

## Minute of Meeting Community Asset Transfer Review Sub-Committee

Date	Time	Venue
Monday, 26 April 2021	10:00	Microsoft TEAMS platform,

**Present:** Councillor Jacqueline Cameron, Councillor Eddie Devine, Councillor Audrey Doig, Councillor Neill Graham, Councillor Cathy McEwan

### Chair

Councillor McEwan, Convener, presided.

### In Attendance

N Young, Assistant Managing Solicitor Litigation & Advice (Independent Legal Adviser to the Sub-committee); G Dickie, Partnering & Commissioning Manager and R Devine, Senior Committee Services Officer (Clerk to the Sub-committee); C MacDonald, Senior Committee Services Officer and D Pole, End User Technician (Finance & Resources).

### Declarations of Interest

There were no declarations of interest intimated prior to the commencement of the meeting.

## 1 **Review Request by Up-2-Us Ltd. Re: Barnbrock Farm, nr. Lochwinnoch**

Under reference to item 8 of the minute of the Infrastructure, Land & Environment Policy Board held on 24 March 2021 there was submitted a report by the Director of Finance & Resources relative to a request for a review of a decision by the Head of Property Services to refuse an Asset Transfer Request received from Up-2-Us Limited in respect of Barnbrock Farm, near Lochwinnoch.

The report advised of the provisions within the Community Empowerment (Scotland) Act 2015 enabling community bodies to make application for an asset transfer request in relation to Council owned land and facilities and that the Council required to deal with such requests in accordance with the relevant legislation and procedures established in Regulations. At the meeting of the Council held on 23 February 2017 local procedures for dealing with such requests had been agreed. As part of that decision, it had been agreed that applications would be determined, in the first instance, by the Head of Property Services. Up-2-Us Limited had made an Asset Transfer Request in relation to Barnbrock Farm near Lochwinnoch, which had been dealt with in terms of the Council's agreed procedure and a decision refusing the request had been made. A decision notice had been issued to the applicant, by the Head of Property Services, on 13 January 2021.

In terms of the relevant legislation, an applicant who made an Asset Transfer Request which was refused was entitled to a review of that decision. The meeting of the Infrastructure Land & Environment Policy Board held on 24 March 2021, having been informed of the decision to refuse the Asset Transfer Request submitted by Up-2-Us Limited, had appointed this Sub-committee to undertake the review and agreed the detailed procedure for the review.

The Convener indicated that the procedure to be followed at this meeting of the Sub-committee, was as detailed in item 3 of the agenda, a copy of which had been circulated to members prior to the meeting. The report highlighted that before the Sub-committee considered the merits of the application it required to decide if it had enough information to make a decision or if further procedure was needed. In the event further procedure was deemed to be required, the Sub-Committee could adjourn to allow such steps as were necessary to be undertaken and then re-convene to consider the application further thereafter. The report also indicated that, as a preliminary issue, the Sub-committee required to be satisfied that Up-2-Us Limited met the full criteria to be considered as a "community transfer body". Members of the Sub-committee were advised of the deadline for determination of the review.

Councillor McEwan, seconded by Councillor Cameron, moved that written submissions be sought

(i) from the applicant, more information on wider community benefits for Renfrewshire Council residents and communities. The Sub Committee whilst understanding the difficulties of consultation, also would want more information on how these difficulties can be overcome, so that any bounding farms, or adjacent farms/businesses can be consulted, as well as local Community Councils in the immediate or surrounding vicinity; and

(ii) from the Head of Property Services more information as to the basis for the

decision not to grant the request from Up-to-Us Limited, and what their views are on the application from Up-to-Us, being amended from lease to purchase of property, if necessary. This was agreed.

**DECIDED:** That written submissions be sought

(i) from the applicant, seeking more information on wider community benefits for Renfrewshire Council residents and communities. The Sub-committee whilst understanding the difficulties of consultation, also wanted more information on how these difficulties can be overcome, so that any bounding farms, or adjacent farms/businesses can be consulted, as well as local Community Councils in the immediate or surrounding vicinity; and

(ii) from the Head of Property Services seeking more information as to the basis for the decision not to grant the request from Up-to-Us Limited, and what his views were on the application from Up-to-Us Limited being amended from lease to purchase of property, if necessary.