

# AGENDA



For a meeting of the  
**COMMUNITIES POLICY DEVELOPMENT GROUP**  
to be held on  
**THURSDAY, 22 NOVEMBER 2012**  
at  
**2.30 PM**  
in  
**WITHAM ROOM, COUNCIL OFFICES, ST PETER'S HILL,  
GRANTHAM**  
Beverly Agass, Chief Executive

Group Members:	Councillor Kelham Cooke, Councillor Breda Griffin, Councillor Charmaine Morgan, Councillor John Nicholson (Chairman), Councillor Mrs Jean Taylor, Councillor Jeff Thompson (Vice-Chairman) and Councillor Raymond Wooten
Portfolio Holders:	Councillor Teri Bryant (Good Housing) Councillor Mrs Frances Cartwright (Grow the Economy – Economic Development) Councillor John Smith (Green, Healthy and Arts)
Support Officer:	Jo Toomey                      Tel: 01476 40 61 52 E-mail: <a href="mailto:j.toomey@southkesteven.gov.uk">j.toomey@southkesteven.gov.uk</a>

**Members of the Group are invited to attend the above meeting to consider the items of business listed below.**

**1. COMMENTS FROM MEMBERS OF THE PUBLIC**

**2. MEMBERSHIP**

The Group to be notified of any substitute members.

**3. APOLOGIES**

**4. DISCLOSURE OF INTERESTS**

Members are asked to disclose any interests in matters for consideration at the meeting.

**5. ACTION NOTES FROM THE MEETING HELD ON 6 SEPTEMBER 2012**

**(Enclosure)**

**6. UPDATES FROM PREVIOUS MEETING**

- Update on rural broadband

**7. QUESTIONS REFERRED BY COUNCIL**

**Referred by Council on 13 September 2012**

To: Councillor John Smith: Green, Healthy and Arts Portfolio Holder

From: Councillor Charmaine Morgan

Given the significant level of activity by North Kesteven District Council in complying with relevant Legislation to protect and enhance biodiversity, how are SKDC meeting their statutory Biodiversity Duty?

Where is SKDC's Biodiversity Evidence Base kept for reference by relevant parties including councillors, council officers, members of the public and developers?

What budget has been set aside in relation to this activity?

**8. LOCALISATION OF COUNCIL TAX BENEFIT - COUNCIL TAX SUPPORT SCHEME**

The Benefits Manager will give a presentation to update members in respect of the localisation of council tax benefit. **(Enclosure)**

**9. COMMUNITY RIGHT TO BID**

Report number LDS082 by the Head of Legal and Democratic Services. **(Enclosure)**

**10. TENANCY STRATEGY**

The Head of Housing and Neighbourhoods will give a presentation. **(To follow)**

**11. CAR PARKING STRATEGY**

Report by the Property Development Manager. **(To follow)**

**12. WORK PROGRAMME**

**(Enclosure)**

**13. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**

## MEETING OF THE COMMUNITIES POLICY DEVELOPMENT GROUP

THURSDAY, 6 SEPTEMBER 2012

2.30 PM



---

### GROUP MEMBERS PRESENT

Councillor Charmaine Morgan  
Councillor John Nicholson (Chairman)  
Councillor Mrs Jean Taylor

Councillor Rosemary H Woolley  
Councillor Raymond Wootten

### OFFICERS

Strategic Director (Ian Yates)  
Property Development Manager (Neil  
Cucksey)  
Community Engagement and Policy  
Development Officer (Carol Drury)  
Principal Democracy Officer (Jo Toomey)

### PORTFOLIO HOLDER

Councillor Teri Bryant (Good Housing)

### Other

1 member of the public  
1 member of the press

---

## 22. COMMENTS FROM MEMBERS OF THE PUBLIC

A member of the public, Mr Worth, put a question to the PDG. He asked whether, following the guidance note on wind energy from Lincolnshire County Council and the production of South Kesteven District Council's Wind Energy Supplementary Planning Document (SPD), the PDG would support the deferral of all wind energy applications until the SPD had been approved by Council.

PDG members noted that the document produced by Lincolnshire County Council was guidance only, as the county council was not a planning authority. At its last meeting the PDG had received a presentation on the production of the South Kesteven Wind Energy SPD. The proposed timeline would see the Cabinet considering the release of the draft document for public consultation in October 2012.

The PDG was advised that if an application was submitted and a decision not made in a timely fashion, the applicant could claim non-determination and the application would be determined by a planning inspector.

Councillors considered whether it would be appropriate to produce an SPD that

included all forms of renewable energy. Officers highlighted that all forms of renewable energy were covered in the Council's Core Strategy; the SPD was to provide additional guidance on applications on the form of renewable energy on which most applications were received. The guidance in the Core Strategy was sufficient for the Development Control Committee to consider applications. Referring to the meeting in Stamford, PDG members observed that a member of the public who spoke at that meeting highlighted a case where the council had successfully defended the decision to refuse an application for wind turbines.

