

Notice of Meeting and Agenda



Community Asset Transfer Committee

Venue: Council Chambers,
Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 11 December 2018

Time: 10:00

Director, Resources

Contact:

Clerk Name: Verona MacDonald

Clerk Telephone: 0131 271 3161

Clerk Email: verona.macdonald@midlothian.gov.uk

Further Information:

This is a meeting which is not open to members of the public.

1 Welcome, Introductions and Apologies

2 Order of Business

3 Declarations of Interest

4 Minute of Previous Meeting

None

5 Reports

5.1 Election of Chair

5.2 Application from Loanhead After School Club - Report by Acting Director, Resources 3 - 32

Community Asset Transfer Request: LASC Childcare Services Ltd

Report by Kevin Anderson, Acting Director, Resources

1 Purpose of Report

The purpose of this report is to seek Council approval for a Community Asset Transfer (CAT) application from LASC Childcare Services Ltd (LASC).

2 Background

2.1 Community Empowerment Act (Scotland) 2015

On 2 October 2018 Council approved a Community Asset Transfer Framework to assist with the determination of CAT requests and agreed to establish the Community Asset Transfer Committee to determine initial CAT requests and the Community Asset Transfer Review Committee to consider any review applications. Each Committee is to comprise six elected members.

This change in policy reflected the Scottish Government's move forward from a voluntary approach to a more formal asset transfer process with the introduction of the Community Empowerment (Scotland) Act 2015. The Act introduced a right for community groups to make requests to all relevant authorities (which includes local authorities) for any land or buildings they feel they could make better use of.

Part 5 of the Act came into force on 23 January 2017 and sets out the formal asset transfer process that must be adhered to if a valid request is received under the Act by the Council. The Council must comply with the Asset Transfer Regulations of the Act <http://www.legislation.gov.uk/asp/2015/6/part/5/enacted>

Information on asset transfers in Midlothian is available on the Council's website <https://www.midlothian.gov.uk/yourcommunity>

The new Community Asset Transfer Framework helps ensure the Council complies with the legal requirements of the Act.

CAT applications are administered and assessed by Community Management Assessment Group the using the assessment framework approved by Council.

In deciding whether to agree to or refuse a CAT request, the Council must consider the following:-

- (a) the reasons for the request;
- (b) any other information provided in support of the request;
- (c) whether agreeing to the request would be likely to promote or improve:-
 - economic development
 - regeneration
 - public health
 - social wellbeing
 - environmental wellbeing, or
 - whether agreeing to the request would be likely to reduce socio-economic inequalities
- (d) any other benefits that might arise if the request were agreed to;
- (e) how the request relates to the authority's duties under Equalities Legislation; and
- (f) any obligations that may prevent, restrict or otherwise affect the authority's ability to agree to the request.

In reaching its decision the Council must compare the benefits of the community transfer body's proposals with the benefits that might arise

from any alternative proposal. Alternative proposals may be another asset transfer request; another proposal made by the Council; continuing the existing use or disposal on the open market.

As well as assessing the benefits which the proposed CAT may deliver the Council must also assess whether the community transfer body is able to successfully deliver the project, and make it sustainable.

Importantly, the Act requires the Council to agree a CAT request unless there are reasonable grounds for refusing it.

3 Report Implications

3.1 Resource

A key part of the Council's financial strategy is the rationalisation of land and buildings. The effective implementation of this CAT request will help support the financial strategy. This asset transfer will require the applicant to meet the costs of maintaining the community garden.

3.2 LASC request

LASC have requested to lease the community garden, a small strip of council owned land adjacent to the building which they currently maintain and use for their childcare services – **map in appendix 1**. They currently do not have any formal agreement to use this land. They have asked for a 12 year lease to tie in with their tenure of the building.

LASC acquired the Link building in Loanhead from the Big Lottery in 2017 following the dissolution of Loanhead Community Learning Association - "The Kabin". The Big Lottery has a standard security over the building until 2030. LASC submitted their formal application on 10 May 2018 – **see appendix 2**. After a review of the application additional information was requested and the formal acknowledgement date of the application was 27 June 2018. The application is published on the council website, the notice of CAT was displayed at the site and in The Link building requesting comment by the 3 August. There were no recorded public objections. The Council has 6 months from that date to make a decision.

