

**Asset Transfer Request
Reporting Template 2019/20 for Relevant Authorities**

Section 95 of the Community Empowerment (Scotland) Act 2015 requires relevant authorities to produce an annual report on Asset Transfer Request activity and publish this no later than 30 June each year.

Following stakeholder feedback and in response to summary evaluations over the last two years (final 3 year evaluation report is due to be published by end of June 2020), this template has been created to help gather asset transfer data for the period 1 April 2019 to 31 March 2020. Information provided will help inform policy and practice at local and national level as the data will be collated and shared by the Scottish Government's Community Empowerment Team. However, it will be for each relevant authority to make their own annual report publicly available by 30 June 2020, whether using this template or not.

Please provide information in the four sections below and email the completed template by 30 June 2020 to community.empowerment@gov.scot.

Section One – Relevant Authority Information

Organisation: **South Ayrshire Council**

Address: South Ayrshire Council, Newton House, 30 Green Street Lane, Ayr, KA8 8BH

Completed by: Tom Burns

Role: Service Lead - Asset Management and Community Asset Transfer, Place Directorate

Email: tom.burns@south-ayrshire.gov.uk

Telephone: 01292 612845

Date of completion: 23 June 2020

Are you the Asset Transfer Lead Contact for the organisation: Yes

If not please provide the name, job title and email address for the lead contact for any queries: N/A

Section 2: Asset Transfer Data in 2019/20

2.1 Please complete the following table:

Total Applications Received in 2019/20	Number of successful applications	Number of unsuccessful applications	Number received in 2019/20 and yet to be determined	Number received prior to 2019/20 and yet to be determined
3	2	1	0	0

2.2 Please provide details of Asset Transfer Requests received which resulted in transfer of ownership, lease, or rights from your relevant authority to a community transfer body in 2019/20:

Name of Community Transfer Body, or community group that will take ownership, lease, or management of the asset.	Date request was validated	Date decision was agreed to transfer the asset	Date transfer completed	Please provide further details, such as: description of the asset / area transferred / amount paid / discount given/ type of ownership / purpose of the transfer.
Colmonell Community Association SCIO SC049177 (CCA)	2 October 2019	26 November 2019	Conclusion of sale in progress	<p>Description of asset: Former public convenience</p> <p>Area transferred: the property known as the former public convenience, Main Street, Colmonell KA26 0RY.</p> <p>Amount paid: the sum of £1.00 (One Pounds) Sterling</p> <p>Discount given: £4,999 (Market value £5,000)</p> <p>Type of ownership: Transfer of ownership</p> <p>Purpose of transfer: CCA proposes to purchase and reopen the public toilets with the key objectives of:</p> <p>-Acquiring a community asset for the village of Colmonell;</p>

			<p>-Reopening the public toilets in the village as a free of charge facility;</p> <p>-Provision of a public access disabled toilet for the village as there are no disabled toilets in the community centre;</p> <p>-An outdoor tap will be used for activities to take place in the adjacent playpark, including the village fund day and mini mudder events;</p> <p>-An outdoor electrical socket will be installed for outdoor Christmas tree lights;</p> <p>-Encourage the community to maintain and look after the toilets.</p> <p>The applicant has outlined how they consider the proposal will promote or improve the following:</p> <ul style="list-style-type: none"> - Economic development: Reopening the toilets will promote economic development as it will encourage people to spend longer in the village and therefore potentially spend more money - Regeneration: Colmonell is on a new tourism route launched in October 2019 with its own app and CCA hope that the route will encourage many new visitors to the area and to local community facilities and access to these facilities is integral to this strategy. - Environmental Wellbeing: The building will be brought back into use and will improve environmental wellbeing within the village as it will no longer be a disused building. - Public health will be promoted as it will provide the public access to safe clean facilities. - Reduce inequalities as there will be provision of public access to disabled toilets and people will be more likely to spend time outdoors if they know public toilets are available if required.
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Council comments: In assessing the market value of £5,000 against the proposed purchase price by CCA of £1,a range of factors were taken into account including:

