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COUNCIL EXECUTIVE

WEST LOTHIAN COUNCIL COMMUNITY ASSET TRANSFER ANNUAL REPORT 2021/22

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to present Council Executive with a copy of the West Lothian Council Community Asset Transfer Annual Report for 2021/22

B. RECOMMENDATION

It is recommended that Council Executive approves the West Lothian Council Community Asset Transfer Annual Report 2021/22 for publication.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customer's needs. Making best use of our resources. Providing equality of opportunities. Being honest, open and accountable. Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Part 5 (Section 95) of the Community Empowerment (Scotland) Act 2015.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Community Asset Transfer has the potential to assist in supporting the delivery of all eight strategic outcomes contained in the Single Outcome Agreement.
VI Resources - (Financial, Staffing and Property)	Community Asset Transfer is being actively promoted as a voluntary means of driving efficiencies in support of the Transforming Your Council agenda, via the Empowering Communities work stream.
VII Consideration at PDSP	None.
VIII Other consultations	Governance Manager.

D. TERMS OF REPORT

D1. Background

Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act) came into effect on 23 January 2017. It provided community bodies with 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 was 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 was 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.

In response to that legislation and to ensure the council was compliant with the resulting mandatory procedural requirements, officers developed a Community Asset Transfer Policy, taking cognisance of best practice. The policy was approved by Council Executive on 28 November 2017.

To ensure statutory compliance and best value, the council's community asset transfer procedures were subject to an internal audit by the Audit, Risk and Counter Fraud Manager during the 2018/19 financial year. The findings of that audit were very positive, endorsing the established procedures and confirming them as being both compliant and effective.

D2. West Lothian Council Community Asset Transfer Annual Report 2021/22

Part 5 (Section 95) of the Act requires the council to publish an annual Community Asset Transfer Report for the period 1 April to 31 March. That report must contain specific information, including details of the number of community asset transfer requests received during the reporting period, how many of those requests were approved or refused and information relating to any appeals received. The report must also provide details of how the council has sought to actively promote community asset transfer and support those communities seeking to make an asset transfer request.

A copy of the West Lothian Council Community Asset Transfer Report for 2021/22 is included at Appendix 1 of this report.

D3. Asset Transfer applications received since the legislation came into effect

Table 1 below provides a summary of the community asset transfer applications received by the council since Part 5 of the Community Empowerment (Scotland) Act 2015 came into effect on 23 January 2017.

Table 1: Community asset transfer applications received since 23 January 2017

	Year					Total
	2017/18	2018/19	2019/20	2020/21	2021/22	
No. of asset transfer applications received by the council	1	0	1	2	*1	5
No. of asset transfer applications approved by the council	0	0	0	2	0	2
No. of asset transfer applications refused by the council	0	0	2	0	0	2

*Note: The community asset transfer application received during 2021/22 is a live application that will be determined by the Asset Transfer Committee during 2022/23 in accordance with statutory timescales.

E. CONCLUSION

Council Executive is asked to approve the West Lothian Council Community Asset Transfer Annual Report 2021/22 for publication.

F. BACKGROUND REFERENCES

Council Executive – 28 November 2017 – Community Empowerment (Scotland) Act 2015: Community Asset Transfer Policy and Governance Review

Part 5 (Section 95) of the Community Empowerment (Scotland) Act 2015.

Appendices/Attachments: Appendix 1: West Lothian Council Community Asset Transfer Annual Report 2021/22

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Donald Forrest,
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Date of meeting: 21 June 2022

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APPENDIX 1**WEST LOTHIAN COUNCIL COMMUNITY ASSET TRANSFER ANNUAL REPORT 2021/22****1. Introduction**

This Community Asset Transfer Annual Report has been prepared in compliance with the mandatory requirements of Part 5 (Section 95) of the Community Empowerment (Scotland) Act 2015. The report has been prepared by the council's Asset Manager as the Lead Officer for Community Asset Transfer and it covers the period 1 April 2021 to 31 March 2022.

2. Community Asset Transfer Requests Received

The council received one community asset transfer request during the period 1 April 2021 to 31 March 2022. That request is summarised in Table 1 below.

Table 1: Community Asset Transfer Requests received (1 April 2021 to 31 March 2022)

No.	Applicant	Subject Property	Proposed Use	Application Status
1.	St. John's Church, Linlithgow	The Low Port Centre, Blackness Road, Linlithgow	Church activities and a wide range of community activities, both existing and new.	Live application

3. Community Asset Transfer Requests Refused or Accepted

No community asset transfer requests were refused by the council's Asset Transfer Committee during the period 1 April 2021 to 31 March 2022.

No community asset transfer requests were accepted by the council's Asset Transfer Committee during the period 1 April 2021 to 31 March 2022.

The council completed one community asset transfer in 2021/22 that transferred ownership or the lease of land, or resulted in other rights in respect of that land being conferred on a community transfer body. That asset transfer saw ownership of the former Eastfield Training Centre, Eastfield Road, Fauldhouse transfer to the Fauldhouse and Breich Valley Community Development Trust (FBVCDT) following an asset transfer request that was lodged by FBVCDT in 2020/21.

