
ARGYLL AND BUTE COUNCIL

**POLICY AND RESOURCES
SUB COMMITTEE**

COMMERCIAL SERVICES

24 SEPTEMBER 2020

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 – KILMORY WOODLANDS –
PART OF KILMORY HOME FARM - REVIEW OF ASSET TRANSFER REQUEST –
DECISION RECOMMENDATION**

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to advise the AsET

The issues under consideration were not complex in nature and the review could be determined on the basis of the information supplied with no requirement for further written submissions or a hearing.

- 1.7 It should be noted that positive correspondence has been ongoing with Mid Argyll Rugby Club separately from the review process and some alternative solutions

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3.2 Confirm the original decision of the Policy and Resources sub-committee to refuse the ATR submitted by Kilmory Woodlands seeking a 99 year lease of part of Kilmory Home Farm for £1 per annum (in accordance with the recommendation of the Executive Director with responsibility for Commercial Services and the ATG).

4.

ASSET TRANSFER GROUP ASSESSMENT AND RECOMMENDATION

- 4.6 The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 require a number of steps to be carried out prior to determining the review procedure and these were carried out within the relevant timescales, specifically:

An acknowledgement of the application for review was sent to KW within 10 working days or receipt of the review;

Notice of the review was given to anyone who made representations in relation to the original request within 10 working days in writing or newspaper advert circulating in the locality; and

The review documents and notices were published online (and will remain available until the review is determined).

- 4.7 Interested parties had 10 working days to make representations from the date of the notice, however no further representations were received.

- 4.8 On 18 March 2020, the Council's Asset Transfer Group Tmrt Tm 0 Tc[223(g)6(1(99 Tmp0s(a

written statement of case. Hearing session rules are set out the review procedure regulations.

- 4.14 It should be noted that the hearing session is intended to be a discussion, led by the Council on the particular matters set out in the notice. Those parties attending will not normally be allowed to question each other on their statements and the Council will be able to stop anything being raised if they consider it is not relevant or is repeating previous points.

ADDITIONAL EVIDENCE

- 4.15 If the Council proposes to take into consideration any new evidence not obtained through written representations or hearing sessions they must not reach a decision without giving KW and other relevant parties the opportunity to comment on that evidenced.

DECISION ON THE REVIEW

- 4.16 Having carried out a review the Council may then confirm the original decision, modify it or any part of it, or substitute the original decision. They must issue a new decision notice, publish it online and inform anyone who made representations of their decision and where the notice can be inspected.
- 4.17 If the original decision to refuse the request is upheld, KW may appeal that decision to the Scottish Ministers.

5. CONCLUSION

- 5.1 KW have submitted an application for a review of the decision made on 17 December 2019 to refuse KW'S Asset Transfer Request (ATR) for a 99 year lease of part of Kilmory Home Farm for £1 per annum. There is a legal obligation on the Council to carry out such a review within 6 months of the date of the application for a review being received namely 13 July 2020, however due to the ongoing Covid 19 the parties have agreed to extend that deadline until 30 September 2020.
- 5.2 The final determination in relation to the review and the procedure to be used to carry out the review requires to be determined by the Asset Transfer Review Sub-Committee of the Policy and Resources Committee excepting those members of the Committee who made the decision in regard to the initial Asset Transfer Request.
- 5.3 It is considered that the review can be determined on the basis of the information supplied and that there is no requirement for written submissions or a hearing and therefore recommended that the Asset Transfer Review Sub-Committee of the Policy and Resources Committee confirms the original decision of the Policy and Resources sub-committee to refuse the ATR submitted by Kilmory Woodlands seeking a 99 year lease of part of Kilmory Woodlands for £1 per annum for the reasonable grounds of refusal stated above.

6.0 IMPLICATIONS

- 6.1 Policy – In line with Council policy on Asset Transfer Requests