The Community Management Assessment Group, comprising officers from Communities, Estates and Land Resources undertook a formal assessment in accordance with the Council approved Framework on 16 October 2018 – **see appendix 3**.

This assessment recommends that the Council “grant a 12 year lease to tie in with remaining tenure of building then review”. The conditions of this recommendation are that the garden “should be used for community benefit”, that it should “provide free access” and that “the community garden should be open to the public during the working hours of The Link”. These conditions will be included in the formal lease agreement together with other standard terms and conditions.

3.3 Risk

The formal assessment by the Community Management Asset Group concludes that there are limited risks associated with this asset transfer request.

3.4 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- Community safety
- Adult health, care and housing
- Getting it right for every Midlothian child
- Improving opportunities in Midlothian
- Sustainable growth
- Business transformation and Best Value
- None of the above

3.5 Key Priorities within the Single Midlothian Plan

This asset transfer supports the strategic priorities of the Single Midlothian Plan and also the early learning and childcare expansion strategy.

3.6 Impact on Performance and Outcomes

This asset transfer will have a positive impact on the performance and outcomes of the authority.

3.7 Adopting a Preventative Approach

This asset transfer will empower LASC to utilise the council's assets to deliver preventative programmes of activity.

3.8 Involving Communities and Other Stakeholders

The applicants held a public event to consult the community as part of their application. The community council and elected members were notified of the application. There was no recorded objection to their application.

3.9 Ensuring Equalities

A full Integrated Impact Assessment has been completed for this asset transfer and concludes that it will have no negative impact on equalities – **see appendix 4.**

3.10 Supporting Sustainable Development

This asset transfer will have minimal impact on sustainable development. As it is a lease arrangement, LASC will not be able to change the use of the land without the Council's consent.

3.11 Digital Issues

There are no digital issues arising from this report.

4 Recommendations

It is recommended that the Committee agree to the formal CAT application submitted by LASC.

04 December 2018

Report Contact: Stephen Bermingham
0131-2713338
stephen.bermingham@midlthothian.gov.uk

List of Appendices

Appendix 1: Map of area recommended for transfer

Appendix 2: LASC formal asset transfer request

Appendix 3: Community Management Assessment Groups assessment

Appendix 4: Integrated Impact Assessment

Background Papers:

Community Asset Transfer Framework report approved by Council on 2 October 2018.

Appendix 1: Map of area recommended for transfer

LASC Asset Transfer Request – Community Garden
June 2018



Appendix 2: LASC formal asset transfer request

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015
ASSET TRANSFER REQUEST FORM**

Important: You do not need to use this form to make an asset transfer request, but it will help you to include all the required information.

Before making an asset transfer request:

- **Read the asset transfer guidance from the Scottish Government.**
- **Contact us to discuss your proposals.**

**Please email to:
communities.team@midlothian.gov.uk**

**Or mail to:
Stephen Bermingham
Communities Team Fairfield
House
Dalkeith
Midlothian
EH22 3AA**



Midlothian

**This is an asset transfer request made under Part 5 of the
Community Empowerment (Scotland) Act
2015.**

**Section 1: Information about the community transfer body (CTB)
making the request**

1.1 Name of the CTB making the asset transfer request

LASC Childcare Services Ltd

**1.2 CTB address. This should be the registered address, if you
have one.**

Postal address: Loanhead Centre

George Avenue

Loanhead

Postcode: EH20 9LA

**1.3 Contact details. Please provide the name and contact
address to which correspondence in relation to this asset
transfer request should be sent.**

Contact name: Irene Hogg

Postal address: As above

Postcode:

Email: Irene@lasc.org.uk

Telephone: 0131 448 0103

We agree that correspondence in relation to this asset transfer request may be sent by email to the email address given above.
(Please X to agree)

You can ask the relevant authority to stop sending correspondence by email, or change the email address, by telling them at any time, as long as 5 working days'

notice is given.

1.4 Please mark an "X" in the relevant box to confirm the type of CTB and its official number, if it has one.

x	Company, and its company number is .	SC197859 Charity number sc024467
	Scottish Charitable Incorporated Organisation SCIO , and its charity number is .	
	Community Benefit Society (BenCom), and its registered number is	
	Unincorporated organisation (no number)	

Please attach a copy of the CTB's constitution, articles of association or registered rules.

