
NORTH AYRSHIRE COUNCIL

4 October 2018

ELT

Title: Community Empowerment in North Ayrshire, incorporating the first annual reports to Scottish Government on Community Asset Transfer and Participation Requests.

Purpose: To update ELT on the progress being made in relation to community empowerment, Community Asset Transfers and Participation Requests.

Recommendation: That ELT:

- a) Welcomes the progress being made in relation to community empowerment; and
- b) Agrees to receive further future updates in relation to community empowerment, Community Asset Transfer and Participation Requests.

1. Executive Summary

1.1 North Ayrshire Council is proud of its history of working closely with its communities and of how it has subsequently embraced the principles of the Community Empowerment Act. This report provides a summary of recent developments which demonstrate this commitment and also includes the first required *Community Asset Transfer and Participation Requests* annual reports to Scottish Government.

2. Background

2.1 In North Ayrshire we have developed a model approach that encourages planning with our communities and partners, that is *co-defined, co-designed and co-delivered* by all who can be involved in empowering communities.

2.2 We have introduced a Locality Planning Partnership approach that is pursuing the best fit between community aspiration, commitment and method of approach, based upon an examination of data that helps us identify defined need.

- 2.3 Increasingly complex issues will not be solved by the Council, agencies or communities working alone or in silos. There is a need to work together in ways that leverage the talents, insights and contributions of as many members of the community as possible, whether that be communities of place or interest. To build and enhance community engagement, we promote a collaborative approach that involves cooperation in which parties are not necessarily bound contractually.
- 2.4 A collaboration exists when several people or organisations pool their common interests, assets and professional skills, to promote broader interests for the community's benefit, but it is usually less formal than a binding, legal contract and responsibilities need not be shared equally.
- 2.5 The Council has, as a result of their supportive process with communities, concluded eight successful Community Asset Transfers which have attracted in excess of two million pounds investment for communities of geography and interest, at a time when the Council's resources have been diminishing, with further funding applications in the pipeline. This is over and above an even greater level of external funding accessed to support community associations who operate North Ayrshire Community Centres through the Community Contract as described above, without formal lease/ownership arrangements.
- 2.9 These projects are well placed to be sustainable in the long term and address our local outcomes improvement priorities. The success of these Asset Transfers has also spurred others to approach the authority to explore the potential in their community.
- 2.10 We are proud of the success to date, but recognise that within the new prescriptive Community Asset Transfer Guidance, we will need to ensure that all applicants have a pre-prepared business plan, governance arrangements and robust understanding of what is involved in undertaking an asset transfer, prior to any engagement within the six month process.
- 2.11 As resources are reduced and access to expertise within the Council is at a premium, the new guidance will have to place a very strong emphasis upon the need for applicants to have an extremely robust case in place, prior to submitting any application. As the government guidance states, "it is ultimately the applicant bodies responsibility to ensure they have all the necessary and relevant information to develop their proposal and it should not be assumed that the Council will be able to commit staff or other resources on a universal basis to help them achieve this".
- 2.12 The Education Authority and Community Planning Partners have a duty to provide learning and development that assists in the empowerment of individuals and communities to undertake an Asset Transfer, but clearly effort will be concentrated on the areas of greatest need in line with Scottish Government expectation and policy and the new duty placed upon every employee to reduce socio-economic inequality.
- 2.13 Our policy has been working well for communities and we are about to enter into a further round of Community Asset Transfer Information Days and workshops over the period September to March 2019.

2.14 In relation to Participation Requests, North Ayrshire’s Locality Planning Partnership arrangements and our corporate approach to consultation, with officers trained by the Consultation Institute, have opened up myriad opportunities and approaches for people to become involved in expressing their views within North Ayrshire.

2.15 As a result we have to date had no requests for a participation request and we attribute that to the very successful and extensive suite of engagement approaches, undertaken by the NA community planning partnership. Through our ethos and commitment to this way of working, our aim is to minimise rather than maximise the number of formal participation requests received.

3. Proposals

3.1 It is proposed that ELT:

- a) Welcomes the progress being made in relation to community empowerment; and
- b) Agrees to receive further future updates in relation to community empowerment, Community Asset Transfer and Participation Requests.

4. Implications

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| Financial: | There are no financial implications relating directly to this report. |
| Human Resources: | There are no HR implications relating directly to this report. |
| Legal: | There are no legal implications relating directly to this report. |
| Equality: | There are no equality implications relating directly to this report. |
| Children and Young People: | |
| Environmental & Sustainability: | There are no environmental implications relating directly to this report. |
| Key Priorities: | The proposals contained within the report support the North Ayrshire Council Plan 2015-2020 priorities: <ul style="list-style-type: none"> • Priority 1 Growing our economy, increasing employment and regenerating towns; • Priority 2 Working together to build stronger communities; • Priority 3: Ensuring people have the right skills for learning, life and work; • Priority 4: Supporting people to stay safe, healthy and active. |
| Community Benefits: | N/A |

5. Consultation

- 5.1 The approach to community empowerment taken by the Council and its partners is based, as far as possible, on engagement and consultation with its partners and we are working towards embedding this in the practice of all departments.



Karen Yeomans
Executive Director (Economy & Communities)

For further information please contact **Audrey Sutton, Head of Service (Connected Communities)** on **(01294) 324414**.

Background Papers

Appendix 1 - A report on the progress of Community Planning Partners in North Ayrshire in the delivery of support that empowers communities including the Statutory Annual Report on Progress with Community Asset Transfer and a statement detailing progress with part 3 of the Community Empowerment (Scotland) Act.

A report on the progress of Community Planning Partners in North Ayrshire in the delivery of support that empowers communities, including the Statutory Annual Report on Progress with Community Asset Transfer and a statement detailing progress with part 3 of the Community Empowerment (Scotland) Act (Participation Requests).

