



COUNCIL EXECUTIVE

THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 - COMMUNITY ASSET TRANSFER POLICY & GOVERNANCE REVIEW

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek Council Executive approval for revisions to the council's Community Asset Transfer Policy and Procedures, Scheme of Administration and Scheme of Delegation to enable compliance with the Community Empowerment (Scotland) Act 2015 (Part 5).

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the provisions of the Community Empowerment (Scotland) Act 2015 (Part 5) relating to community asset transfer.
2. Approves the proposed changes to the council's existing Community Asset Transfer Policy, procedures and supporting governance arrangements as set out in this report, which are considered necessary to ensure the council is compliant with the requirements of the Community Empowerment (Scotland) Act 2015 (Part 5).
3. Notes the proposal to amend the council's Scheme of Administration to enable the creation of two new committees (the Asset Transfer Committee and the Asset Transfer Review Body) to enable implementation of the new Community Asset Transfer Policy, recognising that any amendment to the Scheme of Administration and population of any new committees will require approval by full council.
4. Approves amendments to the council's Scheme of Delegation to Officers whereby the Head of Finance and Property Services will be responsible for the development and implementation of the revised Community Asset Transfer Policy and procedures, with responsibility for asset transfer requests and reporting.
5. Agrees that the Head of Finance and Property Services will chair a Community Asset Transfer Board (Officer Board) which will be established to initially consider and administer applications, prepare reports and make recommendations to the Asset Transfer Committee.
6. Agrees that the Head of Finance and Property Services is provided delegated authority to update and amend as necessary the operational procedures and documentation that forms Appendices 1, 2, 4 and 5 of this report.

C. SUMMARY OF IMPLICATIONS

I Council Values

Being honest, open and accountable; making best use of our resources; and working in partnership.

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's existing asset transfer policy and associated governance arrangements will be updated to reflect legislative changes arising from Part 5 of the Community Empowerment (Scotland) Act 2015. An Equality Impact Assessment is included in Appendix 6.
III Implications for Scheme of Delegations to Officers	The Scheme of Delegation to Officers will be amended with the Head of Finance and Property Services being responsible for the development and implementation of community asset transfer policy and procedures. Responsibility for determining all asset transfer requests will rest with the new Asset Transfer Committee (or the new Asset Transfer Review Body in the case of applications subject to internal review). The Head of Finance and Property Services will Chair the new Community Asset Transfer Board (Officer Board) which will consider applications and make recommendations to the Asset Transfer Committee.
IV Impact on performance and performance Indicators	The transfer of property assets to community organisations at less than market value could adversely affect performance indicators for revenue income and capital receipts.
V Relevance to Single Outcome Agreement	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment; We live in resilient, cohesive and safe communities; Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.
VI Resources - (Financial, Staffing and Property)	<p>The transfer of property assets to community organisations at less than market value could reduce revenue income and capital receipts.</p> <p>Staff resources across a range of council services will be required in order to facilitate community group proposals, consider and process asset transfer requests in accordance with statutory procedures and ultimately to convey properties in the case of successful asset transfer requests.</p>
VII Consideration at PDSP	This report was presented to the Partnership and Resources Policy Development and Scrutiny Panel on 3 November 2017.
VIII Other consultations	Governance Manager, Legal Services, Operational Services, Planning Economic Development and Regeneration, Community Regeneration, Social Policy, Education,

D. TERMS OF REPORT

D.1 Introduction

Legislation has been introduced through Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act) that 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 new 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 new 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 enjoyed cross-party support on its journey through the Scottish Parliament and the provisions of Part 5 are now in effect. Those provisions give significant new rights to qualifying community groups and put substantial new procedural responsibilities on local authorities and other public bodies.

This report sets out proposed changes to the council's existing asset transfer policy and its supporting governance arrangements that are considered necessary to ensure the council is compliant with the requirements of the new legislation. The summarised information set out in this report is supported by a comprehensive Guidance Note for Applicants at Appendix 1.

