

SLOUGH BOROUGH COUNCIL

REPORT TO Cabinet **DATE:** 8th February 2016

CONTACT OFFICER: Stuart Aislabie, Principal Asset Manager
(01753) 477226

WARD(S): All

PORTFOLIO: Neighbourhoods & Renewal - Cllr James Swindlehurst

PART I KEY DECISION

LOCALISM ACT 2011, SECTIONS 87-108

1 Purpose of Report

The purpose of this report is to propose amendment to the application process relating to the community right to bid for assets of community value introduced in April 2013.

2 Recommendation/Proposed Actions

The Cabinet is requested to resolve that the amendment be approved that removes the avenue for a Nominator to appeal the decision taken by the Head of Asset Management in approving/rejecting a nomination of an asset of community value.

3 Slough Joint Wellbeing Strategy, The JNA and the Five Year Plan

3a Joint Wellbeing Strategy

Economy and Skills – The Act provides the opportunity for eligible community interest groups to potentially acquire assets that create varied business concerns that are supported by a local workforce.

3b Five Year Plan Outcomes

Cabinet approved the 5 Year Plan in February 2015. The Localism Act 2011, Sections 87-108 has the potential to make the following contributions to corporate objectives:

Changing, retaining & growing – Disused and/or neglected assets are currently a blight on the local environment and may undermine the activities of the Council and its strategic partners. The provision of viable community uses will enhance the image of the town and support the overall desire to encourage local people to help make Slough a more attractive location for businesses.

Enabling & preventing – The provision of viable community assets supports the overall desire to encourage local people to help create safer communities and take responsibility to manage health/support needs.

4. Other Implications

(a) Financial

There are no financial implications as a direct consequence of this report.

(b) Risk Management

| Risk | Mitigating action | Opportunities |
|---|--|----------------------|
| Community | None as a result of this report | |
| Financial | None as a result of this report | |
| Legal The current application process allows for a Nominator to appeal the Council's decision where there is no provision to do so under the Localism Act 2011. This could be challenged by owners in the event a nominator 'appeals' a rejected application. | Currently the Council will have to treat an appeal as a second application. There is no limit on a nominator making a further nomination. Revise the application process. | |
| None as a result of this report | None as a result of this report | |
| Employment | None as a result of this report | |
| Planning | None as a result of this report | |
| Public Consultation | None as a result of this report | |

(c) Human Rights Act and Other Legal Implications

None as a result of this report.

(d) Equalities Impact Assessment

Not required as a result of this report.

(e) Land and Property Implications

None as a result of this report.

5. Supporting Information

- 5.1 Cabinet approved Localism Act 2011, Section 87-108 Report, on 24th April 2013.
- 5.2 This report set out the application process relating to the community right to bid for assets of community value.
- 5.3 The current application process, which is provided in Appendix A, allows for the Nominator of an asset of community value to appeal against the Council's decision.
- 5.4 The Localism Act 2011, Section 87-108 does not provide for a Nominator being able to appeal against the Council's decision.
- 5.5 The current application therefore leaves the Council exposed to an appeal from a Nominator. As this is not provided for in the Act the Council could be challenged by an asset owner for providing a Nominator with an avenue to escalate application which is not provided for under the Act.
- 5.6 A revised application process, which is provided in Appendix B, removes this Nominator right to appeal and brings the process in line with the current provisions of the Act.

5.7 Information published by the Council on its website relating to the application process will be update with the revised application process subject to approval.

6. Conclusion

6.1 The proposed revision of the application process will enable the nominations of assets of community value to be processed in accordance with the Localism Act 2011, Sections 87-108 and will not leave the Council open to challenge with regards it's handling of applications.

7. Appendices Attached

Appendix A: Application Process Flowchart approved April 2013.

Appendix B: Revised Application Process Flowchart

8. Background Papers

The Localism Act, Sections 87-108 Report 24th April 2013 can be found on the Council's website:

<http://www.slough.gov.uk/moderngov/ieListDocuments.aspx?CIId=109&MIId=5007&Ver=4>