North Ayrshire Council: 2013 – July 2018

Executive Summary

North Ayrshire Council is proud of its history of working closely with its communities and of how it has subsequently embraced the principles of the Community Empowerment Act. This report provides a summary of recent developments which demonstrate this commitment and also includes the required *Community Asset Transfer* and *Participation Requests* annual reports to Scottish Government.

1. Introduction:

1.1 What do we mean by an empowered community?

An empowered community is one where individuals and communities have the confidence, skills and ability to influence decisions, take action and make change happen in their lives and communities. This includes communities of place, interest and identity.

At a local level, people who become actively involved in improving their area and are energised to participate and do things for themselves, are described as being “empowered” to create change.

Evidence of the empowerment process can be seen as neighbours, organisations, businesses and individuals coming together, to shape local activities to ensure they address the things people care about in their community.

In North Ayrshire this includes involvement in, Locality Planning, Community safety, health and social care, clean streets, creating high-quality and welcoming public spaces, good quality community facilities and leisure services, improved transport, footpaths, cycle and walkways, provision of public toilets, growing and the promotion of healthy green spaces.

1.2 The “keystones” supporting Community Empowerment

A planned and progressive training programme delivered by the International Consultation Institute, to build a cross-sectoral professional group able to undertake Community Engagement to a uniform standard, has been the primary facilitator of officer and third sector approaches to empowerment in North Ayrshire.

By placing high quality, pre-engagement and community engagement approaches at the heart of what Community Planning partners do, we have increased the confidence of our Community partners that they can contribute to and influence change around the things that matter to them.

Then by promoting, participatory budgeting, Community Asset transfer and the democratic civic engagement of communities within those processes, we have established the “Key-Stones” that support community empowerment and the achievement of community potential.

1.3 Participatory budgeting as an empowering process

Participatory budgeting, based on “Community Choices,” where people make the decisions on how resources are to be spent, has become a common feature of our work in North Ayrshire and has been branded “*Shaping North Ayrshire*” with the strap-line, “*Your Money You Decide.*”

North Ayrshire was one of the Pilot Authorities that trialled the Scottish Governments PB programme.

1.4 What does Participatory Budgeting contribute to the empowerment process?

Participatory budgeting embeds the following empowerment principles:

- It supports democratic and engaged citizenship by enabling local people to have a direct say in how a defined public budget can be used to address local priorities. It is one method of community engagement that can be used alongside other models of empowerment as part of a wider approach to advancing participatory democracy
- It also goes beyond traditional consultation or community representation on a decision making panel. In essence it is about community cohesion, raising awareness, making connections and having a participative role in financial decision making, that is deliberative and binding. As a consequence, its impact can be significantly greater for people than if the Council or its partners alone, took that decision
- Local people have to pitch their ideas to their peers for their votes, with the understanding that not everything that is presented can be funded. As a result all those involved have to consider how they vote very carefully, as there is not enough money to cover every pitch. The deliberative process that takes place, sees the highest priorities taking precedence and receiving funding, but residents quickly learn that decisions taken have both a positive and negative impact for groups and they begin to comprehend the difficulty of making challenging decisions, balancing needs with available resources. In relation to grant awarding PB, more than £462,000 has been distributed to date in grant awarding PB from Council, Scottish Government Community Choices funding, HSCP, Third Sector Interface and Green Health Partnership funds.
- It can contribute to the effectiveness of public spending, by improving the way money is invested by increasing the knowledge available to both the local authority and its communities prior to decisions being taken. The 1% minimum target set by Scottish Government for the Shaping North Ayrshire stage two PB programme, can be made up of the Councils revenue and capital expenditure and it is for local authorities to decide, how to take forward participatory budgeting at a local level to reach the agreed target. To ensure a shared understanding of the 1% target, this is defined as the ‘total estimated expenditure for revenue, as per the local government finance circular, less assumed council tax intake. (It is considered reasonable to exclude council tax as it is a local tax and therefore already directly and locally accountable).
- The Towns of Ardrossan, Saltcoats and Stevenston have trialled the stage 2 “mainstream” Participatory Budgeting process with people deciding how to direct the work of our Street Scene operatives and the type of planting they do. This has resulted in working with a budget of nearly £1m to agree an increased planting of vegetables, herbs and fruit to provide a wide range of free food for local communities. Potatoes, soft fruits, onions and fruit trees have begun to replace traditional flower beds, with the produce available to be picked, by local residents as it matures.

The outcomes of the PB experience in North Ayrshire clearly indicate, that as a result of people's involvement in the allocation of a finite budget, they learn that not everything can be done, not everything has the same weighting in terms of priority and whatever decisions are taken, disappointment can result for those not receiving an award. But that is the experience of publicly funded organisations on a daily basis and as residents become aware of that experience, their criticism of publicly funded bodies will hopefully wane as their understanding builds and we work more closely together to address real need.

The Community Planning Partnership in North Ayrshire also held as part of the PB process, Scotland's largest ever "online" participatory budgeting exercise exclusively for young people. Applications for funding awards of up to £1,500 were received from 130 groups and £60,672 was distributed to youth projects. The total online votes cast was 6314.

We are trying to encourage more "online" participation, as it is clearly one way of involving those in our communities who would not ordinarily choose to become personally involved within the PB or any other engagement process and has the potential to extend our reach more widely across North Ayrshire

2. Community Engagement

In North Ayrshire we have developed a model approach that encourages planning with our communities and partners, that is *co-defined, co-designed and co-delivered* by all who can be involved in empowering communities.

We have introduced a Locality Planning Partnership approach that is pursuing the best fit between community aspiration, commitment and method of approach, based upon an examination of data that helps us identify defined need.

Increasingly complex issues will not be solved by the Council, agencies or communities working alone or in silos. There is a need to work together in ways that leverage the talents, insights and contributions of as many members of the community as possible, whether that be communities of place or interest. To build and enhance community engagement, we promote a collaborative approach that involves cooperation in which parties are not necessarily bound contractually. A refresh of our community councils has contributed to this approach and has ensured that local people are at the heart of this process.

