

Community Asset Transfer Review Sub-Committee

1. Remit

- 1.1 The remit of the Community Asset Transfer Review Sub-Committee (“the Sub-Committee”) shall be to consider and decide applications for the review of decisions on asset transfer requests made under Part V of the Community Empowerment (Scotland) Act 2015.
- 1.2 The Sub-Committee will operate in accordance with the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016.

2. Membership

- 2.1 The membership of the Board comprises five members of the Infrastructure, Land and Environment Policy Board (“the Board”) with three members appointed for the administration group and two members appointed from the opposition groups represented on the Board.
- 2.2 The Chair of the Sub-Committee shall be the Chair or Vice Chair of the Board.
- 2.3 A quorum for the meeting of the Sub-Committee shall be at least three members.

3. Application of Standing Orders

- 3.1 The Council’s Procedural Standing Orders shall apply to the Sub-Committee except to the extent as expressly varied by these procedures.

4. Meetings

- 4.1 The Sub-Committee shall meet to consider the review. All meetings may be held remotely using a system approved by the Council.
- 4.2 The arrangements for the initial meeting shall be made by the Chair in consultation with the Head of Corporate Governance. The date, time and venue for any subsequent meetings shall be agreed by the Sub-Committee.
- 4.3 Where any meeting is not open to the public to view as it happens, a recording of the meeting shall be published on the Council’s website as soon as possible after the meeting has ended.
- 4.4 Prior to the meeting, the Sub-Committee members will have read the papers and documents relevant to the review and note the reasons given for the initial decision to refuse the asset transfer request.

- 4.5 If new material has been submitted which was not included in the original request for review, then Sub-Committee members will decide whether to accept this.
- 4.6 No other parties have the right to speak at the meeting.
- 4.7 A decision will be taken by the Sub-Committee on whether there is sufficient written information to determine the review without further procedure. Where the Sub-Committee is satisfied that it does have sufficient information, it may decide the review at the first meeting where the Sub-Committee considers the review.
- 4.8 Where the Sub-Committee decides that further procedure is required, the Sub-Committee will follow the procedures in paragraph 4.9 below although it may hold further meetings to determine which of those procedures is the most appropriate.
- 4.9 Where the Sub-committee considers that further representations should be made or further information should be made available or provided, this may be by means of:
- a) written submission in which case Regulation 8 of the 2016 Regulations shall apply.
 - b) a hearing session, in which case the Hearing Session Rules in the 2016 Regulations shall apply.

5. Decisions of the Sub-Committee

- 5.1 The Sub-committee may decide:
- a) to confirm the original decision to refuse the asset transfer request,
 - b) to modify the original decision, or any part of that decision (including any terms and conditions specified in the decision notice to which the asset transfer request relates), or
 - c) substitute a different decision from the original decision.
- 5.2 The Sub-Committee must decide the review within 6 months of the date of request for review
- 5.3 A notice of the Sub-Committee's decision must be given to the community transfer body and every person who made (and did not subsequently withdraw) representations in respect of the review must be notified that a decision on the review has been made and how a copy of the notice of the decision may be inspected.

5.4 A copy of the decision notice must be made available for inspection on a website or by other electronic means.

6. Appeals

6.1 Where following a review, the Sub-Committee

- a) refuses the asset transfer request to which the review relates,
- b) agrees to the request but the decision notice issued following the review specifies material terms or conditions which differ to a significant extent from those specified in the request, or
- c) does not issue a decision notice within the prescribed period.

The community asset transfer body making the asset transfer request may appeal to the Scottish Ministers.