

# ANGUS COUNCIL

MINUTE of MEETING of the **SPECIAL MEETING OF POLICY AND RESOURCES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 19 June 2018 at 3.45 pm.

**Present:** Councillors ANGUS MACMILLAN DOUGLAS OBE, BRIAN BOYD, BRADEN DAVY, LYNNE DEVINE, BILL DUFF, SHEILA HANDS, TOMMY STEWART, ALEX KING, RICHARD MOORE, BOB MYLES, MARK SALMOND, RON STURROCK, DEREK WANN and BETH WHITESIDE.

Councillor MACMILLAN DOUGLAS, Vice-Convenor, in the Chair

## 1. APOLOGIES/SUBSTITUTES

An apology for absence was intimated on behalf of Councillor David Fairweather with Councillor Tommy Stewart substituting.

## 2. DECLARATIONS OF INTEREST

Councillor Whiteside declared an interest in item 6 as she had attended a meeting and had expressed support for the Community Asset Transfer for Monifieth Athletic Football Club. She indicated that she would participate in any discussion and voting on this item.

Councillor Devine declared an interest in item 5 as she had friends who were members of Forfar Men's Shed. She indicated that she would not participate in discussion and voting and would leave the meeting during consideration of this item.

Councillor Hands declared an interest in item 6 as she had met with Monifieth Athletic Football Club and exchanged a number of emails. She indicated that she would participate in any discussion and voting on this item.

## 3. COMMUNITY ASSET TRANSFER – 2017/18 ANNUAL REPORT

There was submitted Report No 209/18 by the Head of Finance and Legal, presenting the first Angus Council Annual Report on Community Asset Transfer activities in Angus covering the 2017/18 financial year.

The Report indicated that the Community Empowerment (Scotland) Act 2015 had introduced a right for community bodies to make a request to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for any land or buildings they felt they could make better use of. Community bodies could request ownership, lease or other rights through a process known as Community Asset Transfer (CAT).

The 2017/18 year had been the first full year of CAT under the new legislation and attached as Appendix 1 to the Report was information on CAT activity in Angus for 2017/18 in line with the requirements of the Act.

The Committee agreed:-

- (i) to note the requirements of the legislation, as outlined in the Report;
- (ii) to note the summary of activity described in Section 4 and Appendix 1; and
- (iii) to approve publication of the Report on the Community Asset Transfer pages of the Council's website.

## 4. COMMUNITY ASSET TRANSFER – DECISION REVIEW PROCEDURE

There was submitted Report No 210/18 by the Head of Finance and Legal, seeking approval of the process and guidance which would apply for any Community Asset Transfer applications where the applicant wished an internal review of the Council's original decision.

The Report indicated that a community transfer body could ask for their asset transfer request to be re-examined in certain circumstances. This could either be in the form of a Review (where the asset transfer request was considered again by the Council), or an Appeal (where the asset transfer request was considered by the Scottish Ministers).

The Report set out the proposed Review Procedure to meet the requirements of The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 as detailed in Appendix 1 to the Report.

As the establishment of and appointments to a proposed CAT Decision Review Committee were matters which required a decision of full Council, a formal remit for the Committee for incorporation into Standing Orders would be prepared for the Council meeting in September 2018.

The Committee agreed:-

- (i) to approve the decision review procedure process and guidance, as set out in Appendix 1 to the Report;
- (ii) to recommend to the Council the formation of a CAT Decision Review Committee, as detailed in Section 4.3 of the Report; and
- (iii) to note that creation of and appointments to the CAT Decision Review Committee would require to be determined at the next meeting of Angus Council in September 2018.

*Councillor Devine, having declared an interest at item 2 above, left the meeting during consideration of the following item.*

## **5. COMMUNITY ASSET TRANSFER APPLICATION DECISION – FORFAR MEN'S SHED, WORKSHOPS AT ORCHARDBANK HOUSE, FORFAR**

There was submitted Report No 211/18 by the Head of Finance and Legal, seeking members' views on a Community Asset Transfer (CAT) Application recently submitted regarding a Council asset.

The Report indicated that Forfar and District Men's Shed had applied for a Community Asset Transfer for the workshops at Orchardbank House, Forfar, on the basis of a long-term lease for 25 years. The proposal from the Forfar and District Men's Shed was that the facility would provide a place for organisational meetings, project work and also provide secure storage of equipment and project material.

The Committee agreed:-

- (i) to note the background to the Community Asset Transfer and the Council's policy and method of assessing applications, as set out in Report No 105/18;
- (ii) to note the summary information on the CAT application, as detailed in Appendix 1 to the Report;
- (iii) to note the outcome from the assessment process and the views of the Community Asset Transfer Officer Group, as set out in Section 4 of the Report, regarding the application;
- (iv) to approve the application; and
- (v) to note that it would be necessary to conclude formal legal agreements before the transfer formally took place and that terms and conditions in line with the Council's agreed policy would apply.

**COMMUNITY ASSET TRANSFER APPLICATION DECISION – MONIFIETH ATHLETIC FOOTBALL CLUB PITCHES AND PAVILION AT RIVER VIEW PARK, MONIFIETH**

There was submitted Report No 212/18 by the Head of Finance and Legal, seeking members' views on two related Community Asset Transfer Applications recently submitted regarding Council assets.

The Report indicated that the first application was from Monifieth Athletic Football Club in relation to the Football Pavilion, Riverview Park, Monifieth. The Group wished to take ownership of the asset and use it to further their aims as a community group, including development of grass roots football and work with young people.

The second application from Monifieth Athletic Football Club was in relation to the Football Pitches at Riverview Park, Monifieth. The Group wished to take a long term (99 year) lease of this asset and use it to further their aims as a community group, including development of grass roots football and work with young people.

The Committee agreed:-

- (i) to note the background to the Community Asset Transfer and the Council's policy and method of assessing applications, as set out in Report No 105/18;
- (ii) to note the summary information on the two CAT applications, as detailed in Appendices 1 and 2 of the Report;
- (iii) to note the outcome from the assessment process and the views of the Community Asset Transfer Officer Group as outlined in Sections 4 and 5 of the Report regarding these applications;
- (iv) to approve both applications; and
- (v) to note that it would be necessary to conclude formal legal agreements before the transfer formally took place and that terms and conditions in line with the Council's agreed policy would apply.