017	CDEM/All Directorates
Establish Appeal mechanism with Elected Members	3	June 2017 (as part of the Council's post-election decision-making structure)	DLSM
Briefing for Councillors in the new CAT Procedure and current CATs	3	June 2017 (as part of the new Council Induction Programme)	CPEM
Review our Procedure with the involvement of CAT groups	4	April 2018	CDEM
Annual Report on CATs	1 and 3	June 2018	CDEM

PAS – Property and Architectural Services Manager

DLSM – Democratic and Legal Services Manager

CDEM – Community Development and Empowerment Manager

CPEM – Community Planning and Engagement Manager