

## RECOMMENDATIONS TO CABINET 9 APRIL 2013 FROM THE MEETING OF THE RESOURCES AND PERFORMANCE PANEL 26<sup>th</sup> MARCH 2013

### RP132: **CABINET REPORT – COMMUNITY RIGHT TO BID**

The Policy and Partnerships Manager presented the Cabinet report which outlined the provisions relating to the 'Community Right to Bid' and explained that the Localism Act had introduced a range of new rights for local communities relating to a number of the Council's functions and how we delivered services. The rights included the opportunity to nominate assets of community value for inclusion on a list maintained by the Council. Community value was defined as furthering the community's social well-being or social interests. The intention of the legislation was to provide community groups a fairer opportunity to make a bid to buy a listed asset on the open market should it come up for sale. It did not however require the owner to sell the asset to the community group. The report also outlined the requirements on the Council to meet the provisions which under the legislation were:

- Maintaining a list of assets of community value
- Maintaining lists of assets where nominations had failed
- Notifying owners and occupiers of listings and receipt of notices
- Publicise the possible sale of a listed asset
- Hearing appeals
- Administer compensation claims

The Policy and Partnerships Manager explained that it was proposed that he, in consultation with the Portfolio Holder would make the decision as to whether to list an asset or not and that the Deputy Chief Executive, in consultation with the Leader of the Council would hear any appeals received as part of the process. He also highlighted that private owners could claim compensation for loss and expense incurred through the asset being listed or previously listed with the assumption that most claims would result from the potential loss in value during the six month moratorium period. The Department for Communities and Local Government had reflected the estimated costs of compensation within the Councils' new burdens funding and would also meet the costs associated with compensation claims that in aggregate totalled more than £20,000 in any financial year.

The Policy and Partnerships Manager explained that the Policy and Partnerships team would be responsible for coordinating the scheme and provide advice to any groups wanting to make use of the provisions. A nomination form and guidance notes was published and available on the Council's website.

The Policy and Partnerships Manager explained that it was for the Council to decide how proactive they were in promoting the scheme. To date, one firm request had been received.

Councillor J Collop proposed that the relevant Ward Member(s) were at the very least, made aware if a nominated asset was to be considered for listing

on the Register of Community Assets. Councillor M Langwade also suggested that they were consulted at the earliest opportunity. The Chairman highlighted that under Section 4, point 4 of the report it did stipulate that during the eight week period in which a decision on whether the asset met the criteria set out in the legislation, the relevant Ward Member(s) would be consulted prior to making any decision.

In response to a question raised by Councillor A Morrison as to an example as to what constituted as a community asset, the Policy and Partnerships Manager explained that it could be such assets as the local pub or open space land.

Councillor H Humphrey queried what the process would be if the proposed community asset was held in trust or by a third party which could potentially delay the sale of the asset and result in further losses in value after the six month moratorium period. The Policy and Partnerships Manager explained that there were a number of exemptions included under the legislation and if necessary, there was the provision for a right of an appeal.

**RESOLVED:** That the Panel support the recommendations to Cabinet as follows:

It is recommended that Cabinet agrees:

1. That the Health and Well-Being portfolio lead on this function;
2. The proposed process for compiling the List of Assets of Community Value (section 4), including:
  - a. That the Policy and Partnerships Manager, in consultation with the Portfolio Holder, makes the decision as to whether to list an asset or not (section 4.5);
  - b. That the Deputy Chief Executive, in consultation with the Leader of the Council hears any appeals received as part of this process (section 4.6)

RP133: **CABINET REPORT – SADDLEBOW WASTE INCINERATOR**

The Chief Executive presented the Cabinet report which sought authority for additional budget provision to meet the specialist legal and professional costs associated with the completion of the Borough Council's strategy of opposition to the proposed Saddlebow Waste Incinerator.

