

## **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 four of 2015/16.

### **Forward Plan**

This is a standing quarterly report on the Executive Forward Plan.

### **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 (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**

That the District Executive note the report.

### **Background**

In November 2012, District Executive agreed a process for considering nominations from communities to place assets onto the SSSC Register of Assets of Community Value. This was based on clear criteria set out in the Localism Act. When nominations are received, SSSC 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 notified to the relevant Area Committee for information. A quarterly report is presented to District Executive, also for information. Decisions about any SSSC-owned properties will be brought to District Executive for decision.

Since the regulations came into force, SSSC has considered 31 completed nominations for the Register. All were approved and placed onto the Register of Assets of Community Value.

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

## **Nominated Assets**

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

- The Mandeville Arms, Hardington Mandeville

The addition of this asset to the register is being appealed by the owner.

## **Assets Removed from the Register**

During the fourth quarter, three assets were removed from the register:

- i. Drayton Arms
- ii. Kingsdon Primary School
- iii. The Green Dragon public house

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 building are no longer of community value; or
- d) No later than 5 years from the date of entry on the list.

In accordance with the legislation these three assets were removed due to them being subject to a relevant disposal:

- i. The Drayton Arms was sold as a going concern and will continue to operate as pub.
- ii. Kingsdon primary school has been let on a 35 year lease to the community
- iii. The Green Dragon was granted Planning Permission to demolish the pub and build a new convenience store.

The Mildmay Arms in Queen Camel is currently being marketed with a view to being sold as a going concern. If and when a sale is completed this will qualify as a relevant disposal and will be subject to removal from the register.

A further asset, Montacute Working Men's Club, will be the subject of a review on its status as an asset of community value following correspondence from the nominating body stating that they do not wish to bid on the property and that they no longer view it as an asset of community value. If the result of our review is that the council no longer considers it an ACV, it will also be removed from the register. This outcome of this will be reported to members in July 2016.

## **The Picture to Date**

1) Of the 31 registrations in South Somerset:

- a) 16 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) 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.

A copy of the updated Register of Assets of Community Value is appended to this report.

2) 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.

3) Work has also continued during this period on reviewing our current processes to reflect good practice and in order to improve their effectiveness. In principle it has been agreed to relocate the central coordination role from Asset Management to Communities and the details are under discussion between the relevant officers. The revised arrangements will go live later this spring when all the details have been agreed. Progress will be reported to District Executive in the next quarterly report due July 2016.

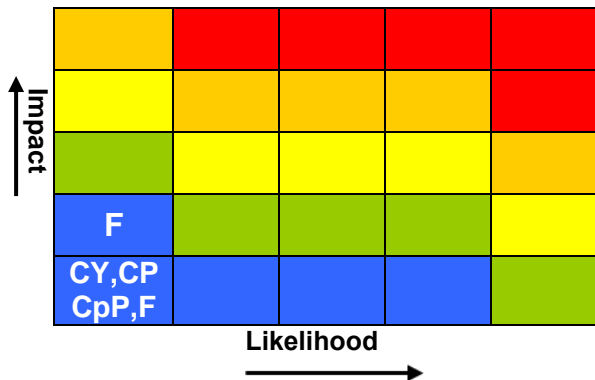
4) The DCLG survey to which we contributed in December 2015 was closed in January this year. A recent update from the DCLG has said that their engagement with stakeholders in respect of the Community Right to Bid is on-going and that they are still looking at potential options for strengthening the policy.

## **Financial Implications**

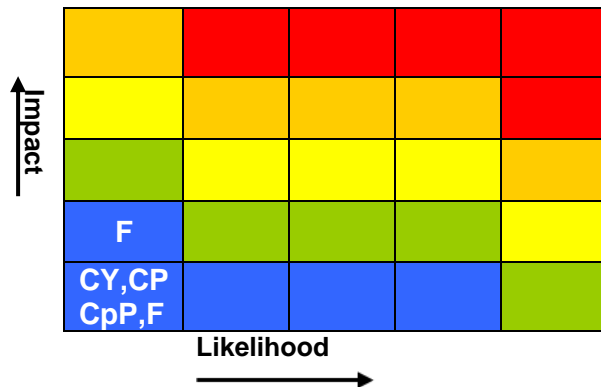
- There are none at this point in time. From 2014/15 onwards any costs must be absorbed into the Revenue Support Grant.
- Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. SSDC is in the process of designing 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.

## 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; January 2016
- Nomination Forms received