



Voluntary Organisations Policy Development and Scrutiny Panel

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

23 February 2018

A meeting of the **Voluntary Organisations Policy Development and Scrutiny Panel** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Thursday 1 March 2018 at 9:30am**.

For Chief Executive

BUSINESS

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. MINUTES

Public Session

- (a) Confirm Draft Minute of Meeting of Voluntary Organisations Policy Development and Scrutiny Panel held on Thursday 28 September 2017 (herewith)
 - (b) Confirm Draft Minute of Meeting of Voluntary Organisations Policy Development and Scrutiny Panel held on Monday 18 December 2017 (herewith)
5. Business Gateway Support To The Third Sector
 - (a) Report by Head of Planning, Economic Development and

Regeneration (herewith)

(b) Presentation by Martin Thomson, Business Gateway Growth Adviser

6. Report on 2018/19 Voluntary Organisations Funding, Future Funding and 2017 Health Checks - Report by Head of Planning, Economic Development and Regeneration (herewith)
7. An Enterprising Third Sector - Report by Head of Planning, Economic Development and Regeneration (herewith)
8. Voluntary Sector Gateway West Lothian - Report by Head of Planning, Economic Development and Regeneration (herewith)
9. Community Empowerment (Scotland) Act 2015 - Report by Head of Planning, Economic Development and Regeneration (herewith)
10. Workplan (herewith)

NOTE **For further information please contact Elaine Dow on 01506 281594 or email elaine.dow@westlothian.gov.uk**

MINUTE of MEETING of the VOLUNTARY ORGANISATIONS POLICY DEVELOPMENT AND SCRUTINY PANEL of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 28 SEPTEMBER 2017.

Present – Councillors Kirsteen Sullivan (Chair), Alison Adamson (substituting for Chris Horne), Andrew McGuire, David Dodds, Bruce Fairbairn and David Tait

Apologies – Councillor Chris Horne

Absent – Councillor Tom Conn

In attendance

Ian Buchanan, Senior People's Forum Representative
Fiona Pearson, West Lothian Social Enterprise Network

Apologies

Bridget Meisak, Voluntary Sector Gateway West Lothian

1. DECLARATIONS OF INTEREST

Councillor Alison Adamson declared a non-financial interest as a council appointee to Almond Valley Heritage Trust.

Councillor Bruce Fairbairn declared a non-financial interest as the Chair of the Board for West Lothian Financial Inclusion Network.

Councillor Andrew McGuire declared a non-financial interest as the council appointee to the Citizen's Advice Bureau, West Lothian.

2. MINUTE

The Panel confirmed the minute of the meeting held on 2 March 2017 as being a correct record. The Chair thereafter signed the minute.

3. UPDATE ON PROGRESS ON VOLUNTARY ORGANISATIONS HEALTH CHECKS AND PROCEDURES

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the progress in carrying out annual health checks of funded organisations, and to advise of improvements made to the health check process.

The report recalled that at previous meetings officers reported that they were looking at an alternative to the existing health check approach, including using online tools and external accreditation systems such as Practical Quality Assurance Systems for Small Organisations (PQASSO). This work was expected to be completed and in place for the 2017/18

financial year. However, this work has not yet been fully developed given the lack of progress and along with staff changes has meant that the previous health check approach has not been completed fully and consistently over the past two years.

The Panel was advised that officers carried out a full health check with all funded organisations throughout August and September 2017. Details of the health checks completed during 2017 and those still to be carried out were attached at appendix 2 to the report. The previous health check form had also been reviewed and a copy of the new form being used was attached at appendix 1 to the report. In relation to the use of online tools and external accreditation systems such as PQASSO and how these related to the council's WLAM system and supported the health check process were still being explored. A further report would be submitted to a future meeting of the Panel with proposals for arrangements for 2018/19.

Officers then responded to questions from members of the Panel.

The Panel noted the comments from Councillor Tait that it was important that robust processes were in place when voluntary organisations appointed senior staff, particularly trustees to the Boards of voluntary organisations receiving funding from the council, which would reduce any risks to the council when allocating funding.

The Business Growth Adviser confirmed that policies and procedures were in place within the Health Check process to ensure recruitment and HR policies within voluntary organisations were robust. Identifying opportunities for additional training for Board members and sharing best practice within organisations also added value to the process. Officers undertook to liaise with Councillor Tait following the meeting to provide further information relating to the Governance and Management policies.

In response to a suggestion that an accreditation process be implemented when organisations had passed the Health Check, the Community Regeneration Officer undertook to assess whether this would be feasible.

In conclusion, it was recommended that the Panel:

1. Notes that annual health checks have been carried out covering the 2016/17 funding year;
2. Notes that new health checks forms were being piloted; and
3. Endorses the changes made to the health check form and supports the process as detailed going forward.

Decision

- To note the contents of the report and support the process as detailed going forward;
- To note that the Community Regeneration Officer undertook to assess whether an accreditation process could be implemented.

4. REPORT ON ALLOCATION OF 2017/18 VOLUNTARY ORGANISATIONS BUDGET

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the funding awards made to the voluntary sector for financial year 2017/18.

Following the budget setting for 2017/18, West Lothian Council confirmed that it would fund through the voluntary organisations budget, funding at the same level as in 2016/17. The appendix to the report provided details of the breakdown of awards made to voluntary organisations in 2017/18 to ensure continued support to the voluntary sector to deliver agreed outcomes for the residents of West Lothian.

The current health check process helped to ensure that organisational governance was robust and appropriate advice and support was provided. Existing outcome agreements were also being updated in line with council priorities for all the groups funded.

It was recommended that the Panel note the payments made to voluntary organisations for the financial year 2017/18.

Decision

To note the contents of the report.

5. UPDATE REPORT ON WEST LOTHIAN ARMED FORCES COVENANT

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development & Regeneration providing an update on the work of the West Lothian Armed Forces Community Covenant (WLAFFCC).

The WLAFFCC provides a voluntary statement of mutual support between a civilian community and its local armed forces community. It was intended to complement the Armed Forces Covenant which outlined the moral obligations between the nation, the government and the armed forces at a local level. The aim of the Community Covenant was to encourage communities, charities, businesses, local government and health care providers to support all our armed forces across West Lothian. This not only included serving personnel, but also their families and veterans, particularly where they have been injured or bereaved. By doing this we recognised what our armed forces have done for us and continue to do on a daily basis.

The report advised that a Lothian Armed Forces Covenant was established to bring together four local authority areas to allow the local partners groups to work better together with Lothian wide bodies such as NHS Lothian. The first major piece of work carried out by the group was a successful joint application to the Armed Forces Covenant (AFC). The

Priority 3 Lothian Covenant Project was awarded £200,000, which allowed three Lothian wide Development Workers to be employed. The project would run for two years from 1 September 2017 with a formal Partnership Agreement drafted and signed off by all partners. A project launch event was held on 27 September 2017 at Edinburgh Castle.

