

Community Right to Bid Quarterly Update Report

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Purpose of the Report

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 three of 2015/16. The report also flags up our response to DGLG concerning the effectiveness of and issues arising from implementation of this duty.

Members are asked to consider and approve the adoption of a Compensation Scheme and Procedure for the Community Right to Bid.

Forward Plan

This is a standing quarterly report and it has appeared on the Executive Forward Plan with a presentation date of January 2016.

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.

Recommendations

That the District Executive:

1. agree the Council's 'Compensation Scheme and Procedure for the Community Right to Bid' at Appendix C.
2. note the report.

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 30 completed nominations for the Register. Despite two appeals against registration all have been approved and placed on the Register of Assets of Community Value.

Recently Nominated Assets

Five further assets have been added to the Register during the period covered by this report

- Methodist Church – Stoke sub Hamdon
- All Saints Church – Yeovil Marsh
- Church Hall – Yeovil Marsh
- Johnson Sports & Social Club – Yeovil
- Great Lyde Inn - Yeovil

Current Overview

During consideration of the quarterly reports in July and October 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 response was received on the 4th September from the Secretary of State drawing our attention to an online Survey Monkey questionnaire being undertaken by the DCLG, inviting the council to submit a response.

The questionnaire was completed on behalf of the council in consultation with Cllr's Ric Pallister and Angie Singleton. A text version of the council response is attached at Appendix A.

Work has been done on bringing the Register of Assets of Community Value up to date with the addition of key dates. A copy is attached at Appendix B.

Work has also commenced during this period to review our current processes and associated documentation in order to improve their effectiveness. This will continue into the early part of next year. Once the review has been completed details will be reported to members in April 2016.

Of the 30 registrations in South Somerset:

- a) 15 are village pubs/clubs; six former school properties or playing fields, two churches and a church hall, a car park, a Sports and Social Club, a former Youth Centre with the remainder being predominantly open spaces.
- b) Of the 30 nominations, 25 have come from parish or town councils.
- c) One asset has been transferred to the Parish Council using the county council's asset transfer process.
- d) One asset on the register was designated as exempt from the moratorium at the point of its first disposal, it remains on the register.

e) To date no registration has resulted in a successful community bid.

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.

Compensation Scheme and Procedure for the Community Right to Bid for South Somerset District Council

In November 2012 District Executive were informed that the details of how the local authority must deal with compensation claims are set out in the Regulations and that it is up to the council to determine its own policy on what it will have to pay for, and the amounts payable, in respect of any claims. At the time it was noted that a further report would be brought to District Executive in due course to adopt a suitable policy.

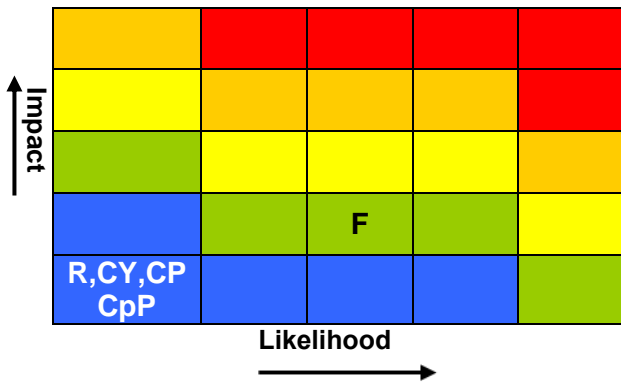
A draft policy and procedure has been produced and it is now necessary to adopt this in view of having received our first request for the details of the compensation scheme in respect of the listing of Barrington Primary School ACV24 on our Register of Assets of Community Value. The draft Compensation Scheme and Procedure, attached at Appendix C, has been drawn up by the Solicitor to the Council in accordance with the framework provided by Regulations in the Act.

Financial Implications

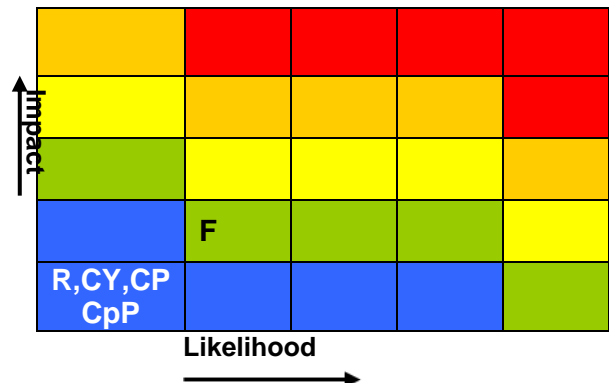
- There are none at this point in time. Initially DCLG provided some new burdens funding but from 2014/15 onwards any costs incurred through the compensation mechanism must be absorbed into the authorities' own finances.
- Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. Such claims must supply proof of eligible costs. Government recognises this as a potential risk to local authorities and 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

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

None in relation to this report.

Equality and Diversity Implications

None in relation to this report.

Privacy Impact Assessment

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
- Nomination Forms received