1.5 Has the organisation been individually designated as a community transfer body by the Scottish Ministers?

No

Please give the title and date of the designation order:

1.6 Does the organisation fall within a class of bodies which has been designated as community transfer bodies by the Scottish Ministers?

Yes

If yes what class of bodies does it fall within?

We are a Company Ltd by Guarantee with charitable status and membership open to all users and community members over the age of 16.

Section 2: Information about the land and rights requested

2.1 Please identify the land to which this asset transfer request relates.

You should provide a street address or grid reference and any name by which the land or building is known. If you have identified the land on the relevant authority's register of land, please enter the details listed there.

It may be helpful to provide one or more maps or drawings to show the boundaries of the land requested. If you are requesting part of a piece of land, you must give a full description of the boundaries of the area to which your request relates. If you are requesting part of a building, please make clear what area you require. A drawing may be helpful.

We are requesting transfer of the land surrounding the building known as The Link,
5 Mayburn Walk
Loanhead EH20 9HG

The footprint of the building has been previously transferred to the community. We are seeking the transfer of the community garden and the greenspace at the front of the building up to the boundary of the council's new play park, currently under construction.

2.2 Please provide the UPRN (Unique Property Reference Number), if known.

If the property has a UPRN you will find it in the relevant authority's register of land.

UPRN: This asset does not currently appear on Midlothian Council's Asset Register.

Section 3: Type of request, payment and conditions

3.1 Please tick what type of request is being made:

for ownership (under section 79(2)(a)) - go to section 3A

for lease (under section 79(2)(b)(i)) — go to section 3B

for other rights (section 79(2)(b)(ii)) - go to section 3C

3A — Request for ownership

What price are you prepared to pay for the land requested? •

--

Please attach a note setting out any other terms and conditions you wish to apply to the request.

3B — request for lease

What is the length of lease you are requesting?

We request a 12 year lease

How much rent are you prepared to pay? Please make clear whether this is per year or per month.

Proposed rent: £ 1.00	per year
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Please attach a note setting out any other terms and conditions you wish to be included in the lease, or to apply to the request in any other way.

3C — request for other rights

What are the rights you are requesting?

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Do you propose to make any payment for these rights?

Yes

If yes, how much are you prepared to pay? Please make clear what period this would cover, for example per week, per month, per day?

Proposed payment: £	per
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Please attach a note setting out any other terms and conditions you wish to apply to the request.

Section 4: Community Proposal

4.1 Please set out the reasons for making the request and how the land or building will be used.

This should explain the objectives of your project, why there is a need for it, any development or changes you plan to make to the land or building, and any activities that will take place there.

Our proposal is to create an attractive, inclusive community-owned asset including The Link building and its attached garden and green space area.

The Link will host our After School Club and Out of School Childcare activities. It will also be open to the public for a wide range of uses, including café, soft play, rooms for hire, workshops, groups, etc. We currently host a parents/tots group, a teen club and a weekly lunch club for vulnerable older people, and are currently refurbishing the interior to make the space attractive and fit for a wide range of other uses. The Link will operate as a social enterprise, as sustainably as possible, with the aim of being able to invest in the garden and outdoor space through a combination of grants and self-generated income.

Outside, within the land we are requesting to transfer, we will upgrade and rebuild our community garden areas so that these can be used by children in our care (including those with mobility difficulties and additional support needs), by user groups such as the parents/tots and by members of the general public. We have lost part of the existing community garden to the recent demolition of neighbouring Loanhead Community Learning Centre. We seek to restore as much of the garden as possible, supporting existing volunteers and attracting new volunteers from the local community. We seek to upgrade the areas to the sides and rear of the building to make these attractive, usable spaces.

As the new council play park and neighbouring housing estate are constructed, we seek to make The Link a vibrant, welcoming community hub for new and existing residents alike.

Benefits of the proposal

4.2 Please set out the benefits that you consider will arise if the request is agreed to.

This section should explain how the project will benefit your community, and others. Please refer to the guidance on how the relevant authority will consider the benefits of a request.

This request will benefit the community in the following ways:

Enhancing wellbeing: by creating a safe, welcoming and accessible outdoor garden and creative play area for children using our childcare services, including those with additional support needs, and other users of the Link including older people.