The West Lothian Armed Forces Covenant has not met in 2017 due to staff changes. However, with the above project now commencing the group would look to reconvene and to update its Action Plan.

It was recommended that the Panel notes:

1. The successful funding award from the Armed Forces Covenant Grant Scheme to support a Lothian wide development project;
2. The changes to the West Lothian Armed Forces Community Covenant group; and
3. That future reporting would be made to the Services for the Community PDSP.

Decision

To note the contents of the report.

6. AN ENTERPRISING THIRD SECTOR

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the current activities being undertaken to support a more enterprising third sector in West Lothian.

The report stated that West Lothian Council was committed to supporting volunteering, voluntary organisations, social enterprises and the development of more enterprising and sustainable third sector organisations that contributed to key Community Planning Partnership outcomes. A report from West Lothian Social Enterprise Network (WLSN) on the activities they have undertaken since the previous meeting of the Panel was attached as an appendix to the report, which highlighted the current membership position of WLSN, local organisations who were engaging in the Enterprising Third Sector Support programme, and provided an update on operational changes within WLSN.

The Panel noted that the Board of Directors of WLSN and staff recently held a Strategic Organisational Review of the organisation and produced an Action Plan which focused on balancing members' needs with strategic and contractual outcomes. WLSN also has a good working relationship with support organisations and works closely with Business Gateway and Just Enterprise in order to maximise the range of support to organisations and avoid duplication.

It was recommended that the Panel notes the positive outcomes relating

to the work undertaken by West Lothian Social Enterprise Network in supporting enterprising third sector organisations.

Decision

To note the contents of the report.

7. WORKPLAN

A copy of the workplan was circulated for information.

Decision

To note the contents of the workplan.

MINUTE of MEETING of the VOLUNTARY ORGANISATIONS POLICY DEVELOPMENT AND SCRUTINY PANEL of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE on 18 DECEMBER 2017.

Present – Councillors Kirsteen Sullivan (Chair), Andrew McGuire, David Dodds, Bruce Fairbairn, Chris Horne, Dom McGuire (substituting for Tom Conn) and David Tait

Apologies – Councillor Tom Conn

In attendance

Bridget Meisak (Voluntary Sector Gateway WL), Ian Buchanan (Senior People's Forum Representative), Andrew Anderson (Unison Representative), Tom Carr-Pollock (GMB Representative), Pat Tedford (UNITE Representative)

1. DECLARATIONS OF INTEREST

Agenda Item 4 – Transforming Your Council 2017 Consultation

Councillor David Dodds declared a non-financial interest as a council appointee to West Lothian Development Trust.

Councillor Bruce Fairbairn declared a non-financial interest as the Chair of the Board for West Lothian Financial Inclusion Network.

Councillor Chris Horne declared a non-financial interest as a Board member of Linlithgow Community Development Trust.

Councillor Andrew McGuire declared a non-financial interest as a council appointee to the Citizen's Advice Bureau, West Lothian.

Councillor Dom McGuire declared a non-financial interest as a council appointee to Almond Valley Heritage Trust and River Kids.

Councillor David Tait declared a non-financial interest as a Trustee of the Linlithgow Community Magazine known as the Black Bitch.

2. TRANSFORMING YOUR COUNCIL 2017 CONSULTATION

The Panel considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the feedback received from respondents as part of the Transforming Your Council (2017) consultation.

The Head of Planning, Economic Development and Regeneration presented the report advising that in order to facilitate full and effective consultation on Transforming Your Council (2017), a proposed set of priorities and options on how the council could deliver services in a better way and balance its budget was brought together in one consultation document which was published on Monday 19 October 2017. The consultation ran for four weeks and closed on 12 November 2017.

The consultation document was distributed to an extensive number of key stakeholders and community and representative groups and the information was published electronically on the council's website and distributed to the council's main public buildings to ensure broad accessibility. The consultation was also published in the October 2017 edition of the council's newspaper, Bulletin, which was distributed to every household and local business in West Lothian. A specific plan to target hard to reach groups was also undertaken as part of the consultation process. Also within the council, publication of the consultation document was accompanied by briefings to Trade Unions, senior managers and all staff.

The number of responses received by the close of the consultation period was 7,026 which generated over 45,000 comments from all respondents. The report provided details of the consultation results within the following tables:

Table 1: provided details of the number of responses received from employees, individuals and organisations/groups;

Table 2: provided a summary of the number of comments per respondent category, grouped under the associated PDSP;

Table 3: provided a summary of the number of comments grouped under aspect of the council tax options;

Table 4: provided a breakdown of the 769 comments across the one measure relating to service areas which reported to the Voluntary Organisations PDSP.

Table 5: provided a summary of all the categorised responses allocated to the Voluntary Organisations remit.

The statistical information relating to the consultation was summarised within Appendix 1 to the report and an analysis of all the comments allocated to the Voluntary Organisations PDSP were set out in Appendix 2 and 3 attached to the report. Appendix 4 provided the relevant extracts from the consultation document. Full details of the officer response to each comment were available on the council's website.

The Panel was asked to note that, at the time of publishing the Transforming Your Council (2017) consultation document the detailed budget reduction measures had not been fully developed. During the period of the consultation process officers had undertaken further work to clarify how the proposed savings would be achieved and the timescales for delivery. This included identifying, where applicable, the potential number of reductions on Full Time Equivalent (FTE) posts that would be required to deliver the proposed measures. Table 6 in the report included further details of the FTE associated with the measure allocated to the Voluntary Organisations PDSP.

The report concluded by advising that following consideration at the relevant PDSP's in week commencing 18 December 2017, officers would

take account of the key themes when developing future strategies and plans. Key decisions would be made when the council set out its budget and financial plan at a meeting in February 2018. Prior to this, the information proposed to be presented to the council when it set its budget would be reported to the Partnership and Resources PDSP meeting taking place on 19 January 2018.

There then followed a question and answer session on the measure relating to the Voluntary Organisations PDSP remit. Panel members and participants made comments throughout the discussion which were summarised below:

- Councillor Horne highlighted that there was still a significant amount of work to be done before the budget setting meeting and asked if a further Voluntary Organisations PDSP meeting would be held prior to this.

The Head of Planning, Economic Development and Regeneration confirmed that more information would be reported to the Partnership & Resources PDSP scheduled to be held on 19 January 2018 prior to the council setting its budget and financial plan at a meeting in February 2018.

- Councillor Fairbairn made a suggestion for consideration to be given to match fund projects with council initiatives.
- Councillor Tait commented that it was important that elected members were provided with as much information as possible on proposed budget reductions, in accordance with the recommendations within the recent Accounts Commission “Best Value Assurance” report.
- Bridget Meisak (Voluntary Sector Gateway) highlighted the impact any reductions to voluntary organisations would have on the workload across the sector. Ms Meisak sought assurances that organisations effected by redundancies would be given support.

