



CABINET

23 January 2013

**A Meeting of the CABINET will be held on Wednesday, 30th January, 2013, 6.00 pm
in Committee Room 1 Marmion House, Lichfield Street, Tamworth**

A G E N D A

NON CONFIDENTIAL

1 Apologies for Absence

2 Corporate Update

Title: The New CRM

Presenter: Director (Transformation and Corporate Performance)

3 Minutes of the Previous Meeting (Pages 1 - 6)

4 Declarations of Interest

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

5 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules

None

**6 Localism Act 2011 (Pages 7 - 50)
(Report of the Leader)**

- 7 Write off of Irrecoverable Business Rates in Excess of £10,000** (Pages 51 - 54)
(Report of the Portfolio Holder for Core Services and Assets)
- 8 Business Rates Income Forecast** (Pages 55 - 62)
(Report of the Portfolio Holder for Core Services and Assets)
- 9 Summer and Holiday Play Schemes** (Pages 63 - 68)
(Report of the Portfolio Holder for Economic Development and Enterprise)

Restricted

NOT FOR PUBLICATION because the report could involve the disclosure of exempt information as defined in Paragraphs 1, 3 and 9 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

- 10 Cultural Quarter and Tamworth Assembly Rooms Development Update**
(Pages 69 - 80)
(Report of the Portfolio Holder for Economic Development and Enterprise)

Yours faithfully



Chief Executive

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

To Councillors: D Cook, R Pritchard, S Claymore, S Doyle, M Greatorex and J Oates



MINUTES OF A MEETING OF THE CABINET HELD ON 9th JANUARY 2013

PRESENT: Councillor D Cook (Chair), Councillors R Pritchard, S Claymore and M Greatorex

The following officers were present: Anthony E Goodwin (Chief Executive), John Wheatley (Executive Director Corporate Services), Jane Hackett (Solicitor to the Council and Monitoring Officer), Rob Barnes (Director - Housing and Health), Andrew Barratt (Director - Assets and Environment), Stefan Garner (Director of Finance), Robert Mitchell (Director - Communities, Planning and Partnerships), Tina Mustafa (Housing Operations Manager), Paul Weston (Head of Asset Management - Property Services), Tracey Yeomans (Head of Customer Services) and Natalie Missenden (Public Relations Officer)

97 ANNOUNCEMENT BY THE LEADER

The meeting commenced with a minutes silence as a mark of respect following the death of Councillor Brian Beale.

The Leader announced the resignation of Councillor Lee Bates as Cabinet Member with Portfolio for Reputation and Engagement. He thanked Councillor Bates for his contribution over the last six months and advised that the work of the Portfolio would be dealt with by the Leader and Deputy Leader in the meantime.

98 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Bates, S Doyle, and J Oates

99 CORPORATE UPDATE

The Solicitor to the Council and Monitoring Officer gave a presentation on The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

100 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28 November 2012 were approved and signed as a correct record.

(Moved by Councillor S Claymore and seconded by Councillor R Pritchard)

101 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

102 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES

The Chair of Healthier and Safer Scrutiny Committee proposed five recommendations to Cabinet following the meeting of 6 December 2012:

- (1) Ensure that support is available from Tamworth Borough Council staff for adults with learning difficulties living independently in TBC owned properties;
- (2) Keep sports / fitness course costs as low as possible, if not free;
- (3) Last year's play programme was a success, therefore, Cabinet should look to expand the programme in 2013 with low cost / free to attend events;
- (4) Explore external funding to subsidise the above recommendations, and;
- (5) Retain £15,000 in 2013 Council budget for tackling obesity.

RESOLVED:

That:

- 1 Scrutiny to bring back to Cabinet with further clarification;
- 2 Sport fitness costs will be kept as low as possible for the coming year;
- 3 Report will be presented at Cabinet in February on external development;
- 4 £35,000 has been identified in the current fiscal year for external funding and £580,000 for external groups, and;
- 5 The sum has been retained and Cabinet will feed back proposals.

The Chair of Aspire and Prosper Scrutiny Committee proposed three recommendations following the meeting of 18 December 2012:

That :

- (1) Education and Skills be allocated a portfolio within existing Cabinet Members;
- (2) Council sponsor careers fair for the whole town, and;
- (3) Establish meeting of Scrutiny Committees with representatives from forum to discuss attainment with issues of health and social issues as an additional agenda item.

- RESOLVED:** That:
- 1 Agreed that this will be done;
 - 2 Will look into this but is a major priority for the LEP, and;
 - 3 Council support an Education forum and will arrange a joint meeting with a letter from the Leader and Chief Executive to ask them to meet both Scrutiny Committees, giving corporate backing to the proposal.

103 DRAFT BUDGET & MEDIUM TERM FINANCIAL STRATEGY 2013/14

The Report of the Leader of the Council seeking approval for the draft package of budget proposals and policy changes was considered.

- RESOLVED:** That:
- 1 The draft package of budget proposals including the proposed policy changes be approved, and;
 - 2 As required by the Constitution of the Council, the Joint Scrutiny Committee (Budget) on 22 January 2013 be asked to consider the budget proposals contained within this report.
(Moved by Councillor D Cook and seconded by Councillor M Greatorex)

104 CONSULTATION RESPONSE TO PLANNING DOCUMENTS

The Report of the Portfolio Holder for Economic Development and Enterprise informing Members on the Pre-Submission Publication Draft of the North Warwickshire Core Strategy in accordance with Regulations 18, 19 and 20 of the Town and Country Planning (Local Planning) Regulations 2012 and in particular the Duty to Co-operate (Localism Act 2011) and seeking Cabinet approval of the comments to be made in response to the Birmingham Consultation. Also seeking endorsement to the comments already made in response to the North Warwickshire Core Strategy and the proposal to send a further letter to North Warwickshire in support of their Local Plan submission was considered.

- RESOLVED:** That:
- 1 Comments to be made on the Birmingham Development Plan – Options Consultation be approved, and;
 - 2 Birmingham City Council be advised of Tamworth Borough Council's desire to work with them on the further development of their plan, and;
 - 3 The comments already made on the North Warwickshire Core Strategy Consultation be endorsed and followed up with additional letter, confirming Cabinet support
(Moved by Councillor S Claymore and seconded by Councillor D Cook)

105 TAMWORTH LOCAL PLAN

The Report of the Portfolio Holder for Economic Development and Enterprise seeking approval for a revised Local Development Scheme for publication was withdrawn.

The Local Plan has been submitted for inspection and the Council are currently in early discussions with the Planning Inspector. In light of those conversations it seems likely that the timetable will be amended from what is shown in the current report. A meeting will be scheduled of the Local Development Framework working group to discuss the timetable and a revised report will follow.

106 REVIEW OF HOUSING CAPITAL PROGRAMME

The Report of the Portfolio Holder for Housing providing an updated position statement on the Housing Capital Programme and outlining details of predicted outturn, overspends, virements, re-profiling and new works identified in-year was considered.

- RESOLVED:** That:
- 1 The predicted outturn and proposed re-profiling of amounts into 2013/14 be noted, and;
 - 2 Revised project budgets be approved, and;
 - 3 New works identified in-year be approved.
- (Moved by Councillor M Greatorex and seconded by Councillor S Claymore)*

EXCLUSION OF PRESS AND PUBLIC

- RESOLVED:** That members of the press and public be now excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraphs 1 and 3, of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

107 SHELTERED HOUSING FRAMEWORK

The Report of the Portfolio Holder for Housing was considered

- RESOLVED:** That the recommendations as contained in the report be approved.

(Moved by Councillor M Greatorex and seconded by Councillor R Pritchard)

108 REVIEW OF THE SHOP MOBILITY SERVICE

The Report of the Portfolio Holder for Core Services and Assets was considered.

RESOLVED: That the recommendations as contained in the report be approved.

(Moved by Councillor R Pritchard and seconded by Councillor D Cook)

Leader

This page is intentionally left blank

DATE OF COMMITTEE
30 JANUARY 2013

REPORT OF THE LEADER

LOCALISM ACT 2011

EXEMPT INFORMATION

PURPOSE

This report seeks to inform Members of the new provisions regarding assets of community value and recommends how the new duties on this Council will be discharged.

RECOMMENDATIONS

That Cabinet:

- i) note the implications of the Assets of Community Value regulations for the Council,**
- ii) approve the arrangements for the discharge of this function as set out in this report, and**
- iii) delegate authority to the Chief Executive in consultation with the Leader of the Council to make amendments to the process as necessary.**

EXECUTIVE SUMMARY

Part 5 Chapter 3 of the Localism Act 2011 provides the statutory framework for Assets of Community Value. The Assets of Community Value regulations allow defined community groups to ask the Council to list certain assets as being of 'community value'. This is designed to give communities more opportunity to bid to buy the asset if the owner decides to sell. The Right came into force on 21 September 2012.

An asset of community value is defined as any land or buildings the use of which improves the social, economic or environmental wellbeing or interests of the local community and is likely to do so in the future. This includes (but isn't limited to) sporting, cultural and recreational interests.

Only eligible community and voluntary groups, local parish councils or local neighbourhood planning forums and charities can nominate an asset to be listed. The Council is given 8 weeks to make a decision.

If the asset meets the definition, the council must list it and inform all relevant parties, place the asset on the local land charges register and if the land is registered, apply for a restriction on the Land Register.

If the nomination is not successful then reasons must be given and no further nominations can be made for 5 years. The asset must be listed on the unsuccessful nominations list.

The owner of the asset can appeal. If the asset stays on the list then if the asset is to be sold, the owner must contact the Council. The Council must publicise that a sale is proposed

and in particular must let the nominating body know that the asset is for sale. Community interest groups then have 6 weeks to write to the Council to confirm they would like to be regarded as potential bidders for the asset. If none do so, the owner is free to sell their asset at the end of the six weeks. If a group does make a request during this 'interim' period, then the full six month moratorium (from the point the owner notifies the local authority) will operate. After the moratorium period the owner is free to sell to whomever they choose and at whatever price.

The asset owner may appeal to the Council against the listing of the asset. This must be done within 8 weeks from the date written notification was given. Basic procedural rules for the review are set out in the Regulations. The owner and/or their representative may make representations to the reviewing officer orally and/or in writing. The Council must complete their review within 8 weeks. If the owner is not satisfied with the outcome of the internal review they have the right to appeal to the First Tier Tribunal.

Private owners may claim compensation for loss and expense incurred through the asset being listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal. However the Regulations allow for claims for loss or expense arising simply as a result of the land being listed. Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The Council must consider the claim and is required to give written reasons for its decision.

An owner who is not satisfied with the Council's response to the compensation claim has 8 weeks within which to request an internal review. The Council must review their decision and notify the owner of the result with reasons within 8 weeks. An owner may appeal to the First Tier Tribunal against the Council's review decision.

Arrangements for the discharge of these duties:

1. A nomination form will be placed on the Council's website and a suggested format is attached to this report at appendix 1. The form will be returned to TBC and officers will undertake the initial compliance and land search checks.
2. The decision whether to list an asset and to publish successful and unsuccessful nominations on the Council's website be delegated to the Solicitor to the Council, the Director Assets and Environment and the Director Communities Planning and Partnerships or their nominees.
3. The Chief Executive and Executive Director Corporate Services to be given delegated powers to determine any appeals from these decisions. This complies with the requirements in the Regulations that the appeal be heard by an officer of sufficient seniority who has not been involved in the decision whether to register the asset.
4. Notification of an intention to sell an asset listed will be sent to TBC. The process to respond to this, including informing the nominating group and managing the moratorium period, be delegated to the Solicitor to the Council, the Director Assets and Environment and the Director Communities, Planning and Partnerships or their nominees.
5. The Solicitor to the Council, the Director Assets and Environment and the Director Communities, Planning and Partnerships or their nominees be given delegated powers to consider any compensation claims for loss and expense incurred through the asset being listed.
6. The Chief Executive and Executive Director Corporate Services to be given delegated authority to determine any appeals against the Council's compensation claim decision.