Improving and enhancing the environment for local residents, ensuring that this space can be appropriately maintained and utilised to full effect.

Fostering community cohesion, by offering a garden/green space where local people can gather and volunteer. We hope that the Link will be an attractive hub for new residents who move into the housing estate to be built on the site of the old Paradykes/LCLC site, and a way for them to integrate into the wider Loanhead community.

Contributing to the long-term sustainability of The Link and diversity of its services.

Restrictions on use of the land

4.3 If there are any restrictions on the use or development of the land, please explain how your project will comply with these.

Restrictions might include, amongst others, environmental designations such as a Site of Special Scientific Interest (SSI), heritage designations such as listed building status, controls on contaminated land or planning restrictions.

We are not aware of any restrictions on the use of the land, but given its situation in between The Link building and the new playpark, it is not suited to any other form of development. It will be most beneficial to maintain this as a garden/green space.

Negative consequences

4.4 What negative consequences (if any) may occur if your request is agreed to? How would you propose to minimise these?

You should consider any potential negative consequences for the local economy, environment, or any group of people, and explain how you could reduce these.

In accordance with our agreement to occupy and take ownership of The Link, following the dissolution of Loanhead Community Learning Association, we will be operating our After School and Out of School clubs from The Link. For Child

Protection and safety reasons, the general public will not be able to use the centre while the childcare is operating: during school holidays and after school hours.

However, it is the childcare service that will provide the most reliable and sustainable income to ensure that The Link is a viable social enterprise.

We will ensure clear and effective communications with the public, including website, social media and signposting, so that other customers know our opening hours and are not inconvenienced.

Capacity to deliver

4.5 Please show how your organisation will be able to manage the project and achieve your objectives.

This could include the skills and experience of members of the organisation, any track record of previous projects, whether you intend to use professional advisers, etc.

LASC Childcare Services is a sustainable social enterprise childcare service that has been in operation for more than 20 years. We currently deliver high quality childcare to around 650 children and employ 45 members of staff. We have a skilled board of directors who are highly engaged with the needs of the organisation. We have received numerous awards in the fields of childcare and play.

We have a high rate of success in applying for funding to support a variety of projects targeted at vulnerable individuals, and are particularly aware of the need for social inclusion for children and young people with disabilities or additional support needs.

Our CEO, Irene Hogg, was instrumental in the construction of The Link—previously The Kabin—and its garden. This operated as a vibrant community centre from the time of its opening in 2009 for several years. The business began to decline

following her departure as manager, and was mismanaged until Loanhead Community Learning Centre ceased trading in December 2017.

Section 5: Level and nature of support

5.1 Please provide details of the level and nature of support for the request, from your community and, if relevant, from others.

This could include information on the proportion of your community who are involved with the request, how you have engaged with your community beyond the members of your organisation and what their response has been. You should also show how you have engaged with any other communities that may be affected by your proposals.

We have engaged with the current users of our services and of the Link building.

The Parents and Tots group

See attached information from consultation event.

Section 6: Funding

6.1 Please outline how you propose to fund the price or rent you are prepared to pay for the land, and your proposed use of the land.

You should show your calculations of the costs associated with the transfer of the land or building and your future use of it, including any redevelopment, ongoing maintenance and the costs of your activities. All proposed income and investment should be identified, including volunteering and donations. If you intend to apply for grants or loans you should demonstrate that your proposals are eligible for the relevant scheme, according to the guidance available for applicants.

We intend to continue using the land as a community garden, play and learning area, as per its existing use. We plan to tidy and upgrade sections that have been poorly maintained, improve the landscaping, and introduce new play equipment and planting areas. We are working closely with the Parents and Tots group, a long-time user group of the building, who regularly use the area for outdoor play. We also have a small group of existing volunteers who work in our community garden and will seek to expand this gradually.

Our intention is also to renew fencing around the community garden. The purpose of the fencing is not to exclude users but to provide a level of security in an area which has been target of considerable vandalism, including break-ins, damage to equipment and landscaping, and arson. We hope that regular community use and a stronger sense of community ownership will help to reduce occurrences of vandalism.