- The disposal was considered to be reasonable and will remove the former public convenience in Colmonell from Council responsibility including the associated liability of any future costs and repairs.
- CCA demonstrated in the submission that they are a viable community controlled body with suitable skills and the capacity to deliver the proposal.
- The application, business plan and other supporting information provided is considered to be proportionate to the scale and nature of the request whilst the non-financial benefits of the request are proportionate to the value of the asset and justify the proposed discount in market value.
- The applicant has demonstrated that the transfer will promote or improve regeneration, public health, social wellbeing, environmental wellbeing and provide a new facility for the community of Colmonell with a likely positive impact to the protected characteristics of disability in providing the only public access disabled toilet within the local area.
- The former public convenience will be reopened for the benefit of the community of Colmonell including residents, visitors and tourists to the area.
- The request will make a positive contribution towards meeting the strategic objectives of the Council Plan 2018-2020.
- There are no obligations that may prevent, restrict or otherwise affect the Council's ability to agree the request.
- There were considered to be no reasonable grounds for refusing the request.

<p>Friends of Dundonald Castle SCIO (FODC)</p>	<p>7 October 2019</p>	<p>18 February 2020</p>	<p>Conclusion of sale in progress</p>	<p>Description of asset: The existing visitor centre is owned by South Ayrshire Council and leased to FODC since 1 May 2004 for £1 per annum. The original lease term expired in April 2017. As neither party has served a formal notice to bring the lease to an end, under tacit relocation FODC continue to operate the centre on a year to year basis at the passing rent of £1 per annum. The visitor centre building is situated in the grounds of the 14th Century Dundonald Castle. Constructed in the late 1990's, it includes a café, two toilets, small office area, store cupboard, souvenir shop and interpretive exhibition of the history of the castle. The requested adjacent land is owned by South Ayrshire Council, is currently heavily over grown with vegetation and considered by the District Valuer to have amenity use only.</p> <p>Area transferred: The asset known as the Dundonald Castle Visitors Centre and adjacent land, Winehouse Yett, Dundonald, Ayrshire KA2 9HD</p> <p>Amount paid: The sum of £28,000 (Twenty Eight Thousand Pounds) Sterling</p> <p>Discount given: £3,500 (Market value £31,500)</p> <p>Type of ownership: Transfer of ownership</p> <p>Purpose of transfer: FODC reasons for making the request and intended use are summarised as follows:</p> <ul style="list-style-type: none"> - To acquire the existing centre and adjacent land in order to build a new and larger visitor centre as they consider the current centre too small to cope with the increasing numbers of people using the facilities and services. - In building a new centre, it is anticipated that FODC can extend the range of facilities available to visitors, local residents and members of their community. - Through securing ownership of the asset, FODC may be able to access appropriate grant funding from public and private bodies to fund the new centre that they would be unable to access under a lease arrangement with the Council. <p>Council comments: In assessing the market value against the proposed purchase</p>
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price by FODC, the following factors were taken into account by the Council in determining the request:

- The disposal is considered by the Council to be reasonable and will remove the asset from Council responsibility including the associated liability of any future costs and repairs.
- The submitted documentation is considered to be proportionate to the scale and nature of the asset request.
- The non-financial benefits demonstrated throughout the proposal are considered to be proportionate to the value of the asset and justify the proposed discount in market value.
- The proposal has demonstrated that it will make a positive contribution to meeting the strategic objectives of the Council Plan 2018-2020.
- FODC provided adequate evidence that they are a robust and viable organisation, with good standards of governance and the capacity to deliver their proposal.
- Full consideration has been given in the submission to the aims, objectives and vision of FODC who have shown clear thought to the future direction of how the asset transfer will benefit the community post-transfer with comprehensive evidence of need/demand provided including consultation, research and surveys as evidenced in visitor survey, range of letters of support from the community and representations received.
- FODC provided adequate evidence of partnership working arrangements, relevant links with groups, along with strong community engagement activity as evidenced in the asset transfer request, visitor survey, range of letters of support from the community and representations received.
- FODC provided adequate evidence as detailed in the Business Plan, FODC Action Plan 2019 and Report and Financial Statements for the year ended 31 December 2018 that indicates that sufficient financial resources are/will be in place by the time of the asset transfer including costs associated with the transfer of the asset, a satisfactory income and expenditure and cash flow

