

**MAIDSTONE BOROUGH COUNCIL**

**CABINET**

**19 DECEMBER 2012**

**REPORT OF THE ASSISTANT DIRECTOR OF ENVIRONMENT  
AND REGULATORY SERVICES**

**Report prepared by David Tibbit**

**1. THE COMMUNITY RIGHT TO BID**

1.1 Issue for Decision

1.1.1 To consider the Council's approach to implementing the new Community Right to Bid legislation.

1.2 Recommendation of the Assistant Director of Environment & Regulatory Services

1.2.1 That Cabinet adopts the procedures and agrees 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.

1.3 Reasons for Recommendation

Background

1.3.1 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.

1.3.2 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 in October 2012.

1.3.3 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.

- 1.3.4 By determining the Council's approach to implementing the provisions of the Act, 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

- 1.3.5 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.

- 1.3.6 The following approach is recommended:

1. The advice note, as attached Appendix B, and a pro-forma for submitting nominations, as attached Appendix C, 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.

1.3.7 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.

1.4 Alternative Action and why not Recommended

1.4.1 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.

1.5 Impact on Corporate Objectives

1.5.1 A successful implementation of the legislation will help the viability of sustainable communities and enable the residents of Maidstone to receive services which are delivered on time and to agreed standards in an accessible way.

1.6 Risk Management

1.6.1 It is difficult at this stage to assess the community's response to the legislation and its effect on the Council's operations. A proper framework of procedures and document templates will enable the Council to deal with nominations, and subsequent appeals, within the requirements and timescales of the legislation.

1.7 Other Implications

- 1. Financial
- 2. Staffing
- 3. Legal

X
X

4.	Equality Impact Needs Assessment	X
5.	Environmental/Sustainable Development	X
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	X

1.7.1 Financial - The financial implications will depend to a large extent on the number of nominations received. DCLG have carried out an impact assessment covering the cost of setting up the procedures, dealing with nominations and paying compensation to affected owners. As a result the Council, in common with all district councils, has received a new burdens payment of £4,873.00 from DCLG. Further payments are expected in 2013 and 2014.

1.7.2 Financial - DCLG will meet the costs of compensation claims totalling over £20,000 per year.

1.7.3 Legal - An application to the Land Registry for a restriction on the Land Register of a successfully nominated asset will be required. An application for cancellation of the restriction will also be required when the asset is removed from the list.

1.7.4 Equality Impact Needs Assessment – The proposal will have no adverse impact on any part of the community.

1.7.5 Environmental/Sustainable development - Empowering communities to run local community assets is a major element of the development of sustainable communities.

1.7.6 Asset Management – The Council is not permitted to nominate its own assets, but it is possible that some of them, for example, its community halls, may be nominated by a local group.

## 1.8 Relevant Documents

### 1.8.1 Appendices

Appendix A – Summary of the Community Right to Bid

Appendix B – Non-statutory advice note for local authorities

Appendix C – Pro-forma for submitting nominations

Appendix D – Headings for list of successful and unsuccessful nominations

1.8.2 Background Documents  
None

**IS THIS A KEY DECISION REPORT?**

Yes

X

No

If yes, when did it first appear in the Forward Plan?

4 October 2012

This is a Key Decision because: it affects Wards and Parishes

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Wards/Parishes affected: All.....

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