RESOURCE IMPLICATIONS

There may be significant additional duties for Officers, depending on the number of applications, appeals and claims for compensation. It is expected that the Council will be able to deal with these within existing resources. However, if there are a large number of applications this may need to be reconsidered. A 6 - 12 month review will be carried out and officers will report back to Cabinet if necessary.

There is the potential for significant compensation claims. Any compensation is payable by the Council up to a maximum of £20k per annum. The Government will meet the costs of compensation payments of over £20k in a financial year. The Council has received additional funds of £4873.00 in 2012, and the same level of grant in 2013 and 2014 under the Government's New Burdens fund to reflect costs associated with the new duty.

LEGAL/RISK IMPLICATIONS BACKGROUND

The Council could be liable for any legal expenses incurred in a successful appeal to the First Tier Tribunal by private owners against listing and compensation claim decisions.

Our insurers have considered the implications of this legislation on our behalf and have responded to us with the following statement:

As this appears to be a statutory duty we would expect the activity to be covered within the normal business definition of a Local Authority. However, this would only indemnify the council in respect of their legal liability ie employee accidental error or omission, negligence etc and can't see how we could provide cover for a compensation scheme.

SUSTAINABILITY IMPLICATIONS

The idea of communities being able to protect valuable community facilities is to be welcomed as these facilities contribute to the wellbeing of our communities. However, the right is a right to bid for an asset not the right to buy. The owner of the asset is under no obligation to sell to the community group.

BACKGROUND INFORMATION

Further information on eligible groups to nominate assets, categories of assets that are excluded from listing, sales exempt from the provision and enforcement can be found in the Non-Statutory Guidance document attached as appendix 2.

REPORT AUTHOR

Karen Adderley
Head of Partnerships and Commissioning
karen-adderley@tamworth.gov.uk
01827 709569

LIST OF BACKGROUND PAPERS

Localism Act 2011
Community Right to Bid – Non-statutory advice note for local authorities

APPENDICES

Appendix 1 – Nomination Form for listing as an Asset of Community Value
Appendix 2 – Community Right to Bid: Non-statutory advice note for local authorities
Appendix 3 – Nomination and Sale of Asset flow charts

ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form please refer to the guidance document which can be downloaded from the [website](#)

Section 1 About the property to be nominated

Name of property : _____
Address of property : _____

Postcode : _____
Property owner's name : _____
Address : _____

Postcode : _____ Tel: _____
Current occupiers name(s) : _____

Section 2 About your community organisation

Name of organisation : _____
Title : _____ First Name: _____
Surname : _____
Position in organisation : _____
Email address : _____
Address : _____

Postcode : _____ Tel: _____ Mobile: _____

Organisation type Constituted Community / Voluntary Group Parish Council
 Neighbourhood Forum Unconstituted Community
Group
 Industrial & Provident Society Community Interest Company
 Company Limited by Guarantee Charity

(to put an x in a box above double click and mark default value as checked)

How many members do you have (this is particularly important for un-constituted community groups)?

Please send your completed form as an email attachment to ChiefExecutivePA@tamworth.gov.uk

Section 3 Supporting information for nomination

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible?

Section 4 Boundary of property

What do you consider to be the boundary of the property? Please give as much detail/be descriptive as possible (if possible, please include a plan).

Section 5 Attachment checklist

- Copy of group constitution (if you are a constituted group)
- Name & home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)
- Any other evidence to support your application

Section 6 Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed: _____

Dated: _____



Department for
Communities and
Local Government

Community Right to Bid: Non-statutory advice note for local authorities

Part 5 Chapter 3 of the Localism Act 2011 and the Assets of
Community Regulations 2012

© Crown copyright, 2012

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.communities.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

October 2012

ISBN: 978-1-4098-3662-9

Ministerial foreword



From local pubs and shops to village halls and community centres, the past decade has seen many communities lose local amenities and buildings that are of great importance to them. As a result they find themselves bereft of the assets that can help to contribute to the development of vibrant and active communities. However on a more positive note, the past decade has also seen a significant rise in communities becoming more active and joining together to save and take over assets which are significant for them.

Part 5 Chapter 3 of the Localism Act, and the Assets of Community Value (England) Regulations, which together deliver the Community Right to Bid, aim to encourage more of this type of community-focused, locally-led action by providing an important tool to help communities looking to take over and run local assets. The scheme will give communities the opportunity to identify assets of community value and have them listed and, when they are put up for sale, more time to raise finance and prepare to bid for them.

This scheme requires an excellent understanding of the needs of the local community. As such local authorities will have a pivotal role in implementing the Community Right to Bid, working with local communities to decide on asset listing, ensuring asset owners understand the consequences of listing, enforcing the Moratorium period and in taking decisions as part of any appeals process

This advice note, which has non-statutory status, is aimed at helping local authorities to implement the scheme so that they can work with their communities to protect the buildings and amenities which are of great local significance to the places where people live and work.

A handwritten signature in black ink, appearing to read 'Don Foster', written over a horizontal line.

The Rt Hon Don Foster MP

Contents

Section 1	Introduction and scope of the advice	1
Section 2	Outline of how the scheme works	2
Section 3	List of assets of community value	7
Section 4	Who may nominate	10
Section 5	Contents of nominations	12
Section 6	Procedures when considering listing	13
Section 7	Procedure to be followed for listing review	14
Section 8	Appeal against a listing review	15
Section 9	Moratorium	16
Section 10	Compensation	18
Section 11	Internal review of compensation	20
Section 12	Enforcement	21
Annex A	Exemptions	22
Annex B	Glossary	26

Section 1

Introduction and scope of advice

- 1.1 The Localism Act (“the Act”) was enacted on 15 November 2011¹, and the Assets of Community Value provisions in Part 5 Chapter 3 were commenced for England at the same time as the Regulations made under those provisions came into force, both on 21 September 2012.
- 1.2 The status of this advice note is non-statutory and applies only to England.
- 1.3 A glossary of terms is at Annex A at the end of this guidance.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted>

Section 2

Outline of how the scheme works

- 2.1 The provisions give local groups a right to nominate a building or other land for listing by the local authority as an asset of community value. It can be listed if a principal (“non-ancillary”) use of the asset 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 is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy it on the open market.

- 2.2 The Assets of Community Value legislation places requirements on the following local authorities in England:
 - (a) a district council,
 - (b) a county council for an area for which there are no district councils,
 - (c) a London borough council,
 - (d) the Common Council of the City of London, or
 - (e) the Council of the Isles of Scilly.

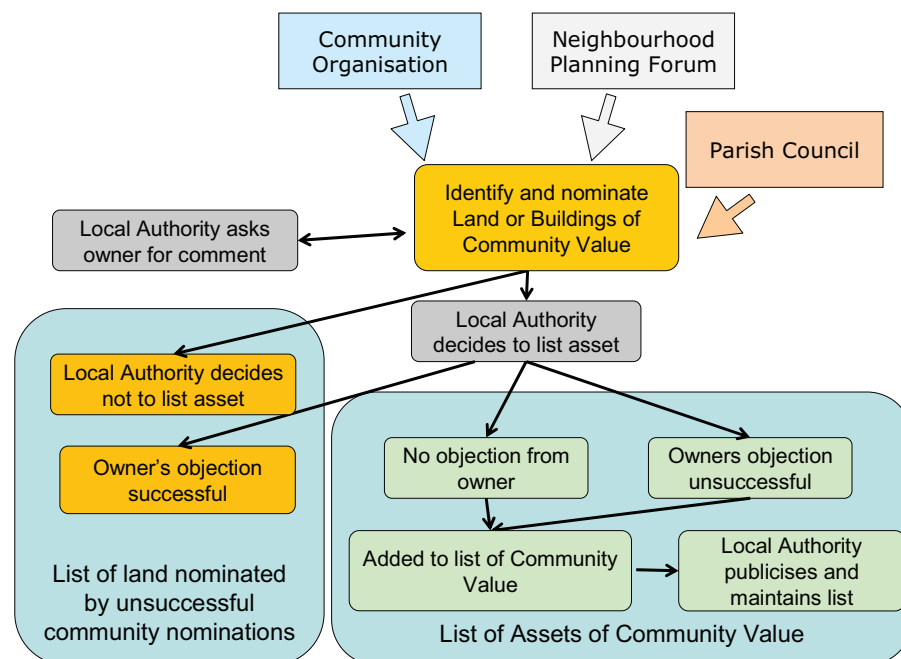
- 2.3 The scheme has two main parts: nominating and listing assets and the moratorium.

Nominating an asset

- 2.4 It is open to parishes and community organisations, including neighbourhood forums (as constituted under section 61F of the Town and Country Planning Act 1990, added to that Act by the Localism Act) to nominate local assets to their local authority, to be included on the list of assets of community value. Nominated assets may be owned by anybody, including the local authority and the Crown.

- 2.5 A neighbouring parish council can nominate an asset. Where the land is in a parish area, this means a parish which shares a border with it; or if an asset is in an unparished local authority area, so that there is no immediately adjoining parish council within the same local authority area, a parish council that borders the local authority could nominate an asset.

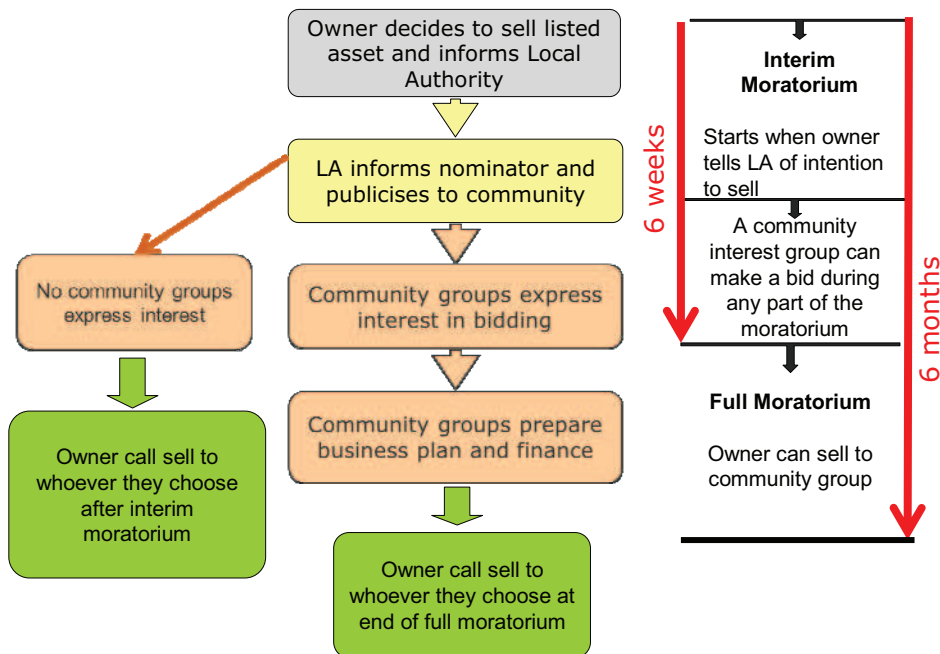
- 2.6 The local authority will then have 8 weeks to make a judgement about whether the asset meets the definition set out in section 88 of the Act or whether it falls into one of the excluded categories, including residential property, set out in Schedule 1 to the Regulations.
- 2.7 If the nominated asset is properly nominated, is in the local authority's area, meets the definition, and is not excluded, the local authority must list it and inform all specified parties (including the parish council). They must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register in Form QQ (for details see below under Enforcement).
- 2.8 If the owner objects to their property being placed on the List, they will have a right to an internal review by the council of the decision to list. The details of this process are set out below. If the owner remains in disagreement with the listing after the internal review they have a right of appeal to an independent Tribunal.
- 2.9 If the local authority do not agree that the asset nominated meets the section 88 definition, or it is in one of the excluded categories, they must place it on a list of assets nominated but not listed. If an owner is successful in their appeal against listing at internal review or Tribunal stage then the asset must also be moved to the list of unsuccessful nominations. It is for the local authority to decide how long they hold unsuccessful nominations on this list. The intention of this is to ensure transparency and to avoid multiple nomination of an asset that does not meet the definition.



