

ASSETS OF COMMUNITY VALUE
(Report by the Overview and Scrutiny Panel (Economic Well-Being))

1. INTRODUCTION

- 1.1 At its meeting held on 8th November 2012, the Overview and Scrutiny Panel (Economic Well-Being) considered the report by the Head of Legal and Democratic Services which outlines the arrangements the Council should put in place to deal with applications for listing community assets. The following paragraphs contain a summary of the Panel's discussions on the report.

2. THE PANEL'S DISCUSSIONS

- 2.1 The Panel has been informed that this legislation has been introduced as part of the Localism Act 2011 to assist local community groups in preserving those buildings or lands which they consider to be important to their community's social well-being. Specifically their attention has been drawn to the bodies which may make nominations, the proposed process for nominating an asset and the impact of land being listed when the owner wishes to dispose of the land. In this respect, the Panel has noted that there are a number of disposals which are exempt from the Moratorium arrangements. Members have also been assured that Ward Members will be consulted on all applications.
- 2.2 The Panel has questioned the means by which Parish Councils and other interested charities have been made away of the introduction of the new legislation. A briefing note has been sent to all District Councillors and the Head of Legal and Democratic Services has agreed to circulate this to all Parish Councils, if this has not already been done. It will not be appropriate to provide examples of the assets that might be listed given that the District Council has an obligation to determine applications, and this might be regarded as pre-determination.
- 2.3 The District Council has received one application thus far, which will be determined once the process had been approved by the Cabinet.
- 2.4 In terms of the arrangements for dealing with compensation claims, the Government has indicated that the estimated costs of compensation will be included within the new burdens funding. In addition the government has committed to meet the cumulative costs of compensation exceeding £20k in one financial year. In the event of claims exceeding this limit, the District Council will have to request further reimbursement.
- 2.5 In considering the details of the report, members have requested clarification of two matters the first is whether the group of at least 21 people on the electoral roll who can make a nomination need to reside in the parish in question. The second is whether the list of disposals, which are exempt from Moratorium arrangements, applies in the case of an individual or organisation being placed into administration who is/are depending on the sale of the property. The Head of Legal and Democratic Services has agreed to investigate these matters further.
- 2.6 The Panel has therefore

RECOMMENDED

- a) that the responsibility for receiving and processing applications be delegated to the Corporate Team Manager;
- b) that responsibility for determining whether an asset should be listed on the register of community assets or not be delegated to a panel of 3 appropriate Council Officers (who may be drawn from Planning and Housing Strategy, Environmental & Community Services and Legal & Democratic Services, supported by the Corporate Team) to be designated by COMT;
- c) that responsibility for determining reviews against listing of assets by the owners be delegated to the Head of Planning & Housing Strategy after consultation with the Head of Legal & Democratic Services (or their nominees);
- d) that responsibility for putting in place appropriate arrangements for determining requests for compensation and any review requests be delegated to the Corporate Team Manager; and
- e) that the Corporate Team Manager be requested to put in place arrangements for publishing how applicable groups can go about making a nomination.

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