A collaboration exists when several people or organisations pool their common interests, assets and professional skills, to promote broader interests for the community's benefit, but it is usually less formal than a binding, legal contract and responsibilities need not be shared equally.

An example of our approach to collaboration is the "*Community Contract*" which is a jointly written and negotiated agreement between local Community Associations and Connected Communities in North Ayrshire Council. The Associations exist to promote the charitable aims of education, recreation and social welfare for the wider benefit of their community and they undertake to manage their local community centre to achieve those aims. The contract was written, negotiated and co-produced by all parties involved and helps define the contribution of the Council alongside the expectation of the Association to deliver its key aims.

Learning, through courses and classes, youth work, elderly and early years' activities, in addition to the provision of subsidised activities for local residents and groups, is able to be offered as a result of the contract negotiation, enabling the Community Associations to keep two thirds of the letting income raised, to be used for community benefit.

As a result of the success of the Community Contract, we are increasingly seeking to engage our communities within a co-production model that removes barriers to opportunity and participation, as these actions are central to an empowered communities approach. The initiatives that we promote, to build a sense of power and control in communities, need to be accompanied by a range of capacity-building activities that encourage *everyone* to exercise meaningful control in their lives and the locality in which they live.

We must always try to make decisions that people buy into, give approval for and will agree with, which requires a high level of community engagement, consultation and trust. Our investment in Locality Planning Partnerships, that deliver parity of esteem between councillors and community representatives, is beginning to see more decisions taken that reflect community aspiration matched to need, fulfilling the Governments requirement to address socio economic and educational inequalities as a matter of priority.

North Ayrshire Council and our Community Planning Partners have been working for many years to improve the quality and sincerity of our relationship within the communities we serve. We are proud of our improving performance and the trust that has developed between the CPP and people of North Ayrshire without which, we could not have achieved as much as we have in terms of improving the involvement of our residents.

Community groups in a regular survey that is undertaken, have said they feel that the Council is an effective partner in helping them to deliver their aspiration for their community. As a result, our work particularly in community engagement and building the capacity of individuals and communities to participate within our "Fair for All" strategy, has begun to bear fruit and is evident within the Locality Planning arrangements we have in place across North Ayrshire.

3. Participation requests

Guidance on participation requests was published by government on 31 May 2017. NAC have now concluded and published guidance for community organisations, considering the submission of a participation request as set out in Part 3 of the Community Empowerment (Scot) Act 2015.

Participation requests allow a community body to enter into dialogue with public authorities about local issues and local services on their terms.

Where a community body believes it could help to improve an outcome which is delivered by a public service, it will be able to request to take part in a process with the public service authority to improve that outcome. This could include suggesting how service providers could better meet the needs of users, offering volunteers to support a service or even proposing the community body could take over the delivery of the service themselves. The public body must agree to the request and set up a process unless there are reasonable grounds for refusal. At the end of the process the public body must publish a report on whether the outcomes were improved and how the community body contributed to that improvement.

North Ayrshire's Locality Planning Partnership arrangements and our corporate approach to consultation, with officers trained by the Consultation Institute, have opened up myriad opportunities and approaches for people to become involved in expressing their views within North Ayrshire.

As a result we have to date had no requests for a participation request and we attribute that to the very successful and extensive suite of engagement approaches, undertaken by the NA community planning partnership. Through our ethos and commitment to this way of working, our aim is to minimise rather than maximise the number of formal participation requests received.

4. Support for asset transfer to North Ayrshires Community transfer bodies

Asset transfer is not something that we had to discover in North Ayrshire, it was an approach that we embraced a long time ago, and it helped build the foundation for empowering individuals and communities.

North Ayrshire Council had an Asset Transfer Policy prior to the enactment of the legislation and have been actively supporting our communities to develop their social capital and organisational capacity, including to undertake the management of community facilities for many years. The Community Empowerment (Scot) Act and its subsequent guidance, provides for us an endorsement of our policy of individual and community capacity building, leading to more active, resilient and responsible communities where people provide a wide range of services to meet peoples expressed need.

The Council's voluntary commitment to community empowerment, and in particular the transfer of local assets to strengthen and enhance community life, had been part of a greater plan to extend local democracy and achieve the engagement of local communities within the work of the North Ayrshire Community Planning Partnership.

Our programme of Service Level Agreements, where local people can lease and manage their neighbourhood facilities, has leveraged in considerable new money for community activity and helped nurture a sense of personal and community responsibility. The programme preceded the Community Empowerment (Scot) Act and enabled us to accelerate the provisions contained within it.

John Swinney MSP introduced the formal Bill for an Act of the Scottish Parliament to make provision for greater community empowerment on 11th June 2014, however North Ayrshire Council had been working within the "spirit" of the developing Bill, which led to the publication and promotion of their Notes of Guidance for community organisations and groups and policy for Community Asset Transfer in April 2013.

A number of workshops across North Ayrshire were organised throughout 2013/14 involving officers from Connected Communities, supported by the Development Trust Association Scotland and Community Ownership Support Scotland, with many local community organisations and groups attending.

This progressive social policy was testament to the long term planning and vision of the Council and its Community Planning partners, who were also at that time working on a model for Locality Planning Partnerships, which are now in place, with Community representatives having parity of esteem with elected members and decisions being taken through discussion, debate and consensus.

As this is the first published Annual Report of North Ayrshire Council, on progress with the implementation of Part 5 of the Community Empowerment (Scot) Act 2015, we are reporting on the journey we have taken and the considerable progress from April 2013 to June 2017.

4.1 The Current Legislation

Part 5 of the Community Empowerment (Scotland) Act 2015 introduced a statutory right for community bodies to make requests to their Local Authority, Scottish Ministers and a wide-ranging list of public bodies, for any land or buildings they feel they could make better use of through a Community Asset Transfer. They can request ownership, lease or other rights, as they wish. The Act requires those public authorities to transparently assess requests against a specified list of criteria, and to agree the request unless there are reasonable grounds for refusal. The asset transfer legislation guidance came into force on 23 January 2017. In the event that the Local Authority rejects a request, the applicant will have a right of appeal and North Ayrshire Council has an appeals process in place.