Moratorium

- 2.10 Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years).
- 2.11 Unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired.
- 2.12 The first part of this window is a 6 week interim period, which will apply in all cases, from the point the owner notifies the local authority. This will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the 6 weeks.
- 2.13 If a community interest group as defined in regulation 12 of the Regulations (referring to the bodies in paragraph (1) (d) to (g) of regulation 5) does make a request during this interim period, then the full 6 month moratorium (again from the point the owner notifies the local authority) will operate. During this period the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period.
- 2.14 After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to **whomever they choose and at whatever price**, and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell). The process and lengths of the moratorium periods are contained in section 95 of the Act².

² <http://www.legislation.gov.uk/ukpga/2011/20/section/95/enacted>



2.15 Not all proposed sales have to be notified to the local authority however. A range of disposals will be exempted from the provisions. A number are set out in section 95(5) of the Act, and others are in the Regulations. The full list of exemptions is given in Annex A.

Compensation

2.16 The scheme recognises that these provisions may have some financial impact on owners and provides a compensation scheme for private property owners. This will not be available to public bodies. The local authority will be responsible for administering the compensation scheme, including assessing and determining compensation awards. Owners and former owners will have rights of review and appeal regarding the authority's compensation decisions (see Section 10).

Enforcement

2.17 The scheme provides for various mechanisms to encourage compliance by requiring local authorities to:

- Inform owners and other interested parties that an asset has been listed
- enter on the local land charges register the fact that an asset has been listed; and

- in the case of registered land, apply for a restriction on the Land register.

2.18 Additionally, to give a strong incentive to owners to comply with the scheme, non-compliant sales will be void (ineffective), meaning that the change of ownership has not taken place (regardless of whether it has erroneously been registered on the Land Register - which would have to be rectified once the fact that the sale was void was discovered). However this penalty will not apply if the owner was unaware through no fault of their own that the land was listed when it was sold.

What the provisions do not do

2.19 These provisions do **not** restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do **not** confer a right of first refusal to community interest groups (unlike the Scottish scheme).³

2.20 The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - 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 circumstances of the case.

³ <http://www.scotland.gov.uk/Topics/farmingrural/Rural/rural-land/right-to-buy/Community>

Section 3

List of assets of community value

- 3.1 In addition to the list of assets, local authorities are required to maintain a list of assets nominated unsuccessfully by community nomination. The local authority may remove land from this second list whenever it considers would be appropriate. Local authorities must publish both lists; it is up to them to decide how they publish them, but they must make them available for free inspection by any person and must provide a free copy of either to anyone who asks for it (but are not required to provide more than one free copy of each). The two lists may be combined into one document if the local authority wishes. The list of unsuccessful nominations must include reasons for the land not being listed.
- 3.2 It is up to local authorities to decide on the detailed contents and layout of the lists and when to modify them, except for the following requirements.
- 3.3 Local authorities are required to add to the list of assets, as soon as practicable:
- a) that a notification by the owner of intention to dispose of the land has been received by the local authority and the date this was received
 - b) in all cases under (a), the end dates of the interim and full moratorium periods and the protected period
 - c) where relevant, that the full moratorium has been triggered
 - d) where (c) applies, the identity of the community interest group that triggered the full moratorium
- 3.4 Local authorities are required to remove an asset from the List, as soon as practicable:
- a) after a relevant disposal (other than an exempt disposal)
 - b) when an appeal against a listing has been successful
 - c) when they form the opinion that the land or building is no longer of community value
 - d) or no later than 5 years from the date of entry on the list.

Land which may, and may not, be listed as an asset of community value

3.5 If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in section 88 of the Act. A building or other land in a local authority's area is land of community value if in the opinion of the authority —

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

(Section 88(1) Localism Act 2011)

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

3.6 There are some categories of assets that are excluded from listing. The principal one is residential property. This includes gardens, outbuildings and other associated land, including land that it is reasonable to consider as part of the land with the residence where it is separated from it only by a road, railway line, river or canal where they are in the same ownership as the associated residence. Details of this are set out in paragraphs 1 and 2 of Schedule 1 to the Regulations. "The same ownership" includes ownership by different trusts of land settled by the same settlor, as well as literally the same individual owner.

3.7 There is an exception to this general exclusion of residential property from listing. This is where an asset which could otherwise be listed contains integral residential quarters, such as accommodation as part of a pub or a caretaker's flat.

3.8 There are two further categories of assets excluded from listing:

- (a) Land licensed for use as a residential caravan site (and some types of residential caravan site which do not need a licence), in paragraph 3 of Schedule 1 to the Regulations.

(b) Operational land of statutory undertakers as defined in section 263 of the Town and Country Planning Act 1990, in paragraph 4 of Schedule 1 to the Regulations.

Section 4

Who may nominate

4.1 Local authorities cannot list land on their own initiative - it must be nominated. For a local group to be able to nominate land it will have to demonstrate that its activities are wholly or partly concerned with the local authority area where the asset sits or with a neighbouring authority (an authority which shares a boundary with the authority in which the asset is located).

4.2 The voluntary or community bodies which may make community nominations are set out below:

Parish Councils. This may be for an asset in its own area, or in the neighbouring parish council.

Neighbouring Parish Councils. If the parish council borders an unparished area, then they may nominate an asset within that neighbouring local authority.

Unincorporated groups. Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.

Neighbourhood forums. The procedure for becoming a neighbourhood forum is set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a 'neighbourhood forum'. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation, for example a forum should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the local community.

Community interest groups with a local connection. These must have one or more of the following structures:

- a) A charity
- b) A community interest company
- c) A company limited by guarantee that is non profit distributing

d) An industrial and provident society that is non-profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force)

4.3 In this context, non-profit distributing means that any surplus is not distributed to its members but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

Section 5

Contents of a nomination

- 5.1 A nomination must include the following information for the local authority to consider:
 - I. A description of the nominated land including its proposed boundaries. These boundaries do not have to be the same as ownership boundaries, for instance as shown on the Land Registry plan if the land is registered; nor is it necessary for all parts of the nominated site to be in the same ownership.
 - II. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
 - III. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
 - IV. The nominator's eligibility to make the nomination.
- 5.2 Local authorities may wish to consider having a named point of contact for community groups to send their nominations to.
- 5.3 Community nominations may be made at any time, including after an asset has been put onto the market. However no restrictions on sale arise from nomination - it is only listing which brings the statutory provisions into play.

Section 6

Procedure when considering listing

- 6.1 The local authority is required to make a decision in response to a nomination within 8 weeks of receiving the nomination.
- 6.2 The local authority must take all practicable steps to inform the following if an asset has been nominated:
- a parish council (if any) in which the land lies (or partly lies),
 - the owner as defined in section 107 of the Localism Act. This definition ensures that only one level of legal proprietary rights will qualify as ownership for the Act. In summary this is the freeholder or, if the asset is leased, the leaseholder with the lease most distant from the freehold which when granted had at least 25 years to run. So if there are a number of leases the leaseholder with a qualifying lease or sub-lease most distant from the freeholder is the owner for the purposes of these provisions.
 - all others with a legal estate, i.e. if the owner is not the freeholder then the holder of the freehold estate, and any other leaseholder apart from the owner; and
 - any lawful occupant (which could include a licensee).
- 6.3 When an asset is added to or removed from the list, the local authority must inform the owner, the occupier of the land if not the owner, and the successful community nominator of the asset. This is set out in section 91(2) of the Localism Act.⁴
- 6.4 Local authorities must also inform any freeholders and leaseholders of the asset who are not the owners, together with the parish council the land lies in (or partly lies in), that an asset has been added to, or removed from, the list. (See regulation 9 of the Regulations)
- 6.5 A local authority which is not able to give notice to any of these people in the usual way – for instance due to lack of names or addresses – can take reasonable alternative steps to bring the notice to a person's attention. This could include, for instance, a notice attached to the property. (See section 91(2) of the Act)

⁴ <http://www.legislation.gov.uk/ukpga/2011/20/section/91/enacted>

Section 7

Procedure to be followed for listing review

- 7.1 If an asset has been included on the List, an owner has the right to request the local authority to review its decision, under section 92 of the Act. The deadline for the owner to request this review is set out in paragraph 1 of Schedule 2 to the Regulations: it is 8 weeks from the date written notice of listing was given (or from the date that alternative steps were completed to bring listing to the owner's attention) or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out.
- 7.2 Basic procedural rules for the review are set out in Schedule 2 to the Regulations. It must be conducted by an officer of appropriate seniority, who did not take part in the decision to list. The owner may appoint a representative and the local authority will be required to provide all relevant documents to the representative.
- 7.3 The owner and/or their representative may make representations to the reviewer orally and/or in writing. The authority must complete their review within 8 weeks, unless a longer period has been agreed in writing.
- 7.4 The owner and authority will bear their own costs of the review.
- 7.5 If the owner is not satisfied with the outcome of the internal review they have the right to appeal to the First-Tier Tribunal against the local authority's review decision. The written response following the internal review should inform the owner of their right to an independent appeal. The owner making the appeal can be either the same owner who requested the review, or - if the property has been sold in the meantime - the new owner.

Section 8

Appeal against a listing review

- 8.1 An owner's appeal against a local authority listing review must be made to the General Regulatory Chamber of the First-Tier Tribunal. The deadline for appealing is specified in the procedural rules of that Chamber as 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact. The property will remain listed during the appeal process.
- 8.2 Owners should send the appeal in writing to the First-Tier Tribunal at:
- Tribunal Clerk,
Community Right to Bid Appeals
HM Courts & Tribunals
First-tier Tribunal (General Regulatory Chamber)
P.O. Box 9300
Leicester, LE1 8DJ
- 8.3 Owners may also send an appeal to the First-Tier Tribunal by email at: GRC.CommunityRights@hmcts.gsi.gov.uk

Section 9

Moratorium

- 9.1 The moratorium requirements, as set out in section 95 of the Act, apply only to relevant disposals. “Relevant disposal” is defined in section 96. It means a transfer of the freehold or grant or assignment of a qualifying lease which gives vacant possession of the buildings and other land in question. However they will not apply to all relevant disposals, as some types of relevant disposal are exempt. These exemptions are partly in the Act and partly in the Regulations; the full combined list is set out in Annex A below. The moratorium provisions apply only to disposals, so for example if a building listed as an asset of community value is to be demolished without being sold, the moratorium rules in section 95 do not apply.
- 9.2 An owner of a listed site may not make a relevant disposal of their asset during the 6 week interim moratorium period (unless it falls within one of the exemptions or is to a community interest group). This interim moratorium runs from the date the local authority receives notification from the owner of their intention to dispose of their listed asset
- 9.3 Once the local authority has been notified of the intent to dispose, they are required to update the list to show the owner’s intention to dispose and to give the interim and full moratorium end dates, and the end date of the protected period. The nominating community group must be informed. The local authority must also publicise all of these matters in the neighbourhood of the asset in question. It is for the local authority to determine how they do this.
- 9.4 During the interim moratorium period a community interest group may request in writing to be treated as a potential bidder for the asset; this will bring the full moratorium period into force. The community interest group does not have to provide any evidence of intention or financial resources to make such a bid. A community interest group must have one or more of the following structures:
- (a) A charity
 - (b) A community interest company
 - (c) A company limited by guarantee that is non profit distributing
 - (d) An industrial and provident society that is non profit distributing
- (these groups will be renamed as community benefit societies by the

Co-operative and Community Benefit Societies and Credit Unions Act 2010 when the relevant provisions come into force)

- 9.5 Once a local community interest group makes a written request to the local authority during the interim moratorium period to be treated as a potential bidder, the owner may not dispose of their asset during the full 6 month moratorium (except as permitted). The local authority must as soon as practicable let the owner know that this request has been received (section 98 of the Act).

- 9.6 There is one type of disposal that may be made during a moratorium. An owner may sell during the interim or full moratorium period to a local community interest group – i.e. one which either did, or would have been eligible to, trigger the full moratorium.

- 9.7 There are a number of types of disposals which are exempt from the moratorium requirements, as set out in section 95(5) of the Act and in Schedule 3 to the Regulations. The full list of exemptions is set out in Annex A.

