

Notice of Meeting

Overview and Scrutiny Management Commission

Monday, 2nd September, 2013 at 6.30 pm
in Council Chamber Council Offices
Market Street Newbury

Date of despatch of Agenda: Wednesday, 21 August 2013

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact David Lowe / Charlene Myers / Elaine Walker on (01635) 519817 / 519695 / 5194
e-mail: dlowe@westberks.gov.uk / cmyers@westberks.gov.uk / ewalker@westberks.gov.uk



**Agenda - Overview and Scrutiny Management Commission to be held on Monday, 2
September 2013 *(continued)***

Further information and Minutes are also available on the Council's website at
www.westberks.gov.uk

**Agenda - Overview and Scrutiny Management Commission to be held on Monday, 2
September 2013 (continued)**

To: Councillors Jeff Beck, Brian Bedwell (Chairman), Jeff Brooks (Vice-Chairman), Marcus Franks, Dave Goff, Mike Johnston, Alan Macro, Gwen Mason, Tim Metcalfe, Andrew Rowles, Garth Simpson, Tony Vickers, Virginia von Celsing, Quentin Webb, Emma Webster and Laszlo Zverko

Substitutes: Councillors Peter Argyle, George Chandler, Sheila Ellison, Roger Hunneman, Carol Jackson-Doerge, David Rendel, Julian Swift-Hook and Keith Woodhams

**Other Officers &
Members invited:**

Agenda

Part I

Page No.

1. **Apologies for Absence**
To receive apologies for inability to attend the meeting (if any),
2. **Declarations of Interest**
To receive any Declarations of Interest from Members.
3. **Asset Disposal** 1 - 6
Purpose: To advise the Commission of the process for the disposal of assets that have community value.
4. **Housing Allocations** To Follow
Purpose: To give the Commission the opportunity to comment on the final draft of the Housing Allocations Policy.

Andy Day
Head of Strategic Support

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



West Berkshire
C O U N C I L

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Agenda Item 3.

Title of Report:	West Berkshire Council - Asset Disposal Guidance and Community Right to BID
Report to be considered by:	Overview and Scrutiny Management Commission
Date of Meeting:	2 September 2013
Forward Plan Ref:	N/a

Purpose of Report: To establish guidance for the disposal of Council assets which have Community Right to Bid implications.

Recommended Action: To agree the attached guidance for the disposal of Council assets which have Community Right to Bid implications.

Reason for decision to be taken: To ensure that the Council has a formal process in place for the effective management of disposal of Council assets which have Community Right to Bid implications.

Other options considered: N/A

Key background documentation: Community Right to Bid Guidance

The proposals contained in this report will help to achieve the following Council Strategy priority:

CSP2 – Promoting a vibrant district

The proposals will also help achieve the following Council Strategy principle:

CSP7 - Empowering people and communities

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:
ensuring that Communities within West Berkshire have a

Portfolio Member Details

Name & Telephone No.:	Councillor Alan Law - Tel (01491) 873614
E-mail Address:	alaw@westberks.gov.uk
Date Portfolio Member agreed report:	

Contact Officer Details

Name:	Andy Day
Job Title:	Head of Strategic Support
Tel. No.:	01635 519459
E-mail Address:	aday@westberks.gov.uk

Implications

Policy:	This guidance supports the Council's Asset Management Plan and is in accordance with the Community Right to Bid provisions.
Financial:	There are no financial implications associated with this report or guidance.
Personnel:	N/A
Legal/Procurement:	This guidance is in accordance with the Localism Act 2011 and, in particular, the Community Right to Bid provisions.
Property:	N/A
Risk Management:	N/A
Corporate Board's Recommendation:	Corporate Board supported the Asset Disposal guidance attached to this report.

Is this item relevant to equality?	Please tick relevant boxes		Yes	No
Does the policy affect service users, employees or the wider community and:				
• Is it likely to affect people with particular protected characteristics differently?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>	<input type="checkbox"/>

Executive Summary and Report

1. Introduction

- 1.1 The Localism Act 2011 introduced the Community Right to Bid provisions on 21 September 2012. The Community Right to Bid provisions enable “relevant bodies” to list assets which are deemed to be of community value. This process then introduces a number of moratoriums to enable “relevant bodies” to decide whether they first wish to bid for the asset when it is put on the open market, and if so, a second moratorium which provides them time to put their detailed business case together.
- 1.2 The Community Right to Bid provisions have added a degree of complexity to the Council’s asset disposal policy in that the Council will, in the future, have to ensure that the closing date for the receipt of bids from any “open market” process is the same as the end date of the second moratorium under the Community Right to Bid process.

