

# REPORT TO COUNCIL

**REPORT OF:** CHAIRMAN OF THE CONSTITUTION COMMITTEE –  
COUNCILLOR RAY WOOTTEN

**REPORT NO:** LDS085

**DATE:** 13 December 2012

<b>TITLE:</b>	<b>Recommendations from the Constitution Committee - 6<sup>th</sup> December 2012</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	n/a	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Paul Carpenter – Portfolio Holder for Governance and Communication	
<b>CONTACT OFFICER:</b>	Lucy Youles – Head of Legal and Democratic Services (Monitoring Officer) E-mail: <a href="mailto:l.youles@southkesteven.gov">l.youles@southkesteven.gov</a> Telephone: 01476 406105	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and appended to the report: n/a	Full impact assessment Required: n/a
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	<p>The Council's Constitution  <a href="http://www.southkesteven.gov.uk/index.aspx?articleid=1974">http://www.southkesteven.gov.uk/index.aspx?articleid=1974</a>                      Localism Act 2011  <a href="http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted">http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted</a>                      Non-statutory Guidance  <a href="http://www.communities.gov.uk/publications/communities/righttobidavvicenote">http://www.communities.gov.uk/publications/communities/righttobidavvicenote</a>                      Empowering Communities: making the most of local – A Councillor's Guide  <a href="http://locality.org.uk/wp-content/uploads/Empowering-communities-making-the-most-of-local-assets-a-councillors-guide.pdf">http://locality.org.uk/wp-content/uploads/Empowering-communities-making-the-most-of-local-assets-a-councillors-guide.pdf</a></p>	

## 1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the Constitution Committee at its meeting on the 6<sup>th</sup> December 2012 as follows:

- 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 page 93 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.**

## 2. PURPOSE OF THE REPORT

- 2.1 The purpose of this report is to detail the recommendations made by the Constitution Committee at its meeting on the 6<sup>th</sup> December 2012 to Council for approval. The report made to the Constitution Committee and minutes of the Constitution Committee meeting of the 6<sup>th</sup> December are attached to this report at the Appendix for information.

## 3. DETAILS OF REPORT

- 3.1 The details of the recommendation and the reasons for the recommendations are given in the minutes of the Constitution Committee meeting attached to this report and the reports made to that meeting.
- 3.2 The Council is required to put in place a process for considering and determining applications received from community groups to list assets of community value. All

correctly completed applications must be determined within 8 weeks of receipt. Delegation to officers is requested to enable applications to be determined within statutory timescales and current resource provision. Evaluation criteria for applications received have been determined in accordance with regulations which are detailed in the report appended to this report.

#### **4. OTHER OPTIONS CONSIDERED**

- 4.1 The Council has a duty to determine applications received to list assets of community value. No other options have been considered.

#### **5. RESOURCE IMPLICATIONS**

- 5.1 The proposals are made to ensure that the provisions of the Localism Act can be implemented within current budget provision.

#### **6. RISK AND MITIGATION**

- 6.1 Risk has been considered as part of this report and any specific high risks are included in the table below:

<b>Category Risk</b>	<b>Action / Controls</b>
Delay in consideration of applications	Delegation to officers to consider applications immediately on receipt

#### **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

- 7.1 No assessment is required in respect of this report.

#### **8. CRIME AND DISORDER IMPLICATIONS**

- 8.1 No crime and disorder implications arise as a result of this report

#### **9. COMMENTS OF FINANCE SECTION**

- 9.1 There are no financial implications resulting from this report.

#### **10. COMMENTS OF LEGAL AND DEMOCARATIC SERVICES**

- 10.1 The Council must put in place robust processes to consider applications made in respect of this right. Consideration of applications will involve technical application of strict criteria determined by the legislation and guidance. Applications must be determined in accordance with time limits determined by the legislation.

#### **11. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS**

- 11.1 None relevant

#### **12. APPENDIX**

Report to Constitution Committee – LDS083 - COMMUNITY RIGHT TO BID  
(Assets of Community Value) - DELEGATIONS.  
Minutes of Constitution Committee meeting – 6<sup>th</sup> December 2012