### **23. MEMBERSHIP**

The PDG was notified that, for this meeting only, Councillor Woolley would be substituting for Councillor Cooke and Councillor Morgan would be substituting for Councillor Dilks.

### **24. APOLOGIES**

Apologies for absence were received from Councillors Griffin and Thompson. Apologies for absence were also received from the Portfolio Holders for Grow the Economy – Economic Development (Councillor Mrs Cartwright) and Clean, Green and Arts (Councillor Smith).

### **25. DISCLOSURE OF INTERESTS**

No interests were disclosed.

### **26. ACTION NOTES FROM THE MEETING HELD ON 19 JULY 2012**

The action notes from the meeting held on 19 July 2012 were agreed as a correct record and noted.

### **27. UPDATES FROM PREVIOUS MEETING / FEEDBACK FROM THE EXECUTIVE**

In response to a question raised by a PDG member about housing ex-service personnel, the Good Housing Portfolio Holder explained that the Housing Allocations Policy was being revised. People applying for housing were given five points for each year they had lived in the district; so that their transient lifestyle did not disadvantage them, applications from ex-service personnel were being dealing with on a case-by-case basis.

### **28. CIVIL PARKING ENFORCEMENT**

The Property Development Manager gave members an update on the implementation of Civil Parking Enforcement (CPE). Lincolnshire County Council had been advised by the Department for Transport that their application was currently projected for sign-off on 30 November 2012, meaning

the first date from which powers could potentially be used was 1 December 2012.

The County Council was rationalising and consolidating its parking Orders into one Compliance Order; district councils were undergoing a similar process. No comments had been received of SKDC's draft Orders, which were being presented to Council on 13 September 2012.

In preparation for implementation, Lincolnshire County Council had undertaken a procurement exercise to secure providers for enforcement and ticket processing. District councils were able to call-off services from those providers. Enforcement officers would not be subject to incentives or bonus payments based on the number of tickets issued. This was part of the contract with the provider and would remain in force for its duration (four years).

Enforcement officers would wear the insignia of the relevant enforcement authority, for example when enforcing on-street parking officers would wear Lincolnshire County Council's logo and when enforcing off-street parking, they would wear SKDC's logo. Tickets would also clearly indicate the enforcement authority.

The Council would receive cost-savings because current arrangements meant that SKDC paid enforcement officers as they travelled between car parks. As the same officers would be enforcing on-street parking for Lincolnshire County Council, enforcement officers' time would be charged to them as soon as they left any of SKDC's off-street parking. This would also mean the Council could optimise the use of hours bought from the provider.

Parking enforcement officers would be mobile and their movement would not be predictable so motorists could not predict when an enforcement officer might be in the area.

Councillors highlighted current difficulties enforcing parking and police jurisdiction. Lincolnshire Police would still have responsibility for enforcing moving traffic offences, of which obstruction was one. Councillors felt that under new arrangements the relevant enforcement agency should be clear to members of the public.

Further discussion ensued on residents' parking schemes. Lincolnshire County Council had previously said that they would not progress any applications for residents' parking schemes until all Parking Orders were consolidated. The district council would be the promoter and administrator for any scheme, which would have to go through the county's Road Traffic Regulation Order process before confirmation and implementation. As South Kesteven was the only district authority looking to introduce residents' parking schemes, officers had worked with county to establish a turnaround time of approximately 29 weeks. Before the introduction of any scheme, on-street work would need undertaking together with a survey of residents in interested areas. A majority of residents

would need to have to want a scheme and be prepared to pay the fee. Consultation with residents in Stamford had begun. Residents' parking schemes could also be of benefit to some areas in Grantham. It was noted that a previous scheme in Grantham fell after its first year of operation.

In preparation for the introduction of CPE and to undertake some initial work on a residents' parking scheme for Stamford, it was proposed that a firm should be commissioned to undertake on-street work (determining occupancy, turnover, capacity, potential displacement, etc). This was supported by the PDG. A similar piece of work would be required before the proposition of any schemes in Grantham.

***Recommendation:***

***That £9,300 from the Communities PDG support budget be used to commission on-street research work in preparation for proposing residents parking schemes for Stamford.***

**29. WORK PROGRAMME**

The Community Engagement and Policy Development Officer summarised arrangements that had been put in place to help the PDGs run more smoothly. This incorporated a series of meetings to determine each PDGs forward work programmes and agendas. This work was to be undertaken by the chairmen and vice-chairmen of the PDGs and members of the Cabinet. One member sitting on the PDG expressed concern that there was no Labour group representation because they did not hold any chairmanships or vice-chairmanships. The proposed structure was based on previously constituted arrangements.