This report was considered by the Partnership and Resources Policy Development and Scrutiny Panel on 3 November 2017. At that meeting officers addressed questions from elected members relating to proposed governance arrangements, the process for evaluation of asset transfer requests and the ability of the proposed new asset transfer policy to comply with statutory timescales. In light of those questions, this report has been updated to provide additional information and clarification in those areas.

D.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 will be 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 new 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 is 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. That procedure was approved by Council Executive on 28 March 2017.

D.3 The council's existing Asset Transfer Policy (prior to Part 5 of the Act)

The council's existing asset transfer policy was approved by Council Executive on 17 December 2013. That policy reflected Scottish Government best practice at that time and involves a two-stage application process. Stage 1 applications are considered by the council's Corporate Asset Management Board (CAMB) officer group, which seeks to consider the initial viability of the proposals and obtain services broad agreement in principle that the application can be supported.

Where a Stage 1 application is agreed to proceed by the CAMB the application progresses to Stage 2, where the applicant's full business case (including quantification of any community benefit) is considered and determined by Council Executive.

Under the existing policy and procedures, the Council Executive's decision is final and the applicant has no further rights of appeal or recourse.

The existing policy also provides that certain types of asset are considered unsuitable for transfer and applications relating to those assets will not be considered. The assets types that are currently exempt under the council's existing policy are:

- Assets that are key to the efficient and effective delivery of essential services, as long as the asset remains suitable and sufficient for purpose.
- Assets that form part of the Tenanted Non-Residential Property (TNRP) portfolio and provide an income stream to the council.
- Other non-operational properties, particularly development land, which support economic activity.
- Assets that have already been programmed for disposal, or which contribute to a funding package supporting capital investment contained in the council's capital programme. Disposals at less than market value would erode the capital programme and result in a requirement for increased borrowing, or a reduction in capital expenditure.
- Assets that have restrictive covenants on them, making them unsuitable for transfer.
- Houses, buildings and land held on the Housing Revenue Account.

In terms of any funding support that may be sought by the applicant from the council in relation to the proposed asset transfer, the existing policy provides that:

- The council is the funder of last resort.
- The applicant must demonstrate the reasons behind the funding gap, and that the costs have been managed.
- The council's contribution to capital costs should be no greater than 10% of the total project costs.

- Prudential Borrowing or annual revenue support must be affordable, i.e. contained within any annual savings that can be achieved that are in excess of those that have already been programmed. Annual revenue support should relate only to operational property costs.
- Projects should not be eligible for additional financial support from the council within a period of 10 years from the date of transfer.

The existing policy and procedures have been reviewed in context of Part 5 of the Act with a new Asset Transfer Policy and amended procedures now proposed to be adopted. These are set out in the following section D.4.

D.4 Proposed new Asset Transfer Policy

4.1 Policy context

The council's proposed new 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.

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 the new 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 new policy, its associated procedures and the supporting governance arrangements set out in this report have been specifically developed to ensure the council can competently comply with the statutory requirements of the new legislation. Under the council's existing asset transfer provisions, it would not be possible to fully assess applications and issue a competent decision notice within the statutory six month timescale. Further, the council's existing arrangements do not provide for an internal review by elected members, which is now a statutory requirement under the Act. Fundamental change to the existing policy and its supporting governance arrangements is therefore necessary.

Different options in relation to making committee decisions were considered. In particular, fitting asset transfer requests and reviews into existing committee remits was considered. One major factor is that these decisions are likely to be seen by the Standards Commission as a form of regulatory business and so different consideration and rules in the Code of Conduct apply. A second major factor is that a review committee is needed as well: it has to be separate and have separate membership from any committee making the first-stage determination.

It would be possible in administrative terms to use Council Executive for one of these two roles. However, Council Executive is very much a policy debating and policy-making committee, and it is not set up to deal with regulatory decisions and is not used to doing so. It is also the pre-eminent decision-making committee and so having a review committee overlooking its decisions is not an appropriate arrangement.

Some consideration was given to expanding the remit of Development Management Committee or Licensing Committee to include the first-instance decisions. However, those committees have a particular expertise and focus, and particular procedures to apply (such as the involvement of objectors and attendance of applicants and objectors). The asset transfer request rules do not fit readily into what these committees currently do.

