



Community Right to Buy

Consultation response form

We are seeking your views on the following questions on the Government's proposals to introduce a Community Right to Buy – Assets of Community Value.¹ **If possible, we would be grateful if you could please respond by email.**

Please email: crtbuy@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post. Please write to:

Community Right to Buy Consultation Team
Department for Communities and Local Government
5/A3 Eland House
Bressenden Place
London SW1E 5DU

The deadline for submissions is 5pm on Tuesday 3 May 2011.

(a) About you

(i) Your details

Name:	PETER COWLEY
Position:	PRINCIPAL SOLICITOR
Name of organisation (if applicable):	SEFTON MBC
Address:	TOWN HALL, LORD ST. SOUTHPORT PRS IDA
Email:	peter.cowley@sefton.gov.uk
Telephone number:	0151-934-2250

¹ DCLG (2011) Proposals to introduce a Community Right to Buy – Assets of Community Value: Consultation paper.
see: www.communities.gov.uk/corporate/publications/consultations

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response	<input checked="" type="checkbox"/>
Personal views	<input type="checkbox"/>

(iii) Please tick the *one* box which best describes you or your organisation:

Voluntary sector or charitable organisation	<input type="checkbox"/>
Local authority (i.e. district, London borough, county council)	<input checked="" type="checkbox"/>
Parish council	<input type="checkbox"/>
Business	<input type="checkbox"/>
Landowner	<input type="checkbox"/>
Land conveyancer	<input type="checkbox"/>
Other public body (please state)	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>

(iv) Do your views or experiences mainly relate to a particular type of geographical location?

City	<input type="checkbox"/>
London	<input type="checkbox"/>
Urban	<input checked="" type="checkbox"/>
Suburban	<input type="checkbox"/>
Rural	<input type="checkbox"/>
Other (please comment)	<input type="checkbox"/>

(vi) Would you be happy for us to contact you again in relation to this consultation?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

(b) Consultation questions

Section 3 – Definition of Asset of Community Value

Q1. Do you agree that the regulations should give local authorities the power to decide what constitutes an asset of community value based on a broad definition of 'local community benefit' and a list of excluded assets?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If No, why not?

REGULATIONS SHOULD SPECIFY WHAT CONSTITUTES AN ASSET OF COMMUNITY VALUE IN ORDER TO PROVIDE CLARITY AND CONSISTENCY

Q2. If yes, (a) do you agree with the factors listed above that the local authority should take into consideration when deciding whether a piece of land or building is an asset of community value?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Further comments:

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(b) Should these be set out in regulations?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Further comments:

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Q3. We envisage that the definition of 'land of community value' would not include a piece of land or a building which the nominator suggests has a potential use as opposed to former or current use – do you agree?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q4. Are there other areas that you believe should be explored further to strengthen the Community Right to Buy?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

MEANS BY WHICH ASSETS MAY BE PROTECTED FROM DEMOLITION
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Q5. Do you agree that all residential property should be excluded from being listed as an asset of community value, except where the accommodation is tied to the asset of community value or is integral to the working of the asset?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q6. Are there other types of land or buildings that should be excluded from being listed as assets of community value?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If yes, what?

VILLAGE GREENS AND COMMONS AS THESE ARE OTHERWISE PROTECTED

Section 4 – Ways in which assets may be nominated and listed

Q7. Do you agree that the nomination process should be open to any group or individual and that they should have a 'local connection'?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If No, why not?

SHOULD BE A GROUP WITH A LOCAL CONNECTION

Q8. How else could an individual or group be defined as having a 'local connection'?

IN REGULATIONS

Q9. Are there other process(es) by which an asset of community value should be listed?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, what?

Section 5 – Information to be included in community nominations

Q10. Should (a) the regulations specify the minimum information that should be included in a community nomination?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Further comments:

(b) Or should this be left to the local authority's discretion?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Further comments:

Q11. If you think the regulations should specify the contents of a community nomination, is there other information that should be included?

No

Section 6 – The procedure for listing assets

Q12. Do you agree that owners should be informed before the local authority makes a decision whether to list the asset or not?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

Q13. Should the local authority be required to follow any other procedures when deciding whether to list an asset?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, what?

Section 7 – Notification about inclusion and removal of a listed asset

Q14. Is there anyone else (other than the owner, occupier and nominator) the local authority should inform of inclusion or removal of a community asset from the list?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If Yes, who?

PARISH COUNCIL AND AREA COMMITTEE

Q15. Is there other information (other than that listed in paragraph 7.3) that should be included in the notification of inclusion of an asset on the list?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, what?

Q16. Do you agree that an asset should be removed from the list of assets of community value once the local authority knows that it has been sold as a result of a relevant disposal?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If No, why not?

IT REMAINS AN ASSET OF COMMUNITY VALUE

Q17. Should local authorities be able to remove an asset from the list if it is no longer considered to be of community value?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Further comments:

Q18. Is there other information that should be included in the notification of removal of an asset from the list of assets of community value?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, what?