**30. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**

**InterCity East Coast Franchise Replacement: Consultation**

The Chairman had agreed to accept the InterCity East Coast Franchise Replacement Consultation as urgent business, because the deadline for responses was 18 September 2012. The consultation document included a number of questions, for which draft responses were circulated. PDG members suggested additional areas for inclusion in the response:

- If revenue from fares exceeds the costs of the franchise, why were fares put up in excess of the rate of inflation?
- The hub-to-hub approach meant passengers had to change trains which affected the passenger experience, it also made travelling difficult for people with accessibility problems. Generally customers do not link changing trains.
- Current services calling at Grantham seemed geared round commuters

with decreased provision at the weekend, particularly on a Saturday. Improved availability could support the economic development objective.

- The objectives for the franchise should include being responsible for the enhancement and maintenance of the stations. There should also be an additional objective around safety.
- Conditions of the franchise could include compensation at earlier trigger points when trains were delayed,. This would provide an incentive to limit the late-running of trains.
- There should be a direct train link between Grantham and Lincoln.
- Smart ticketing options should not be used as replacements for staff on railway stations.
- Customer experience questionnaires should give details of assistance available for completing questionnaires. Providing different methods for feedback could also increase participation.
- The franchisee should be encouraged to work with local community groups, e.g. friends of stations
- Car parking that is secure and affordable (with banded rates) should be offered.
- Working in partnership with, and making information available about, British Transport Police could help improve safety and security. People would also know how to report any incidents.
- Customer announcements on stations should provide clear updates when trains are delayed and cancelled.
- Anecdotal evidence suggested it was difficult to take a bicycle onto a train; the franchisee should investigate ease of access and secure storage (both at stations and on trains)
- The franchisee should work with Network Rail to improve safety at level crossings – Tallington level crossing was specifically highlighted.
- Train services should connect with other modes of transport (buses)

### **31. CLOSE OF MEETING**

The meeting was closed at 16:43.

# Council Tax Support

Lee Sirdifield – Benefits Manager

Krissy Fountain – Technical Support Officer



*Your council working for you*

# Introduction

- Background
- Principles of scheme
- Consultation approach
- Consultation responses
- Equality assessments
- Next steps



# Background

- Introduced from April 2013
- CTB abolished
- Localised scheme
- Reduction in funding from government by 10%
- Councils decide their own scheme
- Some claimants will be worse off
- Requirement to consult
- Cabinet agreed a scheme to be consulted on
- Public consultation ended on 4 November 2012



# Principles of new scheme

- Most people (of working age) should pay something towards their council tax
- Those with disabilities should be protected from any reduction in support
- Those with caring responsibilities should be protected from any reduction in support
- War pensioners should be protected from any reduction in support
- The scheme should make work pay
- The scheme should be available to all those who pay council tax, regardless of the size of property they live in



# Existing scheme principles

- Second adults living in the property should contribute
- Benefits should not be paid to those with capital above set limits
- Benefits can be paid based on the income of a second adult with a low income
- Those with relatively more income should pay more than those with less income



# Who will be affected

- Pensioners protected
- Disabled protected
- Carers protected
- War pensioners and war widows protected
- All other working age claimants will see a reduction in benefit



# Consultation

- Major precepting authorities
  - Both agree with principles
  - Neither will contribute more than government allowance
- Public consultation
  - Website
  - Online survey
  - Direct mail to those affected – 5,157 customers, 62 organisations
  - Survey booklet
  - 7 drop in sessions
  - Dedicated telephone helpline – 01476 40 62 27



# Public consultation results

- Postal Survey
- 5,219 issued
- 832 responses received (15.9%)
- Broad agreement with the principles



# Public consultation results

- Sessions held at:
  - Long Bennington
  - The Deepings
  - Stamford
  - Bourne
  - Grantham (3 locations)
- Drop in sessions
  - 6 attendees



# Public consultation results

- Web
  - 37 people used the calculator
  - 13 people completed the web survey
  - 353 people accessed the specific webpage



# Public consultation results

- Helpline
- 44 people used the helpline
- Helpline will remain open for further queries until the scheme is in place



# Equality assessment

- Initial assessment done
- Full assessment will be completed and available with the cabinet report



# Next steps

- Present findings to cabinet on 3<sup>rd</sup> December 2012
- Full council decision on 13<sup>th</sup> December 2012
- Scheme adopted by council by 31<sup>st</sup> January 2013
- Software enhancements configured and tested
- Existing claims transfer automatically
- Letters will be sent to those affected
- All new claims from 1<sup>st</sup> April CTS



