

# North Lanarkshire Council Report

## People and Communities Committee

Does this report require to be approved? ☒ Yes ☐ No

Ref SP/LP/GS Date 22/08/22

## Community Asset Transfer and Participation Requests: Annual Report for 2021/2022

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### Executive Summary

The purpose of this report is to provide the People and Communities Committee with the annual progress report regarding Community Asset Transfer (CAT) and Participation Requests (PR) in North Lanarkshire. The report has been prepared in line with the legislative requirements set out in Parts 3 and 5 of the Community Empowerment (Scotland) Act 2015 requiring relevant authorities to publish an annual report setting out the number of requests received and the outcome of these. A summary of this report will be published and made available online to communities.

### Recommendations

It is recommended that the People and Communities Committee:

- (1) Acknowledge the progress made in implementing the North Lanarkshire Community Asset Transfer (CAT) and Participation Request approach and the level of support being provided to groups and organisations engaged in the process.
- (2) Recognise the number of Community Asset Transfer requests, requests agreed or refused, whether they resulted in transfer of ownership, lease or conferral of other rights, number of appeals, and number of decisions made by the council that have been reviewed and the level of capacity building support being provided to groups and organisations engaged in the process; and
- (3) Approve the official annual return for submission to the Scottish Government.
- (4) Authorise the publication of this report and the annual Scottish Government return to meet the requirements under Section 95 of the Community Empowerment (Scotland) Act 2015 for Local Authorities to produce and publish an annual report on Asset Transfer Request activity.

### The Plan for North Lanarkshire

Priority All priorities  
Ambition statement (19) Improve engagement with communities and develop their capacity to help themselves

## **1. Background**

- 1.1 The Community Empowerment (Scotland) Act 2015 came into force in July 2015. The Act requires Local Authorities to engage with communities and the voluntary sector to deliver effective services in partnership to meet local need. Community Asset Transfer is covered under part 5 of the Act and Participation Request requests are covered under Part 3 of the Act.
- 1.2 The council's Corporate Community Ownership and Management Working Group oversees delivery of the process (This working group replaced the previously named Corporate Community Empowerment Working Group).
- 1.3 To date there has been a focus on ensuring that the council's processes reflect the requirement to: -
- empower community bodies through the ownership of land and buildings and strengthening their voices in the decisions that matter to them;
  - focus on achieving outcomes and improving the process of community planning through community participation;
  - implement, and continue to review, the CAT and PR policy and process approved by the Community Empowerment Committee in April 2020 reflecting The Plan for North Lanarkshire and other national review and guidance.
- 1.4 Following initial engagement with organisations and groups who have expressed an interest in a CAT. Support is provided by key staff to assist them to understand the process and requirements and to advise them on the importance of self-assessing their 'readiness' and capacity to take on an asset.
- 1.5 On receipt of a CAT application request made under the terms of the Community Empowerment Act, the formal process is started. This involves convening a CAT scoring panel, consisting of key officers from across council services. The scoring panel undertake an initial assessment based on approved assessment criteria. Thereafter the CAT Leadership Group made up of the Head of Strategic Communication, Head of Asset and Procurement Solutions and the Head of Service who has responsibility for the asset are presented with the assessment information to consider and make recommendations to the committee for the relevant holding service.
- 1.6 The Participation Requests process reflects the very specific guidance associated with Part 3 of the Act.
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## **2. Report**

### **2.1 Community Asset Transfer update**

- 2.1.1 Between the 1<sup>st</sup> of April 2021 and the 31<sup>st</sup> of March 2022 there have been a total of 16 new enquires relating to CAT. Combined with 10 ongoing enquiries from the previous year; has meant officers involved in the CAT process have been engaging and supporting 26 organisations and groups all at different stages of the CAT process.

2.1.2 Table 1 below summarises the enquiries/submissions received between 1st April 2021 and 31st March 2022

**Table 1 Community Asset Transfer enquiries/submissions as of 31st March 2022**

<b>Classification</b>	<b>Number</b>
Ongoing enquiries from 2020-21 period	10
Number of new initial telephone / email enquiries received	10
Number of new web enquiries received	6
Total number of new enquiries	16
Total number of ongoing / incoming enquiries	26
Enquiries leading to formal CAT applications being submitted	3
<i>Further breakdowns</i>	
Number of successful CAT applications determined	1
Number of unsuccessful CAT applications determined	1
Unsuccessful CAT applications that went to authority appeal or ministerial review	1
Number of applications withdrawn	1
Number of CAT applications yet to be determined	0
Enquiries resulting in other ownership or management options	3
Enquiries withdrawn	1
<b>Number of ongoing enquiries</b>	<b>19</b>
Anticipated / applications pending	7
Enquiries with limited or no progress to report	12

2.1.3 While not all enquiries result in a formal CAT, the focus is on securing the best outcome for all parties which can range from full transfer or lease to partnership arrangements with the Council. A detailed breakdown of CAT activity is provided in Appendix 1 to this report.

## **2.2 CAT - Key highlights for 2021/22:**

2.2.1 Several key highlights from the last reporting year include:

- Conclusion of the CAT request from Viewpark Gardens Trust, with a successful outcome in favour of the group for a CAT lease at a peppercorn value, reflecting the implied community benefit value of the developments and activities being planned by the organisation
- Favourable consideration to the CAT request from Palacerigg Community Trust for plots of land, two longhouses, meadows and fields; and the former visitors centre within Palacerigg Country Park. This has resulted in a successful outcome for the organisation who are now collaborating with the council to enable a lease agreement to be put in place. This will provide the organisation with security to start to deliver a comprehensive business plan to reinvigorate and increase access and usage of this valuable country park.