Q19. Are there other ways (in addition to those listed in paragraph 7.11) in which an unknown landowner, or an owner whose current address is not known, might be contacted and notified that their land has been included on or removed from the list of assets of community value?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, what?

Section 8 – Content and publication of the list of assets of community value and the list of land nominated by unsuccessful community nominations

Q20(a). Do you agree that local authorities should decide the most appropriate ways to publicise the lists and bring them to the attention of the community and other interested parties, beyond what is set out in the Bill?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

(b) If not, what further requirements should be set out in regulations?

WAYS TO PUBLICISE SHOULD BE SET OUT IN REGULATIONS INCLUDING POSTING ON WEBSITE, NOTIFICATION TO PARISH COUNCILS & AREA COMMITTEES

Section 9 – Right of appeal for landowners

Q21. Do you agree with the suggested period (28 days) for requesting an internal review?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

Q22. Is there any other information (in addition to what is listed in paragraph 9.3) the owner should provide?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, what?

Q23. Do you agree with the proposed timescale of 6 weeks for the local authority to complete the internal review?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

Q24. Do you agree that the review should normally be undertaken by an officer in the local authority who is equal in rank to or more senior than the officer who took the decision to list the asset and who was not involved in the original decision-making?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

Q25. Do you think that the landowner should be entitled to an oral hearing as part of the internal review?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, in what circumstances?

Q26. Should anything else be included in the internal review process?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, what?

Q27. Should formal provision be made for landowners to appeal to a court or tribunal if they are dissatisfied with the outcome of the local authority's internal review?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Further comments:

TO TRIBUNAL EG. LANDS TRIBUNAL

Section 10 – Length of the windows of opportunity and protected period

Q28. Do you agree with the proposed length of the interim period (6 weeks)?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

Q29. Are there any other kinds of groups that should be allowed to make a request to be treated as a potential buyer during the interim window of opportunity period, thereby triggering the full period?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, who?

Q30. Do you prefer option (a) 3 months; or option (b) 6 months; or option (c) other?

3 months	<input checked="" type="checkbox"/>
6 months	<input type="checkbox"/>
Other	<input type="checkbox"/>

If 'other', how long should the full window of opportunity be?

Q31. Do you agree with the proposed length of the protected period (18 months)?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If No, why not?

SHOULD BE LONGER EG. 3 YEARS

Section 11 – Exempt disposals and permitted sales within the full window of opportunity

Q32. To what extent should we allow for cases of partial occupation (as set out in paragraph 11.3)?

Comment:

ALLOW FULLY.

Q33. Are there other disposals (in addition to those listed in paragraph 11.4) that should be exempt?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, what?

Q34. Are there other circumstances (in addition to those in paragraph 11.6) under which sales should be permitted within the window of opportunity?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If Yes, what?

Q35. Do you agree with the list of groups in paragraph 11.7 that could be eligible to purchase an asset during the window of opportunity?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

Section 12 – Compensation for landowners

Q36. Do you agree with the proposal in paragraphs 12.3 and 12.4 (that compensation should be based on costs incurred as a result of the procedural requirements of the scheme)?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

SHOULD BE BASED ON REASONABLE COSTS

Q37. Do you agree that compensation claims should be considered and paid for by the local authority?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If No, why not?

SHOULD BE CENTRALLY FUNDED

Q38(a). Do you agree that only private landowners should be entitled to claim compensation?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If No, why not?

PUBLIC BODIES SHOULD BE ABLE TO CLAIM ALSO.

(b) What do you think the definition of 'private landowner' should be?

SHOULD NOT BE RESTRICTED TO PRIVATE LANDOWNERS

Q39. Do you agree with the proposed time limit of 90 days for making a compensation claim?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If No, how long do you think the time limit should be?

60 DAYS

Q40. Do you agree with the proposal in paragraph 12.8?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q41. Do you agree with the proposal in paragraph 12.10?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q42(a). Should landowners be entitled to appeal against a local authority's decision about compensation?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

(b) If Yes, on what basis?

WHERE AUTHORITY HAS ACTED UNREASONABLY
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Section 13 – Enforcement of the regulations

Q43. Do you agree that an enforcement regime is required?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If Yes:

Q44. Do you have any comments on the process of enforcement?

WILL BE COSTLY AND UNWIELDY

Q45. Are there alternative approaches to enforcement that you would propose?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

THROUGH USE OF REGISTRATION OF LOCAL LAND CHARGES

Section 14 – Support and Guidance

Q46. What support would be most helpful?

FINANCIAL SUPPORT TO FUND ADDITIONAL ADMINISTRATION

(c) Additional questions

Do you have any other comments you wish to make?

THE ADDITIONAL ADMINISTRATION WILL PLACE A CONSIDERABLE BURDEN ON ALREADY-STRETCHED LOCAL AUTHORITY RESOURCES.

END