



House of Commons
Communities and Local
Government Committee

Community Rights

Sixth Report of Session 2014–15

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 20 January 2015*

The Communities and Local Government Committee

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Summary

The Government's policy of empowering people through Community Rights to save local assets from closure, build community housing, take over local authority services and bring public land back into use has in its first two years had mixed results. The Rights—to Bid, to Build, to Challenge and to Reclaim Land—have generated some successes, with a small number of community groups being able, for example, to use the Community Right to Bid to stop valued local assets such as the local pub being sold for redevelopment. But limitations have also been exposed. The Community Right to Build is too complicated; the Community Right to Challenge, which triggers a tendering exercise to run a local service, risks damaging relations between communities and local government and is a gamble for groups wanting to run a local service as they may be outbid; and the Community Right to Reclaim Land has hardly been used.

The Committee wants to see the Rights improved so that local people have more say over what happens to the land, buildings and services in their area. The Government should: enhance the Community Right to Bid by increasing from six to nine months the time people have to bid to buy a local asset; make it easier to remove or restrict the “permitted development” exemption from planning control when an asset has been listed as having Community Value; and make an asset's status as an Asset of Community Value a material consideration in all but minor planning applications. The Government should fold the Community Right to Build procedure into the larger Neighbourhood Planning process, removing the need for a separate referendum on what are often small-scale building projects, and focus its support for community-led housing on building local people's skills to manage projects. The Community Right to Challenge should be reformed as part of a wider approach to involving communities in commissioning as well as running local services and allowing local groups to take advantage of the limitations from full tendering exercises which, for example EU rules, allow. People seeking to use the Community Right to Reclaim Land would benefit from clearer definitions of the type of land they can express an interest in and more information on where that land is and who owns it.

These reforms will not amount to much, however, unless people are much more aware of the Rights. The Government should redirect resources to community group umbrella organisations that can provide face to face support to local people; it should ensure that advice to local people focuses on what they want to achieve, rather than the technicalities of processes; and it should target more communities in deprived areas, building their capacity with new means of community engagement, so that they are in time able to make use of the Rights. Finally, the Government should monitor the use of the Rights by collating data from local authorities. If Ministers knew what was working, where and why, they would have a better understanding of how to make further improvements to the Rights, when the Rights are reviewed later this year, and enable more people to play a part in community life.

1 Introduction

Background

1. In 2010 the Coalition Government outlined plans to “promote the radical devolution of power and greater financial autonomy to local government and community groups”.¹ Later that year the Government said:

We believe that the freedom of local communities to run their own affairs in their own way should be seen as a right to be claimed, not a privilege to be earned. The Coalition will embody this principle as a series of specific rights that can be exercised on the initiative of local people.²

2. Our inquiry looked at four of these community rights:

- the Community Right to Bid;
- the Community Right to Build;
- the Community Right to Challenge; and
- the Community Right to Reclaim Land.

The first three rights were included in the Localism Act 2011 and came into operation between April and September 2012. The Community Right to Reclaim Land is based on the Public Request to Order Disposal process, which dates from 1980. It has been referred to as a community right since 2011.³ The Community Right to Bid has been by far the most popular community right.⁴

3. Our report takes each right in turn and considers:

- the awareness, use and operation of the right; and
- if necessary, how the right might be changed.

Finally, we consider community engagement over the next few years, including how awareness and use of community rights could be improved. Our inquiry’s full terms of reference are online, together with a list of witnesses and oral evidence session dates.⁵ Thanks are due to those who gave written and oral evidence. We single out the management team of The Ivy House in Nunhead, south London—the subject of the first successful acquisition under the Right to bid—for meeting us and allowing us to hold an evidence session on their premises.

1 HM Government, [The Coalition: our programme for government](#), May 2010, p 11

2 HM Government, [Decentralisation and the Localism Bill: an essential guide](#), December 2010, p 7

3 *Assets of Community Value*, Standard Note, [SN0636](#), House of Commons Library, August 2013, p 8

4 See chapter 2.

5 Communities and Local Government Committee, [‘Community Rights’](#), accessed 9 December 2014

4. The Government has said it intends to undertake post-legislative scrutiny of the Community Rights in 2015.⁶ Our report therefore makes recommendations on:

- what the Government should do now; and
- what the Government should consider as part of its review.

2 The Community Right to Bid

Background

5. The Community Right to Bid came into operation in September 2012. The Plain English Guide to the Localism Act explained the reasons behind its introduction:

Every town, village or neighbourhood is home to buildings or amenities that play a vital role in local life. They might include community centres, libraries, swimming pools, village shops, markets or pubs [...] and if they are closed or sold into private use, it can be a real loss to the community. In some cases [...] community groups who have attempted to take assets over have faced significant challenges. They often need more time to organise a bid and raise money than the private enterprises bidding against them.⁷

The Right to Bid was designed to provide people with that time and involves the following process:

- a community group can nominate a local building or land for listing by the local authority as an Asset of Community Value (ACV);⁸
- if the local authority decides to list it, the asset sits on a register for five years;⁹
- listing gives local people an opportunity to bid for the ACV if the owner decides to sell, as this usually triggers a six-month moratorium, during which time the asset cannot be sold except to a community bidder;
- the six-month period includes an initial six-week window in which local groups, if they wish to bid, must express an interest;¹⁰
- local groups then have the remainder of the six-month period to organise the bid;
- at the end of the six months, the owner may sell, but they do not have to sell to a community bidder.

If the sale begins before the asset is listed, the moratorium does not apply, even if the property is subsequently listed.¹¹

7 Cited in *Assets of Community Value*, Standard Note, [SN0636](#), House of Commons Library, August 2013, p 3

8 *Assets of Community Value*, Standard Note, [SN0636](#), House of Commons Library, August 2013, p 3. A number of community organisations can nominate land and buildings for inclusion on the list: parish councils, neighbourhood forums (as defined in Neighbourhood Planning regulations), unconstituted community groups of at least 21 members, not-for-private-profit organisations (e.g. charities).

9 To qualify as an asset of community value the asset must have a connection with the wellbeing of the local community or have done so in the recent past. Domestic property cannot be listed, and owners have the right of appeal against their property's listing.

10 If there is no expression of interest, the owner can sell at the end of the six-week window.

11 *Assets of Community Value*, Standard Note, [SN0636](#), House of Commons Library, August 2013, p 4

Evidence of awareness and use

6. According to Locality, which provides support to groups interested in the Community Rights, the Community Right to Bid “has gained rapid momentum. Its implementation resulted in an immediate and broad range of enquiries [...] which continues to grow”.¹² We heard that the nomination paper to list an asset was “not particularly onerous” to complete; and use of the Right had been higher than that of others, because the “process is simpler, the risk of not using the power is high and the rewards of using the power to buy time to save an asset of community value is significant”.¹³ According to the Department for Communities and Local Government (DCLG), since the Right came into operation in September 2012, more than 1,800 assets have been listed as ACVs; 122 groups showed an intention to bid by triggering the six-month moratoriums; and nine assets have been bought by community groups.¹⁴ Further research by Simon Danczuk MP, a member of our Committee, has, however, yielded more information on these results. Based on freedom of information requests to local authorities it appears that of the 122 groups that triggered a moratorium, 60 were unsuccessful in their bid, 27 bids are outstanding and only 11—admittedly two more than DCLG’s figures¹⁵—have so far resulted in a community buyout.¹⁶ Civic Voice said community ownership of properties should not be the measure of the policy’s success: “What should be recognised and emphasised is that people are coming together to demonstrate civic pride and what they care about in their communities.”¹⁷ The Campaign for Real Ale (CAMRA) provided us with the most recent breakdown of listed ACVs.¹⁸

Type of asset	Proportion of total listed
Pub	31%
Other	12%
Community centre	8%
Playing field	5%
Church	4%
Community shop, library, car park, allotment, school, sports ground, park	3% each
Post office, other public space, land, village green	1% each

12 Locality ([CRS 040](#)), para 3.2

13 North Norfolk District Council ([CRS 028](#)), para 2.5; The Plunkett Foundation, ([CRS 011](#)), para 12

14 Department for Communities and Local Government, ([CRS 046](#)), p 1. We discuss in the final chapter the need for improved data collection by the Government.

15 We examine and comment on the lack of adequate data on the use of Community Rights in chapter 6.

16 Summary table of results supplied by Simon Danczuk MP.

17 Civic Voice ([CRS 026](#)), paras 14, 15

18 CAMRA ([CRS 006](#)), para 3.1. DCLG provided CAMRA with these figures, based on 1,268 identified ACVs in June 2014. Since then CAMRA has identified more listed pubs.

7. The Community Right to Bid process has achieved some success because the first phase, listing local land or property as an Asset of Community Value (ACV), is relatively straightforward. It brings people together and gives them the opportunity to have a say in what happens to valued pubs, shops or community centres if they are put up for sale. But if, as it appears, almost 50% of attempts to buy ACVs are unsuccessful, there must be scope for enhancing people’s chances of success with the second and most important—bidding—phase of the Right.

Reforming the Right

8. Witnesses suggested a range of ways in which the listing and sales processes of the Right to Bid could be improved:

- change permitted development rights in relation to ACVs;
- make ACV status a material consideration in planning applications;
- give nominators a right of appeal against local authority refusal to list an asset;
- extend the moratorium on a sale; and
- change the regulations on selling ACVs as a ‘going concern’.

Permitted development rights

9. Listing a building such as a pub as an ACV does not prevent its change of use under permitted development (PD) rights to a shop, estate agent or restaurant—or indeed its demolition.¹⁹ The Plunkett Foundation said that there “have been a number of examples where pubs have been registered as assets of community value, but been converted into supermarkets or other uses through permitted development rights”. It said that, if a property is listed as an ACV, its PD rights should be automatically removed: “This would ensure that communities could take action to save their local pub”.²⁰ CAMRA said the removal of PD rights could add “significant weight” to the legislation, and explained there had been “several cases” where the Right to Bid had been undermined by “planning loopholes”.²¹ It cited The George IV public house in Brixton, which despite its listing as an ACV was converted to a supermarket. The George IV was, however, listed *after* its sale to a retailer. The community did not therefore have the chance to bid for the pub, in order to stop the retailer acquiring it and, hence, being able to convert it. CAMRA pointed out that two pubs every week were converted to supermarkets between January 2012 and January 2014. (We assume that most will have been through a sale process first, rather than have been converted by the brewery or pubco owner.) The Plunkett Foundation acknowledged that communities needed to “see the value in registering Assets of Community Value

19 Change in use of a building from a use falling in class A4 (drinking establishments) to class A1 (shops), A2 (financial and professional services) and A3 (restaurants and cafes) can take place without planning permission under permitted development rights. See The Planning Inspectorate, [Planning Portal: ‘Change of Use’](#), accessed 15 December 2014.

20 The Plunkett Foundation ([CRS 011](#)), paras 21.3, 29.1, 29.2; see also CAMRA, ([CRS 006](#)), para 5.7.

21 CAMRA ([CRS 006](#)), para 5.10-5.12

before there is a crisis [...] Until then, communities will always be on the back foot when attempting to save assets of community value”.²²

10. Community groups need to register prized local buildings and land as Assets of Community Value before they are sold. If they do, they will have the opportunity to bid for assets if they are then put up for sale. That is one way of potentially preventing such assets being acquired by developers and converted to other uses or demolished. To protect valued community facilities in this way, local people need to be more aware of the Community Rights, including the Right to Bid. We discuss in chapter 6 how awareness might be improved.

11. The Government has said that the ACV scheme is not a planning policy to protect against change of use and that local authorities can use their local plan or an Article 4 direction to do that.²³ When we raised the possibility of a blanket exemption from PD rights for all ACVs, the Minister, Stephen Williams MP, told us it would be a “much bigger step” to suspend PD rights altogether, because some pubs may no longer be viable due to changes in demographics.²⁴ The Government has also previously said that “disproportionate restrictions on change of use [...] might result in more empty buildings, spoiling the local environment and holding back economic development.”²⁵ The change being called for is, however, the removal of PD rights from ACVs, not from all pubs. There are currently about 1,800 ACVs, of which 500 are pubs, and this compares with 48,000 pubs last year in the UK.²⁶ A property’s ACV listing lapses when it is sold, and, if there was any linked restrictions on PD right, they would lapse then, too. In contrast, under an Article 4 direction, which is a separate process, planning permission is still required to change the property’s use after its sale, and the Article 4 process makes provision for owners to claim compensation in certain circumstances.²⁷

12. The Government has consistently said that removing permitted development (PD) rights in respect of change of use from all pubs would amount to a disproportionate change in planning regulations that could blight town centres and prevent development. Removing PD rights from only the relatively small number of assets listed as Assets of Community Value (ACVs) would not be disproportionate, however, and their ACV listing would suggest they may have a viable future under community ownership. In our view what does appear disproportionate is to require local people and local authorities to nominate and list an asset as an ACV and then to go through an Article 4 direction process to remove PD rights from that same asset. It would be more efficient to integrate the Article 4 process into the ACV process. We recommend that the Government consult on removing PD rights in respect of change of use from ACVs for

22 The Plunkett Foundation ([CRS 011](#)), paras 13, 16. There have been circumstances in which planning permission has been refused due to ACV listing. We refer to these at paragraph 21.

23 HC Deb, 7 April 2014, [col 11](#)

24 Q213

25 HC Deb, 21 May 2013, [col 1208](#). See also Q95 [Ghislaine Trehearne].

26 Department for Communities and Local Government, ([CRS 046](#)), p 1, and CAMRA, ([CRS 006](#)), para 3.3. UK pub figures, see British Beer and Pub Association, ‘[Statistics](#)’, accessed 15 December 2014. The Right to Bid and ACV scheme extend only to England. Figures for number of pubs in England not available.

27 See paragraph 13.

the duration of the listing or for five years, whichever is the longer. The issue of any compensation for owners should also be considered.

13. Before leaving this topic we must comment on the use of Article 4 directions, particularly if the Government persists with the Article 4 route over the change we suggest. One reason why local authorities have not used these directions is fear of being liable for compensation.²⁸ Mike Perry, from the Plunkett Foundation, said something was needed to “de-risk” the Article 4 process and noted the Government’s compensation fund to support councils facing claims by property owners for losses due to their property’s listing as an ACV.²⁹ Compensation in respect of Article 4 directions is payable if a local planning authority refuses planning permission for development which would otherwise have been permitted development or grants planning permission subject to more limiting conditions than the general permitted development order. Compensation is payable only within 12 months of an Article 4 direction being issued.³⁰ In January 2014 the Government said, although there were no centrally held statistics, it was unaware of any successful claims for compensation.³¹ And in relation to pubs, Stephen Williams MP told us he had no evidence of a brewery or pubco successfully mounting a legal challenge against a local authority that had “considered” putting an Article 4 direction on pubs.³² Our further investigation has yielded references to compensation paid in relation only to Article 4 directions restricting car boot sales, Sunday markets and motor racing.³³

14. The Government has not been amenable to the automatic removal of PD rights from ACVs. It prefers the targeted use of Article 4 directions to remove PD rights from specific buildings. To underpin this approach, however, local authorities need more reassurance that imposing an Article 4 direction will not mean costly compensation payments to affected property owners. If the Government’s preferred approach to the removal of PD rights continues to be the use of Article 4 directions, we recommend that it consider establishing a fund—similar to that for compensation payments relating to properties listed as ACVs—for compensation claims in relation to Article 4 directions.

ACV as a material planning consideration

15. The Government’s guidance to local authorities on the Right to Bid states, “it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the

28 RPS Planning, [Research into the use of Article 4 Directions on behalf of the English Historic Towns Forum](#), October 2008, para 3.21

29 Q8 Local authorities are liable for up to £20,000 per year in compensation payments. The Government meets any liabilities exceeding this amount. Owners may claim for loss or expense which they would not have incurred if the asset had not been listed, and for loss resulting from a delay in sale caused by the moratorium.

30 [Sections 107](#) and [108](#) of the Town and Country Planning Act 1990 deal with the obligation on the local planning authority to pay compensation following the making of an Article 4 Direction. The Town and Country Planning (Compensation) (No. 3) (England) Regulations 2010 ([SI 2010/2135](#)) state a local planning authority can avoid the need to pay compensation by giving twelve months advance warning that an Article 4 is to be issued.

31 HC Deb, 16 January 2014, [col 614W](#)

32 Q215

33 RPS Planning, [Research into the use of Article 4 Directions on behalf of the English Historic Towns Forum](#), October 2008, para 3.21 (car boot sales and Sunday markets); Barry Denyer-Green, *Compulsory Purchase and Compensation*, (Taylor and Francis, 2013), p 351 (motor racing).

circumstances of the case”.³⁴ Civic Voice cited examples of councils that had and had not taken listing into consideration and said that “it seems bizarre that some communities can have the confidence to know that their local authority will consider an ACV as a material consideration, while others will not”. It recommended new guidance clarifying “any property that is registered as an Asset of Community Value is treated as a material planning consideration”.³⁵ The British Property Federation (BPF) shared some of these concerns: “The extra delay and confusion surrounding whether the listing is a material consideration discourages investors and hinders economic development.” While the BPF accepted that in reality an ACV listing was often treated as a material consideration, it thought the guidance would benefit from further elaboration and called for a “proportionate response to listing. For example, an application for a minor material amendment should not trigger a consideration of the ACV listing”.³⁶ In two cases taken up by former DCLG Ministers, pubs sold and then listed as ACVs have had planning permission refused, with their ACV status cited by both planning authorities in their decisions.³⁷

16. Community groups, developers and property owners would welcome greater certainty about the status accorded to ACV listing when planning authorities are considering planning applications. If developers knew ACV status would be considered, they would have greater certainty about the process that might take place after they had acquired an ACV and submitted a planning application, including for change of use. Equally, such certainty would provide community groups with the knowledge that registration provided them with a further potential protection against what they saw as unwanted development. Obliging local authorities to consider ACV status would not mean the inevitable refusal of planning permission, and ACV status should not be a mandatory material consideration in applications for minor changes to property. We recommend that the Government, as part of its review of Community Rights later in 2015, consult on a proposal to amend its guidance so that ACV listing is a material consideration for local authorities in all planning applications other than those for minor works.

The moratorium

17. Listing property as an ACV and bidding for it when it is put on the market does not guarantee a community’s success in buying it. We heard that one way to assist communities would be to extend the current six-month moratorium on the sale of a listed property. Advocating an increase, Action with Communities in Rural England (ACRE) said: “The development of business plans and budgets, exploring funding options, preparing applications and ensuring sufficient funds are available is a time consuming

34 Department for Communities and Local Government, [Community Right to Bid: non-statutory advice note for local authorities](#), para 2.20

35 Civic Voice ([CRS 026](#)), paras 44, 45

36 British Property Federation ([CRS 031](#)), paras 17,18

37 “[Developers need not fear community listing](#)”, Planning, 25 February 2014. An application to turn The Bittern pub in the Southampton, Itchen constituency of the Rt Hon. John Denham MP into a drive-through McDonald’s was refused. An application to build on the site of The Porcupine pub (once demolished) in the Bromley and Chislehurst constituency of Robert Neill MP was also refused.

process without the added pressure of a six month deadline.”³⁸ According to a Plunkett Foundation survey, the average community pub acquisition takes 10 months.³⁹ Tom Stainer, from CAMRA, called for a 10-month moratorium and said it would not slow down developers where the property was no longer wanted, as the initial six-week moratorium—the first six weeks of the overall six-month moratorium—would demonstrate whether anyone was interested in bidding. If there was interest, he said, communities would “need to know they have the time to put together what can be very complex legal community buyout schemes”.⁴⁰

18. In this context, the issue of disadvantaged communities’ access to the Rights was raised, and those providing advice and grants to community groups favoured a 12-month moratorium.⁴¹ Locality pointed out that the concern with the current six-month limit had been “particularly acute where either the project demands high levels of capital and/or the community gets caught up in lengthy funding application cycles”. It added that this “particularly impacts on deprived communities”.⁴² ACRE said that, if the challenge of putting together a group, reaching a consensus, making applications and generating funding was not recognised, there was a risk of “favouring those communities with articulate retired people who are able to dedicate the time to it and disadvantaging communities that do not have those people there”.⁴³ DCLG said its new package of support for 2015-16 aimed to address the concern that deprived communities might find accessing the rights a greater challenge.⁴⁴ When we visited The Ivy House pub in Nunhead, we heard how its Grade II listed status meant the buyout team, including a solicitor, a chartered surveyor and a town planner, had been able to apply for and secure a £500,000 loan from the Architectural Heritage Fund to finance its bid. Tessa Blunden, from the team, told us that making the bid had been a full-time job—on top of her full-time job.

