

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 – UPDATE – EXPRESSIONS
OF INTEREST / ASSET TRANSFER REQUESTS/REPORTING REQUIREMENTS**

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to advise the Committee on 1: current live Expressions of Interest (EOI's) which may become subject to a formal asset transfer request 2: community group proposals which have been dealt with out-with the formal asset transfer process 3: the progress of the asset transfer request which has been submitted by Mull and Iona Community Trust (MICT) in respect of Calgary Bay Site of Special Scientific Interest (SSSI) 4: current live ongoing or agreed Participation Requests received by the Council and 5 the annual reporting requirements in respect of Asset Transfer Requests and Participation Requests set out in Section 95 and 32 of the Community Empowerment (Scotland) Act 2015 respectively.

RECOMMENDATIONS

It is recommended that:

- 1.2 The Committee note the report and the positive outcomes being achieved.

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 – UPDATE – EXPRESSIONS
OF INTEREST / ASSET TRANSFER REQUESTS/ REPORTING REQUIREMENTS**

2. INTRODUCTION

- 2.1 The purpose of this report is to advise the Committee on 1: current live Expressions of Interest (EOI's) which may become subject to a formal asset transfer request 2: community group proposals which have been dealt with out-with the formal asset transfer process 3: the progress of the asset transfer request which has been submitted by Mull and Iona Community Trust (MICT) in respect of Calgary Bay Site of Special Scientific Interest (SSSI) 4: current live ongoing or agreed Participation Requests received by the Council and 5 the annual reporting requirements in respect of Asset Transfer Requests and Participation Requests set out in Section 95 and 32 of the Community Empowerment (Scotland) Act 2015 respectively.

3. RECOMMENDATIONS

It is recommended that:

- 3.1 The Committee note the report and the positive outcomes being achieved.

4. DETAIL

EXPRESSIONS OF INTEREST

- 4.1 There are currently fifteen live expressions of interest relating to potential asset transfer requests (attached as Appendix 1). It should be noted that not all EOI's will necessarily become subject to a formal asset transfer request. Some may be subsequently withdrawn, or dealt with in a way that delivers the outcome required by the community group out-with the asset transfer process.

PROPOSALS DEALT WITH OUT-WITH THE ASSET TRANSFER PROCESS

- 4.2 There are currently 5 proposals which have been dealt with in a way that delivers the outcome required by the community group outside the formal asset transfer process, specifically:
- Old Quay Building, Campbeltown, Valuation Joint Board – Non Exclusive Licence;
 - Show Field, Lochgilphead, Mid Argyll Agricultural Society - Non Exclusive Licence;
 - Rose Garden, Dunoon – Dunoon Regeneration – Non Exclusive Licence;

- Land at King George V Park, Ardrishaig – KGV (a subgroup of Ardrishaig Community Council) – Council have agreed to maintain the fence at the expiry of the 10 year warranty; and
- Land at Lismore Primary School - Lismore Parent Council – Non Exclusive Licence

ASSET TRANSFER REQUESTS

MULL AND IONA COMMUNITY TRUST – CALGARY BAY SSSI

- 4.3 On 23 November 2017, Mull and Iona Community Trust (MICT) submitted an asset transfer request in respect of Calgary Bay SSSI seeking a 25-year lease of the asset at £1 per annum. It should be noted that:
- The Asset Transfer Request was validated on 1 December 2017;
 - The Asset Transfer Group agreed to recommend approval of the Asset Transfer Request on 9 May 2018;
 - The Executive Director of Customer Services in conjunction with the Executive Director of Development and Infrastructure agreed to the request on 21 May 2018; and
 - The Decision Notice was issued to MICT and published online on 21 May 2018.
- 4.4 MICT now require to submit an offer to the Council in respect of the Asset Transfer Request by 26 November 2018 which must reflect the terms and conditions set out in the Decision Notice (attached as Appendix 2), and which may include other reasonable terms and conditions as are necessary, or expedient to secure the lease within a reasonable time.
- 4.5 It should be noted that it was open to MICT to make an application to the Council for a review of the decision by the 18 June 2018, if they considered the terms and conditions set out in the Decision Notice were significantly different to those in their original request. No such request was received by the Council.