Section 10

Compensation

- 10.1 Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.
- 10.2 The time limit for making a compensation claim is specified in Schedule 2 to the Regulations as whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed. The assumption is that most claims for compensation will arise from a moratorium period being applied; however the wording allows for claims for loss or expense arising simply as a result of the land being listed.
- 10.3 Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The burden of proving the claim falls on the owner.
- 10.4 The local authority must consider the claim and is required to give written reasons for its decision. No time limit is specified for responding to the claim. The reason for this is that it may take the authority some time to assemble all the necessary evidence; however once it has all the facts the authority should reach a decision as quickly as is practicable.
- 10.5 The compensation scheme does not extend to public authorities and bodies. These are defined as:
- Government departments, authorities and other bodies to which section 6 of the National Audit Act 1983 applies;
 - bodies which receive the majority of their funding from public sources which may be examined by the Comptroller and Auditor General under section 7 of the National Audit Act 1983; and,
 - local authorities and other public authorities and bodies that are required to be audited under section 2 of the Audit Commission Act 1998

10.6 As with other costs incurred by local authorities in meeting the requirements placed on them, we have reflected the estimated costs of compensation within the new burdens funding. The compensation elements of new burdens funding are estimated on the basis of 40 successful claims for compensation across all administering local authorities over a year.

10.7 In addition to the amount included within the new burdens assessment, the Government will meet costs of compensation payments of over £20k of compensation costs in a financial year. This could occur through a local authority paying out over £20k in one financial year either on one large claim or as a combined total on a number of smaller claims.

10.8 Local authorities can write into the department with a request for financial support providing evidence of the compensation costs incurred either in writing to:

Albert Joyce,
Community Assets Team,
5/A4 Eland House,
Bressenden Place
London
SW1E 5DU

or by email at: righttobid@communities.gsi.gov.uk

10.9 New Burdens payments will be processed and made available to all administering local authorities in England (as set in section 106 of the Localism Act) on 15 October. We will write to local authority finance officers to inform them about the payment. The department will also notify local authorities in the same way for the periods April 2013 and April 2014.

Section 11

Internal review of compensation decision

- 11.1 The Regulations provide that an owner who is not satisfied with the local authority's response to the compensation claim may request a review by the local authority of its compensation decisions. Schedule 2 to the Regulations provides that the owner must make the request within a period of 8 weeks, beginning on the date on which the local authority provides the owner with written notification of the decision. The local authority may allow longer for a review request to be made.
- 11.2 The local authority must review their decision, and notify the owner of the result within 8 weeks of receiving the request, with reasons. The procedure for the review, in Schedule 2 to the Regulations, is the same as for the local authority's review of a listing decision.

Independent Appeal

- 11.3 An owner may appeal to a Tribunal against the local authority's review decisions on compensation. As with listing appeals, the deadline for the appeal is in the Tribunal Rules – 28 days from receiving the local authority's decision on the compensation review. Only the owner – or former owner – who requested the review may appeal against the review decision (i.e. unlike with listing appeals, a new owner who bought the land following a request for a review may not appeal against the compensation review decision).
- 11.4 As with listing appeals, the current position is that the appeal will be to the General Regulatory Chamber of the First-tier Tribunal.

Section 12

Enforcement

- 12.1 The Regulations introduce a clear penalty for non compliance, and measures to minimise the chance of a disposal not being compliant with the scheme. These will be achieved partly by amendment to the Land Registration Rules 2003.
- 12.2 Local authorities are required to add that an asset has been listed to the local land charges register. This will ensure that all prospective new owners will be aware that an asset has been listed, since local land charges apply to both registered and unregistered land.
- 12.3 Local authorities are required to notify the owner that their asset has been listed and inform them of the implications. Owners are required to inform local authorities that the land has been entered on the Land Register as a result of an application for first registration, and also to inform the local authority if they have become the new owner of listed land (together with giving their name and address details) .
- 12.4 Amendments to the Land Registration Rules 2003 have been made to add further safeguards against non-compliance. Local authorities are required to apply to the Land Registry for entry of a restriction on the Land Register when they list a building or other land as an Asset of Community Value, or, if necessary, where the owner of the listed asset has changed. This restriction will be in a form of wording newly added to Schedule 4 to the Rules, as Form QQ. This is “No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011“. An owner of previously unregistered listed land, who applies to the Land Registry for first registration (or a mortgagee who applies for first registration on behalf of the owner), is required at the same time to apply for a restriction against their own title. The local authority is also required to apply to the Land Registry for cancellation of the restriction when it removes an asset from its list.
- 12.5 When a listed asset is disposed of, and a new owner applies to the Land Registry to register a change of ownership of a listed asset, they will therefore need to provide the Land Registry with a certificate from a conveyancer that the disposal (and any previous disposals if this is the first registration) did not contravene section 95(1) of the Localism Act (the moratorium requirements).

Annex A

Exemptions

With regard to the following exemptions (with the exception of the first), the local authority will usually not know that the disposal is taking place, because an owner who is confident that the transfer they contemplate will be exempt will not need to notify the authority of intention to sell under section 95(2) of the Act. In some cases an owner may not be sure whether they are going to succeed in making an exempt disposal or not – for instance if they wish to sell the land together with a business sold as a going concern – and may notify the authority as a precaution. In that situation, if they were successful in arranging an exempt disposal, they could enter into a binding contract during the moratorium period. There is no requirement in the legislation that in such circumstances the owner has to explain to the local authority that the disposal is exempt. However it would be helpful for them to do so, and authorities might want to include advice to this effect in any explanation they send to owners about how the moratorium rules work.

The full list of exemptions is as follows. The first is in a different category to the remainder, in that the moratorium rules will have been triggered by notification from the owner, but the sale will be able to take place during the moratorium. Categories (b) to (j) are in section 95(5) of the Act, and (k) to (y) are in Schedule 3 to the Regulations. Item (f) – part-listed land – is partly defined in the Act, and partly in the Regulations.

- a. disposal to a local community interest group, which can be made during a moratorium period (interim or full) – see regulation 13(1)
- b. disposals which are gifts (including transfer for no payment to trustees by way of settlement upon trusts)
- c. disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules
- d. disposal by personal representatives of the deceased owner in order to raise money for matters connected with administration of the estate
- e. disposals between family members (“family member” is defined in section 95(7) of the Act as the owner’s spouse or partner and descendants of grandparents – which includes the owner’s own parents, but not the grandparents)
- f. part-listed land – i.e. sale of a site only part of which has been listed – where it meets the requirements set out in the Regulations (see concluding paragraph for details)

- g. sale of land on which a business is carried on, together with sale of that business as a going concern (in such circumstances there would normally be payment separately for the business as a going concern, e.g. the value of equipment, stock and goodwill)
- h. disposals occasioned by somebody becoming or ceasing to be a trustee
- i. disposal by trustees in connection with the trust, as specified
- j. a disposal occasioned by a person becoming or ceasing to be a partner in a partnership
- k. transfers made in pursuance of a court order
- l. transfers (not in pursuance of a court order) as part of a separation agreement between spouses or civil partners (or ex ditto) including agreements for care of dependent children
- m. a transfer (not in pursuance of a court order) for the purposes of any enactment relating to incapacity, with "incapacity" being widely defined to include physical and mental impairment and any interference with capacity to deal with financial and property matters
- n. a disposal made in pursuance of a legally enforceable requirement that it should be made to a specific person, including disposals required under planning obligation agreements; and in the case of an option to buy, nomination right, pre-emption right or right of first refusal only if the agreement was entered into before the land was listed (and in this context it should be noted that an option etc entered into *after* the land is listed would count as a relevant disposal under section 96(4) of the Act)
- o. disposals of a description which brings them within the Crichton Down rules (where the land was acquired by compulsory purchase but is no longer needed, and the disposal is by way of return to the original owner or their descendants) – see DCLG Circular 06/04 "Compulsory Purchase and the Crichton Down Rules":
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918885.pdf>
- p. sale by a lender under a power of sale (i.e. where the land was security for a loan)
- q. disposal of land under bankruptcy or other insolvency proceedings – the wording is "insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986", which gives a very wide definition of insolvency proceedings
- r. compulsory purchase disposals (see the wide definition of "statutory compulsory purchase" in regulation 1, which includes disposals by a purchaser deemed to acquire the land compulsorily under a statutory blight notice, and also disposals by agreement where a compulsory power could be used)

- s. the grant of a agricultural tenancy to a successor on the death or retirement of the current tenant pursuant to Part 4 of the Agricultural Holdings Act 1986
- t. transfers between connected companies in a group of companies (using the definition of “group undertaking” in section 1161(5) of the Companies Act 2006, modified to restrict “undertaking” to a body corporate)
- u. disposals of part-listed land – this is the second part of the definition, the other part being in the Act – section 95(5)(e)⁵. See final paragraph below for details.
- v. disposals of closed Church of England churches under Part 6 of the Mission and Pastoral Measure 2011: the lengthy process in Part 6 of the Measure involves public consultation, and at the end of it the building will either be sold or leased for an agreed purpose, or demolished, or transferred to the Churches Conservation Trust for preservation – following which outcomes it will once more be possible to list the building and land if appropriate.
- w. disposals by any owner for the purpose of continuing health service provision on the land (in accordance with section 1(1) of the National Health Service Act 2006)
- x. a disposal of land to be held for the purpose of a school (excluding independent schools), further education institution or 16 to 19 Academy
- y. disposal of land subject to a statutory requirement regarding the making of the disposal, where that requirement could not be observed if the Assets moratorium rules were complied with.

Details regarding part-listed land and land with a residence

Similar rules apply for determining how much land constitutes land with a residence (for exclusion from listing in Schedule 1 to the Regulations) and how much land constitutes a single site for qualifying as a part-listed site (as an exempt disposal in Schedule 3 to the Regulations). In order to ensure that the same rules apply to registered and unregistered land, the approach taken has not been based on title. Instead, it is necessary to look at whether the site in question is one coherent parcel of land all owned by a single owner, so

⁵ the disposal is a part-listed disposal of a description specified in regulations made by the appropriate authority, and for this purpose “part-listed disposal” means a disposal of an estate in land –

- (1) part of which is land included in a local authority’s list of assets of community value, and
- (2) part of which is land not included in any local authority’s list of assets of community value.

that it is possible to reach one part from another without crossing land owned by somebody else. However there are two qualifications to be taken into account:

- Firstly, “a single owner” has an expanded meaning covering more than simply the same person or joint owners. It includes also trustees of different trusts of land which was settled by the same settlor – see definition of “single owner” in regulation 1.
- Secondly, where it would otherwise be reasonable to regard the land as one coherent parcel, the fact that it is crossed by a road, railway, canal or river in other ownership is to be ignored.

Annex B

Glossary

<i>Asset</i>	A building or other land
<i>The Community Right to Bid</i>	The name by which the Assets of Community Value scheme is commonly known.
<i>Land of community value</i>	Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so, and is likely to do so in the future. See section 88 of the Act.
<i>List of assets of community value</i>	A list maintained by a local authority of land in its area of community value. See section 87 of the Act.
<i>Voluntary or community body</i>	A group which can nominate land, so long as it has a local connection with the land. See regulation 5.
<i>Local connection</i>	The requirement that a group’s activities and use of any profits (where relevant) must be concerned with the local authority area or a neighbouring authority area. In the case of a parish council, the requirement is that it must share a border with the relevant area in which the asset lies. See regulation 4.
<i>Relevant disposal</i>	The transfer of the freehold, or the grant or assignment of a lease originally granted for at least 25 years, giving vacant possession to the new owner. See section 96 of the Act.

Exempt disposal

A relevant disposal for which the land owner does not have to observe section 95(1) of the Act. There are two sorts of exempt disposal:

- one where the owner does notify the local authority of intention to sell, so that the moratorium applies, but can sell during the moratorium to a community interest group;
- fully exempt disposals where the owner can simply go ahead without notifying the local authority at all. These are set out in section 95(5) of the Act and Schedule 3 to the Regulations.

