

ASSET TRANSFER PANEL

Minutes of meeting held via Microsoft Teams on 30 March 2022

Chair:

Councillor Josh Wilson

Councillors Present:

Councillor Maureen Devlin, Councillor Mark Horsham

Attending:

Community and Enterprise Resources

T Finn, Resource Adviser to the Asset Transfer Panel

Finance and Corporate Resources

P MacRae, Administration Adviser; G Mays, Legal Adviser to the Asset Transfer Panel; L Wyllie, Administration Assistant

1 Declaration of Interests

No interests were declared.

2 Review of Case – Application CAT/21/0004 for Community Asset Transfer of Jock Stein Sports Facility, 176 Hillhouse Road, Hamilton

A report dated 20 March 2022 by the Executive Director (Housing and Technical Resources) was submitted on a request, in terms of the Asset Transfer Request (Procedure) (Scotland) Regulations 2016, for a review of the decision taken by officers to refuse an asset transfer request (application CAT/20/0004) made by Blantyre Soccer Academy in relation to the Jock Stein Sports Facility, 176 Hillhouse Road, Hamilton.

To assist the Asset Transfer Panel in its review, copies of the following information had been appended to the report:-

- ◆ aerial photograph and site plan
- ◆ asset transfer request form
- ◆ Blantyre Soccer Academy Constitution
- ◆ Business Plan, October 2021
- ◆ Community Use Agreement
- ◆ District Valuer's report
- ◆ list of parties submitting representations 2021
- ◆ summary of representations 2021
- ◆ decision notice
- ◆ request for review, including applicant's reasons for requiring the review
- ◆ emails referred to in the request for review
- ◆ further submissions from interested parties following notification of the request for the review of the case
- ◆ the Officer Panel's observations on the asset transfer request
- ◆ comments from the applicant on the further submissions received from the interested parties

The Asset Transfer Panel heard the Legal Adviser in relation to:-

- ◆ the legal background to the case
- ◆ statutory criteria which required to be considered in relation to the case
- ◆ the Asset Transfer Request (Procedure) (Scotland) Regulations 2016 which set out the procedure to be followed in relation to the review
- ◆ the options available to the Panel in determining the review

The Panel also heard the Resource Adviser in relation to:-

- ◆ the application process
- ◆ issues which required to be considered in relation to the case including:-
 - ◆ benefits resulting from the request
 - ◆ ability of the applicants to deliver the proposal
 - ◆ impact on the Council's ability to deliver its functions
 - ◆ obligations or restrictions in relation to the request
 - ◆ other matters such as community support for the proposal

The Panel noted that the applicant had requested a site visit and a hearing prior to determination of the review, however, on the basis of the information submitted, the Panel considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to confirm, modify or substitute with a different decision, the decision taken in respect of the application under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ statutory matters
- ◆ the views of the local community in relation to the proposal

Following its review of the information and after discussion, the Panel:-

- ◆ noted that there was significant community objection to the proposal
- ◆ concluded that the officers' decision to refuse the asset transfer request be confirmed for the reasons detailed in the Council's decision notice dated 16 November 2021

The Panel decided:

that the decision taken by officers to refuse a request, in terms of the Community Empowerment (Scotland) Act, made by Blantyre Soccer Academy for an asset transfer (application CAT/20/0004) in relation to the Jock Stein Sports Facility, 176 Hillhouse Road, Hamilton be confirmed for the reasons detailed in the Council's decision notice dated 16 November 2021.

3 Urgent Business

There were no items of urgent business.