To help community bodies to know what might be available through asset transfer, section 94 of the Act requires each relevant authority to establish, maintain and make available a register of land and property which it owns or leases, "to the best of its knowledge and belief". The Act requires that the register must be maintained and updated on a quarterly basis.

In North Ayrshire, our register is reviewed at least every three months, and the date of the last update is also shown on the register. The register includes sufficient information to identify the land, property and its location. This will include the street address and postcode, any name the land or building is known by and its "Unique Property Reference Number" where there is one. There will also usually be a basic description of the current use such as "offices," "clinic," "depot," "park." The register, guidance and application information is available online at:

<https://www.north-ayrshire.gov.uk/your-community/community-asset-transfer.aspx>

There are exceptions however as set out within the Act, some land and property need not be included in the register to maintain safety or security and the following land and property need not be included in the register. This includes:

- Roads
- Underground railways
- Canals
- Bus Stations
- Houses, hostels, lodging houses
- Land used for the supply of drinking water, disposal of waste water and reservoirs
- Police radio masts
- Souvenir plots
- The mineral rights to land.

Our Authority will seek to make as much information available to the community body as possible. Where North Ayrshire Council wants to dispose of the property or supports the community's proposals, it may provide a "sales or information pack" with a range of useful information and reports or offer other additional support at its discretion, if there is some considerable work involved in gathering any information requested, there may be a charge for this.

4.2 The Benefits of Community Asset Transfer

Community asset transfer provides an opportunity for people to be involved in developing and providing opportunities or services for their local communities. It may also allow groups within the third sector to develop commercial ventures which will support community benefit. Asset transfer may also ensure that public assets get used more frequently, more effectively and become Community-led through ownership, which may also allow additional opportunities for groups to secure extra funding or resources inaccessible to the Local Authority or their Community Planning Partners.

Where the Council transfers an asset to community-based groups, it will continue to promote public value and will evaluate each proposal in terms of its ability to contribute to the following:

- Community empowerment
- Local community benefit
- Building the capacity of, and encouraging a sustainable voluntary and community sector
- Economic development and economic well-being
- Social enterprise and social well-being
- Environmental improvement and environmental well-being
- Improvements to public services
- Value for money.

4.3 Current supports for communities to become empowered in North Ayrshire

North Ayrshire has since its inception in 1996, offered a range of support to encourage active citizenship and community management of local facilities.

We support 26 Community Associations, each of which has responsibility for managing the letting of their local Community Centre and for the delivery of a programme of educational, recreational and social welfare provision to meet the expressed needs of the local community.

In some cases it may be sufficient for the local community to agree a legal agreement with the Council to act in the capacity of “Key-holders” where they can lawfully and with insurance protection, open and close their local centre without any cost for staffing, making it affordable for local groups to be able to meet, who might not be able to do so otherwise.

In another approach, a Community may wish to exercise a greater level of independence and lease a property at no cost, within a formal Service Level Agreement with the Connected Communities team, whereby we provide some basic costs for payment of heating, lighting and staffing, with the voluntary association then leveraging in additional funding. In this scenario an association will on average lever in between £70 - 100,000 additional funding making this approach efficient, effective and sustainable.

North Ayrshire’s experience has been that there is a need for a menu of choices that encourage self - management of community facilities, but within a model that best fits a particular community as there is never going to be a “one size fit all” Community asset Transfer approach.

We currently have three additional Service Level Agreements for the management of property each of which has different governance and community needs to address.

4.4 Service Level Agreements

- 1) West Kilbride Village Hall – SCIO – Provides letting and creates local employment through the employment of three part time caretakers. (Leverage 1:2)
- 2) Vineburgh Community Centre Association – Unincorporated charitable organisation – Provides letting and a range of educational, recreational and social welfare programmes. Young people feature highly within their activities. (Leverage 1:3)
- 3) Fullarton Community Association – Incorporated Ltd Charitable Company – Fullarton Board are the owners, through community asset transfer, of a large Community Hub, a new build facility that incorporates a Health Centre, Employability Hub and training facilities, digital suite and letting facilities for local groups. They also own ground on which they have built a community garden and Multi Use Games Arena which has been offered during day time to the local school for use. Circa £2million has been raised to build and operate the Hub.

We also support Community Associations and village hall committees across North Ayrshire with small grants, to help them manage a local hall or community centre often owned and managed by the local community. By providing them with access to expert advice on a range of supports from governance, charitable status, book keeping to fund raising, they are able to offer a programme of activities to local people, pay the bills and maintain the property.

Drybridge, Corsehill and Barrmill are some of those properties that we support.

4.5 Policy and Legislative framework influencing the Development of Community Asset Transfer in North Ayrshire

Scottish Government legislation and national policy has incrementally developed to support the ownership and/or management of assets by communities. For example the Land Reform (Scotland) Act 2003 gave communities the right to buy land and buildings in certain circumstances and represented a fundamental change in the law surrounding ownership and land management, giving the potential for greater powers to be transferred to communities.

In 2009 the Scottish Government launched the “Promoting Asset Transfer” Programme, the purpose of which was to increase levels of awareness and interest within local authorities in asset transfer as a means of increasing community ownership of assets. In parallel with this programme, in March 2009 the Scottish Government and the Confederation of Scottish Local Authorities (CoSLA) jointly launched the Community Empowerment Action Plan (CEAP). This action plan clarified the importance of community engagement and empowerment and reinforced that community ownership is one aspect of empowerment, identifying it as one of a range of actions that would help to build individual capacity and social capital to deliver empowerment.

