

**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 formal Asset Transfer Requests (ATR) and Participation Requests in terms of the Community Empowerment (Scotland) Act 2015;
- Current live informal Expressions of Interest (EOI's) which may become subject to a formal asset transfer request or be dealt with outwith the formal asset transfer request process;
- 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

1.2 It is recommended that:

The Policy and Resources Committee 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 Policy and Resources Committee on:

- The operation of the processes in regard to formal Asset Transfer Requests and Participation Requests in terms of the Community Empowerment (Scotland) Act 2015;
- Current live informal Expressions of Interest (EOI's) which may become subject to a formal asset transfer request or be dealt with outwith the formal asset transfer request process;
- 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 (EOIs)

- 4.2 There were thirteen (13) active Expressions of Interest (EOIs) (as at 31st May 2022) and all active EOIs are listed in Appendix 1. In the current year 7 EOIs have been received 1 of which was subsequently withdrawn. To date, since January 2017, 74 EOIs have been received of which 61 have been resolved or withdrawn. It should be noted that the Council has continued to engage with community groups who have had EOIs active for a significant period of time and while they remain active the requesters have not yet moved them on. There are currently no significant actions outstanding for the Council in relation to these.
- 4.3 Further, most EOIs would not progress or develop into a formal asset transfer request. EOIs are dealt with in a way that seeks to deliver the outcome required by the community group allowing the request to progress without the formal asset transfer process. Some EOIs are also withdrawn for a variety of reasons such as the group changing focus of what was needed, a better option becoming available or a lack of time and resources to progress their plans.

ASSET TRANSFER REQUESTS

- 4.4 The Council has put in place information, advice and guidance to community bodies who are interested in making a formal ATR and further information on this can be found on the Council's website at <https://www.argyll-bute.gov.uk/asset-transfer>. There have been 3 ATRs submitted following the implementation of the Act and as at 31st May 2022 there were no active ATRs.
- 4.5 In May 2020 the Best Value Assurance Report prepared by Audit Scotland noted that the Council had made good progress with the Community Empowerment Act but that it needed to make the process easier to follow and accessible to all communities. The Asset Transfer Request process is statutory and therefore has limited options to make changes however the Asset Transfer Group have considered the Best Value Improvement Plan and have worked to further develop the informal EOI process simplifying the approach for communities. This has also led to the development of a section of the website to promote assets suitable for groups to work in partnership with council services which will be trialled during 2022 as part of the improvement plan actions.
- 4.6 Following on from the Best Value Assurance Report the Audit & Scrutiny Committee undertook a scrutiny review of the Council's Community Asset Transfer process. The Panel concluded that:
- The Community Asset Transfer process is compliant with statutory requirements.
 - The process enables opportunity for engagement with community transfer bodies.
 - The process is supportive to community transfer bodies and communities.

The review also identified a number of recommendations which have been implemented or have been built into the processes moving forward.

PARTICIPATION REQUESTS

- 4.7 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.
- 4.8 In line with the requirements of the Act, the Council has put in place a procedure which allows consideration of any requests made by 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>
- 4.9 During the period 1 April 2021 to 31 March 2022, the Council received two participation request, of which one was rejected. The Council was unable to progress the request from Isle of Kerrera Development Trust as the outcome improvement was not within the capacity of the Council to deliver as the ground was not in council ownership. The request that was accepted from Garelochhead Community Council was developed in conjunction with Police Scotland and the actions agreed were in respect of road safety matters.

ASSET TRANSFER AND PARTICIPATION REQUESTS - ANNUAL REPORTING REQUIREMENTS

- 4.10 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.
- 4.11 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/asset-transfer>
- 4.12 Annual reports cover each year from 1 April to 31 March and must be published by 30 June.
- 4.13 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.
- 4.14 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 Participation webpages](#).

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

- 6.1 Policy – In line with council policy relating to Asset Transfer and Participation Request processes.
- 6.2 Financial – None from annual reporting.
- 6.3 Legal – In line with statutory requirements of the Community Empowerment (Scotland) Act 2015 and related Regulations.
- 6.4 HR – None.
- 6.5 Fairer Scotland Duty
- 6.5.1 Equalities – Protected characteristics – None.
- 6.5.2 Socio economic Duty – None.
- 6.5.3 Islands – None
- 6.6 Climate change – None from annual reporting.
- 6.7 Risk – Failure to meet statutory requirements could have reputational implications for the council.
- 6.8 Customer Service – None.

Douglas Hendry - Executive Director with responsibility for Commercial Services

Councillor Gary Mulvaney – Policy Lead, Finance and Commercial Services

Date: 27th June 2022

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Appendix 1

Current Active Expressions of Interest (as at 31st May 2022)

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 significant actions outstanding for the Council in relation to these.

No	Organisation	Asset	Summary of Expression of Interest	Current Status
1	Mid Argyll Rugby Club (MARC)	Kilmory Pony Park show ground	Request to lease the ground for development of rugby facilities.	Terms agreed with MARC and to be reported for internal approval to proceed.
2	Islay Development Initiative	Kilarrow Stables, Islay	Request to acquire the building to convert to flats for service workers and community uses.	Main building is currently operational and part of wider assessment of office space.
3	Kirkmichael Community Development Group	Kirkmichael Park Changing Room	Request to lease pavilion and grounds for use as an office and to deliver wider services.	Group are being supported to develop their business plan for the proposal.
4	Barbara's Wildlife Rescue	Ground at Hafton, Dunoon	Request to lease / acquire ground for an animal rescue centre	Group have been seeking a suitable site and are assessing the feasibility of this site.
5	Scenic Sandbank	Former Teacher Centre Sandbank	Request to purchase the site and develop a community garden.	Group assisted to secure an independent valuation and are applying to the Land Fund to support the acquisition of the ground.
6	South Islay Development	Ramsay Hall	Request to purchase the building to redevelop the facility and operate the services.	Detailed plans provided by the group require to be assessed in conjunction with Education and the Care Commission as the proposal involves a nursery use.
7	Rhu and Shandon Community Centre	Rhu Community Centre	Request for lease to assist in applying for development funding for the building	Terms are under discussion but the approach requires to be consistent with other halls / community facilities.

8	Kilfinan Community Forest Company (KCFC)	Tighnabruaich Primary School Grazings access	Request to acquire ground to formalise access.	Group assisted to secure an independent valuation and are applying to the Land Fund to support the acquisition of the ground.
9	Dunoon Foodbank	Former Dunoon Youth Centre, Dunoon	Request for a lease of the property to continue and expand their services.	Temporary Licence to occupy granted and upgrade works costed. Lease to be concluded when group established as a SCIO.
10	Isle of Jura Development Trust	Picnic area at Craighouse Pier, Isle of Jura	Request for a lease of the site to improve the facilities and install a container for use as a bakery to support local business.	Initial stages of background checks being undertaken.
11	The Dunoon Project Ltd	Morag's Fairy Glen & Bishop's Glen, Dunoon	Request to acquire the sites to support the delivery of the wider project and improve the public access and facilities.	Initial stages of background checks being undertaken. Legal Services involved as proposal involves former reservoir.
12	Ardrishaig Community Food Growing Project	King George V Park, Ardrishaig	Request to lease part of park as a community food growing area.	Initial stages of background checks being undertaken.
13	Dunoon Youth Football League	Black Park, Dunoon	Request to take over management of the Black Park area to improve facilities	Initial stages of background checks being undertaken.