

Validation Process for formal Community Asset Transfer

Requests for CAT can be made in writing stating that the request is being made under PART 5 of the “Act”. Applications can be made by completing the East Lothian Council Request Form using the [Asset Transfer Request Form](#). All completed applications should be emailed to: assettransfers@eastlothian.gov.uk

The Council has established an Asset Transfer Group to provide a coordinated approach to Community Asset Transfers. This group is responsible for overseeing all Expressions of Interest and Asset Transfer Requests received by the Council, determining whether each request should be approved. The Asset Transfer Group will review and assess all Community Asset Transfer requests.

Below are the steps for the Validation Process for a formal Community Asset Transfer.

1. **Formal Community Asset Transfer Request (statutory)**

- **Community Body Submission:** Community bodies submit a formal asset transfer request, including detailed proposals and supporting documents.
- **Acknowledgment:** The Council Asset Transfer Group acknowledges receipt of the request within a specified timeframe (e.g., 10 working days). The Council Asset Transfer Group will review the submission to ensure all required information is provided and all aspects of the request are satisfactory. Please note that there is no set timescale for reaching this stage, and multiple iterations of documents may be necessary to meet the requirements of the Community Empowerment (Scotland) Act 2015.

2. **Validation – Procedure Following Receipt of a formal CAT Request**

- **Acknowledgment Notice:** Considering that a request has been made triggers an official Acknowledgment Notice to the Community Transfer Body (CTB) and starts the legislative 'clock' whereby the Council has up to six months to give the CTB a decision. This status is referred to as 'Validation'.
- **Completeness Check:** Validation will be managed by East Lothian Council.
- **Issuance of Acknowledgment Notice:** An Acknowledgment Notice will be issued to the CTB by the CAT Lead.
- **Public Notice:** As soon as possible after the request has been validated (issue of Acknowledgment Notice), the Council is required to publish notice that a CAT request has been received for an asset and to invite representations from interested parties.
- **Notice Distribution:** The notice is published on the CAT web page and displayed at the site and within the local community.
- **Representation Period:** Notices must be displayed for a minimum of 20 days during which any representations can be made to the Council. Representations must be made in writing stating the name of the group raising them.

- **Sharing Representations:** All representations are shared with the CTB and published on the website; CTBs have a right to respond to representations within 20 days of the representation being made and this response will also be published on the website.
- **Management of Process:** The CAT Lead will be responsible for managing this phase of the process.

3. Detailed Evaluation

- **Criteria Assessment:** Evaluate the request against established criteria, such as community benefit, alignment with local plans, financial viability, and sustainability.
- **Consultation:** Engage with relevant stakeholders, including community members, local businesses, and other public bodies, to gather feedback.

4. Decision Making

- **Review Panel:** A panel of local authority representatives reviews the assessment and stakeholder feedback.
- **Decision:** The panel makes a decision to approve, conditionally approve, or reject the request based on the evaluation.

5. Notification

- **Informing the Community Body:** Communicate the decision to the community body, providing detailed reasons for approval or rejection.
- **Public Announcement:** Announce the decision publicly to ensure transparency.

6. Appeals Process

- **Right to Appeal:** Inform the community body of their right to appeal the decision if their request is rejected.
- **Appeal Submission:** Community body submits an appeal, which is reviewed by an independent panel or higher authority.

7. Implementation

- **Agreement Drafting:** Draft and finalise the transfer agreement, outlining terms and conditions.

- **Transfer Execution:** Complete the legal and administrative processes to transfer the asset.

8. Monitoring and Evaluation

- **Ongoing Monitoring:** Monitor the community body's use of the asset to ensure compliance with the terms of the agreement.
- **Periodic Review:** Conduct periodic reviews to assess the impact and benefits of the asset transfer.