The Local Government in Scotland Act 2003 amended section 74 of the Local Government (Scotland) Act 1973 and set out that the Scottish Ministers may by regulations provide the circumstances in which local authorities may dispose of land for consideration for less than the best consideration that can be reasonably obtained. In 2010 Scottish Ministers issued the Disposal of Land by Local Authorities (Scotland) Regulations which set out the procedure and circumstances for a disposal of land for consideration less than the best that could reasonably be obtained.

On 6 June 2012 Derek Mackay, Minister for Local Government and Planning, launched an exploratory consultation on a range of ideas for the proposed Community Empowerment and Renewal Bill designed to:

- Strengthen community participation

- Unlock enterprising community development; and
- Re-new our communities.

In September 2012 a Reference Group, jointly chaired by the Scottish Government and COSLA, was established to help inform and shape the development of the proposed Community Empowerment and Renewal Bill and North Ayrshire Council, following evaluation of their approach, was clear that their policies and those of their community planning partners were closely aligned with the outcomes of the Scottish Government strategies and initiatives and were confident they were implementing the spirit of the developing strategic guidance and statutes.

As part of North Ayrshire's Council Plan 2012/17 the Council aimed to "support communities to grow and develop opportunities for the active engagement and participation of all our citizens by listening to local needs and aspirations."

The Corporate Asset Strategy, in which one of the individual asset plans was for Property, was approved by Cabinet in January 2013. The Property Asset Management Plan was approved by Cabinet in February 2013 and the Policy and Guidance for Community Asset Transfer were published in April 2013.

The Scottish Government issued in 2013 The Requirements for Community Learning and Development (Scotland) and this supplemented the Strategic guidance on Community Learning and Development issued in 2012 to Community Planning Partners. The CLD Regulations are subordinate legislation within the Education (Scotland) Act. These CLD Strategic documents, reinforce the importance of developing a co-production strategy with communities of geography and interest, to develop the statutory 3 year Community Learning and Development Plan, which in North Ayrshire has been incorporated within the Locality Planning Partnership arrangements. The CPP Strategic Guidance and CLD regulations require the Education Authority to:

- Empower people, individually and collectively, to make positive changes in their lives and in their communities through learning.
- To build sufficient capacity to do so, through the provision of adequate Learning and development.

4.6 Development of the North Ayrshire Policy and Guidance for Community Asset Transfer

North Ayrshire Council's Property Asset Management Action Plan, supported the transfer of assets through exploration of partnership opportunities and option appraisals, on the disposal of surplus assets, built upon the experience of historic arrangements for asset transfer across North Ayrshire.

North Ayrshire Council's Property Acquisitions and Disposals Policy included transfer to partners as an option when considering disposal of surplus assets and the policy for transfer of assets to the community. We sought to deliver the following North Ayrshire outcomes:

11a) Levels of voluntary action and community involvement have increased

11b) Partnership working between public services is more efficient and effective.

A working group was set up within North Ayrshire Council to write a Policy and guidance for Community Asset Transfer in North Ayrshire and these were published and promoted in April 2013.

North Ayrshire Council recognised that community asset transfer can be a valuable part of developing and supporting local communities and it wished to ensure that appropriate assets can be owned and managed by the people who regularly use them in a sustainable way. There is significant experience of working with Community Associations across North Ayrshire, particularly within SIMD areas, where local assets were transferred to “Community Management” within a Service Level Agreement.

Connected Communities staff provided finance and professional support to these community management groups, advised on regulations and legislation and co-produced reports for the Audit and Scrutiny committee, which were scrutinised annually to provide evidence of added value and community benefit.

The Council has implemented the Community Asset Transfer policy proactively, through awareness raising, outreach with communities and by the provision of financial support and help from Officers, to encourage groups to develop the capability, skills and capacities, to take on and sustain the asset for community benefit.

4.7 Aims of Community Asset Transfer within North Ayrshire:

The Council’s Asset Portfolio includes buildings, land, playing fields and other facilities and structures, which are used for a variety of different social, community and public purposes. They are used to support service delivery by partners such as the voluntary sector, and stimulate economic activity and regeneration. The transfer of assets to, or management by the Community, aims to enable community empowerment, allow access to new sources of finance and extend the use of existing facilities.

4.8 The Council summarised the main benefits of Asset Transfer to communities as being:

- Community empowerment
- Regeneration of communities
- To extend the use of an asset, adding value in relation to the number of people benefitting and the range of opportunities it offers
- To stimulate the involvement of local people in shaping and regenerating their communities,
- The retention of an asset in the community otherwise at risk of closure
- To provide new opportunities for local learning and community capacity building and participation
- To promote a sense of civic pride and responsibility.
- Generating long term sustainable revenue streams for groups making them more sustainable.
- Providing local people with a meaningful stake in the future development of the place in which they live or work.
- Being able to be used as leverage to draw in new funding and expand the level of community activity.
- Providing opportunities for the creation of new partnerships with access to resources not available to the Council.

4.9 The Council summarised the benefits to the Community Planning Partnership as:

- Providing a more accessible and responsive base from which services can be delivered.
- Restoring iconic buildings

- Delivering social, economic and environmental benefits
- Providing a catalyst for inward investment and local multipliers through local purchasing and employment
- Helping to progress Community Planning priorities
- Providing opportunities for long term working between sectors
- Creating the opportunity for investment in the asset that may not be possible within Council ownership
- Bringing back into full use properties deemed surplus to requirement or underperforming.

4.10 What we look for in an applicant organisation:

For the purpose of the Council's policy and in accordance with the guidance within the Community Empowerment (Scot) Act which requires a measured and transparent approach to assessment, community, voluntary and social enterprise groups will be expected to demonstrate the following characteristics:-

- Be formally-constituted as defined within the Act as either a SCIO, Community Benefit Company or be a registered company with a charities lock
- Have sound long-term management and governance arrangements
- Have their own decision-making system and accountability to independent trustees or their own members or constituents
- Do not distribute any surplus to owners or members but apply any surplus wholly for the benefit of the organisation to serving its basic purpose as set out within their governance structure
- Are non-political and are not engaged in supporting candidates for political office
- Have an element of involvement of volunteers.

