



Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

20 March 2024

A hybrid meeting of the **Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston, EH54 6FF** on **Tuesday 26 March 2024** at **9:30am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members must declare any interests they have in the items of business for consideration at the meeting, identifying the relevant agenda items and the nature of their interests.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel held on Tuesday 30 January 2024 (herewith)
5. Regional Skills Assessment - Presentation by Skills Development Scotland (herewith)
6. No One Left Behind (NOLB): Phase 3 Investment Plan - Report by Depute Chief Executive (Education, Planning and Economic Development) (herewith)
7. Voluntary Sector Gateway West Lothian Update - Report by Depute

DATA LABEL: Public

Chief Executive (Education, Planning and Economic Development)
(herewith)

8. Community Asset Transfer Policy Review - Report by Head of Finance and Property Services (herewith)
9. Timetable of Meetings 2024/25 (herewith)
10. Workplan (herewith)

NOTE **For further information please contact Anastasia Dragona on tel. no. 01506 281601 or email anastasia.dragona@westlothian.gov.uk**



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.

Interests must be declared at the meeting, in public.

Look at every item of business and consider if there is a connection.

If you see a connection, decide if it amounts to an interest by applying the objective test.

The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.

If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.

When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.

Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.

More detailed information is on the next page.

Look at each item on the agenda, consider if there is a “connection”, take advice if necessary from appropriate officers in plenty of time. A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors’ remuneration, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an “interest” by applying the objective test. The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- [Councillors’ Code of Conduct, part 5](#)
- [Standards Commission Guidance, paragraphs 129-166](#)
- [Advice note for councillors on how to declare interests](#)

If you require assistance, contact:-

- James Millar, Interim Monitoring Officer and Governance Manager, 01506 281613, james.millar@westlothian.gov.uk
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, carol.johnston@westlothian.gov.uk
- Committee Services Team, 01506 281604, 01506 281621
committee.services@westlothian.gov.uk

January 2022

MINUTE of MEETING of the ECONOMY, COMMUNITY EMPOWERMENT AND WEALTH BUILDING POLICY DEVELOPMENT AND SCRUTINY PANEL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, EH54 6FF, on 30 JANUARY 2024.

Present – Councillors Kirsteen Sullivan (Chair), Tom Conn, Stuart Borrowman, Peter Heggie, Craig Meek (substituting for Cathy Muldoon), Andrew Miller, Sally Pattle, Tom Conn; and Peter Heggie

Apologies – Councillor Cathy Muldoon

In attendance – Alan McCloskey (West Lothian Voluntary Sector Gateway Representative) and Donald Stavert (Joint Forum of Community Councils Representative)

1. DECLARATIONS OF INTEREST

Agenda Item 6 (Voluntary Organisations Funding) - Councillor Heggie stated a connection in that he was a council appointed member of West Lothian Youth Action Project but would take part in the item of business.

Agenda Item 6 (Voluntary Organisations Funding) - Councillor Miller stated a connection in that he was Chair of Firefly Arts; Director of Knightsridge Adventure Project and Community Food Outlet but would take part in the item of business.

2. ORDER OF BUSINESS

The Chair ruled that Agenda Item 8 would be considered immediately following consideration of the Minute to facilitate attendance by the presenter.

3. MINUTE

The Panel approved the Minute of its meeting held on 14 November 2023. The Minute was thereafter signed by the Chair.

4. ACCESS2EMPLOYMENT - EMPLOYABILITY PROVISION UPDATE 1 APRIL TO 31 DECEMBER 2023

The Panel considered a report (copies of which had been circulated) and a presentation which provided members with an update on activity undertaken and progress achieved by the council's Economic Development Service - Access2employment (A2E) team for the period April to December 2023

The report provided an update on a number of strands being utilised to deliver employability provision across West Lothian one of which was Street League who proceeded to present to the panel on their work to date.

Jason Thomson, Operations Manager, Edinburgh and Lothians, Street League proceeded to provide Panel Members with an overview of the work undertaken across a number of sites in the UK and more recently in West Lothian and which was about using sport to tackle poverty and provide youngsters with opportunities to succeed in life and the workplace

Jason continued by explaining the support that would be provided to youngsters including mock interviews, CV workshops; and budgeting.

The presentation concluded by outlining the partnership working that would continue to be undertaken by Street League and West Lothian Council in delivering employability provision.

The Chair thanked Jason for the very informative presentation. Jason then responded to a number of questions from Panel Members.

Decision

To note the content of the presentation and the accompanying report.

5. 2023/2024 FINANCIAL PERFORMANCE - MONTH 6 MONITORING REPORT

The Panel considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the financial performance of the Economy, Community Empowerment & Wealth Building (ECEWB) portfolio.

It was recommended that the Panel:-

1. Notes the financial performance of the ECEWB portfolio as at month 6.
2. Notes that the ECEWB portfolio position at month 6 was part of the overall council budget position reported to Council Executive on 7 November 2023.
3. Notes actions required to be taken by Heads of Service and budget holders to manage spend within available resources.

Decision

To note the content of the report

6. VOLUNTARY ORGANISATIONS FUNDING - SIX MONTH MONITORING REPORT

The Panel considered a report (copies of which had been circulated) by Depute Chief Executive providing a six-month performance update from the organisations and projects funded by the Voluntary Organisations funding in 2023/24.

It was recommended that the Panel: -

1. Notes the performance information contained within appendix one and two and;
2. Notes the Third Sector Community Support fund 2024/25 is open for applications with a closing date of the 23 February 2024.

Decision

To note the content of the report

7. COMMUNITY WEALTH BUILDING UPDATE

The Panel considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the development of a Community Wealth Building approach within West Lothian.

It was recommended that the Panel: -

1. Note the update on activity highlighted in the report;
2. Note the open 4 communities West Lothian site and potential impact it could have; and
3. Notes the activities to be taken forward to increase engagement and participation.

Decision

To note the content of the report

8. WOKRPLAN

A workplan had been circulated for information.

Decision

1. To note the content of the workplan
2. To note that the report on "Voluntary Sector Annual Report and Update" would be presented to the May 2024 meeting;
3. To agree that a report on Linlithgow Burgh Halls, a matter which had been raised earlier in the meeting, be presented to a future meeting of the panel and was to include details of funding and charges; and
4. To ask the Lead Officer to confirm with Panel Members to which Policy Development and Scrutiny Panel report on better connectivity between Local Area Committee's and Town Centre

Management Groups should be presented.

Economy, Community Empowerment and Wealth Building

Policy Development and Scrutiny Panel

Greig Robson

Regional Skills Planning Lead



Regional Skills Assessments

March 2024



Regional Skills Assessments provide a consistent evidence base to inform investment in skills across Scotland



23 reports covering:
Regional Outcome Agreement
City Deals
Growth Deals
Rural Scotland



Developed in **collaboration**
with partners and
stakeholders



RSAs include forecast data
that has been commissioned
through Oxford Economics.

Strong demand for workers forecast to maintain



Workforce size 2023:
74,500 people

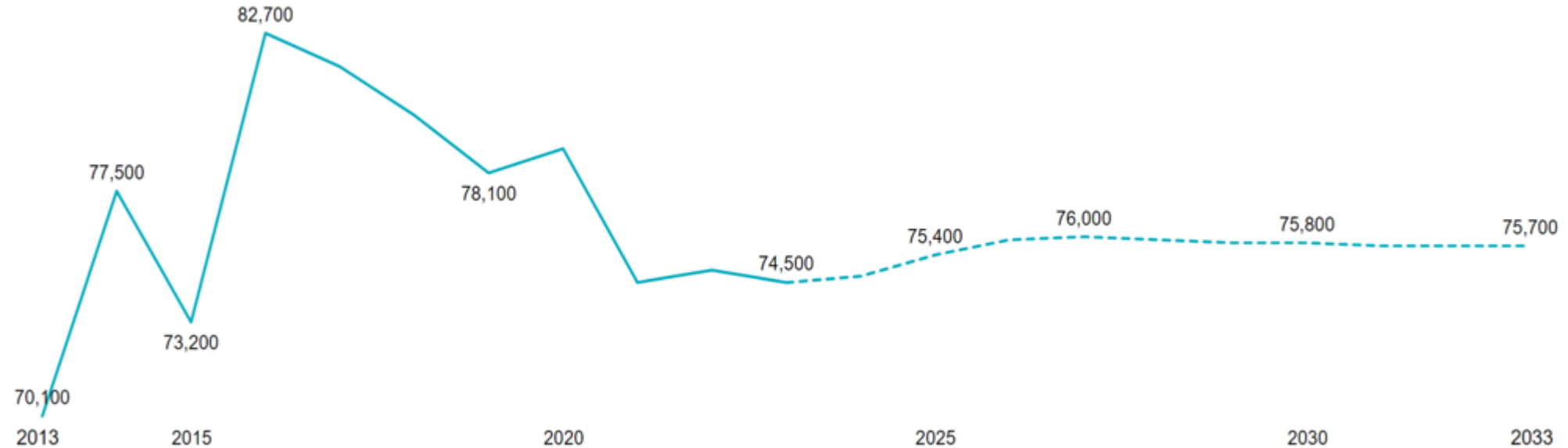


Workforce size 2026:
75,900 people



Workforce size 2033:
75,700 people

Employment and forecast employment (2013-2033) (people), West Lothian



2013 - 2023:
6.2%

2023 - 2026:
1.8%

2026 - 2033:
-0.3%

Sectoral mix forecast to be relatively stable

Largest employing industries in 2023 (people):



Wholesale and Retail Trade

12,200



Human Health and Social Work Activities

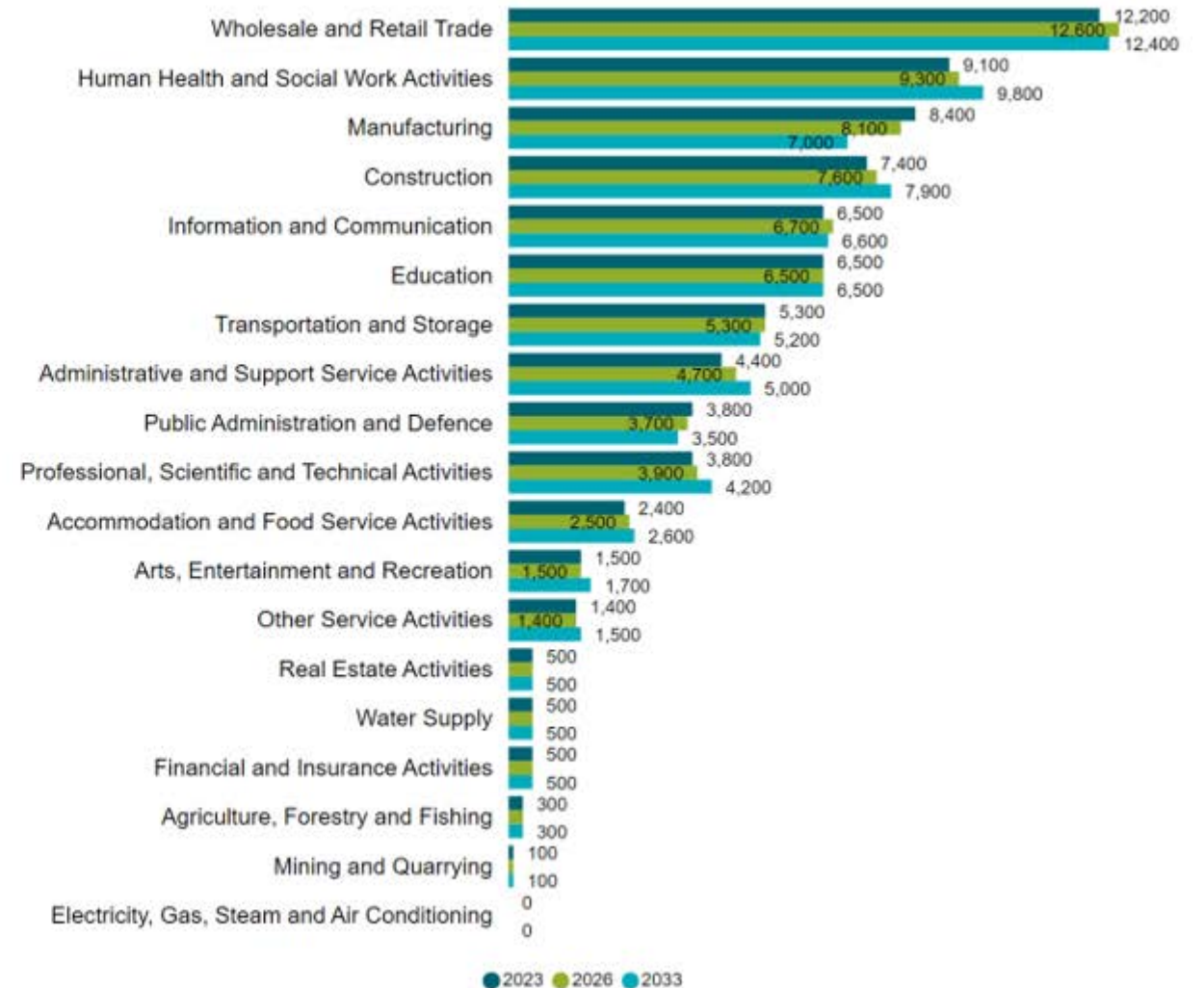
9,100



Manufacturing

8,400

Employment by Industry, West Lothian



Occupational mix forecast to be relatively stable

Largest employing occupation groups in 2023 (people):



Administrative Occupations

7,600



Elementary Occupations: Clerical and Services

7,000



Science and Technology Professionals

6,400

Higher-level occupations: 43.0%

Mid-level occupations: 30.3%

Lower-level occupations: 26.8%



Employment by Top 15 Occupations, West Lothian



Demand is made up of replacement demand and expansion demand



Total requirement

Made up of expansion demand and replacement demand to show the total number of people required.

=



Replacement demand

The number of people required to replace workers leaving the labour market (i.e. retirement, move away, or change jobs).

+



Expansion demand

The number of people required as a result of economic growth or contraction

Replacement demand opportunities forecast to be 7 times higher than expansion demand (2023-2026)



Total requirement

West Lothian:
10,900 people

Scotland:
335,600 people

=



Replacement demand

West Lothian:
9,600 people

Scotland:
278,600 people

+



Expansion demand

West Lothian:
1,400 people

Scotland:
57,000 people

No expansion demand forecast but still high demand for labour (2026-2033)



=



+



Total requirement

Replacement demand

Expansion demand

West Lothian:
22,700 people

West Lothian:
22,900 people

West Lothian:
-200 people

Scotland:
729,900 people

Scotland:
707,200 people

Scotland:
22,700 people

The vast majority of demand forecast is for people at SCQF level 5-10

The total requirement by qualifications for **West Lothian**: (2026 forecast)

SCQF 11-12	SCQF 7-10	SCQF 6	SCQF 5	SCQF 1-4	No qualifications
800	5,100	1,500	2,500	500	600
7%	47%	14%	23%	5%	5%

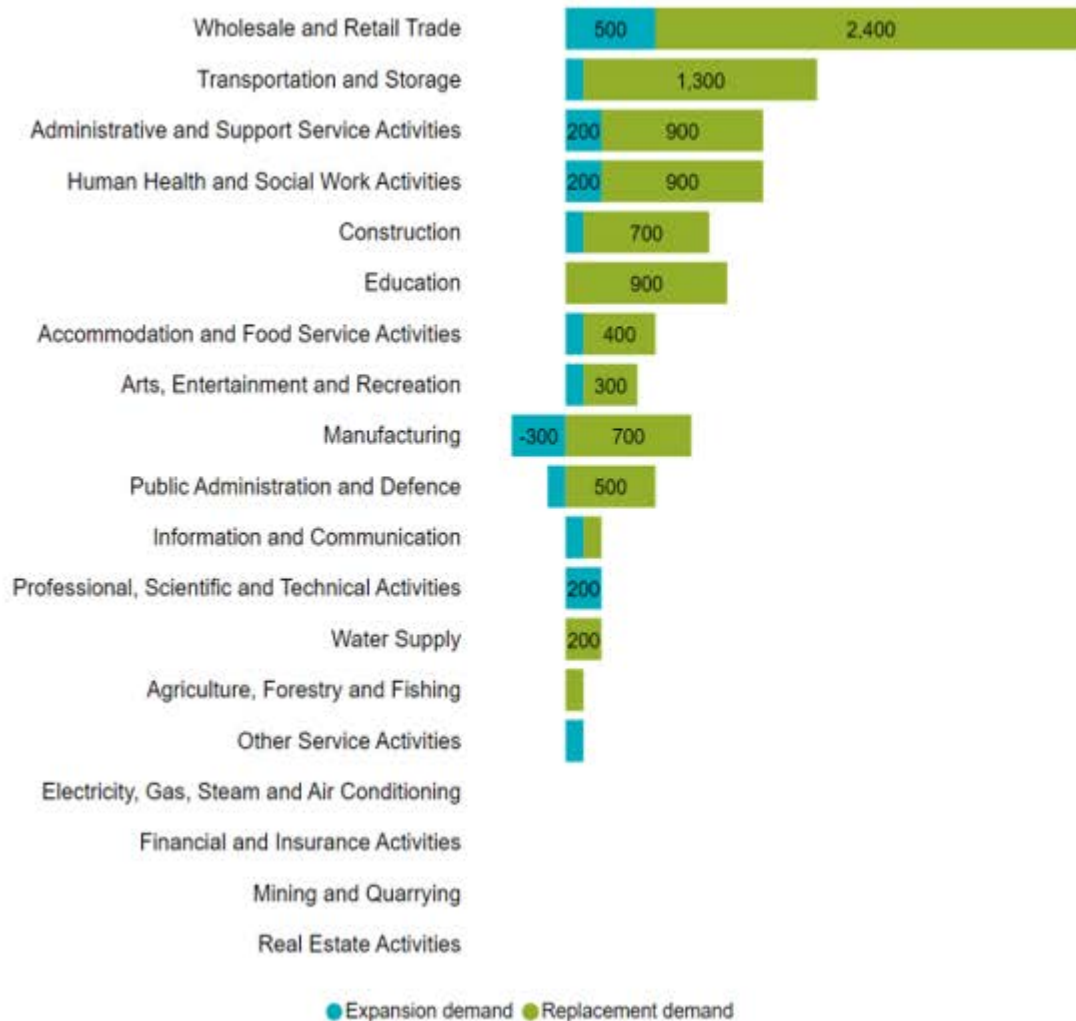
And the forecast is for demand at these levels to grow further

The total requirement by qualifications for **West Lothian**: (2033 forecast)