The Head of Planning, Economic Development and Regeneration responded by confirming that the council would continue to work with organisations and groups most effected by change to help them move forward. The council would continue to work in partnership with a range of organisations to ensure the best possible outcomes within West Lothian.

- Ian Buchanan (Senior People’s Forum) highlighted the overlap of efficiency measures and questioned how these would be addressed.
- In response to questions relating to Commissioning Services the Chair suggested that an officer from Social Policy be asked to attend a future meeting of the Voluntary Organisations PDSP to discuss this further.

- The Trade Union representatives expressed their disappointment due to the lack of detail available in terms of the potential number of job losses and were therefore unable to provide their members with any further clarity or assurances.

It was recommended that the Panel notes:

1. The statistical information relating to the consultation (Appendix 1);
2. The high level summary of the comments and feedback received relevant to the remit of the Voluntary Organisations PDSP (Appendix 2); and
3. That the consultation results would be used by the council to help balance its budget for the period to 2022/23.

Decision

1. To agree to note the recommendations in the report;
2. To note that the Head of Planning, Economic Development and Regeneration undertook to invite an officer from Social Policy to a future meeting to provide an update on Commissioning Services; and
3. To note the comments made by the Panel members and participants.



VOLUNTARY ORGANISATIONS POLICY DEVELOPMENT AND SCRUTINY PANEL

BUSINESS GATEWAY SUPPORT TO THE THIRD SECTOR PRESENTATION

REPORT BY HEAD OF PLANNING ECONOMIC DEVELOPMENT AND REGENERATION

A. PURPOSE OF REPORT

To inform the Voluntary Organisations Policy Development and Scrutiny Panel of the support delivered to the third sector by Business Gateway.

B. RECOMMENDATIONS

That the Voluntary Organisations Policy Development and Scrutiny Panel note the support delivered to the third sector by Business Gateway.

C. SUMMARY OF IMPLICATIONS

I.	Policy and Legal	Focusing on our customers' needs. Being honest, open and accountable. Providing equalities of opportunities. Making best use of resources. Working in partnership.
II.	Implications for Scheme of Delegations to Officers	None
III.	Impact on performance and performance indicators	The support from Business Gateway assists the performance of enterprising voluntary sector organisation in West Lothian and aligns to Council outcomes and indicators.
IV.	Relevance to Single Outcome Agreement	We are better educated and have access to increased and better quality learning and employment opportunities We live in resilient, cohesive and safe communities. We live longer, healthier lives and have reduced health inequalities.
V.	Resources (Financial, Staffing and Property)	None
VI.	Consideration at PDSP/Executive Committee required	None
VII.	Details of consultations	None

D. TERMS OF REPORT

A request was made to the Business Gateway Growth Adviser to provide members of the Committee with details of the Business Gateway support delivered to enterprising third sector organisation in West Lothian, and to explain how Business Gateway work with other support providers to maximise support to enterprising third sector organisation in West Lothian.

E. CONCLUSION

The presentation will assist the work of the Committee by providing an overview of the support delivered to the third sector by Business Gateway.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: None

Contact Person: Martin Thomson, Business Gateway Growth Adviser,
martin.thomson@westlothian.gov.uk

Tel No: 01506 283089

Craig McCorriston

Head of Planning, Economic Development and Regeneration

Date of meeting: 01 March 2018



VOLUNTARY ORGANISATIONS POLICY DEVELOPMENT AND SCRUTINY PANEL

REPORT ON 2018/19 VOLUNTARY ORGANISATIONS FUNDING, FUTURE FUNDING AND 2017 HEALTH CHECKS

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to update the panel on the effect of the council budget setting on future funding for the voluntary sector, including the funding arrangement for 2018/19 and planned review going forward. It also provides a report on the outcome of the 2017 health checks of funded organisations, and to advise of improvements made to the health check process and recommendations going forward.

B. RECOMMENDATION

It is recommended that the PDSP notes:

1. notes that funding to voluntary organisations will remain the same in 2018/19 as 2017/18;
2. notes the proposal to review all funding to help identify the savings identified in the council's budget agreed on 13 February 2018;
3. notes that annual health checks have been completed for 2017;
4. notes the report on the health check process attached as Appendix 1;
5. notes that service funding agreements are in place for 2017/18
6. agrees that the health check process is not necessary for 2018/19 and that all service funding agreements in place for 2017/18 are rolled over to cover 2018/19.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs. Being honest, open and accountable. Providing equality of opportunities. Making best use of our resources. Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The report does not raise any health or risk assessment issues. No strategic environmental assessment is required.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and	Funding support to the voluntary sector helps

performance Indicators

support West Lothian Council to deliver on its priorities and the health checks process helps to monitor the delivery of agreed outcomes and indicators.

V Relevance to Single Outcome Agreement

- We are better educated and have access to increased and better quality learning and employment opportunities.
- We live in resilient, cohesive and safe communities.
- We live longer, healthier lives and have reduced health inequalities.
- We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

VI Resources - (Financial, Staffing and Property)

£1,518,050 has been allocated in 2017/18. This includes some payments paid back on WLC owned property for rent and associated costs.

VII Consideration at PDSP**VIII Other consultations**

None.

D. TERMS OF REPORT**D1 Background**

At the September 2017 PDSP officers reported that they were carrying out a full health check with all organisations funded through the Voluntary Organisations budget, to ensure all had a recent health check carried out and an up to date service funding agreement in place for the funding awarded for 2017/18.

D2 2018/19 Funding and Future Review

Following the council budget setting on 13 February it was confirmed that the voluntary organisations funded in 2017/18 will continue to be funded at the same level in 2018/19. Letters to this effect will be issued to all organisations over the coming weeks confirming their payment. Some work remains to be done to update the rent and related charges for those organisations that have those charges taken of a source. Also, where payments are from service budgets other than Planning, Economic Development and Regeneration, which is the case in four instances, confirmation is being sought that the funding remains in place.

The council budget also agreed to identify savings in grants to the voluntary sector. This will have implications for the payments going forward and the council will start the process of identifying this over the coming months. In order to make the funded organisations aware of the potential changes the following paragraph will be added to the 2018/19 award letter:

'You may be aware that West Lothian Council set its five year budget on Tuesday, 13 February 2018. Within the wider budget cuts proposed it was agreed that there would be a reduction in grants to community groups. Therefore, a full review of current funding will take place over the coming months to identify how this will be achieved and to make recommendations to the Voluntary Organisations PDSP and Council

Executive in due course. This will be a challenging exercise and we will involve the voluntary sector in the process. It should be noted that, as a result of the review, your current funding may be subject to change for financial year 2019/20 onwards. As such, it will be prudent to ensure that your organisation gives early consideration to all possible outcomes from the review and how to plan for these going forward.'

