

Item: 8.

Policy and Resources Committee: 18 June 2019.

Community Asset Transfer and Participation Requests.

Report by Executive Director of Corporate Services.

1. Purpose of Report

To consider the Council's statutory annual report on Community Asset Transfer and Participation Requests.

2. Recommendations

It is recommended:

2.1.

That the annual report for Council activity in Community Asset Transfer and Participation Requests for the period 1 April 2018 to 31 March 2019, attached as Annex 1 to this report, be approved for publication on the Council website.

3. Annual Report

3.1.

A draft Annual Report for 2018 to 2019 in respect of both participation requests and community asset transfer requests is attached to this report at Annex 1.

3.2.

As noted in the draft Annual Report, the Council received two participation requests in the year to 31 March 2019, of which one was granted and one refused. An Outcome Improvement Process relating to Rapness Pier was under way in Westray at 31 March 2019.

3.3.

The Council handled several enquiries around asset transfer during the year but none progressed to a formal submission in terms of the legislation.

3.4.

Staff training in participation requests has continued during the year. Participation requests were included in training sessions on 13 June 2018 and 22 February 2019 as part of a series of updates on recent developments in consultation and engagement delivered periodically by members of the Consultation and Engagement Officers Group.

4. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

5. Financial Implications

5.1.

There are no financial implications directly associated with this report.

5.2.

Community Asset Transfer requests, and to a lesser extent participation requests, could potentially have significant financial implications for the Council. Any requests which fall outside delegated authority will be submitted to the relevant Committee for consideration.

6. Legal Aspects

The draft Annual Report appended to this report complies with the requirements of the Community Empowerment (Scotland) Act 2015.

7. Contact Officers

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8. Annex

Annex 1: Draft Annual Report for Community Asset Transfer and Participation Requests 2018 to 2019.



Participation Requests and Community Asset Transfer Requests: Annual Report 2018 to 2019

Introduction

1.

In 2017, the Council adopted two new policies to meet the requirements of sections 3 and 5 of the Community Empowerment (Scotland) Act 2015, relating to the participation of community bodies in the improvement of Council services and the transfer of assets to community bodies, the latter commonly referred to as community asset transfer requests or CATs.

2.

Every year, the Council is required to report on activity which has taken place locally with regard to participation requests and CATs. This report covers activity during the year from 1 April 2018 to 31 March 2019.

Participation Requests

3.

Participation requests are an opportunity for communities to establish formal dialogue with public service authorities. They are not intended to replace good quality existing community engagement or participation processes, nor are they intended to be an extension of complaints procedures.

4.

Section 22 of the Act states "A community participation body may make a request to a public service authority to permit the body to participate in an outcome improvement process".

5.

A community participation body for this purpose may be a community council, a community group with a defined constitution and membership or indeed any other group which is open to any members of a specified community and which is controlled by and operates for the benefit of the members of that community.

6.

A public service authority, in Orkney, could be Orkney College, NHS Orkney, Highlands and Islands Enterprise, Orkney Islands Council, Police Scotland, Scottish Environment Protection Agency, Scottish Fire and Rescue Service, Scottish Natural Heritage or HITRANS.

7.

An outcome improvement process is any process which is initiated or managed by the public service authority to improve a public service. For example, when a service is being reviewed, a community body may ask to take part in the process. They may want to bring about particular changes, or perhaps bid to run the service themselves.

8.

By engaging in an outcome improvement process it is anticipated that community bodies will gain a better understanding of the complexity of some problems and the constraints on councils in seeking to address them. As equal partners in an outcome improvement process, community bodies may be willing to bring more to the table themselves and contribute to co-productive solutions. Ideally, those on both sides of the legislation will take the opportunity to build trust and develop new working relationships.

9.

In June 2017, the Council adopted a new policy and associated guidance for participation requests. A press release was issued, and the policy and guidance were published on the council website at <http://www.orkney.gov.uk/Council/C/participation-requests.htm>.

10.

In order to raise awareness among community bodies of both participation requests and community asset transfer, Voluntary Action Orkney arranged a seminar for third sector agencies on 24 May 2018, which was delivered by the Scottish Community Development Council jointly with Council officers.

11.

A corresponding seminar was arranged for Council officers for 25 May 2018, also with the Scottish Community Development Council, which looked at examples of participation requests and CAT requests which have been made to other authorities and how they have progressed.

12.

Further staff training in participation requests was delivered on 13 June 2018 and 22 February 2019 as part of a series of updates on recent developments in consultation and engagement delivered periodically by members of the Consultation and Engagement Officers Group.

13.

Section 32 of the Community Empowerment (Scotland) Act 2015 requires every public service authority to publish an annual report setting out information about the number and outcomes of participation requests that have been dealt with. For Orkney Islands Council the report covers the period from 1 April 2018 until 31 March 2019.

14.

The Council received two participation requests during 2018 to 2019, as summarised below. [Decision notices](#) were published on the Council's website on the dates indicated.