PARTICIPATION REQUESTS

- 4.6 Part 3 of the Community Empowerment (Scotland) Act 2015 provides a framework for the use of participation requests by community bodies, with the intention of enabling communities to have more influence over services and decisions which affect them. Part 3 of the Act came into force on the 1st April 2017.
- 4.7 In line with the requirements of the Act, the Council has put in place a procedure which allows consideration of any requests made community bodies. The procedure and further information can be found on the Council's website at <https://www.argyll-bute.gov.uk/find-out-more-about-participation-requests>
- 4.8 During the period 1 April 2017 to 31 March 2018, the Council received 4 participation requests, all were agreed. The Council has received one Participation Request subsequent to 31 March 2018 which is currently being considered by the Service. (Details of all Participation Requests are attached at Appendix 3).

ASSET TRANSFER AND PARTICIPATION REQUESTS - ANNUAL REPORTING REQUIREMENTS

- 4.9 Section 95 of the Community Empowerment (Scotland) Act 2015 requires the Council to publish an annual report setting out the numbers of asset transfer requests received and their outcomes. The relevant report has been published on the Council's website.
- 4.10 The report also requires to set out what the Council has done to 1: promote the use of asset transfer requests and 2: support community bodies to make requests (report attached as Appendix 4).
- 4.11 Annual reports cover each year from 1 April to 31 March and must be published by 30 June. The Commencement Order for the Act provides that the first annual report should cover all requests received from the scheme coming into force on 23 January 2017 up to 31 March 2018.
- 4.12 In addition to the information required by the Act, the Scottish Ministers may request further details to provide information on progress towards their target of 1 million acres in community ownership, and other policy issues. If further information is required, the Scottish Government will contact relevant authorities directly and provide a standard form to record any information required.
- 4.13 Section 32 of the Act also requires the Council to publish an annual report in respect of Participation Requests (attached as Appendix 5) setting out:
- The number of requests received
 - The number of requests agreed and refused
 - The number of requests which resulted in changes to a public service provided by, or on behalf of, the public service authority
 - Any action taken by the public service authority to promote and support the use of participation requests.
- 4.14 Annual reports Participation Requests cover each year from 1 April to 31 March and must be published by 30 June. The relevant report has been published on the Council's website.

5. CONCLUSION

- 5.1 The purpose of this report is to advise the Committee on 1: current live Expressions of Interest (EOI's) which may become subject to a formal asset transfer request 2: community group proposals which have been dealt with out-with the formal asset transfer process 3: the progress of the asset transfer request which has been submitted by Mull and Iona Community Trust (MICT) in respect of Calgary Bay Site of Special Scientific Interest (SSSI); 4: current live ongoing or agreed Participation Requests received by the Council and 5 on the annual reporting requirements in respect of Asset Transfer Requests and Participation Requests set out in Section 95 and 32 of the Community Empowerment (Scotland) Act 2015 respectively.

6. IMPLICATIONS

6.1 The implications of the proposal are outlined in the table below.

Table 6.1: Implications	
Policy	In line with Council policy relating to the Asset Transfer and Participation Request Process
Financial	None at present
Legal	In line with Statutory requirements of the Community Empowerment (Scotland) Act 2015 and related Regulations
HR	None at present
Equalities	None at present
Risk	None at present
Customer Service	None at present

Douglas Hendry - Executive Director of Customer Services 18 October 2018

Policy Lead Community Empowerment – Councillor Rory Colville

For further information contact:

David Logan, Special Projects and Quality Improvement Manager 01546 604 322

Michael Nicol, Solicitor, Special Projects, 01546 604 468

Iain Jackson, Governance and Risk Manager, 01546 604 188

Appendix 1

Active Asset Transfer Requests

No	Date Received	Organisation	Asset	Summary of Asset Transfer Request	Status	Summary of Current Position
1.	1.12.17	Mull and Iona Community Trust	Calgary Bay SSSI	25 year lease at £1 per annum - Manage the land as deemed appropriate as a SSSI, Provide over flow car parking if necessary and manage access onto the site.	Asset Transfer Request Approved Decision Notice issued 21.05.18	Group require to submit formal offer by 26 November 2018