Similarly, using the Local Review Body as the review committee was considered. However, that is very much a planning committee, set up as a legislative requirement with a statutory remit, and asset transfer request reviews do not necessarily fit with the current remit of that committee.

Setting up new committees should also help in acquiring a full knowledge of the decision-making procedures and criteria. It will also assist in keeping administrative responsibilities clear. For example, the caseload and agenda at Development Management Committee are driven by Development Management, whilst the asset transfer requests will be handled in Finance & Property Services, and the review stage through Committee Services. Having stand-alone committees also keeps open the option of adding participation requests into their remits should those become a regular feature of council business.

The workload for any committees involved is not expected to be too great. If the two new committees are established then their meeting arrangements will be framed so that they only meet as and when required. The approach taken for the West Lothian Planning Committee can be followed - monthly (or otherwise) meetings will be timetabled but cancelled unless there is a case to consider. Membership numbers on each can be restricted to avoid adding too much to the workload of too many members.

The proposed new asset transfer policy and its supporting governance arrangements will ensure full compliance with the provisions of the Act and provide an approved approach to asset transfer that is fit for purpose going forward.

This report aims to be as concise as possible and as such it does not seek to convey the detail of how every single procedural requirement will be addressed. The guidance note at Appendix 1 provides further detail and the FAQs at Appendix 2 are intended to help clarify matters relating to process and decision-making. Appendix 3 provides a comparison of the main changes between the existing and proposed new asset transfer policy and procedures.

4.2 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. Contrary to existing policy, the council cannot pre-emptively exclude any of its land or property assets from these legislative provisions.

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 to the ATC for refusal on the grounds that any loss of income will restrict the council's ability to carry out its functions.

4.3 Who is eligible to apply for asset transfer?

The legislation 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 Appendix 1 (Policy Guidance Note, Section 6).

4.4 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 information renders an application invalid. The required information is set out in the council's Asset Transfer Application Form, a copy of which is included as Appendix 4 of this report.

In the interests of consistency and completeness, community transfer bodies will be asked to submit asset transfer requests using that application form. To enable the council to fully consider asset transfer requests and reach a competent decision within the statutory timescale, community transfer bodies will also be asked to provide the following supporting documentation as part of their application:

- A copy of the organisation'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)

Further details on the level of information that applicants will be asked to provide is set out in Appendix 1 (Policy Guidance Note, Sections 9 and 10).

D.5 The Application Process

5.1 Pre-application discussions

Community groups will be 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 an 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 a relevant officer to act as the applicant's Key Liaison Officer (KLO). This officer will have experience in the particular field of activity that will be delivered from the asset (e.g. sports, community health etc.). The community transfer body, their KLO and the council's Asset Manager will then work in partnership to consider the asset transfer application.

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.

5.2 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 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 no more than 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.

In order to create a robust decision making process and in accordance with Scottish Government guidance, the council will bring 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 planning) to review and assess the application. This new group will be called the Community Asset Transfer Board (CATB) and will be chaired by the Head of Finance and Property Services.

The CATB will comprehensively assess applications against specified criteria then submit a report with recommendations to the Asset Transfer Committee (ATC), a newly created 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.

It is proposed that procedural arrangements for the new ATC should largely follow those that currently exist for other council committees. Elected members participating on the ATC in determining asset transfer requests will continue to be subject to the requirements of the Councillor's Code of Conduct.

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 the CATB report.

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 thereafter confirming that decision and the reason(s) behind it.

It is proposed that the council's Scheme of Delegations to Officers be amended such that the Head of Finance and Property Services will continue to be responsible for the development and implementation of the council's community asset transfer policy and procedures, with responsibility for determining all asset transfer requests now resting with the new Asset Transfer Committee (or the new Asset Transfer Review Body in the case of applications for internal review). The Scheme of Delegation will also reflect the appointment of the Head of Finance and Property Services as Chair of the new Community Asset Transfer Board.

5.3 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.

Accordingly, under the new policy, the community transfer body will have the right to seek an internal review by way of referral to a newly created Asset Transfer Review Body (ATRB).