D3 2017 Health Checks, Service Funding Agreements and Recommendations

Health checks were carried out between 23 August and 30 November 2017 with 24 funded organisations to ensure that all had a recent signed health check and up to date signed service funding agreement (SFA) in place for the funding awarded for 2017/18. Appendix 1 gives an overview of the process and raises some suggestions and issues for further consideration moving forward. The main points for note and consideration are:

- The suggestion to split the process between the health check, i.e. the focus on governance, and the link officer role to focus on the outcomes as set out in the SFA and be the day to day link person;
- The possibility to look at whether there was a way to help organisations identify potential board members and whether training for board members could be provided;
- Simplified checklist based health check, with need for meetings reduced for smaller organisations in receipt of small funding settlements and option to meet as necessary;
- Review the current requirement for service funding agreements for all in relation to proportionality to the amount awarded and size of the organisation; and
- Note the current lack of link between the amount received and the activities delivered due to historic nature of the awards.

The process has allowed officers to bring key paperwork up to date and provide a base from which to look forward. However, the effect on this of the budget setting and funding review needs to be considered and recommendations for 2018/19 are set out below.

D4 Future Health Checks and Service Funding Agreements

As detailed above in D2 the budget review is about to begin so it is proposed that the health check process is not carried out in 2018/19, both due to the recent nature of the exercise being felt to be up to date and the potential future changes and impact on organisations. Once future arrangements are clear the health check will be revisited in 2019/20.

Linked to this, the majority of funded organisations have a service funding agreement in place for 2017/18 and will be reporting on their current outcomes but are also due to refresh these prior to 2018/19 funding being released. With the potential implications of the funding review it is proposed that the 2017/18 funding agreements are rolled over to cover 2018/19. This is allowed within Section 2.2 of the 2017/18 SFA as long as they are meeting agreed targets.

There will be a continuing role for a link officer and this list has been updated.

E. CONCLUSION

Members are asked to note that the payments for 2018/19 will remain at the same level as 2017/18 and that a full review of funding to identify the budget changes agreed in by West Lothian Council will be carried out. It is asked to note the report on the 2017 health check process and service funding agreement update and agree the recommendation to regarding the health check process for 2018 and service funding agreement roll over.

F. BACKGROUND REFERENCES

1. Voluntary Organisations PDSP Report September 2017
<http://coins.westlothian.gov.uk/coins/submissiondocuments.asp?submissionid=35963>
2. West Lothian Council 13 February 2018 - Revenue Budget 2018/19 to 2022/23
<http://coins.westlothian.gov.uk/coins/submissiondocuments.asp?submissionid=35964>
3. Voluntary Organisations PDSP September 2017
<http://coins.westlothian.gov.uk/coins/submissiondocuments.asp?submissionid=35964>

Appendices/Attachments: Appendix 1 Health Check 2017 Report

Contact Person: Douglas Grierson, Community Regeneration Officer, 01506 281088
douglas.grierson@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development and Regeneration
1 March 2018

Voluntary Sector Health Check 2017

1. Background

Organisations funded through the Voluntary Organisations Budget are subject to an annual health check (using the form attached in appendix 1) and a link officer is appointed to each organisation. The health check looks at general governance issues to ensure the organisation is robust and compliant, and is an opportunity for the link officer to flag up any concerns or issues. In addition to the health check the organisation will update on what it has achieved in the financial year in relation to the Service Funding Agreement and update that agreement accordingly each year.

In 2015, after discussions with the Third Sector and through the Voluntary Organisations PDSP, officers started to look at options for moving from the health check approach to a self-evaluation model, making greater use of external accreditation using recognised tools like PQASSO and giving closer alignment to the Council's WLAM system. Whilst some organisations had used PQASSO, the intention had been to support all funded organisations to work towards this, and the new process would have been in place for 2015/16 financial year. However, the work was not concluded at the time and put back to 2016/17. This work remains incomplete.

As a result of this work the process of carrying out health checks with all organisations that received funding was not carried out in the 2015/16 financial year. A standalone exercise was carried out to contact only organisations with existing amber and red indicators and, due to the delay in agreeing the replacement system, a new round of health checks were agreed to be carried out during 2016/17. Over this period an Internal Audit review was carried out which highlighted a number of concerns around lack of documentation available in relation to health checks and link officers lists not being up to date. The audit made a number of recommendations to be addressed going forward.

2. Health Check 2017

Following the audit, officers reviewed previous health checks and Service Funding Agreements and found that there were a number of gaps. As a result it was decided that officers would carry out a new health check on all organisations funded directly by, or where funding was administered through, Economic Development and Regeneration. Due to the gaps in the Link Officer list and for consistency, two officers completed this work.

Prior to the start of the process officers took the opportunity to review and amend the Health Check form. The main changes were to reduce the number of questions and to take out traffic light system element. The new form is intended to adopt a more proportionate and conversational approach and generate an action plan based on the output from the review, with specific actions and timescales (see Appendix 2). The new form was discussed at the Voluntary Organisations PDSP in September 2017.

The new health checks were carried out between 23 August and 30 November on 24 funded organisations (see appendix 3). Whilst a follow up survey is currently being carried out to get feedback on the new format, direct feedback at the time had generally been positive and constructive. The feedback will be used to shape the form and the format going forward.

3. Service Funding Agreements update

Officers have looked at Service Funding Agreements (SFA) on file for each health checked organisation and when the latest version was dated. For the majority of organisations work was required to bring these agreements up to date. New agreements are now in place and have been signed off for 2017/18.

The SFA should be in place at the start of the financial year so discussion has taken place with all organisations advising them that these will be reviewed again in February/March 2018, once budgets are agreed, and signed off prior to the release of funding for 2018/19.

4. Role of Link Officer

The health check is partly a snap shot of the organisation at the time and provides an opportunity to monitor and determine the standards and procedures that will cover the organisation over the next year. For example monitoring their accounts covers the full last year and the forecasts for the coming year. It is essentially making sure that the key elements of good governance are in place and it looks at accounts, policies and procedures. Previously, the link officer role also involved being the day to day contact point. They would be copied into all board meeting papers and attend occasional board meetings of their organisations. Over the last two years, as the work focused on moving from the existing health check process to a possible new online system, a number of gaps have appeared in the Link Officer list. The role remains important to the council and is welcomed by the organisations. As such, an updated list is attached as Appendix 4. Every attempt has been made to assign an officer who has an understanding of the organisations work and is best placed with regards to updating the SFA and the indicators in relation to what the council is looking to buy. Given the timing all funded organisations will be informed of their Link Officer at the start of 2018/19 once budget decisions are taken and funding is clear.