He explained that it had become clear that the inquiry would run on longer than originally planned, which would inevitably lead to an increase in costs incurred by the authority, which would exceed the current year's budget set aside for the process. Members were reminded that £250,000 was set aside in the Revenue Outturn 2011/2012 Report which was approved by Cabinet on 19 June 2012, however in consultation with the Director of Environment and Planning and the Legal Services Manager it was now estimated that the total cost was likely to be in the region of £400,000. Therefore Cabinet would be

asked to approve the allocation of an additional £150,000 to the Incinerator Campaign Budget for 2013/2014 in order to meet the full legal and professional costs associated with the Public Inquiry.

The Chief Executive further explained that there were a number of reasons why the public inquiry timetable had lengthened considerably from the timetable first published including a change in the Inspector assigned to the Inquiry and her willingness to allow third parties to contribute during the Inquiry. He highlighted that there were essentially only two options available to the Council; either to curtail the specialist professional and legal representation at the public inquiry or to increase the budget. The former option was not viable and therefore not recommended.

The Chief Executive highlighted that there was a continuing risk that the public inquiry timetable would be extended further which could result in the costs rising further. In mitigation, the lead officers would continually monitor the situation and if necessary report back to Cabinet at a later date.

In response to a question raised by Councillor J Collop as to what was the best estimate as to what was likely to be the final costs associated with the public inquiry, the Chief Executive explained that he had discussed the issue at some length with the lead officers and currently in the region of £400,000 was the best estimation. He also explained that there was an element of pressure to bring the inquiry to a conclusion prior to the County Council elections on 2<sup>nd</sup> May 2013.

In response to a query raised by Councillor J Loveless as to whether, at this stage, both the main parties had outlined their case at the inquiry, the Chief Executive explained the Council were scheduled to present their case during the second week of April.

Councillor J Collop requested clarification in relation to the £75,000 outlined in the report that would be put towards the additional costs that would come from the uncommitted balance on the salaries on cost account. The Deputy Chief Executive explained that this was surplus from the estimated overall staff salary budget and if there was a subsequent request for further budget allocation, there were sufficient funds within the General Fund Balance.

**RESOLVED:** That the Panel supports the recommendations to Cabinet as follows:

It is recommended that Cabinet approves the allocation of an additional £150,000 to the Incinerator Campaign Budget for 2013/2014 in order to meet the full legal and professional cost of the Public Inquiry.

RP134: **EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED:** That under section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

RP135: **CABINET REPORT – ASSET MANAGEMENT: KING’S COURT – LEASE PART OF GROUND FLOOR**

The Property Services Manager presented the Cabinet report which set out the provisionally agreed terms for the proposed commercial leasing arrangement for surplus office accommodation at the Borough Council’s main administrative office accommodation at King’s Court, and sought authority from Cabinet to enter into a formal lease agreement with the prospective tenant. He outlined the proposed lease terms and the estimated total net benefit to the Council.

The Property Services Manager also highlighted that sharing accommodation with other public sector organisations would hopefully help facilitate closer working relationships and maximise the use of the Council’s office accommodation. It could also provide opportunities to make available and hence share the cost of services such as printing, graphics etc.

The Property Services Manager clarified that all necessary and appropriate security measures would be put in place at King’s Court and some staff had already been relocated within the building. He also offered reassurance that there would only be minimal changes to the layout on the ground floor for the visiting public and outlined details in relation to car parking arrangements.

In response to a query raised by Councillor D J Collis, the Property Services Manager clarified details on who would be initially granted the lease, any potential sub-letting arrangements on the lease and service charges. He also confirmed that the tenant would need to comply with all necessary processes and procedures, such as fire and health and safety that were in place at King’s Court. A “user group” had also been established and would meet on a regular basis.

The Chief Executive explained that there may be opportunities in the future for the Council to lease further accommodation if surplus became available. The Property Services Manager also highlighted that different methods of working could be adopted, such as hot desking, which could potentially free up more space. It was also clarified, that should the economic climate improve and subsequently the Council were in a position to recruit further members of staff, there would be sufficient space to accommodate, however this was unlikely to be in the near future.

**RESOLVED:** That the Panel support the recommendations to Cabinet as set out in the report.