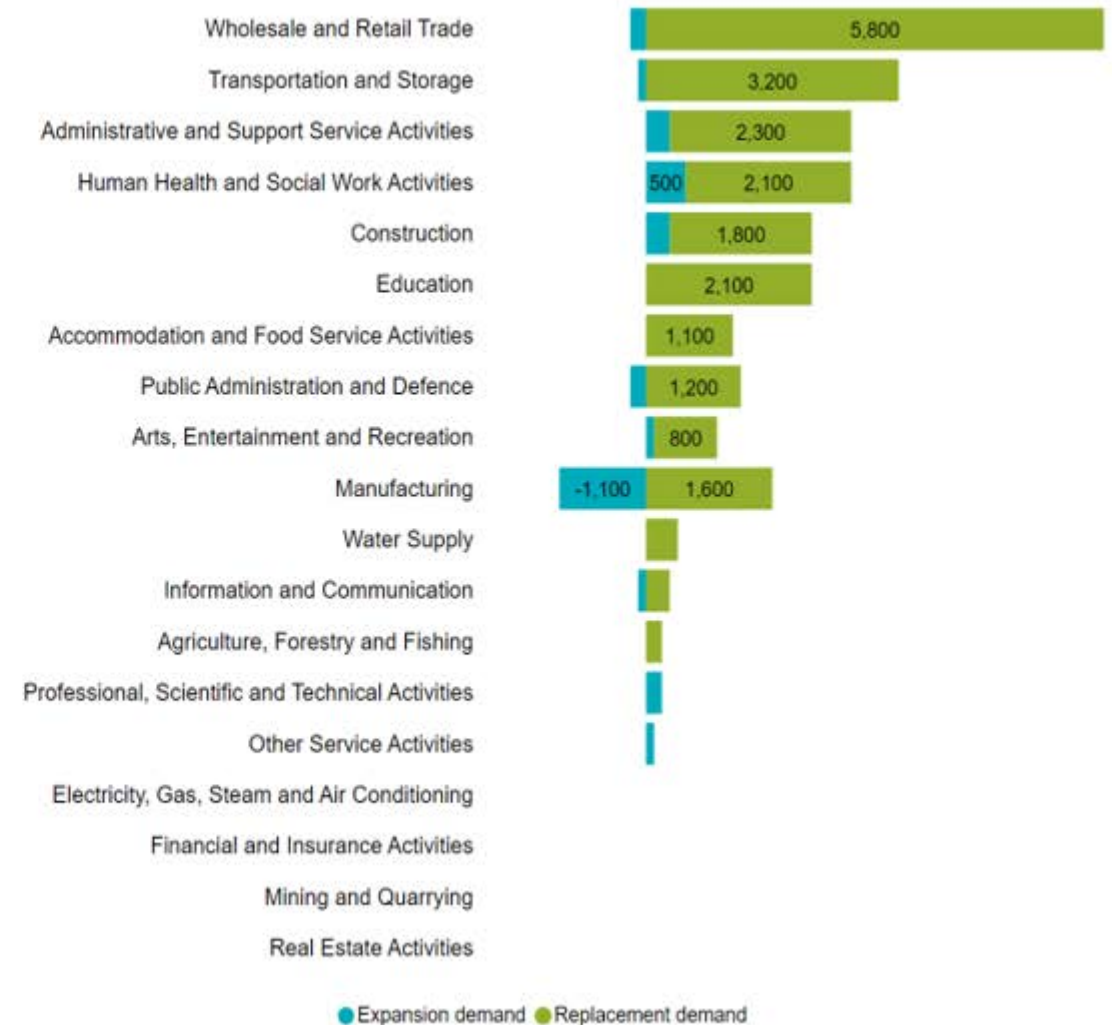
SCQF 11-12	SCQF 7-10	SCQF 6	SCQF 5	SCQF 1-4	No qualifications
1,500	10,900	2,900	5,700	700	1,000
6%	48%	13%	25%	3%	5%

Replacement demand means opportunities in almost every sector

Forecast Total Requirement by Industry (2023-2026), West Lothian

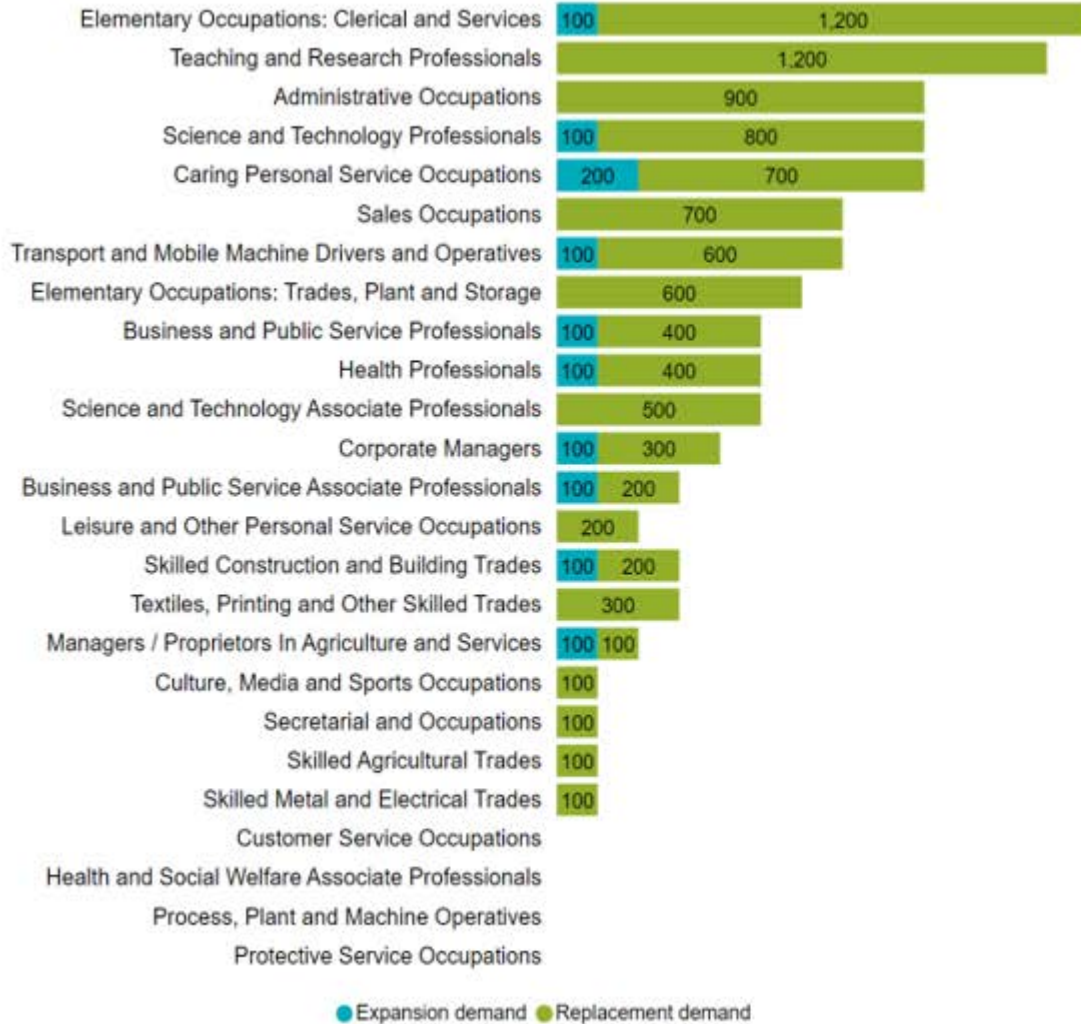


Forecast Total Requirement by Industry (2026-2033), West Lothian

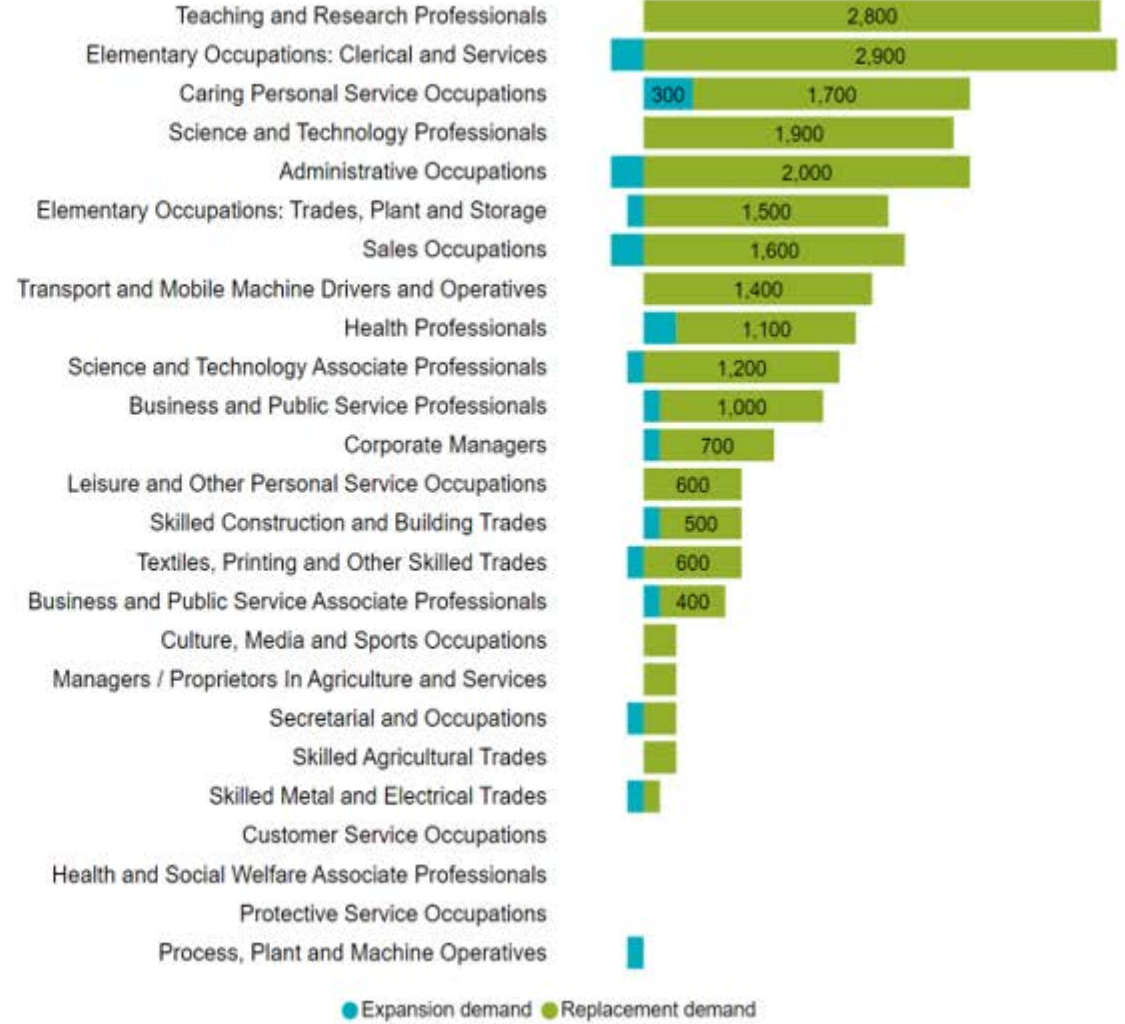


And opportunities across almost every occupation

Forecast Total Requirement by Occupation (2023-2026), West Lothian



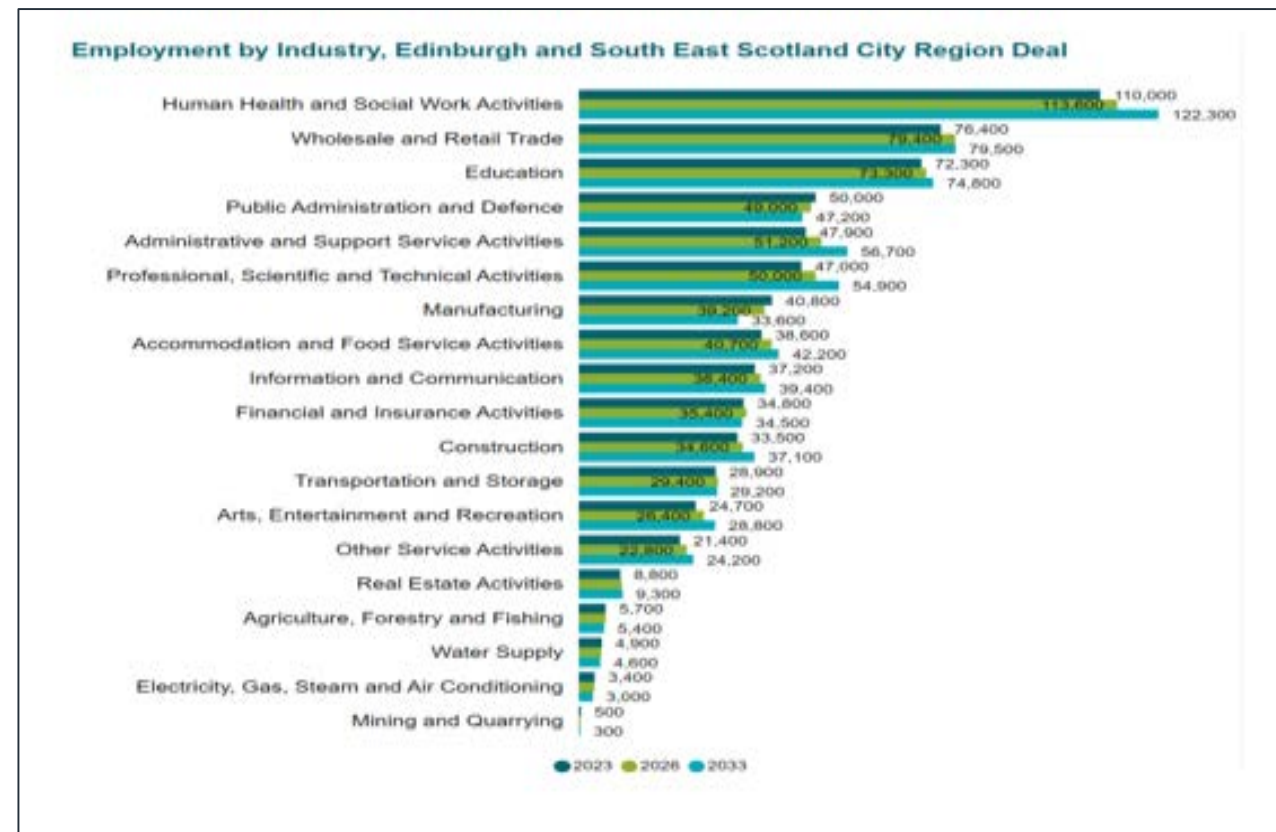
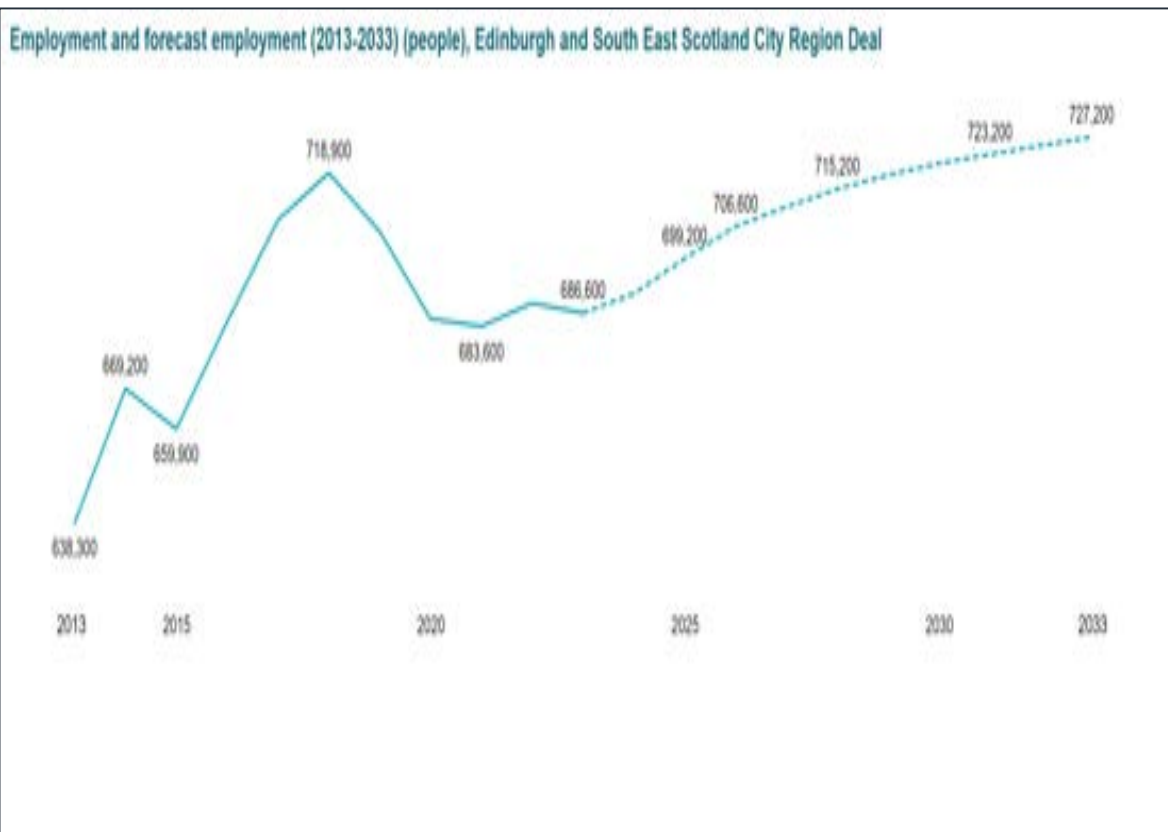
Forecast Total Requirement by Occupation (2026-2033), West Lothian



The regional economy/labour market is also important

Forecast demand for labour even stronger in wider region.

Different sectoral mix so wider range of opportunities for WL residents.



Summary/Implications

1. Forecasts should be used as guidance only on the overall trends based on current evidence rather than definitive numbers. Overlaying forecasts with local knowledge is key.
2. Demand for labour forecast to remain strong in West Lothian and wider region.
 - Challenge to service this given demographic challenges.
 - Opportunity to get more people into Fair Work
3. Replacement demand forecast to be the predominant driver of demand for labour/skills. Need to ensure our focus is balanced appropriately with understanding expansion demand.
4. Forecast stability in sectoral make up could mask dynamic change underneath. Understanding what skills will be required in retail, health, manufacturing in the coming decade is key.
5. Replacement demand ensures wide range of opportunities across sectors and occupations – that's a positive outlook for our current and potential workforce. They will need support to ensure they are well placed to take up opportunities.
6. Further education and apprenticeship system likely to be key to the above as the vast majority of forecast demand is at SCQF5-10.

DATA LABEL: PUBLIC



**ECONOMY, COMMUNITY EMPOWERMENT AND WEALTH BUILDING POLICY
DEVELOPMENT AND SCRUTINY PANEL**

NO ONE LEFT BEHIND (NOLB): PHASE 3 INVESTMENT PLAN

**REPORT BY DEPUTY CHIEF EXECUTIVE, EDUCATION, PLANNING AND ECONOMIC
DEVELOPMENT**

A. PURPOSE OF REPORT

The purpose of the report is to inform PDSP of the NOLB Investment Plan for Phase three (year 24-25) and of changes proposed across a small number of the investments.