The ATRB will act independently of the ATC and will comprise a different group of elected members from those who made the ATC's original decision. It is envisaged that procedural arrangements for the new ATRB will follow the statutory procedures set out in the Act. Elected members participating on the ATRB in determining internal review applications will continue to be subject to the requirements of the Councillor's Code of Conduct.

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 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.

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).

It is proposed that council's Scheme of Administration be amended to enable the creation of the new Asset Transfer Committee and the new Asset Transfer Review Body in support of the revised asset transfer policy. Any such amendment to the Scheme of Administration will require approval by the full West Lothian Council.

5.4 Timescales for determination of an application

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

Action	Timescale
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.

D6 Terms of Asset Transfer

6.1 Transfer of Asset and Responsibility

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. Lottery or Sportscotland), the council is likely to 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.

6.2 Funding Support

In terms of any funding support that may be sought by the applicant from the council in relation to the proposed asset transfer, it is proposed that the provisions of the council's new asset transfer policy will be more prudent and rigorous in terms of assessment of need to those of the existing policy set out in D.3. The revised proposals relating to funding requests are as follows:

- The council can only be considered as the funder of last resort and applicants will be required to demonstrate that they have exhausted all other avenues of potential funding support.
- The applicant must demonstrate the reasons behind the funding gap, and that costs have been thoroughly reviewed and cannot be reduced.
- The council's contribution to capital costs will only be up to a maximum of 5% of the total initial project capital costs.
- Any proposals for borrowing or annual revenue support must be demonstrated as affordable, i.e. contained within any annual savings that can be achieved that are in excess of those that have already been programmed. Annual revenue support should relate only to operational property costs.
- Projects will not be eligible for additional financial support from the council within a period of 10 years from the date of transfer.

6.3 Price, Valuation and Non-financial benefits

The community transfer body must state in its application how much they are prepared to pay, 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 'Best Value' in their operations, including when disposing of or letting property. Best value does not always mean the highest possible price, and the council have 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 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.

D7 Criteria for Assessing Requests

Through the CATB, the council will 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.

That evaluation process will consider how the proposed asset transfer request contributes to the established themes of Best Value set out in Appendix 5 of this report. Each one of those themes will be explored with the evidence provided used to evaluate the strength of the case being made, including the sustainability of the proposal in the longer-term.

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, which will form the basis of the Asset Transfer report to the ATC.

D.8 Comparison of the proposed new asset transfer policy against the existing policy

The provisions of the council's existing asset transfer policy and those of the proposed new policy have been set out in detail in this report. Appendix 3 provides a summary of the how the proposed terms of the council's new policy compare to those of the existing policy. In addition to the comparison within Appendix 3, there are a number of Asset Transfer Policy and Procedure questions that have arisen during consultations that are provided for clarity on the officer responsibilities for key elements of implementation, and administration of the proposals.

E. CONCLUSION

The council is committed to working in partnership with our communities and empowering them to facilitate community ownership through the transfer of property assets.

Officers believe that the proposed changes to the council's existing asset transfer policy and its supporting governance arrangements set out in this report will enable the council to comply with the statutory requirements of Part 5 of the Community Empowerment (Scotland) Act 2015. The proposed asset transfer policy and procedures reflect the Scottish Government's published guidelines and in doing so are fit for purpose, proportionate, and transparent.

F. BACKGROUND REFERENCES

The Community Empowerment (Scotland) Act 2015 – Part 5

Report by the Head of Finance and Property Services (formerly the Head of Finance and Estates) to Council Executive on 17 December 2013 entitled "Community Asset Transfer".

Report by the Head of Planning, Economic Development and Regeneration Council Executive on 28 March 2017 entitled "Participation Request Process".

Appendices: Appendix 1: West Lothian Council Community Asset Transfer Policy – Guidance Notes for Applicants.

Appendix 2: Asset Transfer Requests: Policy Decision & Process FAQs

Appendix 3: Comparison of the proposed new asset transfer policy against the existing policy

Appendix 4: Asset Transfer Application Form

Appendix 5: Evaluation Framework: Community Asset Transfer Requests

Appendix 6: Equality Impact Assessment

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