We are seeking small grants for equipment and landscaping from a variety of sources, including: Cala Homes Bursary

Tesco Bags of Help

Scotmid

Ongoing maintenance will primarily be covered by volunteers and through revenue generated through The Link. We do not intend to rely upon long-term revenue funding to support the garden area.

Signature

Two office-bearers (board members, charity trustees or committee members) of the community transfer body must sign the form. They must provide their full names and home addresses for the purposes of prevention and detection of fraud.

This form and supporting documents will be made available online for any interested person to read and comment on. Personal information will be redacted before the form is made available.

undersigned on behalf of the community transfer body as noted at 1, make an asset transfer request as specified in this form. that the information provided in this form and any accompanying is accurate to the best of our knowledge.

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Date



Position

Signature



Name

Address

MARCH 2018.
Treasurer

Date) 3

Position

Signatur

Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this form.

Section 1 — you must attach your organisation's constitution, articles of association or registered rules

Title of document attached:

Section 2 — any maps, drawings or description of the land requested

Documents attached:

Section 3 — note of any terms and conditions that are to apply to the request

Documents attached:

Section 4 — about your proposals, their any restrictions on the land or potential negative consequences, and your organisation's capacity to deliver.

Documents attached:

Section 5 — evidence of community support

Documents attached:

Section 6 — funding

Documents attached: N/A

Appendix 3: Community Management Assessment Groups assessment

Name of CTB making the asset transfer request:	LASC Childcare Services Ltd
Land to which this asset transfer request relate:	Community Garden at The Link
Validation date:	27th June 2018
Date of assessment:	16th October 2018
Assessed by:	Catherine Duns, Mark Kenmure and James Kinch

Projects Objectives	Evidence	Assessment Score 1-5 (1-Weak, 5-Very Strong)
<p>Do the project objectives meet the Single Midlothian Plan objectives?</p> <ul style="list-style-type: none"> • Reduce the economic circumstances gap • Reduce the gap in learning outcomes • Reduce the gap in health outcomes 	<ul style="list-style-type: none"> • Will provide outdoor learning opportunities • Will provide volunteering opportunities • Physical and mental health benefits of having outside space to enjoy 	4
<p>Value to relevant authority in existing use of asset?</p> <ul style="list-style-type: none"> • Feasibility and cost of relocation of services elsewhere • Potential revenue savings arising from transfer 	<ul style="list-style-type: none"> • No cost to council, would be no relocation • No revenue savings • Council does not currently maintain the site 	2
<p>Value for alternative use/redevelopment</p>	<ul style="list-style-type: none"> • Site could potentially be used for playpark extension/leisure facilities in the future 	2
<p>Value for proposed and other community benefits</p>		
<p>Level of community benefits</p> <ul style="list-style-type: none"> • Extent of community served • Nature of benefits to be delivered 	<ul style="list-style-type: none"> • Loanhead and surrounding areas • Existing well established groups • Garden Planning Session held in May 2018 with LASC, Parents and Tots and Community Garden Group • Intergenerational opportunities with lunch club and parents and tots 	4

<ul style="list-style-type: none"> Community need/demand for the services 		
<p>Likelihood that benefits will be delivered over a 5 year period</p> <ul style="list-style-type: none"> Strength of organisation Sustainability of business plan/project Sources and level of funding support 	<ul style="list-style-type: none"> Track record of getting funding in Been operational in the area for over 20 years Parents and Tots successfully received £50k from The People's Projects to develop outdoor space and increase outdoor play activities 	4
<p>Impact of project failure</p> <ul style="list-style-type: none"> To surrounding local environment To reputation of the parties To the service users'/relevant authority's objectives 	<ul style="list-style-type: none"> Little impact/chance of failure whilst The Link is operating Garden can run independently of building 	2
7 Best Value themes	Evidence	Score 1-5 (1-Weak, 5-Very Strong)
<p>Vision and Leadership – does the organisation have in place a clear vision and plan for what it will do to contribute to the delivery of improved outcomes for Scotland?</p>	<ul style="list-style-type: none"> Yes – clear, detailed business plan SWOT analysis carried out, acknowledgement of areas to work on 	4
<p>Effective Partnerships – does the organisation have a collaborative approach to the challenges that communities face?</p>	<ul style="list-style-type: none"> Yes – carried out consultation with users to look at the area. Parents and Tots are an independent organisation who are utilising the space and involved in the planning of the outdoor space 	4
<p>Governance and Accountability – can the organisation demonstrate structure, policies and leadership behaviours?</p>	<ul style="list-style-type: none"> Yes – have child protection policies in place, strong board 	4
<p>Use of resources – how does the organisation demonstrate effective management of all resources to deliver on outcomes?</p>	<ul style="list-style-type: none"> Provided business plan with short, medium and long term goals Financial planning has been undertaken 	4
<p>Performance management – does the organisation have robust arrangements in place to monitor and report on outcomes?</p>	<ul style="list-style-type: none"> AGM held, annual reports produced and OSCR returns up to date 	4