B. RECOMMENDATION

It is recommended that PDSP:

1. Notes the significant investment and associated provision providing opportunities for West Lothian residents aged 16-67 years facing barriers to employment.
2. Supports the changes proposed to the delivery of Employer Recruitment Incentives and West Lothian Jobs Funds.
3. Notes the proposed investment plan is subject to the grant award level of funding to be received by Scottish Government.

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)	None
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	Links to LOIP: Creating Skills and Jobs

VI	Resources - (Financial, Staffing and Property)	There is a contribution of Core Budget to support the delivery of the plan.
VII	Consideration at PDSP	Previous phases have been reported to PDSP
VIII	Other consultations	For presentation at Council Executive

D. TERMS OF REPORT

D.1 Background

No One Left Behind is the Scottish Government approach to transforming employment support in Scotland with a crucial role in economic transformation and tackling child poverty. The approach aims to deliver a system that is more tailored and responsive to the needs of people of all ages who want help and support on their journey towards, into and in work. It is there to help people to gain skills and confidence and help prepare them for employment, training, education and volunteering. The strategy is designed to place people at the centre of the design and delivery of employability services and promotes a strengthened partnership approach. Phase 3 of NOLB commences April 2024.

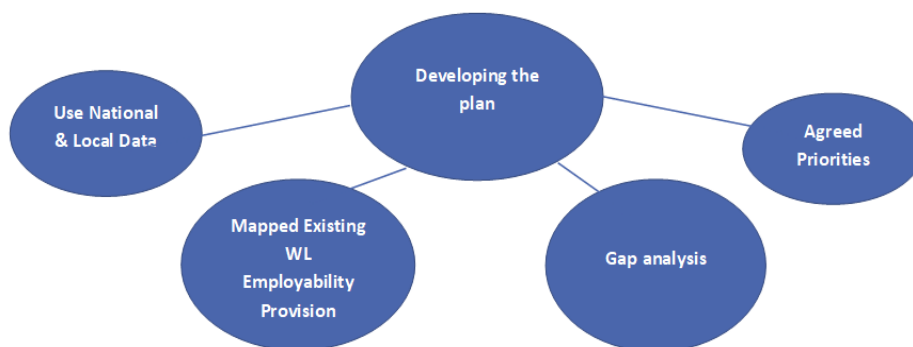
There has been a clear indication from Scottish Government that funding levels are expected to be approximately the same as received in year 23/24 but with a significant reduction in the General Resource Grant award. This does mean a decrease in the overall monies available.

Fair start Scotland will no longer be taking on clients after the end of March and referrals previously to this service will come to Local employability partners.

D.2 Local Employability Partnership (LEP)

The LEP is made up of key partners that contribute to the local employability landscape and represent the local community. The membership is chosen to provide the relevant knowledge and expertise to fulfil the remit of the LEP board.

Representation on the LEP Board is drawn from West Lothian Council Economic Development Employability, Anti-Poverty Service, Education, More Choices More Chances service, Department Work Pensions, Skills Development Scotland, West Lothian College, Delivering Young Workforce, National Health Service, and Third sector partners. The partnership is currently chaired by WLC Employability Manager. The LEP has been deliberating on the phase 3 investment plan over the last few months. The process is detailed below, reading left to right.



The Full Investment plan and related appendices are attached to the report. The plan and appendix clearly set out the suite of interventions planned for 24/25.

Appendix 1 24/25 NOLB Investment plan

Appendix 2 24/25 Appendix to Investment plan

The third sector raised their concern about the level of funding awarded to them. As acknowledged previously funding will decrease, and this in turn limits what can be provided to other employability providers, including the third sector.

D.3 Employer Recruitment Incentive (ERI)

The ERI is a wage subsidy programme aimed at supporting local businesses and creating employment opportunities for West Lothian residents of all ages. Successful applicants receive 50% of the salary of the new employee for a maximum of 40 hours per week, up to 26 weeks, paid at the real living wage (RLW). The RLW increasing to £12 per hour from April 2024.

In line with NOLB guidance the proposed changes to the current ERI process include -

- Employers must pay all employees at least the RLW along with the individual recruited to the new post
- ERI's will be made available to anchor organisations that have a presence within West Lothian.

The Shared Prosperity fund does not have the same restrictions regarding wage levels, and therefore we would like to consider an exemption of the RLW rule for apprenticeships. ERI for apprentices would provide employers that can offer a formalised apprenticeship to a young person with 50% of the National Modern Apprentice rate of pay for 52 weeks to employ an Apprentice. Creating quality opportunities.

D.4 West Lothian Job Fund (WLJF)

WLJF is a six-month paid training placement within a West Lothian Council service. As well as getting experience in a real job setting the participant receives a £500 training allowance. The training allowance enables training matched to the career path the participant would like to follow after the WLJF. The WLJF has been traditionally offered for young people aged 16-24.

In 23/24 the WLJF model was used to pilot an offer for unemployed parents. Seven positions were created across multiple services within West Lothian Council. Feedback from services and clients have been extremely positive and therefore it is proposed that 10 further parental job funds will be offered in 24/25. The posts offered are part time and provide family friendly employment to parents looking to re-join the work force who need to gain experience and confidence.

E. CONCLUSION

The investment plan and proposed changes to the ERI and WLJF further support the development of opportunities to support all residents of West Lothian on their employability journey. The Investment Plan delivers in line with the NOLB funding. The funding and Scottish Government offer letter are yet to be clarified/ received. Therefore, the investment plan is subject to change dependant on funding levels.

The targeting of NOLB and SPF funding in line with annual grants allocations are an invaluable tool towards progressing towards the key aims of tackling inequalities and addressing parental/ child poverty.

F. BACKGROUND REFERENCES

None

Appendices/Attachments:

Appendix 1 24/25 NOLB Investment Plan

Appendix 2 24/25 Appendix to Investment Plan

Contact Person: Craig McCorriston, Head of Planning, Economic Development & Regeneration
01506 282443 email: craig.mccorriston@westlothian.gov.uk

Alice Mitchell, Economic Development Manager
01506 283079 email: alice.mithcell@westlothian.gov.uk

Date of meeting: 2024-03-26

APPENDIX 1: PDSP



WEST LOTHIAN
LOCAL EMPLOYABILITY
PARTNERSHIP

2024-2025
Investment Plan

(C): Current (N): New

The Local Employability Partnership (LEP) identified the following groups as being a focus for employability support over the period 2022 to 2025.

Young People: 16-24	All Ages
School leavers with unconfirmed destinations	Low income families and lone parents
Young people with additional support needs (ASN) or who have a disability	Long term unemployed
SIMD areas with poor participation rates	SIMD communities
Underemployed young people	People managing health conditions/inactive
Young parents	BAME communities and Refugees
Care leavers/givers	In work poverty
	Ex-Offenders/Community Pay Back
	Participants

Moving towards Phase 3 No One Left Behind, the target Groups for inclusion in the 24/25 Investment Plan are outlined below. This approach is subject to any Scottish Government directive outlined in the offer letter, still to be received (expected March/ April 2024). It is not expected that there will be any unknowns but an inclusion of an expectation that LEP's will work towards a support offer for clients previously provisioned for by the Scottish Government Fair start contract that comes to an end for new clients at the end of March 2024.

1. Target Group: 16-24yr olds with barriers to employment.

Rationale: 16-24 year olds with barriers preventing them progress into employment as detailed in the 2022-25 NOLB Plan. This includes those impacted by: health and wellbeing issues (current estimates are that up to 80% of young people on existing provision identify with mental health issues); additional special needs (some 45% of young people on training provision have recognised ASN's).

21.1% of claimants in West Lothian are aged 16-24yrs at January 2024, no 650. (Source, Nomis Feb 24). This was a slight reduction from 675 in the previous month of December 2023. January 2023 had 645 claimants aged 16-24 year old.

During the period April 2019 to September 2023, West Lothian supported 1,163 young people (under 25) NOLB participants receiving Employability support. Young People comprised 75.6% of all West Lothian NOLB participants compared to 61.3% of Young People across Scotland receiving NOLB support. ([Source: Scotland's Devolved Employment Services statistics](#))

2. Parents with barriers preventing them progress into employment as detailed in the 2022-25 NOLB Plan.

Rationale: It is widely recognised that parents can face multiple barriers to employment. Lone parents, are identified by NOLB strategy as a priority family group. Lone Parents are much less likely to be able to be in paid employment than couple families. The estimated employment rate in Scotland is 59.5% for lone parents compared to 88.1% of parents in couples. This suggests balancing caring responsibilities and employment is more challenging for lone-parent families.

Parents who are disabled or have a disabled child, are also identified by NOLB strategy as a priority family group. Around a third of all families in Scotland include at least one disabled member. Most likely the disabled person will be an adult (27% of families), but 11% of families include a disabled child, and in one in twenty families (6%) both an adult and a child are disabled. Just under a fifth (18%) of parents in Scotland are disabled. (Source: Scottish Government - Tackling Child Poverty Delivery Plan Third Year Progress Report 2020-21 Annex B: Child Poverty in Families with a Disabled Adult or Child)

In West Lothian, in 2022 there were a total of 394 Pupils who were assessed or declared as having a disability. There were a total estimated 9,987 pupils with Additional Support Needs (4,568 Primary pupils, 5,014 Secondary pupils, 405 Special school pupils). (Source: Scottish Government, Pupil census supplementary statistics 2022)

3. All ages: those with disabilities/ long term illness and or ASN.

Rationale: The employment rate of people of working age (16 to 64) identified as disabled in West Lothian is 51.6% (compared to 50.7% for Scotland) and is significantly lower than the employment rate for those who are identified as non-disabled 84.4%. (The total number of people of working age (16 to 64) identified as disabled in West Lothian is 13,800). The total number of economically inactive disabled individuals of working age (16 to 64) in West Lothian was 12,100 - which is 45.2% of all economically inactive people of working age (people not in employment who have not been seeking work) compared to 14.3% non-disabled economically inactive of working age. (annual data for 2022)

(Source: Scottish Government, Labour Market Statistics for Scotland by Disability: January to December 2022)

A total of 313 West Lothian NOLB participants who were disabled, received employability support between April 2019 to September 2023, which accounts for 20.3% of all WL NOLB participants compared to 16.5% for Scotland. (Source: Scotland's Devolved Employment Services statistics)

4. All: Enabling Interventions

Rationale: These are key activities to ensure the delivery and development of employability services across the Local Employability Partnership.

Target Group	Intervention	Delivery Partners	Source / Budget	Expected Outcomes
<i>All ages, with focus 16- 24-year olds with barriers to employment</i>	<p>(N): A bespoke WL wide ASN provision for YP at risk of a negative destination post school</p> <p>(N) Extended supported employment service working to accommodate anticipated increase in referrals requiring supported employment. All ages</p>	West Lothian Council employability teams, education, Supported Employment service (SES) Social policy & LEP partners	<p>NOLB</p> <p>130 K</p>	<p>60% YP leaving school will enter a positive destination.</p> <p>Year 1 90 people supported with Starts: 70 Job Outcomes: 35 Volunteering / Work Experience: 50 In-House Training: 40 In-House Vocational Programmes: 45</p>
	<p>(C) Suite of WLC provision enabling continuation of current successful delivery e.g. 1:1 keywork, MCMC provision. In work mentorship delivery 1.0 FTE</p> <p>See appendix 1 for breakdown.</p>	West Lothian Council: CLD/MCMC/Education services, Employability teams, SDS, West Lothian College and NHS	1015 K	See appendix 1
	(N) Assisted Wage subsidies (ERI) for 18 months for YP with disability/ Additional Support Needs	Supported Employment service (SES) Social policy, WLC Economic Development & LEP partners	<p>NOLB</p> <p>60 K</p>	5 YP supported with 60% progressing into employment

	ERI's - WLJF/ GN2W 23/24 commitments	West Lothian Job Fund/Graduates N2 Work 2022/23 commitments	70k	This includes 4 current WLJF and 5 graduates whose employment rolls into 2024/25 financial year
<i>Total NOLB All ages</i>			£1,275,000	
<i>Parents with barriers preventing them progress into employment as detailed in the 2022-25 NOLB Plan.</i> <i>This include those impacted by: health and wellbeing issues; care leavers/givers; refugees/ ethnic minorities; are in the criminal justice system or who fit into place-based priority groups.</i>	(C) Collection of current support interventions managed and delivered by Access 2 Employment e.g. 1:1 keywork, parental ERI's, parental welfare fund, support for self-employment. As detailed below 1-11.	WLC economic development/ A2E	NOLB	
	1. Specialised PESF employability advisers	WL Council employability team	CP 420K	330 new registrations with an additional 150 existing clients supported. 120 into employment, 60 into education or training and 30 into volunteering
	2. Parental Transition Fund - up to £1,000 to support parents moving into work from benefits.	Advice Shop/PESF employability team/training providers	SPF 40K	40 people accessing transition support to assist them into employment with 30 sustaining employment over 6 months +

	3. Parental ERI	Business Gateway/DWP/PESF employability team and training providers/ Third Sector	CP 100K	20 individuals supported into sustainable employment (Average time 30 hours)
	4. Parental WLIF (N)	WLC Employment team and internal partners	CP 120K	10 parents entering paid work placement for 6 months
	5. Individual Training Funds	PESF employability team/Business Gateway	CP 60K	50 parents supported with 40 parents supported to further their skills and progress their employment journey and improve household income.
	6. Driving Lessons	PESF employability team/Business Gateway	CP 7.5K	Number of parents supported with 60% successful in examination and moving closer to the labour market as such.
	7. Travel Cards	Advice Shop/PESF Team/DWP/Training providers	CP 2K	40 people receiving travel cards to support travel to interviews, workshops and first month of travel to workplace
	8. Pre-Business Start-up funding to support parents complete training or purchase equipment to enable them to progress into sustainable self-employment.	Business Gateway/PESF employability team/DWP/West Lothian College and training providers	CP 30K	20 people undertaking business viability support with 15 becoming self employed (up to £1,500 each)

	9. Parental self-employed upskilling fund for business base companies	Business Gateway/PESF employability team/DWP/West Lothian College and training providers	CP 15K	15 recipients of the fund (up to 1K each) with 13 increasing business turn over as a result.
	10. Childcare	Advice Shop/PESF employability team/training providers	CP 5K	Childcare support for 1 month that allows the parent to access training, education or employment where alternative funds are not available. Up to a maximum of £800.
	11. Targeted employability support/ Sectoral and vocational upskilling/ Work experience opportunities with in work Mentor support	Third Sector	CP 300K	100 parents receiving employability support with: 50 parents undertaking training with 50% progressing to employment and 25% to further education or volunteering 25 Work experience opportunities with in work Mentor support 20% of parents supported must come from the bottom SIMD quintile (most deprived) This should complement current service delivery across all partners

	(C) Anti-poverty service / CLD Parental employment benefits specialists, Child Poverty Coordinator, Training co-ordinator and delivery, school based anti-poverty/employment advisors. Targeting parents at risk of poverty via benefits assessments, school and community engagement across West Lothian. This will enable targeted engagement in line with LEP place based focus.		CP 265K	100 benefits assessments and 75 referrals to PESF employability team for employability/upskilling support LEP and wider partnership support from CP coordinator.
	(C) Community Learning - SQA Level 4 accredited qualifications in Child & Adult Social Care, Digital & Office Skills and Child Development (Play) delivered in the community	Adult Learning and West Lothian college	CP 72K	50 entrants to training with 50% into employment
	SES parental Employment	WLC SES	CP 43K	To be clarified.
<i>All: Enabling Interventions</i>	(C) LEP co-ordination, Programme management and monitoring (WLC)	West Lothian Council Economic Development & Employability service	CP 125K	Full meeting schedule Strategy day and LEP self-assessment carried out 25-26 plan
	(N) NHS Lothian joint LA initiative	NHS and East Region SLAED partners	25K	TO be agreed/ finalised
	(N) LEP development: inclusive of a strategy day including self-evaluation and planning.	All LEP partners		Costs met by current budgets.

<i>Total CP spend</i>			£1,589,500	
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Notes: Employability key work provision for those aged 25+ is provided by WLC Access2 Employment team funded by the UK government Shared Prosperity funding.

Funding from the Scottish Government has essentially been maintained at 23/24 levels while it is expected Supported Employment Services will be delivered also from this resource to accommodate customers previously provisioned for by Fair Start who from April 2024 will no longer be taking new customers. The General Resource Grant provision will decrease significantly. This puts significant pressure on the ability to continue current provision along with minimising the possibility for development.

The Investment Plan above is based on a collaborative approach with all LEP partners contributing to:

1. A review of current datasets for West Lothian and national data
2. A review and mapping of current provision across partner organisations
3. A joint approach to identifying ongoing and new areas of intervention for Phase 3 NOLB.

A focus on addressing inequalities faced by individuals and communities informs all work, with partners committed to reducing inequalities and improving the lives of those who live, work and or travel to the area. Supporting a Thriving West Lothian.

2024-03-03

George Scott

APPENDIX 2 PDSP



2024-2025 Investment Plan

Appendix 1

Target Group: 16-24yr olds with barriers to employment.

Intervention	Delivery Partners	Delivery Method	Expected Outcomes	Source/ Budget
HYPE course	MCMC	Taught course for 50 YP	45 young people progressing into employment, education, further training or volunteering	NOLB 344K
Skills Training Programme	MCMC	Taught course for 50 YP	45 young people progressing into employment, work experience, education, further training or volunteering	NOLB Included in cost above

(N) In education mentorship post 1.0 FTE	WL college, Education and Youth Services	NOLB 43K	Support 60 % Exceptional Entrants to sustain college attendance	43K New post
Summer Leaver School Workshops	WLC/ A2E/ education	6-week programme to work with the young people on topics such as job searching, CV building, mock interviews etc to ensure they are ready to look for work.	40 young people supported reporting enhanced readiness for work. Piloted in one school for Summer and Winter leavers.	No cost
GraduatesN2Work Programme	West Lothian Council: CLD/MCMC/Education services, employability teams, Business Gateway, SDS, West Lothian College and NHS	Graduates N2 Work: Intensive employability workshop programme with guaranteed interview and industry mentor for college and university graduates who are under or unemployed for 15 YP	50 % progressing into employment through caseload support	No cost
One to One Support	West Lothian Council Employability teams.	Employment adviser support to assist in progressing into a positive destination	250 new registrations with 50% clients progressing into employment, education, training or volunteering	225K
ERI's - StepsN2Work 2024/25 Activity	West Lothian Council employability	StepsN2Work 2024/245 One to one adviser	40 young people into sustainable employment and upskilling	CORE /NOLB 250k

	teams/economic Development, industry	support for young person to assist prepare for employment and ongoing in-work support, training plan and learning opportunities for 40 YP		
ERI's – WLJF Activity 24/25	West Lothian Council employability teams/economic Development, industry	6 month paid work experience within WLC	4 YP through programme with all progressing into employment, education or training	NOLB 48K
ERI's – GN2W activity 24/25	West Lothian Council employability teams/economic Development, industry	Graduate work experience	7 YP through programme with all progressing into employment, education or training	NOLB 105K
Total NOLB YP appendix				£1,015,000

DATA LABEL: PUBLIC



**ECONOMY, COMMUNITY EMPOWERMENT AND WEALTH BUILDING POLICY
DEVELOPMENT AND SCRUTINY PANEL**

VOLUNTARY SECTOR GATEWAY WEST LoTHIAN UPDATE

**REPORT BY DEPUTY CHIEF EXECUTIVE, EDUCATION, PLANNING AND ECONOMIC
DEVELOPMENT**

A. PURPOSE OF REPORT

The purpose of this report is to update the panel on key issues affecting the Third Sector in West Lothian and the work by Voluntary Sector Gateway West Lothian. The Voluntary Sector Gateway provides an 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 panel:

1. Considers and notes the overview provided by the Voluntary Sector Gateway West Lothian in Appendix one and;
2. Notes the work carried out to support and represent the interests of voluntary and community groups within West Lothian.