Moratorium period

A period of time during which the owner of listed land cannot make a non-exempt relevant disposal, other than to a voluntary or community body. There are two moratorium periods (see section 95(6) of the Act), both running from the same start date (when the owner notifies the local authority of an intention to sell):

- the interim moratorium - 6 weeks;
- the full moratorium - 6 months.

Protected period

A period of 18 months (running from the date the owner notified the local authority of an intention to sell). Once any moratorium period has finished, the same owner can sell during the remainder of the protected period without having to comply with the section 95 requirements again.

Listing review

A review by a local authority at the request of the owner of their decision to list a building or other land as an asset of community value. See section 92 of the Act, and for procedure on the review Schedule 2 to the Regulations.

<i>Compensation review</i>	A review by a local authority at the request of the owner of their decision in response to a claim for compensation for loss or expense caused by listing their building or other land as an asset of community value. See section 99 of the Act, regulation 16, and for procedure on the review Schedule 2 to the Regulations.
<i>Conveyancer</i>	The owner of listed, or formerly listed, land will in some circumstances have to provide a certificate by a conveyancer that a disposal has not contravened section 95(1) of the Act. "Conveyancer" in this context has the meaning given in rule 217A of the Land Registration Rules 2003, including a solicitor, a barrister, and a licensed conveyancer.
<i>The Act</i>	The Localism Act 2011
<i>Community interest group</i>	<p>A group which, for land with which it has a local connection, may –</p> <ul style="list-style-type: none"> ○ ask to be treated as a potential bidder for listed land which the owner wishes to sell, thus triggering the full moratorium of 6 months ○ buy listed land during the moratorium period ○ nominate land for listing (since the requirements for a voluntary or community body include the requirements for a community interest group). <p>It must be a charity or community interest company, or a non-profit distributing industrial and provident society or company limited by guarantee.</p> <p>See sections 89 and 95, and regulations 5 and 12.</p>
<i>Nomination</i>	A request to the relevant local authority that land be entered on its list of assets of community value, containing the information specified in regulation 6. See also section 89 of the Act.

(Note that although the Act allows for a possible distinction between community nominations and other nominations, the regulations provide only for community nominations – therefore all nominations will be community nominations.)

Local authority

In England, a district council, county council for an area with no district councils, London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly. See section 106 of the Act.

Restriction on the Land Register

An entry on the register preventing dealing with the land until the requisite condition has been complied with – in this case set out in Form QQ to be added to Schedule 4 to the Land Registration Rules 2003:

No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011.

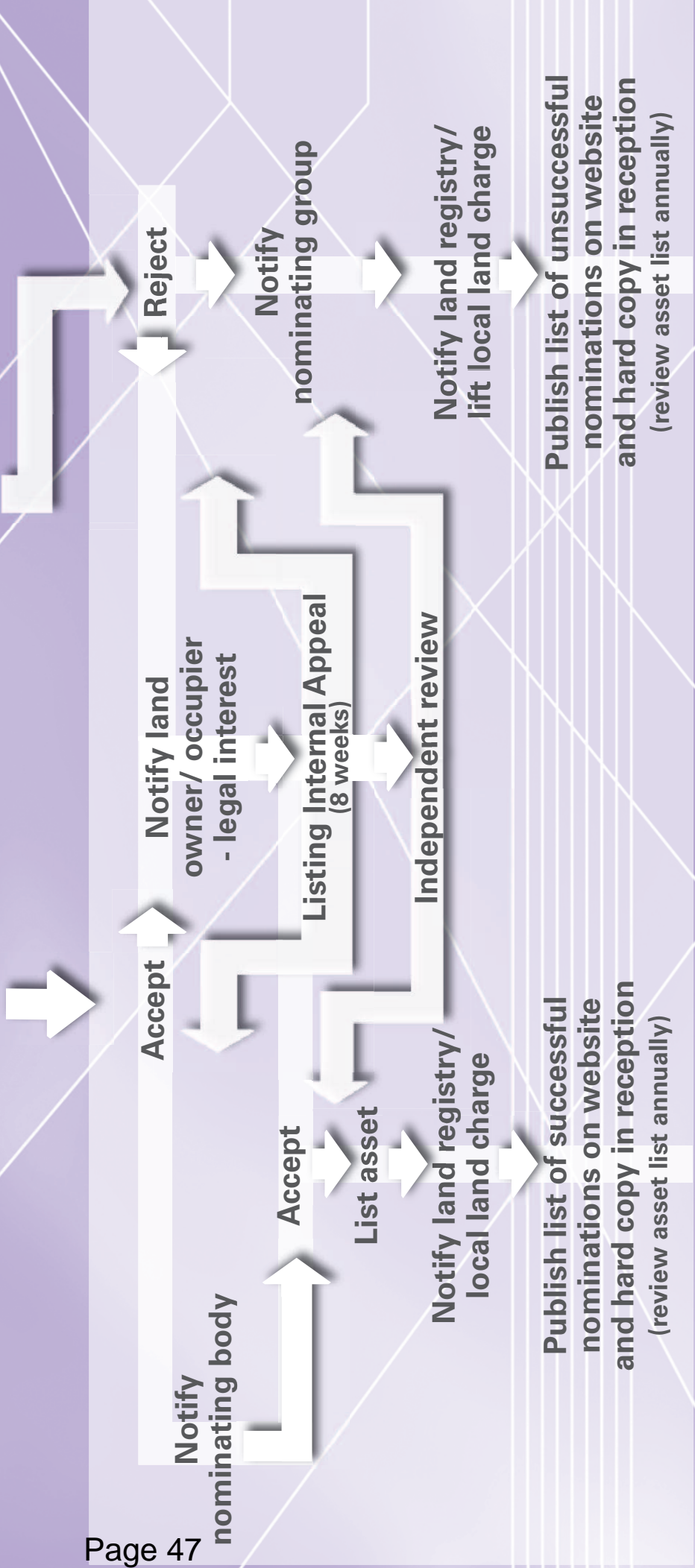
Ineffective transfer of land

A purported disposal of land which in fact does not have any effect – ownership of the land remains with the original owner.

This page is intentionally left blank

Assets of Community Value - Nomination Process

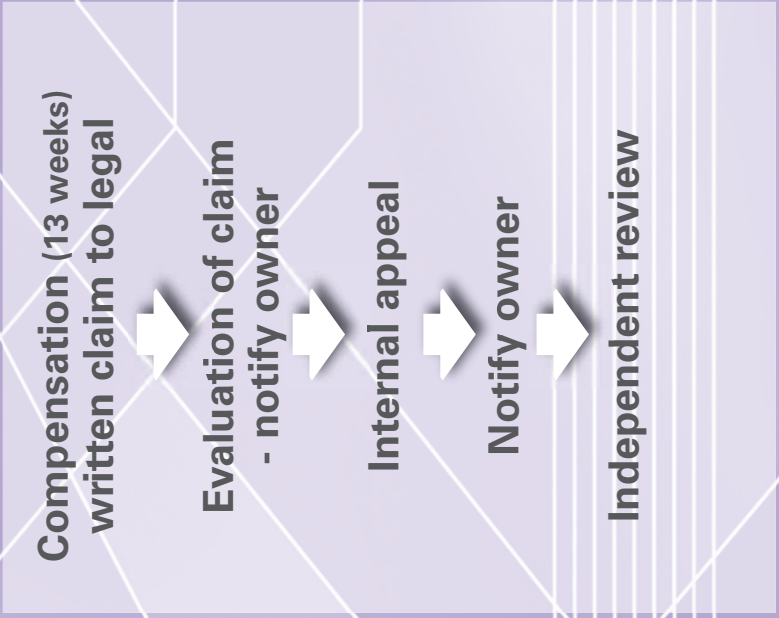
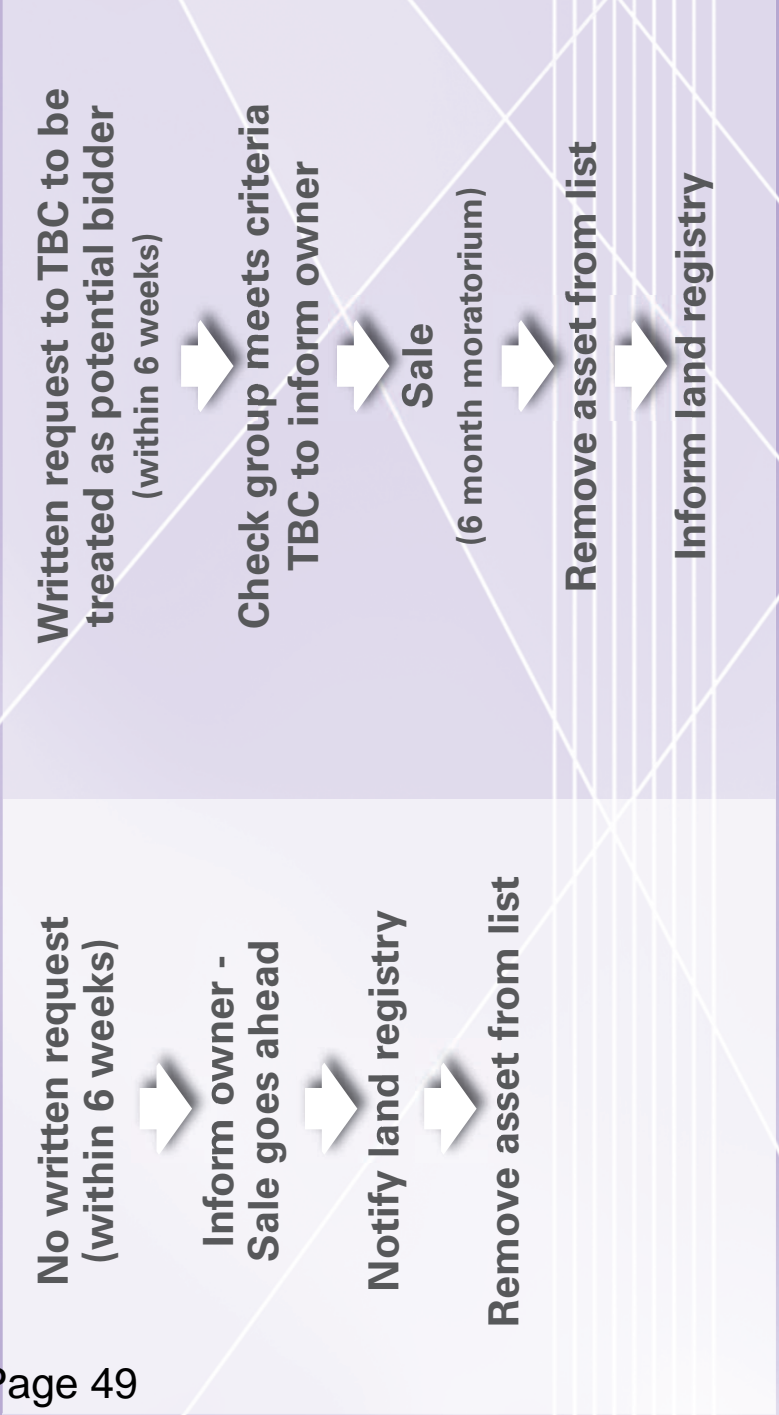
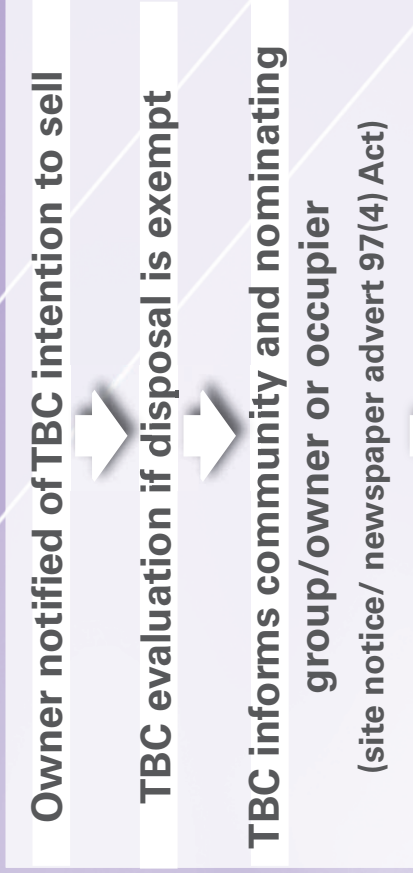
Actions to be taken



This page is intentionally left blank

Assets of Community Value - Sale of Asset

Actions to be taken



This page is intentionally left blank

REPORT OF THE PORTFOLIO HOLDER, CORE SERVICES AND ASSETS

WRITE-OFF OF IRRECOVERABLE NON-DOMESTIC RATES IN EXCESS OF £10,000

EXEMPT INFORMATION

None

PURPOSE

To seek approval to write-off irrecoverable debt for National Non-Domestic Rates.

