
ASSETS OF COMMUNITY VALUE OPERATIONAL POLICY

**Responsible Cabinet Member – Councillor Chris McEwan,
Economy and Regeneration Portfolio**

Responsible Director – Richard Alty, Director of Economic Growth

SUMMARY REPORT

Purpose of the Report

1. To recommend revised procedures and arrangements within the Operational Policy to implement duties under the Localism Act 2011 relating to the “Community Right To Bid”.

Summary

2. The Community Right To Bid provisions came into force on 12 October 2012 under the Localism Act 2011. The provisions are outlined in the main report and a revised operational policy is attached as **Appendix One**. Experience of processing nominations for assets of community value has identified the need to review the Operational Policy approved by Cabinet at its meeting held on 5 March 2013.

Recommendation

3. It is recommended that the revised Operational Policy attached to this report be adopted.

Reason

4. The recommendation is supported to enable the Council to meet its duties under the Localism Act 2011 with respect to assets of community value.

**Richard Alty
Director of Economic Growth**

Background Papers

Localism Act 2011

Assets of Community Value (England) Regulations 2012

Bill Westland : Extension 2552

S17 Crime and Disorder	This report has no implications for crime and disorder.
Health and Well Being	Assets of community value can support health and wellbeing and the Community Right To Bid has the potential to help secure the future of such assets.
Carbon Impact	There are no carbon impact implications in this report.
Diversity	There are no specific issues relating to diversity.
Wards Affected	All wards are affected equally.
Groups Affected	The report affects all groups.
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	The content of the report has the potential to contribute to health and wellbeing by providing for assets of community value to be the subject of a bid by community groups.
Efficiency	The report does not identify and specific efficiency issues.

MAIN REPORT

Information and Analysis

5. Part 5, Chapter 3 of the Localism Act 2011 introduced the community right to bid with respect to assets of community value. This allows certain defined community groups (listed in the Operational Policy) to nominate assets of community value. The Council must determine the nomination, and either approve it or reject it. The Council must also maintain two published lists of assets of community value: one for successful nominations and one for unsuccessful nominations (including reasons).
6. An asset of community value is defined as:-
 - (a) Buildings or land where the current primary use furthers the social well-being or social interests (cultural, recreational, or sporting interests) of the local community, AND it is realistic to think that now or in the next five years there could continue to be a primary use that will further the social well-being or social interests of the local community (whether or not in the same way as it is currently used), or
 - (b) the buildings or land are not currently of community value but in the recent past (five years) the primary use was to further the social well-being or social interests of the local community AND it is realistic to think that in the next five years there could be primary use of the building/land which will further the social well-being or social interests of the local community (whether or not in the same way as before).
7. The buildings or land can be in public or private sector control and therefore can include things such as play areas, sports pitches, libraries, village halls, pubs and local shops. Some buildings and land are exempted such as residential

accommodation.

8. Whilst an asset is listed an owner must inform the Council of an intention to dispose of the asset (other than by an exempt disposal). This triggers a moratorium period during which time community groups can prepare and submit a bid to purchase the asset. This does not restrict to whom the owner can sell the property to, nor at what price.
9. Owners of assets who suffer loss or expense as a consequence of their land or buildings being listed as an asset of community value can claim compensation from the Council.
10. Since the legislation came into force the Council has received seven nominations, all of which have been approved. These are:
 - (a) Former Arts Centre, Vane Terrace
 - (b) Civic Theatre, Parkgate
 - (c) Crown Street Library, Crown Street
 - (d) Head of Steam Museum, Station Road
 - (e) The Bridge, Yarm Road
 - (f) Cockerton Library, The Green, Cockerton
 - (g) Former Blackwell Grange Golf Club, club house and car parks, Briar Close
11. The Operational Policy previously approved by Cabinet (March 2013) was used in processing these nominations. That experience highlighted the need to revise the policy to improve clarity on certain aspects of the process. The policy also needs to be updated to reflect changes to posts that have specific roles within it, necessitated by the recent restructure.
12. The revised policy is attached as Appendix One. The main changes are:
 - (a) Posts with specific responsibilities (Assistant Director Policy and Regeneration changed to Assistant Director Regulatory Services, and Head of Regulatory Services to Development Manager.
 - (b) Additional information provided on specific actions that must be taken such as advising the owner of the asset upon receipt of a nomination, publicising notices of disposal in the local area, and removing assets from the nominated list after a five year period.

Legal Implications

13. The Council has a legal duty to properly meet its obligations under the Localism Act with respect to Assets of Community Value. The revised policy contributes to ensuring that this duty is met.

Consultation

14. No specific consultation has been carried out in respect of the revised policy, but revisions have been in light of experience of working with community groups (as well as the recent restructure).