It is suggested that the role itself will change slightly in 2018/19 with the health check forms continuing to be completed by two officers centrally, as in 2017. Therefore, the focus of the link officer role will be around providing support, being first point of contact and updating the Service Funding Agreement each year. As before, the organisation will be asked to copy the link officer into the distribution list for board papers and minutes. The officer will continue to attend at least two board meetings a year, including the AGM. They would also help ensuring that the Health Check Action Plan is carried out.

Link officers will have a better understanding from the closer working relationship to advise and identify whether the processes that are in place are working or whether there are any issues and flag them up centrally. With this in mind it is also proposed that additional questions are added to the health check form going forward to allow the link officer to comment as part of the process. This proposal is detailed in Appendix 5.

5. Matters for consideration

5.1 Health Check - Training

Following the completion of the health checks in 2017 there were a few areas that came up fairly consistently. These were not necessarily major concerns, as these are no doubt true of the third sector as a whole, but they do merit consideration.

There are general problems for many organisations in identifying board members and, in particular, ones that provide the skills set needed to run an organisation. This is not easily addressed but consideration should be given to how to provide support for organisations funded through the Voluntary Organisations Budget to deliver board training and whether there is a way to do something generic to identify potential board members from across West Lothian.

Consideration should also be given to whether, as a funded organisation, we should specifically require them to engage positively with any training that is delivered.

5.2 Health Check – Future approach

Consideration should be given to how the health check process is carried out in future years. In developing the form further it is suggested that some elements of the health check could be prepopulated and submitted in advance by the organisation and that forms the basis of discussion. The checklist of policies and key documents would be listed more formally to make it easier to put these together and this can be made available either in advance, on the day, or submitted promptly thereafter (Appendix 6 – draft form for 2018).

There is also an argument for the health check to be proportional to the level of funding received by the organisation. For discussion purposes the funding can be looked at in five categories:

- 4 receive over £100k
- 5 receive between £50k and £99k
- 8 receive between £25k and £50k
- 6 receive between £10k and £24k
- 4 receive under £10k

The recommendation is that the four in receipt of under £10k should not be required to go through a full health check but complete an annual mini health check by email, which would be a pro-forma and copies of key documents. If, for whatever reason, a full meeting is necessary or requested then that would be facilitated.

For those between £10k and £24k there should be the presumption of a health check but this may be waved should information received provides enough detailed information to allow Offices to sign off without the need for a physical meeting.

For those receiving £25,000 and above the full Health check as currently processed.

Consideration should also be given to whether the Health Check is required annually. It was evident to Officers that once the health check was carried out and documents provided that the subsequent Health Check could be progressed quicker, recognising that time pressure on both offices and the organisations.

5.3 Service Funding Agreements – Future approach

It is clear that for some of the organisations, a full Service Funding Agreement is not appropriate. This was touched on in the Internal Audit report. For the smaller amounts, as above those in receipt of less than £10,000, it may be that the award letter would cover this, or a short condition of grant form rather than the full SFA. Consideration should be given to this. It may be that that level should be higher.

A general point was made by a few organisations that the SFA indicators restricted their ability to fully show what they do as an organisation and that they would welcome the opportunity to give a more rounded report on their work over the year. This is likely to be closer to the organisation's Annual Report, which we already ask for. However, where we more or less fully fund that organisation, the Annual Report will effectively be the year's outcomes report, particularly for smaller organisations.

A new reporting template has been sent to all organisations with an SFA in place to ask for an update on progress (see Appendix 5). This allows some flexibility on how they present their information. In particular it allows for the ability to include narrative, either within the template or as an appendix to it, which wasn't easy to do using the previous template. It also asks for a breakdown of how they have utilised the funding throughout the year. This is something not specifically requested previously but Officers feel that is important to have an understanding of how the funding is utilised each year. This is expanded upon in the next section.

The timing of this is intentional with the completion being requested in January so that, if required, it can help inform the budget discussions and any subsequent discussions on the SFA for the following year. It is recognised that this will provide only 9 or 10 months information but it is useful to have at that point. Organisations will be asked to update this at the end of the financial year to give a complete picture.

The content of the SFA are generic and last reviewed in May 2014. It is recommended that these are reviewed to reflect changes, possibly via legal and procurement.

There have been a couple of queries about the status of the SFA in terms of VAT and corporation tax implications. The SFA appears to be somewhere between a grant and a contract for the delivery of a service. It is essentially a Service Level Agreement but as mentioned above this is probably too much for some of the funding received and the size of organisation. Consideration should be given to whether some should be grants, SFA/SLA or more clearly a contractual arrangement.

5.4 Funding

The funding received by each organisation is based on a historic agreement, and the council pays this amount each year; there has been no increase in recent years or any review of the amounts allocated. The funding is not always tied to specific activities or staff posts so they are able to use the funding as they wish to deliver the outcomes set out in the SFA. Essentially some groups see this

as core funding from WLC. As a result of this it is difficult to correlate the outcomes in the SFA to the amount of funding provided.

The result is that there is not a specific breakdown of how the funding is utilised each year, although as referenced above we have asked for an indicative breakdown for 2017/18 to get an idea of how organisations are utilising the funding for the first time. There are pros and cons to this with some organisations welcoming the flexibility they have to use the council funding, or part of it, to attract other external funding. Others state that it effectively pays for the same thing each year so asking for this to be detailed would not be difficult. Moving forward a mixed approach to this could work, where flexibility is given to those that can show it has brought in additional funding.

6. Conclusion

A health check has been carried out with 24 funded organisations and new Service Funding Agreements have been put in place. This follows a gap in the health check process in 2015/16 and an inconsistent approach in 2016/17. In 2017/18 a new form was used and, for consistency, the same two officers carried out all the checks. Funding agreements are due to be reviewed again with all organisations prior to their funding being released for 2018/19 with a view to developing the health checks and Service Funding Agreements to ensure they are proportionate and clearly aligned to West Lothian Council priorities.

This has to some degree been superseded by the general review of funding for the third sector agreed in the Council's budget set on 13 February 2018. The proposal, set out in the covering report, is that the health checks are recent enough to cover the 2018/19 financial year and that the Service Funding Agreements (SFA) allow for the roll over to 2018/19 if targets are being met. It is suggested that with the focus on the overall review of funding it would be sensible to focus on that in 2018/19 and revisit the Health check process and SFA once future funding decisions have been made.

Douglas Grierson

Community Regeneration Officer,

Economic Development and Regeneration

February 2018



VOLUNTARY ORGANISATIONS POLICY DEVELOPMENT AND SCRUTINY PANEL

AN ENTERPRISING THIRD SECTOR

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to update the panel on the current activities being undertaken to support a more enterprising third sector in West Lothian.