Active Expressions of Interest

No	Date Received	Organisation	Asset	Summary of Expression of Interest	Status	Summary of Current Position
1	01.03.17	Oban Lorne Rugby Club	Glencruitten Sports Field and clubhouse, Oban	Transfer of ownership of clubhouse and long term lease of both sport pitches adjacent to clubhouse – No price indicated.	Open– Ongoing	Group's Constitution does not currently meet legislative requirements. Group currently working on amendments to rectify.
2	16.03.17	Ardrishaig Community Trust	Ardrishaig Public Toilets and Land adjacent to	Transfer of ownership to run amenity and link hall to amenity - no price indicated.	Open – Ongoing	No further officer actions currently required – Action with group to progress the

			toilets			request.
3	13.06.17	Grubs Up	Guide Hall, Stag Park, Lochgilphead	Transfer of ownership for £1 to run recovery café at the hall.	Open - May be withdrawn	Property Services undertook asbestos demolition survey identifying ACM's in the sink pad (generally considered low risk) and that access was not possible in the solum area but that this should not prevent demolition of the site which may be desirable given its current condition. EOI likely to be withdrawn as group have identified alternative premises.
4	30.06.17	Fyne Futures	Ardencraig Gardens, Rothesay	25 year lease for Universal Horticultural Training Centre with Teaching Kitchen/Café - no price indicated	Open – May be withdrawn	Groups Constitution does not currently meet legislative requirements. Group currently working on amendments to rectify.

						Proposal may be concluded outwith ATR process by means of non-exclusive licence.
5	12.07.17	Helensburgh Football Club	East King Football Pitches/ Changing rooms, Helensburgh	Lease for 5 – 10 years to help grow and develop "Football for all" Ethos in the Community.	Open - Ongoing	HFC & Ardencaple have agreed to work together to submit a joint proposal for a partnership agreement with Council– group currently exploring options to do so which may be out-with formal asset transfer process.
6	02.08.17	Ardencaple Football Club	East King Football Pitches/ Changing rooms, Helensburgh	EOI does not specify terms of transfer - to allow Ardencaple FC to grow within the community and additional facilities to the club. – no further details provided.	Open - Ongoing	HFC & Ardencaple have agreed to work together to submit a joint proposal for a partnership agreement with Council– group currently exploring options to do so which may be out-with formal asset transfer process.
7	05.09.17	Lochgilphead Phoenix Project	Land at Corran	Transfer of ownership of this land to create a nature reserve,	Open - Ongoing	Presence of knotweed detected

			Roundabout, Lochgilphead	establish a network of paths/trails and install at least one bird hide – no price indicated.		following report from ACT – group currently liaising with D&I about any possible options for assistance with eradication and currently no further progress with any potential asset transfer.
8	28.09.17	Helensburgh Seafront Development Project	Ground at Helensburgh Pier / seabed	Transfer or ownership or 25-lease to dredge Pierhead, installation of pontoons and wavebreaker/walkway - no price indicated.	Open – Ongoing.	EOI includes land on the seabed that the Council does not own. Clarification sought from group on specifics about their plan to regenerate the pier – awaiting response.
9	23.11.17	Friends of Hermitage Park Association	Hermitage Park Depot, Sinclair Street, Helensburgh	Transfer of ownership or 25 year lease to set up and manage community hub at the Depot for a range of community activities/groups – no price indicated	Open until sale concluded	EOI likley to be withdrawn as closing date for sale on the market has passed and negotiations currently ongoing with Legal Services and preferred bidder.
10	28.02.18	MYADS/Kilmory Woodlands		Transfer of ownership of land for newly forming group of	Open – Ongoing	Group currently developing request

				organisations – primarily sports based - -initially a rugby pitch.		and have advised they are not yet ready to proceed.
11	10.04.18	Mull and Iona Community Trust	Public Toilets adjacent to Calgary Bay SSSI	Transfer of ownership to secure future of toilets including an upgrade of the toilets to ensure they are fit for purpose – No price indicated	Open - Ongoing	View of Service being obtained in relation to any sale following which joint valuation to be instructed following agreement with MICT on cost share.
12	24.08.18	Inspire Inverary	Akrland District Depot	Lease of depot for use as a recreational facility for young people in the community – no length of term or price indicated.	Open – Ongoing	Constitution currently under review to ascertain whether they are a community transfer body able to make an asset transfer request.
13	24.04.18	Inspire Inverary	Marriage Room and Tourist Information Office	Lease of building to maintain a tourist information office on the ground floor and to use the first floor as a temporary meeting facility to be replaced by the new community centre currently under proposal – No length of term or price indicated	Open - Ongoing	Constitution currently under review to ascertain whether they are a community transfer body able to make an asset transfer request.
14	24.04.18	Inspire Inverary	Inverary Public Toilets	Transfer of ownership – including Marina plan to install visitor moorings and installation of showers in the toilets	Open - Ongoing	Constitution currently under review to ascertain whether they are a community

						transfer body able to make an asset transfer request.
15	17.05.18	Argyll and Bute Third Sector Interface	Dunoon CEC Woodside Building	Dunoon CEC Woodside Building – Terms of transfer not specified	Open - Ongoing	Groups Constitution does not currently meet legislative requirements. Group currently working on amendments.

APPENDIX 2



Transformation Projects and Regeneration
Economic Development
Social Enterprise Team
Community Learning Centre
Edward Street
Dunoon PA23 7PH
Tel: 01369 708547
Email: asset-transfer@argyll-bute.gov.uk
Website: www.argyll-bute.gov.uk/asset-transfer

ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT DECISION NOTICE - AGREED

To: Mull and Iona Community Trust, An Roth Community Enterprise Centre, Craignure,
Mull, PA65 6AY

21/5/18

This Decision Notice relates to the asset transfer request made by **Mull and Iona Community Trust** on **1 December 2018** in relation to **Calgary Bay SSSI, Isle of Mull, PA75 6QT**

Argyll and Bute Council has decided to **agree to** the request.

The reasons for this decision are as follows:

- The Community Benefit is substantial compared to the value of the asset
- The disposal will remove the site from Council responsibility
- The disposal sets out a positive benefit for the Community

The terms and conditions subject to which we would be prepared to lease the land which is subject is the subject of the asset transfer request to you are as follows:

1. The lease will be for a period of 25 years;
2. The rent will be £1 (one pound) per annum;
3. The tenant will require to permit the public to continue to exercise all access rights over the subjects;
4. The lease will be subject to any conditions, burdens and/or rights contained within the Council's title;
5. The Tenant will require to maintain such insurances in respect of the subjects and their operations as are required by the Council;
6. The transfer will include land owned by the Council below the watermark and not contained in the asset transfer request

If you wish to proceed, you must submit an offer to us at the address above by **26 November 2018**. The offer must reflect the terms and conditions attached, and may

include such other reasonable terms and conditions as are necessary or expedient to secure the lease within a reasonable time.

Right to review

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may apply to the Council to review this decision. Any application for review must be made in writing to Douglas Hendry, Executive Director of Customer Services, Kilmory, Lochgilphead, Argyll PA31 8RT by **18 June 2018**, which is 20 working days from the date of this notice.

Guidance on making an **application for review** is available at

<https://beta.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-community-9781786527509/pages/17/>

Appendix 3

Agreed Participation Requests – 1 April 2017 – 31 March 2018

No	Date Validated	Organisation	Request Details	Outcome
1	11.05.17	Blairmore Village Trust	Introduction of process to improve access and service provision in Blairmore Village and requested that the Council facilitate a process where the Council, LL TNP and the community work	Discussion are ongoing to facilitate further discussion on how the aims of the group might be achieved.
2	29.05.17	Helensburgh Community Council	The conjunction of the expectations of the Helensburgh community for well-maintained roads, pavements and road infrastructure with the reality of finite Council support resources.	Agreement between the Council and Helensburgh CC in place which ensures that better communication in relation to roads issues will be available via the Council's website and specific members of the CC will be added to the list of recipients for emails regarding Road closures and Press releases
3	17.10.17	Helensburgh Community Council	A consensual community view that the completion of the multi-million pound Helensburgh Waterfront Development Project will have met and exceeded the aspirations of the Helensburgh community.	The council has engaged Helensburgh Community Council, other community councils and local stakeholder/interest groups in a series of Focus Groups to inform the project and will continue to engage with them through the various stages outlines in the Stakeholder Engagement process.

