

Cold Ashby Parish Council

**A meeting will be held on Wednesday 2nd September 2020 at 7.30 p.m.
at Cold Ashby Sports Pavilion, Stanford Road**

**Councillors are summoned to attend this meeting of the Parish Council.
Members of the public and press are invited to attend**

Agenda

Present: to record the presence of Cold Parish Councillors, Officers, members of external authorities and others in official attendance at the meeting.

Interests: Members' attention is drawn to the need to disclose pecuniary interests not already registered before any relevant agenda item.

- 1. Apologies:** to receive and consider apologies for absence
- 2. Minutes:** to approve minutes of the meeting of the Council held on the 5 August 2020
- 3. Matters arising:** to note for information only any relevant matter arising from the approved minutes.
- 4. Open forum:** to receive and discuss matters raised by members of the public present at the meeting.
- 5. Accounts:** Members are asked to **approve** the attached accounts and **authorize** the payments contained in them. The balance reported at the August meeting was **£17,589.04** (£11,307.47 current and £6,281.57 investment). Details of payments and receipts and the new balance are reported in **Annex 1**, a copy of which will be e-mailed to members in advance of the meeting and available at the meeting in hard copy.
- 6. Community Right to bid:** in February 2014 the council considered its powers under the localism act in respect of any assets considered to be of community value. The item was prompted by the potential closure and sale of the Black Horse public house. The council was guided by a paper outlining the Right to Bid legislation and the same paper is presented with this agenda for ease of reference.

In 2014, the council decided to take no action. The issue has been raised again with the chairman by residents and members have had an opportunity to discuss the matter informally with the owner of the Black Horse. The council is asked to consider the following resolution, on the understanding that it can be amended at the meeting.

Resolved: the council recognises the importance of a public house for the local community but does not consider using the right to bid powers to be appropriate in this instance.

- 7. Insurance agreement between CAPC and CAPFA.** The council's insurance policy will need to be renewed from 1st October 2020. If Capfa has agreed to continue the existing joint arrangement, the council will again need to apportion the costs between the CAPC and Capfa. In 2019, Capfa was invoiced for the proportion (75%,) paid in previous years and in the absence of any other proposal the same charge will be made for the first year of the new agreement.

Resolved: to continue the joint insurance arrangements between Capfa and CAPC and to charge Capfa 75% of the total cost. The council will continue to view grant applications from Capfa as a priority during the period of the new agreement.

- 8. Village Lengthsman:** the Lengthsman was appointed last year on a continuing basis following a one-year trial. The Lengthsman has undertaken a variety of tasks at the request of the clerk or the chairman and has exceeded the £500/40-hour limit. A List of tasks is available on request. Work on the village hall is included in the tasks, although this is not strictly the council's responsibility. (No grant is awarded the VH, however.) The quality of the work has been outstanding and the flexibility and prompt response to requests has improved the service to the village. The council is asked to agree the following resolution:

Resolved: to continue the services on the lengthsman and to carry over any excess payments due from 2019-20 into 2020-21.

- 9. WHR properties:** the clerk has received a copy of land registry information which shows the land around the junction of WHR and Main Street, including the boundaries of the properties. It appears from the title deeds that no inappropriate enclosure has taken place. Members are asked if they wish the clerk to take further action, bearing in mind that no official approach has been made to the owners of any WHR/MS properties by the council.

- 10. Spanglefish website:** there is an opportunity to improve the capacity of the council's website. Current costs are around £30; new costs would be around £100. Details were emailed to members before the August meeting. More information will be presented at the meeting, if it is available.

- 11. ANPR consultation:** no objections were received for members. The clerk has responded positively on behalf of the chairman.

- 12. Verbal Reports:** from council representatives on other bodies.

- 13. Post:** to note and/or discuss items of correspondence with the Council not considered elsewhere on the agenda:



Graham Jones 27th August 2020

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Cold Ashby Parish Council

Minutes of the meeting held on Wednesday 5th August 2020 at 7.30 p.m. Sports Pavilion, Cold Ashby

Minutes

Present: All councillors and the clerk

Interests: none

1. **Apologies:** none
2. **Minutes:** minutes of the meeting of the Council held on the 3rd June 2020 were approved.
3. **Matters arising: none**
4. **Open forum:** the chairman raised the following issues on behalf of residents who had lobbied him.
 - The demolished gate on WHR – already actioned
 - Enclosed land round bungalow. Clerk to check with Land Register and report back. **(action)**
 - Information regarding the 'Black Horse' community assets register. This would be discussed formally at the September meeting. **(action)**

The chairman suspended the meeting for 15 minutes.