19. From the developers’ perspective, however, the BPF said the moratorium was a drag on economic activity and deterred investors; there had been “many examples” where six months had worked; and, in the case of someone who wanted to sell because they needed the money, it would be unfair to make them wait “just under a year” to do so.⁴⁵ As we have noted at paragraph 14, however, owners are able to apply for compensation in relation to their asset being listed. They may claim for loss or expense which they would not have incurred if the asset had not been listed and for loss resulting from a delay in sale caused by

38 Action with Communities in Rural England, ([CRS 017](#)), para 2.4. See also Q110 [Barney Mynott].

39 The Plunkett Foundation ([CRS 011](#)), paras 29.4

40 Q80

41 Qq162, 163. Tony Armstrong of Locality said, “We would go for 12 months, but nine months would be more helpful (than six)”.

42 Locality ([CRS 040](#)), para 3.4

43 Q15 [Janice Banks]

44 Department for Communities and Local Government ([CRS 039](#)), p 6

45 British Property Federation ([CRS 031](#)), para 23; Q101

the moratorium.⁴⁶ Civic Voice thought nine months would strike the correct balance between the rights of the owner and of the community.⁴⁷

20. Bidding for an Asset of Community Value (ACV) is a complicated process requiring time, organisation, effort and resources to put together business plans and find funding. This burden may have a particular impact on disadvantaged communities, whom the Government, rightly, wants to target to make the Rights more accessible. Extending the moratorium on a sale to nine months would strike a better balance between the rights of the community and of property owners. Owners would still be entitled to lodge a compensation claim for any loss they believed they had incurred due to a delay in the sale. *We recommend that the Government extend the moratorium on the sale of an ACV to nine months.*

21. On the issue of making property owners wait to sell their asset, we considered what should happen if at any point during the moratorium a community group were to abandon its bid. Should the owner or other bidder(s) have to wait until the six months were up before they could get on with their transaction? Witnesses representing community groups and property owners agreed it should be possible to stop the process if this became apparent.⁴⁸

22. If it becomes clear during the moratorium that a community group bid has been abandoned, it should be possible to end the moratorium immediately so the owner can proceed with the sale. This will ensure owners do not incur any unnecessary delay in selling their asset, and local authorities are not subject to excessive compensation claims due to unwarranted delays in sales. *We recommend that the Government ensure the moratorium on a sale can be brought to an immediate end if a community group bid has been abandoned.*

23. One particularly potent change suggested to us was to convert the Right to Bid into a right to buy.⁴⁹ We asked various panellists about this but found it difficult to conclude how a ‘market-level’ price would be determined.⁵⁰ In lieu of a right to buy, Seb Elsworth from Social Investment Business (SIB) suggested the potential to assign preferred-bidder status to a community group: if it were not outbid, the group would automatically have a right to buy.⁵¹

24. Determining the market price for an asset without putting it on the open market is problematic. A property can be valued, but it is always an estimate, and owners have a right to achieve the selling price they want by testing the market. In our view an extension to the sales moratorium to give communities greater opportunity to raise money to bid against a commercial competitor or developer is sufficient. Communities

46 Assets of Community Value (England) Regulations 2012 ([SI 2012/2421](#)), Regulation 14. Local authorities are liable for up to £20,000 per year in compensation payments. The Government will meet any liabilities exceeding this amount.

47 Q15 [Dr Freddie Gick]

48 Qq115-18

49 See for example Locality ([CRS 040](#)), para 5.1 and CAMRA, ([CRS 006](#)), para 7.1

50 See for example Qq55-62, and Qq102-109.

51 Q171

might also seek to achieve preferred-bidder status with the property owner so that, as long they are not outbid, they have first refusal on an asset—and, in effect, a proxy for a right to buy.

Nominators' right of appeal

25. Currently owners have the right to ask a local authority to review its decision to list their property as an ACV. If they disagree with the local authority's decision on review, they may appeal to the First-tier Tribunal—Property Chamber (Residential Property).⁵² Some witnesses called for the right of appeal to extend to nominators if the council decided *not* to list the property. Nominators wishing specifically to challenge a decision have recourse only to the courts and judicial review, which CAMRA described as “time consuming and very costly”.⁵³ The Theatres Trust said applicants found it hard to know how much detail to provide in support of their nomination. It said an appeal should be possible “if the situation materially changes and/or they [the nominator] can provide additional relevant evidence”.⁵⁴ The legislation does not, however, prohibit re-nomination of the same asset, although some councils have introduced their own limits.⁵⁵ CAMRA said the lack of an appeal mechanism meant communities were “powerless”, even if they felt the council had not correctly applied the statutory test when deciding whether to list an asset.⁵⁶ It cited examples of what it considered to be local authorities' failure to apply the test properly, including one authority that rejected a nomination, stating “potential is specifically excluded from the criteria”. CAMRA pointed out, however, that this was “clearly not the case as potential community value is specifically included in the criteria”.⁵⁷ Civic Voice similarly called for a right of appeal local authority decisions, while accepting it should include “safeguards against repeated appeal requests and should specify clearly the grounds upon which an appeal could be made”.⁵⁸ The Minister, on the other hand, said the listing process meant potentially holding up a sale and interfering in owners' property rights. He was therefore “not sure” whether the owners' right of appeal, against what he described as “a limitation on their free will”, should extend to nominators.⁵⁹

26. Owners have the right to ask a local authority to review its decision to list their property as an Asset of Community Value (ACV) and, if necessary, the right to appeal against that review to the First-tier Tribunal—Property Chamber (Residential Property). If a community group wishes to challenge their council's decision not to list

52 The Assets of Community Value (England) Regulations 2012 ([SI 2012/2421](#)), Regulations 10 and 11

53 Q96

54 The Theatres Trust ([CRS 029](#)), paras 18, 20

55 See for example Barnet Borough Council, [Community Right to Bid - the council's process](#), para 7; and Royal Borough of Maidenhead and Windsor, [Register of Assets of Community Value](#), accessed 7 January 2015. Both state that groups cannot re-nominate until five years after the unsuccessful nomination.

56 CAMRA ([CRS 006](#)), para 7.1. A local authority determines whether an asset is an Asset of Community Value against definitions in [section 88](#) of the Localism Act 2011. Under the statutory test, councils must satisfy themselves that: the asset is of community value; the building has been used as a community asset in the recent past; and there is a realistic prospect that the building will be used as a community asset in the next five years.

57 CAMRA ([CRS 006](#)), para 6.4

58 Civic Voice ([CRS 026](#)), para 36; see also Joint Scrutiny Committee of Babergh and Mid Suffolk District Councils ([CRS 012](#)), para 4.2.

59 Q217

an asset, the best course, where new and material information comes to light, is to submit a fresh application for nomination. If new evidence comes to light or the situation materially changes all groups should be able to re-nominate immediately. If they wish to challenge a decision, however, including if they believe the authority has not applied the statutory test correctly, they should be able to appeal to an independent tribunal. *We recommend that the Government consult on (i) allowing for immediate re-nomination where new and material information arises and (ii) the introduction of a nominator’s right to appeal against a local authority’s decision not to list an asset as an ACV.*

‘Going concern’

27. CAMRA highlighted what it saw as a “loophole” in the legislation. It said that ACV status could be ignored if an asset was sold as a ‘going concern’ “even if the buyer is clearly a developer with no intention of retaining the pub”.⁶⁰ Locality called for owners using such practices to have to prove their sale was excluded from the moratorium process.⁶¹ The Minister, Stephen Williams MP, said such examples were “very helpful” and added, “as people test the legislation to its limits, we will have to consider whether either a Localism Act mark 2 or power by regulation will need to be taken up in 2015”.⁶²

28. *We recommend that the Government, as part of its review of Community Rights later in 2015, bring forward proposals to close the loophole in the current legislation which allows an Asset of Community Value to be sold as a going concern when the buyer has no intention of retaining it in its current use.*

Nature of support for communities

29. Communities have other means than the Community Right to Bid of taking over local assets, and as part of this inquiry we were urged to reflect on how to support them. In 2007 the then Government set up an Asset Transfer Unit to support the process of Community Asset Transfer. Under this, public bodies can voluntarily hand over the ownership and management of their land and buildings to local communities at less than full market value.⁶³ The National Association for Voluntary and Community Action said that, since the passing of the Localism Act in 2011, local authorities had been forced to make considerable budget cuts and, as a result, many assets were being “thrown at the voluntary sector in desperation by local authorities”. It felt the focus on helping local communities take over ACVs, such as pubs, was no longer right; community organisations needed support to understand whether the asset they were being offered was a community asset “or really a community liability”. In particular they required support “to build up local expertise in running sustainable community spaces”.⁶⁴ The Joseph Rowntree Foundation

60 CAMRA ([CRS 006](#)), para 5.5

61 Locality ([CRS 040](#)), para 3.4

62 Q214

63 My Community Rights, ‘[Understanding Asset Transfer](#)’, accessed 10 December 2014

64 NAVCA ([CRS 027](#)), p 3

has made similar points, concluding that community groups taking on assets need good business plans, support and an awareness of the asset's maintenance and running costs.⁶⁵

30. Locality explained that help for communities to take over ACVs, specifically, was still required: the Right to Bid was a welcome tool in areas with high land values, where discounted asset transfer was unlikely, and in relation to private assets.⁶⁶ The Plunkett Foundation also noted that the assets it dealt with, in small rural communities, were either community or privately owned.⁶⁷ Locality drew our attention to the pre-planning, feasibility and business planning support that was already a “key part” of its Community Rights contract⁶⁸. Seb Elsworth, from SIB, which awards grants to community groups, said its pre-feasibility and feasibility grants were similarly focused on developing business acumen at an early stage.⁶⁹ He added that investing a “modest grant” in community groups to help them figure out whether they were taking on a liability was “a good part of the process”.⁷⁰

31. In terms of support after acquisition, Tony Armstrong from Locality drew attention to its “lifeboat fund”, for members struggling to manage their assets. He added that Locality used to manage the Asset Transfer Unit, which provided similar “ongoing support”, and he “strongly” recommended that any new Government money should support “that kind of asset management and transfer”.⁷¹ DCLG has agreed a £15.2 million package of funding for community rights in 2015-16.⁷²

32. Communities will continue to require support as they seek to acquire Assets of Community Value from community and private owners, and from public bodies in areas of high land value. But public bodies facing spending reductions, or those in areas with lower land values, may look voluntarily to transfer more public assets to local people. If more community groups are offered assets, more support may be required to ensure they have sound business plans in place and are aware of the costs of running the asset. If, as a result of that process, the group decides it is not equipped or the asset is in fact a liability, the time and money should not be considered wasted; it may in fact prevent waste. Resources should be directed at preparation for transfer and prevention of problems, but there may also be a case for setting aside a small amount as a safety net for groups struggling to maintain community assets. *We recommend that Government consider whether a greater proportion of overall funding to support Community Rights be directed to ensure local people are adequately prepared to take on the public assets they are offered.*

65 The Joseph Rowntree Foundation, [Community organisations controlling assets: a better understanding](#), (summary) June 2011

66 Locality (CRS 040), para 3.5; in small rural communities the majority of community assets are either owned by the community, such as village halls, or privately owned, such as shops and pubs, according to the Plunkett Foundation.