4	23.10.17	Mull Community Council	To establish more coherent and co-ordinated traffic (including pedestrian traffic) management	The Council set up a short term working group who agreed an Outcome Improvement Plan including proposals, actions, timescales and priorities which will be taken forward. The council continue to work with the community council on implementing improvements and reviewing the plan
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Participation Requests Received from 31 March 2018

No	Date Validated	Organisation	Request Details	Status	Summary of Current Position
1	23.07.18	Inspiralba	To make improvements to Jocks Boat playpark, Campbeltown due to damage to boat and requirement for improved access	Active - Ongoing	Currently with Service for consideration.

APPENDIX 4



Section 95 - Community Empowerment (Scotland) Act 2015 Part 5 – Asset Transfer Requests Annual Report 23 January 2017 – 31 March 2018

Summary

This is Argyll and Bute Council's first Annual Report 2017-2018 as required by Section 95 of the Community Empowerment (Scotland) Act 2015 which sets out the relevant information to be included in the report in relation to asset transfer requests received during the reporting period.

The first Annual Report on asset transfer requests covers the period from the introduction of the legislation on 23 January 2017 through to March 2018.

Asset Transfer Requests

Argyll and Bute Council received 1 (one) validated asset transfer request during the reporting period. That asset transfer request was agreed to by the Council.

The asset transfer request received and agreed to by the Council relates to a lease of land by the community transfer body. However, this has not yet resulted in an executed lease as the asset transfer process is still ongoing.

No asset transfer requests were refused by the Council during the reporting period.

The Council did not receive any asset transfer requests during the reporting period which resulted in the transfer of ownership of land, or resulted in other rights in respect of that land being conferred on a community transfer body.

Reviews

There were no requests for a review in respect of a decision taken by the Council in relation to an asset transfer request during the reporting period.

Appeals

There were no appeals in respect of a decision taken by the Council in relation to an asset transfer request during the reporting period.

Promotion of the use of Asset Transfer Requests

The Council's Social Enterprise Team participated in the following meetings or events to present information and / or provide advice on the asset transfer process to 3rd parties:

- 11 March 2017 – Argyll and Bute's Community Planning Partnership's community empowerment event in Arrochar;
- 10 June 2017 - COSS – Asset Transfer Seminar in Glasgow
- 10 October 2017 – presentation on the asset transfer process to the board of Fyne Futures; and
- 10 November 2017 – Business Gateway and Highlands and Islands Enterprise– Leading Communities to Success event in Arrochar;

Generally, there has been an effort to raise awareness throughout all Council Services about the asset transfer process, and to encourage those Services to signpost community groups to that process where appropriate.

Support for Community Transfer Bodies making an Asset Transfer Request

The Council's Social Enterprise Team provide ongoing support to any community group making an asset transfer request, or considering making an asset transfer request.

This includes a pre-application stage where community groups are encouraged to discuss their ideas with the Council at an early stage, in order to help them understand how to make an effective asset transfer request, and provide guidance in relation to what is required in terms of the legislation.

The Council have developed Asset Transfer webpages which provide advice and guidance, a list of the Council's assets, contact details, the relevant forms and documents required to make a request, an Expression of Interest form (to facilitate early informal discussions between organisations and officers) and contact details for a single point of contact for enquiries.

The Social Enterprise Team are the single point of contact for any group who has submitted a formal asset transfer request. They ensure effective lines of communication are open throughout the assessment and determination of the asset transfer request, and advise community groups of the progress of any steps which require to be taken in order for a decision to be made.