4. Applications for Internal Reviews

The council did not receive any applications for internal review in respect of a decision taken by the Asset Transfer Committee in relation to an asset transfer request during the period 1 April 2021 to 31 March 2022.

5. Appeals of Decisions Taken

There were no appeals to the Scottish Ministers in respect of a decision taken by the Asset Transfer Committee or the Asset Transfer Review Body in relation to an asset transfer request during the period 1 April 2021 to 31 March 2022.

6. Promotion of the use of Community Asset Transfer Requests

The council's approved Community Asset Transfer Policy and its supporting governance arrangements are recognised as being both progressive and proactive. They encourage a corporate approach to the use of community asset transfer as a driver for positive change that has the potential to deliver benefits not only for our communities, but also for the council itself.

The council's Transforming Your Council agenda included a dedicated work stream entitled "Empowering Communities". The aim of that work stream was to encourage community groups to use asset transfer as a means of acquiring and operating community assets, including community centres, village halls and sports pavilions. That work stream has been supported by staff resources and a significant, dedicated capital investment budget for community-led asset transfer projects.

Throughout the year and despite the effects of the Covid-19 healthcare emergency, officers have undertaken a series of online one-to-one meetings with a range of community groups, to provide an introduction and insight into community asset transfer and its benefits.

The council as members of the Association of Chief Estate Surveyors (ACES) has discussed community asset transfer with a view to sharing information and learning from good practice across the 32 local authorities.

7. Support for Community Transfer Bodies making an Asset Transfer Request

The council's Asset Manager, and colleagues from Customer Services, Economic Development and Community Regeneration, have met with a range of community groups to explain the principles of asset transfer and to discuss the provisions of the council's Community Asset Transfer Policy.

Officers have worked with these groups to understand their individual aspirations and to provide tailored advice as to how the groups might best take their respective projects forward, be it through asset transfer, participation requests or another model.

In some instances, this partnership working has led to arrangements being made without the need for a formal asset transfer request. Examples include the granting of "community benefit leases" to community groups for the use of sports pavilions and land for the creation of community gardens.

In other instances, officers have provided property-specific information (e.g. ownership plans, condition surveys or asbestos reports), given expert advice on the preparation of business plans and worked as link-officers signposting groups to other sources of external support and funding. As a result of that practical support, there are a number of community groups currently preparing the ground and actively undertaking due diligence in advance of submitting an asset transfer request.

Officers have also established a positive working relationship with the Community Ownership Support Service (COSS) and will continue to work in partnership with COSS both on the development and promotion of community asset transfer across West Lothian and on specific proposals presented by individual community groups.

Table 4 below provides details of the community groups that officers have engaged with during the reporting period.

Table 4: Record of Community Engagement (1 April 2021 to 31 March 2022)

COMMUNITY GROUP	SUBJECT PROPERTY
1. Empowering Communities: Community Centres	
West Calder Community Centre Management Association	West Calder Community Centre
Polbeth Community Hub	Polbeth Village Hall
2. Empowering Communities: Sports Facilities	
Blackburn United Community Sports Club	Sports facilities at Murrayfield Park, Blackburn
Watson Memorial Bowling Club	Sports pavilion at Watson Park, Armadale
Armadale Community Football Club & Armadale Thistle	Sports facilities at Volunteer Park, Armadale
Whitburn Community Football Club	Sports facilities at KGV Park, Whitburn
East Calder Community Football Club	Sports facilities at East Calder Partnership Centre
Bathgate Community Football Club	Meadowpark Pavilion, Bathgate
Craigsfarm Community Hub	Craigshill Pavilion, Livingston
3. Community Asset Transfer: General Interests	
Craigshill Good Neighbourhood Network	Former Almondbank Library, Livingston
Whitburn Community Development Trust	Whitburn Library, Whitburn
Ladywell Good Neighbour Network	Former Cedarbank School, Livingston
The Larder	The Trindlyknowe Centre, Blackburn
St. John's Church Linlithgow	The Low Port Centre, Linlithgow
Broxburn & Uphall Development Group	Strathbrock Community Garden
Whitburn Community Development Trust	Whitburn Community Garden
Polbeth Community Council	Site of former West Calder High School
The Brock	19-21 North Bridge Street, Bathgate

8. Community Asset Transfer going forward

Going forward into the 2022/23 financial year and beyond, the council will continue to promote community asset transfer as an important means of delivering positive change across our communities. We will continue to support our communities, building capacity and developing confidence amongst those groups with an interest in asset transfer.

Our work on promoting asset transfer and our engagement with community bodies will support and link into the council's wider approach to Community Wealth Building and Local Place Plans.

Officers continue to be heavily involved in a significant amount of "pre-application" enabling work across a range of community-led projects and it is anticipated this work will result in further asset transfer requests being received during 2022/23.

In accordance with approved policy, all asset transfer requests received by the council will be evaluated by the Community Asset Transfer Officer Board and reported to the Asset Transfer Committee for determination.

6 June 2022