



# Community right to buy

**A response by Civic Voice to DCLG's  
consultation  
April 2011**

1. Civic Voice welcomes the opportunity to inform the provisions of the Localism Bill for the new community right to buy. This is an important new provision which begins to address a significant problem where local communities feel helpless in the face of the loss or sale of valued community assets. We were pleased to support its announcement in DCLG's press notice in December 2010.
2. Civic Voice is the national charity for the civic movement. We work to make the places where everyone lives more attractive, enjoyable and distinctive and to promote civic pride. The network of hundreds of volunteer-led, community based civic societies around the country play an important role in championing community assets, running campaigns and working to find long term sustainable solutions for their future. This response is informed by their practical experience. A number of civic societies are responsible for managing and funding valued community buildings, open spaces and other assets or establishing Friends Groups and other voluntary means for doing so. Historically, the civic movement spawned the Architectural Heritage Fund and supports the building preservation trust movement which now plays such an important role in finding long term solutions for valued historic community assets.
3. We welcome the provisions to give communities rights to identify public and private assets of community value in their area and bid to take on responsibility for them if there is a proposal for them to be sold. Too many communities are losing the buildings and services that bind them together. They need these safeguards to ensure community assets don't disappear for the lack of awareness of their value and to provide civic societies and other local groups with the time and capacity needed to develop viable proposals to save them.
4. We are concerned, however, that the provisions will not be effective unless they result in a higher proportion of successful bids from communities than would currently be the case. Indeed, there is a risk that the new rights may simply raise expectations but not alter the end result and fail to stem the loss of valued assets. Our primary concern is the need to recognise the social value of assets and introduce a presumption in favour of disposal to a community with a viable proposal. Communities will also need much more support and access to capital to make a success of these new rights than currently envisaged.
5. We believe the provisions should be strengthened in the following ways:
  - ▀ Confirm that anyone with an interest in the area may nominate an asset for "listing" because of its community value – this process needs to be as open as possible

- Require local authorities to publish the policy and criteria guiding their decisions on whether to “list” assets nominated to them as being of community value – it is important that these decisions are transparently made
- Recognise the “cultural” as well as “*social, economic or environmental wellbeing or interests of the local community*” in considering whether an asset is of community value – this will clarify the value of key cultural assets such as theatres
- Recognise the potential as well as existing community value of assets when making “listing” decisions – this is essential to ensure derelict, vacant and underused buildings and land are brought to life for communities
- Make use of the provisions for regulations under section 72(2) of the Localism Bill automatically to include certain categories of land and buildings on the “list”, including common land and buildings nationally and locally listed for their historic significance – this will significantly ease the administrative costs for local authorities
- Exempt any asset in commercial use which has been “listed” for its community value from the proposed extension of permitted development rights (via amendment to the Use Classes Order) to allow its conversion to residential use without the need for a planning application – this will avoid two areas of Government policy conflicting with each other where residential conversion of a “listed” asset results in irreversible physical and economic changes in the value of the asset without recourse to any public decision
- Introduce rights of appeal against the decisions by a local authority (a) not to “list” a community asset which is in its own ownership; and (b) dispose of its own assets other than to the community – it is not appropriate for a local authority to act as judge and jury in deciding on the merits of its own assets and provision can be made to avoid vexatious appeals
- Clarify that an owner may only successfully appeal against the decision to “list” an asset as being of community value because of a factual error and may not query the judgement of the local authority in relation to its community value or level of community support
- Provide for a minimum window of opportunity of 6 months and give local authorities discretion to extend this to 12 months – a 6 month window will be too short for an effective business plan and funding to be secured in many instances and where reasonable steps are taken by the community this should be recognised
- Introduce a presumption to dispose to the local community where a viable proposal is forthcoming, backed by recognition of the “social value” of the asset in the assessment of “best consideration” – otherwise communities will go through the process only to continue to find the asset is lost to the highest bidder on

economic grounds and communities in growth areas with high property and land values will be excluded

- ☛ Change some of the key terminology – what is being offered is a “right to bid” and not a “right to buy”; and there is scope for confusion over preparing a “list” of assets of community value when the term “list” is in common parlance for already established processes for statutory “listing” and preparing “local lists” of buildings and structures of historic significance – this runs the risk of causing confusion and unhelpfully raising expectations about the strength of the safeguards offered.

6. We would also encourage a programme of support and guidance for communities to take advantage of the package of rights presented in the Localism Bill, including the right to “buy”. This needs to be constructed as a social action campaign which gives people confidence that they can make a difference and not simply provide the information they need. It should:

- ☛ Start with the reality of where people are and inspire them to identify those assets in their local area which they most value
- ☛ Provide face to face and peer to peer support at a local level and not rely on web based resources and toolkits
- ☛ Use trusted opinion formers and voluntary networks (such as Civic Voice) to communicate and inform
- ☛ Embrace the full range of statutory and other provisions which people can use to have more influence over their surroundings.

7. Communities will also need a range of practical support, including business planning, market research, consultation, negotiation, dealing with statutory consents (planning, highways, heritage etc.), project formulation, writing funding bids, project management, setting up local trusts or other management bodies, recruitment, etc. It is unclear who is to provide such support and how is it to be funded?

8. There will also need to be access to capital funding. Some established local trusts have developed sustainable business models for local assets – but they have usually had public funding support to cover capital costs to get things up and running. Most local groups will have no borrowing capacity. Capital costs include: acquisition, preparation of plans (required to gain consents), gaining of consents (required to gain funding) and project delivery costs (conversion works, fitting out, purchase of furniture and equipment etc.). Different lottery funds may fund some of the works, though not usually the acquisition. Match funding will often be required and the Regional Growth Fund excludes many community projects. It is important, therefore, for additional sources of community investment funding to be made available.