

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	5157
Author:	Jo Bates
Department:	Growth and City Development
Contact:	Jo Bates (Job Title: Community Planner, Email: jo.bates@nottinghamcity.gov.uk, Phone: 01158764041)
Subject:	Asset of Community Value Nomination - Robin Hood Chase
Total Value:	£0 (Type: Nil)
Decision Being Taken:	<ol style="list-style-type: none">1. That the nomination be accepted and the property be placed on the Council's List of Assets of Community Value.2. That the decision on any subsequent request for review of the decision by the owner of the site be delegated to the Director of Legal and Governance.
Reasons for the Decision(s)	<p>The Council has a statutory duty as set out in the Localism Act 2011 to determine nominations for an Asset of Community Value (ACV). It is then required to place the successful and unsuccessful ACV nominations on the ACV register - a public document. The attached briefing note to the Portfolio Holder summarises what an ACV is and the decision making process involved. The attached delegated report sets out the reasoning for recommending that the nomination is accepted. The consideration of ACV nominations is within the remit of e Portfolio Holder for Housing and Planning. Any review requests must, by law, be determined by an officer of the authority of appropriate seniority who "did not take any part in making the decision to be reviewed" and it is recommended that if required this role be carried out by the Director of Legal and Governance"</p>
Briefing notes documents	Background report.pdf, Briefing Note to Portfolio Holder
Other Options Considered:	None as the decision to be taken is a statutory duty.

Background Papers: **None.**

Published Works: **Localism Act 2011**

Affected Wards: **St Ann's**

Colleague / Councillor Interests: **None.**

Consultations:
Date: 12/04/2023
Ward Councillors: Corall Jenkins, Anwar Khan, Devontay Okure
Comments as set out in background report.

Date: 12/04/2023
Other City Council Bodies: City Council as landowner.
Comments as set out in background report.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: **None arising from the decision to be taken.**

Equality: **EIA not required as this is a Statutory Duty decision.**

Relates to Council Property Assets: **Yes**

Decision Type: **Executive Member**

Subject to Call In: **Yes**

Call In Expiry date: **13/08/2024**

Advice Sought: **Legal, Finance, Property, Other: Mark Lowe**

Commissioner Comments:

The process in respect of the listing of assets of community value provides for community groups to be given appropriate time to consider submitting a bid to buy the relevant asset. This does not mean that a competitive process cannot then be applied to ensure the authority is able to gain best value in selling the asset should it wish to. Given this, the Commissioners are content with this proposal. (30/07/2024)

Legal Advice:

The listing of Assets of Community Value is a statutory process whereby several statutory tests have to be applied. These tests are set out and addressed in the briefing note and report.

The initial consideration as to whether an Asset should be listed as being of community value or not is within the Portfolio Holder's remit. A landowner has the power to challenge that decision and any such appeal has, by statute, to be determined by an Officer of the Council. In this case, the power to determine any appeal is to be delegated to the Director of Legal and Governance.

As indicated in the report, the Council is the landowner of the assets concerned, that however should not influence the decision being made and the application should be determined in accordance with the statutory tests addressed in the report. Whilst this decision is being documented on the Council's delegated decision form (as Commissioners comments are now required before Portfolio holder sign off) this form does not lend itself particularly well to the process and legal requirements which are to be followed. In particular, whilst Financial Advice has been sought, it is not relevant to the decision to be made and similarly consultation with ward Councillors is not part of the statutory process. Those matters should not therefore be afforded any weight in the decision making process.

Advice provided by Ann Barrett (Team Leader) on 18/07/2024.

Finance Advice:

The recommendation to include Units 22, 26 and the Old Library on Robin Hood Chase on the List of Assets of Community Value (ACV) has no direct financial implications.

However, if at a future date, the Council considers this site for disposal, the realisable value may be impacted by the ACV status. For example, the ACV designation may limit the potential pool of buyers and / or may reduce the realisable value, due to potential limitations on the scope of redevelopment possibilities. In addition, should the site be designated for disposal, the designation may result in delay in disposing of the property, potentially increasing holding costs.

Advice provided by Geetha Blood (Strategic Finance Business Partner) and Sarah Baker (Senior Commercial Business Partner, Corporate Landlord) on 24/05/2024.

Other Advice:

NCC Housing Services can confirm that the commercial units covered by this decision have been occupied for a community use for a number of years.

Advice provided by Mark Lowe (Head of Regeneration and Housing Delivery) on 24/07/2024.

Property Advice:

The premises which are proposed to be subject to the nomination as an Asset of Community Value (ACV) form part of Robin Hood Chase, a commercial property asset held within the Housing Revenue Account property portfolio. Further advice will be obtained as necessary as a result of the potential listing as a ACV.

Advice provided by Bevis Robert Andrew Mackie (Corporate Portfolio and Investment Manager) on 23/07/2024.

Signatures

Jay Hayes (Executive Member - Housing and Planning)
SIGNED and Dated: 05/08/2024
Sajeeda Rose (Corporate Director of Growth & City Development)
SIGNED and Dated: 05/08/2024