67 Q4

68 Q175

69 Q177

70 Q202

71 Qq175-76

72 Department for Communities and Local Government (CRS 039), p 6

3 The Community Right to Build

Background

33. The Community Right to Build empowers local people to propose a development in their area and to obtain permission for it without having to go through the usual planning process. The Right can be used to approve the building of homes (new-build or conversion of existing buildings), shops, businesses, affordable housing for rent or sale, community facilities or playgrounds. It is up to the community to decide the type, quantity and design of properties for the development. A proposal can be developed as part of a full Neighbourhood Plan or on its own.⁷³ There is a defined procedure for taking forward a Community Right to Build Order:

- a group of local people must form a legally constituted organisation;⁷⁴
- the scheme must take place within a defined area;⁷⁵
- the community organisation must engage with the local community to gauge support for the development they seek to approve;
- the organisation then has to formulate its proposals and draw up a draft order;⁷⁶
- the order must then be submitted to the local planning authority, who will arrange for it to be examined by an independent examiner;⁷⁷ and
- the local council will organise a referendum of voters in the defined area to decide whether they support the order.⁷⁸

Evidence of awareness and use

34. When the Community Right to Build was launched in May 2012, the Rt Hon. Grant Shapps MP, then Housing Minister, said:

The Community Right to Build [...] puts communities in the driving seat by ensuring they can bring about the development their neighbourhood needs.

73 My Community Rights, '[Understanding the Community Right to Build](#)', accessed 8 December 2014. The Localism Act enables communities to draw up a Neighbourhood Plan for their area and have more say in local development (within certain limits and parameters). People can choose where they want new homes, shops and offices; have their say on what new buildings should look like; and grant planning permission for new buildings.

74 This could be a company limited by guarantee with charitable status, a registered charity, a CIC or an Industrial and Provident Society. Town and parish councils (and some neighbourhood forums) are also eligible to produce a Community Right to Build order, as are tenants and residents associations if they change their constitution or form a new organisation.

75 The group must apply to the local planning authority with their proposed neighbourhood boundaries.

76 This includes a map of the area, a consultation statement, what they want to see built and a statement explaining how the development plan meets planning regulations. It must then be publicised.

77 The examiner may then refuse the order, ask for modifications or accept it.

78 If the referendum receives over 50% support from those voting, the local planning authority must grant planning permission for the development to go ahead.

The funding and advice service being offered will provide a big boost to those communities eager to take up their Right and bring about change to their area.⁷⁹

DCLG told us that over the last two years there had been 3,100 enquiries and 14,000 web hits on the Community Right to Build.⁸⁰ Its actual use has, however, been limited. As of July 2014, eight applications to fund Community Right to Build Orders had been made to the Homes and Communities Agency (HCA) and the Greater London Authority,⁸¹ the bodies responsible for funding. In September 2014 the first three Right to Build Orders, all in Arun in West Sussex, passed their independent examination.⁸² In December they were put to local votes alongside a Neighbourhood Plan referendum. Some three quarters of voters were in favour of each order, on a 45% turnout.⁸³

Assessment of the operation of the right

35. The Community Right to Build may have been launched with enthusiasm and optimism but, two and a half years in, the programme has been criticised by housing groups and others for its focus on procedures instead of people. Locality, which provides support to groups interested in the Community Rights, said community groups were “disincentivised by what is seen as a fairly complicated process when a traditional planning application would be simpler, quicker and less adversarial” and, instead, groups were “keen to try and develop support from the local planning authority”.⁸⁴ The UK Cohousing Network and National CLT Network agreed, calling it “an overly complex process” based on the premise that planning is the main obstacle to housing development, which they said is “rarely the case”.⁸⁵ They also criticised the referendum requirement, as the “risks” associated with it offered “scant incentive” for people to use the Right to Build, unless in conjunction with a Neighbourhood Plan.⁸⁶ Some suggested that the referendum was disproportionate and should be removed: Jennifer Line, from the Building and Social Housing Foundation (BSHF), noted there was no referendum on a normal planning application of 10 dwellings.⁸⁷ Tony Armstrong, from Locality, said the Right needed to be folded into the Neighbourhood Planning process, removing the need for separate referendums and orders. He noted that the Government’s new invitation to tender

79 [“Planning permission powers firmly in the hands of communities”](#), Department for Communities and Local Government press release, 29 May 2012

80 Department for Communities and Local Government ([CRS 039](#)), p 3

81 HL Deb, 29 July 2014, [col 1523](#)

82 [“Localism building orders ‘first’ in country to pass examination”](#), Planning, 10 September 2014

83 Arun District Council, [‘Neighbourhood Development Plan referendums’](#), accessed 12 December 2014. Results of referendums: <http://www.arun.gov.uk/documentHandler.cfm?dld=23975&pflag=docm93jjjm4n23975>; <http://www.arun.gov.uk/documentHandler.cfm?dld=23976&pflag=docm93jjjm4n23976>; <http://www.arun.gov.uk/documentHandler.cfm?dld=23977&pflag=docm93jjjm4n23977> accessed 12 December 2014

84 Locality ([CRS 040](#)), para 3.10

85 UK Cohousing Network and National Community Land Trust Network ([CRS 019](#)), para 4.1.1.2. See also Building and Social Housing Foundation ([CRS 033](#)), para 4.1

86 UK Cohousing Network and National Community Land Trust Network ([CRS 019](#)), para 4.1.1.2

87 Q136 [Jennifer Line], [Jo Gooding]

documents—to contractors to manage the Community Rights programme—did bring the two processes together.⁸⁸

36. Take-up of funding also points to a lack of interest in the Right. In March 2013 the Government re-launched its Community Right to Build fund as the Community Led Project Support Fund (CLPSF) to enable community groups choosing the normal planning application route also to apply for grants. DCLG said as a result there had been “significant take-up [...] with over 80 applications [...] already approved”.⁸⁹ On this basis it appears to us that, as only eight applications were for funding for Community Right to Build Orders, the remaining 72 plus may have been by groups using the normal planning application route.

37. The Community Right to Build is clearly not the most popular way of starting a community-led housing project. It has been described as complicated, adversarial and risky, and, based on funding applications, it appears that nine times as many groups opt to apply for planning permission as choose to use the Right to Build process. The referendum requirement also seems disproportionate to the scale of development. It is difficult to see any significant benefits to its retention in its current format. We consider that it would be better to incorporate the Right to Build process into the larger-scale Neighbourhood Plan process and referendum.

Revenue funding

38. The Government may have changed the CLPSF to allow groups seeking to use the traditional planning application route to apply, but this too prompted criticism of its general approach to community-led housing. Funding was criticised for being focussed on planning permission, whether via a Right to Build Order or development control. The Confederation of Co-operative Housing (CCH) said this meant the funding “was only applicable in very limited circumstances”.⁹⁰ CCH, which has worked with the Welsh Government on community-led housing, added that very few communities in that process would have been eligible for money had they been in England, as their housing association partner handled the planning application. It said in Wales there was “a bespoke approach that has not been about telling local people that they should use any particular model”, and local authorities and housing associations had been drafted in to provide support.⁹¹

39. There was also criticism of the need for both community groups and their projects to be at an advanced stage to qualify for funding. CCH said groups had to be incorporated, meaning decisions about models and legal structures had to be taken before they really knew what they wanted to do.⁹² The UK Cohousing Network and National CLT Network said funding was “designed back to front”: the requirement for groups to have a secure

88 Q186

89 Department for Communities and Local Government ([CRS 039](#)), p 3

90 Confederation of Co-operative Housing ([CRS 007](#)), paras 2.5, 5.5

91 Confederation of Co-operative Housing ([CRS 007](#)), para 2.7

92 Confederation of Co-operative Housing ([CRS 007](#)), para 5.7

interest in a property or site before they had prepared their business plan and financial modelling was “very poor practice”.⁹³

40. Community-led housing groups need a more straightforward means of starting their projects with funding at the start, in order to prepare their business plans and financial models and to secure an interest in property. They do not emerge as fully fledged organisations that require funds simply to secure a Right to Build Order or planning permission. In short, funding is needed to build capacity and skills. Local people also need support, primarily from housing associations, to work out which way of developing their project is right for them, rather than being directed down a complex path, such as the Right to Build. *We recommend that the Government reconsider its approach to community-led housing, focusing on funding that enables communities, in conjunction with local partners such as housing associations, to build their capacities and skills, and to choose the means that is right for them for developing community-led projects.*

Capital funding

41. There is no capital funding directly linked to the Community Right to Build, but groups are able to apply to the HCA’s Affordable Homes Programme for investment.⁹⁴ The UK Cohousing Network and National CLT Network pointed out, however, that this

is not designed for small-scale community-based organisations: organisations either need to partner with a Housing Association or, if they choose to go it alone, have to go through a rigorous and prohibitive registration process to even apply for the funding.⁹⁵

BSHF also said not all communities have access to housing association partners, so funding was subject to a “postcode lottery”.⁹⁶

42. *We recommend that Government reconsider, as part of its appraisal of the Community Right to Build in 2015, how community-led housing groups access capital funding. Whatever way local people choose to pursue housing and other projects, there needs to be a more straightforward process for them either to access capital funding directly themselves or to work in partnership with housing associations to access funding.*

93 UK Cohousing Network and National Community Land Trust Network ([CRS 019](#)), para 4.1.1.4.

94 *As above*

95 *As above*

96 Building and Social Housing Foundation ([CRS 033](#)), para 3.3

4 The Community Right to Challenge

Background

43. The Community Right to Challenge empowers voluntary and community groups, parish councils and employees of local authorities to express an interest in taking over a local authority service:

- the expression of interest (EOI) must explain how the proposal will meet the needs of those who will use the service, and show that the group is suitable to run it;⁹⁷
- the local authority must either accept (with or without modification) or reject the expression of interest; and
- if the proposal is accepted, a normal tendering process must take place and other bodies, including private sector organisations, will be permitted to bid.⁹⁸

Evidence of awareness and use

44. According to a survey conducted by Locality, which provides support to groups interested in the Community Rights, awareness of the Right to Challenge “appears to be high amongst relevant bodies [...] The vast majority felt they either knew fully (42%) or mostly (38%) how the legislation works”.⁹⁹ DCLG does not formally monitor uptake of the Community Right to Challenge or require local authorities to report the number of challenges, but some 216 groups have received financial assistance to develop their capacity to bid.¹⁰⁰ And DCLG has informally collated responses from follow-up surveys of users of its support programme and other sources which show 50 EOIs as of December 2014. Seven have been accepted and three contracts awarded.¹⁰¹ It is unclear whether the 216 groups provided with financial assistance have taken their proposals any further. The fate of the other EOIs is also unclear, including, if they have been unsuccessful, the reasons why. We were told by SIB that take-up of the Right “should not necessarily be the measure of success” by DCLG; the objective had not been to “force community groups to exercise the

97 Department for Communities and Local Government, [You've got the power: a quick and simple guide to community rights](#), September 2013, p 16

98 *Community Right to Challenge*, Standard Note, [SN06365](#), House of Commons Library, April 2014, p 3. Local authorities may require certain information to be included in the expression of interest: for example, the challenging body's financial resources; evidence that they could provide the service; information about proposed sub-contractors; evidence identifying which services are the subject of the challenge and what outcomes would be achieved. The EOI must also demonstrate what economic, social and environmental benefits would arise from the challenger providing the service. The local authority can reject it on various grounds—including not enough information provided, service is stopping, procurement is already underway.

99 Locality ([CRS 040](#)), para 3.6. The survey was of community organisations and non-enquirers to its advice service.

100 Department for Communities and Local Government, ([CRS 046](#)), p 1

101 Department for Communities and Local Government, ([CRS 046](#)), p 1. On the three contracts awarded, written evidence to this inquiry referred to one successful procurement exercise—in North Norfolk. Further research revealed another: Buckinghamshire and Milton Keynes Fire and Rescue Service transferred its business fire training service to two employees in August 2014. The third is not known.

Right to Challenge if that was not appropriate for the relationship they had with the local authority”.¹⁰²

45. Evidence suggested three reasons why community groups were not submitting EOIs or going through the Right to Challenge procurement process. First, groups have used the Right more productively as a negotiating tactic, in preference to submitting an official EOI.¹⁰³ Tony Armstrong, from Locality, said the Right “has either deliberately led to a conversation or the local authority’s behaviour has changed as a result, which is a very positive move”.¹⁰⁴ Second, but less positively, some groups felt the Right was adversarial. The National Association for Voluntary and Community Action (NAVCA) called it the “nuclear option”: once used the group mounting the challenge could not go back as relations with the local authority were likely to be “severely damaged”.¹⁰⁵ Third, the challenge process itself was a cause for concern. The Plunkett Foundation told us, “the carrot (potential community involvement in service delivery) does not outweigh the stick as the challenge triggers a contracting procedure that anyone can bid for, and the community has no protected period to bid unlike with the Community Right to Bid.”¹⁰⁶ Community organisations in Cornwall who used it found the Right to be an “overly bureaucratic process”. They had to commit “substantial resources” to the EOIs and procurement stages.¹⁰⁷

46. Community groups have not taken up the Community Right to Challenge in significant numbers. This may not necessarily mean the Right is not fit for purpose, as in certain cases it may have prompted communities and local authorities to enter into constructive discussions and working arrangements that, prior to the Right’s introduction, might not have occurred. It is unclear what has happened to those groups that have received financial assistance, and to the majority of those that made expressions of interest (EOI). An analysis of what stage they have reached, including whether the EOIs have been successful and if not, why not, would no doubt be useful in helping to understand the effectiveness of the Right. Other groups have been put off using the Right in the first place, however, because of its adversarial connotations or because of the resultant procurement process, which can pit community groups against larger, more established service providers. *We recommend that the Government find out what has happened to groups receiving capacity-building assistance and to those that have made EOIs under the Right to Challenge process.*

How the right might be reformed

47. Witnesses suggested a number of ways to make the challenge process more favourable to community groups. First, Social Investment Business (SIB) said more community

102 Q197

103 See for example Locality ([CRS 040](#)), para 3.7

104 Q195

105 NAVCA ([CRS 027](#)), p 2. See also the Community Development Foundation ([CRS 015](#)), para 2(v)

106 Plunkett Foundation ([CRS 011](#)), para 17

107 Cornwall Council ([CRS 008](#)), p 5. Social Investment Business also described the tender process as “complex” ([CRS 041](#)), p 1

groups might use the Right if the perception that it was confrontational was challenged.¹⁰⁸ To that end Barney Mynott, from NAVCA, said the name Right to *Challenge* “could be changed”, as “the idea of [a] challenge does not suit the times”.¹⁰⁹ The Minister, Stephen Williams MP, accepted that the language of the Right might not lead a council to want to collaborate with the challenging body, and said the Government would “undoubtedly” review this in 2015.¹¹⁰ Locality proposed renaming it as the “right to reshape services”, and added that this should give communities greater power over the design as well as the delivery of local services.¹¹¹ On this point, however, the Minister said he hoped a good local authority would collaborate with its citizens anyway and not need the Government to tell it do so.¹¹²

48. Second, on the challenge process itself and the idea of a protected period in which to bid, Seb Elsworth, from SIB, said it was complicated for groups that have never run a local service to understand the procurement and bidding processes and regulations, and more time would help them to do so.¹¹³ Third, on the challenge process and the idea of reforming procurement criteria, Barney Mynott cited new EU procurement legislation, which enables commissioners of services to reserve certain contracts for public sector spinouts, mutuals and not-for-profit organisations. He said this might be brought within the Right to Challenge.¹¹⁴ Cornwall Council cited a “more positive and practical” Request for Quote (RFQ) model, adding that a Right to Challenge using the RFQ model would be exempt from the full rigour of an EU procurement exercise and “mean Cornish community organisations delivering valued services to the people of Cornwall”.¹¹⁵

49. Witnesses pointed to a need to reform procurement practice in general, however. Local commissioners’ skills in engaging with community groups needed to be improved;¹¹⁶ there needed to be a presumption that contracts could be tendered locally and on a small scale;¹¹⁷ and more focus was required on community and service user involvement in the planning and evaluation phases of commissioning.¹¹⁸ In our report on Local Government Procurement, we urged the Government to consider extending the provisions of the Public Services (Social Value) Act 2012 so that local authorities have to consider the potential for a contract of any value to deliver social benefits.¹¹⁹ This might allow community groups to bid for contracts more competitively.

108 Social Investment Business ([CRS 041](#)), p 7

109 Q123

110 Q233

111 Locality ([CRS 040](#)), para 5.1

112 Q238

113 Q198

114 Q122

115 Cornwall Council ([CRS 008](#)), p 6

116 Qq198 [Seb Elsworth], 195 [Tony Armstrong]

117 Q196 [Tony Armstrong]

118 NAVCA ([CRS 027](#)), p 3

119 Communities and Local Government Committee, Sixth Report of Session 2013-14, [Local Government Procurement](#), HC 712, para 48

50. The adversarial elements of this Right could be diluted if it were rebadged as something other than a Right to *Challenge*, though without the removal of the right to trigger a tendering exercise for local services. We are not convinced that communities require a formal right to design services. This should happen as a result of a community group's discussions with its local authority or, if this is ineffective, as a result of raising the prospect of expressing an interest in tendering for a service. Recourse to the Right should not be the first step. Instead, local authority procurement processes need to change. Specifically, commissioning services need to involve the community more as a matter of routine. An extension of the Social Value Act might allow for this. Certain services might also be reserved for, or made more accessible to, smaller organisations, using EU procurement rules or the Request for Quote model suggested by witnesses. Ultimately this might result in more successful bids by community groups, using either more responsive commissioning processes or through a revamped Right to tender for local authority services. *We recommend that the Government work with local authority commissioners of services to involve communities routinely in the design of services; consider whether certain services might be reserved for community enterprises using either a normal tendering route or a Community Right process; and rename the Right to Challenge in order to reduce the perception that it is confrontational.*

5 The Community Right to Reclaim Land

Background

51. The provisions in the Community Right to Reclaim Land began life as the Public Request to Order Disposal (PROD), introduced in the Local Government Planning and Land Act 1980. The PROD process was re-launched as a Community Right in February 2011 and involves the following procedures:

- local groups ask the Secretary of State for Communities and Local Government to direct certain public bodies to dispose of their unused or under-used land;¹²⁰
- the Secretary of State makes an assessment, which includes finding out from the current owner any plans they may have for its use;
- if the Secretary of State decides the land is vacant and underused and the council has no plans to bring it into use, they issue a disposal notice that requires the public body to dispose of the land; and
- the land is usually (but not automatically) sold on the open market; there is no first refusal for community groups.¹²¹

Evidence of awareness and use

52. When the Right was launched, the Rt Hon. Grant Shapps MP, then Housing Minister, said:

For years communities who have attempted to improve their local area by developing disused public land and buildings have found themselves bouncing off the walls of bureaucratic indifference [...] ordinary people who make a case to improve their local area will be listened to.¹²²

Between February 2011 and June 2014 there were 47 applications to use the Right, 42 of which were in scope, including 37 which were to bodies covered by the 1980 Act. As of

120 *Assets of Community Value*, Standard Note, [SN0636](#), House of Commons Library, August 2013, p 8. Requests can also be made of other public bodies which have signed a memorandum of understanding with DCLG. Anyone can send a request, setting out why they consider: that land or property described in the request process is under-used or vacant; that there are no suitable, consulted upon and publicly tested plans in place or likely to be put in place in an acceptable period of time; and that the land should be disposed of by its current owner in order to enable it to be brought back into use.