Community body.	Westray Community Council.
Date received.	28 August 2018.
Validation date.	29 August 2018.
Summary of request.	This Participation Request related to the health and safety of pedestrians, and improved safety for vehicle manoeuvring, at Rapness Pier. Westray Community Council requested participation in an Outcome Improvement Process to resolve these matters.
Decision Notice.	26 September 2018 – Granted. The Participation Request was granted on the grounds of public health and social wellbeing.
Outcome improvement process.	Following discussion with Westray Community Council, the Outcome Improvement Process was progressed jointly by representatives of the Community Council, Orkney Ferries and Marine Services, Engineering and Transportation. An initial workshop was held in Westray on 10 January 2019. Temporary measures had been put in place on the pier and were judged to have been reasonably successful. Following consideration of various options it was agreed to implement a solution which would operate in a very similar fashion to the temporary measure but with a permanent pedestrian gate and the addition of gated access for vehicles to the pier. This was considered to provide a reasonable solution to all foreseen combinations of movements of vehicles and pedestrians.

Community body.	North Ronaldsay Community Council.
Date received.	13 October 2018.
Validation date.	15 October 2018.
Summary of request.	This Participation Request related to the establishment of a sheltered reliable berth to enable a higher frequency and reliability of ferry services to the island. The Community Council sought “participation in the proceedings of the Outline Business Case following the Scottish Transport Appraisal Guidance 2 options appraisal to ensure that at the third time of asking in thirty years it can establish the justification for the major investment in its infrastructure afforded almost universally elsewhere”.
Decision Notice.	6 November 2018 – Refused. The Participation Request was refused on the grounds that the guidance provided by the Scottish Government states that “participation requests are not intended to replace good quality existing community engagement or participation processes but are rather designed to complement and enhance them”. The Council considered North Ronaldsay Community Council's involvement in the processes of the Scottish Transport Appraisal Guidance, Strategic Business Case and ongoing Outline Business Case as being ample opportunity for the Community Council to be involved in the shaping and decision making around the Inter Island transportation services. However, the Council welcomed and looked forward to North Ronaldsay Community Council's ongoing contribution to the Outline Business Case development process.

Community Asset Transfer Requests

15.

The Community Empowerment Act (Scotland) 2015 is a powerful tool for communities to have control of publicly owned land and buildings to provide an opportunity to strengthen and develop communities. Access to land or buildings can provide jobs, training and bring income to local areas and help grow a sustainable community. Inward investment can also be obtained with projects attracting financial support from sources which couldn't normally assist when land or buildings remain in public ownership.

16.

The Act moves forward from a voluntary approach by the public sector and introduces a right for community bodies to make requests to all local authorities, Scottish Ministers and a wide range of other public bodies.

17.

Orkney Islands Council has a long track record of working with local communities and community bodies to strengthen and develop local communities. The Council has provided many properties to local community bodies at below market rental value and has often provided additional support to communities beyond the provisions set out in leases.

18.

Asset Transfer Guidance for community bodies and relevant authorities has been published by the Scottish Government. Information about the Act and the Council's policies and associated guidance can be found at: <http://www.orkney.gov.uk/Service-Directory/P/asset-transfer-requests-community-empowerment.htm>.

19.

The Council has promoted opportunities around community bodies making asset transfer requests in a variety of ways since the introduction of the legislation in January 2017, including press releases and articles on the Council's website.

20.

In June 2017 the Council joined with colleagues in Highlands and Islands Enterprise to participate in a local community information sharing event which was well attended by a range of representatives from community bodies. The event was an opportunity to raise awareness and provide insight to the challenges and opportunities community bodies face. Speakers from a range of different organisations, some local, some national, gave advice and insight to the processes, the do's and don'ts and the potential benefits that community led projects could deliver through asset transfer.

21.

The event included a Q and A session at the end of the one-day event where participants could focus directly on topics raised by the audience participants. This also enabled networking opportunities which allowed audience members to connect with useful sources of information and advice that may be relevant to their own particular projects.

22.

A similar event was held during May 2018 and saw the Council working closely with one of our community planning partners, Voluntary Action Orkney, to provide more information around asset transfer opportunities and participation requests.

23.

The Council has also been looking at its land and property estate with a view to identifying potential opportunities to engage with relevant local community representatives and community bodies around the subject of asset transfer. It is hoped that taking a positive approach to releasing land and property will encourage communities to take a pro-active role in potential projects which might be of benefit to their local communities. In the challenging financial times faced by all public bodies it is important that the Council finds ways to support and grow sustainable communities who can be well placed to meet the needs of local people.

24.

Section 95 of the Community Empowerment (Scotland) Act 2015 requires every relevant authority to publish an annual report setting out information about the number and outcomes of asset transfer requests that have been dealt with. For Orkney Islands Council the report covers the period from 1 April 2018 until 31 March 2019.

25.

The table below sets out the information required to be included.

Item.	Response.
How many asset transfer requests were received.	None.
How many requests were agreed to or refused.	Agreed: none. Refused: none.
For requests agreed to, whether they resulted in transfer of ownership, lease or conferral of other rights.	Not applicable.
For appeals relating to requests made, how many have been allowed, dismissed, or have resulted in any part of the authority's decision being reversed or changed.	Not applicable.
For decisions reviewed by the authority, how many have been confirmed, modified or substituted by a different decision.	Not applicable.

26.

The Council has handled several enquiries around asset transfer, however none have progressed to a formal submission in terms of the legislation. The Council continues to work closely with community groups with a view to releasing assets that the community can use to develop sustainable services within their local area.

27.

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