

Report

Report to: **Asset Transfer Panel**
Date of Meeting: **30 March 2022**
Report by: **Executive Director (Housing and Technical Resources)**

Subject: **Review of Case – Application CAT/21/0004 for
Community Asset Transfer of Jock Stein Sports
Facility, Hamilton**

1. Purpose of Report

- 1.1 The purpose of the report is to present the information currently available to allow a review of the decision taken by officers on the following application:-
- 1.2. Summary Application Information
Application Type: Community Asset Transfer
Applicant: Blantyre Soccer Academy Scottish Charity SCO43613,
Proposal: Disposal at less than market value
Location: Jock Stein Sports Facility, Hillhouse, Hamilton
Council Area/Ward: Ward 18, Hamilton West and Earnock
- 1.3. Reason for Requesting Review
Refusal of the Application by the Officers' Community Asset Transfer Assessment Panel

2. Recommendation(s)

2.1 The Members' Asset Transfer Panel is asked to:-

(1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so,:-

- (a) confirm the decision; modify the decision; or substitute a different decision
- (b) in the event that the decision is modified or a different decision substituted, agree the reasons and the detailed conditions to be attached to the decision notice

(2) in the event that further information is required to allow it to determine the review, decide:-

- (a) what further information is required, which parties are to be asked to provide the information and how this is to be provided
- (b) what procedure or combination of procedures are to be followed to obtain this information

3. Background

- 3.1. In the terms of the Community Empowerment (Scotland) Act 2015 and The Asset Transfer Request (Procedure) (Scotland) Regulations 2016, eligible community

organisations can make a request for transfer of Council assets via lease, sale or other rights.

- 3.2. Jock Stein Sports Facility and is made up of a sports centre, sports pavilion, 1 synthetic pitch, 3 grass pitches, a play area with play equipment and an external exercise area with exercise equipment. This is an operational facility leased to SLLC. (Appendix 1 – Aerial Photo, Appendix 2 – site plan)
- 3.3. Blantyre Soccer Academy, an eligible community organisation, submitted a formal request for Community Asset Transfer of the Jock Stein facility, the validation date for which was 24 May 2021. (Appendix 3, application form; Appendix 4, constitution)
- 3.4. Following the period of public and internal consultation, Blantyre Soccer Academy were provided with an opportunity to respond to representations made in the course of the consultation before finalising their business plan which was then placed before the Community Asset Transfer Assessment Panel on 19 and 25 October 2021 for consideration. (Appendix 5 -Business Plan)
- 3.5. The Community Asset Transfer Assessment Panel reached the decision that they were unable to recommend to the Council the community asset transfer. A decision Notice to this effect, explaining the reasons for the decision, was issued to Blantyre Soccer Academy on 16 November 2021. (Appendix 10 – Decision Notice)
- 3.6. Blantyre Soccer Academy have requested a review, by elected members, of this decision. It should be noted that the organisation also has the right to appeal to Scottish Ministers should the Members Asset Transfer Panel uphold the decision to refuse. (Appendix 11 – Request for Review)

4 Process to be followed

- 4.1. If the Members Asset Transfer Panel decides there is sufficient information contained in this report and appendices (Inventory of Documents – Appendix 16) to determine the review, the following statutory matters should be considered when making a decision.
 - (i) the reasons for the request;
 - (ii) any other information provided in support of the request (whether such other information is contained in the review or otherwise provided);
 - (iii) whether agreeing to the request would be likely to promote or improve: economic development; regeneration; public health; social wellbeing; or environmental wellbeing.
 - (iv) whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage;
 - (v) any other benefits that might arise if the request were agreed to;
 - (vi) any benefits that might arise if the council were to agree to or otherwise adopt an alternative proposal (in respect of the land to which the request relates);
 - (vii) how such benefits would compare to any benefits such as are mentioned in (iii) and (v);
 - (viii) how any benefits such as are mentioned in (vi) above relate to other matters the council considers relevant (including, in particular, the functions and purposes of the council);
 - (ix) any obligations imposed on the council, by or under any enactment or otherwise, that may prevent, restrict or otherwise affect its ability to agree to the request;
 - (x) such other matters (whether or not included in or arising out of the request) as the panel considers relevant.

4.3. If the Members Asset Transfer Panel decides it has insufficient information to determine the review it should decide what further procedure is required. If further information or representations are required the Panel should decide what information it needs, from whom this should be requested, and whether this should be obtained by means of written representations, a hearing session, or some other method (such as a site visit).

5. Notice of Review – Statement of Reasons for Requiring the Review

5.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. (Refer Appendix 11).

5.2. Blantyre Soccer Academy have stated a preference to address the Panel as part of the review.

5.3. Members will however be aware that it is for the Panel to determine how a case is reviewed.

6. Information Available to Allow Review of the Application

6.1. The following information is appended to this report to assist the Housing and Technical Resources Sub Committee in its review of the decision taken by officers:-

(i)	Aerial Photograph	Appendix 1	Page 7
(ii)	Site Plan	Appendix 2	Page 9
(iii)	Asset Transfer Request Form	Appendix 3	Pages 11 to 24
(iv)	Blantyre Soccer Academy Constitution	Appendix 4	Pages 25 to 39
(v)	Business Plan, October 2021	Appendix 5	Pages 41 to 70
(vi)	Community Use Agreement	Appendix 6	Pages 73 to 83
(vii)	District Valuer's Report	Appendix 7	Pages 85 to 113
(viii)	List of Representations 2021	Appendix 8	Pages 115 to 144
(ix)	Summary of Representations 2021	Appendix 9	Page 145
(x)	Decision Notice	Appendix 10	Pages 147 to 148
(xi)	Request for Review	Appendix 11	Pages 149 to 152
(xii)	E-mails referred to in Request	Appendix 12	Pages 155 to 163

6. Notice of Review Consultation Process

6.1. 37 further public representations were received in the course of the 10-working day period from the date on which notification of the request for a review of the case was given. These are listed at and attached as Appendix 13- Pages 165 to 183.

6.2. The Asset Transfer Assessment Panel's observations on the asset transfer request are attached as Appendix 14 – Pages 185 to 194.

6.3 The applicant had the opportunity to comment on the further representations received. Comments from the applicant are contained in the submission attached as Appendix 15 – Pages 195 to 198.

Danny Lowe

Executive Director (Housing and Technical Resources)

20 March 2022

Link(s) to Council Values/Ambitions/Objectives

◆ Accountable, effective, efficient and transparent

- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities

Previous References

- ◆ None

List of Background Papers

Scottish Government Community Asset Transfer Guidance for Local Authorities

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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email: tony.finn@southlanarkshire.gov.uk