

**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.

ARGYLL AND BUTE COUNCIL

**POLICY AND RESOURCES
COMMITTEE**

COMMERCIAL SERVICES

11th

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 In the current year 7 EOIs have been received 1 of which was subsequently withdrawn. To date, since January 2017, 74 EOIs have been received of which 61 have been resolved or withdrawn.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 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 Some EOIs are also withdrawn for a variety of reasons such as the group changing focus of what was needed, a better option becoming available or a lack of time and resources to progress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/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 ho

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.

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