RECOMMENDATIONS

That Cabinet approve the write off of £275,202.92 as irrecoverable debt.

EXECUTIVE SUMMARY

Under Financial Regulations, NNDR debts for write-off up to £10k are dealt with by Director of Finance or Executive Director Corporate Services. Debts for write-off greater than £10k require Cabinet authorisation and this report details such accounts. The amounts for consideration are attached in **Appendix A**.

Financial Implications :

Bad debt provision	£722,841.25
Less amount of write offs in this report	£275,202.92
Less amount written off to date under delegated powers	<u>£99,667.46</u>
Amount remaining	<u>£347,970.87</u>

RESOURCE IMPLICATIONS

The write offs detailed are subject to approval in line with the Corporate Credit Policy/Financial Regulations.

Members should note as there is a current Bad Debt Provision within the National Non Domestic Rate Pool, this will not impact on the Council's resources.

LEGAL/RISK IMPLICATIONS BACKGROUND

Not applicable.

SUSTAINABILITY IMPLICATIONS

Not applicable.

BACKGROUND INFORMATION

This forms part of the Council's Corporate Credit Policy and effective management of debt.

The Council is committed to ensuring that debt write offs are kept to a minimum by taking all reasonable steps to collect monies due. There will be situations where the debt recovery process fails to recover some or all of the debt and will need to be considered for write off in accordance with the schemes of delegation prescribed in the Corporate Credit Policy.

The Council views such cases very much as exceptions. Before writing off debt, the Council will satisfy itself that all reasonable steps have been taken to collect it and that no further recovery action is possible or practicable. It will take into account the age, size and types of debt together with any factors that it feels are relevant to the individual case.

Debt Write Off

Authorisations are needed to write off debt:

Authority	Account Value
Chief Officer (or authorised delegated officer)	up to £5,000
Executive Director Corporate Services	£5,001 - £10,000
Cabinet	over £10,000

These limits apply to each transaction.

Bad Debt Provision

The level of the provision must be reviewed jointly by the unit and Accountancy on at least a quarterly basis as part of the management performance review, and the table below gives the mandatory calculation.

Where the debt is less than 6 months old it will be written back to the service unit.

Debt Outstanding	Provision (net of VAT)
Between 6 and 12 months old	50%
Between 12 and 24 months old	75%
Over 24 months old	100%

REPORT AUTHOR

Michael Buckland, Head of Revenues tel, 01827 709523
e-mail michael-buckland@tamworth.gov.uk

LIST OF BACKGROUND PAPERS

Corporate Credit Policy - effective management of debt

APPENDICES

Appendix A gives details of write offs in respect of Revenues.

This page is intentionally left blank

30 January 2013

Report of the Portfolio Holder Corporate Services & Assets**Business Rates Income Forecast 2013/14****EXEMPT INFORMATION**

None

PURPOSE

To report to and seek endorsement from members on the Business Rates income forecast for 2013/2014 under the new Business Rates Retention Scheme.

RECOMMENDATIONS

That members endorse the Business Rates income forecast for 2013/14 and subsequent NNDR1 form for submission to DCLG by 31st January 2013.

EXECUTIVE SUMMARY

The new Business Rates Retention Scheme was introduced under the Local Government Finance Act which received Royal Assent in November 2012. It will form a significant part of the Council's core funding total with effect from 1 April 2013, and is another fundamental change to the way in which Local Authorities receive one of their main funding streams. Therefore it will have a significant impact on the Council's budget and Medium Term Financial Strategy (MTFS) going forward.

The key issues with regard to this new system are twofold and of equal relevance, the scheme:

- (a) has the potential to significantly alter the monetary value of this major source of income, and
- (b) it also transforms the Council's role in the collection process in terms of managing the local business tax base.

The Business Rates Retention Scheme is subject to five sets of regulations, which are currently still in draft form, awaiting debate and approval by Parliament. The NNDR 1 form attached has been prepared on the basis of the draft regulations.

RESOURCE IMPLICATIONS

The estimates of Business Rates income collected and the submission of the NNDR 1 return is a key stage in the budget setting and resource planning process of the Council, and has been used in preparing the Medium Term Financial Strategy 2013-14.

4 key issues in completing the forecast are:

1. the level of appeals estimated to be repayable in 2013/14;
2. the level of empty / void properties;
3. recovery levels including an allowance for bad debts;
4. the level of future mandatory and discretionary relief.

LEGAL/RISK IMPLICATIONS

Business Rates are a highly complex and volatile tax and it is exceptionally difficult to forecast movements over a short to medium term with great accuracy. Aspects which affect forecasting Business Rates are covered below:

The tax base for Business Rates is volatile and prone to significant changes. Rates income fluctuates for many reasons; the most common of which are listed below:

- Changes in liability resulting from a change in occupancy;
- Appeals against rating decisions;
- Demolitions and the point at which properties are removed from the rating list;
- New Builds and the point at which rateable occupation triggered;
- Changes in building use and alterations to building size or layout;
- Changes in entitlement to reliefs;
- Action taken by property owners/occupiers to avoid full liability and maximise relief; particularly empty property and charitable relief;
- Changes in the provision for doubtful debts.

Fluctuations in Business Rates income are also strongly linked to the performance of the wider economy. For example, in an economic downturn there is a heightened risk of properties being left empty and lower levels of development activity.

The following high level risks have been assessed:

Risk	Mitigation	Risk Factor
Appeals estimated to be repayable in 2013/14;	Past data has been reviewed and a robust estimate included and will be monitored closely during the year	High
Empty / void properties	Revenues will be working with Economic Development staff to maximise occupancy and rates payable	Medium / High
Recovery levels including an allowance for bad debts	Additional resources have been approved – as well as close monitoring and additional recovery actions (court, bailiffs etc.)	Medium / High
Future mandatory and discretionary relief	A review of the current policy is planned for 2013/14 – reflecting the economic climate	Medium

The Government in setting baseline figures for Tamworth Borough Council has made allowances for the above in their estimates based on past collection levels adjusted for allowances for future changes – should collection levels locally fall below these assumed levels then there will be a detrimental impact on the Councils income and the associated medium term financial strategy.

SUSTAINABILITY IMPLICATIONS

- The localism agenda and its implications.
- The ability to support local businesses.
- Discretionary Rate Relief policy and the budgetary implications for the Council.

BACKGROUND INFORMATION

On 17 July 2012 the Department for Communities and Local Government (DCLG) published the paper "Business Rates Retention – Technical Consultation." The consultation period ended on 24 September 2012. This document proposed the introduction of a new scheme in relation to Business Rates (currently known as National Non Domestic Rates – NNDR)

Within the current system the Council is the Billing Authority and simply acts as a collection agency. Business Rate bills are issued and the income generated is paid, in its entirety, to Central Government and the national pool. It is then redistributed across the whole public sector as core funding. The vehicle for this allocation and redistribution is the Local Government Finance Settlement and Revenue Support Grant (RSG) using a complex formulae methodology. This clearly results in the income being received by Councils having no relationship to what is actually happening with regard to their local business and commercial tax base.

The proposed regime has been brought into legislation as part of the recent Local Government Finance Act and is applicable with effect from 1 April 2013. Subject to the approval of draft regulations.

BUSINESS RATES RETENTION – RATIONALE FOR CHANGE

As above, the current NNDR system involves the billing authority collecting all Business Rates. The total amount collected is handed over to Central Government and put into the national treasury pot for distribution across the whole public sector. It could be claimed that this provides no benefits or rewards for growing the area's business tax base which may in turn land the Council with additional costs in respect of providing additional services to new companies.

The DCLG have set out that the purpose of the new scheme is to give Councils more freedom and flexibilities with stronger incentives to increase new business in its area. It is intended that the scheme rewards Councils by allowing them to keep, and benefit from, increased rates collection by retaining the additional income resulting from tax base growth.

The above rationale presents the overall principles on which the change has been introduced. The practical application and the detailed system to be introduced is, however, more complex and has a number of adjustments along its course. These adjustments place restrictions and limits on the financial swings, both upwards and downwards, that such a fundamental change in policy can bring about for individual organisations.

BUSINESS RATES RETENTION – HOW THE NEW SCHEME WORKS

The new system is set out below to illustrate the stages of calculating the revised level of income the Council can expect in a two tier County.

1. As in the current system the Council bills businesses for the Business Rate income due within the local area.
2. 50% of the whole amount due is paid over to Central Government to be incorporated into the Revenue Support Grant (RSG) funding regime.
3. The remaining 50% retained by the Council is then split 80%/18%/2% with the 80% share being retained by the Council, 18% going to the County Council and the 2% being the Fire Authority's share.
4. From here on in, a mechanism of adjustments are applied to:
 - (a) protect the Councils who are disproportionately financially worse off, and
 - (b) reduce the income of Councils who are significantly better off as a result of this fundamental change in methodology.

5. The cash value of the Council's share is compared to an amount that Central Government has pre-determined is required by the Council.
6. If the Council's retained amount exceeds this predetermined level the excess has to be paid over to Central Government in the form of a **Tariff**.
7. Conversely if the amount is less, the Council will receive a **Top Up** payment.
8. From immediate effect the predetermined level of income contains an assumed level of growth in year one. If the Council grows its tax base in excess of this assumed level and receives a greater amount of income, a **levy** will be placed on the additional income gained. This, in effect, places a cash limit on the amount the Council is able to benefit from as a result of tax base growth.
9. If the Council, however, suffers a loss of income due to large scale business decline there is a level of loss that triggers a **safety net** payment. For the Council this limit is c. £153k – any losses above this limit would be subject to payment in accordance with the pooling governance arrangements.
10. The Council is a member of the Greater Birmingham and Solihull LEP pool and as such will avoid a levy payment to DCLG (as the pool is a net Top Up) and also no safety net payment will be payable.
11. Central Government will use the current Business Rates data submission forms returned by Councils to administrate the system. Namely, NNDR1 (forward looking and forecasting income to be collected and movements in tax base) and NNDR3 (year-end backward looking return of actual income due and collected, audited by the external auditor.)

The above stages have been simplistically listed in comparison to the detailed technical mechanics of the new process. This hopefully provides some perspective to the complexities and new variables of the regime and thereby gives a flavour of the degree of risk the Council's MTFS will be exposed to.

The role, and therefore profile of NNDR1, has now become increasingly more important as the Council needs to submit a forecasted level of growth or decline in Business Rate income. This will invariably impact directly on the amount of income retained to fund the Council's total budget. Robust arrangements have been put in place to monitor Business Rate income going forward.

NNDR1 RETURN

Although an NNDR 1 return has been made on an annual basis, approved by the Section 151 officer, under the new regulations, Cabinet is required to formally approve the expected Business Rates income for the forthcoming year. The deadline for approval is 31 January 2013.

The Business Rates income is the net rate income yield for 2013/2014. This is calculated as follows:

Gross Rates Yield:

Total Rateable Value x NNDR rate multiplier

Less:

Mandatory Reliefs

Discretionary Reliefs

Estimated losses on Collection

Allowance for cost of collection(as set by formula)

Add:

Enterprise Zones

New Development Deals

Renewable Energy Schemes

Plus or Minus Rate Retention Adjustments for

Change in rateable value due to growth or reduction in property numbers.

Adjustments due to appeals

Net Business Rate yield and base of the calculation of central and local shares

This information is all collated on the NNDR 1 form (**APPENDIX A**).

