

## Members' Library Service Request Form

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Originator	Christine Dora, Executive Officer
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Document Title	ANNUAL REPORT FOR 2017-2018 ON PARTICIPATION REQUESTS AND ASSET TRANSFER REQUESTS UNDER THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

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Authorised By	Angela Leitch
Designation	Chief Executive
Date	13 June 2018

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**REPORT TO:** Members' Library Service

**MEETING DATE:**

**BY:** Chief Executive

**SUBJECT:** Annual Report for 2017-2018 on Participation Requests and Asset Transfer Requests under the Community Empowerment (Scotland) Act 2015

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**1 PURPOSE**

- 1.1 To present a Report on participation requests and community asset transfer requests for the year ended 31 March 2018.

**2 RECOMMENDATIONS**

- 2.1 That Council note the terms of the Report at Annex A.

**3 BACKGROUND**

- 3.1 The Community Empowerment (Scotland) Act 2015 requires public authorities to publish an annual report about participation requests and an annual report about asset transfer requests. A combined report is attached at Annex A.

**4 POLICY IMPLICATIONS**

- 4.1 The short report follows the format set out in the relevant legislation.

**5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

**6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none arising from this report.

6.2 Personnel - none arising from this report.

6.3 Other - none arising from this report.

## 7 BACKGROUND PAPERS

7.1 [Report to East Lothian Council Cabinet, September 2017](#)

Links for all other background papers are provided in the Report itself.

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<b>DATE</b>	13 June 2018

## EAST LoTHIAN COUNCIL ANNUAL REPORT FOR 2017-2018 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 2017 to 31 March 2018.

1.2. The Community Empowerment (Scotland) Act 2015 received Royal Assent on 24 July 2015<sup>1</sup>. Amongst the many matters covered by the Act, it introduced provision for community bodies to make, and public authorities to consider:

- **Participation Requests**<sup>2</sup> - to contribute towards improving the service outcomes of a public authority; and
- **Asset Transfer Requests**<sup>3</sup> – to take on ownership, lease or rights in respect of land or buildings owned by a relevant public authority.

1.3. 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 first such report.

1.4. East Lothian Council has long been committed to involving communities and service-users in the work that we do on their behalf. The Council has published a Guide to Community Participation Opportunities<sup>4</sup>, which sets out the ways that people and communities can engage with the work of the Council and their local community. For example, via:

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

### 2. Resources

2.1. 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 has accordingly absorbed this new work into the responsibilities of existing posts and structures, and borne in mind already-existing arrangements for community engagement.

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

<sup>2</sup> <https://beta.gov.scot/policies/community-empowerment/participation-requests/>

<sup>3</sup> <https://beta.gov.scot/policies/community-empowerment/asset-transfer/>

<sup>4</sup> [https://www.eastlothian.gov.uk/downloads/file/26999/community\\_participation\\_opportunities\\_2018\\_guide](https://www.eastlothian.gov.uk/downloads/file/26999/community_participation_opportunities_2018_guide)

- 2.2. We have an extensive community capacity building programme of activity based around support provided by Community Learning and Development and the work of our Third Sector Interface, STRIVE. Where relevant, in discussion 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.
- 2.3. 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 website<sup>5</sup>.
- 2.4. 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.
- 2.5. As a member of the Community Planning Partnership, the Council has signed up to the East Lothian Plan<sup>6</sup>, 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.

### 3. Detail

- 3.1. Section 32 of the Act sets out the required content of a participation request report, which is reflected in **Table 1** overleaf.
- 3.2. 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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<sup>5</sup> [https://www.eastlothian.gov.uk/downloads/file/24333/community\\_asset\\_register](https://www.eastlothian.gov.uk/downloads/file/24333/community_asset_register)

<sup>6</sup> [https://www.eastlothian.gov.uk/downloads/download/12534/east\\_lothian\\_plan\\_2017-27](https://www.eastlothian.gov.uk/downloads/download/12534/east_lothian_plan_2017-27)

**Table 1: Participation Requests for the year 1 April 2017 to 31 March 2018.**

	<b>Description</b>	<b>Detail</b>
a	The number of participation requests East Lothian Council received	Zero
b	The number of such requests the Council  i) agreed to and ii) refused	Not applicable as no 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 participation requests were received
d	Any action taken by the Council during the reporting year  i) to promote the use of participation requests  ii) to support a community participation body in the making of a participation request.	<p>i) Both before and during this first reporting year, we have carried out the following:</p> <ul style="list-style-type: none"> <li>a) Awareness-raising among council officers and elected members of participation requests.</li> <li>b) Inclusion of information about Participation Requests in East Lothian Council’s “A guide to Community Participation Opportunities”, which is promoted on the Council website.</li> <li>c) Report to and discussion at the community planning partnership (which includes East Lothian’s third-sector interface, STRiVE).</li> <li>d) Included discussion about Participation Requests in a session with the East Lothian Tenants and Residents Panel about the Act, in November 2017.</li> </ul> <p>ii) To date we have not expressly supported a community participation body to make a participation request. However, we regularly carry out public engagement on a number of areas of policy and service delivery. We have a joint online consultation hub<sup>7</sup> with community planning partners, and we also involve community bodies directly in initiatives such as our Area Partnerships, our Health and Social Care Partnership’s Carers Strategy group, and more. <i>(continues overleaf)</i></p>