121 Department for Communities and Local Government, '[Giving people more power over what happens in their neighbourhood](#)', accessed 16 December 2014

122 "[Communities to be given a Right to Reclaim Land](#)", Department for Communities and Local Government press release, 2 February 2011

September 2014, two requests were under consideration.¹²³ The fate of the other 35 applications is unclear.

53. Reflecting on the low uptake of this Right, the Department for Communities and Local Government explained, “As forcing councils to dispose of land is controversial there is a high threshold for deciding whether land is vacant or underused.”¹²⁴ The Historic Houses Association added, “there are concerns about how ‘under-used or unused land’ might be defined and without a workable definition the Community Right to Reclaim Land cannot operate successfully”.¹²⁵ The Minister acknowledged that some guidance on what constituted under-used or unused land would be “logical”.¹²⁶

54. The affordability of available land through the Right was also a concern.¹²⁷ Locality, which provides support to groups interested in the Community Rights, suggested the Right be adapted to provide a “right to demand discounted asset transfer” for communities.¹²⁸ It said this would provide communities with a backstop if the public body proved resistant to their request, although Locality’s Tony Armstrong acknowledged that simply “encouraging asset transfer” might be useful, too.¹²⁹ The Minister, Stephen Williams MP, pointed out that there were complex legal procedures already in place to assess whether a price lower than market value could be accepted and the Government would have to “carefully consider” whether any legislative changes in that area were needed to make the Right work.¹³⁰

55. We also heard that access to better information on public land could improve uptake. Locality suggested public bodies could be more open about the land on their books.¹³¹ This view was shared by the Minister, who said he was “keen” on more transparency about public land ownership, including that in the possession of local authorities, the Ministry of Defence and NHS bodies.¹³²

56. The disposal at less than market value of taxpayer-funded assets raises wider issues than we cover in this inquiry—for example, the structure of the body owning the land after disposal and the obligations on that body in how it uses the land. In the medium term it may be that the Right to Reclaim Land needs to be reconfigured so that a community group can demand or request that the public body dispose of it as a discounted asset transfer. But for now this may be premature. Publicising and encouraging asset transfer would be a more consensual first step than moving straight to a right to *demand* the transfer of land at below market value. Community groups also need a clearer idea of what unused and underused land is, and of the land public bodies own. Additionally, as with the Rights to Bid and to Challenge, some follow-up

123 Department for Communities and Local Government ([CRS 039](#)), p 4

124 *As above*

125 Historic Houses Association ([CRS 010](#)), para 4(d)(2)

126 Q230

127 UK Cohousing Network and National Community Land Trust Network ([CRS 019](#)), para 4.1.3.2

128 Locality ([CRS 040](#)), para 5.1

129 Qq187, 189

130 Q228

131 Q187

132 Q229

work to track the fate of applications not under consideration would help the Government understand the effectiveness of this Right. *We recommend that the Government, as part of its review of Community Rights later in 2015, issue draft guidance on what constitutes unused or underused land, and consider how to improve access to information on public landholdings. It should also analyse the applications that have been made to determine what has happened to them, and why.*

6 Future community engagement

Introduction

57. Awareness of the four Community Rights has, according to Locality, “increased rapidly” since they were introduced. But it said we were “a long way from a ‘tipping point’ in terms of widespread public understanding”.¹³³ In pursuit of that tipping point DCLG told us it was “committed” to the community rights agenda and had agreed a £15.2 million package of support for 2015-16 based on what it had learned over the last two years.¹³⁴ In addition to the changes we have suggested, we expect that this Government and in all likelihood any Government after the General Election will promote the Community Rights, particularly if they are modified. We therefore considered how public awareness and use of the basket of Community Rights might be improved. We examined three suggestions: focus on the issues people face; help member organisations to help their members; and build community group capacity, particularly in deprived communities.

Focusing on the issues people face

58. Several witnesses suggested that one way of increasing uptake of Community Rights would be, paradoxically, to shift publicity from the Rights themselves to the issues people are dealing with. For example, the Plunkett Foundation said “Communication needs to be focused on the problems that these powers solve (save your shop, save your pub), not the process that Government would like to see communities use.”¹³⁵ Civic Voice concurred, saying the focus needed to be on helping people envisage the future of their area, “using the rights and other processes available to them”.¹³⁶ This approach had already been adopted by the Social Investment Business, which explained how it had promoted its grants as Right to Bid and Right to Challenge funds, but then changed the programme name to ‘Community Assets and Services’. It said this focus had been more effective as it highlighted that the rights were just one mechanism for change: “the emphasis is correctly on the goal not the rights themselves”.¹³⁷

Support from ‘trusted’ organisations

59. The second suggestion, which several witnesses made, was for more local support from community umbrella organisations. Action with Communities in Rural England (ACRE) said that “there needs to be a demonstrable ability of an organisation to ‘reach’ all communities in request of advice” and we “can demonstrate reach into 50,000 grassroots organisations. [...] Online guidance with small amounts of grant funding and no ongoing face to face support is not enough.”¹³⁸ We heard calls for “non-technical workshops”, and in oral evidence NAVCA said: “Getting people in a room and getting some real learning,

133 Locality ([CRS 040](#)), para 3.1

134 Department for Communities and Local Government ([CRS 039](#)), p 6

135 The Plunkett Foundation ([CRS 011](#)), para 24

136 Civic Voice ([CRS 026](#)), para 28

137 Social Investment Business ([CRS 041](#)), para 2

138 Action with Communities in Rural England ([CRS 017](#)), paras 4.2, 5.3

getting some honesty about what has happened rather than glossy case studies that make things look easy, really does help.”¹³⁹ DCLG acknowledged that information about the Rights could be conveyed more powerfully by “trusted voices,”¹⁴⁰ and in November 2014 it awarded £50,000 to the Plunkett Foundation to extend its support to include specialist advice, study visits, mentoring and peer-to-peer learning.¹⁴¹

Building capacity

60. Third, witnesses considered it important to invest in local people’s capabilities, particularly in deprived areas. The Confederation of Co-operative Housing said,

The [community rights] programme has placed far too high an expectation on exceptional individuals in communities with existing community skills and commitment. Experience has shown us that for most people such skills need to be nurtured over time.¹⁴²

Civic Voice said the rights needed to be promoted locally, with more intensive work in areas of deprivation to find people who could become leaders. It added this could be done cost-effectively by voluntary organisations.¹⁴³ DCLG has said that, although its new programme would continue to provide support on a demand-led basis, it would also feature “more targeted interventions where use or take-up of the rights is lower”.¹⁴⁴

61. The Community Development Foundation suggested one way in which group capacity could be improved: “Offer support to community groups to take on manageable tasks in their community, which will ultimately build their confidence, skills and local networks.” It said this approach could enable them eventually to take up an existing Community Right.¹⁴⁵ The New Economics Foundation, working with DCLG, recently conducted workshops in Birkenhead and London with 50 members of the public, policy makers, community organisers and local authority staff. It suggested:

- creating further community rights, or promoting alternative mechanisms for community influence [...] if the emphasis is more on helping people participate in the decisions that affect them, and less on taking over assets and services; and
- additional opportunities for influence should be created (or promoted if they already exist) which are less complex, with lower barriers to participation and with the possibility of quick wins.¹⁴⁶

139 Civic Voice ([CRS 026](#)), para 28 [non-technical workshops], Q128

140 Department for Communities and Local Government ([CRS 039](#)), p 2

141 “[Package of support for the great British pub](#)”, Department for Communities and Local Government press release, 11 November 2014

142 Confederation of Co-operative Housing ([CRS 007](#)), para 2.3

143 Qq36-37

144 Department for Communities and Local Government ([CRS 039](#)), p 6

145 Community Development Foundation ([CRS 015](#)), para 5(iv)

146 New Economics Foundation ([CRS 043](#)), p 8

DCLG has said it is “trailing new initiatives—for example, Community Economic Development [...] to address [...] low skills and worklessness”.¹⁴⁷

62. The Government has more than two years’ worth of experience to draw on as it plans the next phase of the Community Rights programme. Witnesses to our inquiry, with first-hand experience of the Rights, have provided a range of proposals on how to build on these first steps and improve people’s awareness and use of the powers. Recent announcements from the Government, for example on funding member organisations and trialling new means of community engagement, suggest it is moving in the same direction. We urge it to continue on this path. *We recommend the Government seek in 2015 to improve public awareness and use of the Community Rights in the following ways. First, the focus should be on what communities want to achieve, not a prescribed route they have to take. Second, there should be further investment, similar to that which the Government has provided to the Plunkett Foundation, to enable effective community group member organisations to support local people. Third, there should be investment in community group capacity, particularly in deprived areas, with new forms of community engagement that eventually should lead to communities being able to use the existing Rights themselves.*

Improved information

63. In its submission to our inquiry DCLG said it was “very encouraged with progress to date”.¹⁴⁸ But it also noted that there “is no formal reporting mechanism to establish use of the rights and our understanding of their uptake is based on ad hoc and informal information gathering”.¹⁴⁹ Locality suggested take-up and use of the rights could be furthered through “greatly improved data transparency about publicly owned assets, public services and spend”.¹⁵⁰

64. We also asked Tony Armstrong, from Locality, whether official figures could give us a better view of people’s take-up of the Rights. He said data from local authorities were the “missing link”: Locality could not aggregate that data because local authorities were not required to report them.¹⁵¹ Research by one of our members, Simon Danczuk MP, has brought to light some revealing information about the use of the Community Right to Bid. Freedom of information requests were recently lodged with 354 local authorities, 265 of which were able to provide information. From these the following points emerged:

- 68 local authority areas have seen at least one community group bid for an Asset of Community Value;
- 123 groups in all have shown an intention to bid;
- 11 groups have been successful;

147 Department for Communities and Local Government ([CRS 039](#)), p 6

148 Department for Communities and Local Government ([CRS 039](#)), p 5

149 Department for Communities and Local Government ([CRS 039](#)), p 2

150 Locality ([CRS 040](#)), para 5.1. See also Social Investment Business ([CRS 041](#)), para 5

151 Q204

- 60 have been unsuccessful;
- 27 groups still have bids pending; and
- there are 25 groups for whom the outcome of their bid is unknown.

