

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 Council on the operation, in the year to April 2019, of the processes in regard to Asset Transfer Requests and Participation Requests in terms of the Community Empowerment (Scotland) Act 2015. The report also advises 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 requests which have been submitted by Mull and Iona Community Trust (MICT) in respect of Calgary Bay Site of Special Scientific Interest (SSSI) and Isle of Gigha Heritage Trust (IGHT) in respect of the Isle of Gigha Ferry Terminal Car Park;

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 Council note the report.

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 Council on the operation, in the year to April 2019, of the processes in regard to Asset Transfer Requests and Participation Requests in terms of the Community Empowerment (Scotland) Act 2015. The report also advises 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 requests which have been submitted by Mull and Iona Community Trust (MICT) in respect of Calgary Bay Site of Special Scientific Interest (SSSI) and Isle of Gigha Heritage Trust (IGHT) in respect of the Isle of Gigha Ferry Terminal Car Park;
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 Council note the report.

4. DETAIL

4.1 The Council operates processes in compliance with parts 3 and 5 of the Community Empowerment (Scotland) Act 2015 in regard to:

- Participation Requests (Part 3 of the Act) which came in to force on 1 April 2017. These are requests to public bodies which, if granted, enable communities to participate in decisions and processes which are aimed at improving outcomes; and

- Asset Transfer Requests (ATR's) (part 5 of the Act) which came into force on 23 January 2017. ATR's enable community bodies to make requests to all local authorities, Scottish Ministers and a range of public bodies for any land or buildings they feel they could make better use of. They can request ownership, lease or other rights as they wish.

ASSET TRANSFER REQUESTS

- 4.2 The Council has put in place information, advice and guidance to interested community bodies who are interested in making an ATR and further information on this can be found on the Council's website at <https://www.argyll-bute.gov.uk/asset-transfer>

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 Subsequent to the decision notice being issued, MICT submitted a formal offer to the Council to lease the subjects which reflected the terms and conditions set out in the notice as required by the legislation. Thereafter, the parties negotiated the terms of the lease and the contract was concluded on 17 December 2018 for a 25 year lease with an annual rent of £1.00.

ISLE OF GIGHA HERITAGE TRUST

- 4.5 An ATR from IGHT in respect of the Ferry Terminal car park on Gigha was validated on 14 December 2018.

- 4.6 The request is now being considered through the Council's assessment process to make a recommendation for approval or refusal. Where there is a recommendation that a request should be approved, the authority to approve together with the form and conditions of such approval is delegated to the Executive Director of Customer Services in consultation with the Executive Director of the relevant holding service of the asset. Where a recommendation is for refusal of a request, the decision on that request will be determined by a standing sub-committee of the Council's Policy and Resources Committee. The Council requires to make a decision whether to agree to or refuse the request, and the reasons for that decision, no later than six months following the date of validation being namely 14 June 2019. The assessment process is on track to be concluded within the required time

- 4.7 During the assessment period the council is prohibited from selling, leasing or otherwise disposing of the land subject to the request other than to Isle of Gigha Heritage Trust until the ATR process is concluded.

EXPRESSIONS OF INTEREST IN POTENTIAL ASSET TRANSFER REQUESTS

- 4.8 There are currently fifteen live expressions of interest relating to potential asset transfer requests (all active EOI's are listed in Appendix 1). None of these EOI's currently await any action by the Council to progress but rather some remain under consideration by the community body for a number of reasons including alterations to their constitution, funding issues and other related matters. 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

- 4.9 There are currently 6 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;
 - Land at Lismore Primary School - Lismore Parent Council – Non Exclusive Licence;
 - Fyne Futures – Ardenraig Tearoom – Community Letting arrangement;

PARTICIPATION REQUESTS

- 4.10 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.
- 4.11 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>
- 4.12 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 was agreed. (All Participation Requests are listed in Appendix 2).