B. RECOMMENDATION

It is recommended that the PDSP notes:

1. The positive outcomes in regard to the work undertaken by West Lothian Social Enterprise Network in supporting enterprising third sector organisations.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs. Being honest, open and accountable. Providing equality of opportunities. Making best use of our resources. Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The report does not raise any health or risk assessment issues. No strategic environmental assessment is required.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	<ul style="list-style-type: none">- We are better educated and have access to increased and better quality learning and employment opportunities.- We live in resilient, cohesive and safe communities.- We live longer, healthier lives and have reduced health inequalities.- We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

VI Resources - (Financial, Staffing and Property)	£35,000 been allocated in 2017/18.
VII Consideration at PDSP	A quarterly report will be presented to the Voluntary Organisation PDSP
VIII Other consultations	None.

D. TERMS OF REPORT

D1 Support for social enterprise

West Lothian Council is committed to supporting volunteering, voluntary organisations, social enterprises, and the development of more enterprising and sustainable third sector organisations that contribute to the key Community Planning Partnership outcomes.

‘Innovation, Potential and Fresh Thinking: A Framework to Support and Develop More Enterprising Third Sector Organisations’ was approved by Council Executive in December 2014. Progress continues to be made in developing and moving forward the four thematic outcomes identified to help develop an enterprising third sector in West Lothian, as follows:

1. Enhancing the business capacity of enterprising third sector organisations.
2. Addressing skills shortages in organisations and trustees/directors.
3. Involving West Lothian Social Enterprise Network (WLSSEN).
4. Identifying areas for support and development.

A report from WLSSEN on the activities they have undertaken since the previous meeting of the panel is attached to this report as Appendix 1. The report highlights the current position with regards to membership of WLSSEN, local organisations who are engaged in the Enterprising Third Sector Support programme, and updates the panel on operational changes within WLSSEN.

E. CONCLUSION

West Lothian Council is committed to supporting and developing a more enterprising third sector in West Lothian. The activities undertaken by West Lothian Social Enterprise Network are helping to achieve this.

F. BACKGROUND REFERENCES

Innovations, Potential and Fresh Thinking: A Framework to Support and Develop More Enterprising Third Sector Organisations – December 2014

Appendices/Attachments:

Appendix 1 WLSSEN Update

Contact Person: Douglas Grierson, Community Regeneration Officer, 01506 281088
douglas.grierson@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development and Regeneration
1 March 2018



Report to Voluntary Organisations Policy Development and Scrutiny Panel

1st March, 2018 Meeting

Membership

WLSen membership currently stands at 56 organisations.

5 new member organisations have joined since the last PDSP report:

West Lothian Food Bank	exploring enterprise activity including employability provision
Scotlandsocialway	new social enterprise promoting ethical and socially responsible tourism
Handicabs	Working towards increased income generation
Craigsfarm Community Development Project	Working towards social enterprise ideas for income generation
S.M.I.L.E. Counselling	New enterprise working towards sustainability

Enterprising Third Sector Support Programme

Following the success of the programme, it was extended until 31st December, 2017.

- 18 days consultancy were delivered under the extension
This was matched with:
- 16 days Just Enterprise Support
- Ongoing support from Business Gateway

Organisations were supported with

- Business Planning,
- Feasibility of New Projects,
- Marketing
- Procurement Development
- Crisis Management
- Transfer of Assets
- Funding
- Legal Structures

We intend to extend the programme to the end of the financial year and beyond, using savings on staffing costs due to staff vacancies during 2016/17.

Additional Support provided to 31.12.17 by WLSSEN (part funded by Voluntary Sector Gateway Contract)

• Newsletters distributed	9
• Info-mails distributed	39
• Advice on legal structure to social enterprises	4
• Signpost organisations for help to write governing documents	7
• One to one support for social enterprises	18
• Signpost organisations to external support agencies	9
• Maintain online Support Directory and update (no. of updates)	3
• Run demand-led learning events	1
• Promote inter-trading between social enterprises (no. of links)	5
• Promote learning events via e-mail and on website calendar	41
• Attend round-table discussions with other support providers	2
• Promote WL social enterprises at key events (no. of events)	4
• Promote WL social enterprises via WLSSEN web-site and social media	21
• Update Social Enterprise Directory on website (no. of updates)	4

Social Enterprise in Scotland/ Census 2017

- 114 social enterprises in West Lothian listed in census
- 31 of these are current WLSSEN members
- 16 WLSSEN members are not included in the census as they are newer enterprises
- 83 listed enterprises that are not WLSSEN members include Community Education Associations and playgroups, that do not often identify themselves as social enterprises
- We have started work to contact all of the listed enterprises to engage them with WLSSEN
- The potential increase in WLSSEN membership will have a substantial impact on our capacity

Edinburgh and South East Scotland City Region Deal

- As part of the development of the City Region Deal, a **Regional Business Leadership Council** (RLBC) is being established. WLSSEN attended a recent event, along with West Lothian Council, to agree the remit, structure and membership process of the RLBC.
- WLSSEN has been an active participant in discussions around Social Enterprise within the City Region Deal along with our colleagues in Social Enterprise Networks (SENs) from each of the regions (Edinburgh, East Lothian, Midlothian, Fife and Borders). An agreement in principle has been reached between the SENs to work together on a regional basis to form a **South East Scotland Social Enterprise Zone** (SESSEZ). It is intended that SEZZES will feed in to the Regional Business Leadership Council to maximise the impact on grass roots enterprises and the communities they serve.
- No external or additional funding is provided to enable WLSSEN and other Third Sector organisations to participate fully in City Region Deal meetings. We will therefore strive to balance the benefits of participation with the cost of involvement.

Scotland's Social Enterprise Strategy 2016 - 2026 – Buy Social

- One of the Priorities identified in the Action Plan that accompanies the 10 year strategy is the creation of a brand for social enterprise. One of the suggestions being considered is adopting the Buy Social brand which is used mostly across England.
- SENs across Scotland have several concerns about the cost, purpose and timing of introducing a brand. There is a concern that branding will be rushed to coincide with the World Social Enterprise Forum which is being held in Edinburgh later in the year. WLSSEN is participating in discussions with the Scottish Government via our intermediary organisation SENSCOT to ensure that branding decisions take full cognisance of grass-roots organisations' opinions and needs.

Future Plans - Staffing

WLSSEN has undertaken an Organisational Review and has identified the need for additional staff to meet demand.

Once funding for 2018/19 is secured, we would like to employ a part-time Development Worker who will support the Network Co-ordinator to provide improved direct support to organisations.

We are also delighted that our new part-time Administrative Assistant, who came to us via the Women into Work Programme, is proving to be a great asset across a range of administrative, finance, marketing and membership liaison functions.



VOLUNTARY ORGANISATIONS POLICY DEVELOPMENT AND SCRUTINY PANEL

VOLUNTARY SECTOR GATEWAY WEST LoTHIAN

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to update the panel on the current activities being undertaken by Voluntary Sector Gateway West Lothian in providing as effective single point of access for support and advice and representing the interests of voluntary and community groups within West Lothian.

