



**COUNCIL EXECUTIVE**

**WEST Lothian Council COMMUNITY ASSET TRANSFER ANNUAL REPORT 2022/23**

**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 2022/23

**B. RECOMMENDATION**

It is recommended that Council Executive approves the West Lothian Council Community Asset Transfer Annual Report 2022/23 for publication.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customer's needs; making best use of our resources; providing equality of opportunities; being honest, open and accountable; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Part 5 (Section 95) of the Community Empowerment (Scotland) Act 2015.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	Community Asset Transfer has the potential to assist in supporting the delivery of all eight strategic outcomes contained in the Single Outcome Agreement.
<b>VI Resources - (Financial, Staffing and Property)</b>	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.
<b>VII Consideration at PDSP</b>	None.
<b>VIII Other consultations</b>	Governance Manager.

## **D. TERMS OF REPORT**

### **D.1 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 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.

### **D.2 West Lothian Council Community Asset Transfer Annual Report 2022/23**

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 2022/23 is included at Appendix 1 of this report.

### **D.3 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	2022/23	
No. of asset transfer applications received by the council	1	0	1	2	1	1	6
No. of asset transfer applications approved by the council				1		1	2
No. of asset transfer applications refused by the council			1	2		1	4

#### **E. CONCLUSION**

Council Executive is asked to approve the West Lothian Council Community Asset Transfer Annual Report 2022/23 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 2022/23

Contact Person: Scott Hughes, Asset Manager, Finance and Property Services

Tel. (01506) 281825, e-mail: [scott.hughes@westlothian.gov.uk](mailto:scott.hughes@westlothian.gov.uk)

**Donald Forrest,**  
**Head of Finance and Property Services**

**Date of meeting: 20 June 2023**