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**To: Infrastructure, Land & Environment Policy Board**

**On: 31 August 2022**

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**Report by: Chief Executive**

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**Heading: Community Asset Transfer policy – procedure update**

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**1. Summary**

- 1.1 The purpose of this report is to update members following requests for clarification on the procedure relating to applications to the Council for asset transfer from community bodies (a process known as Community Asset Transfer; C.A.T)

**2. Recommendations**

- 2.1 It is recommended that the Board:
- i) Note the clarifications to the previous June 2022 ILE Board report;
  - ii) Note that a report will be presented to the next Full Council meeting on the options for future governance on Community Asset Transfer applications;
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**3. Background**

- 3.1 In June 2022, ILE Board considered and agreed a report which offered an updated policy and procedure for the consideration of Community Asset Transfer (C.A.T) applications received by the Council.
- 3.2 Since the June 2022 Board elected members have raised queries regarding the stated process and sought clarification from officers. To address such queries on the procedure to be followed, officers consider that this further Board report was the best way to deal with these.

3.3 The points of clarification being sought relate primarily to the process for the Council's decision on a C.A.T application and section 8 of Appendix 2 to that report (Community Asset Transfer Process Guide 2022).

3.4 The June 2022 report referred to [paras 8.2 and 8.3 of the C.A.T Process Guide]

“Following the decision of the [officer] CAT Panel, a report will be prepared with the recommendation and taken to the next available Board by the Head of Economy and Development.....The Council Board will make the final decision to accept or reject the Panel Recommendation.

#### **4. Current governance for C.A.T applications**

4.1 The statement in the Process Guide is not an accurate reflection of the Council's current Scheme of Delegation or the remit of the ILE Board. The process established by Council in 2017 is that the decision on individual C.A.T applications is taken by officers in the first instance. It is only if a review of that officer decision is requested by the applicant that a report is prepared on the decision and heard by a sub-committee of the ILE Board.

4.2 The ILE Board do receive reports on the details of the proposed lease or sale arrangements to the community body where applications have been approved, but do not take the initial decision on the application itself.

4.3 If the ILE sub-committee decision is to refuse the application, the applicant can also subsequently appeal to Scottish Ministers.

4.4 Any change to the governance in respect of the C.A.T process would require to be made at Full Council.

#### **5. Review of governance for C.A.T applications**

5.1 Engagement with elected members suggests that it would be appropriate to consider whether the existing governance arrangements should remain in place or whether revisions should be made, particularly in the initial decision stage on a C.A.T application.

5.2 The Council's Scheme of Delegation and board remits can only be amended at Full Council. To this end a report on this matter will be taken to the next Full Council meeting on 29 September 2022 setting out options on how C.A.T applications could be considered.

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## Implications of the Report

1. **Financial** – None. Community Asset Transfer applications will continue to be assessed and dealt with within existing Directorate budgets.
2. **HR & Organisational Development** – None.
3. **Community Planning** – The intention will be that the community bodies will be actively encouraged to consider the C.A.T process for assets they wish to run on behalf of that community.
4. **Legal** – The Council's Legal Team will be involved in any C.A.T application recommended for approval and associated leases or sales of assets
5. **Property/Assets** – The Council will consider each C.A.T request / application in line with the relevant legislation and against its own operational requirements and plans
6. **Information Technology** – None.
7. **Equality & Human Rights**
  - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. Required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – None.
9. **Procurement** – None.
10. **Risk** – None.
11. **Privacy Impact** – None.
12. **Cosla Policy Position** – Not applicable.
13. **Climate Risk** – All Council property assets have an assigned energy rating which is fully considered and communicated to the relevant bodies in any C.A.T application process

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## List of Background Papers

- (a) Community Asset Transfer Policy and Procedures; ILE Board report; 15 June 2022

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**Authors**

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