## REPORT TO COMMUNITIES P.D.G.

**REPORT OF:** Head of Legal and Democratic services

**REPORT NO:** LDS082

**DATE:** 22<sup>nd</sup> November 2012

<b>TITLE:</b>	COMMUNITY RIGHT TO BID	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	KEY DECISION	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Paul Carpenter - Portfolio Holder for Governance and Communication	
<b>CONTACT OFFICER:</b>	Lucy Youles – Head of Legal and Democratic Services – <a href="mailto:l.youles@southkesteven.gov.uk">l.youles@southkesteven.gov.uk</a> ; <a href="tel:01476406105">tel:01476406105</a> Richard Wyles – Head of Finance – <a href="mailto:r.wyles@southkesteven.gov.uk">r.wyles@southkesteven.gov.uk</a> ; <a href="tel:01476406210">tel:01476406210</a>	
<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: No
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council’s website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Localism Act 2011 <a href="http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted">http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted</a> Non-statutory Guidance <a href="http://www.communities.gov.uk/publications/communities/righttobidadvicenote">http://www.communities.gov.uk/publications/communities/righttobidadvicenote</a> Empowering Communities: making the most of local – A Councillor’s Guide <a href="http://locality.org.uk/wp-content/uploads/Empowering-communities-making-the-most-of-local-assets-a-councillors-guide.pdf">http://locality.org.uk/wp-content/uploads/Empowering-communities-making-the-most-of-local-assets-a-councillors-guide.pdf</a>	

## **1. RECOMMENDATIONS**

It is recommended that the Communities Policy Development Group consider the provisions of the Localism Act 2011 and the non-statutory Guidance relating to the Community Right to Bid (Assets of Community Value) and consider the provisions for a draft procedure to include:

- The form in which an application can be made to include an asset on the list. See draft form A attached to this report
- The content of an entry in the list – see draft form B attached to this report.
- The meaning of a voluntary or community body.
- The meaning of asset of community value.
- The conditions that have to be met for a person to have a local connection sufficient to represent a voluntary or community body with a local connection.
- The procedure to be followed to decide whether or not an asset should be included on the list. . A draft list of criteria is attached at Form C attached.
- The procedure to be followed in connection with a review and claim for compensation relating to a decision to include an asset on the list.

## **2. PURPOSE OF THE REPORT**

The purpose of the report together with the presentation to be made is to inform Members of the provisions relating to the community right to bid sufficient for Members to consider the issues listed in the recommendations above. A presentation relating to the right will be made to members at the meeting.

## **3. DETAILS OF REPORT**

The Community Right to Bid is one of a number of new rights for communities introduced by the Localism Act 2011. The Community Right to Bid came into force on 21 September 2012 following the publication of the Assets of Community Value (England) Regulations. The Community Right to Bid is commonly known as the assets of community value scheme. The scheme gives communities the opportunity to identify assets of community value and have them listed, and when they are put up for sale communities are given time to raise finance and bid for them. The right to bid impacts on all public bodies, either as local authorities required to administer the scheme or as land owners of land that may be nominated as an asset of community value. This report relates to this authorities duty to maintain the list of community assets.

The legislative provisions determine that it is for each local authority to make its own provisions on the form and contents of the list of community assets subject to the criteria set out in the Localism Act and the Regulations.

The matters listed in the recommendation are referred to in the Regulations and the non-statutory guidance. This Council must consider its process for considering applications to include a property on the list of community assets, its process for considering reviews and the process for considering

applications for compensation. The determination of any application will involve technical property, legal and financial consideration. It is proposed that the consideration of applications to include properties on the list and applications for compensation be delegated to the Property Development Manager in consultation with the Head of Finance and the Head of Legal and Democratic Services. It is proposed that applications for a review of any decision be considered by the Strategic Director - Corporate Focus in consultation with the relevant portfolio holder. Any delegation will be reported to the Constitution Committee

**4. OTHER OPTIONS CONSIDERED**

The Council has no other alternative but to make provision for the management and administration of the process to consider applications for properties to be included on the list of assets of community value.

**5. RESOURCE IMPLICATIONS**

It is proposed that the management and administration of the process relating to this right is provided within existing budget provision.

**6. RISK AND MITIGATION**

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
Delay in consideration of applications	Delegation to officers to consider applications immediately on receipt

**7. ISSUES ARISING FROM IMPACT ANALYSIS**

To be considered following determination of the process to be adopted

**8. CRIME AND DISORDER IMPLICATIONS**

None

**9. COMMENTS OF FINANCIAL SERVICES**

**10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

The Council must put in place robust processes to consider applications made in respect of this right. Consideration of applications will involve technical application of strict criteria determined by the legislation and guidance. Application must be determined in accordance with time limits determined by the legislation.

