

EXECUTIVE 19th May 2022

Report Title	Community Right to Bid (Assets of Community Value) Policy
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Lead Member	Councillor Graham Lawman – Executive Member for Highways, Travel & Assets

Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number for exemption from publication under Schedule 12A Local Government Act 1974	

List of Appendices

Appendix A – Community Right to Bid (Assets of Community Value) Policy with appendices

1. Purpose of Report

- 1.1. To introduce the Community Right to Bid (Assets of Community Value) policy for review and decision by the Executive.
- 1.2. The Policy is supported with annexes, to provide the Executive information on the operational process. The information contained within the operational process will be periodically updated in response to any minor administrative changes within the Council without being brought back to the Executive.
- 1.3. The Policy is subject to periodic review to incorporate changes required by statute and or best practice following which it will be returned to Executive for review.

2. Executive Summary

- 2.1 Prior to vesting day each District & Borough authority had its own Community Right to Bid policy and processes for assessing assets of community value. As

a Unitary Authority it now falls on North Northamptonshire Council to undertake this function.

- 2.2 The responsibilities under the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 require the council to determine whether property and/or land qualifies under the regime as an asset of community value, where an eligible nomination is received.
- 2.3 The policy at **Appendix A** has been developed to provide a consistent approach to how the council will consider such applications.
- 2.4 It is for the nominator to provide sufficient information for the council to determine the application although the council will verify and consult with local community groups and ward Members to verify the information supplied.
- 2.5 The policy and associated annexes have therefore been developed to guide both applicant and owner through the nomination and appeals processes. The Policy aims to strike the balance between keeping the information simple yet providing further links for technical advice to support all parties.

3. Recommendations

- 3.1 It is recommended that the Executive approves the Community Asset Transfer Policy
- 3.2 The reasons for the recommendation are:
 - The Council has a legal responsibility to process and maintain a list of assets of community value, the policy and processes support the council in discharging this obligation.
 - Adopting the policy provides for a consistent and transparent approach to be administered which reduces the risks associated with such decisions.
 - Adopting the policy supports the Councils Corporate Plan.
- 3.3 Alternative Options Considered: The council has a statutory duty to keep a record of assets that have been nominated as community assets and, for the successfully listed assets, provide regulatory oversight to ensure that a moratorium is provided for should the owner decide to sell the asset. Additionally, the considerations for determining if an asset of community value should be listed are defined by legislation. The Council therefore has limited alternative options to deviate from the proposed policy structure.

4. Report Background

- 4.1 The provisions relating to Assets of Community Value are set out in Part 5, Chapter 3 of the Localism Act 2011 and the Assets of Community Value Regulations 2012. This legislation requires North Northamptonshire Council to keep a record of assets that have been nominated as community assets and,

for the successfully listed assets, provide regulatory oversight to ensure that a moratorium is provided for should the owner decide to sell the asset.

- 4.2 The assets can be in public or private ownership, provided they fall within the authority's geographical boundary. The authority must administer the process of nominations, must publish the results, and provide information for appeals and compensation.
- 4.3 Assets that have been successfully listed as assets of community value, are subject to a moratorium process, to pause a sale and allow the community time to develop a bid to purchase the asset.
- 4.4 The legislation does not provide the community with a right to buy the asset, nor compel the owner to engage with a community group to sell the asset.

5. Issues and Choices

- 5.1 Supporting communities' forms part of the Corporate Plan and the Localism Act 2011 which together with subsequent Regulations have created a series of empowerment rights such as right to challenge and rights to nominate local assets of community value.
- 5.2 The council is required by statute to administer applications to nominate local assets of community value. The policy at **Appendix A** outlines a process for eligible organisations to nominate community assets, with a transparent method for evaluating such applications against the criteria laid out by statute and incorporating local stakeholders' views.
- 5.3 The policy also details the operation of an appeals process for removing a nominated asset, along with how the moratorium process works if the owner of a nominated asset notifies the Council of an intention to dispose of the asset.
- 5.4 As part of adopting the policy the Council will maintain a list of Assets of Community Value on its website, along with guidance on the policy and process.

6. Next Steps

- 6.1 To formally adopt the policy and implement its use, including promoting its availability via the council's website and other communication channels.

7. Implications (including financial implications)

7.1 Resources, Financial and Transformation

- 7.1.1 Implementation of the policy has no direct financial implications, and the process will be administered within existing team resources.
- 7.1.2 The legislation provides for compensation to be paid to an owner of the asset where they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed as an Asset of

Community Value. This is a legislative liability and will be managed and mitigated as part of the administration process. There is currently no dedicated budget for such liabilities arising.

7.2 Legal and Governance

7.2.1 Legislative requirements are contained within the report. There is an increased risk of legal challenge if the Council does not have the correct procedures in place to handle requests for listing and reviews.

7.3 Relevant Policies and Plans

7.3.1 The adoption of this policy links with the Councils Corporate Plan 2021-25 priority of Connected Communities, by providing a clear process for communities to apply for protection of community assets.

7.4 Risk

7.4.1 The policy establishes a clear process for determining nominations to safeguard against the loss of community assets, within the confines of the legislation.

7.4.2 The main risks arising to the council are from administrative error arising from decisions made within the policy, which is mitigating by the appeal process and guidance, and the risk arising from a compensation claim from an owner. This is detailed within section 8 of the policy.

7.5 Consultation

7.5.1 The policy builds in consultation to the process as applications are received, including consultation with Ward Members and relevant community groups.

7.6 Consideration by Executive Advisory Panel

7.6.1 Any comments from the Executive Advisory Panel Climate Change are to be shared at the meeting.

7.7 Consideration by Scrutiny

7.7.1 This paper may be selected for consideration by Scrutiny.

7.8 Equality Implications

7.8.1 An Equality Screening Assessment has not identified any adverse impact on individuals with protected characteristics.

7.9 Climate Impact

7.9.1 There are no climate impact matters arising directly from this policy.

7.10 Community Impact

7.10.1 The policy seeks to provide a nomination process which safeguards community assets, within the parameters of the legislation.

7.11 Crime and Disorder Impact

7.11.1 There are no Crime and Disorder issues arising directly from this report.

8. Background Papers

8.1 The Policy document and appendices refer to external legislation and website available to support applicants.