

**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 Policy and Resources Committee on:

- The operation of the processes in regard to Asset Transfer Requests (ATR) and Participation Requests in terms of the Community Empowerment (Scotland) Act 2015;
- Current live Expressions of Interest (EOI's) which may become subject to a formal asset transfer request;
- Community group proposals which have been dealt with out-with the formal asset transfer process;
- The progress of the asset transfer request which has been submitted by Kilmory Woodlands (KW) seeking transfer of part of part of Kilmory Home Farm on a 99 year lease of the land at £1 per annum;
- An update on the asset transfer request and subsequent review which were submitted by Isle of Gigha Heritage Trust (IGHT) seeking transfer of ownership of the Isle of Gigha Ferry Terminal for £1;
- Current live ongoing or agreed Participation Requests received by the Council; and
- 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 Policy and Resources Committee note the report.

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2. INTRODUCTION

2.1 The purpose of this report is to advise the Policy and Resources Committee on:

- The operation of the processes in regard to Asset Transfer Requests and Participation Requests in terms of the Community Empowerment (Scotland) Act 2015;
- Current live Expressions of Interest (EOI's) which may become subject to a formal asset transfer request;
- Community group proposals which have been dealt with out-with the formal asset transfer process;
- The progress of the asset transfer request which has been submitted by , Kilmory Woodlands (KW) seeking transfer of part of part of Kilmory Home Farm on a 99 year lease of the land at £1 per annum;
- An update on the asset transfer request and subsequent review which were submitted by Isle of Gigha Heritage Trust (IGHT) seeking transfer of ownership of the Isle of Gigha Ferry Terminal for £1;
- Current live ongoing or agreed Participation Requests received by the Council; and
- 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 Policy and Resources Committee 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:

- 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.

- 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.

EXPRESSIONS OF INTEREST IN POTENTIAL ASSET TRANSFER REQUESTS

- 4.2 There are currently eleven (11) live Expressions of Interest (EOIs) relating to potential asset transfer requests (all active EOI's are listed in Appendix 1). It should be noted that the Council has continued to engage with community groups who have had EOI's active for a significant period of time and while they remain active the requesters have not yet moved them on. There are currently no actions on the Council in relation to these.
- 4.3 Further, 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

- 4.4 While there have been a number of proposals which were dealt with in a way that delivered the outcome required by the community group outside the formal asset transfer process, there were none during the reporting period.

ASSET TRANSFER REQUESTS

- 4.5 The Council has put in place information, advice and guidance to 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>

KILMORY WOODLANDS – PART OF KILMORY HOME FARM

- 4.6 On 25 March 2019, Kilmory Woodlands submitted an asset transfer request in respect of part of Kilmory Home Farm, Lochgilphead seeking a 99 year lease of the land at £1 per annum. The purpose of the ATR is to provide sports facilities including a rugby, pitch, running track, shooting targets and BMX tracks. It should be noted that:
- The Asset Transfer Request was validated on 14 June 2019;
 - The Asset Transfer Group agreed to recommend refusal of the Asset Transfer Request on 14 October 2019;
 - The Executive Director with responsibility for Commercial Services agreed to recommend that the request be refused on 4 November 2019.
- 4.7 It should also be noted that where the Executive Director with responsibility for Commercial Services (following the recommendation of the ATG) recommends that an ATR be refused the final decision on that ATR shall be determined by the Policy and Resources Asset Transfer Sub Committee comprising 6 members to be chaired by the Vice Chair of the Policy and Resources Committee.
- 4.8 That final decision has not yet been made in respect of the asset transfer request and required, in terms of the originally timescale, to be determined no later than 6

months following the date of validation – namely 14 December 2019. In light of the fact that the Committee date had to be changed due to the General Election the applicant agreed to extend the period for determination of the application until 14 January 2020.

ISLE OF GIGHA HERITAGE TRUST – ASSET TRANSFER REQUEST AND REVIEW

- 4.9 On 18 October 2018, IGHT submitted an asset transfer request in respect of Isle of Gigha Ferry Terminal Car Park seeking ownership of the asset at £1 per annum. The original ATR was *inter alia* in the following terms: ownership of the car park at the Gigha ferry terminal to use it as their primary access to provide camping and motorhome facilities at Ardminish on the Isle of Gigha.
- 4.10 On 16 May 2019 the Executive Director with responsibility for Commercial Services referred the matter to the standing Asset Transfer sub-committee of the Policy and Resources Committee who refused the IGHT's Asset Transfer Request.
- 4.11 On 12 June 2019, IGHT submitted a request for a mandatory review of the decision to refuse the request. The review was considered through the Council's review assessment process, however, prior to being determined the request for review was withdrawn by IGHT.

