

ASSET TRANSFER REVIEW BODY

A REMIT AND POWERS

- 1 Determination of valid requests for review of decisions made by the Asset Transfer Committee on asset transfer requests made under the Community Empowerment (Scotland) Act 2015 and regulations made thereunder.
- 2 Considering and approving appeal submissions in cases where a decision was previously made contrary to officers' recommendations.

B MEMBERSHIP

- 1 5 members (2 Labour, 2 SNP, 1 Conservative).
- 2 Members must not also be members of the Asset Transfer Committee.
- 3 All members require to undergo induction and regular refresher training as arranged by the Head of Finance & Property Services, and shall not sit at meetings of the Committee unless they have attended such training to the satisfaction of the Clerk.

C QUORUM AND VOTING

- 1 3 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

D SUBSTITUTES

- 1 Substitutes are not allowed.

E MEETINGS (SUBJECT TO STANDING ORDER 41)

- 1 Scheduled meetings every calendar month throughout the calendar year, excluding the Christmas holiday period and the summer recess.
- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in consultation with the Chair, and prior to the notice calling the meeting being issued, may cancel that scheduled meeting.
- 3 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 4 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 5 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

F REPORTING ARRANGEMENTS

- 1 Minutes to be reported to and approved at the next meeting.

G MISCELLANEOUS

- 1 The Asset Transfer Review Body is a committee required by statute to deal with requests for review of asset transfer decisions made by another council committee. Its procedures are governed by the Community Empowerment (Scotland) Act 2015 and associated regulations.
- 2 To be able to take part in the decision-making process, members require to have attended all stages of the committee's consideration of an application, including site visits.
- 3 Site visits may be required by a decision of the committee or, prior to the committee's first consideration of a case, by a decision of the Clerk in consultation with the Chair. Where required, site visits arrangements are determined by the Clerk in consultation with the Chair.
- 4 The clerking and administration of the committee's business, including preparation of reports and supporting documents, is to be carried out by Committee Services.
- 5 Legal advice is to be made available to the committee at its meetings through the Chief Solicitor.
- 6 Property and financial advice is to be made available to the committee at its meetings by the Head of Finance & Property Services. The officer providing that advice must not have been involved in the case at any earlier stage. No opinion shall be expressed on the merits of the case.
- 7 Decision letters and other correspondence required by a decision of the committee are framed and sent by the Chief Solicitor.
- 8 If required, and where not provided by legislation, procedures at meetings of the committee are to be set by the Chief Solicitor in consultation with the Chair.
- 9 Subject to any over-riding legal requirements, the committee is bound by council policy in its decision-making.
- 10 For appeal submissions in cases where the decision was contrary to officers' recommendation, the Head of Finance & Property Services, in consultation with the Chief Solicitor, shall prepare, or procure the preparation of, the appeal submission. If required, the submission may be made through the use of Standing Order 31.