Sustainability – what is the organisation doing to contribute to sustainable development?	<ul style="list-style-type: none"> Positive impact on environment – will be maintained, accessible and look attractive 	4
Equality – has the organisation taken consideration of an embedded equality issues into its strategy?	<ul style="list-style-type: none"> Different groups have been approached, building and site is accessible, intergenerational opportunities, children and young people with additional support needs will be using the garden 	4

Recommendations:	<ul style="list-style-type: none"> Grant 12 year lease to tie in with remaining tenure of building then review
Conditions:	<ul style="list-style-type: none"> Garden should be used for community benefit Provide free access The community garden should be open to the public during the working hours of The Link
Cost	<ul style="list-style-type: none"> Proposed from CTB: £1 per year Proposed from Council:

Score	Overview of evidence
5, Very strong	<ul style="list-style-type: none"> Governance and financial arrangements are strong and sustainable Best Value characteristics are evidenced throughout the overall approach Related project benefits are very robust and demonstrate value for money
4, Strong	<ul style="list-style-type: none"> Governance and financial arrangements are sound and sustainable Best Value characteristics are in evidence in the proposal Related projected benefits are demonstrated well and represent value for money
3, Moderate	<ul style="list-style-type: none"> Governance and financial arrangements are in place and acceptable Best Value characteristics have been considered as part of the proposal Related projected benefits are acceptable and could lead to value for money
2, Weak	<ul style="list-style-type: none"> Governance and financial arrangements are weak Best Value characteristics are not well demonstrated in the proposal Related projected benefits are not based on robust information and demonstrate questionable value for money
1, Poor	<ul style="list-style-type: none"> Governance and financial arrangements are poor There is little evidence of Best Value characteristics in the proposal Related projected benefits are ill defined and/or unrealistic and do not demonstrate value for money

Appendix 4: Integrated Impact Assessment



Integrated Impact Assessment Form

Promoting Equality, Human Rights, and Sustainability

Title of Policy/ Proposal	<i>Asset Transfer – The Link Community Garden</i>
Completion Date	<i>4th December 2018</i>
Completed by	<i>Catherine Duns</i>
Lead officer	<i>Stephen Bermingham</i>

Type of Initiative:

Policy/Strategy	New or Proposed
Programme/Plan	Changing/Updated
Project	Review or Existing
Service	Other
Function <input checked="" type="checkbox"/>	
Statement of Intent	

1. Briefly describe the policy/proposal you are assessing.

Set out a clear understanding of the purpose of the policy being developed or reviewed (e.g. objectives, aims) including the context within which it will operate.

Loanhead After School Club have applied through the Community Asset Transfer legislation for a 12 year lease of the community garden adjacent to The Link (formerly The Kabin). The Scottish Government moved forward from the voluntary approach to asset transfer with the introduction of the Community Empowerment (Scotland) Act 2015 (“the Act”). Part 5 of the Act came into force on 23 January 2017 and sets out the formal asset transfer process that must be adhered to if a valid request is received under the Act. The relevant authority must agree to the request unless there are reasonable grounds for refusal.

The Council recognises that asset transfer can empower communities, build the capacity of local citizens and inspire others to create responsive solutions to community needs. The asset transfer process presents local groups and communities with opportunities to get involved in running assets and delivering services; empowering them to help themselves and create a more sustainable future. Community groups wishing to consider the transfer of an asset will be provided with a dedicated member of staff to help build their capacity and to assist with the application process.

The request has been assessed in line with the assessment framework passed by council on 2 October 2018.

What will change as a result of this policy?