B. RECOMMENDATION

It is recommended that the PDSP notes:

1. The positive outcomes in regard to the work undertaken by Voluntary Sector Gateway West Lothian in supporting and representing the interests of voluntary and community groups within West Lothian.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs. Being honest, open and accountable. Providing equality of opportunities. Making best use of our resources. Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The report does not raise any health or risk assessment issues. No strategic environmental assessment is required.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	<ul style="list-style-type: none">- We are better educated and have access to increased and better quality learning and employment opportunities.- We live in resilient, cohesive and safe communities.- We live longer, healthier lives and have reduced health inequalities.- We make the most efficient and effective use of resources by minimising our impact on the

built and natural environment.

VI Resources - (Financial, Staffing and Property)

£60,959 been allocated in 2017/18.

VII Consideration at PDSP

A quarterly report will be presented to the Voluntary Organisation PDSP

VIII Other consultations

None.

D. TERMS OF REPORT

D1 Background

The role of the third sector interface (TSI) is to provide an effective single point of access for support and advice for the third sector within a local area. It is expected that the TSI will provide a strong cohesive conduit between the third sector and the local authority and Community Planning Partnership (CPP) and that it is well managed, governed and effective.

The TSI operating in West Lothian is the Voluntary Sector Gateway (VSGWL). The VSGWL is a member of the West Lothian CPP. VSGWL receives a grant from the Scottish Government Third Sector Unit and received £60,959 from West Lothian Council in 2017/18.

D2 Current position

A verbal update will be presented to the Panel by the Voluntary Sector Gateway West Lothian (VSGWL) on progress.

E. CONCLUSION

The PDSP is asked to note the report but the Voluntary Sector Gateway West Lothian and that the PDSP will receive regular updates going forward.

F. BACKGROUND REFERENCES

None

Appendices/Attachments:

None

Contact Person: Douglas Grierson, Community Regeneration Officer, 01506 281088
douglas.grierson@westlothian.gov.uk

Craig McCorriston

Head of Planning, Economic Development and Regeneration

1 March 2018



VOLUNTARY ORGANISATIONS POLICY DEVELOPMENT AND SCRUTINY PANEL

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to inform the Panel of the various parts of the Community Empowerment (Scotland) Act 2015 and what this means for community organisations in West Lothian.

B. RECOMMENDATIONS

It is recommended that the PDSP notes the new rights and duties arising from the Community Empowerment (Scotland) Act 2015.

C. SUMMARY OF IMPLICATIONS

I	Council values	Focusing on our customers' needs; Being honest, open and accountable; Making best use of our resources; Working in partnership.
II.	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Community Empowerment (Scotland) Act 2015
III.	Implications for Scheme of Delegations to Officers	None
IV.	Impact on performance and performance indicators	None
V.	Relevance to Single Outcome Agreement	CPPs are now required to prepare a LOIP in place of SOAs. The Act has high relevance to delivering the LOIP outcomes.
VI.	Resources (Financial, Staffing and Property)	The Act gives communities additional rights to be involved in service planning and delivery and in terms of owning and leasing land. There may be resource implications in terms of increasing the capacity of community groups to take advantage of these opportunities.

VII. Consideration at PDSP

The council's process for participation requests was discussed and agreed at Partnership and Resources PDSP on 17 March 2017 and Council Executive on 28 March 2017. The council's Asset Transfer Policy was discussed at Partnership and Resources PDSP on 3 November 2017 and agreed at Council Executive on 28 November 2017.

VIII. Other consultations

The Community Empowerment Act has been discussed at the Community Planning Partnership Steering Group and Board.

D. TERMS OF REPORT

D.1 Background

The Community Empowerment (Scotland) Act 2015 received Royal Assent on 24 July 2015. The Act aims to empower community bodies through the ownership of land and buildings and strengthening their voices in the decisions that matter to them. It also aims to improve outcomes for communities by improving the process of community planning, ensuring that local service providers work together more closely with communities to meet the needs of the people who use them. Within the Act, 'communities' refers to a community of place, interest or identity.

There are 11 parts of the Act. This report will outline the parts most relevant to community organisations in West Lothian and will highlight some of the opportunities this legislation provides. These parts are largely all already in force.

D.2 Part 2: Community Planning

The Act places Community Planning Partnerships (CPPs) on a statutory footing with expanded membership. CPPs must focus on tackling inequalities and community participation must be at the heart of community planning. CPPs must prepare and publish Local Outcomes Improvement Plans (LOIPs) outlining the priority outcomes for the CPP and the actions that will be taken to improve these outcomes. Appropriate community groups must be consulted when developing the LOIP. In West Lothian, the existing Single Outcome Agreement was adopted as the CPP's LOIP in 2017, with plans to review the document in 2018.

CPPs must also produce locality plans in the areas experiencing poorer outcomes. In West Lothian, eight regeneration plans are being developed in the areas in the bottom 20% of the Scottish Index of Multiple Deprivation, covering thirteen communities. These will be the CPP's locality plans. Steering groups have been set up in each area, involving key community organisations and local partners, and each are working through a robust process of mapping assets, gathering statistical data and carrying out widespread community engagement to help inform the plans. Plans will be finalised and published in 2018.

CPPs and partners have a duty to involve communities in community planning. The CPP is currently considering its structure and how to improve community involvement throughout the partnership. The CPP is taking part in the Scottish Community Development Centre's (SCDC's) Supporting Communities programme, which aims to improve community involvement in community planning. Action Learning Groups, involving key community organisations from the regeneration areas, have now met in three 'cluster areas' to discuss what community involvement activity looks like in that area and to identify actions to improve this. A set of actions will be developed and taken forward by the Action Learning Groups between March-May 2018 and the learning will be reported back to the CPP.

CPP Board members will also take part in the SCDC/Improvement Service Community Empowerment Action Learning Programme between March-May 2018, which will support CPPs to share experiences and learning in relation to securing meaningful engagement and participation of communities throughout community planning.

D.3 Part 3: Participation Requests

Participation requests provide a new mechanism for community bodies to put forward their ideas for how services could be changed to improve outcomes for their community. They can be used to help people start a dialogue about something that matters to their community; to help people have their voice heard in policy and service development through contributing to decision making processes; to help people to participate in the design, delivery, monitoring or review of service provision, through contributing to service change or improvement; and to help people challenge decisions and seek support for alternatives which improve outcomes.

Participation requests can be made to a number of public authorities, not just the council. A community group does not need to be constituted to make a request but does need to meet the criteria set out in the legislation (i.e. must represent their community, be community-led and have a clear statement of aims and purposes). The public authority must agree to the request or explain clearly why a request is refused, such as, where agreeing to the request would have an unacceptable impact on the council's ability to deliver its functions or operations.

