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REGIONAL BOARD REPORT

Subject: Community Empowerment (Scotland) Act 2015 – Annual Report	**Purpose:** **For Approval** ☒ **For Discussion** ☐ **For Information** ☐
Prepared by: Peter D Smith, Vice Principal – Finance and Corporate Services	**Date:** 12 May 2018

Purpose:
To approve the College's Annual Report under Parts 3 and 5 of the Community Empowerment (Scotland) Act 2015.

Linked to Strategic Goal 1: Respond to the needs of our region.

Executive Summary:
The Community Empowerment (Scotland) Act 2015 places obligations on public service authorities to publish, by 30 June each year, an annual report on work undertaken on Parts 3 and 5 of the Act for the preceding 12 months ended 31 March. A draft report for Borders College for the period 01 April 2017 to 31 March 2018 is attached.

Recommendation:
To approve the publication of the Annual Report on the College's obligations under Parts 3 and 5 of the Community Empowerment (Scotland) Act 2015.

Previous Committee Approvals:
n/a

For publication ☒	**For publication with redactions** ☐	**Not for publication** ☐

BORDERS COLLEGE

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

Participation Requests and Asset Transfer Requests – Annual Report 2017-18

1.0 INTRODUCTION

1.1 This report summarises the work undertaken by Borders College on Parts 3 and 5 of the Community Empowerment (Scotland) Act 2015 for the year 01 April 2017 to 31 March 2018.

2.0 BACKGROUND

2.1 The Community Empowerment (Scotland) Act 2015 (the Act) received Royal Assent on 24 July 2015. The purpose of the Act is to "*make provision about national outcomes; to confer functions on certain persons in relation to services provided by, and assets of, certain public bodies; to amend Parts 2 and 3 of the Land Reform (Scotland) Act 2003; to enable certain bodies to buy abandoned, neglected or detrimental land; to amend section 7C of the Forestry Act 1967; to enable the Scottish Ministers to make provision about supporters' involvement in and ownership of football clubs; to make provision for registers of common good property and about disposal and use of such property; to restate and amend the law on allotments; to enable participation in decision-making by specified persons having public functions; to enable local authorities to reduce or remit non-domestic rates; and for connected purposes*". The Act is available here: -
http://www.legislation.gov.uk/asp/2015/6/pdfs/asp_20150006_en.pdf

2.2 Part 3 *Participation Requests,* and Part 5 *Asset Transfer Requests,* of the Act place an obligation on Public Service Authorities (PSAs) to publish annual reports on work undertaken on those Parts of the Act. Borders College is defined as a PSA under the Act.

3.0 PARTICIPATION REQUESTS

3.1 Reporting Requirements

Under Part 3 of the Act, a community participation body may make a request to a public service authority to permit the body to participate in an outcome improvement process. The PSA must report as follows: -

(a) the number of participation requests the authority received,

(b) the number of such requests which the authority: -

(i) agreed to, and

(ii) refused,

(c) the number of such requests which resulted in changes to a public service provided by or on behalf of the authority, and

(d) any action taken by the authority: -

(i) to promote the use of participation requests,

(ii) to support a community participation body in the making of a participation request.

3.2 Report for the Year 01 April 2017 to 31 March 2018

For the period 01 April 2017 to 31 March 2018, Borders College received no participation requests. The College did not undertake any specific work to promote the use of participation requests. It was not requested to, nor did it undertake any work to support a community participation body in the making of a participation request.

4.0 ASSET TRANSFER REQUESTS

4.1 Reporting Requirements

Under Part 5 of the Act, a community transfer body may make a request: -

(a) in relation to land owned by the relevant authority, for ownership of the land to be transferred to the community transfer body, or

(b) in relation to land owned or leased by the relevant authority: -

(i) for the land to be leased to the community transfer body, or

(ii) for the authority to confer rights in respect of the land on the community transfer body (including, for example, rights to manage or occupy the land or use it for a purpose specified in the request).

The PSA must report as follows: -

(a) the number of asset transfer requests the relevant authority received,

(b) the number of such requests which the relevant authority: -

(i) agreed to, and

(ii) refused,

(c) the number of such requests made to the relevant authority which resulted in: -

(i) a transfer of ownership of land to a community transfer body,

(ii) a lease of land to such a body,

(iii) rights in respect of land being conferred on such a body,

(d) the number of appeals under section 85 relating to such requests made to the relevant authority that have: -

(i) been allowed,

(ii) been dismissed,

(iii) resulted in any part of the decision of the authority being varied or reversed,

(e) in relation to a decision of the relevant authority reviewed under section 86 or 87, the number of such decisions that have been: -

(i) confirmed,

(ii) modified,

(iii) substituted by a different decision, and

(f) any action taken by the relevant authority during the reporting year: -

(i) to promote the use of asset transfer requests,

(ii) to support a community transfer body in the making of an asset transfer request.

4.2 Report for the Year 01 April 2017 to 31 March 2018

For the period 01 April 2017 to 31 March 2018, Borders College received no asset transfer requests. The College did not undertake any specific work to promote the use of asset transfer requests. It was not requested to, nor did it undertake any work to support a community transfer body in the making of an asset transfer request.

APPROVED BY BORDERS COLLEGE REGIONAL BOARD
14 June 2018