				<p>forecast has been provided and some consideration has been given to contingency planning in maintaining financial reserves to be utilised to enable operations to continue in the event of an unforeseen or unplanned situation.</p> <ul style="list-style-type: none"> - FODC provided adequate information that confirms they have the necessary capabilities to manage the centre in a manner consistent with FODC's purposes and have undertaken a broad range of consultation to understand any potential impacts of acquiring the asset as evidenced in submitted application form, Business Plan, Constitution, FODC Action Plan 2019, the range of letters of support from the community and representations received. - There are no obligations that may prevent, restrict or otherwise affect the Council's ability to agree the request. - There was considered to be no reasonable grounds for refusing the asset transfer request.
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2.3 Please provide details of Asset Transfer Requests that were refused in 2019/20 and went to a relevant authority appeal or review including whether they were allowed or dismissed:

Name of Community Transfer Body	Was the Asset Transfer Review accepted? (Y/N)	Why was the Review refused? <i>Please provide details of the asset transfer request and reasons for your decision.</i>
Dundonald Gymnastics Club SCIO	No	<p>The Council followed its approved internal process in dealing with the application for a Community Asset Transfer ('CAT') by the Dundonald Gymnastics Club ('the community transfer body') under Part 5 of the Act in relation to the Muirhead Activity Centre and car park, Troon ('the Property'), validated on 7 February 2019.</p> <p>The Leadership Panel decided to refuse the request on the grounds that the benefits of the existing use outweighed the value of the alternative proposals. The specific reasons for the decision were as follows:</p> <ol style="list-style-type: none"> 1. The feasibility and cost of relocation of the services elsewhere and the lack of a guarantee from officers that existing users could be accommodated in this facility or any local facility; 2. The proposal failed to demonstrate sufficiently that there would be enhanced local services or that the local community would be served or accommodated by the proposals for other uses in the

		<p>application;</p> <p>3. The lack of evidence to show that the benefits for the other parts of the community excluding the gymnastic community would be delivered and in the time periods set down in the application;</p> <p>4. More weighting and more detailed consideration should have been applied to the local community objections, the number, type and specific issues raised by the significant objectors in the local community than Dundonald Gymnastic Club who represent a community of interest as a sporting club; and</p> <p>5. There was a lack of consideration of whether the Muirhead Activity centre, as the second most used community facility, was the most appropriate Council facility and a failure to explore with the Applicant alternative Council venues that might offer a better alternative for the club.</p>
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2.4 Please use this space to provide any further comments relating to the above data:

Following the Leadership Panel meeting on 11 June 2019 as detailed in section 2.3 above, a decision notice dated 25 June 2019 was issued by the Council under Section 82(7) of the Act.

The community transfer body were dissatisfied with the Council's decision to refuse their application for a CAT and submitted an application for a review under Section 86 (2) of the Act on 23 July 2019.

The Council's process for dealing with an application for a review of a case is that the Audit and Governance Panel will deal with applications for review of decisions in relation to CATs and will either: agree the Leadership Panel decision (s) or continue the matter to the next meeting of the Panel for further consideration/ discussion/investigation; and/or refer the case back to the Leadership Panel with recommendations for final deliberation. The Director-Place submitted a report to the Audit and Governance Panel of 6 November 2019 requesting the Panel to consider the application for review as contained in the review documents. After a full discussion and following an adjournment, the Council's Audit and Governance Panel decided to recommend to the Leadership Panel of 26 November 2019 that it approve the asset transfer, subject to conditions

At the meeting of the Leadership Panel on 26 November 2019, the Panel considered a report by the Director- Place, noted the recommendation of the Audit and Governance Panel and decided to refer the matter to a meeting of the full Council for determination.

A report was submitted by the Director- Place for consideration at the meeting of the Council which took place on 18 December 2019. The Council decided by a majority to uphold the recommendations of the Leadership Panel of 11 June 2019 and refuse the application for the reasons stated.

The Council issued a Decision Notice under Section 86(6) of the Act dated 16 January 2020 giving reasons for its decision in terms of the minute of the Leadership Panel of 11 June 2019, as upheld by the Council on 18 December 2019. The Decision Notice stated that it replaced the Decision Notice of 25 June 2019.

An application for appeal under the Community Empowerment (Scotland) Act 2015 Section 88(2) in respect of the decision by South Ayrshire Council not to allow the community transfer body to purchase Muirhead Activity Centre and car park was made to the Scottish Ministers in writing on 12 February 2020 in accordance with the Asset Transfer Request (Appeals) (Scotland) Regulations 2016.

