

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 – UPDATE – EXPRESSIONS OF INTEREST / ASSET TRANSFER REQUESTS / PARTICIPATION 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.

1.2 At the Elected Members seminar on 21st March 2023 it was agreed that updates on ATRs and EOIs would be provided on a regular basis. Accordingly, this report will be circulated to all Members following the committee and a quarterly update is provided directly to all Members between the annual reporting.

RECOMMENDATIONS

1.3 It is recommended that:

1.3.1 The Policy and Resources Committee consider the report.

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2. INTRODUCTION

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

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2.2 At the Elected Members seminar on 21st March 2023 it was agreed that updates on ATRs and EOIs would be provided on a regular basis. Accordingly, this report will be circulated to all Members following the committee and a quarterly update is provided directly to all Members between the annual reporting.

3. RECOMMENDATIONS

3.1 It is recommended that:

3.1.1 The Policy and Resources Committee consider 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 twenty (20) active Expressions of Interest (EOIs) (as at 5th June 2024) and these EOI's are listed in Appendix 1. Since the update report in August 2023, 5 EOI's have been received. To date, since January 2017, 88 EOIs have been received of which 68 have been resolved or withdrawn. 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.
- 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 outwith 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/my-community/communities-and-partnerships/community-asset-transfer/asset-transfer-expressions>. There have been 3 ATRs submitted following the implementation of the Act and as at 5th June 2024 there were no active ATRs.

PARTICIPATION REQUESTS

- 4.5 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.
- 4.6 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/my-community/communities-and-partnerships/find-out-more-about-participation-requests>
- 4.7 During the period 1 April 2023 to 31 March 2024, the Council received 2 participation requests.

ASSET TRANSFER AND PARTICIPATION REQUESTS - ANNUAL REPORTING REQUIREMENTS

- 4.8 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.
- 4.9 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/my-community/communities-and-partnerships/community-asset-transfer>
<https://www.argyll-bute.gov.uk/asset-transfer-support>
- 4.10 Annual reports cover each year from 1 April to 31 March and must be published by 30 June.
- 4.11 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.
- 4.12 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 website <https://www.argyll-bute.gov.uk/my-community/communities-and-partnerships/participation-requests-annual-reports>

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 consider 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 from annual reporting.
- 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.
- 6.9 The Rights of the Child (UNCRC) – None from annual reporting.

Douglas Hendry - Executive Director with responsibility for Commercial Services
Councillor Ross Moreland – Policy Lead, Finance and Commercial Services
Date: 5th July 2024

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Appendix 1

Current Active Expressions of Interest (as at 5th June 2024)

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.

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 approved. Vacant possession required prior to conclusion of lease and interim option at Ropework Park is progressing.
2	South Islay Development	Ramsay Hall	Request to lease the building to redevelop the facility and operate the services.	Group are pulling together a funding package to develop the asset.
3	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. Support is being provided to the group.
4	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. Land Fund application has been submitted awaiting results.
5	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 investigations completed and awaiting further feedback from the group. Significant project which will take time to develop.
6	Ardrishaig King George V Community Park Association	King George V Park, Ardrishaig	Request to develop the facilities and maintenance arrangements of the park	Group are being supported to develop their request.
7	Dunoon Youth Football League	Black Park, Dunoon	Request to bring back into use the green football pitch on the Black Park site working in partnership with the Council and Live Argyll	Initial licence to reopen changing rooms concluded. Group are developing proposals for next phase of project.

8	Dunoon Pipe Band	Dunoon Pipe Band Hall, Dunoon	Request for a new lease of the hall.	Group are being supported to develop their request.
9	Princess Louise Hall Committee	Princess Louise Hall & Howie Pavilion, Rosneath	Request for new lease of hall and pavilion	Terms agreed and approved. Legal Services progressing towards concluding lease.
10	Jura Development Trust	Jura Roads Yard, Craighouse Pier, Isle of Jura	Request to acquire yard to expand the group's adjacent business.	Depot is required operationally so would require an alternative location if closed. Group seeking alternative locations.
11	Oban Lorne RFC	Glencruitten playing fields, Oban	Request to lease / acquire playing fields and clubhouse and to develop new facilities	Terms agreed and approved. Legal Services progressing towards concluding lease
12	Lismore Community Trust	Lismore Pier, Isle of Lismore	Request to acquire pier facilities and public toilets	Group are working on a number of projects and are being supported to develop their request.
13	Isle of Bute Seaports Club	Seaports club house / store.	Request for new lease of site and clubhouse	Terms are being discussed prior to seeking internal approval to proceed.
14	Balemartine Community Garden Association	Balemartine Schoolhouse Playing field	Request to develop vacant site into Community Garden for local residents and children's play area	Group are being supported with request, which has developed slowly. Site also being considered for housing development but may accommodate both uses.
15	Argyll and the Isles Coast and Countryside Trust	Land adjacent to Kilmory Castle car park	Request to relocate their base of operations into the Kilmory Estate	ACT office base in Kilmory now concluded. Discussions on woodland hub are progressing.
16	Port Bannatyne Community Garden	Port Bannatyne community garden	Request for Licence to undertake gardening and environmental improvement programmes	Terms are being discussed prior to seeking internal approval to proceed.
17	West Kintyre Community Council	Tayinloan Ferry public convenience	Request to acquire public convenience to allow demolition and development of new facilities	Land ownership is being confirmed and terms are being discussed prior to seeking internal approval to proceed.
18	Luig Development Trust	Land at Fladda, Luig	Request to acquire ground for the development of affordable homes for residents and workers	Land ownership is being confirmed and terms are being discussed prior to seeking internal approval to proceed.

19	Helensburgh Pier Company	Helensburgh Pier	Request for a 50 year lease of pier to allow a phased redevelopment	Land ownership is being confirmed and terms are being discussed prior to seeking internal approval to proceed.
20	Avich & Kilchrenan Community Heritables	Kilchrenan Primary School	Request to acquire school to develop as a community hub	Schools consultation process will not end until November 2024 after which request can progress.