

EXECUTIVE DECISION NOTICE

DELEGATED EXECUTIVE DECISIONS

A record of delegated decisions made by individual Portfolio holders or officers on Thursday, 15 December 2022.

The reports (unless exempt under Section 100(B)(2) of the Local Government Act 1972, on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the Paragraphs indicated and, in all the circumstances of the case, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing it) are available for inspection from the Solicitor to the Council, South Lakeland House, Kendal.

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ASSET OF COMMUNITY VALUE NOMINATION - KENDAL MOUNTAIN SEARCH AND RESCUE TEAM BASE, BUSER WALK, KENDAL

Summary

Consideration was given to the entry of the Kendal Mountain Search and Rescue Team (KMSRT) Base, Buser Walk, Kendal on the list of unsuccessful nominations of Assets of Community Value.

The nomination stated that the asset was essential to the effective functioning of KMSRT and was essential as a base for an average of sixty callouts per year. Furthermore, the nomination added that the community gained reassurance that there was an organisation of trained volunteers ready to assist them in an emergency.

The nomination did not provide any evidence that the community make use of or have access to the asset, or that they were likely to in the future.

Section 88 of the Localism Act 2011 states that a building or other land can be considered as an asset of community value if the use is non-ancillary and furthered either social wellbeing or social interests of the local community. In this case, the evidence submitted related to the work done by KMSRT, with the asset serving as a base for these activities. The report stated that the KMSRT as an organisation may have met the criteria, however there was no evidence to suggest that the actual use of the asset did.

Decision

RESOLVED – That the Kendal Mountain Rescue Team Base, Buser Walk, Kendal be entered on to South Lakeland District Council’s list of unsuccessful nominations of Assets of Community Value.

Reasons for Decision

The decision was made as the nomination does not meet the requirements of the relevant legislation.

Alternative Options Considered and Rejected

An alternative option would be to list the land as an asset of community value. However it is likely that it could be proven on appeal that the listing would not satisfy the requirements of the relevant legislation.