



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET - 3 OCTOBER 2024
Subject	ASSETS OF COMMUNITY VALUE PROCESSES REVIEW
Wards affected	All
Accountable member	Lisa Spivey, Cabinet Member for Communities and Public Safety Email: lisa.spivey@cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance and Development Email: Angela.Claridge@Cotswold.gov.uk
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Summary/Purpose	To evaluate the current procedures and practices involved in the determination of Assets of Community Value (ACV). This review aims to assess the efficacy and transparency of the process by which assets are nominated, reviewed, and ultimately listed or rejected as ACVs. By identifying strengths and weaknesses in the current process, this review seeks to provide actionable insights and recommendations to enhance decision-making, and ensure compliance with legal and policy frameworks, to better serve the interests of the community.
Annexes	Annex A – Asset of Community Value Review
Recommendation(s)	That Cabinet resolves to: <ol style="list-style-type: none">1. Consider the recommendations in the annexed review2. Agree to the proposal to formally notify ward members on validation of Asset of Community Value nominations
Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services• Supporting Communities• Supporting the Economy
Key Decision	NO



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Exempt	NO
Consultees/ Consultation	Internal Stakeholders with current experience of the Asset of Community Value function, as detailed in Annex A, Appendix 4



1. EXECUTIVE SUMMARY

- 1.1 This report introduces a review of the Council's Asset of Community Value (ACV) function and summarises the recommendations arising from that exercise.

2. BACKGROUND

- 2.1 The processing of Assets of Community Value nominations, also commonly referred to as a Community Right to Bid, is a duty on the Council arising from the Localism Act 2011. The ACV function gives communities the power to nominate local assets (land/property) for inclusion on a list, maintained by the Local Authority. In the event of a proposed disposal, such as a sale, the owners of listed assets are required to give notice to the Local Authority and are subject to a minimum six-week moratorium on sale. The appended review provides a more detailed summary, and links to comprehensive guidance on this function.
- 2.2 Historically, nominations were quite low in volume, but there have been more nominations in recent months, and some more contentious nominations, prompting a review of the function to assess its effectiveness and transparency.

3. MAIN POINTS

- 3.1 The ACV function was initially managed by the Council's Property Services Team, up until February 2015, when it transferred to the Communities Team, with officers who subsequently transferred to Publica's Insight and Intelligence Team. Since 2021, it has sat in Legal Services.
- 3.2 While the ACV function is designed to deliver community outcomes, it is framed by strict legal requirements, set out in the Localism Act and the ACV regulations. Over the last decade, legal challenges across England to listed decisions and outcomes have created a body of mostly non-binding caselaw, which helps flesh out the statutory requirements.
- 3.3 A review by the Communities and Local Government Committee in 2015 presented a report recommending changes to improve the ACV regime, largely focussed on improving the community outcomes of the restrictions it brings to bear, but to date the ACV regime is largely unaltered since its introduction into law. By necessity, this review is focused on the limited operating room given to the Council, but does briefly note other approaches community groups can take.
- 3.4 This constraint notwithstanding, a review of the caseload, sector practice and interviews with internal stakeholders provides the material to identify some areas for improvement, which are set out in the recommendations below.

4. RECOMMENDATIONS



4.1 The following recommendations are made in the appended report:

- a) Increase awareness and access to information for elected members
- b) Notify Ward Member, upon verification of a nomination, giving them the opportunity to provide further evidence to corroborate the nomination.
- c) Retain officer decision, in consultation with the responsible Cabinet Member.
- d) Publish reports and decisions.
- e) Signpost to external support and resources, such as Gloucestershire Rural Community Council and Campaign for Real Ale's advice to community nominations of pubs.
- f) Share land registry registration documents with community nominators.
- g) Dedicated capacity to ensure timeliness. NB A new post has recently been established to deal with this work.
- h) Utilise a Case load management system.

4.2 Recommendation b) has arisen from review of processes and stakeholder experience in the process. While the recommendation has been made independently of the work of the Constitution Working Group, it aligns with the findings of that group in terms of enhancing member involvement and awareness, and emerging recommendations regarding a ward member protocol. The recommendation in this report is to introduce a process to engage with ward members on ACV nominations immediately, but to recognise that this is likely to be made a constitutional requirement in short order. This will help ensure that ACVs are managed appropriately, in line with Council-wide arrangements, rather than subject to a bespoke process for a relatively low volume function.

5. ALTERNATIVE OPTIONS

5.1 As noted above, the Council has limited discretion in respect of ACVs. This is a statutory function, that is expected to meet a number of requirements in its operation. So long as these requirements are met, the Council need not change its approach. However, the changes proposed in the recommendations should improve the effectiveness and transparency of the function.

6. CONCLUSIONS

6.1 The ACV function is constrained by legislation, but there are some changes to process which could improve effectiveness and transparency, and reduce some friction in the process.

7. FINANCIAL IMPLICATIONS

7.1 The new post established to provide capacity to deal with this role will be a shared role within legal services, the cost of the role will be shared with West Oxfordshire District



Council and the Forest of Dean District Council. Cotswold District Council's estimated share of approximately £10,000 will be funded through the existing legal services budget. There are no further direct financial implications from the recommendations in the review. The scope has been limited to the internal processing of nominations. It should be noted that if there is an increase in nominations, this will of course increase the processing burden, but could also increase the Council's exposure to claims for compensation from asset owners, for which the Council is liable.

8. LEGAL IMPLICATIONS

- 8.1** A failure to determine a nomination within the statutory timescale could in theory be challenged by judicial review. In practice, officers have managed to mitigate that risk by communication with the nominators and asset owners. A solution which improved case management and re-allocated the work to a dedicated officer would further reduce that risk.
- 8.2** ACV regulation is written to give asset owners opportunity to appeal first to the Council, and subsequently to the First Tier Tribunal. While the review has looked at how to improve process, the intention has been to avoid impacting on the balanced judgement the Council must make.

9. RISK ASSESSMENT

- 9.1** This report focuses on the effective processing of nominations, within a hypothecated existing caseload. Thus the risks are largely limited to the Council's reputation, in terms of the experience of community nominators and asset owners. The intention of the recommendations is to improve this, and to improve members' involvement and confidence in the process. Importantly, one of the recommendations is to enhance the case management, to provide information to enable ongoing assessment and further review of process as required.
- 9.2** Enhanced transparency and member awareness may increase the number of nominations, creating extra workload. The officer role being recruited should provide some resilience to this, versus the status quo.

10. EQUALITIES IMPACT

- 10.1** Given the limited scope of the report, it is not anticipated that it will have an equalities impact.

11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS



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11.1 Given the limited scope of this report, it is not anticipated that it will have a climate or ecological emergency implication.

12. BACKGROUND PAPERS

12.1 None.

(END)