5. **Accounts:** Members are asked to **approved** the attached accounts for July and August and **authorized** the payments contained in them. The balance reported at the meeting was **£17,589.04** (£11,307.47 current and £6,281.57 investment). The chairman reported that he had scrutinised the bank reconciliation in his role as monitoring councillor and found the balance to be exact.
6. **Repair to Well bench.** The bench had been examined and found to be in an unrepairable condition, after thirty years of valuable service. It was **resolved:** that the chairman should source a replacement for purchase, with a suitable inscription showing the origin of the donation, up to a cost of £750. **(action)**
7. **Planning: DA/2020/0413.** Councillors noted that this extension was near completion. There were no further observations and the clerk was asked to report this to the district council **(action)**
8. **Insurance:** although the clerk, as instructed, had asked for separate quotations and these were in progress, he expressed a view based on the exchanges with the broker and past experiences that they were unlikely to result in a better outcome for the two parties. The chairman undertook to reflect this view to CAPFA. **(action)**
9. **APNR camera initiative:** members agreed that the clerk should register the council's interest in this initiative. **(action)**
10. **Cemetery charges:** the council noted that the comparative data of local cemetery charges revealed the CAPC to be low-price range for residents and moderate for non-residents. It was agreed that no further action be taken before the 2021 AGM, when further consideration would be given to the matter. The council agreed to consider setting a budget (during the annual process) which would include reserving the savings from the new streetlights in the council's deposit

account for use in purchasing new land for a cemetery extension. It was noted that the council has CPO powers for this purpose. **(action)**

11. Verbal reports no significant reports

12. Post: none.

A handwritten signature in black ink, appearing to be 'G. Jones', written in a cursive style.

Graham Jones 30th July 2020

1. The Community Right to Bid

The Community Right to Bid (Assets of Community Value in legislation) is one of a raft of new initiatives introduced in the Localism Act 2011, and comes into force when it has completed its final Parliamentary stage in Autumn 2012.

The Community Right to Bid allows communities and parish councils to nominate buildings or land for listing by the local authority as an asset of community value. An asset can be listed if its principal use furthers (or has recently furthered) their community's social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future. When a listed asset comes to be sold, a moratorium on the sale (of up to six months) may be invoked, providing local community groups with a better chance to raise finance, develop a business and to make a bid to buy the asset on the open market.

2. The Localism Act

The Localism Act 2011 includes new freedoms and flexibilities for local government. It also introduces new rights and powers for individuals and communities to take over public services, community assets and influence planning and development. This includes the Community Right to Bid. The other main new rights are Community Right to Challenge and Community Right to Build.

3. The Legislation

How the Community Right to Bid works is set out in the Localism Act and Regulations:

With the Community Right to Bid, Local Authorities must keep a 'List of Assets of Community Value'; the legislation sets out in detail the process they must enter into and what information they must include.

The legislation also outlines the definition of an asset of community value, what groups can legitimately nominate, the appeals process for land owners, timescales for groups interested in buying land or property on the list, and compensation available to the owners of land or property on the list.

4. What is an Asset of Community Value?

A building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that "social interests" include cultural, recreational and sporting interests.

The regulations list a number of situations where land or buildings are exempted from

inclusion on the list or operation of the moratorium. These include homes, hotels, assets being transferred between kindred businesses, and Church of England land holdings.

5. Who can nominate Assets of Community Value?

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).

Community organisations also have to have a local connection, which means their activities are wholly or partly concerned with the area, or with a neighbouring authority's area.

6. Decisions and appeals

If a community organisation nominates land or buildings that meet the definition of an Asset of Community Value, and the nomination process was undertaken correctly (i.e. came from a group entitled to nominate), then the Local Authority must include the asset on its list. Assets will remain on the list for at least 5 years.

If the council decides that the nomination doesn't meet the criteria, then they must write to the group who nominated the asset and provide an explanation. They must also keep a list of unsuccessful nominations for at least 5 years.

Landowners can ask local authorities to review the inclusion of an asset on the list, and this triggers an appeal to an independent body, called a First Tier Tribunal.

7. Moratorium Periods

The Community Right to Bid does not give the right of first refusal to community organisations to buy an asset that they successfully nominate for inclusion on the local authority's list. Instead, it gives time for them to put together the funding necessary to bid to buy the asset on the open market.

If an owner wants to sell property/land that is on the list, they must tell the local authority. If the nominating body is keen to develop a bid, they can then call for the local authority to trigger a moratorium period, during which time the owner cannot proceed to sell the asset.

There are two moratorium periods. Both start from the date the owner of the asset tells the local authority of their intention to sell. The first is the interim moratorium period, which is 6 weeks, during which time a community organisation can decide if they want to be considered as a potential bidder. The other is a full moratorium period, which is six months, during which a community organisation can develop a proposal and raise the money required to bid to buy the asset.

The regulations list some situations where the Moratorium will not be applied, even when it is an Asset of Community Value on the list. These exceptions include the sale of assets from one partner or another (for example in a divorce).

8. Funding

In August 2012, the government announced grant funding which community organisations can apply for in order to make use of the Community Right to Bid or Community Asset Transfer. The Social Investment Business is managing the £16 million grants programme 'Community Ownership and Management of Assets' on behalf of the Department for Communities and Local Government.

9. Glossary

- Assets of Community Value – building or land used to further the social wellbeing in particular, though not exclusively, the cultural, recreational or sporting interests of the local community
- Community organisation – parish council, charity, community group, neighbourhood forum, not-for-profit company
- Disposal of land/property – sale
- First Tier Tribunal – independent body to decide on appeals by owners against assets being listed, and against decisions on compensation
- Local connection – the connection that community organisations have with the area that the asset in question is in
- Moratorium period – periods during which a sale cannot go through, which community organisations can consider if they are a potential bidder, and if so, time to raise the money to buy
- Not-for-profit company – companies whose activities benefit the community and who reinvest surplus made from trading back into the community (often called Social Enterprises or Community Interest Companies)

Recommendation

The Council is asked to indicate whether it wishes to identify any property to nominate under the community right to buy legislation.

