



Participation Requests and Community Asset Transfer Requests: Annual Report 2019 to 2020

Introduction

1.

In 2017, the Council adopted two new policies to meet the requirements of sections 3 and 5 of the Community Empowerment (Scotland) Act 2015, relating to the participation of community bodies in the improvement of Council services and the transfer of assets to community bodies, the latter commonly referred to as community asset transfer requests or CATs.

2.

Every year, the Council is required to report on activity which has taken place locally with regard to participation requests and CATs. In July 2019, the Council approved a combined annual report for 2018 to 2019 on Participation Requests and Community Asset Transfer Requests, which was published on the Council website. The current report covers activity during the year from 1 April 2019 to 31 March 2020.

Participation Requests

3.

Participation requests are an opportunity for communities to establish formal dialogue with public service authorities. They are not intended to replace good quality existing community engagement or participation processes, nor are they intended to be an extension of complaints procedures.

4.

Section 22 of the Act states "A community participation body may make a request to a public service authority to permit the body to participate in an outcome improvement process".

5.

A community participation body for this purpose may be a community council, a community group with a defined constitution and membership or indeed any other group which is open to any members of a specified community and which is controlled by and operates for the benefit of the members of that community.

6.

A public service authority, in Orkney, could be Orkney College, NHS Orkney, Highlands and Islands Enterprise, Orkney Islands Council, Police Scotland, Scottish Environment

Protection Agency, Scottish Fire and Rescue Service, Scottish Natural Heritage or HITRANS.

7.

An outcome improvement process is any process which is initiated or managed by the public service authority to improve a public service. For example, when a service is being reviewed, a community body may ask to take part in the process. They may want to bring about particular changes, or perhaps bid to run the service themselves.

8.

By engaging in an outcome improvement process it is anticipated that community bodies will gain a better understanding of the complexity of some problems and the constraints on councils in seeking to address them. As equal partners in an outcome improvement process, community bodies may be willing to bring more to the table themselves and contribute to co-productive solutions. Ideally, those on both sides of the legislation will take the opportunity to build trust and develop new working relationships.

9.

Council policy for participation requests and associated guidance, decision notices and annual reports can be found on the council website at <http://www.orkney.gov.uk/Council/C/participation-requests.htm>.

10.

Section 32 of the Community Empowerment (Scotland) Act 2015 requires every public service authority to publish an annual report setting out information about the number and outcomes of participation requests that have been dealt with. For 2019 to 2020, this information is as follows:

Data categories.	Requests and actions taken.
The number of requests received.	None.
The number of requests agreed and refused.	Not applicable.
The number of requests which resulted in changes to a public service provided by, or on behalf of, the public service authority.	None in 2019 to 2020. One outcome improvement service was in train during financial year 2019 to 2020, as detailed below.
Any action taken by the public service authority to promote and support the use of participation requests.	The Council's Participation Requests Policy and supporting documentation are available online. Community bodies considering making a participation request are invited to contact a named officer to discuss the process and their options.

11.

One Outcome Improvement Process was in train during 2019 to 2020.

Community body.	Westray Community Council.
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Date received.	28 August 2018.
Validation date.	29 August 2018.
Summary of request.	This Participation Request related to the health and safety of pedestrians, and improved safety for vehicle manoeuvring, at Rapness Pier. Westray Community Council requested participation in an Outcome Improvement Process to resolve these matters.
Decision Notice.	26 September 2018 – Granted. The Participation Request was granted on the grounds of public health and social wellbeing.
Outcome improvement process.	Following discussion with Westray Community Council, the Outcome Improvement Process was progressed jointly by representatives of the Community Council, Orkney Ferries and Marine Services, Engineering and Transportation. An initial workshop was held in Westray on 10 January 2019. Temporary measures had been put in place on the pier and were judged to have been reasonably successful. Following consideration of various options it was agreed to implement a solution which would operate in a very similar fashion to the temporary measure but with a permanent pedestrian gate and the addition of gated access for vehicles to the pier. This was considered to provide a reasonable solution to all foreseen combinations of movements of vehicles and pedestrians. As at 31 March 2020, all infrastructure works had been completed and some signage remained to be completed before the start of the 2020 tourist season.

Community Asset Transfer Requests

12.

The Community Empowerment Act (Scotland) 2015 is a powerful tool for communities to have control of publicly owned land and buildings to provide an opportunity to strengthen and develop communities. Access to land or buildings can provide jobs, training and bring income to local areas and help grow a sustainable community. Inward investment can also be obtained with projects attracting financial support from sources which couldn't normally assist when land or buildings remain in public ownership.

13.

The Act moves forward from a voluntary approach by the public sector and introduces a right for community bodies to make requests to all local authorities, Scottish Ministers and a wide range of other public bodies.

14.

Orkney Islands Council has a long track record of working with local communities and community bodies to strengthen and develop local communities. The Council has provided many properties to local community bodies at below market rental value and has often provided additional support to communities beyond the provisions set out in leases.

15.

Asset Transfer Guidance for community bodies and relevant authorities has been published by the Scottish Government. Information about the Act and the Council's policies and associated guidance can be found at: <http://www.orkney.gov.uk/Service-Directory/P/asset-transfer-requests-community-empowerment.htm>.

16.

The Council has promoted opportunities around community bodies making asset transfer requests in a variety of ways since the introduction of the legislation in January 2017, including press releases and articles on the Council's website.

17.

The Council has looked at its land and property estate with a view to identifying potential opportunities to engage with relevant local community representatives and community bodies around the subject of asset transfer. It is hoped that taking a positive approach to releasing land and property will encourage communities to take a pro-active role in potential projects which might be of benefit to their local communities. In the challenging financial times faced by all public bodies it is important that the Council finds ways to support and grow sustainable communities who can be well placed to meet the needs of local people.

18.

Section 95 of the Community Empowerment (Scotland) Act 2015 requires every relevant authority to publish an annual report setting out information about the number and outcomes of asset transfer requests that have been dealt with. For Orkney Islands Council the report covers the period from 1 April 2019 until 31 March 2020.

19.

The table below sets out the information required to be included.

Item.	Response.
How many asset transfer requests were received.	None.
How many requests were agreed to or refused.	Agreed: none. Refused: none.
For requests agreed to, whether they resulted in transfer of ownership, lease or conferral of other rights.	Not applicable.
For appeals relating to requests made, how many have been allowed, dismissed, or have resulted in any part of the authority's decision being reversed or changed.	Not applicable.
For decisions reviewed by the authority, how many have been confirmed, modified or substituted by a different decision.	Not applicable.

20.

The Council has handled several enquiries around asset transfer, however none has yet progressed to a formal submission in terms of the legislation. The Council continues to work closely with community groups with a view to releasing assets that the community can use to develop sustainable services within their local area.

21.

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