

Community Right to Bid Half Year Report – October 2017 to March 2018

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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 2017/18 financial year (October 2017 to March 2018) and to propose

Forward Plan

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of May 2018.

Public Interest

3. The Government is providing 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.

Recommendations

4. That the District Executive:-
 - a. Comment on and note the report.
 - b. Approve the cessation of regular six monthly reporting.

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 is carried out by the relevant Area Team Lead in conjunction with the Ward Member(s) and Area Chair. 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. As of 6th April 2015 the legislation was amended so that pubs nominated to be included on the Local Authority's list would require planning permission to be demolished or converted to any other use. In effect existing permitted development rights are removed for pubs listed as ACVs for as long as the pub is on the Local Authority's list.

The new regulations regarding public houses 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.
8. Since the Community Right to Bid regulations came into force, SSDC has approved and placed a total of **44** assets on the Register of Assets of Community Value. Ten assets have subsequently been removed. The register is therefore currently made up of **34** nominated assets, four of which are pubs/village stores that were sold as going concerns and which remain on the register therefore by virtue of being exempt disposals.
 9. A copy of the current register is attached at Appendix A.

Nominated Assets

10. One further asset was added to the Register during the period covered by this report:
 - Somerset Skills and Learning Centre in Ilminster.

Unsuccessful Nominations

11. There were no unsuccessful nominations during this period.

Nominations Pending

12. There are two new nominations currently being assessed and for which decisions have not yet been made:
 - Templar's Retreat, Templecome
 - Village allotments, Hinton St George

Assets Removed from the Register

13. 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.
- 14. During the period covered by this report one asset has been removed from the register, namely a parking area in Hinton St George that was incorrectly nominated in 2014.
- 15. One further asset, Barrington School, is currently sold, subject to contract, and will be removed from the register once confirmation of the sale is received.

The Picture to Date

- 16. Of the **34** assets currently on the register in South Somerset:
 - a) 16 are village pubs/social clubs
 - b) 5 former school properties and/or playing fields
 - c) 3 churches/church halls
 - d) 3 Post Offices/Stores
 - e) The remaining 7 comprise a mix of recreational land, an ex-Youth Centre, Football Stadium and miscellaneous community facilities.
- 17. Of the **34** listed assets **27** were nominated by parish or town councils.
- 18. There has been no further feedback from the DCLG in relation to their survey which we contributed to in December 2015.

Future Reporting

- 19. It is proposed that the current practice of submitting reports for information on a 6 monthly basis is brought to an end for the following reasons.
 - a. The process for managing the Community Right to Bid process is now well established and efficiently managed.
 - b. Any initial concerns that SSDC might incur compensation costs have not materialised as only one tentative claim has been submitted in the 6 years since the scheme has been operating, which was not carried through.
 - c. Area Chairs and ward members are directly involved in the decision to approve or disallow nominations for assets to be placed on the register of Assets of Community Value.
 - d. A desire to cut down on the number of reports that are presented to committee for information only and which do not add any additional value to committee business.
 - e. Information on both successful and unsuccessful nominations is published and publically available on the council website.
- 20. In the future reports, could be brought to District Executive committee on an as required basis or an annual update report be provided to the relevant Portfolio Holder.

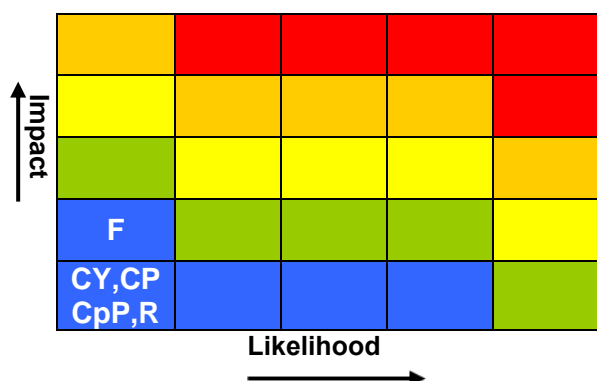
Financial Implications

- 21. There are none at this point in time. From 2014/15 onwards any costs must be absorbed into the Revenue Support Grant.
- 22. 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

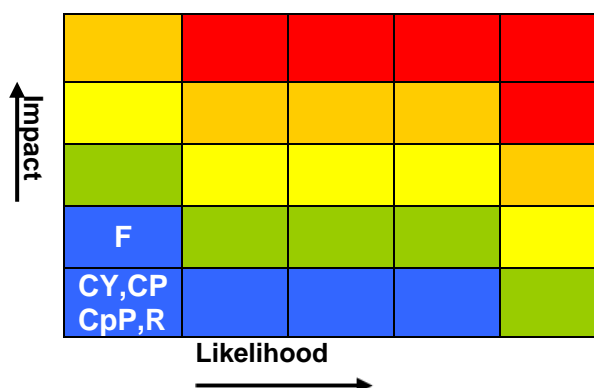
local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government.

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

23. 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

24. None in relation to this report.

Equality and Diversity Implications

25. None in relation to this report.

Privacy Impact Assessment

26. 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 August 2013; December 2013; September 2014; December 2014; March 2015; July 2015; October 2015; January 2016; April 2016; July 2016; October 2016; April 2017; October 2017
 - Nomination Forms received
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