

## **HIGH PEAK BOROUGH COUNCIL**

### **Report to Council**

**30 November 2017**

<b>TITLE:</b>	<b>Questions of which notice has been given</b>
<b>CONTACT OFFICER:</b>	<b>Linden Vernon, Senior Officer - Governance &amp; Member Support</b>
<b>WARDS INVOLVED:</b>	<b>Non-Specific</b>

**1. Ms Hall has submitted the following question for Councillors Thrane and Ashton:**

To Councillor Thrane

“In your letter of 14 November 2017 to BCA you state that the licence held by Serpentine Community Farm for use of land within Serpentine Walks is an informal arrangement. The licence is on HPBC stationery and is signed by the responsible Officer of the BC.

- a) Would you please explain why you claim this is an informal agreement?
- b) Can you comment on the potential reputational damage of casting doubts on the legitimacy of a document issued by the HPBC?”

To Councillor Ashton

“SCF is considering making an application for registration as an Asset of Community Value. We note that the most recent application for registration (The Mason’s Arms in New Mills) was assessed by a Council Officer who presented a report for consideration by the Executive Team in the Part 1 section of their regular meeting agenda.

How does the ET address issues of potential conflict of interest in considering an application for registration as an ACV where the property in question is owned by the Council?”

### **Response from Councillor Thrane**

“My letter of 14 November 2017 to the Chair of Buxton Civic Association is set out below:

*Dear Dr Monaghan,*

*Thank you for your letter of 31 October 2017, setting out the views of the Buxton Civic Association in relation to the Serpentine Community Farm.*

*The Serpentine Community Farm occupies its current location in the Serpentine at a peppercorn rent under a license agreed informally by the previous Council administration. The terms of the license allow the Council to give the Farm 14 days' notice to leave. These arrangements were confirmed informally in July 2015.*

*The Council faces significant financial challenges from both revenue and capital perspectives – in particular in relation to the inheritance of listed and historical buildings in Buxton and High Peak it has a statutory responsibility to maintain. Significant works are currently being undertaken in Buxton at the Pavilion Gardens, the Opera House and the Crescent. Works are also needed to Municipal Buildings, the Town Hall and Victoria Hall in Glossop.*

*The Council can therefore leave no stone unturned that may help to manage these financial challenges, including the sale of Council assets. As a result, the Council anticipates applying for planning permission on the Farm site in the future. The application will be considered in the normal way.*

*In considering bringing forward an application the Council wants to be as open and fair as possible to the Farm, give reasonable notice of our intentions and support it to find an alternative location for its good work.*

*Thank you for writing to me.*

*Yours sincerely,*

*Emily*

*Emily Thrane*

*High Peak Borough Councillor – Temple Ward.*

The term 'informally' indicates that the arrangements for the license were not considered by councillors as part of the Council's normal collective or individual executive procedures. The letter confirms the legitimacy of the license."

### **Response from Councillor Ashton**

*"The Localism Act requires the Council to consider nominations of property to be listed as an Asset of Community Value irrespective of whether the property is owned by the Council. The Council officer making the assessment is independent of property matters and their recommendation that a property be listed or not listed, with the reasons for their recommendation, is stated in a public report prior to the decision being made. The decision itself is subject to the Council's 'call in' procedure whereby elected members can ensure the appropriate Council Select Committee scrutinises the decision if they consider it appropriate to do so."*