

ABERDEENSHIRE COUNCIL**COMMUNITY EMPOWERMENT APPEALS COMMITTEE****COMMITTEE ROOM 1, WOODHILL HOUSE, ABERDEEN, 28 NOVEMBER 2018**

Present: Councillors P Argyle, G Blackett, S Dickinson, A Forsyth, A Kille, N Smith and I Sutherland.

Apologies: Councillor R Cassie.

Officers: Principal Solicitor (Democratic Services) and Principal Committee Services Officer.

1A. APPOINTMENT OF CHAIR

The Principal Committee Services Officer explained that membership of the Committee would require to be adjusted depending on the location of the asset under consideration and therefore the appointment of a Chair was requested for the duration of the Committee's consideration of the request for review in respect of the former Market Place School, Inverurie.

The Committee unanimously **agreed** to appoint Councillor Argyle.

1B. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. No interests were intimated.

2. PUBLIC SECTOR EQUALITY DUTY

In making decisions on the undernoted items of business, the Working Group agreed, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

3. FORMER MARKET PLACE PRIMARY SCHOOL, INVERURIE

There had been circulated a report dated 16 November, 2018 by the Director of Business Services on a request for review of a decision by the Garioch Area Committee to refuse an Asset Transfer request from the Garioch Area Partnership (Scio Sc043548) in respect of the former Market Place Primary School, Market Place, Inverurie. The report (a) advised that the Community Empowerment (Scotland) Act 2014 set out the framework within which local authorities must determine asset transfer requests; (b) explained that the application for asset transfer by Garioch Area Partnership in relation to the council owned asset at Market Place School, Inverurie had been considered and refused by the Garioch Area Committee, at its

meeting on 28 August, 2018, and attached copies of the report considered by the Garioch Area Committee (Appendix A), an extract of the minute of meeting of the Garioch Area Committee when the application had been determined (Appendix B) and the formal decision notice issued to Garioch Area Partnership dated 3 October 2018 (Appendix C); (c) stated that a request for review of the decision by the Garioch Area Committee had been received from the Garioch Area Partnership on 28 September, 2018 (Appendix D) and set out the grounds upon which the request for review had been submitted; and (d) outlined the procedure to be followed by the Committee in determining the review request.

The Committee heard from the Principal Solicitor (Democratic Services) who introduced the report and provided further clarification and responded to Members questions on the review procedure.

The Chair then asked the Committee to consider whether there was sufficient information before them in order for Members' to consider the review without further procedure.

Following discussion, the Committee **agreed** to defer consideration of the request for review in order to follow further procedure by way of seeking written submissions from -

- (1) the Garioch Area Manager, on the current valuation figure for the asset; and
- (2) the Garioch Area Partnership, to provide further detailed explanation, in terms of the proposal to have the asset open and operating within the timeframe identified in the application, of how this would be achieved given the current condition of the asset.