Participation requests – annual report

2.0 EXECUTIVE SUMMARY

This report provides details to DMT of the number and outcome of participation requests received in 2017/18.

The DMT is asked to note the terms of the report.

3.0 INTRODUCTION

- 2.1 The Community Empowerment (Scotland) Act 2015 came into force on 1 April 2017 and part 3 of the Act provided a framework for the use of participation requests by community bodies, the intention being to enable communities to have more influence over services and decisions which affect them.
- 2.2 In line with the requirements of the Act, the Council has put in place a procedure which allows consideration of any requests made community bodies. The procedure and further information can be found on the Council's website at <https://www.argyll-bute.gov.uk/find-out-more-about-participation-requests>

4.0 RECOMMENDATIONS

- 3.1 The DMT note the terms of the report.

5.0 DETAIL

- 4.1 The Act requires the Council to publish an annual report setting out
 - The number of requests received
 - The number of requests agreed and refused
 - The number of requests which resulted in changes to a public service provided by, or on behalf of, the public service authority
 - Any action taken by the public service authority to promote and support the use of participation requests

- 4.2 During the period 1 April 2017 to 31 March 2018, the Council received 4 participation requests, all were agreed and details can be found on our website at the link detailed at 2.2.

Received from	Request details	Outcome
Blairmore Village Trust	Introduction of process to improve access and service provision in Blairmore Village and requested that the Council facilitate a process where the Council, LLTNP and the community work together to agree outcomes.	Discussion are ongoing to facilitate further discussion on how the aims of the group might be achieved.
Helensburgh CC	The conjunction of the expectations of the Helensburgh community for well-maintained roads, pavements and road infrastructure with the reality of finite Council support resources.	Agreement between the Council and Helensburgh CC in place which ensures that better communication in relation to roads issues will be available via the Council's website and specific members of the CC will be added to the list of recipients for emails regarding Road closures and Press releases
Helensburgh CC	A consensual community view that the completion of the multi-million pound Helensburgh Waterfront Development Project will have met and exceeded the aspirations of the Helensburgh community.	The council has engaged Helensburgh Community Council, other community councils and local stakeholder/interest groups in a series of Focus Groups to inform the project and will continue to engage with them through the various stages outlines in the Stakeholder Engagement process.
Mull CC	To establish more coherent and co-ordinated traffic	The Council set up a short term working group who agreed an

	(including pedestrian traffic) management	Outcome Improvement Plan including proposals, actions, timescales and priorities which will be taken forward. The council continue to work with the community council on implementing improvements and reviewing the plan
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- 4.3 Promotion and Support - All information relating to participation requests is available on the Council's website <https://www.argyll-bute.gov.uk/find-out-more-about-participation-requests> and internal guidance was prepared for services who might receive requests, this is available on the HUB <http://intranet.argyll-bute.gov.uk/participation-requests>

A news released was also issued in February 2017 inviting attendees to a community empowerment event on Saturday 11th March at the Three Villages Hall in Arrochar, hosted by Argyll and Bute's Community Planning Partnership. There was a presentation to the Council's Strategic Management Team and all 4 development officers sent information to organisations on their mailing list.

MAKI Health and Wellbeing Network newsletter, March 2017

CPP Bulletin, April 2017

Presentation on participation requests to Heads of Service in September 2017

Presentation to the IJB on 29/11/17

The Chief Executive and his team have promoted Participation Requests at the Big Listen summer roadshow

Information in the May Cascade

5.0 CONCLUSION

- 5.1 The Council has met its obligations in relation to the implementation of part 3 of the Act.

6.0 IMPLICATIONS

- 6.1 Policy – Statutory requirement to publish annual report
- 6.2 Financial – None
- 6.3 Legal – Statutory requirement to publish an annual report
- 6.4 HR – None
- 6.5 Equalities – None

6.6 Risk – None

6.7 Customer Service – None

Douglas Hendry

Executive Director of Customer Services

Policy Lead – Cllr Robin Currie

Date of report - 5/7/18

For further information contact: Iain Jackson, Governance and Risk Manager 01546 604188