

Community Right to Bid Quarterly Update Report

Executive Portfolio Holder: Cllr Ric Pallister, Leader of the Council, Strategy and Policy
Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter / Kim Close, Communities
Service Manager: Helen Rutter, Communities
Lead Officer: Helen Rutter, Communities
Contact Details: helen.rutter@southsomerset.gov.uk or (01963) 435012

1. Purpose of the Report

The purpose of this report is to inform members of the current status of the register of Assets of Community Value in South Somerset using the Community Right to Bid during quarters one and two of the 2015/16 financial year. It also flags up any issues arising from implementation of this duty.

2. Forward Plan

This item appeared on the executive Forward Plan with a presentation date of 1st October 2015.

3. Public Interest

The Government is trying to provide communities with more opportunities to take control over the ownership and management of local assets. The Community Right to Bid came into effect on 21st September 2012 as part of the Localism Act 2011. It provides opportunities for voluntary and community organisations, as well as Parish Councils, to identify land and buildings which they believe to be important and which benefit their community. If they qualify, these can be placed on a Register of Assets of Community Value. If the asset comes up for sale, then in certain circumstances, an eligible community group can apply to be given time to make a bid to buy it on the open market.

4. Recommendations

That the District Executive note the report.

5. Background

In November 2012, District Executive agreed a process for considering nominations from communities to place assets onto the SSDC Register of Assets of Community Value. This was based on clear criteria set out in the Localism Act. When nominations are received, SSDC has 8 weeks to consider them and respond to the applicant.

The assessment of nominations is delegated to the relevant Area Development Manager in conjunction with the Ward Member(s) and Area Chair. The result of the assessment & decision is presented to the relevant Area Committee for information. A quarterly report is presented to District Executive, also for information. Decisions about any SSDC-owned properties will be brought to District Executive for decision.

Since the regulations came into force, SSDC has considered 23 completed nominations for the Register. All have been approved and placed onto the Register of Assets of Community Value.

6. Nominated Assets

One further asset has been added to the Register during the period covered by this report

- The Smithy Inn, Charlton Musgrove

7. The Picture to Date

At the time of the last quarterly report in July 2015 concerns were expressed by the Executive regarding the effectiveness of this legislation and the disappointment felt by communities unable to secure wanted community assets. A letter was sent to DCLG by the Leader, expressing these concerns and asking if a review of the Community Right to Bid's effectiveness is in hand. A copy of the letter is attached at Appendix 1. A verbal update on any response will be given at the meeting.

- Of the 23 registrations in South Somerset:
 - a) 14 are village pubs/clubs; four former school properties, the remainder mainly open spaces.
 - b) Of the 23 nominations, 18 have come from parish or town councils.
 - c) Two pub/club premises did not get a community expression of interest and now serve an exemption period of 18 months from further nomination leaving the owner free to sell; 3 pubs were sold as going concerns, one club is exempt due to being in hands of receivers.
 - d) One school has been leased by the community and a further school field is under informal negotiation by the community.
 - e) One asset is an area of open land where negotiations are ongoing between a parish and a public agency
- During the period covered by this report the 6 month moratorium for one asset, the Portman Arms, East Chinnock has expired and a further asset (Barrington School) has been nominated for registration by the Parish Council; negotiations are currently taking place with the agents working on behalf of the property owner (Diocese of Bath & Wells) regarding a challenge as to the eligibility of the asset for nomination.
- As of April 6th 2015 the legislation has been amended so that pubs nominated to be included on the Local Authority's list will require planning permission to be demolished or converted to any other use. In effect existing permitted development rights will be removed for pubs listed as ACVs for as long as the pub is on the Local Authority's list. The new regulations can be summarised as follows:-
 - All pubs listed as ACVs (including those already listed) will require planning permission prior to any change of use or demolition. This protection applies from the date of nomination and applies for the duration of the period the asset is listed (usually five years).
 - If the building is nominated, whether at the date of nomination or on a later date, the Local Authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period.

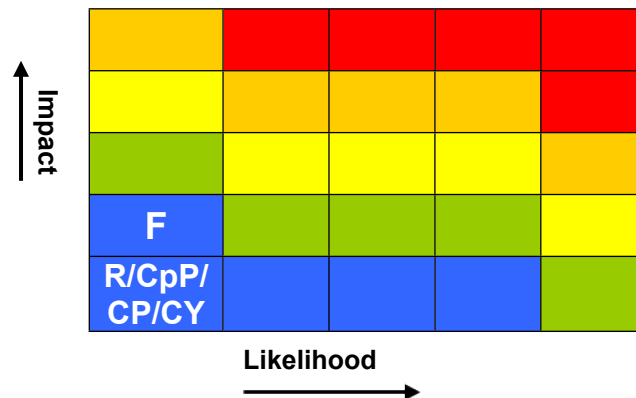
- The Local Authority has 56 days to confirm whether the pub is listed or nominated. This means that the owner cannot change use or demolish a pub lawfully within the prescribed 56 day period.
- A copy of the updated Register of Assets of Community Value is appended to this report.

8. Financial Implications

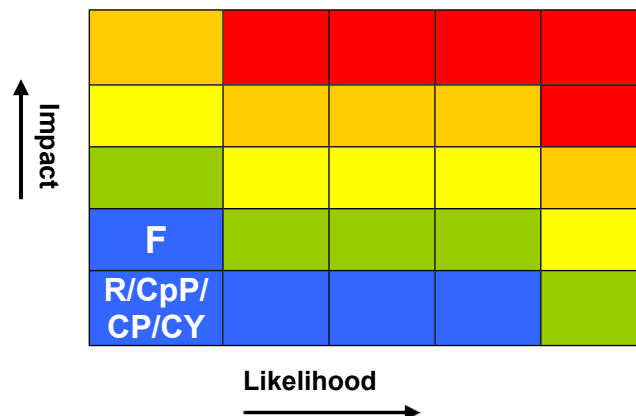
- There are none at this point in time. From 2014/15 onwards any costs must be absorbed into the Revenue Support Grant.
- Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. SSDC is in the process of designing this compensation scheme. Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government.

9. Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours <i>(for further detail please refer to Risk management strategy)</i>
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

10. Council Plan Implications

Evaluate the overall requirements of the Government's Localism legislation and work with communities to develop plans for their community.

11. Carbon Emissions and Climate Change Implications

None in relation to this report.

12. Equality and Diversity Implications

None in relation to this report.

13. Privacy Impact Assessment

None in relation to this report.

14. Background Papers

- Localism Act 2011
 - District Executive Agenda and Minutes November 2012;
 - Assets of Community Value (England) Regulations 2012 Statutory Instruments 2012 n.2421;
 - District Executive Agenda and Minutes August 2013; December 2013; September 2014; December 2014; March 2015; July 2015
 - Nomination Forms received.
-