The Council will consider transfer of assets to long established, stable and secure formal organisations and will also consider transfers to newly formed community groups provided they can demonstrate they have the necessary expertise and experience to manage the asset and have a sound business proposal in place.

4.11 Assessment Process

Any applicant seeking to take on a Council asset must be able to:-

- Provide a well-prepared and sustainable business proposal (Our scrutiny will be proportionate to the size of the application)
- Demonstrate a clear community/social demand for the proposed activity to be delivered from the asset. Evidence of substantial and appropriate community engagement that supports the proposal must be provided
- Demonstrate that they have the capacity to manage the asset and have directors or management committee members who have the necessary skills and experience
- Show they have good governance and robust financial systems in place along with all necessary policies expected of an organisation such as training plans, health and safety policies, Equalities policy and comply with relevant equalities legislation, etc
- Show how their proposal contributes to the achievement of the Council's outcomes

- Prove that the proposed project will not duplicate activities, services or facilities already provided in the local community.

4.12 Summary of Progress with Asset Transfer April 2013 – June 2017

The first registered enquiry was logged in April 2013 following a series of awareness raising sessions with local communities across North Ayrshire.

Initially around 20 organisations expressed an interest, but that number reduced as groups who had attended information sessions which went into more depth about the Asset Transfer process, self-selected to withdraw their application.

The Community Ownership Support Service as part of DTAS worked in partnership with connected communities during these information sessions, to ensure that community groups had access to a “friend at court” with an unbiased opinion and independent of the local authority. We continue to work with colleagues in DTAS and COSS.

Since the establishment of the Community Asset Transfer Officers group within the Council, the corporate approach has improved significantly and together Officers have refined and improved the process and continuously do so.

Since the original Committee report presented at Cabinet on 10th February 2015 (The first Asset Transfer applications to be approved for consideration), the following applications have been signed off as completed:

| | | | |
|---------------------------------|--|---------------|---|
| Fullarton Community Association | Transfer of Land | November 2013 | As a result of the land transfer the Community Association were able to draw down circa £2 million for a new build Community and Health and Employability Hub. |
| Fullarton Community Association | Transfer of Land | August 2017 | MUGA and Community Garden development which opened in September 2017. |
| Coast Watch (Scotland) Irvine | Permission to occupy Boy's patented tower (Pilot House) Irvine Harbour with a request for ownership submitted. | October 2017 | The Coastwatch group continue to raise sufficient funding and volunteer support to re-roof the historic listed Pilot House, install windows, steel floors and repaint the tower to save it from further deterioration |

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| | | | and begin the process of bringing it back into community use. A recent application for around £100,000 to complete the steel work has been submitted to Scottish Government Regeneration Capital Fund and other funders. |
| Coast Watch (Scotland) Irvine | Permission to occupy the Irvine Beach Park Toilets | December 2016 | The Coastwatch group have also taken access and control of the former Beach Toilets (renamed the Beach Pavilion) and are continuing to provide first aid, toilet facilities and safety patrols for tourists and local residents using the beach. The group also raised £40,000 to appoint a full time Manager to develop Community relations with local schools, the ranger service and local community groups. As this is Common Good land special provisions attach to any lease, disposal or sale. |
| North Ayrshire Staff Association | Lease of Littlestone Hall Irvine | December 2016 | For use as a recreation and education unit for North Ayrshire Staff |
| Irvine Judo Club | Lease of Parterre Hall | November 2017 | The Irvine Judo club have raised over £120,000 to redesign and completely refurbish, the Parterre hall, build a new gym and make the property a centre of excellence for martial arts. |
| Garnock Rugby Club | Transfer of land for the Lochshore clubhouse development site | Ownership of land likely to be achieved August 2018 | The club have undertaken substantial ground |

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| | | | tests to ensure the suitability and stability of the ground, and are at an advanced stage in negotiating funding for a new build with the national sports governing bodies |
| Skelmorlie Community Sports Club | MUGA development | Lease finalised December 2017 | New provision designed and delivered to encourage increased school and community activity in sport in a rural community |
| Ardeer Rifle and Pistol Club | Transfer of property and land | January 2018 | Transfer of ownership of a shooting range to the club |

Table 1

The following applications did not proceed or have been withdrawn:

| | | | |
|-----------------------------|--------------------------|------|---|
| Kirktonhall West Kilbride | Lease of property | 2016 | Costs of the project were too high due to listed status of building |
| Irvine Bay Gymnastics Club | Lease of property | 2016 | Overtaken by another partnership project with the Council |
| Longbar Table Tennis Club | Lease of property | 2016 | Agreed an alternative arrangement of “key-holding” with the facilities team and no lease required |
| ANCHO – Housing Association | Redburn Community Centre | 2016 | Application did not proceed subsequent to a robust community engagement process |

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| Irvine Takeda Karate Club | Annick Pavilion | 2016 | Property was vandalised and set on fire |
| Lochshore Community Association | Land at Lochshore Kilbirnie | 2016 | Asset transfer continued with new applicant (Rugby Club) as detailed above |
| Bridge Church Kilwinning | Property and land at Kilwinning | 2016 | Did not proceed |

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|---|---------------|------|---|
| Kilwinning Rangers Abbey Park | Football park | 2016 | Did not proceed |
| Irvine Vics 2004s | Football park | 2016 | Did not proceed |
| Ayrshire Communities Education and Sport | McGavin Park | 2016 | Did not meet the assessment criteria |

Table 2

4.13 Reviewing and improving the process

We have been reviewing our experience over the past four years with applicants, partner organisations, Community Ownership Support Scotland, Officers of the Council and the Community Planning Partnership and have re-drafted our policy and guidance to help us make the process more efficient, supportive and capable of meeting the stringent guidance which accompanies the Community Empowerment (Scotland) Act.

