

COMMUNITY AND SOCIAL AFFAIRS COMMITTEE

8th March 2018

REPORT OF DEPUTY CHIEF EXECUTIVE,

ASSET OF COMMUNITY VALUE – UPDATED POLICY AND PROCESSES

1.0 PURPOSE OF REPORT

- 1.1 Members to review and approve Melton Borough Councils updated policy regarding Assets of Community Value.
- 1.2 Members to approve a new nomination, assessment and appeal processes.

2.0 RECOMMENDATIONS

- 2.1 **Members review and approve the updated policy for Assets of Community Value including the new nomination, assessment and appeal process.**

3.0 KEY ISSUES

Background

- 3.1 The Community Right to Bid (Assets of Community Value (England) Regulations in legislation) was one of a number of new rights introduced in the Localism Act 2011 and came into effect from 21st September 2012. Melton Borough Council has a statutory duty to adhere to the above legislation.
- 3.2 The Community Right to Bid seeks to allow communities and parish councils to nominate buildings or land for listing by Melton Borough Council as an Asset of Community Value. An asset can be listed if its principal use furthers (or has recently furthered) their community's social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future.
- 3.3 When an owner of a listed asset wishes to sell a building or a piece of land, a moratorium on the sale (of up to six months) may be invoked, providing local community groups with a chance to raise finance, develop a business plan and make a bid to buy the asset on the open market.
- 3.4 The owner of an asset included in the list may ask us to review our decision, if they do not agree with the initial decision. Currently the Community & Social Affairs Committee are required to undertake the review within 8 weeks of the review request being received.

Motivations for a Review

- 3.5 The existing policy and process along with the previous interpretation of the legislation has led to uncertainty surrounding Asset of Community Value nominations and decisions, in turn causing multiple nominations and appeals surrounding single assets. This has impacted the Council, nominating groups and landlords, and has predicated this review. See Appendix A for existing guidance, process flowchart and Asset of Community Value Register.

3.6 The Council's new proposed process is required to ensure less ambiguity around the decision making process and to provide comprehensive guidance on all aspects of the legislation and how this is administered within Melton Borough Council. This will allow for more accurate decision making and thus reducing the likelihood of appeals and potential tribunals/compensation requests. See Appendix B for updated policy, comprehensive assessment form and updated process flowchart.

3.7 Internal discussions and research into wider authority processes have concluded on a new process for the policy:

- Instead of the initial Asset nomination decision falling to an individual officer, this will be undertaken by a panel consisting of Community Policy Officer, Local Planning Officer and Housing, Welfare & Safer Communities Manager.
- If the Asset owner or nominating group is not happy with the initial decision made by the Panel regarding the Asset nomination, a review will then go to be heard by a Director. Appropriate legal advice will be taken at any stage of the process.

There would still be an opportunity for an **oral hearing** for the asset owner, as directed in Schedule 2 of The Assets of Community Value (England) Regulations 2012, in the form of a meeting with the reviewing officer.

- If the owner is still not happy with the outcome of the decision, then it is at this stage the appeal/review can then be taken to a First Tier Tribunal in line with the existing procedure.

4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 The Community Right to Bid has direct implications around:

- Encouraging people to take an active role in their communities.
- Increasing public confidence & pride in neighbourhoods

5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 None identified

6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 This is set out in the Localism Act 2011 Part 5 Chapters 2 and 3 and Assets of Community Value (England) Regulations 2012:

6.2 Local Authorities must keep a 'List of Assets of Community Value'; the legislation sets out in detail the process they must enter into and what information they must include.

6.3 The legislation also outlines the definition of an asset of community value, which groups can legitimately nominate an asset, the appeals process for land owners, timescales for groups interested in buying land or property on the list, and compensation available to the owners of land or property on the list

7.0 COMMUNITY SAFETY

7.1 No direct Community Safety Implications have been identified.

8.0 EQUALITIES

8.1 A comprehensive Impact assessment was carried out by central government in relation to the Community Right to Bid Policy in June 2012 and is available from the following link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8505/2168557.pdf

An Equalities Impact has not been carried out on this process; the equality analysis has shown no direct or indirect negative implications, the process relates directly to assets rather than people. The Nomination form for the Community Right Bid process will be available through the council’s website and in hard copy.

9.0 RISKS

9.1 Probability



Very High A				
High B				
Significant C		1		
Low D				
Very Low E				
Almost Impossible F				
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

→
Impact

Risk No.	Description
1	If the new policy and assessment process was not approved issues would remain with both Nominating groups and asset owners

10.0 CLIMATE CHANGE

10.1 No direct implications have been identified.

11.0 CONSULTATION

11.1 The Community Right to Bid process is designed to be Community driven and allow communities to take a more active role in their communities.

12.0 WARDS AFFECTED

12.1 All wards are affected.

Contact Officer: R Ebdale – Community Policy Officer

Date: February 2018

Appendices: A –Existing guidance, process flowchart and Asset of Community Value Register
B - Updated policy, comprehensive assessment form and updated process flowchart.

Reference: X: C'tees, Council & Sub-C'tees/