

# **Community Right to Bid Half Year Report – October 2016 to March 2017**

*Executive Portfolio Holder:* Angie Singleton, Strategic Planning (Place Making), Area Development  
*Director:* Rina Singh, Deputy Chief Executive  
*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Helen Rutter, Communities  
*Lead Officer:* David Crisfield, Third Sector and Equalities Co-ordinator  
*Contact Details:* helen.rutter@southsomerset.gov.uk (01963) 435012  
david.crisfield@southsomerset.gov.uk (01935) 462240

## **Purpose of the Report**

1. To inform members of the current status of the register of Assets of Community Value in South Somerset using the Community Right to Bid, for the second half of the 2016/17 financial year (October 2016 to March 2017).

## **Forward Plan**

2. This is a standing six monthly report to the District Executive.

## **Public Interest**

3. 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 (ACV). 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.

## **Recommendation**

4. That Members comment on and note the report.

## **Background**

5. 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.
6. The assessment of nominations in the past has been delegated to the relevant Area Development Manager (ADM) in conjunction with the Ward Member(s) and Area Chair. However, the Area Team Leads now perform this function in place of the ADM's. Previously a quarterly report was presented to District Executive for information. At its meeting in October 2016, District Executive resolved to reduce the level of reporting to two 6 monthly reports. Decisions about any SSDC-owned properties will be brought to District Executive for decision.
7. Since the regulations came into force, SSDC has approved and placed a total of 42 assets on the Register of Assets of Community Value. Seven assets have subsequently been removed. The register is therefore currently made up of 35 'live' nominations.

8. A copy of the current register is attached at Appendix A.

### **Nominated Assets**

9. Four further assets were added to the Register during the period covered by this report:

- Charlton Adam Post Office and Stores
- Fox and Hounds Inn, Charlton Adam
- The Reading Room, Charlton Mackrell
- The Bell, Winsham

### **Unsuccessful Nominations**

10. There were two unsuccessful nominations during this period that were added to the register of unsuccessful nominations. These were:

- Winsham Post Office and Shop
- Tolbury Orchard, Bruton

### **Assets Removed from the Register**

11. Assets must be removed from the register as soon as practicable:

- a) After a relevant disposal (other than an exempt disposal)
- b) When an appeal against a listing has been successful
- c) When the Council forms the opinion that the land or buildings are no longer of community value; or
- d) No later than 5 years from the date of entry on the list.

12. During the period covered by this report 3 assets have been removed from the register. These are:-

- Cocklemoor (recreational land in Langport) - Purchased by Langport Town Council
- Montacute Working Men's Club – Purchased for development
- The Smithy, Charlton Musgrove – Pub sold for a purpose other than a going concern.

### **Exempt Disposal**

13. During the period covered by this report two assets, Long Sutton Stores and The Portman Arms, have been subject to what is known as an exempt disposal where they have been sold but due to being sold as a 'going concern' remain on the register.

### **Asset pending removal from the register**

14. During the period covered by this report one asset has been subject to a successful bid by the community.

15. Stoke sub Hamdon Parish Council have been successful in their negotiations with the Methodist Church of England and have secured the purchase of the village Methodist Church.

16. The Parish Council successfully won the argument with the church's trustees that they could sell the now redundant chapel at under market value, as a sale to the community for use as a youth centre falls within what is called a "model trust 20 exception". Once the sale is complete the asset will be removed from the register.

17. This is the first successful acquisition of an asset by the community in South Somerset since the introduction of the legislation.

### **The Picture to Date**

18. Of the 35 assets currently on the register in South Somerset:

- a) 15 are village pubs/social clubs
- b) 4 former school properties and/or playing fields
- c) 3 churches/church halls
- d) 3 Post Offices/Stores
- e) The remaining 10 comprise a mix of recreational land, an ex-Youth Centre, Football Stadium and miscellaneous community facilities.

19. Of the 35 listed assets 28 were nominated by parish or town councils.

20. As of 6<sup>th</sup> April 2015 the legislation was 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.

21. 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 5 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.

22. The one Compensation Claim we received from the Diocese of Bath and Wells in respect of Barrington Primary school remains unresolved. Following a comprehensive appraisal by the Assistant Director (Communities), Assistant Director (Finance and Corporate Services) and Legal Services Manager, clarification of some apparent anomalies in the claim was sought from the agents acting on behalf of the Diocese. This request was made in November 2016 to which there has so far been no response. No compensation has therefore been paid out.

23. There has been no further feedback from the DCLG in relation to their survey which we contributed to in December 2015.

### **Financial Implications**

24. There are none at this point in time. From 2014/15 onwards any costs must be absorbed into the Revenue Support Grant.

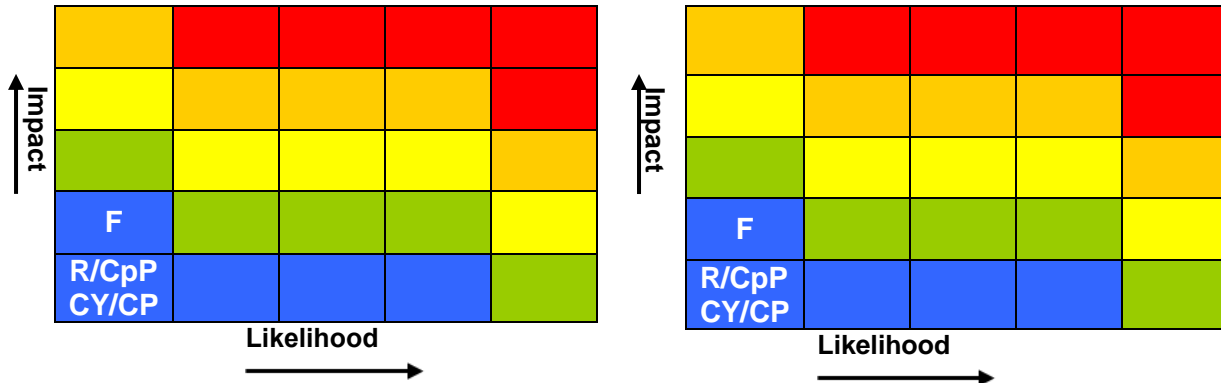
25. Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. Our Compensation Scheme was approved by members in January 2016. Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government.

26. Subject to the outcome of the outstanding compensation claim, the Council may be required to make a compensation payment in respect of Barrington school.

## Risk Matrix

Risk Profile before officer recommendations

Risk Profile after officer recommendations



### Key

Categories	Colours (for further detail please refer to Risk management strategy)
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

## Council Plan Implications

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

## Carbon Emissions and Climate Change Implications

28. None in relation to this report

## Equality and Diversity Implications

29. None in relation to this report

## Privacy Impact Assessment

30. None in relation to this report

## 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 Aug 2013; Dec 2013; Sept 2014; Dec 2014; Mar 2015; Jul 2015; Oct 2015; Jan 2016; Apr 2016; Jul 2016; Oct 2016.
- Nomination Forms received.