The Council has a Community Asset Transfer Officer Team which includes representatives from Estates, Legal, Business Development, Finance, Connected Communities and Place and they have concluded a revision and improvement of current guidance and procedures to make them concurrent with the governments published guidance of January 23rd 2017

The group has addressed:

- A review of the previous asset transfer process, reducing the stages from five to two
- The establishment of an online register detailing the available property portfolio, updated at least quarterly
- The development of an internal Council capital Investment plan, detailing property being retained for sale to fund planned work that benefits the wider North Ayrshire communities
- The establishment of a North Ayrshire appeals process for applicants
- How we review future applications – a SPOC (single point of contact) is allocated to each application to undertake specific tasks/responsibilities and complete a report for connected communities. Each of the other sections e.g. Legal, Estates, Finance, Business Support also complete an assessment. The SPOC liaises with the applicant throughout the process
- How we review future applications – under our revised guidance Stage 1 does not now begin until after all of the required documentation has been received and is complete to the satisfaction of the Council. This helps us to meet the 6 month deadline for transfer decisions
- Updating lease terms and the process of valuation for applications – Applicants must now say what they are willing to pay for a property to be transferred, the valuation is set by the District Valuer and the final decision on the value to be achieved is made by Cabinet
- Guidance on heads of terms and dilapidations for all applicant groups is given where a lease is being entered into to ensure they are aware of their duty and responsibility as lessees
- Guidance on property condition and access to any information we retain that can be accessed is provided ordinarily free of charge

- The provision of training and support is offered to build the capacity of applicants, to write and conclude a successful asset transfer proposal, which is sustainable in the long term. Support may be available from our Third Sector Business Development Team.

These changes will enable the applicant to be given a decision within the statutory guidance period of 6 months with continued officer support for a further 2 months, to conclude any additional legal or other works required.

Our experience has been that a period of 6 months from the beginning to the end of the process is laudable but not practical and may force people to be driven by a timeline, rather than the educational process, that also allows them to step out of the process if the realisation of the level of work involved, becomes too onerous for volunteers.

North Ayrshire is proud of its support to applicants and in particular the part of the process that allows applicants to withdraw at any stage without feeling under duress.

If any change in circumstance warrants the group to make a decision to withdraw, it is not in anyone's interest to force a decision on lease or transfer a property which is then handed back within a relatively short space of time.

We monitor and manage the applications within the published guidance and negotiate with applicants any additional time required to finalise and notify the decision of the Cabinet.

4.14 Current Community Asset Transfers being considered within the new Guidance and policy arrangements:

The following table details the current list of applications being considered within the new guidance. There is an extensive list of toilets on Arran awaiting determination, which resulted from the last round of budget decisions leading to their closure and subsequent re-opening to meet community wishes.

The Arran islanders were quick to respond to keep the facilities open for the comfort of tourists and the Connected Communities team began the process of ensuring that the groups seeking an asset transfer had the necessary governance documentation to enable them to be designated as a Community Transfer Body.

As it takes on average of 6 months for the Office of the Scottish Charities Regulator to process an application for a Scottish Charitable Incorporated Organisation (SCIO) and a few months to provide the training and build the capacity of the groups to be fully aware of what they are undertaking in terms of responsibility for managing a SCIO, these particular applications are exceeding the terms of the guidance.

It is important to acknowledge that the 6 month timescale may be laudable, but in some circumstances it is also impractical. We do speak regularly to these groups and are progressing their individual cases at a rate that is appropriate to each individual group.

The guidance within the Act must be interpreted in terms of each application and clearly one size does not fit all.

Our new policy and guidance reflects that and we will not approve any applicant's stage one submission until all of the necessary requirements have been submitted to our satisfaction, to assist us in maintaining the set timescale.

Clearly North Ayrshire have promoted and supported a wide range of asset transfers from incorporated organisations as well as unincorporated ones and to date most have been satisfied with the support provided, whether they leased, owned or simply chose not to proceed further with an application.

We will continue to provide awareness raising sessions and seminars on Asset transfer this year, beginning September and again in January 2019 and will encourage more communities to take the subsidiarity route, by dealing with local issues as close to where they present as possible, by taking local control of local assets and facilities.

4.15 Applications being determined following the review of the guidance and policy in November 2017

| Group | Status/Request | CAT Process | SPOC | Update April 2018 - Comments |
|--|---|---|------|--|
| Irvine Incorporated Trades Trust: SCIO SC033460 | Pursuing 17 Bank Street, Irvine; building condition info provided by Estates. | Stage 1 received 12/07/17; assistance being provided to progress. | | Report to be submitted to Cabinet |
| Irvine Meadow Community Club: | Pitches at Milgarholm Park, Irvine | Stage 1 received 01/06/17; assistance being provided to progress | | Group arranging to have a feasibility study carried out on the ground. Group have contacted Social Enterprise Development Officer for advice on feasibility study. |
| Organic Growers of Fairlie – Douglas Park: Community not for profit organisation | Request extension of land within the Park | Stage 1 received 12/01/17; assistance being provided to progress | | Seeking clarity on the extent of land required |
| TASS Thistle FC: SCIO SC040433 | Lease of Ardeer Quarry Playing Fields; Business Plan received 24/10/17 | Stage 1 received 18/11/16; assistance being provided to progress | | Working with group re their SCIO application for suitable governance and community engagement processes. |
| Project Kilbirnie: Constituted Community Group | Site of Kilbirnie Swimming Pool including MUGA & Workshops; TOL provided for Workshops; | Stage 1 received 14/11/16; assistance being provided to progress | | The group has recently secured a Development Funding grant to enable it to prepare a fully detailed strategic plan and capital proposal for relevant funders This includes costs for a topographical survey, |

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| | group preparing Business Plan | | | <p>utilities report, geo-environmental desk study and ground investigation.</p> <p>Project Kilbirnie was given a temporary occupation licence for the lock-ups and garages at Ladysmith Road which they subsequently developed into a Men's Shed. A separate group 'The Garnock Valley Mens Shed' has recently been constituted to develop and manage this building and are now in the process of acquiring SCIO status.</p> |
| Garnock Rugby Club: previously submitted as Lochshore Community Association | Land at Lochshore to build new sports changing facilities | Stage 1 approved 13/03/15 (LCA); progression almost complete | | Legal exchange being finalised for transfer of land at no cost to attract match funding |