The legislation permits each authority to set its own regulations relating to the issues detailed in the recommendation of this report

**11. COMMENTS OF OTHER RELEVANT SERVICES**

**12. APPENDICES:**

Form A – draft form of application.

Form B – draft list for properties to be included on the list

Form C – draft criteria for consideration of applications to include a property on the list.

<p style="text-align: center;"><b>SOUTH KESTEVEN DISTRICT COUNCIL</b></p> <p style="text-align: center;"><b>ASSETS OF COMMUNITY VALUE – THE COMMUNITY RIGHT TO BID</b></p> <p style="text-align: center;"><b>NOMINATION FORM</b></p>
--

**Section A: About your organisation**

**A1 Organisation's name and address**

Name of organisation*
Address including postcode

*\*full name as written in your constitution or rules (if appropriate)*

**A2 Contact details**

Name
Position in organisation
Address including postcode
Daytime telephone no.
Email address
How and when can we contact you?*

*\*by email or phone, and days of the week and/or times of day you would prefer*

**A3 Type of organisation**

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council		
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

**A4 Number of members registered to vote locally** (unincorporated bodies only)

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the South Kesteven district. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in South Kesteven, please confirm which area that is.

**A5 Local connection**

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of South Kesteven District Council or a neighbouring local authority. In some cases this will be obvious, eg. a parish council in South Kesteven, or an organisation whose activities are confined to the district. Your local connection may not be obvious, please explain what your organisation's local connection is.

FORM A

**A6 Distribution of surplus funds** (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of South Kesteven or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

**A7 More about your organisation**

What are the main aims and activities of your organisation?

**A8 Your organisation's rules**

<b>Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is</b>	<b>X</b>
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	
Terms of Reference	

FORM A

**Part B: About the land or building(s) you are nominating**

**B1 Description and address**

What is the land or building used for?
Name of premises (known locally as)
Address including postcode

**B2 Map or Sketch plan**

Please include (here or on a separate sheet) a sketch plan or map identifying the land. This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- The names of any roads bordering the site.

FORM A

**B3 Owners and others with an interest in the building or land**

You should supply the following information, if possible. If any information is not known to you, please say so.

	<b>Name(s)</b>	<b>Address(es)</b>
Names of all current occupants of the land		
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)		
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)		

**B4 Why you think the building or land is of community value**

Note that the following are not able to be assets of community value:-

- A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.
- A caravan site.
- Operational land. This is generally land belonging to the former utilities and other statutory operators.

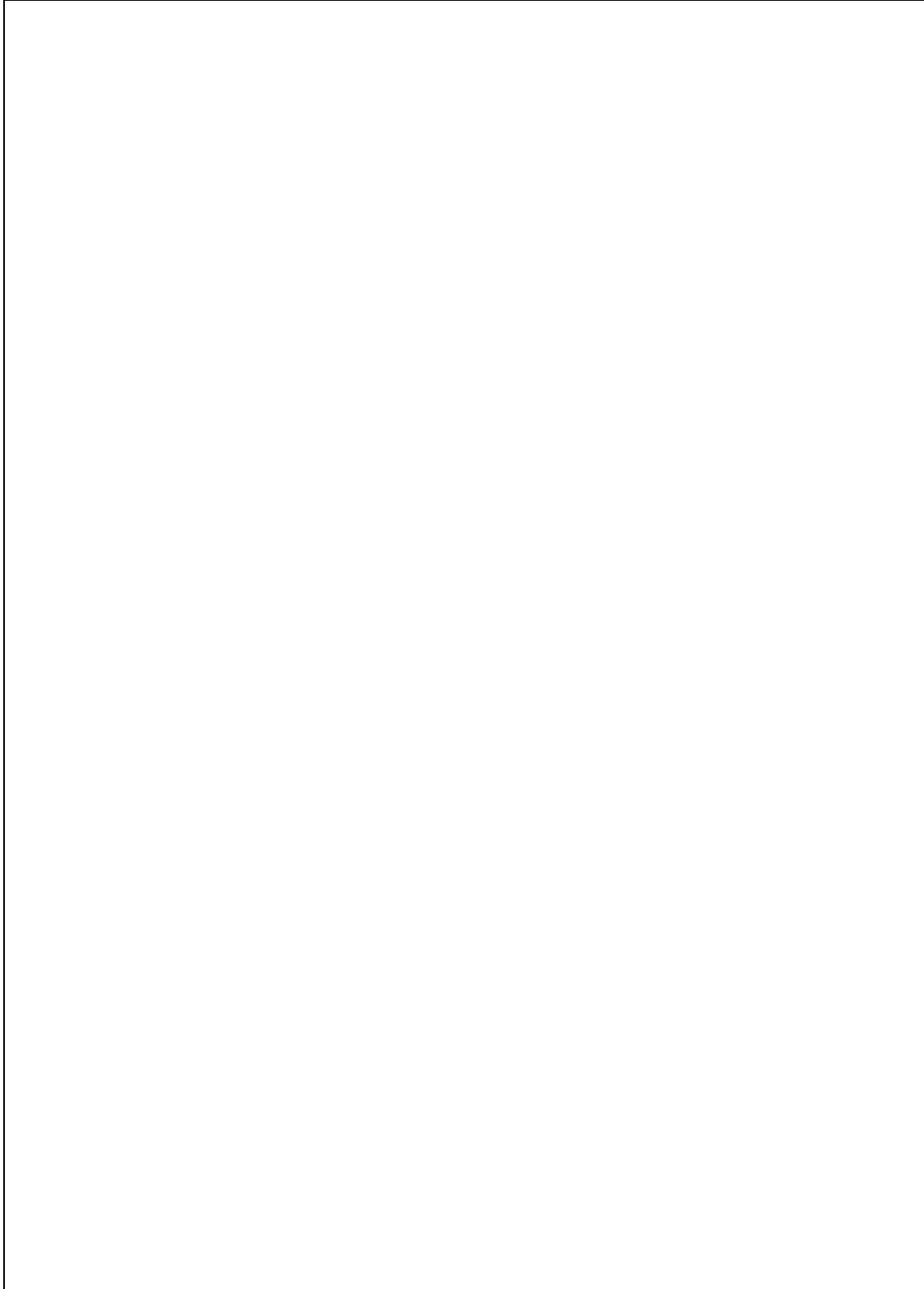
Does it currently further the social wellbeing or social interests\* of the local community, or has it done so in the recent past? If so, how?