C. SUMMARY OF IMPLICATIONS

I Council Values	Caring and Compassionate Open, Honest and Accountable Collaborate, Inclusive and Adaptive
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	We live in resilient, cohesive and sae communities.
VI Resources - (Financial, Staffing and Property)	£63,770 has been awarded to VSGWL from the Voluntary Organisations budget for 2023/24.

VII Consideration at PDSP

The Voluntary Organisations PDSP is updated on a quarterly basis.

VIII Other consultations

None.

D. TERMS OF THE REPORT**D.1 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. In addition to the provision of support a key expectation is that the TSI will be a strong cohesive conduit between the third sector, the Local Authority and the Community Planning Partnership (CPP).

The TSI operating in West Lothian is the Voluntary Sector Gateway West Lothian (VSGWL). The VSGWL is an active member on a range of strategic forums representing the third sector and a member of the West Lothian CPP. The sector is also represented on all Policy Development Scrutiny panel's by the VSGWL.

VSGWL receives a grant from the Scottish Government Third Sector Unit and received £63,770 from West Lothian Council in 2023/24 to support the delivery of the TSI role in West Lothian.

D.2 Current update

An update from the Voluntary Sector Gateway West Lothian's activity attached as Appendix one.

E CONCLUSION

The panel is asked to consider and note the report by the Voluntary Sector Gateway West Lothian. A further update will be provided in September and every six months going forward.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: Appendix one

Contact Person:

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Douglas Grierson, Regeneration Team Leader, email douglas.grierson@westlothian.gov.uk

Elaine Cook, Deputy Chief Executive, Education, Planning and Economic Development

26 March 2024

Appendix 1

THE GATEWAY

Voluntary Sector Gateway West Lothian

Progress report from Voluntary Sector Gateway West Lothian (VSGWL)

To be presented at Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel (PDSP) on the 26 March 2024.

- We continue to deliver on our outcomes on building capacity of the sector, volunteering and capturing the voice of the sector.
- Representatives from the Third Sector are continuing to work closely with Council Officials as part of a Working Group.
- The Group continues to support the Third Sector Community Support Fund decision-making process and discussing ways of improving strategic arrangements moving forward.

Third Sector funding opportunities

VSGWL launched our £465.7k Communities Mental Health and Wellbeing Fund Year 3 fund in late 2023 aimed at supporting community-based projects and initiatives helping address local mental health and wellbeing needs for people aged over 16 years old across West Lothian.

Charities, social enterprises, community and voluntary groups, parent councils, and other third sector organisations operating in the West Lothian area were eligible to apply for activity covering 1 April 2024 – 31 March 2025.

The fund received 68 applications seeking over £1.4m monies from the overall pot available of £466k. A total of 37 organisation were successful and provided with grants to support their initiatives - <https://www.voluntarysectorgateway.org/west-lothian-communities-mental-health-wellbeing-fund-year-3-successful-organisations/>

Regrettably, many organisations missed out on funding simply due to the sheer volume of high-quality applications and the monies available.

The wider Third Sector Interface Network is in active dialogue with the Scottish Government about the potential for Year 4 (and beyond) of this invaluable and much needed funding.

Food Network support

VSGWL is continuing to provide independence governance and grant management to the Food Network in West Lothian. West Lothian Council has ringfenced £280k for food support in 2023/24 and VSGWL has established transparent and robust processes for managing and distributing monies to Network Members who are providing food to individuals in communities across the area.

The West Lothian Food Network now comprises 19 members all operating community shops/pantries. The Food Network was launched immediately prior to lockdown to bring groups together to tackle food insecurity; it quickly evolved to respond to the pandemic. The network is now addressing the fallout from the negative impact of the cost-of-living crisis within our deprived and isolated communities.

VSGWL is continuing to gather data from funded members about the number of people and families in receipt of food support, including a profile of economic status.

From April 2023 to 15 December 2023, those West Lothian Food Network members who received Council funding have provided food support to 47,464 people. The average age of those being supported is between 40-50 years with 68% of those supported being unemployed and/or on benefits, 38% of those accessing food support are single adults followed by a two-adult household (16%).

As agreed with the council, West Lothian Food Network has applied to OSCR to become a SCIO. As a result, the network will be able to apply for charitable funding from the summer 2024. Subject to funding, 2024/25 will be a transition year for the network as we seek to develop a financially sustainable model.

Following positive discussions between elected member and officials, a further £100k has been made available for the Food network via the Shared Prosperity Fund. This is very welcome news for all members and the people across local communities who need to access food with dignity.

The Food Network has a new website hosted by VSGWL – <https://westlothianfoodnetwork.org/>

Support to range of third sector groups and forums

VSGWL continues to regularly bring together a host of third sector organisations in a range of important themed areas, such as

- Third Sector Strategy Group (TSSG) - [TSSG](#)
- Third Sector Employability Forum- [TS Employability Forum](#)
- Third Sector Cost of Living Forum - [TS Cost of Living Forum](#)
- Children and Families Forum - [TS Children and families forum](#)
- Third Sector Support and Connection Forum – [TS Support and connection forum](#)
- West Lothian Volunteer Network - [WL Volunteer Network](#)

The Third Sector continues to have an important voice on each of the West Lothian Council PDSPs via VSGWL's seat taken by appropriate third sector representatives.

Third Sector Organisation Support events

We also continue to put on events aimed at supporting the sector <https://www.voluntarysectorgateway.org/funding-application-workshop-event-recording/>

VSGWL also held a free support session involving Business Gateway and Community Enterprise about the range of free help and support that is available between our respective organisations.

VSGWL secures Carer Positive Accreditation

VSGWL was delighted to earn accreditation from Carers Scotland for being a Carer Positive Engaged employer.

This significant accomplishment shows our dedication to fostering a workplace culture that is supportive, inclusive, and compassionate towards carers. By prioritising the well-being and needs of staff within our organisation with care responsibilities, we strive to create an environment where all employees feel valued, respected, and empowered to thrive both personally and professionally.

This accreditation serves as a testament to our ongoing efforts to champion diversity, equity, and inclusivity, and we look forward to continuing our journey towards being a beacon of excellence in supporting carers in the workplace.

In the coming weeks, we will be holding a Carer positive event with Carers of West Lothian and Carers Scotland aimed at other third sector organisations. We are also looking to hold an event later in the year aimed at the wider business sector.

VSGWL celebrates 21 Years

In February 2024, VSGWL celebrated our 21st birthday. Huge thanks to all of our members, supporters, third sector and statutory partners - as well as staff and our Board - in helping us to reach this important milestone. <https://www.voluntarysectorgateway.org/vsgwl-celebrates-21-year-milestone/>

Over the coming months, we will start work on the development of a new 5-year strategic plan 2025-30 that will help us to further enhance the services that we provide.

Presented by Alan McCloskey
Chief Executive Officer
VSGWL
March 2024

DATA LABEL: PUBLIC



ECONOMY COMMUNITY EMPOWERMENT AND WEALTH BUILDING POLICY DEVELOPMENT AND SCRUTINY PANEL

COMMUNITY ASSET TRANSFER POLICY REVIEW

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to advise the Panel of work undertaken by officers to review and update the council's approved Community Asset Transfer Policy in light of operational experiences since the policy was approved by Council Executive on 28 November 2017 and to provide the Panel with sight of an updated version of that policy and its supporting guidance notes, which officers propose taking to Council Executive for consideration and approval.

B. RECOMMENDATION

It is recommended that the Panel:

1. Notes the proposed, updated Community Asset Transfer Policy and its supporting Guidance Notes for Applicants included in this report at Appendix 1 and Appendix 2 respectively.
2. Notes that officers propose to present the updated Community Asset Transfer Policy and its supporting Guidance Notes for Applicants to Council Executive for consideration and approval.
3. Notes that officers will consider the outcome of the Scottish Government's ongoing review of community asset transfer provisions and its scheduled consultation on Community Right to Buy and thereafter further review the council's Community Asset Transfer Policy as necessary.

C. SUMMARY OF IMPLICATIONS

I Council Values	Caring and compassionate, open, honest, accountable and collaborate, inclusive and adaptive.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The proposed updated policy complies with the council's legal requirement to obtain the best terms obtainable under the 1973 and 2003 Local Government (Scotland) Acts and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.</p> <p>It is also compliant with the requirements of Part 5 of the Community Empowerment (Scotland) Act 2015 and the council's approved Surplus Property Procedure.</p>

III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	The efficient and effective disposal of surplus property assets contributes to performance relating to annual capital receipts targets.
V	Relevance to Single Outcome Agreement	Effective management of the council's property assets influences all of the key outcomes set out in the Single Outcome Agreement.
VI	Resources - (Financial, Staffing and Property)	The letting, sale, asset transfer or demolition of assets identified as surplus allows resources used for these assets to be re-directed to other retained property assets. They may also produce revenue income or a capital receipt.
VII	Consideration at PDSP	Not applicable.
VIII	Other consultations	Legal Services.

D. TERMS OF REPORT

D.1 Introduction

The council's Community Asset Transfer Policy was approved by Council Executive at its meeting on 28 November 2017. That policy and its supporting governance arrangements were developed in response to statutory requirements arising from the introduction of Part 5 of the Community Empowerment (Scotland) Act 2015.

A periodic review of that policy is now required under the council's internal governance arrangements to ensure that it remains compliant and fit for purpose going forward. Having undertaken that review, officers have prepared an updated policy document and supporting guidance notes that contain suggested refinements reflecting operational experiences since the policy was approved in November 2017.

A copy of the updated Community Asset Transfer Policy is included at Appendix 1 of this report and a copy of the updated Guidance Notes for Applicants is included at Appendix 2.

The Panel is recommended to note the content of those two updated documents and note that officers propose to present these to the Council Executive for consideration and approval.

D.2 Part 5 of The Community Empowerment (Scotland) Act 2015

Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act) gives community bodies a right to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for the transfer of any land or buildings they feel they could make better use of.

The background to this legislation is a belief that empowering communities is key to creating a more prosperous and fairer Scotland and that it is the role of central and local government to work in partnership with communities and support them to lead change for themselves. The legislation is designed to support the view that community ownership or control of land and buildings can make a major contribution towards strengthening communities in this way.

The Act gives significant rights to qualifying community groups and puts substantial procedural responsibilities on local authorities and other public bodies.

D.3 The council's existing Community Asset Transfer Policy

The council's existing Community Asset Transfer Policy was approved by Council Executive at its meeting on 28 November 2017. That policy and its supporting governance arrangements were developed in response to statutory requirements arising from the introduction of the Act.

Since that time and in response to community interest in asset transfer, the council has appointed a dedicated Community Empowerment and Property Modernisation Officer to work in partnership with community groups to discuss and explore their specific asset transfer aspirations and proposals. This has resulted in a number of community-led projects coming forward and council properties transferring into community ownership by way of approved community asset transfer requests. Examples of these include the Eastfield Training Centre in Fauldhouse and the Low Port Centre in Linlithgow.

There have been no legislative changes to the Act since the council's existing Community Asset Transfer Policy was introduced in November 2017 and as such, that policy and its supporting governance arrangements remain compliant with the legislation and reflective of the Scottish Government's published best practice advice.

Reflecting upon and learning from operational experiences around implementation of the legislative requirements over the past six years however, officers consider that this scheduled policy review presents an opportunity to introduce a number of refinements that, if approved, would enhance the policy and improve the community asset transfer process for both the council and our communities. Those suggested refinements and the reasons for them are set out in Appendix 3 of this report.

Officers will be supported by the Community Wealth Building Team to look at ways to promote the asset transfer policy within the community and provide information to organisations interested in exploring asset transfer.

This will include a refresh of the current website, how to guides, information on how to carry out community engagement and engagement with those that have been successful in asset transfer to provide practical examples for groups who may be interested in exploring further asset transfer.

The Panel is recommended to note the updated Community Asset Transfer Policy at Appendix 1 of this report and the updated supporting Guidance Notes for Applicants at Appendix 2. The Panel is also recommended to note that officers intend taking these to Council Executive for consideration and approval.

The Scottish Government is currently undertaking a review of community asset transfer provisions and will also be undertaking a consultation on Community Right to Buy legislation later this year. The Panel is recommended to note that officers will consider the published outcome that work when it is available and further review the council's Community Asset Transfer Policy as necessary thereafter.

E. CONCLUSION

The council's Community Asset Transfer Policy and its supporting governance arrangements remain compliant with legislative requirements and reflect the Scottish Government's published best practice advice to local authorities. Officers consider however that this scheduled policy review presents an opportunity to introduce a number of refinements that, if approved, would enhance the policy and improve the community asset transfer process for both the council and our communities.

The Panel is recommended to note the updated Community Asset Transfer Policy at Appendix 1 and the updated supporting Guidance Notes for Applicants at Appendix 2 and to note that officers intend taking these to Council Executive for consideration and approval.

The Panel is also recommended to note that officers will consider the published outcome of the Scottish Government's ongoing review of community asset transfer provisions and its scheduled consultation on Community Right to Buy when these are available and further review the council's Community Asset Transfer Policy as necessary thereafter.

F. BACKGROUND REFERENCES

Council Executive – 28 November 2017 – Community Asset Transfer Policy
 Council Executive – 12 December 2024 – Surplus Property Procedure Review
 Parts 5 of the Community Empowerment (Scotland) Act 2015
 The Disposal of Land by Local Authorities (Scotland) Regulations 2010
 The Local Government (Scotland) Acts 1974 and 2003

Appendices/Attachments:

Appendix 1 – Updated Community Asset Transfer Policy
 Appendix 2 – Updated Community Asset Transfer Guidance Notes for Applicants
 Appendix 3 – Key changes proposed under the updated policy
 Appendix 4 – Equality Impact Assessment

Contact Person: Scott Hughes, Strategic Property Asset Manager, Finance and Property Services, Tel: (01506) 281825 - Email: scott.hughes@westlothian.gov.uk

Patrick Welsh
Interim Head of Finance and Property Services

Date of meeting: 26 March 2024



COMMUNITY ASSET TRANSFER POLICY

(Updated: 26 March 2024)

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1. Introduction

Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act) gives community bodies a right to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for the transfer of any land or buildings they feel they could make better use of.

The background to this legislation is a belief that empowering communities is key to creating a more prosperous and fairer Scotland and that it is the role of central and local government to work in partnership with communities and support them to lead change for themselves. The legislation is designed to support the view that community ownership or control of land and buildings can make a major contribution towards strengthening communities in this way.

The Act gives significant rights to qualifying community groups and puts substantial procedural responsibilities on local authorities and other public bodies.

2. Summary of asset transfer under Part 5 of the Act

Under Part 5 of the Act, an asset transfer request can be made by a “community transfer body” to a local authority or other “relevant authority”. The community transfer body can ask to buy, lease, manage or use any land or buildings which belong to or are leased to the relevant authority. The community transfer body must set out what they plan to do with the property and how much they are prepared to pay. No land or property assets are exempt from the provisions of the Act.

When an asset transfer request is made, the relevant authority must decide whether to agree or refuse the request. The authority must agree to the request unless there are reasonable grounds for refusal.

The Act does not provide a definition of what reasonable grounds are since these will depend upon the individual circumstances of each case. It does however indicate that reasonable grounds are likely to include cases where the benefits of the asset transfer 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), or where agreeing to the request would restrict the relevant authority’s ability to carry out its functions.

Once an asset transfer request has been made, the relevant authority is not allowed to sell, lease or otherwise dispose of the land it relates to, to anyone other than the community transfer body that made the request, until the whole application process is completed (including internal reviews and/or appeals to the Scottish Ministers).

That prohibition does not apply if, before the asset transfer request is made, the land has already been marketed for sale or lease, or the relevant authority has entered into negotiations or begun proceedings to transfer or lease the land to another party.

The council’s position is that any written communication between the council and another party relating to the proposed sale, lease or transfer of the land will be considered to be demonstrable evidence that such negotiations / proceedings have begun. For clarity, such correspondence will be between delegated officers and the other party only.

The Act does not say how much should be paid to purchase an asset or in rent, whether it should be at market value or at a discount. The community transfer body has to state in its asset transfer request how much they are prepared to pay, alongside the benefits the project will deliver, and the relevant authority has to decide whether to accept that price.

If the request is agreed, the community transfer body makes an offer and a final contract is negotiated. If the request is refused, or no answer is given, or the community transfer body does not agree with the conditions set by the relevant authority, the community transfer body can ask for the decision to be reviewed internally by the relevant authority. If the outcome of the internal review does not resolve the issue, or if no decision is made within the required period, the community transfer body can then appeal directly to the Scottish Ministers. They can also appeal if the request is agreed and an offer made but no contract is completed within six months of the date of the offer.

Scottish Ministers may allow the appeal (i.e. agree with the community transfer body's case), or reject it. They may reverse or change any part of the original decision by the relevant authority, including changing the terms and conditions under which the asset transfer is to take place. A decision by the Scottish Ministers cannot be appealed, other than by way of a judicial review through the courts.

It should be noted that this asset transfer legislation is not the only route open to community bodies and, in some instances, it may not be the best option for them. Early engagement and collaborative working are encouraged in order to identify key objectives and potential solutions, which in some instances may not involve asset transfer at all.

For example, where a community body wishes to run an existing council service that is tied to a particular property, and they do not want to use that property for any other purpose, then a Participation Request may alternatively offer the best solution. The council has a separate approved procedure in place for the consideration and processing of Participation Requests and information on that procedure is available upon request.

3. The council's Community Asset Transfer Policy

3.1 Policy context

The council's policy for the transfer of property assets to community transfer bodies recognises that handing over the ownership or stewardship of an asset, be that by way of sale or lease, can have a valuable role in supporting and sustaining local communities.

It recognises that community ownership of assets can make an important contribution to the range of innovative, bottom-up solutions that community groups can develop to address local needs. Importantly, these solutions not only meet the needs of the local people, they can also contribute to the delivery of council and national strategic priorities.

