

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :			
Any especially affected Wards	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:		
			Other Members consulted:		
Lead Officer: Honor Howell – Corporate Governance Manager E-mail: honor.howell@west-norfolk.gov.uk Direct Dial:01553 616550			Other Officers consulted: Alexa Baker – Monitoring Officer		
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

Date of meeting: 5 December 2023

ASSETS OF COMMUNITY VALUE

Summary

The report considers the approval of an amended policy and statutory process for Assets of Community Value and the Community Right to Bid.

Recommendation

- a) Cabinet is recommended to agree the Borough Council of King's Lynn and West Norfolk policy and statutory process for Assets of Community Value, as attached and recommend to Council for approval.
- b) The material update to the policy is changing the delegation to authorise Assets of Community Value from council officer to Portfolio Holder in consultation with the Executive Director of Place and relevant ward members
- c) Cabinet is recommended to give delegated authority to the Monitoring Officer to make future non-material updates to the policy (non-material definition – amendments which will not significantly change the policy but will update in line with legislative changes or will achieve improvements to the process).

Reason for Decision

- a) To approve the revised policy on Assets of Community Value to amend the decision-making process to reflect current Portfolio arrangements.
- b) To enable non-material amendments to the policy to be made without the need for Cabinet and full council authority.

- 1.1 The council has had a policy in place to administer the Assets of Community Value (ACV) since the process was introduced in the Localism Act 2011. The ACV process allows interested community groups to bid for assets of community value, whereby they can 'pause' any sale process, giving them six months to prepare a bid to buy the Asset before it can be sold.
- 1.2 This report updates the policy in line with current best practice and procedures.
- 1.3 There are currently 6 assets listed as Assets of Community Value in the borough. There have been two unsuccessful applications in the past 12 months.

2 Changes to the existing Policy

- 2.1 The ACV Policy has been updated to clarify the procedure and guidelines following the Legal Service being transferred to an in-house provision in April 2023. The responsibility for the operation of the ACV process is now with the Corporate Governance Team. The other amendment is the delegated authority to authorise an asset being added to the ACV Register will transfer to the Portfolio Holder for Property and Assets, in consultation with the Executive Director of Place and the relevant Ward Member whereas in the earlier version of the policy, this was delegated to the Executive Director, Central Services.
- 2.2 Article 4 (4.01)(b) of the council's Constitution reserves the approval of amendments of council policies to full council. For future revisions of this policy, if the revision is non-material and does not significantly change the policy but is updated in line with legislation or to improve a process, it is requested that Cabinet delegate approval of such amendments to the Monitoring Officer to negate the necessity for full council approval.

3 Options Considered

- 3.1 Retain the policy in current format. The current process can introduce delays into a process with timescales set out in statute and did not require Portfolio Holder consultation.

4 Policy Implications

- 4.1 The report recommends approval of the revised policy on Assets of Community Value for the Council.

5 Financial Implications

- 5.1 The Act allows owners, who believe that they have incurred losses as a result of these procedures, to apply for compensation from the Council. This will be dealt with within existing budgetary provision.

6 Personnel Implications

- 6.1 No direct implications

7 Environmental Considerations

- 7.1 There are no environmental considerations.

8. Statutory Considerations

- 8.1 The Assets of Community Value policy is compliant with the Localism Act 2011.

9 Equality Impact Assessment (EIA)

(Pre screening report template attached)

10. Risk Management Implications

- 10.1 Failure to have a policy in place would contravene the requirements of the Localism Act 2011.

11 Declarations of Interest / Dispensations Granted

- 11.1 None

12 Background Papers

- 12.1 None

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)				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>Assets of Community Value policy required updating to reflect changes to Legal services and transfers delegated authority to approve an addition to the Assets of Community Value Register to the relevant Portfolio Holder, in consultation with the Executive Director, Place and the ward members.</p> <p>Statutory process as defined in the Localism Act 2011.</p>				
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 (eg low income)			x	