Could it in future further the social wellbeing or social interests\* of the local community? If so, how? (This could be different from its current or past use.)

\*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.

**B5 How could the building or land be acquired and used in future?**

If it is listed as an asset of community value, community interest groups and others (not just limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.



**Section C: Submitting this nomination**

**C1 What to include**

- The rules of your organisation (question A8).
- Your map or sketch plan (question B2).

**C2 Signature**

*By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.*

Signature

**C3 Where to send this form**

You can submit this nomination:-

- **By post to:** Head of Legal and Democratic Services, South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham, Lincolnshire NG31 6PZ or
- **By email to:** [l.youles@southkesteven.gov.uk](mailto:l.youles@southkesteven.gov.uk)



**SOUTH KESTEVEN DISTRICT COUNCIL**

**Evaluation Criteria for the consideration of Assets of Community Value - to be considered only when all the relevant information has been received from the nominator and other interested parties**

<b>PART A NON-DISCRETIONARY CRITERIA</b>
<p><b>A1. Is the nominating organisation an eligible body to nominate?</b></p> <p>The types of organisations eligible for making a nomination are currently defined in Regulation 5 of the Assets of Community Value (England) Regulations 2012 as below:</p> <ul style="list-style-type: none"> <li>(a) a body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990(b);</li> <li>(b) a parish council;</li> <li>(c) an unincorporated body— <ul style="list-style-type: none"> <li>(i) whose members include at least 21 individuals, and</li> <li>(ii) which does not distribute any surplus it makes to its members;</li> </ul> </li> <li>(d) a charity;</li> <li>(e) a company limited by guarantee which does not distribute any surplus it makes to its members;</li> <li>(f) an industrial and provident society which does not distribute any surplus it makes to its members; or</li> <li>(g) a community interest company</li> </ul>
<p><b>A2. Does the nominating body have a local connection to the asset nominated?</b></p> <p>“Local Connection” is defined in detail in Regulation 4 of the Assets of Community Value (England) Regulations 2012.</p>
<p><b>A3. Does the nomination include the required information about the asset?</b></p> <p>This is set out in Regulation 6 of the Assets of Community Value (England) Regulations 2012 as follows:</p> <ul style="list-style-type: none"> <li>(a) a description of the nominated land including its proposed boundaries;</li> <li>(b) a statement of all the information which the nominator has of— <ul style="list-style-type: none"> <li>(i) the names of current occupants of the land, and</li> <li>(ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land</li> </ul> </li> </ul> <p>And;</p> <ul style="list-style-type: none"> <li>(c) a clear map showing the location of the property with an indication of the extent of the land included in the nomination</li> </ul>
<p><b>A4. Does the asset meet the definition of asset of community value and is not</b></p>