West Lothian Council has developed a process for dealing with participation requests. The Community Planning and Regeneration team will be the 'gatekeepers' for all requests to the council and decisions will be made by a Panel involving relevant heads of service, lead officers, the council's Governance Manager and partners as required. A Participation Request Toolkit has been developed which provides more detail on the council's process. The application form and Toolkit can be found on the council's website:

<https://www.westlothian.gov.uk/article/21540/Participation-Requests>

Participation requests should not be viewed as a replacement for engagement and participation processes where they already function well, but as an opportunity to establish dialogue where communities find it difficult to be recognised or heard. Community groups are strongly encouraged to discuss potential requests with the Community Planning and Regeneration team before making a formal request. This will allow groups to consider if joining existing processes may be more suitable, ensure they are applying to the right public body and to discuss any support and capacity needs of the group.

The council has not yet received any valid participation requests. A small number of requests have been received by other public authorities across Scotland and largely seem to be around greater involvement in how land and buildings are used and developed.

D.4 Part 4: Community Right to Buy

This part of the Act extends community right to buy to urban as well as rural areas. This means that if an owner of land or a building decides to sell, they have to sell it to any community group that can afford to pay the market value, if Scottish Ministers agree. Community groups must demonstrate that they have enough support from the wider community to buy land or a building. Community groups can now also buy land that is seen to be abandoned, neglected or detrimental where an owner is unwilling to sell.

It is more likely that an asset transfer request would be used in relation to public land or buildings.

D.5 Part 5: Asset transfer

Community bodies can now make requests to a wide range of public bodies to buy, lease, use or manage any public land or buildings they feel they can make better use of. In order to make a request the group must be suitably constituted, must represent their community and be community-led. Requests must be approved unless there are reasonable grounds for refusal. Reasonable grounds for refusal will include cases where the benefits of the proposed request are judged to be less than the benefits of an alternative proposal (including existing use or potential disposal in the case of surplus assets), where agreeing to the request would restrict the authority's ability to carry out its functions or operation (including a loss in revenue and/or capital income), or where the community transfer body's proposals conflict with a policy of the council. Applicants must show how the proposal contributes to the strategic objectives and outcomes of the council and the Community Planning Partnership Local Outcomes Improvement Plan.

When considering and evaluating community asset transfer applications, public authorities have a statutory obligation to secure best value for land and buildings, either financially or by way of community benefit.

West Lothian Council's Asset Transfer Policy can be found on the council's website: <https://www.westlothian.gov.uk/article/4429/Community-Asset-Transfer>

The policy follows Scottish Government guidance and sets out the assets that are suitable for transfer; the community organisations that are eligible to apply; and the process, requirements and criteria that will be used to assess and evaluate proposals. Community groups wishing to explore asset transfer are encouraged to speak to the council's Asset Manager as early as possible to discuss proposals.

D.6 Part 10: Participation in Public Decision Making

This part of the Act gives Scottish Ministers future powers to require public authorities to promote and support the involvement of the community in decision making, for example through participatory budgeting (known as Community Choices in Scotland).

A Community Choices pilot process has been held in West Lothian, Let's Get it Right for Autism. The project used a £10,000 budget allocated from the Autism Strategy, to allow members of the public to decide on which projects or proposals they considered would make the most difference to people with Autism in West Lothian. The Scottish Government's Programme for Government states that the Scottish Government will work with local authorities to deliver a target of having at least 1% of council budgets being subject to Community Choices budgeting by the end of 2021. West Lothian Council are now exploring how we can mainstream Community Choices, and identify areas that could be opened up to Community Choices processes.

D.7 Other Parts of the Act

The other parts of the Act, not detailed in this report, are around the National Outcomes; common good assets; encouraging more and better allotments and requirement to develop a food growing strategy; community involvement in forestry; football supporter rights; and non-domestic rates. Further detail on these parts of the Act can be found in the council's Community Empowerment Frequently Asked Questions, along with relevant contact details.

D.8 Raising Awareness of the Act

Public authorities are required to promote the various parts of the Act within the community. A Community Empowerment Roadshow is to be rolled out across West Lothian to raise awareness of the different parts of the Act, beginning in the regeneration areas. A pilot session was held in Fauldhouse in late 2017 and the next sessions will be rolled out in early 2018. A set of Frequently Asked Questions on the Act, with specific information on how each part relates to West Lothian, has been developed and is available on the West Lothian CPP website. There is also a role for Third Sector Interfaces in raising awareness of the Act and a session was held by the Voluntary Sector Gateway in February 2018, facilitated by the Scottish Community Development Centre.

E. CONCLUSION

The Community Empowerment (Scotland) Act 2015 introduces new rights for community bodies to get involved in improving public services and to take over land and buildings. This report outlines some of the new opportunities for community organisations in West Lothian and plans to raise awareness of the Act within the community.

F. BACKGROUND REFERENCES

The Community Empowerment (Scotland) Act 2015:

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

Scottish Government Community Planning Guidance:

<https://beta.gov.scot/publications/community-empowerment-scotland-act-2015-part-2-community-planning-guidance/>

Scottish Government Participation Request Guidance:

<https://beta.gov.scot/publications/community-empowerment-participation-request-guidance/>

Scottish Government – Asset Transfer Guidance for Community Bodies:

<https://beta.gov.scot/publications/asset-transfer-under-community-empowerment-scotland-act-2015-guidance-community-9781786527509/>

West Lothian Council – Community Empowerment Act information:

<https://www.westlothian.gov.uk/article/16160/Community-Empowerment>

West Lothian Council Community Empowerment Act Frequently Asked Questions:

[https://www.westlothian.gov.uk/media/15926/Community-Empowerment-Act-FAQs/pdf/Community_Empowerment_Act_FAQs_\(public\)_Nov_2017\).pdf](https://www.westlothian.gov.uk/media/15926/Community-Empowerment-Act-FAQs/pdf/Community_Empowerment_Act_FAQs_(public)_Nov_2017).pdf)

West Lothian Council Participation Requests Application Form and Toolkit:

<https://www.westlothian.gov.uk/article/21540/Participation-Requests>

Appendices/Attachments: N/A

Contact Person: Joanna Anderson, Community Planning Development Officer, 01506 281086,
joanna.anderson1@westlothian.gov.uk

Craig McCorriston

Head of Planning, Economic Development & Regeneration

1 March 2018

Voluntary Organisations PDSP Workplan

1.	Voluntary Organisations Funding 2018/19	To inform members of the level of funding and expected outcomes	Annual	May 2018
3.	Voluntary Sector Gateway West Lothian	To update members on outcomes from joint working	Quarterly	May 2018
5.	An Enterprising Third Sector	To inform members of ongoing progress in developing more enterprising third sector organisations and on progress in updating the framework	Quarterly	May 2018
6.	Pensioners Christmas Fund	To inform members of the allocations for 2018/19 from the pensioners Christmas Fund Budget.	Annually	December 2018
7.	Gala & Other Events Fund	To inform members of the final budget position	Annually	May 2018