This data shows an almost 50% failure rate among those groups bidding for ACVs. This in itself is significant but it prompts more questions about which groups have failed, where they are and what caused the failure. With better data the Government, or its contracted advice providers, could better plan their interventions.

65. We see a good case for improved information on the take-up of Community Rights. If the Government undertakes a strategic data-gathering exercise on how Community Rights that have seen some take-up are being used, it should be able to target its resources at certain groups and areas and start to understand the reasons why some groups have succeeded and others have not. *We recommend that the Government, as part of its review of the Community Rights later in 2015, propose that a basic level of data be retained by all local authorities on take-up of Community Rights. The Government should then periodically analyse that data, first, to understand which groups are using the Rights, why those that do ultimately succeed or fail, and how the Rights might be reformed; and, second, to target resources more effectively, in order to improve take-up of the Community Rights.*

Conclusions and recommendations

The Community Right to Bid: the start of the process

1. The Community Right to Bid process has achieved some success because the first phase, listing local land or property as an Asset of Community Value (ACV), is relatively straightforward. It brings people together and gives them the opportunity to have a say in what happens to valued pubs, shops or community centres if they are put up for sale. But if, as it appears, almost 50% of attempts to buy ACVs are unsuccessful, there must be scope for enhancing people's chances of success with the second and most important—bidding—phase of the Right. (Paragraph 7)
2. Community groups need to register prized local buildings and land as Assets of Community Value before they are sold. If they do, they will have the opportunity to bid for assets if they are then put up for sale. That is one way of potentially preventing such assets being acquired by developers and converted to other uses or demolished. To protect valued community facilities in this way, local people need to be more aware of the Community Rights, including the Right to Bid. We discuss in chapter 6 how awareness might be improved. (Paragraph 10)

The Community Right to Bid: permitted development

3. The Government has consistently said that removing permitted development (PD) rights in respect of change of use from all pubs would amount to a disproportionate change in planning regulations that could blight town centres and prevent development. Removing PD rights from only the relatively small number of assets listed as Assets of Community Value (ACVs) would not be disproportionate, however, and their ACV listing would suggest they may have a viable future under community ownership. In our view what does appear disproportionate is to require local people and local authorities to nominate and list an asset as an ACV and then to go through an Article 4 direction process to remove PD rights from that same asset. It would be more efficient to integrate the Article 4 process into the ACV process. *We recommend that the Government consult on removing PD rights in respect of change of use from ACVs for the duration of the listing or for five years, whichever is the longer. The issue of any compensation for owners should also be considered.* (Paragraph 12)
4. The Government has not been amenable to the automatic removal of PD rights from ACVs. It prefers the targeted use of Article 4 directions to remove PD rights from specific buildings. To underpin this approach, however, local authorities need more reassurance that imposing an Article 4 direction will not mean costly compensation payments to affected property owners. *If the Government's preferred approach to the removal of PD rights continues to be the use of Article 4 directions, we recommend that it consider establishing a fund—similar to that for compensation payments relating to properties listed as ACVs—for compensation claims in relation to Article 4 directions.* (Paragraph 14)

The Community Right to Bid: planning applications

5. Community groups, developers and property owners would welcome greater certainty about the status accorded to ACV listing when planning authorities are considering planning applications. If developers knew ACV status would be considered, they would have greater certainty about the process that might take place after they had acquired an ACV and submitted a planning application for change of use. Equally, such certainty would provide community groups with the knowledge that registration provided them with a further potential protection against what they saw as unwanted development. Obliging local authorities to consider ACV status would not mean the inevitable refusal of planning permission, and ACV status should not be a mandatory material consideration in applications for minor changes to property. *We recommend that the Government, as part of its review of Community Rights later in 2015, consult on a proposal to amend its guidance so that ACV listing is a material consideration for local authorities in all planning applications other than those for minor works.* (Paragraph 16)

The Community Right to Bid: moratorium

6. Bidding for an Asset of Community Value (ACV) is a complicated process requiring time, organisation, effort and resources to put together business plans and find funding. This burden may have a particular impact on disadvantaged communities, whom the Government, rightly, wants to target to make the Rights more accessible. Extending the moratorium on a sale to nine months would strike a better balance between the rights of the community and of property owners. Owners would still be entitled to lodge a compensation claim for any loss they believed they had incurred due to a delay in the sale. *We recommend that the Government extend the moratorium on the sale of an ACV to nine months.* (Paragraph 20)
7. If it becomes clear during the moratorium that a community group bid has been abandoned, it should be possible to end the moratorium immediately so the owner can proceed with the sale. This will ensure owners do not incur any unnecessary delay in selling their asset, and local authorities are not subject to excessive compensation claims due to unwarranted delays in sales. *We recommend that the Government ensure the moratorium on a sale can be brought to an immediate end if a community group bid has been abandoned.* (Paragraph 22)
8. Determining the market price for an asset without putting it on the open market is problematic. A property can be valued, but it is always an estimate, and owners have a right to achieve the selling price they want by testing the market. In our view an extension to the sales moratorium to give communities greater opportunity to raise money to bid against a commercial competitor or developer is sufficient. Communities might also seek to achieve preferred-bidder status with the property owner so that, as long they are not outbid, they have first refusal on an asset—and, in effect, a proxy for a right to buy. (Paragraph 24)

The Community Right to Bid: right of appeal

9. Owners have the right to ask a local authority to review its decision to list their property as an Asset of Community Value (ACV) and, if necessary, the right to appeal against that review to the First-tier Tribunal Property Chamber (Residential Property). If a community group wishes to challenge their council's decision not to list an asset, the best course, where new and material information comes to light, is to submit a fresh application for nomination. If new evidence comes to light or the situation materially changes all groups should be able to re-nominate immediately. If they wish to challenge a decision, however, including if they believe the authority has not applied the statutory test correctly, they should be able to appeal to an independent tribunal. *We recommend that the Government consult on (i) allowing for immediate re-nomination where new and material information arises and (ii) the introduction of a nominator's right to appeal against a local authority's decision not to list an asset as an ACV.* (Paragraph 26)

The Community Right to Bid: sale as 'going concern'

10. *We recommend that the Government, as part of its review of Community Rights later in 2015, bring forward proposals to close the loophole in the current legislation which allows an Asset of Community Value to be sold as a going concern when the buyer has no intention of retaining it in its current use.* (Paragraph 28)

The Community Right to Bid: nature of support for communities

11. Communities will continue to require support as they seek to acquire Assets of Community Value from community and private owners, and from public bodies in areas of high land value. But public bodies facing spending reductions, or those in areas with lower land values, may look voluntarily to transfer more public assets to local people. If more community groups are offered assets, more support may be required to ensure they have sound business plans in place and are aware of the costs of running the asset. If, as a result of that process, the group decides it is not equipped or the asset is in fact a liability, the time and money should not be considered wasted; it may in fact prevent waste. Resources should be directed at preparation for transfer and prevention of problems, but there may also be a case for setting aside a small amount as a safety net for groups struggling to maintain community assets. *We recommend that Government consider whether a greater proportion of overall funding to support Community Rights be directed to ensure local people are adequately prepared to take on the public assets they are offered.* (Paragraph 32)

The Community Right to Build

12. The Community Right to Build is clearly not the most popular way of starting a community-led housing project. It has been described as complicated, adversarial and risky, and, based on funding applications, it appears that nine times as many groups opt to apply for planning permission as choose to use the Right to Build process. The referendum requirement also seems disproportionate to the scale of development. It is difficult to see any significant benefits to its retention in its current format. We consider that it would be better to incorporate the Right to Build process into the larger-scale Neighbourhood Plan process and referendum. (Paragraph 37)

13. Community-led housing groups need a more straightforward means of starting their projects with funding at the start, in order to prepare their business plans and financial models and to secure an interest in property. They do not emerge as fully fledged organisations that require funds simply to secure a Right to Build Order or planning permission. In short, funding is needed to build capacity and skills. Local people also need support, primarily from housing associations, to work out which way of developing their project is right for them, rather than being directed down a complex path, such as the Right to Build. *We recommend that the Government reconsider its approach to community-led housing, focusing on funding that enables communities, in conjunction with local partners such as housing associations, to build their capacities and skills, and to choose the means that is right for them for developing community-led projects.* (Paragraph 40)
14. *We recommend that Government reconsider, as part of its appraisal of the Community Right to Build in 2015, how community-led housing groups access capital funding. Whatever way local people choose to pursue housing and other projects, there needs to be a more straightforward process for them either to access capital funding directly themselves or to work in partnership with housing associations to access funding.* (Paragraph 42)

The Community Right to Challenge

15. Community groups have not taken up the Community Right to Challenge in significant numbers. This may not necessarily mean the Right is not fit for purpose, as in certain cases it may have prompted communities and local authorities to enter into constructive discussions and working arrangements that, prior to the Right's introduction, might not have occurred. It is unclear what has happened to those groups that have received financial assistance, and to the majority of those that made expressions of interest (EOI). An analysis of what stage they have reached, including whether the EOIs have been successful and if not, why not, would no doubt be useful in helping to understand the effectiveness of the Right. Other groups have been put off using the Right in the first place, however, because of its adversarial connotations or because of the resultant procurement process, which can pit community groups against larger, more established service providers. *We recommend that the Government find out what has happened to groups receiving capacity-building assistance and to those that have made EOIs under the Right to Challenge process.* (Paragraph 46)
16. The adversarial elements of this Right could be diluted if it were rebadged as something other than a Right to *Challenge*, though without the removal of the right to trigger a tendering exercise for local services. We are not convinced that communities require a formal right to design services. This should happen as a result of a community group's discussions with its local authority or, if this is ineffective, as a result of raising the prospect of expressing an interest in tendering for a service. Recourse to the Right should not be the first step. Instead, local authority procurement processes need to change. Specifically, commissioning services need to involve the community more as a matter of routine. An extension of the Social Value Act might allow for this. Certain services might also be reserved for, or made more accessible to, smaller organisations, using EU procurement rules or the Request for

Quote model suggested by witnesses. Ultimately this might result in more successful bids by community groups, using either more responsive commissioning processes or through a revamped Right to tender for local authority services. *We recommend that the Government work with local authority commissioners of services to involve communities routinely in the design of services; consider whether certain services might be reserved for community enterprises using either a normal tendering route or a Community Right process; and rename the Right to Challenge in order to reduce the perception that it is confrontational.* (Paragraph 50)