2. Proposals

- 2.1 In order to manage this “dual process” it is proposed that the attached guidance is adopted and forms part of the Council’s Asset Management Plan. The guidance provides details of the three moratoriums contained in the Community Right to Bid process, a section on advice and support and the governance to support this area of activity.
- 2.2 It is not proposed to establish a list of criteria for the sale of this asset. However, in assessing any bids received it will be important to consider the following:
- (i) Viability and credibility of overall offer
 - (a) Does the organisation have the necessary resources, funding and competence to deliver against the proposal?
 - (b) What are the timescales for the delivery of the project?
 - (ii) Community use and benefit
 - (a) How wide will the community benefit be?
 - (iii) Cash benefit to the Council

3. Equalities Impact Assessment Outcomes

- 3.1 This item is not relevant to equality.

Appendices

Appendix A - Asset Disposal Guidance which has Community Right to Bid implications

Consultees

Local Stakeholders: N/A

Officers Consulted: John Ashworth, David Holling, Andy Walker

Trade Union: N/A

Asset Disposal Governance which has a Community Right to BID Input

Introduction

The Community Right to BID provisions has required the Council to consider its governance arrangements when disposing of its own assets. The Community Right to Bid enables a “relevant body” to list the asset which has the following effect:

- (i) Following application the asset is listed and recorded on the Local Land Charges Register and a restriction is placed at the Land Registry.
- (ii) The owner (Council) is required to notify the “relevant body” of its intention dispose of an asset. The “relevant body” then has six weeks from the date of the notification to decide whether it wishes to make a bid for the asset. The Council is able to put the asset on the open market at this stage but is not able to dispose of it at this stage.
- (iii) If the “relevant body” decides that it does want to bid for the asset then it has up to six months (which includes the first moratorium of 6 weeks) to co-ordinate its bid. The Council cannot dispose of its asset during this moratorium unless it is to the “relevant body”.
- (iv) If the Council does not receive a bid from the “relevant body” then a third moratorium is invoked which “protects” the asset from further listing for a 12 month period. The Council is therefore free to dispose of an asset in which ever way it decides.
- (v) If the Council receives a bid from the “relevant body” then it must consider this with any others it receives from the “open market”.

Advice and Support

The Council will provide appropriate advice and support to any “relevant body” and organisation/company during the time which the asset is either listed under the Community Right to Bid or on the “open market”. The level of advice and support will depend of the individual circumstances of each disposal.

Governance

In assessing any bids which are received through the Community Right to Bid and the “open market” process the Council will ensure that, where possible the

last date to receive bids from any “open market” process should be the same as the Community Right to Bid process.

The Council will consider all bids whether received through the Community Right to Bid process or “open market” process at the same time.

The Council’s Asset Management Plan suggests that in disposing of any property the Council should seek to obtain the best value for the property unless there is an overriding community benefit. In the case of a Community Right to Bid offer the Council would ensure that best value and community benefit were appraised before making any final decision.

In appraising any bids received it will be important to consider the following:

- (i) Viability and credibility of overall offer
 - (a) Does the organisation have the necessary resources, funding and competence to deliver against the proposal?
 - (b) What are the timescales for the deliver of the project?
- (ii) Community use and benefit
 - (a) How wide will the community benefit be?
- (iii) Cash benefit to the Council

Once all “offers” have been appraised by officers a report will be presented to the following groups making an appropriate recommendation for the asset’s disposal.

- (i) Asset Management Group
- (ii) Capital Strategy Group
- (iii) Corporate Board
- (iv) Management Board
- (v) Executive

In many instances Officers will be able to make disposal decisions under the Scheme of Delegation. However, where there is a Community Right to Bid recorded for transparency purposes a report (albeit in Part 11) will be taken to the Executive for a decision.