The net yield from Business Rates for 2013/14 per NNDR 1 return is **£30,476,522**.

After the submission of the NNDR 1, the calculation for the allocation of net Business Rate yield is completed. The allocation is in the proportion of:

50% to Central Government

40% to the Local Billing Authority Tamworth Borough Council

10% to the other Precepting bodies (9% to Staffordshire County council and 1% to Staffordshire Fire Authority).

The estimated net yield of **£12,199,806** retained by Tamworth Borough Council is held within the Collection Fund. This is reduced by the tariff payable of £10,156,300 – which results in a net estimated position in line with the Governments assessment of c. £2m

REPORT AUTHOR

Michael Buckland, Head of Revenues tel, 01827 709523

e-mail michael-buckland@tamworth.gov.uk

LIST OF BACKGROUND PAPERS

Local Government Finance Act 1988

Local Government Finance Act 2003

Local Government Finance Act 2012

The Non-Domestic(Rates Retention) Regulations 2013

Department for Communities and Local Government – National Non-Domestic Rates Return 1 (NNDR1 2013-14)

APPENDICES

Appendix A - National Non-Domestic Rates Return (NNDR1 2013-14)

This page is intentionally left blank



**NATIONAL NON-DOMESTIC RATES RETURN 1
NNDR1 2013-14**

Please e-mail to : nndr.statistics@communities.gsi.gov.uk

Please enter your details after checking that you have selected the correct authority name.

Please check the figures shown in the cells with a blue border and enter your own figures if you disagree with those suggested.

**A provisional version of the form should be returned to the Department for Communities and Local Government by
Monday 7 January 2013**

The final version of this form, including a signed copy, must also be sent to the Department for Communities and Local Government by
Thursday 31 January 2013

Select your local authority's name from this list:

- Swale
- Swindon
- Tameside
- Tamworth
- Tandridge
- Taunton Deane

Check that this is your authority : **Tamworth**
 Check that this is your E Code : **E3439**
 Local authority contact name : **Michael Buckland**
 Telephone number of local authority contact : **01827 709523**
 Fax number for local authority contact : **01827 709546**
 E-mail address of local authority contact : michael-buckland@tamworth.gov.uk

Ver 1.3

1. Number of hereditaments on the rating list on 30 September 2012	1,925
	£
2. Aggregate rateable value on the rating list on 30 September 2012	78,769,206
GROSS CALCULATED RATE YIELD	£
3. Enter line 2 x small business non-domestic rating multiplier (0.462)	36,391,373.17
MANDATORY RELIEFS	
Small business rate relief	£
4. Additional yield generated to finance the small business rate relief scheme	637,106.72
5. Cost of small business rate relief for properties within billing authority area	970,185.53
6. Net cost of the small business rate relief (Line 5 minus Line 4)	333,078.81
7. Cost of relief to charities	1,017,918.84
8. Cost of relief to Community Amateur Sports Clubs	31,595.40
9. Cost of relief for rural general stores, post offices, public houses, petrol filling stations and food shops	0.00
10. Cost of relief for partly occupied premises	65,312.48
11. Cost of relief for empty premises	2,498,612.69
12. Total mandatory reliefs (Sum of lines 6 to 11)	3,946,518.22
DISCRETIONARY RELIEFS	
13. Cost of relief to charities	20,219.51
14. Cost of relief to non-profit making bodies	4,149.75
15. Cost of relief to Community Amateur Sports Clubs	2,774.82
16. Cost of relief for rural general stores, post offices, public houses, petrol filling stations and food shops	0.00
17. Cost of relief to other rural businesses	0.00
18. Other Section 47 reliefs (Localism Act discounts)	0.00
19. Total discretionary reliefs (Sum of lines 13 to 18)	27,144.08
20. Gross Rate Yield after reliefs (Line 3 minus lines 12 & 19)	32,417,710.87
21. Estimate of 'losses in collection'	391,399.94
22. Allowance for Cost of Collection	92,458.31
23. Special Authority Deductions - City of London Offset	0.00

NATIONAL NON-DOMESTIC RATES RETURN 1 2013-14		Tamworth
Ver 1.3		
Section 2		
Enterprise Zones		
24. Estimated level of discount to be awarded in 2013-14		£ 0.00
25. Estimated value of non-domestic rates in the Enterprise Zone area in 2013-14	0.00	
26. Enterprise Zone baseline	0.00	
27. Total estimated value of business rates to be retained in 2013-14 (Line 25 minus line 26)		0.00
New Development Deals		
28. Estimated value of non-domestic rates in the New Development Deals area in 2013-14	0.00	
29. New Development Deals baseline	0.00	
30. Total estimated value of business rates to be retained in 2013-14 (Line 28 minus line 29)		0.00
Renewable Energy Schemes		
31. Total estimated value of business rates to be retained in 2013-14		0.00
32. Net Rate Yield excluding transitional arrangements and rate retention (Line 20 minus the sum of lines 21 to 23, 27, 30 & 31)		31,933,852.62
Rate retention adjustments		
33. Estimate of the change in rateable value between 1 October 2012 and 30 September 2013		155,100.00
34. Estimate of the change in receipts as a result in the change in rateable value (line 33 times the multiplier)		71,656.20
This equates to a percentage change of	%	0.20
35. Local authority's estimate of adjustment due to appeals		1,505,993.07
36. Net Rate Yield excluding transitional arrangements but after rate retention adjustments (Line 32 plus lines 34 and minus line 35)		30,499,516.00
Section 3		
Transitional arrangements		
37. Addition revenue received because reduction in rates have been deferred	57.72	
38. Revenue foregone because increase in rates have been deferred	23,051.81	
39. Net cost of transitional arrangements (Line 38 minus line 37)		22,994.09
40. Net Rate Yield after transitional arrangements and rate retention (Line 36 minus line 39)		30,476,522.00

NNDR Summary for : Tamworth	
These figures show the percentage shares of the NNDR you estimate your authority will collect in 2013-14. They are based on line 36. See the <i>Tier Split</i> tab for full information	
Amount of NNDR to be paid to central government	£ 15,249,758.00
Amount to be retained by Tamworth under the rates retention scheme	12,199,806.00
Amount to be passed to Staffordshire	2,744,956.00
Amount to be passed to Staffordshire Fire Authority	304,995.00

Certificate of Chief Financial Officer

I certify that the entries in lines 3, 12, 19, 20, 36, 39 and 40 of this form are the best I can make on the information available to me and that the figures given in lines 1 and 2 used in the calculating the amount shown in lines 36 and 40 are, to the best of my knowledge and belief those shown in the rating list for my authority as at 30 September 2012, subject to any order made before 15 January 2013 under the Local Government Act 1972 implementing boundary changes. I also certify that the authority has made proper arrangements for securing efficiency and effectiveness in relation to the collection of non-domestic rates. I also certify to the best of my knowledge and belief that any amount included as legal costs in line 22 and discretionary relief in line 24 meet the conditions set out in the Non-Domestic Rating (Rates Retention) Regulations 2013.

Chief Financial Officer :

Date :

30/1/2013

REPORT OF THE PORTFOLIO HOLDER FOR ECONOMIC DEVELOPMENT AND ENTERPRISE**SUMMER AND HOLIDAY PLAY SCHEMES****EXEMPT INFORMATION**

None

PURPOSE

To seek member's endorsement for proposals to revise the delivery method for summer and holiday play/activity schemes.

RECOMMENDATIONS

- 1. That members endorse the revised delivery method for summer and holiday play and activity schemes from April 2013.**
- 2. That the Director of Communities Planning and Partnerships and Portfolio holder for Economic Delivery and Enterprise are authorised to develop a detailed activity programme for 2013.**

EXECUTIVE SUMMARY

Tamworth Borough Council took over the running of summer play schemes (PlaySpace) from the Local Police in 1996 and has run successful schemes throughout the Borough using school sites ever since. Over time the number of schools available to use as venues has declined and the pupil take up rate has also shown a steady reduction over the years. The main factors for reduction in venues are; that the Education Authority or school often plans work in school holidays preventing access and that the cost of opening school premises has escalated. There has also been an increase in the supply of alternative provision from private sector and education/child care providers (including schools) who are able to offer attractive packages in the form of opening hours and after schools services

In 2010 following changes to Ofsted's full day care regulations the Community Leisure Service reviewed the summer provision taking into account the new regulations. A decision was taken to move from day care to a package that offered physical activities and play mainly in the form of instructed sport (PlaySport). Although the activities offered were a success it was still evident that the facilities available and equipment that could be utilised were not suitable for the future provision of holiday activities offered by Tamworth Borough Councils.

In 2012 the provision of Summer play schemes was reviewed again and stronger links made with the services objectives on club development and participation in sport and healthy lifestyles. The review took into account the quality required, the cost, the facilities, the target number of participants and the possible re-alignment of budgets to ensure that provision could be expanded across the calendar year helping to increase physical activity and tackle rising obesity levels among the young people. This was informed by the Health and Wellbeing Scrutiny recommendations to promote cheap and accessible physical activities to

help reduce obesity.

The Community Leisure Service re-designed the delivery of the service taking these factors into consideration and moved away from the traditional school venues. The new delivery method was also inspired by the 2012 Olympics to introduce users to new exciting activities that not only captivated the children but were held in professional venues and consisted of sessions lead by qualified coaches enabling quality delivery.

The review also considered the impact on the market and availability of provision. Having mapped the provision of holiday schemes across the Borough it was evident that there was a generous supply of alternative providers that covered extended hours and all age categories.

Agreements with sporting clubs and exercise providers were drafted to provide sessions at their venues and using their staff. These agreements enabled the delivery of a scheme across the whole six weeks of the summer holiday at a lower cost. The scheme was a tremendous success for all involved and attendance vastly increased. The clubs delivery was of a high standard and the hire charges paid to them helped clubs to provide new equipment and contribute towards the employment of coaches. The amount of options for customers was increased (see the attached programme) in comparison to previous years and helped Tamworth Borough Council to engage with hard to reach families and individuals who would not normally engage with the traditional summer schemes. Attendance at the activities increased by 120% in 2012 compared to 2011. In addition to this clubs reported a greater take up level in their memberships helping to provide continuous physical activity and establishing exit routes building on the 2012 Olympic legacy.

Should the new method of delivery be approved the Community Leisure Service will commence the provision of activity with partnerships agreements across the calendar year. This can be achieved utilising current budgets.

The cost of providing the Summer provision in 2012 was lower than the costs in 2011 and the proposal is to use that saving to create a package of activity that will be provided during all school holiday periods rather than just the summer break. It will also be used to increase the frequency and offer of adult activity sessions throughout the year and to enhance disability sport by working with the newly formed " Disability in Sport " forum. This additional quality provision can be delivered using the existing budgets. An example of the increased activity on offer shown in weekly provision is listed below;

2010 - Actual (plus previous years)

Playschemes – 4 weeks Delivery
Special Needs - 2 weeks Delivery

2011 - Actual

Playsport 4 weeks Delivery
Special Needs 2 weeks delivery

2012- Actual

Summer Activities 6 weeks delivery
Special Needs 2 weeks provision

2013- Forecast

Summer activities - 6 weeks provision
Special Needs - 2 weeks provision
Additional holiday - 4 weeks provision
Additional Adult Activity – 4 weeks (throughout the year)

Members should note that the current arrangements for the delivery of the Special Needs Summer Holiday Scheme will be unaffected by the new arrangements and will continue to be delivered by Two Rivers School financed by Tamworth Borough Council and Staffordshire County Council.

The suggested new method of delivery for play/activity schemes if approved will contribute to the Healthy Tamworth agenda to the health and wellbeing of the community. It will allow resources to be targeted into tackling Tamworth's current obesity levels and sedentary lifestyles with children and adults as recommended by Tamworth Borough Council Healthier and Safer Scrutiny Committee.

It is also worth noting that the changes will not affect other current services offered by the Leisure team (Mobile leisure / gym referrals / club work etc) as these methods have proven to be influential in relation to physical activity and in reducing ASB levels across the Borough. Utilising these methods has enabled Tamworth Borough Council to obtain one of the biggest improvements in activity levels within Staffordshire (Sport England Activity Survey) and it is vital that this direction be maintained helping to address issues across the Borough.

