

Report of the Director of Corporate Resources to the meeting of Keighley Area Committee to be held on 16th March 2023

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Subject:

Keighley Area Committee Update on Assets of Community Value

Summary statement:

Executive on 8th September 2020 changed the process for the listing of Assets of Community Value and required Estates & Property to provide an annual update to each Area Committee.

EQUALITY & DIVERSITY:

There are no Equality or Diversity implications.

Joanne Hyde
Strategic Director Corporate Resources

Portfolio: Corporate Resources

Report Contact: Simon Sharp
Senior Project Manager
Phone: (07816 117754)
E-mail: simon.sharp@bradford.gov.uk

Overview & Scrutiny Area: Regeneration and Environment

1. SUMMARY

Members are asked to consider and note the update on Assets of Community Value (ACV's) in the Keighley area.

2. BACKGROUND

Part 5 Chapter 3 of the Localism Act 2011 (the Act) details the legislation for Assets of Community Value and sets out the Community Right to Bid. The right came into force on 21st September 2012 and its purpose is to give communities a right to identify a property or land that is believed to further their social interests or social wellbeing and gives them a fair chance to make a bid to purchase the property or land on the open market if the owner decides to sell. From the date the landowner informs the Council of their intention to sell, eligible community groups have a period of six weeks to confirm whether or not they wish to submit to bid to purchase the property or land. If they do inform the Council that they want to bid, the landowner is prevented from disposing of the property for a period of six months (from the date they originally informed the Council of their intention to sell) unless it is to a community organisation. The landowner is free to dispose of the property at the end of the six-month period to whomsoever they see fit.

Section 90 of the Act states if a local authority receives a "community nomination", the authority must consider the nomination. The authority must accept the nomination if the land nominated is in the authority's area and is of community value.

Only specified bodies with a local connection are able to submit nominations for property or land to be included in the List of Assets of Community Value:

- A Neighbourhood Forum;
- A Parish Council;
- An unincorporated body with 21 local people on the electoral roll that does not distribute any surplus it makes to its members;
- A company limited by guarantee which does not distribute any surplus it makes to its members;
- An industrial and provident society which does not distribute any surplus it makes to its members;
- A community interest company.

The nominator must be able to demonstrate and satisfy all of the listing criteria as laid down in the legislation. Section 88(1) states that buildings or land with a current use is considered to be of community value, if, in the opinion of the authority, there is:

- a) An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
- b) It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Section 88(2) states that land does not meet the criteria laid out in 88(1) is of

community value if in the opinion of the authority:

- a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and;
- b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

It is important to note that if either of the criteria in Section 88(1) or (2) are met, then the Council must add the site to the List of Assets of Community Value.

3. OTHER CONSIDERATIONS

On 8th September 2020 the Executive approved changes to the process for assessing ACV nominations due to difficulties in achieving the timeframe set out in Regulation 7 of the Assets of Community Value Regulations (England) 2012 which states that nominations must be assessed within an eight-week period. It was taking the Council an average of 11.2 weeks to assess a nomination, with only 34% being assessed within the statutory deadline. In one case it took 25 weeks for the nomination to be assessed. Although there is no penalty for failure to meet the deadline, there are potential repercussions.

The main change to the assessment process was to remove the need to take reports to Area Committee for a recommendation whilst strengthening the input from the Portfolio Holder and Ward Members. This was because the Council has no control over when Assets of Community Value nominations are received and delays can be incurred when a nomination is received at a time which doesn't align with an upcoming Area Committee, or if the next committee meeting is to be rescheduled. Clearly the views of Elected Members are very important in assessing Assets of Community Value nominations, but an alternative method of seeking their input was needed to ensure 100% compliance within the statutory eight-week deadline.

To ensure elected members have the opportunity to continue to comment on Assets of Community Value nominations, a revised process has been introduced, whereby Ward Councillors for the Ward in which the nominated property is located, and the Portfolio Holder are notified by email of nominations which pass an initial eligibility check at the early stages of assessment. Those Members will be given the opportunity to comment and can request a copy of the nomination form and supporting documentation if required. Any comments received will be noted in the report which will be produced recommending to list or not to list.

In order for Area Committees to be kept apprised of developments with Assets of Community Value in their areas, it was agreed that an annual report be submitted to each committee updating on nominations received and the outcome of those nominations, as well as any other pertinent information.

- 3.1 District wide there have been a total of twenty-two nominations received since September 2020 of which sixteen have been assessed since the previous report

submitted to Area Committee in January 2022. 100% of those nominations have been assessed within the statutory timeframe. Of the sixteen new nominations four are situated within the Keighley area.

4. FINANCIAL & RESOURCE APPRAISAL

There are no financial issues arising.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no significant risk arising out the recommendation.

6. LEGAL APPRAISAL

There no legal issue arising out of the recommendation.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no greenhouse gas emissions impacts.

7.3 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications.

7.4 HUMAN RIGHTS ACT

There are no Human Rights Act implications.

7.5 TRADE UNION

There are no Trade Union implications.

7.6 WARD IMPLICATIONS

There are no Ward specific implications.

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

The annual ACV report to the Area Committee will be part of the Area Committee Action Plan.

7.8 IMPLICATIONS FOR CORPORATE PARENTING

There are no corporate parenting implications.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

A Privacy Impact Assessment has taken place so data protection and information security matters arising from the listing of ACV's does not breach GDPR.

8. NOT FOR PUBLICATION DOCUMENTS

There are no not for publication documents.

9. RECOMMENDATIONS

Area Committee are asked to note the update of listings as Assets of Community Value.

10. APPENDICES

- Keighley ACV List

11. BACKGROUND DOCUMENTS

- Executive Report and Minutes 8th September 2020.