It is anticipated that most interests in asset transfer will come from community transfer bodies that identify a specific opportunity. However, opportunities may also be identified by the council and the ongoing review of council service delivery is expected to identify properties that have potential for a more intensive use, or a greater variety of social, community and public purposes, to the benefit of the local community.

The aim of this policy is to make it as simple as possible for community groups to make an enquiry about asset transfer and start the application process to purchase or lease land or property from the council.

The policy, its associated procedures and supporting governance arrangements have been specifically developed to ensure the council can competently comply with the statutory requirements of the Act.

3.2 Which assets may be subject to asset transfer requests?

The Act provides that a community transfer body may apply for the transfer of any land or buildings that belong to or are leased to the council.

The council will fully consider all asset transfer requests on their own merits in accordance with Scottish Government guidelines. As suggested in those guidelines, an application is likely to be recommended for refusal when the benefits of the asset transfer 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), or where agreeing to the request would restrict the council's ability to carry out its functions.

Asset transfer requests that would result in the council losing existing or projected revenue or capital income may be recommended for refusal on the grounds that any loss of income will restrict the council's ability to carry out its functions.

3.3 Who is eligible to apply for asset transfer?

The Act provides that a community can be any group of people who feel they have something in common. It may be that they live in the same area or that they share an interest or characteristic. Communities of interest could include faith groups, ethnic or cultural groups, people affected by a particular illness or disability, sports clubs, conservation groups, clan and heritage associations, etc. They may be very specialised or local, ranging up to national or international groups with thousands of members.

To make a valid asset transfer request, an organisation must qualify as a "community transfer body", defined in the Act as being either:

- a community-controlled body, or
- a body that is designated as a community transfer body by an order made by the Scottish Ministers.

Further information on the criteria for eligibility is provided in the "Community Asset Transfer Policy Guidance Notes for Applicants" that accompany this policy.

3.4 What information will applicants be asked to provide?

The Act requires that community transfer bodies must provide certain mandatory information as part of any asset transfer request. Failure to provide that mandatory information renders an application invalid. The required mandatory information is set out in the council's "Asset Transfer Request Form". In the interests of consistency and completeness, community transfer bodies are asked to submit asset transfer requests using that application form. Information on how to access that form is provided in the "Community Asset Transfer Policy Guidance Notes for Applicants" that accompany this policy.

In addition to the mandatory information and to enable the council to fully consider asset transfer requests and reach a competent decision within the statutory timescale, community transfer bodies are recommended to provide the following supporting documentation as part of their application:

- A copy of the community transfer body's constitution;
- A business plan (that is proportionate to the nature of the asset transfer request);
- Audited accounts (or a financial projection where the applicant has been operating for less than one year).
- Annual reports (where these are available).
- Evidence of community engagement that demonstrates need and support for the proposed project.
- A skills audit that evidences the community transfer body's ability to successfully deliver and sustain the proposed project.
- A valuation report prepared by the Valuation Office Agency or an alternative appointed RICS Registered Valuer that confirms the market value of the property. The valuation date stated in that report will be no more than three months from the date of the asset transfer application. That valuation report will be instructed jointly by the applicant and the council and the associated costs will be shared equally between those two parties.

Further details on the level of information that community transfer bodies will be asked to provide, along with a copy of the council's Community Asset Transfer Request Form, are provided in the "Community Asset Transfer Policy Guidance Notes for Applicants" that accompany this policy.

4. The application process

4.1 Pre-application discussions

Community groups are encouraged to discuss their options, their suitability and the scope of community asset transfer with the council at the earliest possible opportunity. These informal pre-application discussions will help to prepare for the process of making a formal application for transfer.

The pre-application stage is a voluntary but important component of the asset transfer process, as it gives both the council and the community transfer body an opportunity to fully explore the desired outcomes of the proposed project and discuss how these can be best achieved.

At the pre-application stage, the council will appoint its Community Empowerment and Property Modernisation Officer to act as the applicant's single point of contact in the council. The community transfer body and the Community Empowerment and Property Modernisation Officer will then work in partnership to discuss the asset transfer proposal.

To assist community transfer bodies in considering and developing their asset transfer proposals, the council has a statutory obligation to make available information that it holds relating to the property in question. Examples of this might include title deed information, building condition reports or information relating to running costs. Further information in this regard is provided in the "Community Asset Transfer Policy Guidance Notes for Applicants" that accompany this policy.

Community groups are under no obligation to undertake pre-application discussions and may submit an asset transfer request without prior consultation with the council should they wish to do so. It is recognised however that early engagement and collaborative working are likely to produce the most positive outcomes.

4.2 Upon receipt of an asset transfer request

The start of the timeline for processing an application is triggered by the receipt of a valid community asset transfer application. When a valid application is received, the council's Community Empowerment and Property Modernisation Officer will issue an acknowledgment letter confirming the application's validation date.

The council has an obligation to determine an asset transfer request and issue a formal decision notice within six months of an application's validation date. That deadline for issuing a decision can be extended, as long as it is mutually agreed by both the council and the community transfer body.

To create a robust decision making process and in accordance with Scottish Government guidance, the council has brought together officers with key responsibilities within the authority (including property, legal, finance, economic development, and those with a focus on community development, community engagement, and community wealth building) to review and assess asset transfer requests. This group is called the Community Asset Transfer Board (CATB) and is chaired by the Head of Finance and Property Services.

The CATB comprehensively assesses and scores applications against specified criteria, then submits a report with recommendations to the Asset Transfer Committee (ATC), a committee of elected members. That report will either recommend the application be accepted, and if so on what terms, or it will recommend rejection of the application and it will set out the reason(s) for refusal.

Where an asset transfer request relates to a property within a specific ward, the elected members for that ward will be provided with a copy of the ACT committee report for information.

The ATC will consider the report and make a formal decision on whether the asset transfer request should be accepted (and if so, on what terms) or refused. A decision notice will be issued to the applicant by the council's Community Empowerment and Property Modernisation Officer thereafter, confirming that decision and the reason(s) behind it.

The council's Scheme of Delegations to Officers provides that the Head of Finance and Property Services is responsible for the development and implementation of the council's Community Asset Transfer Policy and procedures, with responsibility for determining all asset transfer requests resting with the ATC (or the Asset Transfer Review Body in the case of applications for internal review). The Scheme of Delegation also reflects the appointment of the Head of Finance and Property Services as Chair of the CATB.

4.3 Rights of internal review and appeals to the Scottish Ministers

The Act requires that community transfer bodies must have a right of internal review, with that review being undertaken by elected members who were not involved in the initial decision making process.

A community transfer body can seek a review or appeal if:

- their request is refused,
- the request is agreed, but the terms and conditions in the decision notice are significantly different from those in the request,
- no decision notice is issued within the required period or
- once an asset transfer request has been agreed, no contract has been concluded within the period allowed (via appeal directly to the Scottish Ministers).

Accordingly, under this policy, the community transfer body have the right to seek an internal review by way of referral to the council's Asset Transfer Review Body (ATRB).

The ATRB acts independently of the ATC and comprises a different group of elected members from those who made the ATC's original decision.

In terms of the Act, an application for internal review must be made in writing to the council within 20 working days of the date of the council's decision notice (or the latest date the council should have issued a decision notice) and the ATRB must undertake its review and issue a further decision notice within 6 months of the date of the review application.

The ATRB will either uphold the ATC's original decision, or amend it. A decision by the ATRB represents the council's final position.

If the outcome of the internal review does not resolve the issue, or if no decision is made within the required period, the community transfer body can appeal directly to the Scottish Ministers within 20 working days of the council's decision notice or the latest date the council should have issued a decision notice).

Scottish Ministers may allow the appeal (i.e. agree with the community transfer body's case), or reject it. They may reverse or change any part of the original decision by the council, including changing the terms and conditions under which the asset transfer is to take place. In all cases, the final decision lies with the Scottish Ministers. There is no further route of appeal beyond them (except by judicial review).

4.4 Timescales for determination of an application

Upon receipt of a valid application, the following timescales will apply:

<u>Action</u>	<u>Timescale</u>
Acknowledgement letter issued confirming validation date:	Within 10 working days of receipt of the valid application.
Assessment of application by CATB:	Within 3 months of validation date.
Determination of application by ATC & decision notice issued:	Within 6 months of validation date, in accordance with statutory requirements.
Determination of any reviews referred to the ATRB:	Within 6 months of a review application date, in accordance with statutory requirements.

5. Terms of asset transfer

5.1 Transfer of asset and responsibility

The tenure under which an asset transfer may include:

- the transfer of management responsibility for an asset through a service level or management agreement;
- a short or long term lease arrangement, or
- transfer of outright ownership.

The means of asset transfer will reflect the requirements of both the applicant and the council, so each proposal will be different. In all cases involving transfer of ownership/occupation, appropriate legal mechanisms will be put in place to protect the council's responsibilities as stewards of public assets. This may include clawback and standard security provisions to safeguard any discounts applied to market values, or restrictions on changing the use of the asset from the purpose for which transfer was originally intended.

In cases where a project is reliant upon the community transfer body securing external funding (e.g. the Lottery or Sportscotland), the council may be required to accept a standard security that is less than first ranking.

From the date of any transfer, by whatever means that transfer takes place, the community transfer body will become immediately and entirely responsible for the property and payment of all costs associated with their occupation and use. The council will cease to have any financial and operational commitments relative to the property from the date of transfer. This will include generally, but will not be limited to, costs and responsibilities relating to the following:

- the upkeep, repair and maintenance of the asset;
- alterations or improvements to the asset;
- all other running costs (including utilities, rates liabilities and insurances);
- statutory compliance and health and safety requirements.

5.2 Funding support from the council

Beyond any discounted market value that may be agreed for the sale or lease of the property, the council will not provide any additional revenue or capital funding in support of the proposed asset transfer project, other than by virtue of the community transfer body making a successful bid into any general funds that are administered by the council and that are accessible to all community groups (for example the Placed Based Investment Fund).

5.3 Price, valuation and non-financial benefits

The council recommends that, as part of its application, the applicant provides a valuation report that establishes the market value of the property in question. The report, which is also likely to be required by any potential external funders, should be prepared by the Valuation Office Agency or an alternative qualified RICS Registered Valuer and the stated valuation date in the report should be not more than 3 months from the date of the asset transfer application.

That valuation report will be instructed jointly by the applicant and the council and the associated costs will be shared equally between those two parties. This will enable all parties to understand the value of the property from the outset and provide context for any discount from market value that the community transfer body may seek from the council.

The community transfer body must state in its application how much they are prepared to pay to purchase or lease the property, alongside the benefits the project will deliver, to allow the council to decide whether to accept that price and other terms.

The council has a duty to secure the best terms obtainable in their operations, including when disposing of or letting property. The best terms obtainable does not always mean the highest possible price, and the council has the ability to dispose of property at less than market value where there are wider public benefits to be gained. This is set out in the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

When the price offered in an asset transfer request is less than the market value of the property, the council will need to consider whether the proposed benefits to be delivered by the community transfer body justify the proposed discount. This will be based solely on the analysis of the information included in the asset transfer request. The benefits of the request should be proportionate to the value of the asset and the level of discount, with an appropriate level of information to support the application. Any decision to transfer an asset must always represent the best use of public resources.

Whilst every asset transfer request will be considered individually on its merits and in accordance with statutory requirements, the council will typically expect the community transfer body to pay either the established full market value of the property, or that value less an appropriate discount that reflects the non-financial community benefits that the proposed project would deliver.

6. Criteria for assessing requests

Section 82 of the Act defines the criteria against which asset transfer requests must be evaluated and determined. The CATB evaluates and scores asset transfer requests in accordance with those stated criteria using a standardised scorecard approach.

During this process the council engages with applicants to ensure a clear understanding of the exact nature of the proposals. An assessment of the benefits of the proposal is prepared by the CATB, which in turn forms the basis of their subsequent report to the ATC.

Through that process, the council has put in place a consistent and transparent corporate process for assessing the benefits, costs and risks of the transfer of responsibility associated with asset transfer.

Further details of the criteria for assessing requests, including access to a copy of the CATB scorecard, are provided in the "Community Asset Transfer Policy Guidance Notes for Applicants" that accompany this policy.

7. Surplus Property Procedure

The council's updated Surplus Property Procedure was approved by Council Executive on 12 December 2023. The purpose of the Surplus Property Procedure is to:

- a) Provide a consistent, transparent and compliant process that ensures surplus property assets can be disposed of efficiently and effectively, minimising vacant property holding costs and securing the best terms reasonably obtainable for the council.
- b) Establish that the disposal of surplus property assets is agreed as being a commercial exercise, the primary aim of which is to secure the best consideration reasonably obtainable for the council, either by way of a capital receipt or commercial rental income, or disposal in accordance with the 2010 Regulations, securing Best Value.
- c) Establish a link to the council's approved Community Asset Transfer Policy through which any community or third sector organisation seeking to acquire or occupy council property on concessionary terms, or who wish "community benefit" to be taken into consideration, should pursue their interest by way of a community Asset Transfer Request under the provisions of Part 5 of The Community Empowerment (Scotland) Act 2015.

Accordingly, any community transfer body interested in acquiring council land or property and who wish to do so on concessionary terms or who wish community benefit to be taken into consideration shall be required to pursue their interest via the council's approved Community Asset Transfer Policy and its supporting governance arrangements.

Where the council is disposing of a property that has been formally declared surplus by the Council Executive in accordance with the approved Surplus Property Procedure, community benefit will only be taken into consideration where it forms part of a validated community asset transfer application.

Notwithstanding the provisions of the Act, the council will not delay or postpone the disposal or marketing of a surplus property to afford a community transfer body additional time to prepare and submit a community transfer application.

In order to raise awareness amongst any community groups with aspirations to explore community ownership and/or asset transfer, details of surplus properties are provided on the council's community asset transfer webpage.

8. Common good property

Common good is property owned by a local authority which has been passed down, through local government reorganisation, from former burghs. Those burghs would have received it as a gift or purchased it. It includes land and buildings, and moveable items such as furniture and art. It may include cash where property has been sold, and income received from the leasing of common good property.

Part 8 of the Act imposes duties on local authorities in relation to common good property and seeks to increase transparency about the existence of common good assets and to ensure there is community involvement in decisions taken about their identification, use and disposal.

The Act places a duty on local authorities to “establish and maintain a register of property which is held by the authority as part of the common good.” The first version of the council’s Common Good Register was approved for publication by Council Executive on 22 March 2022 and supporting governance arrangements for the management of common good property were subsequently approved by Council Executive on 25 October 2022. The register is, by definition, a live and continually evolving document as properties are added to or removed from the register.

Community asset transfer requests that involve common good property must take cognisance of the statutory requirements of the Act and the council’s approved procedures for the management of common good property and their supporting governance arrangements. Any decision notice issued by the council will require to take account of those statutory requirements.

9. Annual reporting

The Act requires the council to publish an annual report setting out the numbers of asset transfer request received and their outcomes. The report must state:

- how many asset transfer requests were received
- how many requests were agreed to or refused
- for requests agreed to, whether they resulted in transfer of ownership, lease or conferral of other rights
- for appeals relating to requests made to the relevant authority, how many have been allowed, dismissed, or have resulted in any part of the authority’s decision being reversed or changed
- where decisions made by the authority have been reviewed, how many have been confirmed, modified or substituted by a different decision.

The report must also describe anything the relevant authority has done to promote the use of asset transfer requests and support community transfer bodies to make requests.

Annual reports cover each year from 1 April to 31 March and must be published by 30 June. The report will show the number of requests received in that year and the numbers agreed to or refused in that year.

The council’s Community Asset Transfer Annual Report will be prepared by the Community Empowerment and Property Modernisation Officer and reported annually to the Council Executive by the Head of Finance and Property Services prior to publication.

(END)



COMMUNITY ASSET TRANSFER POLICY GUIDANCE NOTES FOR APPLICANTS

(Updated: 24 March 2024)

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1. Introduction to Community Asset Transfer

This guidance is for all voluntary and community organisations interested in the transfer of property assets that are owned, leased or managed by West Lothian Council in order to develop and deliver services, and to generate benefits for their local communities. It is intended to compliment the council's approved Community Asset Transfer Policy and should be read in conjunction with that policy (a link to that policy is provided at section 20 of this guidance note, under "Further Information").

For the purpose of this guidance note, all eligible voluntary or community organisations shall be referred to as 'community transfer bodies'.

These guidance notes aim to:

- Explain the scope of the council's policy on community asset transfer;
- Provide guidance to interested groups on how to apply to take on an asset, and
- Explain how the council will determine an application, including the appeals process.

The guide outlines our process and timescale for responding to requests for individual property asset transfers, which we believe is in line with being an open and transparent local authority.

Our objective is to make it as simple as possible for an organisation to make an enquiry about asset transfer and start the application process to purchase or lease land or property from the council. The information supplied will help us to ascertain whether an organisation is ready to take on the asset and whether the purpose the applicant has in mind for the property will bring about benefit for the community and support council objectives.

There must be a clear proposal, business case and rationale for any transfer. This could include opportunities for new and innovative ways of supporting the priorities of the council in providing services to the community, delivering services directly, or the provision of new activities or services that would otherwise not be available and where there is clear evidence of 'need' for such a service.

Community asset transfer is driven by the delivery of services, not the availability of assets. It provides an opportunity to engage people in providing services, and adding value in their local communities. This may be by delivering services that are additional or complementary to services delivered by the council, the need for which has been identified by the local community. It may also allow a group to develop a commercial venture which will support community benefit. In addition, community transfer bodies may be able to access development funding from a range of external funders that might not otherwise be available.

Each asset transfer will be judged on its own merits and the detail of any arrangements for transfer will be arrived at through individual negotiation. However, the council's objective is to have a consistent, fair and transparent process for responding to proposals from local communities. Each asset transfer request will be judged on the benefits it will deliver, not on the community it represents. Community transfer bodies interested in any potential asset transfer are encouraged to engage with the council at the earliest opportunity.

2. Policy context

The need for local authorities to consider the methods of service delivery, and the growing interest from community-led organisations in assuming responsibility for the delivery of local services, are fuelling the drive for communities to take responsibility for publicly owned property assets. This trend is reflected in significant recent changes to public policy and legislation, most notably the Community Empowerment (Scotland) Act 2015 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

The council's policy for the transfer of property assets to community transfer bodies recognises that handing over the ownership or stewardship of an asset can have a valuable role in supporting and sustaining local communities.

The community ownership of assets can make an important contribution to the range of innovative, bottom up solutions which community groups can develop to address local needs. Importantly, these solutions not only meet the needs of the local people, they can also contribute to the delivery of council and national strategic priorities.

It is anticipated that most interest in transfer of responsibility will come from community transfer bodies that identify a specific opportunity. However, opportunities may also be identified by the council. The ongoing review of council services is expected to identify properties that have potential for a more intensive use, or a greater variety of social, community and public purposes, to the benefit of the local community.

