

DECISION TAKEN BY OFFICER UNDER SECTION 13 OF THE LOCAL AUTHORITIES EXECUTIVE ARRANGEMENT REGULATIONS 2012

Officer:

Rebecca Emmett
Deputy Chief Executive

Service Area:

Property and Assets

Date of Decision:

16 January 2024

Title:

Nomination of Testbourne Community School Open Air Swimming Pool, Whitchurch to be listed as an Asset of Community Value

Community Right to Bid (introduced in the Localism Act 2011) gives communities a right to identify 'up front' a building or other land that they believe to be of importance to their community's social well-being. If the application is successful, the building or land can be added to the list of Assets of Community Value and if it comes up for sale notice of disposal must be given which is published on the council's website. No disposal can take place for the period of six weeks from the giving of the notice. On the expiry of the six-week period the disposal of the ACV can proceed unless before then a written request has been made by a community interest group to be treated as a potential bidder. This then gives a moratorium period on disposal of six months to allow the community to prepare their bid. The property in question can then be sold; however, no preference is given to the local community bid.

A nomination was received from Whitchurch Town Council on 22 November 2023 to list Testbourne Community School Open Air Swimming Pool, Whitchurch as an Asset of Community Value.

Decision:-

Testbourne Community School Open Air Swimming Pool, Whitchurch shall be added to the Council's list of Assets of Community Value.

Threshold Trigger:

Paragraph 3.18(2) of the Council's Scheme of Delegation delegates power to the Head of Borough Development and Implementation to make decisions as to whether to add nominated land to the Council's List of Assets of Community Value, following consultation with local Ward Councillors and in liaison with the relevant Cabinet Member, pursuant to sections 89 to 91 of the Localism Act 2011. In the absence of a post holder acting as Head of Borough Development any Executive Director may exercise the powers of any Head of Service and the decision is made by the Deputy Chief Executive.

Reason for the Decision:

The nomination of Testbourne Community School Open Air Swimming Pool, Whitchurch meets the criteria to be listed as an Asset of Community Value under the legislation relating to Community Right to Bid, in that:

- The nominating organisation (Whitchurch Town Council) is a qualifying nominator with a local connection under Section 89(2)(b) of the Localism Act.
- The asset is valued by the local community and there is strong support and volunteer commitment to bringing this back into community use and expanding and broadening its usage.
- It is realistic to think that there is a time in the next 5 years when there could be a non-ancillary use of the asset which will further the social wellbeing or social interests of the local community.

Declaration of Interest(s)

None

Report/Information Considered:

Asset of Community Value Summary Assessment Form dated 16 January 2024

Alternatives Considered:

None – the nomination meets the criteria to be listed as an Asset of Community Value

Budget Implications:

There are no direct budget implications.

Regulation 14(2) of the Assets of Community Value (England) Regulations 2012 makes provision for the payment of compensation. The conditions for the claim are:- a claim is made by the owner of an asset which is or has been listed as an ACV; the claim relates to loss or expense in relation to the asset; the loss or expense has been incurred; the loss or expense has been incurred when the land is listed as an ACV; the loss or expense would be likely not to have been incurred if the land had not been listed.

Signed:



Rebecca Emmett
Deputy Chief Executive

Dated: 16 January 2024