<p><b>one of the categories that cannot be assets of community value as set out in Schedule 1 of the assets of Community Value(England) Regulations 2012, as summarised below:</b></p> <ol style="list-style-type: none"> <li>1. A residence together with land connected with that residence</li> <li>2. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960</li> <li>3. Operational land as defined in section 263 of the Town and Country Planning Act 1990.</li> </ol>	
<p><b>IF “YES” TO ALL OF PART A MOVE TO PART B IF “NO” TO ONE OR MORE OF PART A, INFORM NOMINATOR THAT NONINATION IS INELIGIBLE. PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS.</b></p>	
<p><b>PART B - ESTABLISHING THE NON-ANCILLARY USE THAT THE APPLICATION IS BASED ON</b></p>	
<p><b>B1. Is the current or recent use which is the subject of the nomination an actual and non-ancillary use?</b></p> <p>NOTE 1: A working definition of “recent past” is “within the past three years”</p> <p>NOTE 2: A working definition of “non-ancillary” is that the use is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use.</p>	
<p><b>If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to PART C</b></p> <p><b>If not, PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS</b></p>	
<p><b>PART C – Determining whether the use furthers social wellbeing or social interests</b></p>	
<b>Criteria</b>	<b>Weighting</b>
<p><b>C1. Who</b> benefits from the use?</p> <p>Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service?</p> <p>Who will lose if the use ceases?</p>	25%
<p><b>C2. Is</b> any aspect of the use actively discouraged by the Council’s Policy and Budget Framework?</p>	25%
<p><b>C3. Why</b> is the usage seen as having social value in the context of the community on whose behalf the application is being made?</p>	25%
<p><b>C4. How</b> strongly does the local community feel about the usage as furthering their social interests?</p>	25%
<p><b>If the above meets a minimum scoring of 55%, go to Step D</b></p>	

<b>PART D – Realism of future usage</b>
<b>D. Is it realistic to think (for “current” uses) there will continue to be social use of the building or other land or (for “recent” uses) that it is realistic to think that there will be community use again within the next five years?</b>
D1. Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?
<b>IF NO to D1 above, PLACE ON REGISTER OF ASSETS OF COMMUNITY VALUE</b>
<b>IF YES to D1 above, go to D2</b>
D2. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales?
<b>IF YES to D2 above, PLACE ON REGISTER OF ASSETS OF COMMUNITY VALUE</b>
<b>IF NO to D2 above, PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS</b>



*Your council working for you*

# **COMMUNITY RIGHT TO BID**

Communities PDG update

Richard Wyles

# Outline

- The provisions give local groups a right to nominate a building or other land for listing by the LA as an asset of community value.
- Ensure that when a listed asset is to be sold, local community groups are given a fair chance to make a bid to buy it on the open market
- Nothing further will happen unless and until the owner decides to dispose of the asset

# Nominating an asset

- Open to parishes, community organisations and constituted neighbourhood forums
- The LA will have 8 weeks to make a judgement about whether the asset meets the definition as set out in the Act
- If the asset is nominated then the LA must place the asset on a list and notify all parties
- The owner has a right to appeal if they choose by an internal review process

# Nominating an asset

- If the LA does not agree that the asset should be listed they must place it on a list of assets called 'nominated but not listed'
- Once an asset is listed nothing further will happen unless and until the owner decides to dispose of it
- If the owner does decide to dispose, then they must notify the LA of their intention

# Moratorium

- Once the owner has notified the LA there is then a 6 week period to allow community interest groups to make a written request to be treated as a potential bidder
- If none come forward then the owner can sell after the 6 week period has elapsed
- If a request is forthcoming then a full 6 month moratorium will operate. During this period the owner may continue to market but cannot exchange contracts (unless to the community group)
- After the moratorium period the owner is free to sell to whomever they choose and at whatever price

- The provisions do not restrict in any way who the owner of a listed asset can sell their property to, or at what price.
- However they do put a requirement on the owner to notify the LA if they are choosing to sell the asset and the provisions do place time restrictions on the disposal process

# List of assets

- The LA is required to maintain 2 lists – those of nominated assets and those of assets nominated unsuccessfully
- They are to be published publically and made available to all
- Assets to be listed for a period of 5 years
- Section 88 defines ‘an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further the social wellbeing or social interests of the local community’
- Exemptions include: residential property (including gardens, outbuildings and other associated land, residential caravan land

# Listing review

- An owner has the right to request the LA review its listing decision (<8 weeks from the notification date)
- To be reviewed by an officer who did not take part in the decision to list
- Owner may make representation in writing or orally – review to be undertaken within 8 weeks
- The owner and the LA will bear their own review costs

- If the owner is not satisfied with the outcome of the internal review they have the right to refer to Tribunal
- Compensation – private owners may claim compensation for loss and expense incurred through the asset listed or previously listed. This will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or moratorium period
- Costs of compensation payments under £20K will be met by the LA but some funding will be made available via the New Burdens funding

