

MINUTES

CONSTITUTION COMMITTEE
THURSDAY, 6 DECEMBER 2012



COMMITTEE MEMBERS PRESENT

Councillor Susan Sandall
Councillor Adam Stokes (Vice-Chairman)
Councillor Raymond Wooten (Chairman)

OFFICERS

Head of Legal and Democratic Services (Lucy Youles)
Democratic Officer (Lucy Bonshor)

13. APOLOGIES

Apologies for absence were received from Councillor Auger and Councillor Shorrocks.

14. DISCLOSURE OF INTERESTS

None disclosed.

15. MINUTES OF THE MEETING HELD ON 24TH SEPTEMBER 2012

The minutes of the meeting held on 24th September were agreed as a correct record of the decisions taken.

16. AMENDMENTS TO THE CONSTITUTION: COMMUNITY RIGHT TO BID (ASSETS OF COMMUNITY VALUE) - DELEGATIONS

Decision:

The Constitution Committee recommends to Council the following changes to the Scheme of Delegation to enable applications to be determined relating to the Community Right to Bid (Assets of Community Value):

- 1.1 At page 104 of the Constitution relating to delegations to the Property Development Manager add:**

8. In consultation with the Portfolio Holder for Governance and Communication, to determine the regulations and procedures from time to time applicable in accordance with the Localism Act, The Assets of Community Value (England) Regulations 2012 and guidance issued relating to applications to include a property on the list of assets of community value.

9. In consultation with the Head of Finance and the Head of Legal and Democratic Services in accordance with the provisions of the Assets of Community Value (England) Regulations 2012,

- to consider correctly completed applications received to nominate a property to be included on the list of assets of community value and**
- to determine applications to include a property on the list of assets of community value or on the list of assets which have not been included on the list of community assets.**
- To consider and determine applications for compensation received from owners or former owners of property which has been included on the list of assets of community value.**

1.2 At page93 of the Constitution relating to delegations to the Strategic Director Corporate Focus (Section 151 Officer) add:

27. To consider and determine applications for a review of a listing and applications received for compensation received from the owner of any property included on the list of assets of community value in accordance with the Assets of Community Value (England) Regulations 2012.

Members had before them report LDS083 which set out proposed amendments to the Constitution required to put in place a process to determine nominations received to include property on the list of assets of community value. A report and presentation had been considered by the Communities PDG who had recommended that a report should be made to the Constitution Committee to consider amending the scheme of delegation as highlighted in the report. The scheme had been introduced by the Localism Act. There were clear rules and regulations which had to be followed both for the types of bodies putting nominations forward and how these were processed. There was a clear role for Members in accordance with guidance working with communities to identify assets of community value. The guidance issued referred to nominations being considered by officers. There were specific regulations about which organisations could nominate assets and decisions had to be made within an eight week period. Although the Council held 6 meetings a year it would not be appropriate to call a Council meeting just to discuss one application where decisions had to be made relatively quickly. If a property was put on a list the person who owned the property could request a review. The guidance

recommended reviews were considered by an officer of appropriate seniority.

The delegations proposed were to the Property Development Manager in consultation with the Governance and Communications Portfolio Holder to determine the process in accordance with regulations and to the Property Development Manager in consultation with, the Head of Legal and Democratic Services and the Head of Finance to process and determine applications. The process followed would be in accordance with the regulations. The forms relating to applications, listing and evaluation were noted.

A short discussion followed on the size and type of group that was allowed to nominate a community asset and the type of building that would and would not be listed as a community asset.

Any asset that was listed would be registered as a Local Land charge, however, the person selling the asset was not obliged to sell to the community group but they must allow six months for that group to raise the funds to put in a bid. Applications for compensation could also be received.

It was proposed, seconded and agreed that the recommendations as outlined in report LDS083 be recommended to Council for approval.

17. CLOSE OF MEETING

The meeting closed at 10.17am.