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Document Title	ANNUAL REPORT 2018-19 ON PARTICIPATION REQUESTS AND ASSET TRANSFER REQUESTS UNDER THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

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The Council is required to publish this Annual Report in accordance with the provisions of the Community Empowerment (Scotland) Act 2015.

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**EAST Lothian COUNCIL ANNUAL REPORT 2018-19 ON
PARTICIPATION REQUESTS AND ASSET TRANSFER REQUESTS UNDER THE
COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

1. Introduction

1.1 This report sets out East Lothian Council's experience of Participation Requests and Asset Transfer Requests under the Community Empowerment (Scotland) Act 2015, for the period 1 April 2018 to 31 March 2019.

1.2 The Act places responsibility on councils and other public authorities every year to publish details of activity around Participation Requests and Asset Transfer Requests. This is the second such report for East Lothian Council.

1.3 The Community Empowerment (Scotland) Act 2015 received Royal Assent on 24 July 2015¹. Amongst the many matters covered by the Act, it introduced provision for community bodies to make, and public authorities to consider:

- **Participation Requests** - to contribute towards improving the service outcomes of a public authority; and
- **Asset Transfer Requests** – to take on ownership, lease or rights in respect of land or buildings owned by a relevant public authority.

2. The Council's Approach

2.1 East Lothian Council has continued its commitment to involving communities and service-users in the work that we do on their behalf. The Council has updated its Guide to Community Participation Opportunities², which sets out the ways that people and communities can engage with the work of the Council in their local community: for example, via:

- elected members (local councillors);
- community councils;
- elections;
- East Lothian's six Area Partnerships;
- East Lothian Citizens' Panel;
- consultations on specific topics;
- petitions;
- Tenant Participation arrangements;
- participation initiatives for children and families.

¹ <http://www.legislation.gov.uk/asp/2015/6/contents/enacted>

² https://www.eastlothian.gov.uk/downloads/file/26999/community_participation_opportunities_2018_guide

- 2.2 The Council has an extensive portfolio of land and buildings which is actively managed for best value in the provision of services and the Council's finances. The Council's Asset Register is published on our website³.
- 2.3 Pre-dating the Act, East Lothian Council has for many years had arrangements in place for the leasing of land and buildings to community bodies.

3 Resources

- 3.1 The Scottish Government did not make any specific financial provision to fund the many new requirements placed on councils by the Act. East Lothian Council accordingly absorbed this new work into the responsibilities of existing posts and structures, and has continued to utilise already-existing, well-established arrangements for community engagement.
- 3.2 The Council also has an extensive community capacity building programme of activity based around support provided by its Community Learning and Development team and the work of East Lothian's Third Sector Interface, STRIVE. We have signposted community bodies towards the Development Trusts Association Scotland (DTAS) and the Community Ownership Support Service (COSS) as valuable sources of further information on asset transfer, and we have hosted briefings for community bodies during the reporting year involving COSS and other relevant national bodies.
- 3.3 As a member of the Community Planning Partnership, the Council has signed up to the East Lothian Plan⁴, our joint Local Outcomes Improvement Plan for 2017-2027. This includes commitments by partners that they will repurpose their suitable surplus assets as employment land or for affordable housing, both of which are needed in East Lothian.

4 Detail

- 4.1 Section 32 of the Act sets out the required content of a participation request report, which is reflected in **Table 1** overleaf.
- 4.2 Section 95 of the Act sets out the required content of an asset transfer report, which is reflected in **Table 2**.

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6 June 2019

³ https://www.eastlothian.gov.uk/downloads/file/24333/community_asset_register

⁴ https://www.eastlothian.gov.uk/downloads/download/12534/east_lothian_plan_2017-27

Table 1: Participation Requests for the year 1 April 2018 to 31 March 2019

	Description	Detail
a	The number of participation requests East Lothian Council received.	Zero. ⁵
b	The number of such requests that the Council: i) agreed to and ii) refused	Not applicable as no valid participation requests were received.
c	The number of such requests which resulted in changes to a public service provided by or on behalf of the Council	Not applicable as no valid participation requests were received.
d	Any action taken by the Council during the reporting year i) to promote the use of participation requests	i) Continued inclusion of information about Participation Requests in East Lothian Council’s “A Guide to Community Participation Opportunities” which is promoted on the Council website. <i>[table continues overleaf]</i>

⁵ The Council received one communication described by its senders as a “participation request” but which did not meet the specifications laid down in the Act.

