

Report of:	Meeting	Date	Item No.
The Resources Portfolio Holder (Cllr A Vincent) and the Corporate Director of Resources (Philippa Davies)	Council	28 November 2013	12

SCHEME OF DELEGATION: LIST OF ASSETS OF COMMUNITY VALUE
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1. Purpose of Report

- 1.1 To amend the Council’s Scheme of Delegation to enable new procedures relating to the maintenance of a List of Community Assets to be implemented.

2. Outcomes

- 2.1 Compliance with legislation.
- 2.2 Procedures in place to enable the community to have a fairer chance of buying land or buildings on the open market which benefit the local community.

3. Recommendations

- 3.1 That the administrative procedures for dealing with applications for the listing of community assets, referred to in this report, be noted.
- 3.2 That, in order to enable those procedures to be implemented, the Scheme of Delegation in Part 7 of the Council’s Constitution be amended, as follows:
- (a) The Head of Governance be authorised to determine whether nominated assets will be listed as an “asset of community value” in the Council’s List of Community Assets.
 - (b) The Senior Solicitor be authorised to undertake an internal review of a decision to list a community asset, in the event of an application for such a review being received.

- (c) The Corporate Director of Resources be authorised to consider compensation claims from an owner of land or premises for loss or expense incurred as a consequence of an asset being listed and, where necessary, to make payments in accordance with Regulations.
- (d) The Senior Solicitor be authorised to undertake an internal review of a decision concerning a compensation claim, within 8 weeks of receiving the request for a review.

4. Background

- 4.1** The Localism Act 2011 introduced new provisions enabling local community groups to nominate buildings or land for inclusion in a list of Assets of Community Value, which the Council is required to maintain. The Council must assess any such nominations received against criteria specified in Regulations made under the Act. If the nomination is successful, the asset must be listed and restrictions are imposed on the ability of the owner to sell it. In certain circumstances, the owner is entitled to compensation from the Council.
- 4.2** The aim of the legislation is to give local community groups a chance to make a bid to buy the asset on the open market and, thereby, to prevent the loss of assets which benefit the local community. The Act does not provide a right to buy or a right of first refusal but introduces, in certain circumstances, a moratorium on the disposal of the asset.
- 4.3** The definition of Assets of Community Value includes buildings or land in the Council's area, which are currently, or have recently been, used mainly to further the social well-being of the local community, such as cultural, sporting or other recreational uses, provided that such uses are likely to continue in the future.
- 4.4** Apart from limited specified exceptions (notably residential property), any land which meets the definition in the Regulations can be nominated, whether it is owned by the Council, another public body, a private company or an individual.
- 4.5** Any group with a local connection can make a nomination, including:
 - a neighbourhood forum;
 - a Parish or Town Council;
 - a group of at least 21 individuals on the electoral role in Wyre or a neighbouring area;
 - a community interest group which is either a charity, a community interest company or a company limited by guarantee that does not distribute any surplus it makes to its members;
 - a non-profit distributing industrial or provident society.

5. Key Issues and Proposals

- 5.1** Administrative procedures have been drawn up to deal with the 4 main stages in the process, i.e.:
- (1) for receiving nominations, informing the owner and deciding whether or not to list an asset;
 - (2) for considering a request by the owner of a listed asset to review the initial listing;
 - (3) for considering a request for compensation from the owner of a listed asset for any loss and expense incurred;
 - (4) for reviewing an unsuccessful compensation claim.
- 5.2** There is very little discretion open to the Council at any of the above stages. Decisions have to be made simply on the basis of whether, or not, the various criteria specified in the Regulations have been met. Protocols and checklists have therefore been prepared to ensure that those criteria are accurately and consistently applied.
- 5.3** The Regulations specifically provide that the listing and compensation review stages are undertaken by an officer. Additional delegations to the Corporate Director of Resources, the Head of Governance and the Senior Solicitor are therefore recommended.

FINANCIAL AND LEGAL IMPLICATIONS	
Finance	<p>It is anticipated that the administrative costs of this new process will be met from within available budgets.</p> <p>There are minor costs associated with confirming ownership and the registration of a restriction at the Land Registry for each successful nomination, currently £6 and £40 per application respectively.</p> <p>The extent of the Council's liability in respect of compensation claims is £20,000 per annum, with claims in excess of that amount being determined and paid by Central Government.</p> <p>The Council received a new burdens grant of £4,873 in 2012/13, £7,855 in 2013/14 and £7,855 in 2014/15.</p>
Legal	<p>Legal implications are referred to in the body of this report. The recommendations proposed are in accordance with the requirements of Part 5, Chapter 3 of the Localism Act 2011 and the Assets of Community Value Regulations 2012.</p>

OTHER RISKS/IMPLICATIONS: CHECKLIST

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

Implications	✓ / x
Community Safety	x
Equality and Diversity	x
Sustainability	x
Health and Safety	x

Risks/Implications	✓ / x
Asset Management	yes
Climate Change	x
Data Protection	x

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List of Background Papers:		
Name of Document	Date	Where available for inspection
None	-	-

LIST OF APPENDICES

None

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