

## **Parishes Liaison Meeting- 17th October 2012- The Community Right to Bid/ to Buy (Assets of Community Value)**

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### Background

One of the key issues facing local communities is protecting valued services and facilities, including community halls and similar buildings but potentially also other assets providing important services such as village pubs and shops. There are a number of ways in which Parish and Town Councils have acted to protect these local assets, ranging from influencing planning policy to buying a building outright. In addition, Parish and Town Councils have also improved the viability of facilities through helping to increase usage.

The new Community Right to Bid/Buy (sometimes called “Assets of Community Value”), contained in Part 5 Chapter 3 of the Localism Act 2011, is designed to provide a new tool to help with this. The provision` places a duty on local authorities to maintain a local register of “Assets of Community Value”, using criteria laid down in the Act and regulations. Once an asset is placed on the register a “moratorium period” of up to 6 months applies when there is a proposal for sale in order to provide an opportunity for the community to prepare a bid for the asset.

Once this period ends, however, the asset owner is free to sell to any party on any terms. Assets of Community Value can be owned by public bodies (including local authorities) or by private concerns but there are a number of exemptions, including residential dwellings and statutory undertakers’ assets.

### How the new right will operate in Bath and North East Somerset

The Assets of Community Value (England) Regulations 2012 set out who can nominate assets for inclusion on the list and this includes Parish and Town Councils with a “local connection”. They also set out the processes and timescales involved. A report with recommendations on the detailed decision-making processes for applying these new provisions in Bath and North East Somerset will be considered by Cabinet on 10<sup>th</sup> October.

Bath & North East Somerset Council’s [Assets of Community Value](#) website will be kept updated with Guidance and Nomination Forms as well as signposting to other sources of help and advice. We would welcome discussion with Town and Parish Councils prior to any nominations so we can help clarify the process and also identify the best way of protecting local assets and identifying potential external funding.

Once the local authority has received a nomination and has applied the criteria above, it will need to assess whether the actual “non-ancillary” use of the asset, in its opinion -

**Further the social well being or social interests of the local community, and it is realistic to think that there can continue to be use of the asset**

**which will further the social well being or social interests of the local community, although not necessarily in the same way as before.**

Alternatively, an asset can qualify if it had such a use in the recent past, and it is realistic to think that there is a time in the next five years when it could do so again (whether or not in the same way as before).

In assessing this, it is currently proposed that the Council will consider:

- Who benefits from the use locally and potential impacts if it ends
- What services the asset is delivering to the community
- Why this asset is of social value to the locality it serves (for example, a shop or pub in the middle of a city may serve a different purpose than a small village shop or pub)
- How much support there is locally for this asset being placed on the list of assets of community value

The asset owner will have the right to a review of any decision to “list”, and also to request compensation later on if there is loss due to delay in selling the asset as a result of it being listed. Parish and Town Councils will be asked to provide evidence in response to nominations in their area (not just ones that they have put forward) as will local Bath & North East Somerset elected members and the owner of the asset.

#### Further Information

Detailed presentations have been made on the new right to the Somer Valley Partnership and the Chew Valley Partnership. In addition, this formed part of Bath & North East Somerset’s contribution to a recent ALCA training session on the Localism Act. The Council’s Policy and Partnerships team is available to help Parish and Town councils to address local issues and to support [Localism and Community Planning](#).

For more information on the Assets of Community Value in Bath & North East Somerset please contact [assets@bathnes.gov.uk](mailto:assets@bathnes.gov.uk) or go the following web pages

The Council web pages on Assets of Community Value

<http://www.bathnes.gov.uk/services/neighbourhoods-and-community-safety/localism-and-community-planning/new-community-rights/as>

Report to Council Cabinet, 10<sup>th</sup> October 2012

<http://democracy.bathnes.gov.uk/documents/s22737/E2473Localism-Assets%20Com%20Value.pdf>

Report to Economic and Community Development Policy Development and Scrutiny Panel, 27<sup>th</sup> September 2012

<http://democracy.bathnes.gov.uk/documents/s22585/Assets%20of%20Community%20Value-%20Update.pdf>

Assets of Community Value (England) Regulations 2012

<http://www.legislation.gov.uk/ukdsi/2012/9780111525791/contents>