

**MAIDSTONE BOROUGH COUNCIL**  
**RECORD OF DECISION OF THE CABINET**

Decision Made: 19 December 2012

**THE COMMUNITY RIGHT TO BID**

**Issue for Decision**

To consider the Council's strategy for implementing the legislation regarding the Community Right to Bid.

**Decision Made**

That, subject to point 4 of paragraph 1.3.6 of the report of the Assistant Director of Environment and Regulatory Services being amended to include consultation with the relevant Ward member or Members, the procedures and the delegations set out in the main body of the report to ensure a resilient approach to the requirements of the Community Right to Bid be agreed.

**Reasons for Decision**

Background

The Community Empowerment chapters of the Localism Act offer new opportunities for local people and groups to bid to run services and protect assets they feel are important to their communities. The Act is a central plank of the Government's drive towards decentralisation.

The Act was passed in November 2011, and regulations for the Community Right to Bid came into force on 21 September 2012 and guidance published by the Department for Communities and Local Government ("DCLG") in October 2012.

Briefly, the Community Right to Bid gives local voluntary or community bodies or parish councils the right to nominate an asset to be included in a list of assets of community value. The local authority must consider the request. If accepted, the asset remains on the list for five years. If the owner wants to sell the asset during that period, a moratorium period is triggered during which the asset cannot be sold. This is intended to give community groups the time to develop a proposal and raise the capital to bid for the property. A fuller description of the regulations is included in Appendix A to the report of the Assistant Director of Environment and Regulatory Services.

By determining the Council's approach to implementing the provisions of the Act, the Cabinet can ensure that its procedures are compliant and

resilient and help ensure that residents and groups are clear as to the procedures involved.

### Recommended Approach

The DCLG has published a "Non-statutory advice note for local authorities" to accompany and explain the actual regulations. Whilst the advice note, and the regulations, describe in some detail the procedures and timetables required, there are some matters left to the discretion of the Local Authority. These are principally the format and content of the lists and where they are published, by whom nominations and appeals are dealt with, the processes for dealing with them, and some matters of timescale.

The following approach was recommended:

1. The advice note, as attached Appendix B to the report of the Assistant Director of Environment and Regulatory Services, and a pro-forma for submitting nominations, as attached Appendix C to the report of the Assistant Director of Environment and Regulatory Services, are published within the "Community and Living" section of the web site under a Community Right to Bid link.
2. An e-mail address [righttobid@maidstone.gov.uk](mailto:righttobid@maidstone.gov.uk) is created to receive nominations which are then validated and managed by Facilities Management.
3. Lists of assets of community value successfully and unsuccessfully nominated are created and published on the web-site in the Community and Living section, and managed by Facilities Management with the headings as listed in attached Appendix D.
4. Nominations are considered by an officer working group comprising one representative each from Corporate Property, Planning and Community Partnerships, with the final decision being taken by the Assistant Director of Environment & Regulatory Services in consultation with the Cabinet Member for Corporate Services.
5. Reviews of decisions to list, requested by the owner, are considered by the Director for Change, Planning and the Environment.
6. Decisions and results of reviews of decisions to list, notifications of moratorium periods etc. are given in writing to all the specified interests by Facilities Management.
7. Amendments, additions and updating of the lists are managed by Facilities Management.
8. Compensation claims submitted by the owner as a result of listing are considered and dealt with by the Property & Procurement Manager.
9. Reviews of compensation claims are considered and dealt with by the Assistant Director of Environment & Regulatory Services.

A clearly defined framework in which to apply the provisions of the legislation and standard templates for submissions, validation etc. will enable the whole process to be managed efficiently and effectively.

### **Alternatives considered and why rejected**

The Council is obliged to implement procedures to deal with the legislation. Taking no action is not an option. Alternatives to the method of implementation, and the officers involved, could be considered, but those recommended are robust and realistic.

### **Background Papers**

None

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Head of Change and Scrutiny by: <b>3 January 2013</b>
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