



Participation Requests and Community Asset Transfer Requests: Annual Report 2017 to 2018

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 2017 to 31 March 2018.

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.

As at 31 March 2018, the Council had not yet received any participation requests.

11.

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.

12.

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.

13.

Additional staff training in participation requests has been organised for 13 June 2018 as part of a package of updates in recent developments in consultation and engagement to be delivered by members of the Consultation and Engagement Officers Group.

Community Asset Transfer

14.

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.

15.

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.

16.

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.

17.

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>.

18.

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.

19.

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.

20.

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.

21.

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.

22.

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 interest 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.

23.

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 23 January 2017 until 31 March 2018.

24.

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

Item.	Response.
How many asset transfer requests were received.	One (see comment below).
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.

Item.	Response.
For decisions reviewed by the authority, how many have been confirmed, modified or substituted by a different decision.	Not applicable.

25.

The Council has handled several enquiries around asset transfer, however only one full application was received which was withdrawn before the application was validated.