Table 1 – continued

	Description	Detail
d (cont.)	ii) to support a community body in the making of a participation request.	ii) To date we have not expressly supported a community participation body to make a participation request. However, we regularly carry out community engagement on a number of areas of policy and service delivery. For example: <ul style="list-style-type: none"> • we run a joint online consultation hub with community planning partners; • we involve community bodies directly in initiatives such as our Area Partnerships, our Health and Social Care Partnership, our Resilient Communities initiative, and in other service areas especially when we are considering changes; • we have organised a number of thematic Forums related to our community planning partnership; • we have supported the Food Poverty Network; • we have carried out consultation around the Council’s British Sign Language Plan; • we have carried out community consultation in advance of the Council’s 2019/20 Budget; • six Area Partnerships have engaged communities in identifying local priorities as part of the development of their area/locality plans, which ensure budgets meet local priorities; • we have enabled our Musselburgh Area Partnership to carry out a Participatory Budgeting initiative; • we have actively involved the Local Licensing Forum in the development of the Licensing Board Statement of Licensing Policy • we have organised focus groups on ‘Doing things differently’ in the Council; • we have run two Citizens’ Panels • we have commissioned our 2019 Residents Survey (to be carried out in May/ June 2019) which will involve over 1,500 residents and which we anticipate will give us, as before, valuable information about people’s priorities in the different communities served by the Council.

Table 2: Asset Transfer Requests for the year 1 April 2018 to 31 March 2019 [continued]

	Description	Detail
d	The number of appeals under section 86 relating to such requests made to the Council that have <ul style="list-style-type: none"> i) been allowed ii) been dismissed ii) resulted in any part of the decision of the Council being reversed. 	Not applicable. No relevant appeals have been conducted in the reporting year.
e	In relation to a decision of the relevant authority reviewed under section 86 or 87, the number of such decisions that have been <ul style="list-style-type: none"> i) confirmed ii) modified iii) substituted by a different decision. 	Not applicable. No relevant reviews have been conducted in the reporting year.
f	Any action taken by the relevant authority during the reporting year: <ul style="list-style-type: none"> i) to promote the use of Asset Transfer Requests 	i) <ol style="list-style-type: none"> 1. The Council has hosted two community learning events during the reporting year, in association with the Community Ownership Support Service, to promote the use of Asset Transfer Requests and to answer questions from community groups. These events took place on Monday 26 November 2018 in Prestonpans and on Saturday 16 March 2019 in Musselburgh. 2. The Council has promoted six specific assets which might be suitable for asset transfer⁷, and has invited (and received) expressions of interest from community bodies. 3. The Council held a briefing for its own elected members on 5 March 2019, further to briefings delivered shortly after the Act was passed. <p>[table continues overleaf]</p>

⁷ https://www.eastlothian.gov.uk/news/article/12919/community_asset_transfer_opportunities

Table 2: Asset Transfer Requests for the year 1 April 2018 to 31 March 2019 [continued]

	Description	Detail
f (cont.)	ii) to support a community transfer body in the making of an asset transfer request	<p>ii)</p> <ol style="list-style-type: none"> 1. During the reporting year, council officers met with the community bodies which had submitted the two Asset Transfer Requests mentioned in Section (a) of this table. 2. During the reporting year, officers have also engaged with community bodies in 12 other instances where they have submitted an Expression of Interest in a Council asset: this includes six Expressions of Interest in the six assets mentioned above in Section f(i)(2) in this table, and six Expressions of Interest in other assets.