- During the reporting period, enquiries and expressions of interests have been received from all nine community board areas. The awareness of the CAT process is increasing, with more organisations are making early contact for advice, guidance, and support. Some organisations expressing an interest have started to organise themselves in advance of entering the process to ensure that they are in a solid starting position.
- Several organisations have approached the council about CAT in relation to common good properties/land. This is a complicated matter and legal services have been exploring options around a corporate approach to considering and responding to enquiries of this nature
- Many organisations have received developmental support, guidance, or advice from the community partnership team to assess their capacity and to agree the best outcome for them in line with their organisational aspirations. Organisations have been appreciative of this initial offer of support.

## 2.2 Participation Requests

2.2.1 Part 3 of the Act (Participation Request) relates to extending and improving outcomes for communities. The legislation enables communities to request participation in decisions and processes which are aimed at improving outcomes for local people.

2.2.2 Since the 1<sup>st</sup> of April 2021 and the 31<sup>st</sup> of March 2022 there have been a total of five enquiries, with one participation carried over from previous year. Of these six enquires three formal participation requests have been submitted. A detailed breakdown of the participation requests is included in Appendix 2

Table 2 below summarises the enquiries/submissions received between 1st April 2021 and 31st March 2022

**Table 2 Participation Request enquiries/submissions as of 31st March 2022**

<b>Classification</b>	<b>Number</b>
Ongoing enquiries from 2020-21 period (delayed due to COVID-19 restrictions)	1
Number of new participation request enquiries 2021-22	4
<b>Total number of ongoing/incoming PR enquiries</b>	<b>5</b>
New enquiries leading to formal PRequest applications	2
Number of participation requests with successful outcomes agreed	3 (one from 2020/21 period)
Number of unsuccessful participation requests determined	0
Number of enquiries withdrawn	1
Number of applications yet to be determined	0
Number of PR requests pending	1

## 2.3 Participation Requests - Key highlights for 2021/22:

### 2.3.1 Key updates for 2021/22 include:

- Three successful outcomes agreed for villages within the Northern Corridor community board area (Gartcosh, Stepps and Cardowan).
- All successful requests related to community organisations supporting North Lanarkshire Council by taking responsibility for local greenspace and streetscape / environmental improvements

## 2.4 Capacity Building Support for CAT & PR requests

2.4.1 Whilst the number of groups successfully completing the full CAT process is relatively low, pre-application support is being provided to several groups following early expression of interest or enquiry around the CAT or PR process. This is to ensure that the groups understand the process and any associated requirements and are supported to use the 'participation' approach that best reflects their needs with a focus on positive outcomes for local communities. A few groups and organisations are receiving support to further develop their capacity. This can be resource intensive, however the council is committed to ensuring that it does not transfer the burden of property or land to an organisation who do not have the capacity or long-term sustainability to make the transfer work for the organisation itself and therefore also the community.

2.4.2 It is likely that requests for support will increase again now that pandemic restrictions have been fully lifted. The provision of support is crucial and enables organisations to submit more rounded well considered applications and importantly to improve their own capacity to manage community assets.

## 2.5 Promotion and Awareness Raising

2.5.1 Work will continue to better promote and raise awareness of the various participation tools and approaches linked to CAT and PR. Examples of this work include:

- A dedicated area on the council website for CAT requests can be accessed [here](#). Any current CAT requests and associated documentation is published here together with all relevant information, guidance, documents to guide organisations through the CAT process and a self-assessment tool.;
- an [interactive list](#) of council properties has been published on the council website to enable groups who are interested in considering CAT to search for property in specific areas;
- the Common Good Register is available on the council website [here](#);
- A series of awareness raising animations have been produced relating to key elements of Community Participation and can be accessed in the links below
  - **Getting Involved in your Community** (Community Boards and local community planning) - click [here](#)
  - **Community Asset Transfer** – click [here](#)
  - **Participation Requests** – click [here](#)
  - **Participatory Budgeting** – click [here](#)
- CAT and PR briefings will form part of the Development Programme for the nine Community Boards
- CAT briefing sessions for elected members are available and will be rolled out to more recently elected Councillors .

## **2.6 Future Priorities**

2.6.1 Building on the progress to date in implementing the Community Asset Transfer and Participation Requests policy, a key area of focus is ensuring that the process moves at an appropriate pace. To achieve this, an updated action plan for the Corporate Community Ownership and Management of Assets working group has been created. The key priorities include: -

- Continuing to develop and manage Community Asset Transfer and Participation Request process in line with part 5 of the Community Empowerment Act
- Develop a shared understanding of the council estate and the parameters for community ownership
- Design and implement a shared assessment for all ownership and management requests
- Develop a corporate approach to enable the council to agree discounted leasing agreements with organisations with charitable aims where it is mutually beneficial to agree out with the CAT process
- Development of Capacity Building Support offer which is proportionate to the aspirations of the organisations
- Develop and implement a communication and implementation plan

This Implementation Plan will be the subject of a future report to Committee

## **2.7 Annual data return for the Scottish Government**

2.7.1 All relevant authorities concerned with asset transfer under schedule 3 of the Community Empowerment (Scotland) Act 2015 are required to submit an annual return to the Scottish Government. The Scottish Government provides a template to use for this purpose.

2.7.2 Appendix 4 contains the completed template for North Lanarkshire Council and contains key data for the period 1 April 2021 to 31 March 2022. The information provided in the template will help inform policy and practice at a local and national level. The data will be collated and shared by the Scottish Government's Community Empowerment Team.

2.7.3 This annual report and the return to the Scottish Government contained within it, will be made publicly available to meet our requirements for reporting updates and progress to the public.

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## **3. Measures of success**

3.1 Performance measures in respect of Community Asset Transfer and Participation Requests have now been included in the Plan for North Lanarkshire – Strategic Performance Framework. The performance measures cover the following: -

- number of successful Participation and CAT requests
  - number of community groups engaged in Participation and CAT requests;
  - support provided to community groups and organisations as a result of initial CAT or PR enquiries; and
  - positive outcomes or referrals as a result of initial CAT or PR enquiries.
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#### **4. Supporting documentation**

- 4.1 Appendix 1 – Summary of Community Asset Transfer activity
- 4.2 Appendix 2 – Summary of Participation Request activity
- 4.3 Appendix 3 – Community Asset Transfer Policy
- 4.4 Appendix 4 – Annual Data Return for the Scottish Government

A handwritten signature in black ink, appearing to read 'Stephen Penman', with a stylized, cursive script.

