

# 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	
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<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.