ASSET TRANSFER AND PARTICIPATION REQUESTS - ANNUAL REPORTING REQUIREMENTS

- 4.13 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.
- 4.14 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 3).
- 4.15 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.
- 4.16 Section 32 of the Act also requires the Council to publish an annual report in respect of Participation Requests 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; and
 - Any action taken by the public service authority to promote and support the use of participation requests.
- 4.17 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.

AUDIT

- 4.18 As part of the 2018/19 internal audit plan approved by the Audit & Scrutiny Committee in March 2018, an internal audit was undertaken by the Council to measure the effectiveness of the system of internal control and governance in relation to the Community Empowerment (Scotland) Act 2015 , including those of the asset transfer and participation request processes.
- 4.19 The overall audit opinion was that the Council can take a high level of assurance and that internal control, governance and the management of risk in respect of asset transfers and participation requests are at a high standard. The audit identified only marginal elements of residual risk with these either being accepted or dealt with, and did not highlight any significant areas for improvement.

5. CONCLUSION

- 5.1 This report advises the Council on the operation, in the year to April 2019, of the processes in regard to Asset Transfer Requests and Participation Requests in terms of the Community Empowerment Act 2015 and updates on ATR's, EOI's and Participation requests to date.

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
Fairer Scotland Duty	None at present
Equalities	None at present
Socio Economic	None at present
Islands	None at present
Risk	None at present
Customer Service	None at present

Douglas Hendry - Executive Director of Customer Services,

Policy Lead – Councillor Rory Colville

For further information contact:

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Appendix 1

Active Expressions of Interest

No	Date Received	Organisation	Asset	Summary of Expression of Interest
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.
2	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. This may conflict with the request from Ardencaple Football Club at 3 below
3	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. This may conflict with the request from Helensburgh Football Club at 2 above
4	05.09.17	Lochgilphead Phoenix Project	Land at Corran Roundabout, Lochgilphead	Transfer of ownership of this land to create a nature reserve, establish a network of paths/trails and install at least one bird hide – no price indicated.
5	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.
6	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
7	28.02.18	MAYDS/Kilmory Woodlands	Land at Kilmory Home Farm	Transfer of ownership of land for newly forming group of organisations – primarily sports based - -initially a rugby pitch.
8	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
9	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
10	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
11	17.05.18	Argyll and Bute Third Sector Interface	Dunoon CEC Woodside Building	Dunoon CEC Woodside Building – Terms of transfer not specified
12	17.09.18	Obans Mens Shed	Ground corner of Lochside Street and Soroba Lane Oban	Other rights – to erect and utilise a shed on the ground.
13	12.11.18	Arrochar and Tarbert Community Development Trust	Land at Glen Loin Arrochar	Transfer of ownership – no price currently indicated – proposal to explore opportunities for long stay vehicle parking and improved visitor amenities and services.
14	26.11.18	Dunadd Community Enterprise	Land at Kilmartin Cemetery	Access rights to Kilmartin Church and to install water and sewerage services to the church.
15	04.02.19	South Islay Development Trust	Ramsay Hall, Port Ellen, Islay	Transfer of ownership to develop hall – no price currently indicated. There is currently an existing licence in favour of Live Argyll.

Appendix 2

Agreed Participation Requests – 1 April 2017 – 28 February 2019

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 together to create opportunities for community regeneration and economic security.	The Council have engaged with the Trust and held a number of meetings. We've acted as facilitator whilst providing the trust with all requested information in relation to the upgrading of a private road and the future adoption processes. LL TNP and the Council's economic development team have been involved along with Roads and the Trust are now working on their design and funding exercises pre any construction phases associated with their project. We are awaiting an update from the Trust.
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	The council has engaged Helensburgh Community Council, other community councils and local stakeholder/interest

			Development Project will have met and exceeded the aspirations of the Helensburgh community.	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

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	Complete	Works undertaken and minute of agreement in place re maintenance

APPENDIX 3



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.