Proposals may be many and varied, and it is likely that the legal structure for transferring any property asset will vary to reflect the specific needs and circumstances of the proposal or organisation making the proposal – there will be no single model. Solutions will depend on the nature of the proposal and the property assets involved. They will also be affected by the way the proposal is being funded, the type of community transfer body that is implementing it, and the organisations with whom they have to reach separate agreements with such as funders.

If transfer is proposed, there must also be a critical appraisal as to whether it assists in delivering agreed outcomes. The council has to ensure that there is a robust justification for transfer. Transfer should be a means to an end, not an end in itself.

The council's responsibility for the stewardship of public assets will mean that we may need to protect the public interest through conditions or burdens within the legal structure of any transfer.

The council are keen to engage with community organisations early in the process, so that discussions around any potential for asset transfer can be investigated in the interest of all parties at a pre-application stage.

3. Which assets may be suitable for transfer?

The council's physical assets include land and buildings that are used for a variety of different social, community and public purposes.

Part 5 of The Community Empowerment (Scotland) Act 2015 (the Act) introduces a right for community transfer bodies to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for any land or buildings they feel they could make better use of. Community transfer bodies can request ownership, lease or other rights, as they wish. The Act requires those public authorities to assess requests transparently against a specified list of criteria, and to agree the request unless there are reasonable grounds for refusal.

The Act deliberately avoids giving detailed guidance on what may be reasonable grounds for refusal, as this must be determined by the circumstances of each individual case. However, they are likely to include cases where the benefits of the asset transfer request are judged to be less than the benefits of an alternative proposal, where agreeing to the request would restrict the council's ability to carry out its functions (including a loss in revenue and/or capital income), or where another obligation on the council prevents or restricts its ability to agree to the request.

Participation Requests

A community transfer body can ask to buy or lease land, or to have other rights, for example to occupy or use the land for a particular purpose. It may also wish to take over a building or land and the services which are delivered by the council from those premises.

This could be addressed by an asset transfer request, or a participation request in relation to improving the outcome of the services. It is not recommend using both types of request for the same project.

Further information on participation requests can be obtained by contacting the council's Community Planning Team at community.planning@westlothian.gov.uk or by writing to Community Planning & Regeneration, 2nd Floor South, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF.

4. Register of Land

The council is required to maintain and publish online a Register of Land (including buildings) that it owns or leases. That Register is available by contacting the council's Community Empowerment and Property Modernisation Officer via email at propertymanagement@westlothian.gov.uk or by writing to: Community Empowerment and Property Modernisation Officer, Property Services, 2nd Floor South, West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF.

It should be noted that legislation provides for certain categories of assets to be excluded from the register on practical grounds. Examples include roads, underground railways, canals, bus stations, houses, hostels and lodging-houses, police radio masts and sites used for covert policing, land used for the supply of drinking water and disposal of waste water and certain reservoirs, souvenir plots and mineral rights. Whilst these assets are exempt from inclusion in the register, they may still be subject to an asset transfer request.

5. Obtaining further information on specific land and/or buildings

Once they have identified one or more properties that may be suitable for their project, a community transfer body will need further information about them. They will need to decide whether the land or building is suitable for their planned activities, what the running costs will be, and how much to offer for it. If they intend to request ownership or a lease with repairing responsibilities, they will need information about the condition of any building, other rights on the land, and so on.

The council will be open about the information it holds, including practical knowledge about managing the property, and how other information might be obtained.

Ultimately, it is the responsibility of the community transfer body to ensure it has all the necessary and relevant information to develop its proposals. There is no requirement for the council to obtain information or commission reports to provide to the community transfer body, which it does not already have.

As part of the pre-application discussions, and where appropriate, the council will aim to share any information it holds on a relevant asset, such as:

- Title reports
- Rateable Value
- Size (including site or building plans if appropriate)
- Any planning restrictions, heritage designations, environmental designations, or other restrictions on future use
- Information on any tenancies, occupancy agreements etc. (as far as possible under confidentiality)
- Coal authority reports
- Utility / service Information
- Condition and suitability reports
- Asbestos reports and management plan
- Energy costs (for current use) and/or Energy Performance Certificate
- Contamination reports
- For agricultural or forestry land, any relevant planting records, management plan or similar

If it appears that significant cost would be involved in answering the enquiry, or it involves information that it thinks should be withheld, the council is entitled to consider it in line with the

requirements of the Freedom of Information (Scotland) Act (FOISA) and the Environmental Information Regulations (EIRs).

6. Who is eligible to apply for asset transfer?

To make an asset transfer request, an organisation needs to qualify as a “community transfer body” and Section 77 of the Act defines this as being either:

- a community-controlled body, or
- a body that is designated as a community transfer body by an order made by the Scottish Ministers.

Asset transfer legislation does not define what a community can be. It simply requires a community transfer body to define the community it relates to, and ensure the body is open to and controlled by members of that community, and uses its assets to benefit that community. Whether an organisation is eligible to make an asset transfer request depends on their constitution meeting the requirements, not on what community it represents.

A community can be any group of people who feel they have something in common. In many cases, it is that they live in the same area. However, it can also be that they share an interest or characteristic. Communities of interest could include faith groups, ethnic or cultural groups, people affected by a particular illness or disability, sports clubs, conservation groups, clan and heritage associations, etc. They may be very specialised or local, ranging up to national or international groups with thousands of members.

Applicant organisations may take many forms, e.g. community associations, development trusts, community councils, community forums, tenant organisations and community based housing associations, etc. They can also adopt different types of legal structures such as company limited by guarantee, unincorporated association, partnership organisation, Community Interest Company, or industrial and provident society (co-operative). Many will have charitable status. The key thing is not the precise model, but that they are recognised in their communities as valuable, open, accountable and inclusive organisations.

A community transfer body does not have to be incorporated, but it must have a compliant written constitution. A community transfer body that wants to make an asset transfer request for ownership must also be incorporated as a company, a SCIO (Scottish Charitable Incorporated Organisation) or a BenCom (Community Benefit Company), with a minimum of 20 members and provision for transfer of its assets upon winding up.

A community transfer body does not have to be incorporated in order to make an asset transfer request for lease or other rights. Since the property remains in the ownership of the council, it is for the council to decide what type of legal structure is appropriate, depending on the rights being requested.

An asset transfer request must be accompanied by a copy of the community transfer body's constitution or other governing documents.

In addition to the foregoing legislative requirements, the council expects that all applicants will have the following characteristics. They should:

- a) Be formally constituted; have appropriately experienced management; and have sound and relevant governance arrangements in place;
- b) Have its own decision-making system and accountability to independent trustees or its own members or constituents;
- c) Exist for community, social, environmental or economic benefit objectives;

- d) Have a strong track record in bringing in and managing money and/or a robust financial plan moving forward. (The council will wish to review copies of audited accounts and forward projections where appropriate);
- e) Not distribute any profit, dividends or surplus to owners or members, but must reinvest it to further its social aims/community benefits (i.e. commercial concerns are excluded, but organisations which charge users or the public for services or whose activities include contracts with the council are eligible);
- f) Have a minimum of 20 members and provision for transfer of its assets to a similar organisation on winding up.
- g) Operate within West Lothian.
- h) Be non-political and not engaged in supporting candidates for political office
- i) Have an element of involvement of volunteers.
- j) Demonstrate it has the skills and capacity within, or available to, its managing body to effectively deliver services and manage the asset, and comply with statutory obligations, e.g. health and safety.

7. The application process

Introduction

The council recognises that asset transfer will require a significant commitment from a voluntary or community group. However, as the stewards of public assets we have to be sure that there is a robust justification for any transfer. Our asset transfer process reflects Scottish Government guidance and we believe it is both transparent and proportionate.

In the first instance, groups are encouraged to discuss their options, their suitability and the scope of community asset transfer with the council's Community Empowerment and Property Modernisation Officer. These informal discussions will help to prepare for the process of making a formal application for transfer. Contact details for the council's Community Empowerment and Property Modernisation Officer are provided at the end of this guide.

Pre-application stage

The pre-application stage is a voluntary but important component of the asset transfer process as it gives both the council and the community transfer body an opportunity to fully explore the desired outcomes of the proposed project and discuss how these can be best achieved. Proposals that are fully discussed and developed through partnership working at the pre-application stage are likely to have the best chance of being successfully delivered.

Community transfer bodies are strongly advised to contact the council's Community Empowerment and Property Modernisation Officer to discuss their proposals at an early stage, prior to the submission of a formal asset transfer request. However, community transfer bodies do have the right to submit applications without going through any pre-application stage if they so wish. An asset transfer request is not treated as having been made until a community asset transfer application form has been submitted.

The level of detail required for each application will be proportionate to the scale and nature of the request and the community transfer body will always be given the opportunity to provide any missing information that is considered key to the decision making process.

If the council considers at an early stage that a request is likely to be refused in its current form, but could agree to an alternative proposal, this will be raised with the community transfer body and a suggestion made that they may wish to consider a revised proposal. However, this must be entirely at the community transfer body's choice as they have a right to persist with the any request they want to make and receive a formal decision, which will then be open to appeal.

At the pre-application stage, the council will appoint the Community Empowerment and Property Modernisation Officer to act as the applicant's single point of contact in the council. The community transfer body and the Community Empowerment and Property Modernisation Officer will then work in partnership to discuss the asset transfer application.

Price, valuation and non-financial benefits

The council recommends that, as part of its application, the community transfer body provides a valuation report that establishes the market value of the property in question. The report, which is also likely to be required by any potential external funders, should be prepared by the Valuation Office Agency or an alternative a qualified RICS Registered Valuer and the stated valuation date in the report should be not more than 3 months from the date of the asset transfer application. That valuation report will be instructed jointly by the applicant and the council and the associated costs will be shared equally between those two parties.

This will enable all parties to understand the value of the property from the outset and provide context for any discount from market value that the community transfer body may seek from the council.

The community transfer body must state in its application how much they are prepared to pay to purchase or lease the property, alongside the benefits the project will deliver, to allow the council to decide whether to accept that price and other terms.

The council has a duty to secure the best terms obtainable in their operations, including when disposing of or letting property. The best terms obtainable does not always mean the highest possible price, and the council has the ability to dispose of property at less than market value where there are wider public benefits to be gained. This is set out in the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

When the price offered in an asset transfer request is less than the market value of the property, the council will need to consider whether the proposed benefits to be delivered by the community transfer body justify the proposed discount. This will be based solely on the analysis of the information included in the asset transfer request. The benefits of the request should be proportionate to the value of the asset and the level of discount, with an appropriate level of information to support the application. Any decision to transfer an asset must always represent the best use of public resources.

Whilst every asset transfer request will be considered individually on its merits and in accordance with statutory requirements, the council will typically expect the community transfer body to pay either the established full market value of the property, or that value less an appropriate discount that reflects the non-financial community benefits that the proposed project would deliver.

Outline of the application process

When the council receives an asset transfer application, the first step is to check it contains all the required information and that the organisation making the request qualifies as a community transfer body. If the organisation making the request is not eligible to do so, technically it is not an asset transfer request and no further action is required. In such cases the council will reply explaining in general terms why the organisation is not eligible.

If the request does not contain all the required information the council will send the community transfer body a notice confirming what is missing. No further action will be taken until all the required information is received.

Following on from the pre-application stage described above and upon receipt of a valid application, the formal application process is as follows.

- The start of the timeline for processing an application is triggered by the receipt of a valid community asset transfer application. When a valid application is received, an acknowledgment letter will be issued confirming the application's validation date.
- In order to create a robust decision making process, the council has brought together officers with key responsibilities within the authority, including property, legal, finance, economic development, and those with a focus on community development, community engagement, and community wealth building, to review and assess the application. This group is called the Community Asset Transfer Board (CATB) and is chaired by the Head of Finance and Property Services. Applications are assessed by the CATB against a specified list of criteria which are outlined section 11 of this guidance.
- Once an application has been assessed, the CATB will submit a report to the council's Asset Transfer Committee (ATC). The ATC is the formal decision-making committee made up of elected members. The report will outline the proposal and either recommend that the application be accepted, and if so on what terms, or it will recommend rejection of the application and it will set out the reason(s) for refusal.
- The ATC will consider the report and make a formal decision on behalf of the council. A decision notice will be issued thereafter confirming the decision and its basis.
- If the ATC refuses an application, the community transfer body has the right to seek an internal review by way of a referral to the council's Asset Transfer Review Body (ATRB). The ATRB is a separate committee comprising an entirely different group of elected members from those who made the original decision.
- The ATRB will either uphold the ATC's original decision, or amend it. A decision by the ATRB represents the council's final position and the only recourse for applicants thereafter is a formal appeal directly to the Scottish Ministers.

How long will it take?

The council has an obligation to issue a decision notice within no more than 6 months of an application's validation date. The deadline for issuing a decision can be extended, as long as it is mutually agreed by both the council and the community transfer body.

The following shows how long the application process will take:

- Pre-application stage: There is no set timescale for this stage of the process. The intention is that all interested parties work together to prepare the relevant information required to submit a valid application and in doing so give the proposed project the best chance of success. Time and effort invested in proposals at the pre-application stage will undoubtedly prove beneficial later in the asset transfer process.
- The timeline for completion of the application process is triggered by confirmation of the validation date. When a valid application is received, the following timescales will apply:

<u>Stage</u>	<u>Timescale</u>
Acknowledgement letter issued confirming validation date	Within 10 working days of receipt of the application.
Assessment of the application by CATB	Within 3 months of validation date.
Determination by ATC & decision notice issued	Within 6 months of validation date.
Determination of any reviews referred to the ATRB:	Within 6 months of a review request being received.

8. Actions required of the council upon receipt of an application

When the council receives a valid asset transfer request, there are certain actions it requires to undertake. These actions are summarised as follows.

Acknowledgement

Once the council is satisfied that all the required information has been provided, an acknowledgement will be sent to the community transfer body. The acknowledgement will include the following information:

- the validation date – this is the date on which the last of the required information was received. This is the date from which other time limits will be calculated.
- an explanation of the timescale for the council to issue the decision notice. The council must issue a decision notice within 6 months after the validation date, unless a longer period is agreed.
- information about the right to appeal to the Scottish Ministers or request a review, as appropriate.
- whether another asset transfer request has already been made in respect of the same land (or part of the same land).
- whether the council considers that it is prohibited from disposing of the asset to any other party.

Publication of documents

The council will make copies of each asset transfer request and any documents or information accompanying it will be available online, until the request process is completed. Any representations made about the request will also be put online. In order to comply with data protection requirements, any personal information will be redacted from these documents before they are published.

The council will maintain an archive of completed requests online. In particular, this will help community transfer bodies to know if previous requests have been made, and refused, for the same property.

Notification and representations

It is the responsibility of the council to formally give notice that a request has been received and to invite representations. The council will make third parties aware that an asset transfer request has been made, and of how they can make representations about it, as soon as practicable after the validation date.

This will involve direct notification of any tenant or occupier of the land the request relates to. This would include any group which has an agreement for regular use of the land or building, including the owner, if the council leases the land.

Notice of the asset transfer request will also be published online, and put up at the site. It is also required for it to be displayed at a public place in the vicinity of the land to which the asset transfer request relates.

Notices sent to tenants, occupiers and owners and those published online and near the land must:

- state that an asset transfer request has been made
- identify the community transfer body making the request and the land to which the request relates
- give a brief description of the nature of the rights requested and how the community transfer body propose to use the land
- say how the asset transfer request and associated documents can be inspected
- say how representations about the request may be made, and by what date. This must be at least 20 working days after the notice is given or published
- advise that all representations will be copied to the community transfer body for their comments, and published

If any representations are received in response to these notices, the council will send copies to the community transfer body and inform them how and by what date they can make comments about them. The date must be at least 20 working days from the date on which the copy is sent. Any personal information will be redacted from representations before they are copied to the community transfer body or published online.

Prohibition on disposal of land

Once an asset transfer request has been formally made, the council is not allowed to sell, lease or otherwise dispose of the land it relates to, to anyone other than the community transfer body that made the request, until the whole process is completed.

The process is completed when:

- a contract for the transfer is concluded;
- the request is refused and the community transfer body has followed all routes of appeal without success, or
- the community transfer body fails to take the next action in the process within the time required. For example, if it does not make an offer, or does not request a review or appeal if the request is refused.

The prohibition on disposal does not apply if, before the asset transfer request is made, the land has already been marketed for sale or lease, or the council has entered into negotiations or begun proceedings to transfer or lease the land to another person. Marketing can also occur to establish other interests in the property with which the asset transfer application can be evaluated against.

The council's position is that any written communication between the council and another party relating to the proposed sale, lease or transfer of the land will be considered to be demonstrable evidence that such negotiations / proceedings have begun. For clarity, such correspondence shall be between delegated officers and that other party only.

In these cases, an asset transfer request can still be made, but it will not prevent negotiations or proceedings continuing with, or bids being made by, any other person.

Where an asset transfer request is received under these circumstances, that request will be considered in the same manner as any other. It will be considered first by the CATB and a report submitted to the ATC. The ATC will then determine the application and a decision notice will be issued thereafter. The applicant may request an internal review of that decision and thereafter appeal it to the Scottish Ministers in accordance with the provisions of the Act.

9. What information should the application contain?

The Act requires that community transfer bodies must provide certain mandatory information as part of any asset transfer request. Failure to provide that mandatory information renders an application invalid. The required mandatory information is set out in the council's "Asset Transfer Request Form" (a link to that form is provided at section 20 of this guidance note under "Further Information"). In the interests of consistency and completeness and in addition to the mandatory information, community transfer bodies are recommended to submit all asset transfer requests using that application form.

In addition to the mandatory information and to enable the council to fully consider asset transfer requests and reach a competent decision within the statutory timescale, community transfer bodies are recommended to provide the following supporting documentation as part of their application:

- A copy of the community transfer body's constitution;
- A business plan (that is proportionate to the nature of the asset transfer request);
- Audited accounts (or a financial projection where the applicant has been operating for less than one year).
- Annual reports (where these are available).
- Evidence of community engagement that demonstrates need and support for the proposed project.
- A skills audit that evidences the community transfer body's ability to successfully deliver and sustain the proposed project.
- A valuation report prepared by the Valuation Office Agency or alternative appointed RICS Registered Valuer that confirms the market value of the property. The valuation date stated in that report will be no more than three months from the date of the asset transfer application. That valuation report will be instructed jointly by the applicant and the council and the associated costs will be shared equally between those two parties.

If mandatory information is missing or incomplete, the application may be rejected.

Since most of the required information should be contained in these supporting documents, the council is looking for a concise summary to be provided in the application form itself. Applicants are encouraged to cross-reference each section in the application form to the relevant section in any supporting documents.

10. Key points for consideration in preparing an application

The provision of information in the following areas is key to ensuring that applications can be properly assessed. Applicants should carefully consider each aspect and provide sufficient information via their completed application form and its supporting documentation.