- **LASC and other user groups of the community garden will be able to apply for funding to develop the garden further and make it accessible to all the community.**

2. Do I need to undertake a Combined Impact Assessment?

High Relevance	Yes/no
The policy/ proposal has consequences for or affects people	Yes
The policy/proposal has potential to make a significant impact on equality	No
The policy/ proposal has the potential to make a significant impact on the economy and the delivery of economic outcomes	No
The policy/proposal is likely to have a significant environmental impact	No
Low Relevance	
The policy/proposal has little relevance to equality	Yes
The policy/proposal has negligible impact on the economy	Yes
The policy/proposal has no/ minimal impact on the environment	Yes
If you have identified low relevance, please give a brief description of your reasoning here and send it to your Head of Service to record.	
If you have answered yes to high relevance above, please proceed to complete the Integrated Impact Assessment.	

3. What information/data/ consultation have you used to inform the policy to date?

Evidence	Comments: what does the evidence tell you?
Data on populations in need	A planning session was held with representatives from LASC, Parents and Tots (constituted group) and the Community Garden. A walk round of the site was carried out and ideas were shared, particularly around improving accessibility.
Data on service uptake/access	No other asset transfer requests have been received for the site.
Data on quality/outcomes	No transfers have yet completed under this legislation so this cannot be assessed yet.
Research/literature evidence	The Statutory Guidance for Part 5 of the Community Empowerment Act requires public to follow the guidance that is included in the framework.
Service user experience information	The Framework has been approved by council and a standard Scottish Government application form is being used.
Consultation and involvement findings	The Act has been the subject of significant public consultations and the Council has promoted the use of community asset transfer through the media and offered bespoke training.
Good practice guidelines	Due diligence checks are carried out on all applications prior to an acknowledgement date being set. The assessment framework has been approved by council and provides a transparent, consistent approach to all asset transfer requests.
Other (please specify)	
Is any further information required? How will you gather this?	No

4. How does the policy meet the different needs of and impact on groups in the community?

Equality Groups	Comments – positive/ negative impact
Older people, people in the middle years,	Positive – the garden will provide a range of volunteering opportunities and intergenerational project opportunities. Improving and enhancing the environment for local residents.
Young people and children	Positive – the garden will create a safe, welcoming and accessible outdoor garden and creative play area for children using the childcare services, including those with additional support needs.

Women, men and transgender people (includes issues relating to pregnancy and maternity)	Positive- the garden will provide a range of volunteering opportunities and improve and enhance the environment for local residents.
Disabled people (included physical disability; learning disability; sensory Impairment; long term medical conditions; mental health problem)	Positive – the improvements to the garden will increase access for all.
Minority ethnic people (includes Gypsy/Travellers migrant workers non-English)	Positive- the garden will provide a range of volunteering opportunities and somewhere for people to meet and visit.
Refugees and asylum seekers	Positive- the garden will provide a range of volunteering opportunities and somewhere for people to meet and visit.
People with different religions or beliefs (included people with no religion or belief.	Positive- the garden will provide a range of volunteering opportunities and somewhere for people to meet and visit.
Lesbian; gay bisexual and heterosexual people	Positive- the garden will provide a range of volunteering opportunities and somewhere for people to meet and visit.
People who are unmarried; married or in a civil partnership	Neither positive nor negative impacts are considered likely beyond the types of positives referred to above.
Those vulnerable to falling into poverty	
Unemployed	Positive - the garden will provide a range of volunteering opportunities that can develop new skills.
People on Benefits	Positive - the garden will provide a range of volunteering opportunities that can develop new skills.
Single Parents and vulnerable families	Positive – the garden is situated adjacent to an area in the bottom 20% SIMD and provides affordable and accessible activities.
Pensioners	Positive – there are older people’s groups currently using the centre to meet, by making the garden more accessible they will be able to utilise the space.
Looked after Children	Positive - the garden will be accessible to all.
Those leaving care settings (including children and	Positive – the garden will be accessible to all.

young people and those with illness)	
Homeless People	Positive – the garden will be accessible to all.
Carers (including young carers)	Positive – the garden will be accessible to all.
Those involved in the criminal justice system	Positive – the garden will be accessible to all and will provide volunteering opportunities.
Those living in the most deprived communities (bottom 20% SIMD areas)	Positive – the site is adjacent to an area in the bottom 20% SIMD areas.
People misusing services	Positive – the garden will be accessible to all and will provide volunteering opportunities.
People with low literacy/numeracy	Positive – the garden will be accessible to all and will provide volunteering opportunities.
Others e.g. veterans, students	Positive – the garden will be accessible to all and will provide volunteering opportunities.
Geographical Communities	
Rural/ semi-rural Communities	Not applicable
Urban Communities	The site is in a built up area surrounded by housing, the garden will provide an enhanced environment for the surrounding areas.
Coastal Communities	Not applicable.