<sup>7</sup> <https://eastlothianconsultations.co.uk/>

**Table 1: Participation Requests for the year 1 April 2017 to 31 March 2018.**

(continued)

	<b>Description</b>	<b>Detail</b>
d	<p><i>(continued)</i></p> <p>Any action taken by the Council during the reporting year</p> <p>ii) to support a community participation body in the making of a participation request.</p>	<p><i>(continued)</i></p> <p>As a more detailed example, in an initiative to develop and sustain Resilient Communities, the Council has partnered with community groups such as Community Councils and Tenants and Residents Associations, to ensure good planning for communities in emergencies such as severe weather, nuclear accident, oil pollution or animal disease.</p> <p>As part of this, people have worked together in their communities to:</p> <ul style="list-style-type: none"> <li>a) identify assets and resources within their community that could be used to assist them during an unexpected event;</li> <li>b) gather the details of volunteers willing to help at short notice;</li> <li>c) identify vulnerable people who may struggle as a result of the consequences of an unexpected emergency;</li> <li>d) create their own Emergency Response plans;</li> <li>e) appoint a Resilient Community Single Point of Contact (SPoC) and deputy as primary contacts for Council Emergency Planning staff to both prepare for and respond to any unexpected emergency.</li> </ul> <p>This was recently put to the test during the “Beast from the East” weather event, and was particularly positive in North Berwick where the community were very active in their response.</p>

**Table 2: Asset Transfer Requests for the year 1 April 2017 to 31 March 2018**

ANNEX A

	<b>Description</b>	<b>Detail</b>
a	The number of asset transfer requests East Lothian Council received	Zero
b	The number of such requests the Council  i) agreed to and ii) refused	Not applicable as no asset transfer requests were received
c	The number of such requests which resulted in  i) a transfer of ownership of land to a community transfer body ii) a lease of land to such a body iii) rights in respect of land being conferred on such a body	Not applicable as no asset transfer requests were received



**Table 2: Asset Transfer Requests for the year 1 April 2017 to 31 March 2018**

(continued)

	<b>Description</b>	<b>Detail</b>
d	<p>The number of appeals under section 86 relating to such requests made to the Council that have</p> <ul style="list-style-type: none"> <li>i) been allowed</li> <li>ii) been dismissed</li> <li>iii) resulted in any part of the decision of the Council being reversed</li> </ul>	<p>Not applicable as no asset transfer requests were received</p>
e	<p>In relation to a decision of the relevant authority reviewed under section 86 or 87, the number of such decisions that have been</p> <ul style="list-style-type: none"> <li>i) confirmed</li> <li>ii) modified</li> <li>iii) substituted by a different decision</li> </ul>	<p>Not applicable as no asset transfer requests were received</p>

**Table 2: Asset Transfer Requests for the year 1 April 2017 to 31 March 2018**

(continued)

	<b>Description</b>	<b>Detail</b>
f	<p>Any action taken by the relevant authority during the reporting year:</p> <p>i) to promote the use of Asset Transfer Requests</p> <p>ii) to support a community transfer body in the making of an asset transfer request.</p>	<p>i) East Lothian Council Cabinet approved Policy and Guidance for Community Asset Transfer under the Act in September 2017. Both before and during the reporting year, Council officers have carried out the following:</p> <ul style="list-style-type: none"> <li>a) Awareness-raising among officer colleagues and elected members of the provisions for Asset Transfer Requests.</li> <li>b) Inclusion of information about Asset Transfer Requests in East Lothian Council’s leaflet “A guide to Community Participation Opportunities”.</li> <li>c) Report to and discussion at meetings of the community planning partnership (which includes East Lothian’s third-sector interface, STRIVE).</li> <li>d) Taken part in discussion about Community Asset Transfer in general terms with 3<sup>rd</sup>-sector bodies.</li> <li>e) Included discussion about Community Asset Transfer in a session with the East Lothian Tenants and Residents Panel about the Act, in November 2017.</li> </ul> <p>ii) Council officers took part in more advanced discussions with a small number of community bodies in the reporting year about Asset Transfer in relation to specific sites. To end March 2018, no community body had proceeded to an Asset Transfer Request. Council officers have however been working with organisations in ways other than using the provisions of the 2015 Act. Examples:</p> <ul style="list-style-type: none"> <li>a) A Development Agreement with Tranent &amp; District Community Sports Club, signed in December 2017, to enable the club to deliver a new sports pavilion within a local park; with support through East Lothian Community Sports Hubs to identify funding to cover the costs.</li> <li>b) Renewal of lease for the East Lothian Indoor Bowling Club for a period of 25 years.</li> <li>c) Land lease in Shore Road, Dunbar, to support a new Social Enterprise to deliver facilities to support the local surf and lifesaving clubs.</li> </ul>