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|--|--|---|--|---|
| Whiting Bay and District Improvement Association: SCIO - SC047609 (28.07.17) | Foreshore & Sandbraes: Signed letter of transfer (TOL) and are in possession and occupation of the toilets (Group own land at Sandbraes) | No CAT paperwork yet submitted; assistance being provided to progress | | <p>The group have had ongoing issues with transfer of utilities at the Foreshore site which CP has been supporting them with.</p> <p>There has been fire damage to the toilets at Sandbraes They are currently liaising with the Air Ambulance service regarding the supply of power to the windsock at the helicopter landing pad.</p> |
| Kilmory Public Hall: Constituted group - Company Limited by Guarantee | Signed letter of transfer (TOL) and are in possession and occupation of the toilets | Stage 1 received – 28/03/17; assistance being provided to progress | | Group advised (proportionate) Business Plan to be produced. Stage 1 (previously stage 2) application sent on 12th March. |
| Brodick Improvements Committee: Constituted group - Company Limited by Guarantee | Temporary Occupation Licence provided 01/08/17 | Stage 1 received – 27/07/17; assistance being provided to progress | | Group advised (proportionate) Business Plan to be produced. Stage 1 (previously stage 2) application sent on 1st March. |

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| Corrie & Sannox Village Committee Limited: Constituted group - Company Limited by Guarantee | Awaiting the delivery of their new facility, unable to sign a renewed TOL until such time. | Assistance being provided to progress | | Glen Sannox – New toilet block on site with all finishings and connections complete. Final inspection took place on Thurs 12th April. CP met with group on Wednesday 18th April to sign new TOL, to handover keys and manuals. CLD will then arrange with group to take to the next step. |
| Lochranza Loos: Unincorporated group | Temporary Occupation Licence provided 04/08/17 | Stage 1 recd – 21/08/17; assistance being provided to progress | | Group directed to Arran CVS for assistance with SCIO. The SCIO application is still pending. |
| Blackwaterfoot Bog Buddies: | Adopted their constitution on 13/08/17, awaiting finalisation of their bank account. | Assistance being provided to progress | | TOL received 05/02/18 |
| Lamlash Improvements Association: Company Limited by Guarantee | Temporary Occupation Licence provided 17/11/17 | Assistance being provided to progress | | Group advised (proportionate) Business Plan to be produced. |
| Lamlash Improvements Association: Company Limited by Guarantee | Playpark equipment x 4 – plus land (owned by Arran Estates) | RF-S1 'Full' Stage 1 NAC Request Form received 05/02/18 | | All sites owned by Arran Estates; group advised to negotiate the lease of the sites directly with them. The Council will then rescind the lease and transfer the play equipment ownership to the LIA |
| Irvine and Dreghorn Brass band | Lease or purchase of former SDS property at Bank St Irvine | Stage 1 application received, assistance being provided to group | | Group at an early stage and would consider a property nearer to Dreghorn |

Table 3

5. Conclusion

The Council has, as a result of their supportive process with communities, arrangements where nearly thirty community associations operate community facilities on behalf of their community, in partnership with the Council. Furthermore, the Council has concluded eight successful Community

Asset Transfers which have attracted in excess of two million pounds investment for communities of geography and interest, at a time when the Council's resources have been diminishing, with further funding applications in the pipeline. This is over and above an even greater level of external funding accessed to support community associations who operate North Ayrshire Community Centres through the Community Contract as described above, without formal lease/ownership arrangements.

These projects are well placed to be sustainable in the long term and address our local outcomes improvement priorities. The success of these Asset Transfers has also spurred others to approach the authority to explore the potential in their community.

We are proud of the success to date, but recognise that within the new prescriptive Community Asset Transfer Guidance, we will continue to ensure that all applicants have a pre-prepared business plan, governance arrangements and robust understanding of what is involved in undertaking an asset transfer, prior to any engagement within the six month process.

As resources are reduced and access to expertise within the Council is at a premium, the new guidance will have to place a very strong emphasis upon the need for applicants to have an extremely robust case in place, prior to submitting any application. As the government guidance states, "it is ultimately the applicant bodies responsibility to ensure they have all the necessary and relevant information to develop their proposal and it should not be assumed that the Council will be able to commit staff or other resources on a universal basis to help them achieve this".

The Education Authority and Community Planning Partners have a duty to provide learning and development that assists in the empowerment of individuals and communities to undertake an Asset Transfer, but clearly effort will be concentrated on the areas of greatest need in line with Scottish Government expectation and policy and the new duty placed upon every employee to reduce socio-economic inequality.

Our policy has been working well for communities and we are about to enter into a further round of Community Asset Transfer Information Days and workshops over the period September to March 2019.

We would conclude by re-stating what we have said within the Fair for All Strategy:

"The Fair for All framework demonstrates how clear identification of need, can help to identify the approach to tackle inequalities in order for the best intervention to be put in place. Research suggests that a combination of interventions that target certain groups, combined with whole population approaches that can be tailored to the appropriate gradient, are most likely to be successful in responding to inequalities."

North Ayrshire and its partners are ambitious for our communities and our communities are central to tackling the socio economic, educational and other inequalities that are barriers to us achieving these goals together.

The aim of North Ayrshire Community Planning Partnership's asset based community development approach is to strengthen communities by improving people's knowledge, skills, confidence, organisational ability and resources. Through community learning and development we can make an important contribution towards promoting lifelong learning, social inclusion and active citizenship.

Our Community Empowerment Team will continue to promote and support community organisations and groups, to use the many provisions within the Community Empowerment (Scotland) Act to become more resilient, resourceful and responsible for identifying and dealing with local inequalities.

DRAFT