The Business Plan

If proposals are to be successful in delivering long term community benefit, both the viability (i.e. having the financial resources to become established and to continue operating) and the sustainability (i.e. being run by people with the right skills, knowledge and aspirations to succeed) of the project are fundamental. In order to demonstrate that a proposal is viable and

sustainable, and has been thoroughly and competently developed, there is a requirement for a Business Plan.

Such a plan will demonstrate that a proposal has merit and is consistent with the council's own aspirations. Applicants will need to submit a Business Plan alongside any application for external funding support, and applicants may want to consider this when they are drafting a Business Plan in support of their application, to avoid duplication of effort.

The following outlines the structure of a Business Plan, which we expect applicants to follow:

- **Project Objectives:**
 - A statement of the objectives/outcomes the project is to accomplish;
 - The plan for reaching them and the reason why they are attainable;
 - Consistency with Council objectives/outcomes;
 - Means of measuring performance against objectives/outcomes (tell us what the benefits are perceived to be, and how these will be measured).
- **Project Feasibility:** An assessment of whether and how the proposed project can be developed / delivered to meet its objectives given the demand for it, the context it will operate in, and the resources available. Feasibility will also outline the steps that need to be taken to progress the proposal from idea to reality. It should demonstrate:
 - The level of demand;
 - Prove that the proposed project will not duplicate activities, services or facilities already provided in the local community;
 - The potential to generate income;
 - Copies of recent accounts (if available);
 - Appropriate financial forecasts;
 - The availability of financial support for implementation (if required);
 - An understanding of what is needed (skills, finances and other resources) to run and maintain the project when complete;
 - The level of involvement of volunteers;
 - An assessment of the extent of existing provision in the local market (where the applicant is engaged in a commercial venture);
 - The approach to managing the design and construction process if the proposal includes capital works.
- **Constitution and Governance:**
 - Outlining the legal structure of the body that will take forward the proposal (who makes the decisions and how these are made)
 - Providing information on the capacity and skills of the organisation to manage and implement the proposal (including CV's where appropriate);
 - We also need information on what would happen to an asset if the applicant's organisation ceases to exist
- **Viability:**
 - Demonstration of how the project will cover all its costs with income over a specified period. Usually three to five years, although this may need to be longer depending on the nature of the project (e.g. if loans are proposed for capital works) including a financial breakeven and sensitivity analysis);
 - Setting out how assets will be managed to a high standard (covering insurance, statutory compliance, security, Health and Safety etc.).
- **Sustainability**
 - Demonstrating how the asset will be maintained and operated by the organisation for the foreseeable future, showing how the project can continue in the long term. In considering an application we will want to know that applicants have the ability and capacity to maintain and operate the asset for the foreseeable future, including succession planning.

It is expected that the initial assumption in any Business Plan will be that the asset will transfer at market value. It will be incumbent on the applicant to demonstrate, through the Business Plan, why there is a financial deficit that results in a requirement for transfer at less than market value.

How the applicant intends to use the asset

Applicants must clearly demonstrate that the transfer of the asset is to provide services or facilities that will meet the needs of the local communities or directly benefit local residents. The council will expect each proposal to explain the proposed use of the building and how the asset transfer would enable and enhance the activities within the community; i.e.:

- Demonstrate that the asset will support community and voluntary activities in the area.
- For assets that are still in use, we may want to know how existing users would be able to continue their use of a property;
- Outline the future opportunities for enhancing the use of the asset as a community facility that transfer would bring;
- Identify opportunities for using the assets to develop and provide new and innovative services, which may be linked to current council service provision.
- Applicants will need to give us details of how they intend to alter the property, and how they will pay for this.

Demand for the proposed use, engagement with and support from the local community

We expect applicants to identify a clear community/social demand for the transfer, and to demonstrate how that demand has been identified through engagement and consultation in the local community. We will be looking for evidence of community support for the transfer. This has to be obtained through consulting any existing building users, other community groups and other stakeholders from within the community. Applicant's research should demonstrate that the proposal is the best approach to address the identified demand.

There may be differences of opinion within communities, and the council do not expect unanimous support for a proposal. However, one of the intended benefits of community ownership and community-led activity is to increase community cohesion and resilience. A scheme that attracts substantial opposition and causes division in the community may not have a net benefit.

If the request is from a body representing a community of interest, they must show how they have engaged with the geographic community in the area where the asset is located.

The applicant's organisation

To make an asset transfer request, an organisation needs to be a community transfer body, as defined in Section 77 of the Act. Beyond that basic legal requirement, we will have to be satisfied that the applicant has the necessary expertise and resources to deliver the project/activities outlined in the application. Applicants must:

- Demonstrate that they have the skills and capacity to manage the asset.
- Show that they have good governance and robust financial systems in place, and be able to demonstrate that all necessary policies expected of a community group, such as training plans, Health and Safety policies, compliance with relevant equalities legislation, etc., are in place.
- Show that they fully understand the risks associated with the project, and that they have the expertise and processes in place to manage them.

Alignment to council's priorities and functions

The council will consider how any benefits relate to other matters the authority considers relevant, including, in particular, the functions and purposes of the authority. In many cases, the proposed benefits of an asset transfer request will contribute to achieving the council's outcomes or to national outcomes more generally. However, there may be cases in which agreeing to the request would have an unacceptable impact on the council's ability to deliver its functions (including a loss in revenue and/or capital income). This could be a direct impact, for example because the proposed activities would physically interfere with the council carrying out its operations. There may also be cases 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 Single Outcome Agreement. Details of these can be found on the council's website or upon request from the council's Community Empowerment and Property Modernisation Officer at propertymanagement@westlothian.gov.uk.

Obligations and restrictions

Another matter to be considered are any obligations that may prevent, restrict or otherwise affect the council's ability to agree to the request, whether these arise from legislation or otherwise. These will be explained to the community transfer body as early as possible, as they may influence their decision if the property is suitable for their needs.

If an obligation imposes an absolute ban on the transfer of the rights sought by the community transfer body, or on the use they propose for the asset that would be reasonable grounds for refusal.

If it would be inclined to agree to the request, and, if appropriate, considers it would meet the requirements for removing the restrictions, the council can then investigate the possibility of doing so.

Community benefits and transfer value

Changes in legislation mean that councils are no longer required to obtain best consideration (full market rent or price) when disposing of assets where a community-led applicant has been able to make a robust case showing how the transfer is likely to benefit the local community. However, any transfer must contribute to the promotion or improvement of one, or more of the following:

- Economic development or regeneration
- Public health
- Social well-being
- Environmental well-being
- Reducing inequalities of outcomes for socio-economic disadvantage

The procedure for such transfers is set out in the 'Disposal of Land by Local Authorities (Scotland) Regulations 2010 (the Regulations). In order to allow transfers to take place at less than best consideration, the council has to be satisfied that the provisions of the Regulations can be appropriately met. In such cases the level of discount to be applied will be determined, principally, by the potential benefits to the community.

As noted above we expect the proposal to have the support of the local community. If an application seeks the transfer of the asset at less than the established market value, we will also need a demonstration of the projected community benefit. This will result in a financial figure

that must equal the difference between the established market value and the suggested transfer value.

The exact model for evaluating community benefit will vary to ensure it is proportionate to the scale of the proposed transfer. Advice and support can be offered by council officers in the pre-application discussions on the form of evaluation and the level of detail that will be required in any community benefit evaluation, but the following criteria is designed to give an indication of the scale of reporting required.

- Assets with a market value below £10k (or annual rental value of £1,000): Evaluations must include a narrative clearly demonstrating that community benefits will be delivered that fit under one or more of the following headings: economic development or regeneration, public health, social well-being, environmental well-being or reducing inequalities of outcomes for socio-economic disadvantage. It is not expected that a financial evaluation of these benefits will be included.
- Assets with a market value between £10k and £200k (or annual rental value of £1,000 to £20,000): Evaluations must include a narrative to clearly demonstrate that community benefits will be delivered that fit under one or more of the following headings: economic development or regeneration, public health, social well-being, environmental well-being or reducing inequalities of outcomes for socio-economic disadvantage. A financial evaluation of these benefits must be included. The exact model used to conduct the evaluation will be determined by the community transfer body, and ideally will have been agreed by both parties at the pre-application stage.
- Assets with a market value over £200k (or annual rental value of over £20,000): Evaluations must include a detailed narrative to clearly demonstrate that community benefits will be delivered that fit under one or more of the following headings: economic development or regeneration, public health, social well-being, environmental well-being or reducing inequalities of outcomes for socio-economic disadvantage. A financial evaluation of these benefits must be included. The exact model used to conduct the evaluation will be determined by the community transfer body, and will have been agreed by both parties at the pre-application stage.

Whilst every asset transfer request will be considered individually on its merits and in accordance with statutory requirements, the council will typically expect the community transfer body to pay either the established full market value of the property, or that value less an appropriate discount that reflects the non-financial community benefits that the proposed project would deliver.

Terms of the asset transfer (tenure)

The tenure under which an asset transfer may include:

- the transfer of management responsibility for an asset through a service level or management agreement;
- a short or long term lease arrangement, or
- transfer of outright ownership.

The selected means of transfer will reflect the requirements of both the applicant and the council, so each proposal will be different. In all cases involving transfer of ownership/occupation, appropriate legal mechanisms will be put in place to protect the Council's responsibilities as stewards of public assets. This may include restrictions on changing the use of the asset from the purpose for which transfer was originally intended.

From the date of any transfer, by whatever means that transfer takes place, the community transfer body will become immediately and entirely responsible for the payment of all costs associated with their occupation and use of the property. The council shall cease to have any financial or operational commitments relative to the property from the date of transfer. This will include generally, but will not be limited to, costs relating to the following:

- the upkeep, repair and maintenance of the asset;
- alterations or improvements to the asset;
- all running costs (including utilities, rates liabilities and insurances);
- statutory compliance and health and safety requirements.

If the request is for land which is leased to the council by another relevant authority, in certain circumstances restrictions in the lease do not apply. The circumstances are that:

- the land is leased by one relevant authority, or a company wholly owned by a relevant authority, to another relevant authority
- the request is for lease or a right of occupancy of the land, and
- no other person is entitled to occupy the land.

In this case, any restrictions in the lease which restrict the ability of the council to sub-let or share occupancy of the land, or restrict how the land may be used, do not prevent the council agreeing to lease the land to the community transfer body or allow them to occupy the land. This does not affect any restrictions on the power of the council to assign or transfer rights and liabilities under the lease, and the Council continues to be subject to any obligations under the lease.

Terms of the asset transfer (funding)

Applicants will be compelled from the pre-application stage onwards to undertake investigations into how the asset transfer will be funded both in terms of capital and revenue requirements.

Beyond any discounted market value that may be agreed for the sale or lease of the property, the council will not provide any additional revenue or capital funding in support of the proposed asset transfer project, other than by virtue of the community transfer body making a successful bid into general community grant funds that are administered by the council and that are accessible to all community groups (for example the Placed Based Investment Fund).

Subsidy control considerations

All asset transfers must comply with subsidy control rules. A disposal at less than market value may constitute a subsidy and there are tests that need to be considered in order to establish whether or not that is the case. Applicants should liaise with the council's Community Empowerment and Property Modernisation Officer to clarify any issues around subsidy control.

Costs and council officer support

The council will work in partnership with community transfer bodies to help them through the asset transfer process. This will include the provision of information, guidance and the support from the council's Community Empowerment and Property Modernisation Officer.

It is recognised that there will be costs associated with any asset transfer proposals and applicants will be expected to pay these. Costs may include:

- Valuation fees;
- Feasibility studies;
- Architects' fees;
- The applicant's legal fees;
- Consultancy fees.

These are the costs that the community transfer body may incur when contracting independent, professional advisors to help them with the transfer. These must be considered when developing a plan for community asset transfer along with the ongoing costs of maintaining an asset.

There are a range of funding options available which can enable community groups to purchase assets from the council. These can involve grants, borrowing and fundraising and it is important that a group investigates these in full. Where commercial borrowing is considered, repayments will need to feature in the Business Plan. A lenders requirement for security may also influence the method by which an asset is transferred.

In each case the council can help applicants to identify the appropriate sources of financial help, or guide them towards those who may provide help.

Other issues

There are a range of other issues that need to be considered and community groups should take independent advice on these before proceeding with their application. These include:

- Skills and experience to manage statutory requirements of property ownership with public access
- Tax liability in respect of VAT and corporation tax
- Nature of any contractual relationship to be entered into with the council for the provision of goods and services
- Voluntary / community organisation taking on staff 'assigned' to an existing organisation or contract (or part of).

11. Criteria for assessing requests

How the Council will assess an application

The council has put in place a consistent, compliant and transparent corporate process for assessing the benefits, costs and risks of the transfer of responsibility associated with asset transfer. That evaluation process considers how the proposed asset transfer request contributes to the established themes of Best Value.

During this process the council will engage with applicants to ensure a clear understanding of the exact nature of the proposals. An assessment of the benefits of the proposal will be prepared by the CATB using a standardised scorecard approach, which in turn will form the basis of the CATB's report to the ATC. A link to the CATB's standardised scorecard is provided at section 20 of this guidance note under "Further Information".

The process will be led by the council's Community Empowerment and Property Modernisation Officer. During this process the council will engage with applicants, through dialogue and/or meetings, to ensure a clear understanding of the exact nature of the proposals.

This assessment will inform both the legal means by which a transfer can take place (including the value at which the asset can be transferred) and the CATB's report to the ATC.

The council will fully consider all asset transfer requests on their own merits in accordance with Scottish Government guidelines. As suggested in those guidelines, an application is likely to be recommended for refusal when the benefits of the asset transfer 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), or where agreeing to the request would restrict the council's ability to carry out its functions.

Asset transfer requests that would result in the council losing existing or projected revenue or capital income may result in a recommendation to the ATC for refusal on the grounds that any loss of income will restrict the council's ability to carry out its functions.

Understanding Best Value

The council has a requirement to ensure resources are being put to good use by demonstrating 'Best Value'. Best Value is the requirement to ensure continuous improvement in performance whilst maintaining an appropriate balance between effectiveness and economy. It also requires due regard to equal opportunities requirements, and to contribute to the achievement of sustainable development.

There are seven Best Value themes and public bodies across Scotland have a duty to secure Best Value for public money and can sell, or lease, at less than market value where there are wider public benefits to be gained from a transaction. The matters which the council must consider include the following types of benefit:

- Economic development
- Regeneration
- Public health
- Social wellbeing
- Environmental wellbeing
- Reducing inequalities of outcome from socio-economic disadvantage
- Any other benefits that might arise through the alternative use of the asset.

Asset transfer at less than market value is justified when these additional benefits empower communities and align with local and national priorities to enable the delivery of Best Value across the public sector as a whole. Such benefits are likely to align with one or more of the Scottish Government's National Outcomes, which all Scottish public authorities are required to have regard to in carrying out their functions. They may also contribute to the council's policy objectives or local priorities are determined through Community Planning, but the value of benefits should be judged on a broad basis, not only in relation to the particular authority to which the request is made.

When the price offered in an asset transfer request is less than the market value of the property, the council will need to consider whether the proposed benefits to be delivered by the community transfer body justify the proposed discount. This will be based solely on the analysis of the information included in the request. The benefits of the request should be proportionate to the value of the asset and the level of discount, with an appropriate level of information to support the application. Any decision to transfer an asset must represent good use of public resources.

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

Best Value themes should be explored with the evidence provided on those relevant to the application used to evaluate the strength of the case being made, including the sustainability of the proposal in the longer term. The request should include information on both qualitative and quantitative benefits that will be delivered as part of the proposal.

Assessment of outcomes

It is recognised that measuring the value derived from community activity is not straightforward, especially for qualitative outcomes which may only be apparent in the long term, or cannot be directly attributed to one particular intervention. A number of methodologies have been developed for measuring social impact, including Social Return on Investment, Social Audit and others.

In reviewing each request, the following matters, though not exhaustive, will be considered:

1. Value to council in existing use
 - feasibility and cost of relocation of services elsewhere
 - potential revenue savings arising from transfer
2. Value for alternative use/redevelopment
3. Value for proposed and other community purposes
4. Level of community benefits
 - extent of community served
5. Nature of benefits to be delivered
 - links to council's corporate priorities and outcomes
 - community need/demand for the services
6. Likelihood that benefits will be delivered over a 5-year period
 - strength of organisation
 - sustainability of business plan/project
 - sources and level of funding support
7. Impact of project failure
 - to surrounding local environment
 - to reputation of the parties
 - to the service users/Council's objectives

The strength of the proposals will then be considered against the financial implications of any decision both for short-term budget planning and long-term asset strategies. This will include the consideration of the current use of the asset and any consequent implications that could arise from the transfer of the asset. A larger discount will require a stronger and more detailed case to be made with an appropriate level of benefits demonstrated effectively.

12. Multiple requests for the same property

While we expect community-led organisations to work together to achieve locally agreed objectives it is recognised that there may be occasions when two or more organisations are interested in the same asset. In these circumstances each will be expected to complete an

application, and demonstrate engagement with, and the support of the local community for their proposal.

Each asset transfer request that is received must be processed in line with the procedures and timescales, even if further requests are received for the same land before the first has been concluded. There is no provision for the council to delay a decision on one request until it has considered another, unless the community transfer body making the first request has agreed to an extension of the timescale. Ideally, all community transfer bodies interested in a particular property would work together to submit a single request, but this is not always practical.

Each asset transfer request that is received prohibits the council from disposing of the land to anyone other than the community transfer body making that request, until it has been completed. Where there are multiple requests for the same land, this could result in overlapping prohibitions. The ultimate disposal of the land could not take place until all requests have been concluded, including any appeals.

The prohibition on disposal does not apply if the land has already been marketed or negotiations for transfer have begun before any asset transfer request is received. In this situation the council will keep the community transfer body informed of the progress of that process, so they can understand how this may affect their request.

13. Power to decline repeat requests

The Act allows the council to choose not to consider a request which is the same or very similar to a previous request which was refused. This applies if the new request relates to the same land or building, and seeks the same type of transfer, as a request made in the previous two years, which was refused. Declining to consider a request under these circumstances does not count as a refusal of the request and therefore is not eligible for appeal or review. Where a repeated request is declined, the council will write to the community transfer body to advise them of the situation and the reason for declining the request.

14. Decision Notice

Having made its decision, the council must issue a decision notice to the community transfer body setting out its decision and the reasons for it. This must be done within six months from the validation date, or a longer period if agreed between the council and the community transfer body. If no decision notice is issued within this time, the community transfer body has the right to request a review or appeal to the Scottish Ministers, as appropriate.

Longer periods may be required for complex requests or where another process is required to remove a restriction on the relevant authority. In such cases the council will advise the community transfer body of any potential delays at the earliest opportunity, and seek their agreement to an extension to the time period. An extension should always be agreed before the prescribed period expires.

The information to be provided in a decision notice must do the following:

- state the date on which the asset transfer request was made
- identify the community transfer body which made the request
- identify the land to which the request relates
- set out the council's decision to agree to or refuse the request
- set out the council's reasons for its decision
- contain notification of the right of appeal or review, how an appeal or application for review may be made, and the date by which it must be made.

