

Members' Library Service Request Form

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Originator	Liz Mc
Originator's Ref (if any)	Liz McLean Service Manager - Strategic Asset & Capital Plan Mgmt
Document Title	Community Asset Transfer

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Authorised By	Tom Reid
Designation	Head of Infrastructure
Date	14/03/19

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REPORT TO: Members' Library Service

MEETING DATE:

BY: Head of Infrastructure

SUBJECT: Community Empowerment (Scotland) Act 2015

1 PURPOSE

- 1.1 To clarify the process narrated within East Lothian Council's Community Asset Transfer Policy and Guidance when determining an application for a community asset transfer.

2 RECOMMENDATIONS

- 2.1 For members to note the clarification to the process narrated within East Lothian Council's Community Asset Transfer Policy and Guidance.

3 BACKGROUND

- 3.1 The Community Empowerment (Scotland) Act received Royal Assent in 2015, and its various sections have been brought into force at differing times since then, with associated statutory guidance from the Scottish Ministers.
- 3.2 The Act is intended to empower communities, and contains many provisions about local authorities and other public authorities including the Scottish Ministers
- 3.3 At East Lothian Council's Cabinet meeting on 12 September 2017 Cabinet approved the recommendations contained within a report on the Community Empowerment (Scotland) Act 2015 which report recommended approval of
- 3.3.1 the draft overarching Policy Statement in relation to how the Council plans to implement the Act (Appendix A);
 - 3.3.2 note the document about Participation Opportunities which has been placed on the Council's website (Appendix B);
 - 3.3.4 approve the draft Asset Transfer Request policy and guidance (Appendix C);
 - 3.3.5 note that the Council's Asset Register has been published on the Council website in accordance with the Act.

3.4 It has been noted that clarification is required to the East Lothian Council Asset Transfer Policy and Guidance at Clause 2.5 which clarification is depicted in italics and bold.

All applications will be assessed by the Council's Capital Investment and Asset Management Group, which is a cross Council group of officers from relevant services. The ***Council's Capital Investment and Asset Management Group*** will follow Scottish Government Guidance in assessing requests, taking the following matters, into consideration:

- the reasons for the request
- the value to the authority in the existing use of the asset
 - o feasibility and cost of relocation of services elsewhere
 - o potential revenue savings arising from the transfer
- the value for alternative use/redevelopment
- whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage
- the level of community benefits
 - o extent of community served
 - o nature of benefits to be delivered as set out in the Policy Statement in section 1 above.
 - o links to the Council's corporate priorities and outcomes
 - o community need/demand for the services
- the likelihood that benefits will be delivered over a 5-year period
 - o strength and sustainability of organisation's governance and financial arrangements
 - o sustainability of business plan/project
 - o sources and level of funding support
- the impact of project failure
 - o to surrounding environment
 - o to reputation of the parties
 - o to the service users / relevant authority's objectives
- any obligations imposed on the authority by or under any enactment or otherwise that may prevent, restrict or otherwise affect its ability to agree to the request
- how the request relates to the Council's duties under Equalities legislation
- how Best Value characteristics are evidenced and contained throughout the overall approach.

The strength of a proposal will also be considered against the financial implications of any decision both for short-term budget planning and long-term asset strategies including for future growth. This will include the consideration of the current use of the asset and any consequent implications that could arise from the transfer of the asset.

The information provided should demonstrate that the project has clear objectives, including the projected outcomes and impacts sought by the community transfer body alongside any associated dependencies, constraints and risks identified.

The Council's Capital Investment and Asset Management Group will prepare a briefing report to the Council's Corporate Asset Group which members include the Council's Heads of Service, the Deputy Chief Executives and the Chief Executive. It is the Council's Corporate Asset Group that will determine the application.

4 POLICY IMPLICATIONS

- 4.1 This report clarifies the process narrated within East Lothian Council Asset Transfer Policy and Guidance

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 An Integrated Impact Assessment has been carried out on these policies and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - none
- 6.2 Personnel - None
- 6.3 Other – None identified at present

7 BACKGROUND PAPERS

- 7.1 Cabinet report dated 12 September 2017
- 7.2 Appendix A: Community Empowerment and Engagement - East Lothian Council policy statement
- 7.3 Appendix B: A Guide to Community Participation Opportunities 2017
- 7.4 Appendix C: East Lothian Council Community Asset Transfer Policy and Guidance
- 7.5 Scottish Government: background and guidance on the Community Empowerment (Scotland) Act 2015:
<http://www.gov.scot/Topics/People/engage/CommunityEmpowermentBillFAQs>
- 7.6 Council's Asset Register:
http://www.eastlothian.gov.uk/downloads/file/12335/community_asset_register

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