**Stephen Penman**  
**Head of Strategic Communication**

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## 5. Impacts

<b>5.1 Public Sector Equality Duty and Fairer Scotland Duty</b> Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?  If Yes, has an assessment been carried out and published on the council's website? <a href="https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments">https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments</a> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>5.2 Financial impact</b> Does the report contain any financial impacts? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, have all relevant financial impacts have been discussed and agreed with Financial Solutions? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?  Successful CAT requests may impact on the Council's income in terms of revenue income and capital receipt. The implications of this could be both negative and positive and will be considered alongside risk and community benefit to contribute to determining the outcome of a CAT request.
<b>5.3 HR policy impact</b> Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts have been discussed and agreed with People and Organisational Development? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?
<b>5.4 Legal impact</b> Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, have all relevant legal impacts have been discussed and agreed with Legal and Democratic Solutions? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?  The Community Asset Transfer and Participation requests process has been implemented and reviewed, in accordance with the Council's statutory duties as outlined in the Community Empowerment (Scotland) Act 2015 and the Asset Transfer under the Community Empowerment (Scotland) Act 2015 Guidance for Relevant Authorities.
<b>5.5 Data protection impact</b> Does the report / project / practice contain or involve the processing of personal data? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to <a href="mailto:dataprotection@northlan.gov.uk">dataprotection@northlan.gov.uk</a> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>



**5.6 Technology / Digital impact**

Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi?

Yes ☒ No ☐

If Yes, please provide a brief summary of the impact?

Discussion underway to improve corporate approach and use of technology to improve internal and external processes and information sharing. Business Intelligence Team representation on the Corporate Community Ownership Working Group has ensured links and progress

Where the impact identifies a requirement for technology, has an assessment been carried out (or scheduled) by the Enterprise Architecture Governance Group (EAGG)?

Yes ☒ No ☐

**5.7 Environmental / Carbon impact**

Does the report / project / practice contain information that has an impact on any environmental or carbon matters?

Yes ☒ No ☐

If Yes, please provide a brief summary of the impact?

Several of the projects will have a positive effect on the local environment, contributing to safer areas to play and addressing issues traffic congestion in specific areas.

**5.8 Communications impact**

Does the report contain any information that has an impact on the council's communications activities?

Yes ☒ No ☐

If Yes, please provide a brief summary of the impact?

The Participation Request and CAT process supports the Council's ability to meet the requirements of the Climate Change (Scotland) Act 2009 public sector duties.

**5.9 Risk impact**

Is there a risk impact?

Yes ☒ No ☐

If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?

Insert info from risk document

Ongoing consideration as part of the corporate risk management approach linked to the implementation of the Community Empowerment (Scotland) Act 2015

## Community Asset Transfer Activity for 2021/22

## a) Ongoing enquiries from 2020-21 period: (10)

	Organisation/group	Asset
1	Villa Park Football Club	Calder Park football pitches (Motherwell)
2	Chapelhall youth Development Group	Chapelhall Senior Citizens Centre
3	Kilsyth Pipe Band	The Pipe Band Centre, Kilsyth
4	Motherwell Veterans Group	Motherwell Veterans Centre
5	North Lanarkshire Muslim Women & Family Alliance	Old Monklands Community Centre
6	Palacerigg Community Trust	Palacerigg community park Specific fields and buildings
7	You Are My Sunshine (YAMS)	Newarthill Library
8	Kilsyth Athletic Football Club	St Patrick's sport field and pavilion
9	Watch us Grow	Palacerigg House and gardens
10	Viewpark Gardens Trust	Viewpark Garden

## b) Number of new initial telephone / email enquiries for 2021-22: (10)

	Organisation/group	Asset
1	Made 4u in ML2	Greenfield Drive, Cambusnethan, Current leased accommodation
2	Pauls Parcels	Shotts First Stop Shop
3	Airdrieonians Football Club	Craigneuk sport pitches (common good site)
4	Cardowan Community Meadow	Various pockets of land, Cardowan area
5	Tryst Handball Club	Tryst Sports Centre
6	Airdrie Citizens Advice Bureau	Various town centre locations for office space and shared community hub
7	Potential new charity / community interest company	Burngreen Tennis Courts, Kilsyth (common good property)
8	St Augustine's RC church / Stay Connected	Shawhead Community Centre
9	Lanarkshire Muslim Welfare Society	Property in Bellshill area for Islamic community centre
10	Palacerigg Archers	Land within Palacerigg Park

**c) Number of new web enquiries received for 2021-22: (6)**

	Organisation/group	Asset	Enquiry
1	Bridgend Boys Club	Two sections of land at Auchengeich, Moodiesburn	Lease or ownership
2	Fir Park Corner	Football pitch and pavilion at Castlehill Road, Overtown	Lease or ownership
3	Muirhouse and Flemington Community Interest Company / community council	Shields glen park in Muirhouse and Flemington	Lease
4	Cumbernauld Cottage Trust	Old Cumbernauld Theatre	Ownership
5	Harthill Village Hall Group	Harthill Village Hall (former senior citizens centre)	Ownership
6	Palm Church, Airdrie	Rochsoles Community Centre	Ownership

**Total number of ongoing / incoming enquiries for 2021-22: (26)**

**Status logs for 2021-22:**

**d) Enquiries leading to formal CAT applications being submitted: (3)**

	Organisation/group	Asset	Enquiry	Outcome
1	Palacerigg Archers	Land within Palacerigg Park	Ownership	Withdrawn
2	Palacerigg Community Trust	Fields and buildings within Palacerigg Park	Lease	Successful Leasing terms currently being finalised
3	Viewpark Gardens Trust	Viewpark Gardens	Lease	Initial outcome: Unsuccessful NLC appeal: decision upheld Ministerial appeal: decision overturned and declared successful End outcome: Successful

**e) Enquiries resulting in other ownership or management options: (3)**

	Organisation/group	Asset	Outcome
1	Your Are My Sunshine (YAMS)	Newarthill Library	Licence to occupy / operate
2	Watch Us Grow	Palacerigg House, Gardens and Offices	Commercial lease
3	Kilsyth Athletic Football Club	St Patrick's sports field and pavilion	Management arrangement / partnership with NLC – Active & Creative Communities

**f) Enquiries withdrawn: (1)**

1	Cardowan Community Meadow	Various pockets of land, Cardowan area
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**g) Pending formal CAT applications: (7)**

	Organisation/group	Asset	Enquiry
1	Bridgend Boys Club	Two sections of land at Auchengeich, Moodiesburn	Lease or ownership
2	Fir Park Corner	Football pitch and pavilion at Castlehill Road, Overtown	Lease or ownership
3	Muirhouse and Flemington Community Interest Company / community council	Shields glen park in Muirhouse and Flemington	Lease
4	Cumbernauld Cottage Trust	Old Cumbernauld Theatre	Ownership
5	Harthill Village Hall Group	Harthill Village Hall (former senior citizens centre)	Ownership
6	Palm Church, Airdrie	Rochsoles Community Centre	Ownership
7	North Lanarkshire Muslim Women & Family Alliance	Old Monklands Community Centre	Lease or ownership

**Total number enquiries with status updates for 2021/22: (14)**

**h) Enquiries with limited or no progress to report: (12)**

	Organisation/group	Asset	Notes / update
1	Villa Park Football Club	Calder Park football pitches (Motherwell)	This site is a common good property. Legal enquiry underway, to determine if CAT can apply to site. No formal application made.
2	Chapelhall Youth Development Group	Chapelhall Senior Citizens Centre	New community steering group being created to lead on developing community solution
3	Kilsyth Pipe Band	The Pipe Band Centre, Kilsyth	Information and advice offered. No formal submissions made
4	Motherwell Veterans Group	Motherwell Veterans Centre	Information and advice offered. No formal submissions made
5	Made 4u in ML2	Greenfield Drive, Cambusnethan, Current leased accommodation	Information and advice offered. No formal submissions made
6	Pauls Parcels	Shotts First Stop Shop	Operational property. Organisation will keep their enquiry under review.
7	Airdrieonians Football Club	Craigneuk sport pitches (common good site)	This site is a common good property. Legal enquiry underway, to

			determine if CAT can apply to site. No formal application submitted.
8	Tryst Handball Club, Cumbernauld	Tryst Sports Centre	Information and advice offered. No formal submissions made. Organisation happy enter into discussions with Active & Creative Communities
9	Airdrie Citizens Advice Bureau	Various town centre properties	Information and advice offered. No formal submissions made. Organisation plan to submit initial web enquiry with further information.
10	Potential new charity / community interest company	Burngreen Tennis Court, Kilsyth	This site is a common good property. Legal enquiry underway, to determine if CAT can apply to site. Significant work required to set up appropriate CAT body.
11	St Augustine's RC church / Stay Connected	Interested in community centre within Coatbridge area	Information and advice offered. No formal submissions made.
12	Lanarkshire Muslim Welfare Society	Holytown Community Centre	Recent request, organisation at early stages, they are also considering new build options.

## Participation Request Activity for 2021/22

## a) Ongoing enquiries from 2020-21 period: (1)

	Organisation/group	Asset	Details
1	Gartcosh Tenants & Residents Association	Open space next to Village	Support NLC – street scene by taking over responsibility for maintenance of the site and to utilise as a village square / garden

## b) Number of new participation request enquiries for 2021-22: (4)

	Organisation/group	Asset	Details
1	Cardowan Community Meadows	Open space on behind houses on Comedie Road	Support NLC – street scene by taking over responsibility for maintenance of the site and to utilise as a village square / garden
2	Pauls Parcels	Torbothie open space (junction of Southfield Avenue and Torbothie Road)	Utilise open space area as a community garden
3	Auchinloch Community Council	Public right of way between Auchinloch and Stepps	Expression of interest to work with NLC to improve public right of way, to improve connections between Auchinloch and other Northern Corridor villages
4	Stepps Community Development Trust	Flowerpots and planters along Main Street in Stepps	To support NLC by taking over responsibility for maintenance and upkeep of planters

**Total number of ongoing/incoming PR enquiries: (5)**

**c) New enquiries leading to formal participation request application: (2)**

	Organisation/group	Asset	Details
1	Cardowan Community Meadows	Open space on behind houses on Comedie Road	Support NLC – street scene by taking over responsibility for maintenance of the site and to utilise as a village square / garden
2	Stepps Community Development Trust	Flowerpots and planters along Main Street in Stepps	To support NLC by taking over responsibility for maintenance and upkeep of planters

**d) Number of participation requests with successful outcome: (3)**

**As per section C above plus:**

Gartcosh Tenants & Residents Association	Open space next to Village	Support NLC – street scene by taking over responsibility for maintenance of the site and to utilise as a village square / garden
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**e) Number of unsuccessful participation requests determined: (0)**

**f) Number of withdraw enquiries: (1)**

	Organisation/group	Asset	Details	Update
1	Pauls Parcels	Torbothie open space (junction of Southfield Avenue and Torbothie Road)	Utilise open space area as a community garden	Site of interest has been declared surplus, and organisation has withdrawn request in favour of a lease / rental arrangement. Process is currently underway, but remains to be completed

**g) Number of applications to be determined: (0)**

**h) Number of pending participation requests: (1)**

	<b>Organisation/group</b>	<b>Asset</b>	<b>Details</b>	<b>Update</b>
1	Auchinloch Community Council	Public right of way between Auchinloch and Stepps	Expression of interest to work with NLC to improve public right of way, to improve connections between Auchinloch and other Northern Corridor villages	Informal discussions with relevant council service being considered in the first instance. Formal PR may follow



**Community Asset Transfer Policy**  
**NORTH LANARKSHIRE COUNCIL**  
**COMMUNITY ASSET TRANSFER POLICY**  
**(Under Part 5 of the Community Empowerment Act)**

**1. Vision**

North Lanarkshire Council (NLC) has a long history of supporting and working with local communities and recognises the important contribution that this makes to improving outcomes for local residents particularly those experiencing the highest levels of inequality.

NLC welcomes the focus placed on empowering and supporting local people to play a more active role in improving their communities as outlined in the Community Empowerment (Scotland) Act 2015. Community Asset Transfer (CAT) can have a significant impact on realising opportunities for community empowerment, enterprise and community led regeneration in North Lanarkshire. NLC is committed to working with communities to support CAT requests as a potential mechanism for encouraging community ownership and involvement in local service delivery.

NLC is fully committed to maximising its assets, building on existing partnership working with communities against an agreed set of criteria in order to support and deliver the ambitious vision set out in The Plan for North Lanarkshire (TPFNL). The Council will work with community planning partners where appropriate to implement joint approaches to support communities to actively participate in the development and delivery of shared priorities. This policy will support CAT as a mechanism by which NLC will demonstrate its continued commitment to engagement and partnership working with the community and voluntary sector to deliver effective local services.

NLC fully supports the underpinning principles of CAT and endeavours to positively support communities throughout the CAT process. However, there may be times that in order to protect the interests of the wider community, assets may need to remain in Council ownership to support the delivery of essential services or support economic activity in the area. Each case will be fully considered on its merits in line with the CAT guidance associated with part 5 of the Community Empowerment (Scotland) Act 2015 and the Councils CAT policy and process.

**2. Community Empowerment (Scotland) Act 2015**

This policy responds to the framework for CAT requests set out in the Community Empowerment (Scotland) Act 2015 and provides the basis upon which the Council will manage requests for the transfer of assets (buildings or land owned by the Council) made under the Part 5 of the Act. The aim of the policy is to set out a consistent approach and clear

guidance for consideration of transfer of assets (including land and buildings) by the

Council to relevant community groups and organisations (herein referred to as the Community Controlled Body or CCB) in the spirit of community empowerment and ownership

CAT involves the right for a CCB to request to manage, lease or own an asset that is currently owned (or in some circumstances leased) by North Lanarkshire Council. The Council has developed a transparent process for CAT that takes into consideration community benefit, potential impact on council services and long term sustainability at all stages from pre request discussion to decision and where relevant, appeal.

The policy will be implemented in-line with the Council's statutory obligations for CAT outlined in part 5 of the Community Empowerment (Scotland) Act 2015

### **3. Scope of North Lanarkshire Council Community Asset Transfer Policy**

This policy applies to all Council staff receiving CAT requests and/or managing an opportunity for CAT. The policy also provides guidance to communities wishing to submit an Asset Transfer Request (ATR).

Community Asset Transfer refers to the policies and associated procedures that relevant authorities (including local authorities) may use to transfer the ownership, lease or management of an asset to a community controlled body under part 5 of the Community Empowerment (Scotland) Act 2015. Community Asset Transfer can occur in a range of ways including:-

- new management agreements for an existing facility or land;
- leases (including maintenance of the property/land in accordance with lease terms and conditions); and transfer of ownership.

### **4. Community Benefit and Eligibility**

The Council has identified a 'First Point of Contact' officer for CAT enquiries in order to provide guidance to community group's to assess their eligibility to become a Community Controlled Body, to signpost for additional support as required and to ensure that the agreed process is understood and adhered to. This will involve checking with the organisation that they meet the criteria to become a Community Controlled Body (CCB) and are able to enter into a lease or contract with the Council under the terms of the Act. For example in order to be considered as a CCB the operation, governance and practice of the group must reflect:-

- That the group is controlled and managed by community members and ensure that membership is open to any adult who wishes to join;

- An asset clause stating that any profits can only be used to benefit that community and in accordance with the aims and objectives of the organisation (as set out in their constitution or incorporation documents;
- If the request is for transfer of title (ie ownership) the CCB needs to be a not for profit organisations; and
- a clear Dissolution clause that states that the assets of the company can only go to another CTB or charity.

Certain bodies are not automatically eligible for CAT unless designated by Scottish

Ministers for example Community Interest Companies (CICS), Community Trusts, Foundations or enterprising Voluntary and Community organisations. Where relevant the rules of these types of organisations would need to be examined to make sure they were eligible.

Companies or other organisations established for profit, for the benefit of private shareholders or to generate equity through 'for profit' objectives, are not eligible to apply for asset transfer under Part 5 of the Community Empowerment Act whether in part or as a whole but may engage with the Council as part of a wider asset management process to negotiate a mutually agreeable outcome.

Additionally, any potential CCB will be encouraged prior to submitting an official request to consider how they will evidence that the purposes for which they intend to use the asset they are requesting is for community benefit through:-

- contribution to a developing a sustainable community;
- empowering local communities;
- ensuring equality of access and benefit;
- improved quality and efficiency of service;
- demonstrating and enhancing social value;
- partnership working with other community and voluntary sector organisations; and
- assisting local communities to achieve their aspirations.

## **5. Underpinning Principles of Community Asset Transfer**

The following principles govern the Council's approach to Community Asset Transfer:-

- the Council welcomes community interest and requests to improve use and potential for building and land assets;
- applications to transfer assets for community benefit/interest will be considered by the Council in line with the CAT process
- Requests relating to a Council asset will be considered on an individual basis and may therefore result in terms of agreement reflecting the circumstances of the individual case and asset;
- the consideration of expressions of interest and fully developed requests for transfer of an asset should be managed in a manner that promotes positive partnership working throughout the CAT process and beyond any potential handover;

- CAT requests should demonstrate that they meet the eligibility and criteria and provide all information outlined in section 6 of this document.

## **6. Implementation of CAT process**

Any Community CCB considering CAT as an option should, in the first instance, speak to the Council's First Point of Contact who will provide information regarding the process and basic requirements and direct the group to self-assess their eligibility and readiness through the CAT page on the Councils website. At this point, where it is evident that the group does not meet basic eligibility criteria, and as appropriate the group may be signposted for additional support or information to assist them to meet their aspirations in the future. The Council will accept a CAT request which can demonstrate clear benefits to communities and the capacity of the group to deliver/manage services/assets should the application be successful. The application will be considered where eligibility seems apparent and the group will be advised of the CAT process including timescales.

### **CAT Process**

The community transfer body will be supported to submit their formal request in writing stating that the application is being made under Part 5 of the Community Empowerment (Scotland) Act 2015. The request must detail:-

- the land or building being requested;
- if purchase or rental is being requested and the cost that the community transfer body is prepared to pay along with any other relevant terms and conditions;
- the intended use of the land or building;
- how the CCB will fund and manage its plan for the CAT;
- how the CAT will help the community and that there is support for the proposal from the wider community;
- the community transfer body's rules, or a note that the group has been designated by the Scottish Ministers; and
- details of project beneficiaries and how the proposed activity will address current gaps or complement / add value to existing service provision.

On receipt of the completed request the validation date is set and the Council must acknowledge the request and communicate a decision within 6 months of this date unless an alternative timescale has been formally agreed between the two parties. The Council will inform those who may own, rent or use the land or building about the request, as well as publicising the request online for a 4 week consultation period. The Council will publish online information relating to live CAT requests ensuring that GDPR guidance is adhered to.

The Council will not dispose of, or sell land, to anyone except for the CCB submitting the request until the request has been concluded. Where the asset has already been advertised for sale or lease before the request was made the Council is unable to accept or progress with the CAT. Acknowledgement of the request will clearly state the Council's position

in relation to whether a ban on sale or lease to other people applies or if any other asset transfer requests had been received for this asset.

The CCB will be advised in writing of the outcome of the application and where the application is refused provided with information and signposting to assist them to develop or if appropriate to meet their aspirations in relation to CAT. Depending upon the reasons for refusal the group may be referred for direct support or assistance. The group has a right to an internal review (setting out their reasons why) by the Council initially and can further appeal to Scottish Ministers if they are not satisfied with the outcome of internal review. A CCB cannot make another CAT request for the same asset within 12 months with the same terms.

## **7. Decision Making**

### **7.1 Assessment Decision**

A CAT Steering Group made up of key officers from across Council services including the holding service for the relevant asset and representatives of key areas of business such as property, legal, finance and communities will assess the CAT request and present evidence based on the assessment criteria (appendix 1) to the CAT Leadership Group. The CAT Leadership Group is made up of:-

- Head of Asset and Procurement Solutions
- Head of Strategic Communication
- Head of the holding service for the specific asset being assessed
- Head of Legal and Democratic Services and the Head of Financial Solutions can be called upon to participate as required

The CAT Leadership Group will make recommendations regarding the request to the committee relating to the holding service for the asset for endorsement. The CCB is then informed of the decision within timescales agreed earlier in the process. An annual report relating to all CAT requests and their outcome will be reported to Policy and Strategy Committee annually.

The Council may call upon specialist advisors to provide advice and inform the decision making process. Once the validation notice is issued a decision will be taken and communicated within 6 months. Should an extension be required this can be proposed in writing to the CCB and mutually agreed.

### **7.2 Successful Outcome**

In line with statutory guidance, the outcome of any CAT request will be communicated to the CCB within 6 months of the validation notice date. Where a decision is in favour of the community group, discussion will take place as to the terms of the CAT and the relationship between the Council and CCB in meeting these terms including financial agreements for sale or rental of the property or land. The CCB must then make the Council an offer and the expectation outlined in the statutory guidance is that a contract would be agreed within 6 months of the offer being received. It is acknowledged that this timescale may not always be achievable due to matters outwith the control of both parties and

therefore agreement may be reached with the Council or imposed by Scottish ministers to allow for more time to conclude the process

### **7.3 Unsuccessful Outcome – Review and Appeal Process**

Where a CAT request is unsuccessful the CCB may request that the Council review their decision and this review must be undertaken by Elected Members. The Community Asset Transfer (CAT) Review Panel is made up of a group of 8 cross party Elected Members. Decision making relating to reviews is the responsibility of CAT Review Panel. The internal review process must be politically led and Council officers can act only in an advisory capacity to the review panel. Where a CCB disagrees with a proposed decision they can appeal to Scottish Ministers for final determination.

It should be noted that members from the local area where the appeal has been received from will not be able to participate in the review process. If the CCB is not satisfied after the review, they can appeal to the Scottish Ministers. A CCB can ask for a review or appeal if the Council:-

- does not agree to their asset transfer request;
- does not make a decision by the time it should have; and
- the CCB does not agree with the terms and conditions in the decision notice.

Following review or appeal the Council will send a new decision notice to the CCB stating the new decision and reasons for this. The following points apply to CAT reviews and appeals:

- a community transfer body has 20 working days after the decision notice to ask for a review or appeal;
- other people who commented on the asset transfer request must be asked what they think about the review or appeal;
- all the papers about the review or appeal must be publically available online; and
- the Council or the Scottish Ministers can ask anyone for more information to help them make a decision. They can ask for the information in writing or hold a meeting so people can tell them their views. They can also do other things, such as visiting the land or building the request is about.

