

Cabinet Meeting Resolution

Executive Forward Plan Reference	E2473
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Localism Act 2011 - Assets of Community Value

Date of Meeting	10-Oct-12
The Issue	<i>The Localism Act 2011 introduced new rights for local communities. These rights include the ability to nominate assets of community value for inclusion on a list maintained by the Council. If the owner of a listed asset wishes to sell it, the Council must be notified in order to give communities time to develop a bid for the asset. This report outlines the provisions relating to this and recommends a decision-making process for the listing of community assets in Bath and North East Somerset.</i>
The decision	(1) To DELEGATE authority to the Divisional Director, Policy and Partnerships for decision-making in response to nominations for entry into the List of Assets of Community Value under the Localism Act 2011, drawing on the decision-making guidance as set out in the report (or, in the event of this Divisional Director having a conflict of interest, to a Divisional Director nominated by the Strategic Director- Resources); (2) To DELEGATE authority to the Divisional Director Policy and Partnerships for decision-making with regard to updating this guidance, in consultation with the Council Leader, in response to experience of implementing the provisions, new regulations and emerging case law; (3) To AGREE that the internal review process in relation to listing be undertaken by a Divisional Director not involved in the initial decision; (4) To DELEGATE authority to the Divisional Director Property Services to make arrangements relating to the procedures following listing, including moratorium and compensation provisions, as set out in the report; and (5) To AGREE that an Annual Review of listing decisions be prepared.
Rationale for decision	Cabinet is required to agree the delegation arrangements and overall approach to the Assets of Community Value provisions set out in the Localism Act.
Other options considered	Delegating decision-making on determining nominations for assets of community value to the Divisional Director, Policy and Partnerships: This would not demonstrate how the Council plans to consider only relevant and proper criteria in its decision-making as well as the equalities impacts. Delegating decision making on determining nominations of assets of community value to a member panel: The Act is not prescriptive as to how the Council delegates its functions. However, the regulations reference a review being undertaken by an “officer of the authority of appropriate seniority who did not take any part in making the decision” which suggests that the intention is for the decisions to be delegated to officers.
Declarations of Interest	None
The Decision is subject to Call-In within 5 working days of publication of the decision	