

Community Right to Bid Quarterly Update Report – July to September 2016

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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 quarter two (July to September) of 2016/17.

Forward Plan

2. This is a standing quarterly 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 the District Executive 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 in conjunction with the Ward Member(s) and Area Chair (however, with the appointment of the new Area Team Leads they now perform this function in place of the ADM's). The result of the assessment & decision is notified 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.

7. Since the regulations came into force, SSDC has approved and placed a total of 37 assets on the Register of Assets of Community Value. Three assets have subsequently been removed. The register is therefore currently made up of 34 '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:
 - Post Office, Martock
 - George Inn, Martock
 - The Gospel Hall, Martock
 - Former Countess Gytha Primary School, Queen Camel

Unsuccessful Nominations

10. There was one unsuccessful nomination during this quarter, namely Martock Fire Station. It did not meet the qualifying criteria for nomination in respect of "the main use of the land or building (**not**) having furthered the social well-being or social interests of the local community in the recent past" due to being used solely for commercial storage.
11. Two further nominations from Martock Parish Council were withdrawn.

Assets Removed from the Register

12. 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.
13. To date a total of 3 assets have been removed from the register. These are:-
 - Kingsdon Primary School – Relevant Disposal (School building leased to community)
 - The Green Dragon, Yeovil – (site sold, pub demolished with Planning Permission for retail)
 - The Smithy, Charlton Musgrove – Relevant Disposal (Pub sold)

Assets incorrectly removed from the Register

14. In April 2016 it was reported to members that the Drayton Arms had been removed from the register. This was reported in error.
15. Whilst the Drayton Arms had been sold, it was an 'Exempt Disposal' due to being sold as a going concern. For this reason it remains on the register for the remainder of its original 5 year listing.

The Picture to Date

16. Of the 34 assets currently on the register in South Somerset:
 - a) 15 are village pubs/clubs
 - b) 6 former school properties or playing fields
 - c) 2 recreation fields

- d) 3 churches
 - e) One church hall
 - f) One car park
 - g) One Sports and Social Club
 - h) One former Youth Centre
 - i) One Football Stadium
 - j) One Village Stores
 - k) One Post Office
 - l) One miscellaneous piece of land
17. Of the 34 listed assets 28 were nominated by parish or town councils.
18. To date no registration has resulted directly in a successful community bid. However the land known as Cocklemoor at Langport (Asset ACV4 on the register) has subsequently been sold by the Environment Agency to the Town Council. Furthermore, Stoke Sub Hamdon Methodist Church is currently subject to an offer to purchase by the Parish Council. This is under consideration by the Methodist Church, along with other offers, and a decision is expected in approximately one month's time.
19. As of 6th April 2015 the legislation was 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.
20. 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.
21. We have had one Compensation Claim from the Diocese of Bath and Wells in respect of Barrington Primary school. This is currently being appraised by the Assistant Director (Communities) and Assistant Director (Finance and Corporate Services).
22. The DCLG survey to which we contributed in December 2015 was closed in January 2016. Feedback received from the DCLG on the 26th September is that they are still listening to comments from stakeholders in respect of the Community Right to Bid and ministers are still in the process of assessing potential options for strengthening the policy.
23. Work on reviewing our current processes and transferring the central coordination role from Asset Management to Communities has been completed.

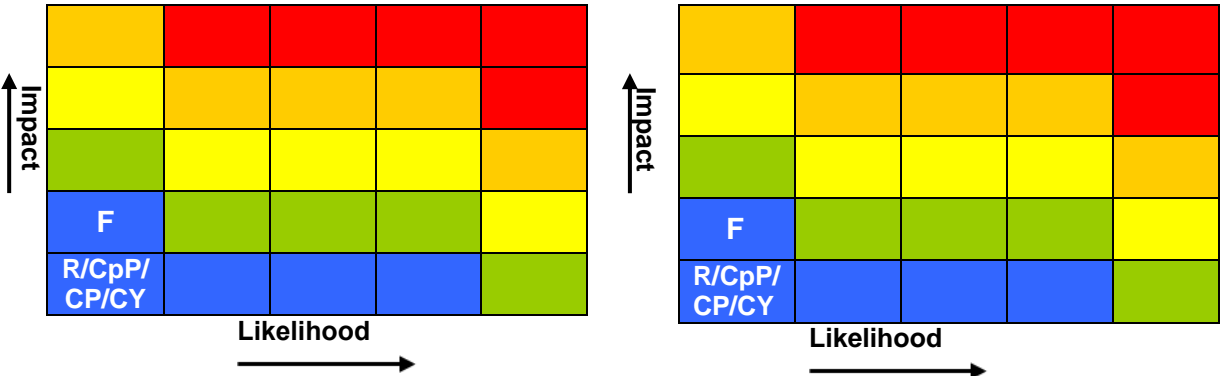
Financial Implications

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 appraisal, 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 August 2013; December 2013; September 2014; December 2014; March 2015; July 2015; October 2015; January 2016; April 2016; July 2016;
 - Nomination Forms received
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