**COMMUNITIES PDG WORK PROGRAMME 2012/13**

Date	Item	Action	Update	Action Notes to Officers	Response	Recommendation	Cabinet/Council Decision
17 May 2012	Lincolnshire County Homelessness Strategy	Update to PDG on development of a county-wide Strategy to ensure equitable service across the County	Presentation by Service Manager for Housing Solutions detailing the requirements placed on the Authority under the Homelessness Act 2002				
	Reinvigorating the Right to Buy		Presentation by the Head of Finance which summarized a new scheme in relation to right to buy.			That the Council retain receipts from right to buy sales for local investment in affordable housing	<b>25.6.12 Non-Key Decision</b> That approval is granted for South Kesteven District Council to formally agree to enter into an agreement with the Secretary of State for Communities and Local Government for the retention of Right to Buy receipts for local provision of affordable housing, noting that such agreement must be reached with DCLG by not later than noon on 27 <sup>th</sup> June if receipts are to be retained.
	National Planning Policy Framework	Development of planning documents	Presentation to PDG with a summary of the final documents published in March 2012 incorporating the recommendations made by Communities PDG at its meeting of 1.9.11				
	Car Parking Strategy		Feedback from first meeting of the PDG's Working Group to review car parking across the district				
19 July 2012	Wind Energy SPD	Development through consultation of a supplementary planning document relating to Wind Energy	Presentation by Strategic Director for Development and Growth	1. That the draft Wind Energy Supplementary Planning Document should be prescriptive, including separation distances. 2. Costs, proposals and a programme for			<b>Cabinet Decision 1.10.12</b> Cabinet approved the draft Wind Energy Supplementary Planning Document (appended to report PLA 945) for the purpose of public consultation.

**COMMUNITIES PDG WORK PROGRAMME 2012/13**

				<p>decommissioning of wind turbines at the end of their useful life should be a requirement as part of any application for the installation of a wind turbine. It should also be at the expense of the party who erected the turbines.</p> <p>3. All applications for wind turbines should include visual rendering to demonstrate their impact on the environment.</p> <p>4. The positioning of transmission lines should be clearly shown at the time an application for a development involving wind turbines is submitted</p>			
Rural Broadband	Update on Superfast Broadband provision for Lincolnshire	Briefing paper supplied by Democracy Services Officers on current position of OnLincolnshire and information from communities that have developed effective Broadband connections independently.	Updates as required	Further update to be given at meeting of 22.11.12			
Sustainable Communities Act	Update on Act	Briefing paper provided relating to update of Act					
Housing Programme of Work	Provide an initial outline of forthcoming work in relation to Housing and Neighbourhoods	Presentation by the Head of Housing and Neighbourhoods relating to the forthcoming programme of work for the service area. Items discussed will be fed into the work plan of the PDG	The PDG asked to receive regular progress updates against the programme of work	Tenancy Strategy to be presented at meeting of 22.11.12			

**COMMUNITIES PDG WORK PROGRAMME 2012/13**

Date	Item	Action	Update	Action Notes to Officers	Response	Recommendation	Cabinet/Council Decision
6 Sept 2012	Car Parking Strategy	Civil Parking Enforcement	Update by Property Development Manager on the implantation of CPE projected for sign of 30.11.12	That £9300 from the Communities PDG support budget be used to commission on-street research work in preparation for proposing residents parking schemes in Stamford			
	Consultation	InterCity East Coast Franchise Replacement Consultation	Members input into responses to Dept of Transport Consultation			The response submitted through the Portfolio Holder for Economic Development should include points agreed and minuted	<b>17.9.12</b> Recommendations included within the Portfolio Holder's response to the consultation.
22 Oct 2012	Localisation of Council Tax	Presentation on the development of local scheme					
	Community Right to Bid	Presentation from Head of Finance and Report by Head of Legal and Democratic updating members					
	Tenancy Strategy	Presentation from Head of Housing and Neighbourhoods on the development of a Tenancy Strategy for consultation					
	Car Parking Strategy	Presentation of draft strategy					
10 Jan 2013	Tenancy Policy						
	Review Allocations Policy to embrace Armed Forces Covenant						
	Review of Private Sector Assistance Policy						
	Asset Management Review						
	Development of Housing Revenue						

**COMMUNITIES PDG WORK PROGRAMME 2012/13**

	Account Business Plan						
<b>Date</b>	<b>Item</b>	<b>Action</b>	<b>Update</b>	<b>Action Notes to Officers</b>	<b>Response</b>	<b>Recommendation</b>	<b>Cabinet/Council Decision</b>
	Refresh Housing Strategy						
	Tenant Involvement – including development of Tenant Scrutiny Panel						