

# COMMUNITY AND SOCIAL AFFAIRS COMMITTEE

23<sup>rd</sup> January 2018

## REPORT OF DEPUTY CHIEF EXECUTIVE,

### ASSET OF COMMUNITY VALUE –REVIEW- THE RED LION CAR PARK, STATHERN

#### 1.0 PURPOSE OF REPORT

- 1.1 For members to make a review decision on whether The Red Lion Car Park, Stathern should be classified as an Asset of Community Value following the decision by Melton Borough Council to List as an Asset of Community Value.
- 1.2 Members to approve changes to decision making process.
- 1.3 Advise Members of potential separate decision process for Public Houses which account for the majority of nominations MBC receive.

#### 2.0 RECOMMENDATIONS

- 2.1 **Members review and decide the Asset of Community Value status on The Red Lion Car Park, Stathern following the confirmed Listing as an ACV and a review request from the Asset Owner;**
- 2.2 **Members approve amended decision making process;**
- 2.3 **Members note a policy paper relating specifically to the decision making process for Public Houses will be undertaken and presented at a future committee meeting.**

#### 3.0 KEY ISSUES

##### Background

- 3.1 The Community Right to Bid came into force on 21<sup>st</sup> September 2012 and gives communities a right to identify a property that is believed to be of value to their social interests or social wellbeing and gives them a fair chance to make a bid to buy the property on the open market if the property owner decides to sell.
- 3.2 Only eligible community groups, local parish councils or local neighbourhood planning forums and charities can nominate.
- 3.3 A building or other land is an asset of community value if its principal use furthers (or has furthered in the recent past) the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that “social interests” include cultural, recreational and sporting interests.
- 3.4 When formulating our decision Melton Borough Council will consider Education, health & wellbeing; Sport, recreation and culture; Community services and Economic uses of the Nominated Assets, as set out in the national guidance to aid in the decision making process and determine whether the nominated building or land should be listed as an Asset of Community Value.

- 3.5 See Appendix A for documentation used to determine our decision to list the Car Park as an asset of community value, including the full Nomination and Title Plan from Stathern Parish Council, the MBC Assessment Document and MBC Guidance on Community Right to Bid. Melton Borough Council's justification for listing the Car Park as an Asset of Community Value is set out in the assessment form. There is much support for the Red Lion Car Park to be made an Asset of Community value following the partial listing of the Public House Building on 23<sup>rd</sup> January 2017. A number of community events have previously utilised the car park and it has also previously served the local School and Church in the village, not only in their day to day running but with additional community events.
- 3.6 Members are asked to note and consider a review request from the Asset Owner of the Red Lion Car Park in Stathern, who does not wish this to become an asset of community value. The owner has provided a response regarding recent Case Law surrounding ACV nominations, included within Appendix B. The owner argues that the closure of the car park has had no impact on the community's ability to hold events furthering the social interest and wellbeing as several events have still been going on since the closure of the car park. Members are asked to consider the merits of the review against the criteria of ACV nomination set out in the Guidance.
- 3.7 The current process, included as Appendix C (agreed by Committee 17<sup>th</sup> June 2015) means the decision for listing would be made by the Head of Communities and Neighbourhoods, the main amendment relating to the proposed new process is that the ACV review will now be undertaken by a Panel consisting of three relevant Council Employees from the People and Communities team, confirmed by senior management. See Appendix D for the updated process Flowchart. Further changes to note are 1) Planning Department will be informed at the point MBC receive an ACV Nomination 2) the definition of 'Recent Past' will be viewed on a case by case, based on the length of time the Nominated Building or Land has been used for this principal purpose.
- 3.8 Members are requested to note that MBC propose to formulate an ACV review process specifically for Pubic Houses which will be included within a future CSA Committee Report.

#### 4.0 **POLICY AND CORPORATE IMPLICATIONS**

- 4.1 The Community Right to Bid has direct implications around:
- Encouraging people to take an active role in their communities.
  - Increasing public confidence & pride in neighbourhoods

#### 5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 5.1 No direct financial implications have been identified.

#### 6.0 **LEGAL IMPLICATIONS/POWERS**

- 6.1 This is set out in the Localism Act 2011 Part 5 Chapters 2 and 3 and Assets of Community Value (England) Regulations 2012:
- 6.2 Local Authorities must keep a 'List of Assets of Community Value'; the legislation sets out in detail the process they must enter into and what information they must include.
- 6.3 The legislation also outlines the definition of an asset of community value, which groups can legitimately nominate an asset, the appeals process for land owners, timescales for groups interested in buying land or property on the list, and compensation available to the owners of land or property on the list

6.4 Should members decide not to change the status of The Red Lion Car Park, the asset owner has the right of appeal and take their case to be heard for a tribunal decision. There is no right of appeal/review for the nominating group.

7.0 **COMMUNITY SAFETY**

7.1 No direct Community Safety Implications have been identified.

8.0 **EQUALITIES**

8.1 A comprehensive Impact assessment was carried out by central government in relation to the Community Right to Bid Policy in June 2012 and is available from the following link: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8505/2168557.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8505/2168557.pdf)

An Equalities Impact has not been carried out on this process; the equality analysis has shown no direct or indirect negative implications, the process relates directly to assets rather than people. The Nomination form for the Community Right Bid process will be available through the council’s website and in hard copy and will be reviewed annually.

9.0 **RISKS**

9.1 **Probability**



Very High A				
High B				
Significant C		1		
Low D				
Very Low E				
Almost Impossible F				
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

Impact →

Risk No.	Description
1	The Red Lion Car Park is not approved as an Asset of Community Value and there becomes a lack of social interaction and cohesion in Stathern.

10.0 **CLIMATE CHANGE**

10.1 No direct implications have been identified.

11.0 **CONSULTATION**

11.1 The Community Right to Bid process is designed to be Community driven and allow communities to take a more active role in their communities.

## 12.0 **WARDS AFFECTED**

12.1 All wards are affected, the application relates to the Stathern Ward.

Contact Officer: R Ebdale – Community Policy Officer

Date: December 2017

Appendices: A –Nomination form including Title plan, MBC Assessment Document, MBC CRB Guidance  
B – Owners objections and request for review  
C – Current Process Flowchart  
D – Updated process Flowchart & Guidance/Considerations for Listing Flowchart

Reference: X: C'tees, Council & Sub-C'tees/