RESOURCE IMPLICATIONS

Staffing implications

There will be no additional staffing requirements.

Budgets

2013	Budget	Proposed Spend
PlaySport and Special Need budgets		
	£27 200	£27 200
Suggested Spend		
Holiday /Main stream provision (all year)		£18 200
Additional disability sporting activity (all year)		£ 2 000
Routine Special Needs Two Rivers Schools		£ 7 000
Total		£27 200

LEGAL/RISK IMPLICATIONS BACKGROUND

All risks associated with commissioning delivery through clubs and coaches will be governed by the Community Leisure Service standard operating procedures

SUSTAINABILITY IMPLICATIONS

There are no sustainability issues arising from this report/.

BACKGROUND INFORMATION

N /a

REPORT AUTHOR

Neil Mason

LIST OF BACKGROUND PAPERS

APPENDICES

1. Summer Activities example



Activity	Age range	Venue and contact booking details	What you will need	Date & Time	Cost
Week 1: 23 July - 27 July	Gymnastics 30 places per day	Tamworth Olympic Gymnastic Club		23 - 27 July 10am - 12noon	£1.00 per day
	Free Flume & Inflatable Swim Sessions 20 Free places per day	SnowDome Collect Free Tickets from Dave Owen Community Cycles, Castle Grounds Activity Centre. *First Come First Served		Monday - Friday 10am - 1pm	Free
	Athletics 30 places per day	Tamworth Town Stadium, Marlborough Way, Tamworth. Contact: Dave Williams: 01827 875991		Wed 25 - Fri 27 July 10am - 3pm	£10.00 for 3 days
	Mini Skate Park	Please phone for details Skate Park Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Monday 10am - 2pm	Free
	Crazy Golf	Please phone for details Crazy Golf Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Tuesday 10am - 2pm	Free
	Zumbatomic 30 places per session	5+ Torc Campus, Silver Link Road Contact Karen Moss: 01827 709316		Every Thursday 2pm - 3pm	£1 per session

Activity	Age range	Venue and contact booking details	What you will need	Date & Time	Cost
Week 2: 30 July - 3 August	Tamworth Community Tennis Camp 24 places per day	8+ Tennis Courts, Castle Pleasure Grounds Contact Jonathan Lawton: 07790212133		Monday - Friday 10.30am - 12.30pm	£5.00 per week
	Free Flume & Inflatable Swim Sessions 20 Free places per day	5*-16 (*Under 8's must be supervised by an adult) SnowDome Collect Free Tickets from Dave Owen Community Cycles, Castle Grounds Activity Centre. *First Come First Served		Monday - Friday 10am-1pm	Free
	Mini Skate Park	Please phone for details Skate Park Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Monday 10am-2pm	Free
	Crazy Golf	Please phone for details Crazy Golf Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Tuesday 10am-2pm	
	Zumbatomic 30 places per session	5+ Torc Campus, Silver Link Road Contact Karen Moss: 01827 709316		Every Thursday 2pm-3pm	Free

Activity	Age range	Venue and contact booking details	What you will need	Date & Time	Cost
Week 3: 6 - 10 August	Boxing 30 places per day	5+ Tamworth Boxing Club, 39 Sandy Way, Amington Ind. Est. Tamworth B77 4DS Contact Alan Keast: 01827 314111		Monday - Friday Under 10s 10-11am 10-13s 11.30-12.30pm 14+ 1pm-2pm	£1 per session
	Free Flume & Inflatable Swim Sessions 20 Free places per day	5*-16 (*Under 8's must be supervised by an adult) SnowDome Collect Free Tickets from Dave Owen Community Cycles, Castle Grounds Activity Centre. *First Come First Served		Monday - Friday 10am-1pm	Free
	Mini Skate Park	Please phone for details Skate Park Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Monday 10am-2pm	Free
	Crazy Golf	Please phone for details Crazy Golf Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Tuesday 10am-2pm	Free
	Zumbatomic 30 places per session	5+ Torc Campus, Silver Link Road Contact Karen Moss: 01827 709316		Every Thursday 2pm-3pm	£1 per session

Activity	Age range	Venue and contact booking details	What you will need	Date & Time	Cost
Week 4: 13 - 17 August	Boxing 30 places per day	5+ Tamworth Boxing Club, 39 Sandy Way, Amington Ind. Est. Tamworth B77 4DS Contact Alan Keast: 01827 314111		Monday - Friday Under 10s 10-11am 10-13s 11.30-12.30pm 14+ 1pm-2pm	£1 per session
	Free Flume & Inflatable Swim Sessions 20 Free places per day	5*-16 (*Under 8's must be supervised by an adult) SnowDome Collect Free Tickets from Dave Owen Community Cycles, Castle Grounds Activity Centre. *First Come First Served		Monday - Friday 10am-1pm	Free
	Mini Skate Park	Please phone for details Skate Park Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Monday 10am-2pm	Free
	Crazy Golf	Please phone for details Crazy Golf Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Tuesday 10am-2pm	Free
	Zumbatomic 30 places per session	5+ Torc Campus, Silver Link Road Contact Karen Moss: 01827 709316		Every Thursday 2pm-3pm	£1 per session
	Tamworth Borough Council Football Camp	8-12 William MacGregor Primary School, Glascoate Road, B77 2AF. Contact James Hazlehurst: 01827 709387		Monday - Friday 10am - 2pm	£5 per week
	Street Dance Workshop 30 places per day	8+ Tamworth Assembly Rooms, Corporation Street Contact James Hazlehurst: 01827 709387		Monday - Friday 10am - 12noon	£5 per week

Activity	Age range	Venue and contact booking details	What you will need	Date & Time	Cost
Week 5: 20 - 24 August	Tamworth Community Tennis Camp	8+ Tennis Courts, Castle Pleasure Grounds Contact Jonathan Lawton: 07790212133		Monday - Friday 10.30am - 12.30pm	£5.00 per week
	Free Flume & Inflatable Swim Sessions 20 Free places per day	5*-16 (*Under 8's must be supervised by an adult) SnowDome Collect Free Tickets from Dave Owen Community Cycles, Castle Grounds Activity Centre. *First Come First Served		Monday - Friday 10am-1pm	Free
	Mini Skate Park	Please phone for details Skate Park Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Monday 10am-2pm	Free
	Crazy Golf	Please phone for details Crazy Golf Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Tuesday 10am-2pm	Free
	Zumbatomic 30 places per session	5+ Torc Campus, Silver Link Road Contact Karen Moss: 01827 709316		Every Thursday 2pm-3pm	£1 per session
	Stand-up paddle boarding	8+ Castle Grounds Activity Centre Contact: chris.kenyon@centralsup.com 07767 844319 or scott.warren@centralsup.com 07852 930063		Wednesday 22 10am-4pm	Free

Activity	Age range	Venue and contact booking details	What you will need	Date & Time	Cost
Week 6: 27 - 31 August	Athletics	8+ Tamworth Town Stadium, Marlborough Way, Tamworth. Contact: Dave Williams: 01827 875991		Tuesday - Thursday 10am - 3pm	£10.00 for 3 days
	Free Flume & Inflatable Swim Sessions 20 Free places per day	5*-16 (*Under 8's must be supervised by an adult) SnowDome Collect Free Tickets from Dave Owen Community Cycles, Castle Grounds Activity Centre. *First Come First Served		Monday - Friday 10am-1pm	Free
	Mini Skate Park	Please phone for details Skate Park Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Monday 10am-2pm	Free
	Crazy Golf	Please phone for details Crazy Golf Castle Grounds Contact Dave Owen Community Cycles: 07896504141		Every Tuesday 10am-2pm	Free
	Zumbatomic 30 places per session	5+ Torc Campus, Silver Link Road Contact Karen Moss: 01827 709316		Every Thursday 2pm-3pm	£1 per session

N.B. Details were correct at time of printing but are subject to change.





Tamworth Borough Council

23 July - 31 August 2012

Summer holiday sporting activities for kids aged 5+

active physicheme 2012



active tamworth

athletics

Do you want become the next Usain Bolt? Ever thought you could step up to the challenge? Then now is your chance! Tamworth Athletics Club is holding sports sessions from 25 -27 July and 29 -31 August. These days will be packed full of fun, exhilarating events exploring all aspects of track and field, there will be an event for everyone so why not get involved and discover your talent.

We all recognise that this year is a huge year for British Sport, as we are hosting the 2012 Olympic Games In London. This is your chance to get involved and share your passion for sport!

boxing

Boxing teaches children discipline, self-control, improves their concentration and promotes social inclusion. Like many physical activities is also boosts fitness level, keep kids active, boosts self-esteem and improves confidence levels. Children are also taught not to use it outside of the classroom and the importance of respecting others.

Tamworth Amateur Boxing Club was recently voted ABA Club of the year and its skilled instructors will be opening their doors to the youngsters of Tamworth this Summer. So why not take this opportunity, give it a go and be taught by the best.

football

Do you dream of scoring goals like Wayne Rooney, passing like David Beckham or saving penalties like Joe Hart? If the answer is yes come along to Tamworth Borough Council's Junior Football Camp this summer. Not only do you have the opportunity of learning more about the game and sharpening those skills, the Football Camp is also a great way to make new friends. All Football camps are run by FA qualified coaches who have all relevant qualifications including CRB clearance, Emergency First Aid and Safeguarding Children certificates.

gymnastics

Tamworth Gymnastics Club have provided Gymnastics Coaching for thousands of children during their 30 year history. This summer they will be running a Gymnastics camp for children aged 5-13 who are looking to develop their Gymnastics skills or maybe try the sport for the first time.



Zumbatomic

Zumbatomic® classes are high-energy fitness parties that offer real results. Packed with specially choreographed routines and the latest music, like hip-hop, reggaeton and cumbia, Zumbatomic classes increase focus, self-confidence, boost metabolism and improve coordination.

Our mobile junior skatepark has ramps and grind rails and is perfect to learn the basics of Skateboarding. Sessions will run in the Activity Centre and are free to attend. Please note all users must wear a helmet. If you do not own one they can be hired from Dave Owen Community Cycles for a fee of 50p.

mini skate park session



flume and inflatable fun sessions

Fun for children in the main, junior and toddler pools at Tamworth SnowDome. These sessions are full of float-inflatables as well as the flume. Tamworth Borough Council have 20 free passes to give away to these sessions every day during the six weeks holidays (Monday - Friday). Free passes are to be collected, on a first come first serve basis from Dave Owen Community Cycles located at the Activity Centre in the Castle grounds.

crazy golf



Tamworth Borough Councils drop in sessions

street dance

Street Dance has become the most popular dance form in the world and here is your chance to enjoy a workshop led by professional Street Dance instructors. Our Street Dance workshop encourages individuality, originality, and personal style. Participants will learn the latest street dance moves and techniques such as free styling, breaking, waving, popping, and locking from our top street dancers, and discover how this dance forms roots can be traced back to the USA and Africa. Places are limited and are a first come first serve basis. Don't delay and book today!

stand up paddle boarding

Stand-up paddle boarding, also know as SUP or SUPing, has become increasingly popular in recent years and more people can be found out on the waters enjoying this upward trending sport. Whether it's at the beach, on a lake, or up a river, stand-up paddle boards are showing up almost everywhere and the types of people that are taking up the sport are just as varied. Ever wondered how hard it would be to get started in the exciting world of stand-up paddle boarding? Not hard at all, so dive in, start paddling and give it a go for FREE on 22 August at Central SUP's Open Day.



tennis

Tamworth Borough Council will be running two exciting weeks of Children's Tennis Coaching this summer based at the courts within Tamworth Pleasure Grounds.

Tennis is a fantastic sport, which can be played and enjoyed for a lifetime. The physical and psychological benefits for children, particularly those who start playing at an early age are immense; and once conquered, they can take this multi-faceted skill wherever they go.

booking

Details of how to book and locations of classes are in the table overleaf

- key to symbols: swimming kit
- packed lunch
- suitable footwear
- suitable sports kit
- plenty to drink

N.B. Children are required to bring any relevant medication.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank