

COMMUNITY OWNERSHIP SUPPORT SERVICE

COSS is part of the Development Trusts Association for Scotland (DTAS)







COSS is a Scottish government funded programme, adviser led across all 32 LA areas, set up to :

- ✓ help community groups take ownership of assets for community benefit – asset transfer
- ✓ support local authorities and other public agencies (relevant authorities) to transfer assets into community ownership.



COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

				
PART 1	PART 2	PART 3	PART 4	PART 5
NATIONAL OUTCOMES	COMMUNITY PLANNING	PARTICIPATION REQUESTS	COMMUNITY RIGHT TO BUY LAND	ASSET TRANSFER REQUESTS

					
PART 6	PART 7	PART 8	PART 9	PART 10	PART 11
DELEGATION OF FORESTRY COMMISSIONERS FUNCTIONS	FOOTBALL CLUBS	COMMON GOOD PROPERTY	ALLOTMENTS	PARTICIPATION IN PUBLIC DECISION MAKING	NON DOMESTIC RATES

What is Asset Transfer?

Sometimes Asset Transfer (AT) is referred to as CAT (Community Asset Transfer).

CAT is a process to allow a community organisation to take over **publicly owned land or buildings**, in a way that recognises the public benefits that the community use will bring. This transfer can be facilitated in different ways e.g the transfer of Title for outright **ownership**, the use of a long-term **lease** or indeed **management agreements**. This may be at a **discounted price**, with a grant or other support.

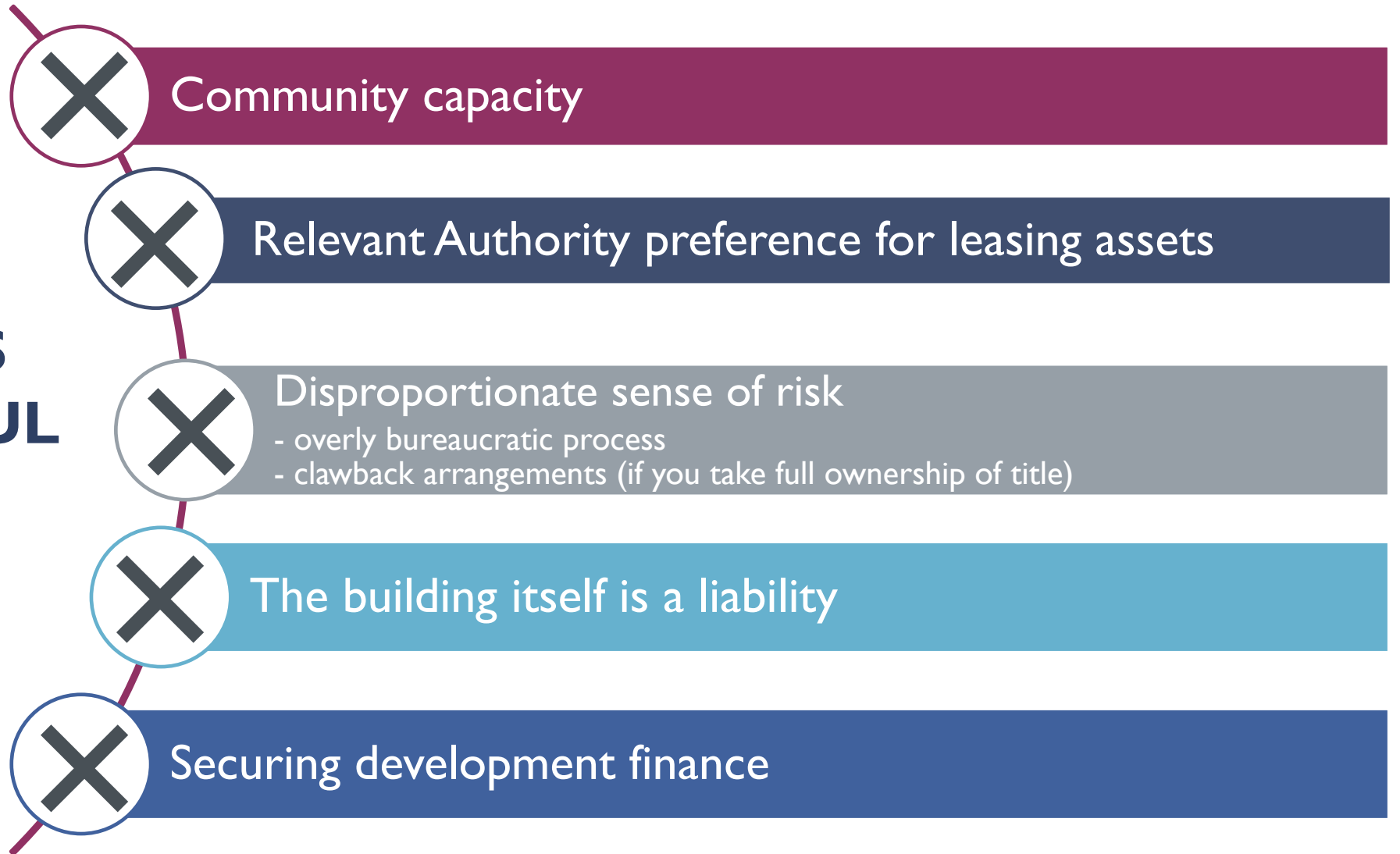
COMMUNITY OWNERSHIP: ASSETS FOR PEOPLE AND PLACE



