

CABINET MEMBERS DELEGATED DECISION

Open/Exempt		Would any decisions proposed:			
Any especially affected Wards Yes - Pentney	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO	
	Discretionary /	Need to be recommendations to Council		YES/NO	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Cllr Baljinder Anota E-mail: cllr.baljinder.anota@west-norfolk.gov.uk			Other Cabinet Members consulted: Cllr Jim Moriarty		
			Other Members consulted: Ward Members		
Lead Officer: Honor Howell E-mail: honor.howell@west-norfolk.gov.uk			Other Officers consulted: Oliver Judges – Executive Director - Place		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO	Environmental Considerations YES/NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					
Date meeting advertised: 12 th April 2024			Date of meeting decision to be taken: 19 th April 2024		
Deadline for Call-In: 26 th April 2024					

TITLE: PENTNEY WOODS – LISTING AS AN ASSET OF COMMUNITY VALUE

<p>Summary</p> <p>An application was made by East Winch and West Bilney Parish Council to list Pentney Woods, Common Road, Pentney PE32 1LE as an asset of community value.</p> <p>Recommendation</p> <p>To list Pentney Woods as an Asset of Community Value according to (s.88(1)(a) Localism Act (2011) to further the wellbeing and social interests of the local community.</p> <p>Reason for Decision</p> <p>To comply with the Localism Act (2011) in listing an eligible asset as an Asset of Community Value whereby the primary current use of the land furthers the social well-being of the local community in accordance with s.88(1)(a).</p>

1 Background

- 1.1 An application was made by East Winch and West Bilney Parish Council to list Pentney Woods as an Asset of Community Value.

- 1.2 For land or buildings to be listed as an Asset of Community Value (ACV) their current or very recent past use must benefit the social wellbeing and interests of the local community; and it must be reasonable to assume that it will continue to do so in the future.

2 Options Considered

- 2.1 A voluntary or community body that wishes to nominate an asset to be listed as an ACV must ensure that its nomination includes the following:
- A description of the nominated land including its proposed boundaries
 - A statement of all the information considered in reaching the decision to nominate, including the names of any current occupants and the names and addresses of all those holding a freehold or leasehold estate in the asset
 - The reasons for the conclusion that the asset is of community value
 - Evidence that the voluntary or community body is eligible to make a community nomination.
- 2.2 The Parish Council have met the requirements for the listing of Pentney Woods as an ACV, and a decision has been taken to list according to legal advice obtained.
- 2.3 The application to list Pentney Woods was acknowledged as being valid on 23 February 2024. Notices of a valid nomination were served on the owners of the property, and they were given until 8 March 2024 to respond to the nomination. An objection to the listing was received from the owners and the evidence submitted to support the objection has been considered against the legislation in the preparation of this report.
- 2.4 The rebuttal evidence submits that the nomination is excluded from being nominated by virtue of Schedule 1, Section 3 of the Assets of Community Value (England) Regulations 2012 (“the Exemption”). It is submitted that the land has been used as a Caravan Site and thereby attracts the Exemption. The nominated land does not benefit from an existing planning permission or site licence to allow it to be used as a residential caravan site.
- 2.5 The Rebuttal evidence submits that the use of the nominated land, both historical and current has been via trespass, therefore the nomination should be refused. However, this does not negate the nomination land from having a use which furthers the social wellbeing of the local community. The statutory provisions do not state that the actual use of the land must be “lawful” and the courts have given effect to this. The Council’s decision is therefore to list Pentney Woods as an ACV.

3 Policy Implications

- 3.1 The Council’s ACV Policy states that assets meeting the criteria of the Localism Act (2011) will be listed as an ACV in order to preserve the social wellbeing of local communities.

4 Financial Implications

4.1 None

5 Personnel Implications

5.1 None

6 Environmental Implications

6.1 None

7 Statutory Considerations

7.1 The Localism Act 2011 sections 97 to 108 and the Assets of Community Value (England) Regulations 2012.

8 Equality Impact Assessment (EIA)

8.1 Pre-screening form attached.

9 Risk Management Implications


9.1 None

10 Declarations of Interest / Dispensations Granted

10.1 None

11 Background Papers

11.1 Borough Council of King's Lynn and West Norfolk Assets of Community Value Policy.

Signed: 

Cabinet Member for:.....Assets..... Date:....10.04.24.....

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function		Assets of Community Value				
Is this a new or existing policy/ service/function?		New / Existing (delete as appropriate)				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations		To list Pentney Woods as an Asset of Community Value in accordance with the council's policy and the Localism Act (2011).				
Question		Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>			Positive	Negative	Neutral	Unsure
		Age			X	
		Disability			X	
		Gender			X	
		Gender Re-assignment			X	
		Marriage/civil partnership			X	
		Pregnancy & maternity			X	
		Race			X	
		Religion or belief			X	
		Sexual orientation			X	
Other (e.g low income)			X			
Question	Answer	Comments				
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	Yes / No					
3. Could this policy/service be perceived as impacting on communities differently?	Yes / No					
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes / No					
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</p> <p>If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	Yes / No	Actions:				
		<p>Actions agreed by EWG member</p> <p>H Howell</p>				

Assessment completed by: Name	Honor Howell
Job title Corporate Governance Manager	Date 12 April 2024

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.