

The timescales and process for a request for review under The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 by South Ayrshire Council (SAC) are as follows:

- **Timescale:** A written application for review of the decision by Leadership Panel to refuse the Community Asset Transfer (CAT) application can be made by the applicant transfer body within 20 working days of the date of the decision notice being issued. The Council will have 6 months to review the original decision and determine the application for review. This period starts on the date the application for review is made. The 6 month period may be extended if the Council and transfer body mutually agree to such an extension.
- **Process:** The Council's adopted process for conducting Community Asset Reviews is set out in the Leadership Panel Report by the Director – Place of 27 November 2018. Detailed procedures that the Council is bound to follow are also set down in legislation.

The following is a summary of the process and is not exhaustive.

Application for review

The application for review will include a statement setting out the applicants reasons for requiring a review, as well as setting out the procedure which they consider should be used to obtain further information (e.g. whether there should be a hearing or a site visit, in addition to written representations). The application will be accompanied by a list of documents and other evidence supporting the applicant's case.

Acknowledging the application and notifying interested parties

Within 10 working days of receiving the application for review, the Council will acknowledge receipt of the application with the applicant transfer body and also give notice of the application to all interested parties (including anyone who made representations on the original asset transfer request). The notice to interested parties will confirm details of the applicant transfer body and the land/property to which the application relates. It will also confirm that representations previously

made in relation to the original application will be considered by the Council as part of the review, and that further representations may also be made. Information about how and by what date representations must be made will be provided in the notice. Interested parties will have 10 working days from the date of the notice to make any representations.

Representations made in relation to the application for review will be sent by the Council to the applicant transfer body, who will then be given at least 10 working days to provide the Council with their comments on the representations received.

Publication of the review documents

The original decision notice, the application for review and any supporting evidence, and any representations and comments made (together known as “the review documents”) will be published by the Council online, with personal information being redacted prior to publication.

Determination without further procedure

Once the Council has the review documents, the application will be referred to the Audit and Governance Panel (“AGP”). If the Audit and Governance Panel consider that the review documents provide sufficient information to enable it to determine the review, it may determine the review without further procedure.

Determination after further procedure

If the AGP decides it cannot determine the review application without further procedure, it will decide what further procedure to use to get more information. The AGP can request more information by way of written submission, a hearing session, or by way of a site visit. While the applicant transfer body can suggest in their application what further procedure they think would be appropriate, the final decision is with the Council. Anyone can be asked to provide further information, by way of written submission or by attending a hearing, including people not previously involved in the case.

If the AGP decides that more information is needed by way of further procedure, the application will be continued to a later meeting of the AGP.

AGP determination

In carrying out the review, the AGP must consider the request in the same way as the original process, taking into account the same factors and benefits of the request and alternative proposals. In determining the application, the AGP will have three options: confirm the original decision, considers that the original decision or any part of it should be modified, or considers that a different decision should be substituted. Decisions will be taken by a majority vote. If AGP cannot reach a decision on the application, it will be referred back to the Leadership Panel.

In line with the Council's process, the following table indicates the outcome following the potential decisions of AGP:

Decision by AGP	Outcome
Confirms the original decision	AGP decision concludes the Council's Review Process, and a new Decision Notice is issued by SAC replacing original.
Considers that the original decision or any part of it should be modified	AGP refers the review back to the Leadership Panel, with recommendations for alternative action.
Considers that a different decision should be substituted	AGP refers the review back to the Leadership Panel, with recommendations for alternative action.

Referral from AGP back to Leadership Panel

In line with the Council's adopted process, as shown in the above table, the AGP will refer applications back to the Council's Leadership Panel if they consider that the original decision or any part of it should be modified or that a different decision should be substituted. The review documents together with any further information or evidence collated by the Council (e.g. any further written representations, or a transcript of any hearing held before the AGP) will be passed to the Leadership Panel for their consideration and determination.

Referral to South Ayrshire Council

If the Leadership Panel does not agree with the recommendation passed back from the AGP, the application will then be referred to the next meeting of the full Council for consideration and determination.

The full process outlined above must be completed and a decision notice issued within the timescale set out above.

Review process must be concluded from 6 months beginning with the date on which the application for review is made.