At the time of this Annual Report being produced (June 2020), the appeal is being considered by an allocated reporter to the Scottish Government DPEA who in due course will provide a report and recommendation in relation to the appeal to Scottish Ministers.

Section Three – Promotion and Equality

3.1 Please provide information on any action you have taken to promote the benefits of asset transfer or any support provided for communities to engage with the Asset Transfer Request process.

The following are examples of the progressive steps South Ayrshire Council has taken to promote the benefits of asset transfer and the range of support available to our communities to engage them in the process to take control and ownership of assets:

South Ayrshire Advancing Community Assets Fund

The Council has recently approved a new Advancing Community Assets Fund specifically to provide financial support to community-controlled bodies that aspire to take on a Council-owned asset through ownership, lease or other rights such as rights to manage, occupy or use the asset for a specified purpose, with the aim of promoting or improving economic development, regeneration, public health, social wellbeing, environmental wellbeing or reducing socio-economic inequalities for people living in South Ayrshire.

The Advancing Community Assets Fund has two categories:

The first category of grant is development grants, which may be available to eligible bodies interested in making a community asset transfer request but who are at the early stages of the process (known as a Community Asset Transfer (“CAT”) Stage 1-Expression of Interest). Sums of up to a maximum of £12,000 for costs associated with all types of property surveys and investigation relating to the land and property asset may be available for the development of an asset transfer proposal and to help towards preparing a Stage 2 CAT application.

The second category of grant, the capital grant, may be available to bodies at the later stages of the process, which are in a position to make an application for a community asset transfer request (known as a Stage 2 CAT application). Costs may be available for capital works, relevant to the condition of the asset being requested. The Council expects that requests for capital costs would not exceed £100,000; however the Leadership Panel will consider grant requests in excess of £100,000 on a case by case basis. Capital grant funding may only be requested through the Stage 2 CAT application form. An award of a capital grant would be released at the point of the legal transfer of the asset and must be used within 12 months of the date of legal transfer and used for the purpose that the grant was awarded.

Ayrshire CAT informal working established

The staff responsible for CAT within the relevant authorities of East, North and South Ayrshire Councils has formed an informal working group to discuss guidance, current cases, peer-to-peer learning and support each other in their experiences of CAT's. To date this has been a very useful and productive group that intends to meet quarterly and available to contact as required.

Elected Member briefings

A full Council briefing was provided to Elected Members providing an overview on Community Asset Transfer to inform them and to ensure they can disseminate information and relevant contact details in relation to CAT to their ward constituents.

Ongoing promotion and support

The Councils dedicated Community Asset Transfer team continued throughout the reporting period of 2019-20 to facilitate the Asset Transfer process and support interested groups to reach an informed choice regarding the viability or liability of potential transfers, providing information, advice and support from initial enquiry through to post-acquisition

Website

We continue to update and enhance the CAT pages on the Council website www.south-ayrshire.gov.uk/community-asset-transfer where the public can find information on Council owned land & buildings, how to apply for a CAT, sign posting to useful support organisations as well as details of live applications.

3.2 In particular what action has been taken to support disadvantaged communities to engage with the asset transfer process?

The purpose of creating the Advancing Community Assets fund is to encourage the progression of all our community organisations, disadvantaged or not, to support them in creating strong, successful, sustainable and effective asset transfer proposals that can make a real difference in South Ayrshire through the acquisition and development of Council land and buildings.

Furthermore, the objective of the Council's approved CAT process and associated fund is to enable a streamlined, efficient and appropriately resourced CAT route map for an applicant that ensures equal access for all in exploring and pursuing ambitions.

Section Four – Additional Information

4.1 Please use this space to provide any further feedback not covered in the above sections.

Number of CAT Stage 2 CAT requests awaiting validation at June 2020: 2

Number of Expressions of Interest and ongoing discussions at June 2020: 5

Subject to the pressures of responding to the Covid-19 emergency situation and recovery – if possible please email the completed template by 30 June 2020 to community.empowerment@gov.scot

If you have any queries please contact Malcolm Cowie, Asset Transfer Policy Manager at Malcolm.cowie@gov.scot

Thank you!

Community Empowerment Team
Scottish Government