



From mountain to sea

# Asset Transfer Annual Report

1st April 2019—31st March 2020

**Aberdeenshire Council has long been committed to a policy of Asset Transfer because it recognises that the community ownership of assets can make an important contribution to a range of innovative solutions which community bodies can develop to address local needs.**

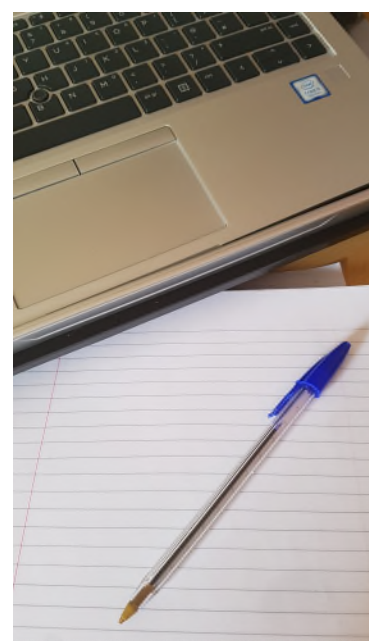
Asset Transfer involves the transfer of responsibility for an asset, either through lease or ownership, from the Council to a community body. In transferring the asset the Council will apply a discount to the commercial lease or market value of the asset in proportion to the perceived community benefits of the transfer.

Section 95 of the Act requires every relevant authority to publish an annual report setting out the numbers of asset transfer requests received and their outcomes. The Annual reports cover each year from 1 April to 31 March and must be published by 30 June.

This report has been produced in compliance with the Act. It is important to note that as the timescale for the Asset Transfer process may take more than 12 months to complete, the number of requests received in one year and the number agreed or refused in that year may not be the same.

**Section 95 of the Community Empowerment Act** requires Aberdeenshire Council to publish an annual report setting out:

- the number of asset transfer requests received.
- the number of such requests which the Aberdeenshire Council has either agreed to or refused.
- the number of agreed requests which have resulted in the transfer of ownership, a lease or conferral of other rights.
- the number of appeals which have been allowed, dismissed or have resulted in any part of the decision of Aberdeenshire Council being varied or reversed.
- any action taken by Aberdeenshire Council to promote the use of asset transfer requests and to support a community transfer body or community organisation in the making of an asset transfer request.





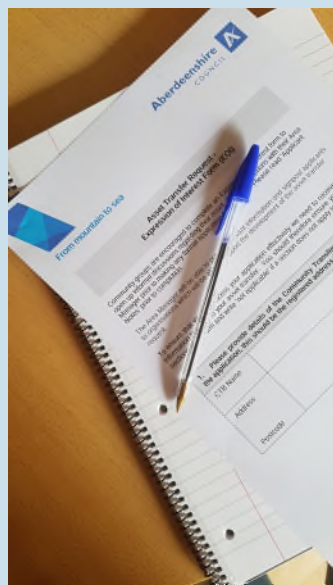
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## Aberdeenshire Council Asset Transfer Process

The Council's Asset Transfer process offers groups the option to engage in an informal Expression of Interest (EOI) prior to making a full application.

This allows the group to be supported and provided with relevant information to support the development of a formal asset transfer request.

Not all EOI applications progress to a formal stage as groups may decide to withdraw for a number of reasons. Similarly some groups do not feel the need to make an EOI application and progress directly to the formal stage.



### Community Empowerment Legislation

The Community Empowerment (Scotland) Act 2015 moves forward from a voluntary approach by the public sector, and introduces a right for community bodies to make requests to all local authorities to either own or buy an asset.

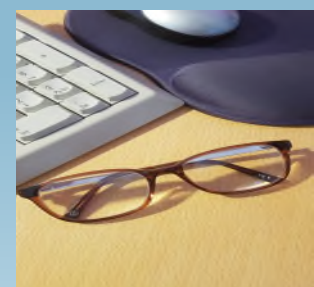
A request can be made in relation to any land or building which is owned or leased by the relevant authority.

The Act requires local authorities to transparently assess requests against a specified list of criteria, and to agree the request unless there are reasonable grounds for refusal.



A formal application is accompanied by a business case, an indication of social return on investment and a financial plan demonstrating how the community group will sustain the running of the asset.

The relevant Area Committee makes the final decision on the application, with the option of an appeal initially to the Council and subsequently to the Scottish Government if the group are unhappy with the decision made.



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**Summary Information for Annual Report**

Reporting period - start	01/04/2019
Reporting period - end	31/03/2020
Total number of asset transfer requests received	3
Number agreed	4
Number refused	0
Number resulting in:	
a transfer of ownership of land to a community transfer body	0
a lease of land to such a body	2
rights in respect of land being conferred on such a body	0
Number of appeals under section 85 relating to such requests made to the relevant authority:	
Allowed	0
Dismissed	1
Resulted in any part of the decision of the authority being varied or reversed	0
In relation to a decision of the relevant authority reviewed under section 86 or 87, the number of such decisions that have been:	
Confirmed	0
Modified	0
Substituted by a different decision	0
Total Area Transferred (ha)	0

**Number of formal Asset Transfer requests received: 3**

**Kincardine and Mearns —1**

Mill of Benholm Enterprise—Mill of Benholm

**Banff and Buchan—2**

Friends of Tarlair—Tarlair Pavilion

Banff and Macduff Men's Shed—Former Kingswells Nursery

**Number of formal Asset Transfer requests agreed: 4**

**Formartine—1**

Haddo Forum Ltd—Haddo Country Park Car Park—Lease

**Marr—2**

Networks of Wellbeing—34 West Park Street, Huntly—Lease

Lumsden Community Association– Lumsden Public Convenience—Transfer of Ownership

**Banff and Buchan—1**

Friends of Tarlair—Tarlair Pavilion—Lease

**Number of contracts concluded: 2**

**Formartine—1**

Haddo Forum Ltd—Haddo Country Park Car Park—Lease

**Garioch—1**

Old School House, Westhill– SensationALL—Lease

**Number of appeals dismissed: 1**

**Garioch—1**

Market Place School-The Garioch Partnership



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### Number of Expression of Interest applications received : 20

Buchan –1	Banff and Buchan—6
Formartine—5	Garioch—2
Kincardine and Mearns—6	Marr—0

### Appeals

If an application is refused the Community Body can write to the Chief Executive of Aberdeenshire Council within 28 days asking that the decision be reviewed. The Community Empowerment Review Body will then review the decision. If the application is still refused the Community Body has a right of appeal to Scottish Ministers who will review the matter independently.

During 2019 – 2020 no appeals were made to the Council.

During 2019 – 2020 no appeals were made to Scottish Ministers. However in August 2019 Scottish Ministers released their decision on an appeal submitted by the Garioch Partnership in March 2019 in relation to Market Place School. The appeal was dismissed.

### Support to the Community

During 2019 – 2020 the Council has continued to promote asset transfer through community engagement activities and informal meetings with Community Groups.

Supporting groups to become properly constituted in order to apply for assets under the Act, the Council has advised and given guidance on the development of business plans as well as signposting groups towards potential sources of funding.

The Asset Transfer pages on the website continue to be developed and include links to external sources of guidance and advice.

### Aberdeenshire Council Area Manager Contacts

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#### **Marr**

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