The Community Right to Reclaim Land

17. The disposal at less than market value of taxpayer-funded assets raises wider issues than we cover in this inquiry—for example, the structure of the body owning the land after disposal and the obligations on that body in how it uses the land. In the medium term it may be that the Right to Reclaim Land needs to be reconfigured so that a community group can demand or request that the public body dispose of it as a discounted asset transfer. But for now this may be premature. Publicising and encouraging asset transfer would be a more consensual first step than moving straight to a right to demand the transfer of land at below market value. Community groups also need a clearer idea of what unused and underused land is, and of the land public bodies own. Additionally, as with the Rights to Bid and to Challenge, some follow-up work to track the fate of applications not under consideration would help the Government understand the effectiveness of this Right. *We recommend that the Government, as part of its review of Community Rights later in 2015, issue draft guidance on what constitutes unused or underused land, and consider how to improve access to information on public landholdings. It should also analyse the applications that have been made to determine what has happened to them, and why.* (Paragraph 56)

Future community engagement

18. The Government has more than two years' worth of experience to draw on as it plans the next phase of the Community Rights programme. Witnesses to our inquiry, with first-hand experience of the Rights, have provided a range of proposals on how to build on these first steps and improve people's awareness and use of the powers. Recent announcements from the Government, for example on funding member organisations and trialling new means of community engagement, suggest it is moving in the same direction. We urge it to continue on this path. *We recommend the Government seek in 2015 to improve public awareness and use of the Community Rights in the following ways. First, the focus should be on what communities want to achieve, not a prescribed route they have to take. Second, there should be further investment, similar to that which the Government has provided to the Plunkett Foundation, to enable effective community group member organisations to support local people. Third, there should be investment in community group capacity, particularly in deprived areas, with new forms of community engagement that eventually should lead to communities being able to use the existing Rights themselves.* (Paragraph 62)

19. We see a good case for improved information on the take-up of Community Rights. If the Government undertakes a strategic data-gathering exercise on how Community Rights that have seen some take-up are being used, it should be able to target its resources at certain groups and areas and start to understand the reasons why some groups have succeeded and others have not. *We recommend that the Government, as part of its review of the Community Rights later in 2015, propose that a basic level of data be retained by all local authorities on take-up of Community Rights. The Government should then periodically analyse that data, first, to understand which groups are using the Rights, why those that do ultimately succeed or fail, and how the Rights might be reformed; and, second, to target resources more effectively, in order to improve take-up of the Community Rights.* (Paragraph 65)

Formal Minutes

Tuesday 20 January 2015

Members present:

Mr Clive Betts, in the Chair

Bob Blackman
Simon Danczuk

Mrs Mary Glendon
Mark Pawsey

Draft Report (*Community Rights*) proposed by the Chair, brought up and read.

Ordered, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 65 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Sixth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report (ordered to be reported for publishing on 8 September, 13 October, 4 November, 9 December 2014 and 6 January 2015).

[Adjourned until 4.00pm on Tuesday 27 January

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at www.parliament.uk/clg.

Tuesday 4 November 2014

Question number

Janice Banks, Chief Executive, Action with Communities in Rural England (ACRE), **Dr Freddie Gick**, Chair, Civic Voice, and **Mike Perry**, Head of Development and Policy, Plunkett Foundation [Q1-38](#)

David Bowater, Senior Corporate Adviser, Wiltshire Council, **Councillor Jeremy Rowe**, Deputy Leader, Cornwall Council, and **Ross Murray**, Deputy President, Country Land and Business Association [Q39-73](#)

Tuesday 18 November 2014

Barney Mynott, Public Affairs Officer, NAVCA, **Tom Stainer**, Head of Communications, Campaign for Real Ale (CAMRA), and **Ghislaine Trehearne**, Assistant Director of Planning and Development, British Property Federation [Q74-131](#)

Nic Bliss, Chair, Confederation of Co-Operative Housing, **Jo Gooding**, National Coordinator, UK Cohousing Network, and **Jennifer Line**, Senior Researcher, Building & Social Housing Foundation [Q132-155](#)

Tuesday 2 December 2014

Tony Armstrong, Chief Executive Officer, Locality, **Seb Elsworth**, Director of Partnerships and Communication and Deputy Chief Executive Officer, Social Investment Business, and **Laird Ryan**, Co-Director, National Coalition for Independent Action [Q156-204](#)

Stephen Williams MP, Parliamentary Under-Secretary of State for Communities and Local Government, Department for Communities and Local Government [Q205-245](#)

Published written evidence

The following written evidence was received and can be viewed on the Committee's inquiry web page at www.parliament.uk/clg. CRS numbers are generated by the evidence processing system and so may not be complete.

- 1 Action with Communities in Rural England (ACRE) (CRS017)
- 2 Architectural Heritage Fund (CRS032)
- 3 Babergh and Mid Suffolk District Councils (Joint Scrutiny Committee) (CRS012)
- 4 Babergh and Mid Suffolk District Councils (Officers) (CRS013)
- 5 Bath Place Community Venture (CRS025)
- 6 Bracknell Forest Council (CRS018)
- 7 Braintree District Council (CRS009)
- 8 British Beer & Pub Association (CRS023)
- 9 British Property Federation (CRS031)
- 10 Broadland District Council (CRS001)
- 11 Building & Social Housing Foundation (CRS033)
- 12 CAMRA, the Campaign for Real Ale (CRS006)
- 13 Carnegie UK Trust (CRS020)
- 14 Civic Voice (CRS026)
- 15 Community Development Foundation (CRS015)
- 16 Confederation of Co-Operative Housing (CRS007)
- 17 Cornwall Council (CRS008)
- 18 Country Land and Business Association (CRS036)
- 19 Department for Communities and Local Government (CRS039, 46)
- 20 Historic Houses Association (CRS010)
- 21 James Paul Lusk (CRS030)
- 22 Local Trust (CRS004)
- 23 Locality (CRS040, 45)
- 24 National Coalition for Independent Action (CRS003)
- 25 NAVCA (CRS016, 27)
- 26 New Economics Foundation (CRS043)
- 27 North Norfolk District Council (CRS028)
- 28 Plunkett Foundation (CRS011)
- 29 Social Investment Business (CRS041)
- 30 The Holywell Community Pub Ltd (CRS021)
- 31 The Theatres Trust (CRS029)
- 32 UK Cohousing Network & National CLT Network (CRS019, 44)
- 33 Wiltshire Community Land Trust (CRS034)
- 34 Wiltshire Council (CRS042)
- 35 Woodland Trust (CRS024)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at www.parliament.uk/clg.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2014–15

First Report	Devolution in England: the case for local government	HC 503
Second Report	Local government Chief Officers' remuneration	HC 191 (Cm 8960)
Third Report	Child sexual exploitation in Rotherham: some issues for local government	HC 648
First Special Report	Further review of the work of the Local Government Ombudsman: Responses to the Committee's Fifth Report of Session 2013–14	HC 192
Second Special Report	Local Government Procurement: Response of the Local Government Association to the Committee's Sixth Report of Session 2013–14	HC 193
Fourth Report	Operation of the National Planning Policy Framework	HC 190
Fifth Report	Pre-appointment hearing with the Government's preferred candidate for the post of Housing Ombudsman	HC 877

Session 2013–14

First Report	The Private Rented Sector	HC 50 (Cm 8730)
Second Report	The work of the Regulation Committee of the Homes and Communities Agency	HC 310 (HC 863 & 973)
Third Report	Community Budgets	HC 163 (Cm 8794)
Fourth Report	Post-legislative scrutiny of the Greater London Authority Act 2007 and the London Assembly	HC 213 (Cm 8761)
Fifth Report	Further review of the work of the Local Government Ombudsman	HC 866
Sixth Report	Local Government Procurement	HC 712 (Cm 8888)
Seventh Report	Building Regulations certification of domestic electrical work	HC 906 (Cm 8853)
First Special Report	Committee's response to the Government's consultation on permitted development rights for homeowners: Government response to the Committee's Seventh Report of Session 2012–13	HC 173

Session 2012–13

First Report	Park Homes	HC 177-I (Cm 8424)
Second Report	European Regional Development Fund	HC 81 (Cm 8389)
Third Report	The work of the Local Government Ombudsman	HC 431 (HC 615 & HC 650)
Fourth Report	Pre-appointment hearing for the Chair of the Audit Commission	HC 553
Fifth Report	Mutual and co-operative approaches to delivering local services	HC 112 (Cm 8547 & HC 1091)
Sixth Report	Councillors on the frontline	HC 432 (Cm 8582)
Seventh Report	The Committee's response to the Government's consultation on permitted development rights for homeowners	HC 830
Eighth Report	The role of local authorities in health issues	HC 694 (Cm 8638)
Ninth Report	Implementation of welfare reform by local authorities	HC 833 (Cm 8635)

Session 2010–12

First Report	Proposed Code of recommended Practice on Local Authority Publicity	HC 666 (HC 834)
Second Report	Abolition of Regional Spatial Strategies: a planning vacuum?	HC 517 (Cm 8103)
Third Report	Localism	HC 547 (Cm 8183)
Fourth Report	Audit and inspection of local authorities	HC 763 (Cm 8209)
Fifth Report	Localisation issues in welfare reform	HC 1406 (Cm 8272)
Sixth Report	Regeneration	HC 1014 (Cm 8264)
Seventh Report	Pre-appointment hearing for the Government's preferred nominee for Chair of the Homes and Communities Agency Regulation Committee	HC 1612
Eighth Report	The National Planning Policy Framework	HC 1526 (Cm 8322)
Ninth Report	Taking forward Community Budgets	HC 1750
Tenth Report	Building regulations applying to electrical and gas installation and repairs in dwellings	HC 1851 (Cm 8369)
Eleventh Report	Financing of new housing supply	HC 1652 (Cm 8401)
First Special Report	Beyond Decent Homes: Government response to the Committee's Fourth Report of Session 2009–10	HC 746
Second Special Report	Proposed Code of Recommended Practice on Local Authority Publicity: Government Response to the Committee's First Report of Session 2009–10	HC 834
Third Special Report	FiReControl: Government response to the Committee's Fifth Report of Session 2009–10	HC 835
Fourth Special Report	Preventing violent extremism: Government response to the Committee's Sixth Report of Session 2009–10	HC 1951