

# **Transfer and Delegation: Expression of Interest – Guidance Notes**



**Independent Framework for Transfer and Delegation**

## Guidance Notes

**It is recommended that these guidance notes be read in conjunction with the Expression of Interest Form.**

The Expression of Interest (EOI) form should be used to submit an initial proposal for transfer or delegation.

### Completing the EOI form

Applicants are recommended to:

- Read these guidance notes before completing the EOI
- Consider all the questions in the EOI form carefully before answering
- Consult the additional supporting guidance where indicated

In order to reduce the burden on applying organisations, suggested word counts have been provided. Applying organisations are recommended to keep within these word counts when responding. Please do not submit additional materials. Only requested attachments will be accepted. Links to online supporting materials are welcome but please note these will not necessarily be considered in detail.

## **Glossary**

### Assets

“Asset” is the term used for properties, rights and interests managed by Crown Estate Scotland. These range from ancient rights to more recently acquired property. All assets remain the legal property of the Monarch, but are held “in right of The Crown”.

For a list of the assets available under a transfer or delegation, please see ‘[A Guide to a Successful Application](#)’

For more information on specific assets, please visit the [Crown Estate Scotland Asset Profiles page](#). Here you can find a summary of the asset including a financial overview, the benefits delivered under the current management by Crown Estate Scotland as well as information on value and measuring success.

### Community

A community can be defined by their interest(s) or by their geography. In the context of this EOI, consider that a range of communities may exist. These may include those who will be impacted by the proposal as well as those who stand to benefit from the proposal outcomes.

### Conflict(s) of Interest

A conflict of interest is any situation which may arise if there is a potential for the interests of the applying organisation to be different to the interests held by any other relevant body either within the proposal area (including between stakeholders, tenants or other organisations) or by any relevant body that may be interested in or impacted by the nature or outcomes of the proposal.

### Delegation

A delegation is when the function of managing an asset is delegated to a new manager who then takes on the agreed aspects of management. Crown Estate Scotland will continue to report on that asset to the Scottish Government and will support and advise the new manager.

### Proposal Area

The proposal area is the geographical area within which the assets requested exist and within which the management of any associated activities would take place.

### Scottish Consolidated Fund

Any manager of a Scottish Crown Estate Asset has a duty to pay all revenue profit back into the Scottish Consolidated Fund, the main fund operated by the Scottish Parliament.

### Transfer

A transfer is when the function of managing an asset is taken on in full by the new manager. This includes financial & reporting requirements, as set out in the Scottish Crown Estate Act 2019. Crown Estate Scotland would no longer be involved in the direct management of the asset.

## Value

Section 7 of the [Scottish Crown Estate Act 2019](#) places a duty on any manager to maintain and seek to enhance the value of the asset and the income arising from it. In complying with that duty, the manager must act in the way best calculated to further the achievement of sustainable development in Scotland and seek to manage the asset in a way that is likely to contribute to the promotion or the improvement in Scotland of (i) economic development (ii) regeneration (iii) social wellbeing and (iv) environmental wellbeing.

For more information on value, please visit [Crown Estate Scotland's Asset Profile](#) page.

## **Section 1: Eligibility**

### About your organisation

- a) Name of Organisation - Please provide the name of the applying organisation.
- b) Registered Address - Please provide the full registered address of the applying organisation.
- c) Organisation Type - Please select the option which best describes your organisation. Please note, private or family applications are not eligible for transfer or delegation.

As per the Crown Estate Scotland Act 2019, in addition to Scottish Ministers and Crown Estate Scotland, eligible organisations include Scottish:

- local authorities,
- public authorities with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998),
- harbour authorities, and,
- established community organisations, which must conform to [Section 6 of the Act](#) (please indicate your legal status).

How can we contact you?

- a) **Contact name** - The name of the primary contact within the organisation
- b) **Does the main contact have any communication needs?** - Please clearly define any communication requirements of the primary contact.
- c) **Position in organisation** - the position of the primary contact within the organisation
- d) **Business address** - If the business address of the organisation differs from the registered address, please provide the address in full. Please do not provide your residential address.
- e) **Contact number** - The contact phone number(s) for the primary contact
- f) **Email address** - The email address for the primary contact.
- g) **Website** - The website of the applying organisation, if applicable.

Introducing your proposal

- a) **Name of proposal** - Please provide a short name that refers to your project. This name should reflect the nature of the proposal and should, if possible, be unique to the applying organisation.
- b) **Proposal management type** - Please select only one management type, either transfer or delegation.
- c) **Project location** - Please provide a brief description of your proposal area.

Please describe the location of the proposed asset. Include a list of the positions outlining the boundary of the asset area.

Positions should be provided in British National Grid (BNG) format. The BNG coordinate reference system is the one which Crown Estate Scotland uses in its mapping processes and complies with Registers of Scotland.

BNG positions take the form of Eastings and Northings and are expressed as 2 numbers representing distance from an initial point.

### Example

Eastings: 386639, and Northings: 853666. This can also be expressed as an X and Y position on some resources. E.g. 386639, 853666

Positions can also be provided as coordinates (Latitude and Longitude). For positions taken from British National Grid, these are calculated on the OSGB1936 datum. This differs from the eastings and northings as they are presented in Degrees, minutes and seconds.