ADVANTAGES OF ASSET TRANSFER

- ✓ Keeping and improving valued services e.g the youth group; the lunch club.
- ✓ “We can run it better”- able to use your own tradespeople; able to reduce the running costs by improving the insulation and heating systems.
- ✓ People are excited to get involved.
- ✓ We could create work and skills experience locally.
- ✓ We can access grants that the current owners cannot.

CHALLENGES AND BARRIERS TO SUCCESSFUL ASSET TRANSFER



ASSET TRANSFER RIGHTS

The Community Empowerment Act (CEA) introduces new key Community Rights to **communities of place (geographic)** or **interest (united by a common interest)**, and **places requirements on public agencies (Relevant Authorities)**. This includes the **right to:**



Request information on any publicly owned asset that the community believes they can make better use of for community benefit.



Request the transfer of a public asset **(and it doesn't have to be surplus)**.



Acquire that asset if the public body cannot offer a good reason why this shouldn't happen (ie there is a presumption in favour of transfer).



To decide on the price it wishes to offer, based on the economic, social, health or environmental benefits it will add, and the condition of the asset.



To appeal any adverse decision, first with the public body (if LA) and then with the Scottish government ministers.

ELIGIBILITY FOR LEASING OR MANAGING

A community-controlled body either incorporated or unincorporated but with a written Constitution that includes:

- a) A definition of the community to which the body relates;
- b) Provision that the majority of the members of the body consists of members of that community;
- c) Provision that the members of the body, **who consist of members of that community, have control of the body;**
- d) Provision that membership of the body **is open to any member of that community;**
- e) A statement of the body's aims and purposes, including the promotion of a benefit for that community; and
- f) Provision that any surplus funds or assets of the body are to be applied for the benefit of that community.

NB- you will notice that you do not have to be incorporated to start this part of the Asset Transfer process but we would never recommend that your organisation signs any legal agreement without being incorporated. You can get help on this from your COSS

FOR OWNERSHIP

In addition, for ownership, the community transfer body must be incorporated as **one of these three** structures:

1) A Scottish Charitable Incorporated Organisation (SCIO) the constitution of which includes provision that the organisation must have not fewer than 20 members; or

2) A Community Benefit Society (CBS) the registered rules of which include provision that the society must have not fewer than 20 members; or

3) A Company Limited by Guarantee (CLG) the articles of association of which include provision that:

- a) the company must have not fewer than 20 members; and
- b) on the winding up of the company and after satisfaction of its liabilities, its property (including any land, and any rights in relation to land, acquired by it as a result of an asset transfer request under this Part) passes—
 - i. to another community transfer body,
 - ii. to a charity
 - iii. to such community body (within the meaning of section 34 of the Land Reform (Scotland) Act 2003) as may be approved by the Scottish Ministers
 - iv. to such crofting community body (within the meaning of section 71 of that Act) as may be so approved, or
 - v. if no such community body or crofting community body is so approved, to the Scottish Ministers or to such charity as the Scottish Ministers may direct.

CAT PROCESS





Q+A



www.dtascommunityownership.org.uk

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Thank you

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