PARTICIPATION REQUESTS

- 4.12 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.
- 4.13 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>
- 4.14 During the period 1 April 2018 to 31 March 2019, the Council received 2 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

- 4.15 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.
- 4.16 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 and can be found on the Council's asset transfer webpages here: <https://www.argyll->

[bute.gov.uk/sites/default/files/Unknown/atr_annual_report_april_2018-march_2019.pdf](https://www.argyll-bute.gov.uk/sites/default/files/Unknown/atr_annual_report_april_2018-march_2019.pdf)

- 4.17 Annual reports cover each year from 1 April to 31 March and must be published by 30 June.
- 4.18 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.
- 4.19 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 Participation webpages here: https://www.argyll-bute.gov.uk/sites/default/files/Unknown/participation_request_annual_report_april_2018-march_2019_0.pdf

5. CONCLUSION

- 5.1 This report advises the Policy and Resources Committee on the operation, 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.
- 5.2 It is recommended that the Policy and Resources Committee note the contents of the report.

6. IMPLICATIONS

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 with responsibility for Commercial Services, 19 November 2019

Policy Lead Support Services: Rory Colville

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Appendix 1

Current Active Expressions of Interest

It should be noted that the Council has continued to engage with community groups who have had EOI's active for a significant period of time and while they remain active the requesters have not yet moved them on. There are currently no actions on the Council in relation to these.

No	Date Received	Organisation	Asset	Summary of Expression of Interest	Current Status
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.	Group clarifying with Scottish Rugby agreement required for funding – keen to progress outwith ATR process
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.	Club require to provide details of joint proposal with Ardencaple FC
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.	Club require to provide details of joint proposal with Helensburgh FC
4	05.09.17	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 –	Group ready to submit ATR

				No price indicated	
5	28.09.17	Argyll and Bute Third Sector Interface	Dunoon CEC Woodside Building	EOI does not specify terms of transfer, however ABTSI wish to develop a 3 rd sector training hub	Group to clarify their proposal with Social Enterprise Team/Estates – may progress outwith ATR process.
6.	14.02.19	The Ardchattan Centre	Ardchattan Primary School	Transfer of ownership of the school buildings and ground – no price indicated	Group to submit draft ATR to SET – expected
7.	24.04.18	Argyll and Bute Third Sector Interface	Marriage Room, Inveraray	Lease of building as part of a rationalisation of buildings process – no length of term or price indicated	Group to clarify their proposal with Social Enterprise Team/Estates – may progress outwith ATR process.
8.	15.09,19	Islay Development Initiative	Killarow stables, Islay	Transfer of ownership to build flats for key workers at affordable rents	Estates liaising with group about progressing outwith ATR process
9.	12.11.18	Mid Argyll Rugby Club	Ropework Park, Lochgilphead	Lease of pitch for playing and promoting rugby – no length of term or price indicated.	Group require to address health and safety matters prior to progressing/continuing to liaise with SET
10.	26.11.18	Ganavan Sports Hub	Pitch and Land at Ganavan	Lease of asset as community use as an outdoor sports hub – no length of term or price indicated.	Active however no current update from group – title requires to be clarified.
11.	04.02.19	Craigendoran Sports hub	Pitch and Land at Craigendoran	Lease of asset as community use as an outdoor sports hub – no length of term or price indicated.	Title to ground in question requires to be clarified

Appendix 2

Participation Requests – During the period 1 April 2018 to 31 March 2019

Received from	Request details	Outcome
Inspiralba	To make improvements to Jocks boat playpark, due to damage to boat and need for improved access.	Works undertaken at the play park and minute of agreement in place between Inspiralba Ltd and the Council in regard to arrangements for maintenance of the playpark thereafter
South Islay Development Trust (SIDT)	To be more involved in the discussions about the improvements of the bus service on Charlotte Street and Pier Road, Port Ellen	Contact to be made with SIDT to discuss signage and footpaths