## **8. The Asset**

The guidance on CAT within the Community Empowerment (Scotland) Act 2015 will ensure that where CAT is being considered, the Council will always take into consideration community benefit. The CCB can indicate the price that they are willing to pay for the asset and the council must consider the feasibility of agreeing a cost that reflects community benefit and also Council operational requirements. Market value will be taken into consideration alongside community benefit. This will inform the assessment and decision-making process, including securing the best

price as can reasonably be obtained to support Council operations and priorities.

The Council's assessment of a CAT request and any subsequent decision to proceed will take into account the condition, usage, value of the asset, the availability of other suitable premises from which the proposed activity could take place and value for money offered by the proposal. The price agreed will be informed by the social, economic and environmental benefits generated by the CAT including for example

- Economic development or regeneration
- Health
- Social Wellbeing

North Lanarkshire Council will provide information which it holds on the asset to the applicant CCB. The Council will consider requests for information on the asset submitted in writing, where this information is readily available and deemed to be useful to the progression of the CAT process. CCB's should seek (and fund) any required independent legal and technical advice relating to property condition and value

## **9. Reporting**

The council is required to report annually on:-

- the number of requests received;
- the outcome of requests; and
- any support put in place to support requests.

The CAT steering group, on behalf of the Corporate Community Empowerment working group, will provide reports to the Corporate Management Team and relevant committees regarding any requests received and produce and make available annual reports to Scottish Government, committee and the public

## **10. Approaches to Managing Risk**

North Lanarkshire Council recognises that there are inherent risks in Community Asset Transfer both for the CCB and for the Council, and has in place mechanisms to ensure a consistent approach to managing these. Each request will be considered on a case by case basis against robust criteria. The assessment and decision making criteria will help to manage and minimise risk and support the CAT process.

The Council will as appropriate sign-post the CCB to the relevant local and national agencies for advice/ resources in managing the risks involved and to support and facilitate successful asset transfer.

## **11. Remit of CAT Panel and CAT Review Panel**

### **CAT Panel**

The CAT Panel is responsible for overseeing the development and strategic direction of the CAT policy and implementing the operational process for CAT requests. This group will be made up of officers from across the Council with practical experience and understanding of working with communities, management and transfer of community assets. There is the option to co-opt partners who have particular knowledge and expertise and include representation from the voluntary sector.

The CAT Panel will assess applications against the criteria set out in the community asset transfer process. The Panel will consider policy, legal and financial risk to the Council and provide information to The CAT Leadership Group to inform recommendations to the relevant service committee for decision.

### **11.2 Community Asset Transfer (CAT) Review Panel**

The Community Asset Transfer (CAT) Review Panel is made up of a group of 8 cross party Elected Members. Decision making relating to reviews is the responsibility of CAT Review Panel. The internal review process must be politically led and Council officers can act only in an advisory capacity to the review panel.

It should be noted that members from the local area where the appeal has been received from will not be able to participate in the review process. Where a CCB disagrees with a proposed decision they can appeal to Scottish Ministers for final determination.

## **12. Policy Review**

NLC will continue to review the North Lanarkshire Council Community Asset Transfer Policy following an initial twelve month period and in line with any amended guidance from the Scottish Government on Community Asset Transfer.

## **13. Scottish Government – Asset Transfer Under the Community Empowerment (Scotland) Act 2015 – Guidance for Relevant Authorities**

NLC will implement this Policy in accordance with the above guidance. All CAT requests will be considered in line with this.



Annual Return to Scottish Government for 2021/22

### Asset Transfer Request Reporting Template 2021/22 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 asset transfer evaluations, this template has been created to help gather asset transfer data for the period 1 April 2021 to 31 March 2022. 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 2022, whether using this template or not.

Please provide information in the sections below and email the completed template by 30 June 2022 to [community.empowerment@gov.scot](mailto:community.empowerment@gov.scot).

#### Section One – Relevant Authority Information

<b>Organisation:</b> North Lanarkshire Council	<b>Address:</b> Civic Centre, Windmillhill Street, Motherwell, ML1 1AB
<b>Completed by:</b> Gary Stark	<b>Role:</b> Assistant Community Partnership Manager
<b>Email:</b> <a href="mailto:starkga@northlan.gov.uk">starkga@northlan.gov.uk</a>	<b>Telephone:</b> 07793 314527
<b>Date of completion:</b>	10 July 2022
<b>Are you the Asset Transfer Lead Contact for the organisation:</b> Yes	
If not please provide the name, job title and email address for the lead contact for any queries:	

#### Section 2: Asset Transfer Data in 2021/22

2.1 Please complete the following table for the 2021/22 reporting period :

Total Applications Received	Number of successful applications determined	Number of unsuccessful applications determined	Number received -and yet to be determined	Number received prior to 2019/20 and yet to be determined
3	1	1	0 (one application was withdrawn)	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 2021/22:

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.
Palacerigg Community Trust (Formal CAT application)	28/10/20	20/5/21	Agreed in principle – Lease arrangements currently being prepared	Lease of multiple assets within Palacerigg Country Park, Cumbernauld including: - The former Visitor's Centre, a Longhouse, and a Barn/Shed and several fields located just north of Palacerigg Golf Course and known as Meadow field, Crush Field and Rotary Field.  Lease value: Year 1 - rent free period Year 2 - £3,000 Year 3 - £5,000 Year 4 - £7,000 Year 5 - Rent Review will be sought and agreed
Viewpark Gardens Trust (Formal CAT application)	3/7/20	11/3/22  Decision from ministerial review as per direction notice from Scottish Government	Agreed in principle –  Lease documentation currently being prepared	Viewpark Gardens and buildings within, (Viewpark)  Five-year lease: Value £1 per year

2.3 Please provide details of Asset Transfer Requests that went to a relevant authority appeal or review which were concluded in 2021/22:

Name of Community Transfer Body	Was the Asset Transfer Appeal/Review accepted? (Y/N)	Why was the Appeal/Review accepted/refused? <i>Please provide details of the asset transfer request and reasons for your decision.</i>
Viewpark Gardens Trust	No	<p>The appeal was refused on the basis that the committee upheld the original outcome decision, which concluded that:</p> <ul style="list-style-type: none"> <li>a) The application did not demonstrate the financial viability of the project and the financial information provided did not provided adequate reassurance reflecting the operation the asset</li> <li>b) The application did not demonstrate a proven track record in managing and delivering services and therefore raising/generating the significant level of funds that would be required to deliver planned services from this site</li> <li>c) The assessment process concluded that the terms proposed in the application did not represent a reasonable price in the context of the assessed value of the asset and community benefit that may be achieved as a direct result of the asset transfer.</li> </ul>

2.4 Please use this space to provide any further comments relating to the above data:

Note on the appeal made by Viewpark Gardens Trust to the Scottish Ministers:

Viewpark Gardens Trust under the rights conferred by section 88 the Community Empowerment Act, referred their application and decision notice from North Lanarkshire Council to the Scottish Ministers for appeal. The Scottish Minister accepted the conclusion of the Reporter and found in favour of the appellant. A Direction Notice was issued to North Lanarkshire Council on 11 March 2022 authorising the issue of a 5-year lease agreement.

Details of other successful outcomes community ownership arrangements out with the Asset Transfer legislative process:

1. Management agreement provided to YAMS (You Are My Sunshine) for access and utilisation of Newarthill Library to undertake group activities and organisational business
2. Lease offered to Watch Us Grow for use of Palacerigg House, gardens and offices within Palacerigg Country park. The organisation was originally considering a CAT
3. Management agreement provided to Kilsyth Athletic Football Club for use of St Patrick's sport field and pavilion (Kilsyth)

### **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.

During the past year North Lanarkshire Council has produced a short animation and information flier about Community Asset Transfers and this has been used to promote and raise awareness benefits and opportunities. The animation is available on our website and has been shared across our social media platforms. Likewise, the animation and information flier has been shared with elected members, community planning partners and across our networks covering North Lanarkshire's 9 main townships.

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

North Lanarkshire Council has a dedicated team of officers who within their remit have responsibility for supporting and promoting community asset transfers. Our officers cover all communities within North Lanarkshire and will support organisations operating within disadvantaged communities. Priority communities have also been identified as part of our local outcome improvement plans.

### **Section Four – Additional Information**

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

The number of Community Asset Transfer enquiries was slightly lower than previous years due to communities and local authorities responding to the pandemic. Although they remained steady throughout the year. It has been clear that many community transfer bodies have been impacted by the pandemic and it has been taking organisations longer to prepare for submitting formal community asset transfer requests. Local authority support and support from other organisation such as the Community Ownership Support Service remains vital, especially for organisations who are still recovering from the pandemic.

Thinking to the year head, North Lanarkshire Council officers responsible for the community asset transfer process have identified several key actions: -

- The need to design and implement a shared assessment for all ownership and management requests (informal and formal)
- Development of a corporate approach to enable the council to agree discounted leasing agreements with organisations with charitable aims where it is mutually beneficial to agree out with the CAT process
- Development of Capacity Building Support offer which is proportionate to the aspirations of the organisations
- Development of a communication and implementation plan, to further promote and raise awareness of the community asset transfer process

## **Section 5 – Community Empowerment Act Review**

*The following questions relate to the Scottish Government review of the Community Empowerment (Scotland) Act 2015. We would value your feedback as a relevant authority concerned with part 5 (asset transfers) of the Community Empowerment (Scotland) Act 2015.*

5.1 Has the legislation made things easier or more difficult to access? Please provide some comments on your experiences as a relevant authority engaging with this legislation.

The process should enable a consistent approach across all relevant authorities and is supportive of the community empowerment agenda. However, as awareness increases about the opportunities for community asset transfers, so does the requirement to provide organisations and groups with relevant and timely guidance, advice and support. North Lanarkshire Council and our community planning partners understand the importance of this support but it can lead to resourcing pressures.

Also, the robust application process and criteria is important and understood, but for many smaller organisations progressing through the community asset transfer process, this can come with added financial costs for example for feasibility work, engagement activity, producing business plans etc. Access to discretionary grants / funding could go a long way to relieve pressure for organisations navigating through the process.

Likewise, as a relevant authority we are mindful of the end result and the need for organisations to be able to manage the asset being transferred. Funding support for organisations particularly in year 1 could mitigate any financial pressure allowing time to create a sustainable financial plan.

5.2 Where can things be further improved, and what needs to change?

A) As above, financial support for community transfer bodies would be an improvement (especially for smaller organisations)

B) Consideration of the added resourcing pressures that implementation of the community empowerment act legislation has for local authorities and solutions to mitigate this would be helpful.

C) Production of guidance on handling requests for community asset transfers of common good properties/ land. Consideration of whether there is a work around the legality of such requests, and if not provision of consistent statement to be used by all relevant bodies.

5.3 Are you aware of what support is available to you when engaging with this legislation, and how you can access this? Please provide comments where possible.

Yes – there is a general awareness of the support available. North Lanarkshire Council has in recent times sought guidance and clarification from the Community Ownership Support Service.

5.4 What would you like to see now, to further empower Scotland's communities?

More focus on developing relevant local supports for organisations and groups, and increased or prioritised resources to allow for additional grassroots community development work and activity, including community capacity building and community engagement (especially within disadvantaged and priority communities)

**Please email the completed template by 30 June 2022 to [community.empowerment@gov.scot](mailto:community.empowerment@gov.scot)**

If you have any queries please contact Malcolm Cowie, Asset Transfer Policy Manager at [Malcolm.cowie@gov.scot](mailto:Malcolm.cowie@gov.scot)

Thank you!

Community Empowerment Team  
Scottish Government