And if the request is agreed:

- specify the terms and conditions on which the council is prepared to transfer ownership, lease the land or confer the rights requested
- state that, to proceed with the process, the community transfer body must submit an offer,
- specify the period within which the offer must be submitted (this must be at least 6 months from the date of the decision notice)

An asset transfer request must be agreed unless there are reasonable grounds for refusal: it is the decision notice that will set out those grounds, and if the community transfer body does not believe they are reasonable they may appeal or seek review of the decision. In particular, if a request is refused because an alternative proposal is preferred, the decision notice will describe the alternative proposal and how it was considered to provide greater benefits. The council's intention is for this process to be as transparent as possible and reasons will be given for any key information that is withheld, for example on grounds of commercial confidentiality.

If the request is agreed, the reasons may simply be that there were no reasonable grounds for refusal. However, if there were alternative proposals for the property, or objections to the transfer, the reasons might set out why the community transfer body's proposals were favoured.

The decision notice will be sent to the community transfer body at the contact address, and published online. The council will also inform anyone who made representations (and provided an address) of its decision and where the decision notice can be seen.

Notification of the right of appeal or review

As with the acknowledgement letter, the decision notice will advise the community transfer body of the type of appeal or review that is available to them. This notification will explain the circumstances, in which the appeal or application for review can be made, i.e. if the request has been refused, or if it has been agreed, in case the terms and conditions are significantly different from those in the request. Notification will also state who the appeal or application for review should be made to, with the address it should be sent to, and refer the community transfer body to the guidance on how to make the application. Any appeal must be made within 20 working days beginning with the date of the decision notice.

Terms and conditions for transfer

The terms and conditions (including price or rent) on which the council would be prepared to agree to the transfer may be the same as or different from, any terms and conditions set out in the request, or may add to those in the request. However, if they are significantly different the community transfer body may apply for a review or appeal against them.

The terms and conditions set out in the decision notice form the basis of the offer to be made by the community transfer body, and subsequent negotiations to conclude the contract for transfer. They will therefore be detailed enough for the community transfer body to decide whether or not they are willing to agree, and to write a meaningful offer.

The terms and conditions set out in the request will cover any issues that are key to the community transfer body's proposal; those set out in the decision notice will add anything the Council considers essential. They will also clearly include anything that may affect the community transfer body's ability to deliver their proposals or secure funding, such as any restrictions on use or conditions requiring repayment if benefits are not delivered.

The decision notice may be conditional on a range of factors, such as the community transfer body securing funding, planning permission or confirmation of charitable status.

15. After agreement

Community transfer body's offer

The Act sets out the next steps after a relevant authority has issued a decision notice agreeing to an asset transfer request. The same process applies whether the request was agreed to initially or following a review or appeal.

In response to the decision notice, the community transfer body must submit an offer to take ownership of the land, lease it or take up the rights covered by the request. They must do this by the date stated in the decision notice, which has to be at least 6 months from the date of the decision notice. The offer must reflect the terms and conditions set out in the decision notice; if those terms and conditions are significantly different from those included in the request, and are not acceptable to the community transfer body, they can appeal or request a review. The offer can also include other reasonable terms and conditions that may be needed to make sure the transfer goes ahead within a reasonable time.

If no offer is made by the date set in the decision notice, (and the community transfer body did not appeal or request a review in relation to the terms and conditions within 20 working days of the decision notice), the process is at an end. The agreement to transfer the property to the community transfer body has no further effect, and the authority is free to keep it or dispose of it as it wishes.

The community transfer body can, of course, submit their offer at any point after the decision notice is issued. It may take much less than six months in straightforward cases.

Conclusion of contract

Once the council has received the community transfer body's offer, there can be further negotiations between both parties to conclude the contract. If the request is for ownership or a long-term lease this will be like any other property transaction, with exchanges between lawyers to agree the final wording, although for other rights the process may be much simpler.

The contract must normally be concluded within 6 months of the date of the community transfer body's offer. This does not mean the transfer has to take place within that time, but the date for the transfer, the price or rent and any other terms and conditions must be agreed. The contract may be conditional on other factors that are needed to allow the community proposals to go ahead, such as confirmation of funding or planning permission.

No contract concluded

If no contract is concluded within 6 months of the offer, and no other action is taken, the process is at an end. The community transfer body has no further claim on the property, and the council can keep it or dispose of it as they wish. Sometimes this is by mutual consent – circumstances may change, funding or other requirements may not be secured, and it may no longer be practicable to take the project forward. However, if the community transfer body believes there is still progress to be made, they can act to keep the request alive.

There are three options available to the community transfer body to keep the asset transfer request going beyond 6 months after the offer date:

- agree an extension with the council,
- apply to the Scottish Ministers for a direction to extend the period, or
- appeal to the Scottish Ministers, under section 83(6), to determine the terms and conditions of the contract, which the relevant authority can be required to accept.

An application to the Scottish Ministers for an extension must be made between 6 weeks and 4 weeks before the end of the 6 month period. The community transfer body must first try to agree an extension with the council, so this may be raised around 4 months into the negotiations. An extension can be agreed at any point, and need not be used if the contract is concluded sooner than expected. There is no limit on how long the extension may be, but there must be an end date.

If the end of the period is reached, either the original 6 months or an extended period, and no contract has been concluded, the community transfer body can appeal to the Scottish Ministers. This must be done within 10 working days of the end of the period.

Application to Scottish Ministers for an extension

The community transfer body can apply to the Scottish Ministers for a direction to extend the time allowed to conclude a contract in relation to an asset transfer request. The community transfer body must make its application between 30 working days (6 weeks) and 20 working days (4 weeks) before the end of the period of 6 months from the date of the community transfer body's offer.

At the same time as making the application to the Scottish Ministers, the community transfer body must send a copy of the application to the council. The council will have 10 working days to send any comments to the Scottish Ministers and the community transfer body.

Having considered the application and any comments made by the council, the Scottish Ministers will decide whether or not to make the direction as requested. The direction will be copied to both the council and the community transfer body, and will state the period within which the contract must be concluded.

16. Reviews and Appeals

A community transfer body can seek a review or appeal if:

- their request is refused,
- the request is agreed, but the terms and conditions in the decision notice are significantly different from those in the request,
- no decision notice is issued within the required period or
- once an asset transfer request has been agreed, no contract has been concluded within the period allowed.

The community transfer body can apply for an internal review by the council's Asset Transfer Review Body (ATRB). That application for review must be made in writing to the council within 20 working days of the date of the council's decision notice and the ATRB must undertake its review and issue a further decision notice within 6 months of the date of review application.

If the outcome of the internal review does not resolve the issue, or if no decision is made within the required period, the community transfer body can then appeal directly to the Scottish Ministers. The community transfer body must send a notice of appeal in writing to the Scottish Ministers within 20 working days of the date of the council's decision notice. There is no defined timescale for the determination of appeals by the Scottish Ministers.

In all cases the final decision lies with the Scottish Ministers. There is no further route of appeal beyond them (except by judicial review).

17. Annual Reporting

The Act requires the Council to publish an annual report setting out the numbers of asset transfer request received and their outcomes. The report must state:

- how many asset transfer requests were received
- how many requests were agreed to or refused
- for requests agreed to, whether they resulted in transfer of ownership, lease or conferral of other rights
- for appeals relating to requests made to the relevant authority, how many have been allowed, dismissed, or have resulted in any part of the authority's decision being reversed or changed
- where decisions made by the authority have been reviewed, how many have been confirmed, modified or substituted by a different decision.

The report must also describe anything the relevant authority has done to promote the use of asset transfer requests and support community transfer bodies to make requests.

Annual reports cover each year from 1 April to 31 March and must be published by 30 June. The report will show the number of requests received in that year and the numbers agreed to or refused in that year.

The council's Community Asset Transfer Annual Report will be prepared by the Community Empowerment and Property Modernisation Officer and reported annually to the Council Executive by the Head of Finance and Property Services prior to publication.

18. Surplus Property Procedure

The council's updated Surplus Property Procedure was approved by Council Executive on 12 December 2023. The purpose of the Surplus Property Procedure is to:

- a) Provide a consistent, transparent and compliant process that ensures surplus property assets can be disposed of efficiently and effectively, minimising vacant property holding costs and securing the best terms reasonably obtainable for the council.
- b) Establish that the disposal of surplus property assets is agreed as being a commercial exercise, the primary aim of which is to secure the best consideration reasonably obtainable for the council, either by way of a capital receipt or commercial rental income, or disposal in accordance with the 2010 Regulations, securing Best Value.
- c) Establish a link to the council's approved Community Asset Transfer Policy through which any community or third sector organisation seeking to acquire or occupy council property on concessionary terms, or who wish "community benefit" to be taken into consideration, should pursue their interest by way of a community Asset Transfer Request under the provisions of Part 5 of The Community Empowerment (Scotland) Act 2015.

Accordingly, any community transfer body interested in acquiring council land or property and who wish to do so on concessionary terms or who wish community benefit to be taken into consideration shall be required to pursue their interest via the council's approved Community Asset Transfer Policy and its supporting governance arrangements.

Where the council is disposing of a property that has been formally declared surplus by the Council Executive in accordance with the approved Surplus Property Procedure, community benefit will only be taken into consideration where it forms part of a validated community asset transfer application.

Notwithstanding the provisions of the Act, the council will not delay or postpone the disposal or marketing of a surplus property to afford a community transfer body additional time to prepare and submit a community transfer application.

In order to raise awareness amongst any community groups with aspirations to explore community ownership and/or asset transfer, details of surplus properties are provided on the council's community asset transfer webpage.

19. Common good property

Common good is property owned by a local authority which has been passed down, through local government reorganisation, from former burghs. Those burghs would have received it as a gift or purchased it. It includes land and buildings, and moveable items such as furniture and art. It may include cash where property has been sold, and income received from the leasing of common good property.

Part 8 of the Act imposes duties on local authorities in relation to common good property and seeks to increase transparency about the existence of common good assets and to ensure there is community involvement in decisions taken about their identification, use and disposal.

The Act places a duty on local authorities to “establish and maintain a register of property which is held by the authority as part of the common good.” The first version of the council's Common Good Register was approved for publication by Council Executive on 22 March 2022 and supporting governance arrangements for the management of common good property were subsequently approved by Council Executive on 25 October 2022. The register is, by definition, a live and continually evolving document as properties are added to or removed from the register.

Community asset transfer requests that involve common good property must take cognisance of the statutory requirements of the Act and the council's approved procedures for the management of common good property and their supporting governance arrangements. Any decision notice issued by the council will require to take account of those statutory requirements.

20. Useful contacts and further information

West Lothian Council

- Community Empowerment and Property Modernisation Officer, Rachel Donald, rachel.donald2@westlothian.gov.uk, business mobile: 07979 724459.
- Strategic Property Asset Manager, Scott Hughes, scott.hughes@westlothian.gov.uk, business mobile: 07920 086282.
- Community Business Growth Advisor, Martin Thomson, martin.thomson@westlothian.gov.uk, direct dial: 01506 283089
- Community Regeneration Team Leader, Douglas Grierson, Douglas.Grierson@westlothian.gov.uk, business mobile: 07500 816852.

The Community Ownership Support Service (COSS)

COSS is a Scottish Government funded service that helps community-based groups in Scotland take on land or building assets for the benefit of their community. COSS also support local authorities and other landowners wishing to transfer a building or land asset into community ownership. COSS's service includes independent expert advice, information on good practice, and training.

For further information contact Fiona Taylor, COSS Advisor, fiona@dtascot.org.uk, business mobile: 07946 024029.

Voluntary Sector Gateway West Lothian (VSGWL)

VSGWL aims to build capacity in the voluntary sector; to support the development of both individuals and social enterprise. They can provide advice on issues such as: funding, governance, training, legal structure, start-up, staff and volunteer recruitment, monitoring and evaluation, and networking.

VSGWL is located at 20 - 22 King Street, Bathgate, EH48 1AX and can be reached by email: vsg@vsgwl.org or by telephone (01506) 650111.

Further information

The following additional information can be found on the council's Community Asset Transfer webpage at www.westlothian.gov.uk/article/34944/Community-Asset-Transfer

- West Lothian Council's Community Asset Transfer Policy
- West Lothian Council's Community Asset Transfer Request Form
- Community Asset Transfer Board Scorecard
- Scottish Government guidance for community transfer bodies
- Community Ownership Support Service (COSS) website
- Voluntary Sector Gateway West Lothian (VSGWL) website

(END)

Appendix 3: Key changes proposed under the updated policy

Proposed change	Relevant section of the policy document	Commentary and reasons for the proposed change
1. Information to be provided by the applicant	Section 3.4	<p>To enable the council to fully consider asset transfer requests and reach a competent decision within the statutory timescale, the updated policy suggests that community transfer bodies should be encouraged to provide the following additional supporting documentation as part of their application:</p> <ul style="list-style-type: none"> • Evidence of community engagement that demonstrates need and support for the proposed project. • A skills audit that evidences the community transfer body's ability to successfully deliver and sustain the proposed project. • A valuation report prepared by the Valuation Office Agency or an alternative appointed RICS Registered Valuer that confirms the market value of the property. The valuation date stated in that report will be no more than three months from the date of the asset transfer application. That valuation report will be instructed jointly by the applicant and the council and the associated costs will be shared equally between those two parties.

Proposed change	Relevant section of the policy document	Commentary and reasons for the proposed change
2. Price to be paid by the applicant to acquire the property	Section 5.3	<p>The Scottish Government's published guidance confirms that community groups should not assume that assets will transfer at a nominal value and points to the duty on local authorities to secure Best Value. The updated policy seeks to clarify that guidance.</p> <p>The updated policy makes it clear that every asset transfer request will be considered and assessed on its own merits and that applicants should expect to pay either the established full market value of the property, or that value less an appropriate discount that reflects the non-financial community benefits that the proposed project would deliver.</p>
3. Community Asset Transfer Board Scorecard	Section 6	The updated policy references the Community Asset Transfer Board's scorecard used to assess and score asset transfer requests and provides information on how to access a copy of that scorecard.
4. Surplus Property Procedure	Section 7	<p>The council's Surplus Property Procedure was updated and approved by Council Executive on 12 December 2023. The updated procedure establishes a link to the council's Community Asset Transfer Policy through which any community or third sector organisation seeking to acquire or occupy council property on concessionary terms, or who wish "community benefit" to be taken into consideration, should pursue their interest by way of a community asset transfer request.</p> <p>The updated policy seeks to reflect the provisions of the updated Surplus Property Procedure.</p>
5. Information on surplus properties	Section 7	In accordance with the provisions of the Surplus Property Procedure, the updated policy confirms that details of all properties that are declared surplus by the council will be listed on the council's community asset transfer webpage.

Proposed change	Relevant section of the policy document	Commentary and reasons for the proposed change
6. Common Good property	Section 8	The updated policy confirms that community asset transfer requests that involve common good property must take cognisance of statutory requirements and the council's approved procedures for the management of common good property and their supporting governance arrangements.

(END)

APPENDIX 6: Equality Relevance Assessment

1. Details of proposal	
Policy title	The Community Empowerment (Scotland) Act 2015 – Community Asset Transfer Policy & Governance Review
Lead officer	Scott Hughes (Strategic Property Asset Manage
Date relevance considered	14 March 2024
2. Does the council have control over how this policy will be implemented?	
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> No Legislation will influence Council Policy
3. Do you have evidence or reason to believe that this policy will, or may potentially:	
General Duties	Impact on equality (Yes or No)
Reduce or increase discrimination, victimisation or harassment against people covered by the equality protected characteristics?	No
Reduce or increase equality of opportunity between people who share an equality protected characteristic and those who do not?	No
Provide opportunity to improve good relations between those who share an equality protected characteristic and those who do not?	No
4. Equality impact assessment required? (Two Yes above = full assessment necessary)	
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> No
5. Decision rationale	
<p>The proposed policy and processes for Community Asset Transfer makes no discrimination on the grounds of gender, religion, ethnicity, age, or sexual orientation.</p> <p>The aims of the strategy is to ensure that opportunities for asset transfer and the determination of application is open, transparent and fair.</p>	

- No assessment required – process ends

Economy, Community Empowerment & Wealth Building Policy Development and Scrutiny Panel Timetable – 2024/25

Deadline for Submission of Items for Agenda	Committee Issue Final Agenda	Meeting Date	Venue
Tues 3 September 2024	Weds 4 September 2024	Tuesday 10 September 2024	Council Chambers
Tues 5 November 2024	Weds 6 November 2024	Tuesday 12 November 2024	Council Chambers
Tues 21 January 2025	Weds 22 January 2025	Tuesday 28 January 2025	Council Chambers
Tues 15 April 2025	Weds 16 April 2025	Tuesday 22 April 2025	Council Chambers
Tues 3 June 2025	Weds 4 June 2025	Tuesday 10 June 2025	Council Chambers

All meetings will be held at 9.30am unless otherwise advised

ECONOMY, COMMUNITY EMPOWERMENT AND WEALTH BUILDING

Workplan 2023-2024

Issue	Purpose	Lead Officer	Date	Referral to Council Exec
Community Asset Transfer Policy	To provide the panel with a review of the Community Asset Transfer Policy	Scott Hughes	26 March 2024	
NOLB Phase 3	To provide the panel with the Investment Plan for NOLB Phase 3	George Scott	26 March 2024	Y
Labour Market Intelligence	Presentation to the panel on the Regional Skills Assessment	Greig Robson (SDS)	26 March 2024	N
Voluntary Sector Update	To provide the panel with a six month update on the activity of the Voluntary Sector Gateway.	Alan McClosky	26 March 2024	N
Town Centre	To provide the panel with continued review and monitoring of Town Centre activity.	Stewart Ness	04 June 2024	N
West Lothian Investment framework	To provide the panel with a review of the Economic Strategy to look at key investment opportunities in West Lothian	Alice Mitchell	04 June 2024	N
Voluntary Sector Annual report and Update	To update the panel on the annual plan 23/24 for the Voluntary Sector and activity delivered during the year	Dougie Grierson/ Alan McClosky	04 June 2024	N
Voluntary Sector Funding	To update panel on the funding allocated to the Voluntary sector for 24/25	Clare Stewart	04 June 2024	N
2022/23 Financial Performance – Monitoring Report	To provide the Panel with an update on the financial performance of the Economy, Community Empowerment & Wealth Building (ECEWB) portfolio	Robert Young	Twice yearly	

Developer Contributions	To update the panel on the work towards collecting developer contributions for primary health capital works	Kate Hoper	04 June 2024	N
Arts, Cultural & Sports Update	To update the panel on the activity and work on going within the service	Alison Raeburn	04 June 2024	N
City Region Deal – Joint Committee & EMOC Minutes	To advise the panel on matters considered by the City Deal Joint Committee and Elected Member Oversight Committee	Alice Mitchell	Various Dates	N
Local Development Plan	To update panel on the progress of the LDP	Jim McGinley	various	Yes