Coordinates provided in this format should take the form:

55°55'44"N 2°22'11"W if seconds are used or 55° 55.555'N 002° 22.222'W if using decimal minutes. Decimal degrees are also accepted (55.51234N, 2.12345W).

If coordinates are provided, please ensure that the coordinates are identified from a source using OSGB1936. For example, coordinates identified from Google Maps, or Bing Maps will be in the wrong datum and will need to be converted before being submitted.

It is important that the correct positions, in the correct format, are included with this business case, as any errors will result in the application being delayed. Please also include within your business case, a suitably scaled extract of an Ordnance Survey Map (1:2,500 scale but not more than 1:10,000) which must be marked to indicate:

- the full extent of the asset in question
- Eastings and Northings under the BNG system (latitude and longitude co-ordinates are also accepted, provided they conform to the requirements outlined above) defining the location of the asset

If they are subject to copyright, it is the responsibility of the applicant to obtain necessary approvals to reproduce the documents and to submit suitably annotated copies with the application.

Online resources are available to assist with determining the approximate location of co-ordinates, such as Grid Reference Finder.

If required, GIS Support is available from Crown Estate Scotland – please email [CESU@gov.scot](mailto:CESU@gov.scot) if you wish to request this support.

## **Section 2: Your Proposal**

### Your proposal aims and objectives

Please use this section to give a brief outline of your organisation's proposal aims and objectives. Please observe the word limit, bullet points can be included to list any key points.

You should indicate:

*What do you plan to do and what prevents it from happening at the moment?*

Give a brief outline of what your proposal involves and what prevents it/or what is required to fulfil the proposal aims and objectives

*Who stands to benefit most from the proposal?*

Please identify the group (s) who will directly benefit from the outcomes of your proposal

### *The scale and timescale of the proposal*

Proposals can be of any duration and applicants are recommended to include relevant milestones, if possible

### *The type of management approach and the decision-making structure*

Please give an outline of the type of managing organisation for your proposal and their approach to decision making. Include information about how you will select people for any boards or decision making panels.

### Enhancing Value

Please use this section to indicate how your proposal will maintain and seek to enhance the value of the assets and the income arising from them. Please describe how your proposal will contribute to social wellbeing, environmental wellbeing, economic development and regeneration.

Please also consider the financial budget of the proposal, indicating any associated costs or savings that will result from your proposal.

### Management Suitability

Please use this section to tell us how existing, alternate management options (such as local management agreements, or ownership) have been considered and why a transfer or delegation is the most appropriate management option to achieve your proposal aims. For example, you may wish to include any barriers that existing management options cause to fulfilling your proposal aims.

Further Examples of Management options and Case Studies are available at: [A guide to Community Management through Transfer and Delegation: Is Transfer or Delegation right for me?](#)

## Community Engagement

At this stage, you are requested to identify the communities that you expect will be most impacted by your proposal. Please provide a list of these communities and a short description of how each might be impacted.

If your organisation already has evidence of engagement or support from any of these communities, this can be provided as an attachment to the Expression of Interest. This may include survey results, letters of support or minutes from a meeting that clearly evidence initial support from representative bodies.

Further information on Community Engagement is available at '[Community Engagement Guidance](#)'

Applicants are also recommended to consult the [National Standard for Community Engagement](#) for supporting information on Community Engagement.

If your application is progressed to the next stage, more detail about engagement with the relevant communities will be requested as well as further evidence of community support.

## Local interests and relationships

In taking on the management of an asset, it is important to consider how groups and communities may be affected by the proposal. You should consider both people located in the proposal area and groups who have an interest in the asset or the proposed outcomes of managing the asset i.e. communities of geography and communities of interest.

In this section, applicants should aim to identify as many of these groups as possible and identify positive and potentially negative interactions between them. At this stage providing a list of groups and potential interactions is sufficient. For example, this could include local angling interests, commercial fishing, tourism interests or other community ventures etc.

If your application is progressed to stage two you will be invited to provide more detail on potential interactions and how they will be managed.

### Risk

Proposals of any scale will have potential risks, relating to both the management and impacts of the proposal. In this section, we want to get an idea of any initial risks that have been identified as part of your proposal. Applicants should consider the likelihood and impact of risks involved in managing the asset and in the outcomes of the proposal. At this stage, it is acceptable for applicants to provide a list/table of any identified risks.

If your application is progressed to stage two, you will be invited to provide more detail on potential risks and how these risks will be managed or mitigated.

### Supporting Document Checklist

Applicants should label each attachment in the format:

- Proposal name/Document name
- Map of proposal area
- If available, evidence of community support/need for your proposal

### What's Next?

Applicants should e-mail the application form to [CESU@gov.scot](mailto:CESU@gov.scot) complete with any attachments (in the format as requested above). Remember to use 'Expression of Interest: Organisation name as the subject title.

Your EOI will then be reviewed by an assessment panel, and the appropriate due diligence of your organisation will be carried out as part of this process. Please note that the submission of an EOI does not form a guarantee of you being granted a transfer or delegation.

The assessment panel aims to respond to your proposal within 30 working days. However, they may be unable to respond within this timeframe if your proposal is

particularly complex. Should your proposal take longer to review, a further acknowledgement advising you when you will receive a response will be given.

After receiving your feedback, if you choose to progress your application to the next stage, please submit a full [business case](#). You will be expected to provide further, detailed information under the section headings: proposal overview, aims and objectives; finance; enhancing value; community engagement; relationship management, and; risk.