

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	FINANCE AND DEMOCRACY COMMITTEE	20 JUNE 2016	10
ASSETS OF COMMUNITY VALUE: LISTING REVIEWS			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The committee has the delegated authority to decide whether to include land or buildings on its list of assets of community value, following receipt of a community nomination. If land or a building is included on the list, its owner can ask for that decision to be reviewed.

Regulations require that an officer must make the decision on any review. The committee is asked to delegate power to the Director of Resources to appoint officers to carry out reviews and to take certain other procedural decisions about reviews.

RECOMMENDATIONS

1. Delegate to the Director of Resources the power to appoint an officer to carry out any review of a decision to include land or buildings in the council's list of assets of community value; and
2. Delegate to the Director of Resources the power to decide whether a review should be by way of an oral hearing or written representations and to make any other decisions relating to the procedure of a review.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

APPLICATIONS TO LIST

1. Under the Localism Act 2011 parish councils or qualifying voluntary or community bodies may nominate any land or building as an asset of community value. If the borough council agrees that the land or building is of community value, it must be listed as such.
2. Land is of community value if (in the opinion of the borough council) an actual or current use¹ of it furthers the social wellbeing or social interests² of the local community and it is realistic to think that there can continue to be a use of the land which will further the social wellbeing or social interests of the local community³.
3. Land is also of community value if (again in the opinion of the local authority) there has been a time in the recent past when an actual use¹ of it furthered the social wellbeing or social interests of the local community and it is realistic to think that there is a time in the next five years when there could be a use of the land that would further the social wellbeing or social interests of the local community.
4. The effect of listing land or a building as an asset of community value is that, if the owner of the asset seeks to dispose of it, certain notification requirements and moratorium periods⁴ will apply during which community organisations can apply to be considered as bidders.

DECISION-MAKING AND REVIEWS

5. The power to decide on nominations for listing is delegated to this committee. Members have so far considered four nominations for listing, which have resulted in three assets of community value being listed.
6. The owner of a building or land that is listed as an asset of community value can, within eight weeks of the listing decision, ask for the decision to be reviewed. Regulations set out how and by who the review is to be conducted.
7. The review must be carried out by *“an officer of the authority of appropriate seniority who did not take any part in making the decision to be reviewed”*⁵. If the owner asks for it, a review must be by way of an oral hearing. Otherwise, the procedure on review is up to the council.
8. Though no decisions to list have been reviewed so far, it would be sensible to put in place the machinery for dealing with a review should one be requested. The recommendation therefore asks the committee to delegate functions relating to reviews to the Director of Resources.

¹ Ancillary uses do not count.

² ‘*Social interests*’ includes cultural interests, recreational interests and sporting interests.

³ Localism Act 2012, section 8

⁴ An owner cannot dispose of property/land that is on the list, unless they have informed the local authority. Informing the local authority triggers the interim moratorium period. The interim moratorium period lasts for 6 weeks, during which time a community interest group can request the local authority that they be treated as a potential bidder. If the local authority receives such a request, the full moratorium period, which lasts for six months from the time the owner notified the authority of its intention to dispose, takes effect. The owner may not, subject to certain exceptions, dispose of the property during an applicable moratorium period.

⁵ Assets of Community Value (England) Regulations 2012, schedule 2, paragraph 3.

IMPLICATIONS	
Finance	<p>There are no financial implications arising directly from this report. However, the listing of land, if and when it may occur, can give rise to a claim for compensation from the owner of the land if he has incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.</p> <p>The Council is liable for any compensation payment that may be required to be paid to owners of properties in the circumstances described above up to a limit of £20k in any financial year, with any compensation above this level being met by central government. In recognition of this new potential burden the Council has received grants from central government in the total sum of £46k. A Community Right to Bid/Challenge Reserve was created to set aside this grant to fund the costs of any future compensation that might be payable under the scheme.</p>
Legal	The review mechanism is set out in the Localism Act and regulations made under it. There is no scope for members to be involved in review decisions.
Community Safety	None arising directly from this report
Human Rights and Equalities	None arising directly from this report
Sustainability and Environmental Impact	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

LEAD AUTHOR	TEL	DATE	DOC ID
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LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		