
ARGYLL AND BUTE COUNCIL

**POLICY AND RESOURCES
COMMITTEE**

COMMERCIAL SERVICES

15 OCTOBER 2020

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 UPDATE EXPRESSIONS
OF INTEREST / ASSET TRANSFER REQUESTS/PARTICIP**

buildings they feel they could make better use of. They can request ownership, lease or other rights as they wish.

Participation Requests (Part 3 of the Act) which came in to force on 1 April 2017. These are requests to public bodies which, if granted, enable communities to participate in decisions and processes which are aimed at improving outcomes.

EXPRESSIONS OF INTEREST IN POTENTIAL ASSET TRANSFER REQUESTS

4.2 There are currently sixteen (16) live Expressions of Interest (EOIs) relating to potential asset transfer requests (all active ppendix 1). It should be noted that the Council has continued to engage with community groups who the requesters have not taken steps to progress them further.

4.3 Not to a formal asset transfer request.

September 2020 who confirmed the original decision of the Asset Transfer Sub-Committee of Policy and Resources to refuse the Asset Transfer Request submitted by Kilmory Woodlands seeking a 99 year lease of part of Kilmory Home Farm for £1 per annum (in accordance with the recommendation of the Executive Director with responsibility for Commercial Services and the Asset Transfer Group). However, the sub-committee requested that Officers continue to work with Kilmory Woodlands to develop their proposals and options.

ISLE OF GIGHA HERITAGE TRUST ASSET TRANSFER REQUEST AND REVIEW

- 4.10 On 18 October 2018, IGHT submitted an asset transfer request in respect of Isle of Gigha Ferry Terminal Car Park seeking ownership of the asset at £1 per annum. The original ATR was inter alia in the following terms: ownership of the car park at the Gigha ferry terminal to use it as their primary access to provide camping and motorhome facilities at Ardminish on the Isle of Gigha.
- 4.11 On 16 May 2019 the standing sub-committee of the Policy and Resources Committee and the Executive Director of Commercial Services) refused the Asset Transfer

4.17 Asset Transfer Request Annual Reports are required to set out:

The number of requests received;
The number of requests agreed and refused;
The number of requests which resulted in a transfer of land, a lease or other rights;
The number of requests which resulted in a review or an appeal;
Whether those reviews or appeal resulted in a decision being confirmed, modified or substituted for another decision;

those making a request.

4.18 The Asset Transfer Request Annual Report for April 2019 – March 2020 is attached as appendix 3 of this report.

4.19 The Participation Request Annual Report is required to set out:

The number of requests received;
The number of requests agreed and refused;
The number of requests which resulted in changes to a public service provided by, or on behalf of, the public service authority; and
Any action taken by the public service authority to promote and support the use of participation requests.

4.20 The current Participation Request Annual Report is attached as appendix 4 of this report.

5. CONCLUSION

5.1 This report advises the Council on the operation, of the processes in regard to Asset Transfer Requests and Participation Requests in terms of the Community Empowerment Act 2015 and updates o Participation requests.

5.2 It is recommended that the Policy and Resources Committee notes the contents of the report.

6.0 IMPLICATIONS

6.1 Policy

Policy Lead Commercial Services: Aileen Morton

For further information contact:

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David Allan, Estates and Property Development Manager, 01436 657 620

Michael Nicol, Solicitor, Legal and Regulatory Services, 01546 604 468

APPENDIX 1 CURRENT EXPRESSIONS OF INTEREST

| | | | | |
|----|----------|------------------------------|---|--|
| 6. | 15.09,19 | Islay Development Initiative | Killarow stables, and the wider site, Islay | Transfer of ownership to build flats for key workers at process. |
|----|----------|------------------------------|---|--|

| | | | | | |
|------------|----------|--|--|--|---|
| 12. | 16.02.20 | Colintraive & Glendaruel Development Trust | Site 10, Land at Glendaruel | Transfer of Ownership - to develop multi-purpose hub for services currently absent from the rural community such as café /bistro | Estates are supporting developing a lease for a nature trail, while the group work on developing a larger business plan for the area |
| 13. | 29.05.20 | South Islay Development | Port Ellen School House | Requesting sale of asset to build a childcare facility to cater for children under 3 years | Traffic congestion and safe drop off issues have led the request for this venue to be withdrawn. Refocusing on using the Ramsay Hall as an alternative venue. |
| 14. | 29.05.20 | South Islay Development | Public Toilets | Transfer the Toilet block and merge facilities with their campsite toilet block | Initial discussion no firm proposals to date |
| 15. | 28.08.20 | Shed | Former toilets at Corran Halls Esplanade | Shed programme from the space | Initial discussions, arrangements for viewing underway |
| 16. | 05.10.20 | Rhu and Shandon Community Centre | Rhu Community Centre | Looking for formal lease to allow funding applications for upgrading facilities | Initial request received under investigation |

APPENDIX 2 - PARTICIPATION REQUESTS DURING THE PERIOD 1 APRIL 2019 TO 31 MARCH 2020

| Received from | Request details | Outcome |
|---------------|-----------------|---------|
|---------------|-----------------|---------|

5. PROMOTION OF THE USE OF ASSET TRANSFER REQUESTS

- 5.1 Officer takes an active role in engaging and working pro-actively with community groups to ensure they receive the support that they need to overcome any challenges they face

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| | inconsiderate parking around the town and a better flow of traffic as a result | be achieved. |
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4.0 PROMOTION AND SUPPORT

4.1 Promotion and Support - All information relating to participation requests is available <https://www.argyll-bute.gov.uk/find-out-more-about-participation-requests> and internal guidance was prepared for services who might receive requests, this is available on the HUB <http://intranet.argyll-bute.gov.uk/participation-requests>

4.2 In addition, the Scottish Community Development Centre have been commissioned by the Scottish Government to develop resources for communities around Participation Requests. They held the first of three focus groups in Oban on the 25th March the others had to be rescheduled due to Covid-19 and will take place in July. Participants attended from Oban, Mull and Campbeltown. The next two sessions will take place online.

5.0 CONCLUSION

5.1 The Council has met its obligations in relation to the implementation of part 3 of the Act.

6.0 IMPLICATIONS

- 6.1 Policy Statutory requirement to publish annual report
- 6.2 Financial None
- 6.3 Legal Statutory requirement to publish an annual report
- 6.4 HR None
- 6.5 Equalities None
- 6.6 Risk None
- 6.7 Customer Service None

Douglas Hendry Executive Director with responsibility for Commercial Services.

Policy Lead Cllr Robin Currie

Date of report 17 June 2020

For further information contact: Iain Jackson, Governance and Risk Manager 01546 604188