5. Are there any other factors that will affect the way this policy impacts on the community or staff groups?

The long term lease of the garden will allow The Link and constituted groups using the space to apply for funding to further develop the site and improve accessibility.

6. Is any part of this policy/ service to be carried out wholly or partly by contractors?

If yes, how have you included equality and human rights considerations into the contract?

No

7. Have you considered how you will communicate information about this policy or policy change to those affected e.g. to those with hearing loss, speech impairment or English as a second language?

Further, information published by Midlothian Council can be provided, on request, in many of the community languages and in large print, Braille, audio tape or

BSL. For more information, please contact the Equality, Diversity & Human Rights Officer on 0131 271 3658 or equalities@midlothian.gov.uk

8. Please consider how your policy will impact on each of the following?

Objectives Equality and Human Rights	Comments
Promotes / advances equality of opportunity e.g. improves access to and quality of services, status	The lease of the garden will allow The Link and the user groups to further develop the space and improve accessibility by applying for external funding.
Promotes good relations within and between people with protected characteristics and tackles harassment	The enhanced garden and outdoor space can be used by all groups and will provide various volunteering opportunities and skills development.
Promotes participation, inclusion, dignity and self-control over decisions	The groups using the garden will work together to ensure the space is accessible for all.
Builds family support networks, resilience and community capacity	Through the messy play sessions and volunteering opportunities families will learn and play together.
Reduces crime and fear of crime	Evidence shows that criminal activity against assets is reduced when the community have a sense of ownership of the asset.
Promotes healthier lifestyles including: Diet and nutrition Sexual Health Substance	Individuals in Midlothian may have improved health and wellbeing through participating in the garden activities. Individuals in Midlothian will have an increased number of affordable and accessible opportunities to engage in more healthy lifestyles through utilising the community garden.

Misuse	
Exercise and physical activity	
Life Skills	
Environmental	
Reduce greenhouse gas (GHG) emissions in Midlothian (including carbon management)	N/A
Plan for future climate change	N/A
Pollution: air/ water/ soil/ noise	N/A
Protect coastal and inland waters	N/A
Enhance biodiversity	<p>Community managed land could enhance biodiversity. The following research supports this assertion :</p> <p>https://mycommunity.org.uk/wp-content/uploads/2016/09/COMA-parks-and-green-spaces.pdf</p> <p>https://www.banc.org.uk/wp-content/uploads/2015/05/ECOS-36-1-44-Community-management-of-public-land.pdf</p>
Public Safety: Minimise waste generation/ infection control/ accidental injury /fire risk	N/A
Reduce need to travel / promote sustainable forms or transport	N/A
Improves the physical environment e.g. housing quality, public and green space	The improvements to the community garden will enhance the local area and instil a sense of pride.
Economic	

Maximises income and /or reduces income inequality	N/A
Helps young people into positive destinations	The garden will provide a range of volunteering opportunities.
Supports local business	The Link is a social enterprise, by providing more opportunities through the garden this could increase the footfall for the café, softplay and other groups running within the building.
Helps people to access jobs (both paid and unpaid)	The garden will provide a range of volunteering opportunities.
Improving literacy and numeracy	The garden will provide a range of volunteering opportunities.
Improves working conditions, including equal pay	N/A
Improves local employment opportunities	The garden will provide a range of volunteering opportunities.

9. Is the policy a qualifying Policy, Programme, or Strategy as defined by The Environmental Impact Assessment (Scotland) Act 2005?

No

10. Action Plan Revisit this section when you have revisited each section.

Identified negative impact	Mitigating circumstances	Mitigating actions	Timeline	Responsible person

11. Sign off by Head of Service/ NHS Project Lead

Signature:

Name

Date