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completion by DS
officers

EXECUTIVE DECISION RECORD
Reference number 156.20.

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| A1 Service Area | Legal & Assets |
| A2 Title | The Dog & Partridge Public House, Marchington: Inclusion in the List of Assets of Community Value |
| A3 Decision Taken By | Cabinet/ Leader/ Deputy Leader/ Chief Officer (please delete as appropriate) |
| A4 Chief Officer | Please print name: Andy O'Brien Please sign name: |
| A5 Leader / Deputy Leader | Please print name: Cllr Duncan Goodfellow Please sign: |
| A6 Date of Decision | 9th March 2020 |

Confidentiality

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| A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972? | Yes/No (please delete as appropriate) |
| A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972. | Paragraph [] |

Scrutiny

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| A8 Which Scrutiny Committee should this decision be submitted to? | (Please tick as appropriate) ✓ |
| Scrutiny (Audit & Value for Money Council Services) Committee | <input type="checkbox"/> |
| Scrutiny (Community Regeneration, Environment and Health and Well Being) Committee | <input checked="" type="checkbox"/> |

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| B1 What is the Decision? | To add the Dog and Partridge to the Council's list of Assets of Community Value |
| B2 What are the reasons for the Decision? | The nomination form submitted to the Council has been properly completed and the documentation included with the nomination form provides evidence of the community value of the property. The requirements for listing set out in Part 5 Chapter 3 of the Localism Act 2011 have therefore been met. |
| B3 What are the contributions to Corporate Priorities? | Supports both the Community Regeneration and the Environmental and Health & Well being priorities |
| B4 What are the Human Rights considerations? | There are no Human Rights issues arising from this decision that are not provided for by the framework of the Localism Act 2011. [The main Human Rights issues arising from this decision are as follows:] |

Financial Implications

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| B5 What are the financial implications? | [There are no financial issues arising from this decision.] [The main financial issues arising from this decision are as follows: There is a £40 Land Registry fee which will be met from within existing budgets. |
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| Revenue | 2019/20 | 2020/21 | 2021/22 |
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| Capital | 2019/20 | 2020/21 | 2021/22 |
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| The finance section has been approved by the following member of the Financial Management Unit: | Please print name: <p align="center">ANYA MURRAY</p> Please sign name: <div style="border-bottom: 1px solid black; width: 100px; margin-top: 5px;"></div> |
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Policy Framework

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| B6 Is the Decision wholly in accordance with the Council's policy framework? | Yes/No (<i>please delete as appropriate</i>) |
| B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)? | Yes/No /NA (<i>please delete as appropriate</i>) |
| B6.2 Has it got the appropriate approvals under those provisions? | Yes/No (<i>please delete as appropriate</i>) |
| B7 Is the Decision wholly in accordance with the Council's budget? | Yes/ No (<i>please delete as appropriate</i>) |
| B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)? | Yes/No /NA (<i>please delete as appropriate</i>) |
| B7.2 Has it got the appropriate approvals under those provisions? | Yes/No (<i>please delete as appropriate</i>) |

Equalities Implications

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| B8 What are the Equalities implications: |
| B8.1 Positive (Opportunities/Benefits): N/A |
| B8.2 Negative (Threats): N/A |
| B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required. |
| B8.4 [The equality impact assessment identified the following actions to be carried out:] |

Risk Assessment

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| B9 What are the Risk Assessment implications: |
| B9.1 Positive (Opportunities/Benefits): The property in question will be identified as a property deemed to have community value. Qualifying community organisations will have a right to bid should the property be put on the market while it is included in the Council's list of assets of community value. |
| B9.2 Negative (Threats): The owner of the property may dispute the nomination and ask for a listing review. To mitigate the risk, the Council will give the property owner the opportunity to make representations before a restriction is registered on the title. If the owners suffer loss as a consequence of the listing, they may be able to bring a claim against the Council. |
| B9.3 The risks do not currently need to be entered in the Risk Register. |

Legal Considerations

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| B10 What are the Legal Considerations? |
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B10.1 The main legal issues arising from this decision are as follows: The Localism Act 2011 section 90 (3) obliges ESBC to accept a nomination if the land nominated is within the Borough and is of community value. The evidence supplied with the current nomination demonstrates that the Dog and Partridge meets both those criteria.

This section has been approved by the following member of the Legal Team:

Please print name:

Angela Wakefield

Please sign name:

Sustainability Implications

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| B11 What are the Sustainability implications: |
| B11.1 The proposal [would/would not] result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes). |
| B11.2 Positive (Opportunities/Benefits): |
| B11.3 Negative (Threats): |

Health & Safety Implications

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| B12 What are the Health & Safety implications: |
| B12.1 A Risk Assessment has not been carried out and entered into Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision. |
| B12.2 n/a |
| B12.3 n/a |
| B12.3.1 Positive (Benefits) n/a |
| B12.3.2 Negative (Threats) n/a |

Key Decision

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| B13 Is this a Key Decision? | No <i>(please delete as appropriate)</i> |
| Note: A Key Executive Decision is one where: <ol style="list-style-type: none"> 1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000 2. CAPITAL – Any capital project with a value in excess of £150,000 3. A decision which significantly affects communities living or working in an area comprising two or more wards. | |
| B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest? | NA |
| B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in? | NA |

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk

