

**COMMUNITY RIGHT TO BID - OLNEY YOUTH CENTRE**

Responsible Cabinet Member: Councillor Gifford (Cabinet Member for Place)

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**Executive Summary:**

The Olney Youth Centre, East Street, Olney MK46 4DH, has been nominated by Olney Town Council as an asset of Community Value under the Localism Act 2011, sometimes called The Community Right to Bid. When such nominations are received, The Council must decide whether to add the property to the list of such assets which it maintains.

**1. Recommendation(s)**

1.1 That the nomination to list Olney Youth Centre as an Asset of Community Value be accepted.

**2. Background**

2.1 Olney Youth Centre (Property and Land) is in the Olney area of Milton Keynes. It has operated as a youth centre for many years and is currently owned by Milton Keynes Council.

2.2 If the nomination is approved, the Council will add Olney Youth Centre to the 'assets of community value' list and respond to Olney Town Council within 8 weeks of accepting the application and publish details. Once listed the Council will make entries in the local land charges register maintained by the Council, and also at the Land Registry.

2.3 The framework under which Milton Keynes Council manages the Community Right to Bid process was adopted by the Council on 26 February 2013.

**3. Issues**

Nomination for Listing for an Asset of Community Value (ACV)

3.1 The nomination to list the property as an ACV was received from Olney Town Council on 28 December 2016 and after several revisions finally accepted as valid by Milton Keynes Council on 31 January 2017 (**Annex A**).

Requirements of Listing

3.2 The Community Right to Bid was introduced by the Localism Act 2011. The criteria that must be satisfied in order for land or property to be listed as an ACV are set out at section 88.

- 3.3 In the current circumstances, as the property and associated land is currently in use, the relevant provision of the Act is section 88(1) which provides that land is capable of being of community value if, in the Council's opinion, the following requirements are satisfied:
- (a) An actual current use of the building or other land (which is not 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.

- 3.4 In their nomination, Olney Town Council writes that:

*"[The Youth Centre has a long history and has been in operation for at least 50 years. Records show that its governing constitution was adopted on 22 May 1967, and registered with the Charity Commission on 17 May 1979...used regularly by diverse list of community groups throughout the year, including...Woodlands Children's Centre...many of the groups utilise the outdoor grounds when appropriate weather permits.]"*

The full statement by Olney Town Council can be read in **Annex A**.

- 3.5 Any continued or future 'social interest' use of the property should be realistic.

- 3.6 In summary, the decision taker is required in this case to have regard to the following factors in deciding whether the property should be listed as an asset of community value – namely, whether an actual current use that is not ancillary use furthers the social wellbeing or social interests of the local community and it is realistic to think this can continue. Olney Town Council would like to see this building remain in public use for community and social benefit into the future.

#### Stakeholder Engagement and Representations

- 3.7 An engagement exercise was carried out with key stakeholders within the locality including Ward Councillors and town councillors as well as Council officers in Planning, Legal and Property services. No feedback affecting the admissibility of the nomination has been received as a result.

#### The Effects of Listing

- 3.8 An owner of a property which has been listed as an asset of community value is required to notify the local authority if they intend to sell or otherwise dispose of it. There then follows an 'interim moratorium period' of six weeks during which community or voluntary groups are able to express an interest in acquiring the property. If an expression of interest is received, a further six month moratorium period is triggered to allow interested groups to prepare and submit a bid for the property.

3.9 It should be noted that a successful application to list a property as an asset of community value does not confer any preferential status on any potential bidder, and does not compel the owner to sell to any particular bidder, or to sell at all.

3.10 The full decision making process concerning listing is summarised in the attached flow charts in **Annex B**.

#### 4. **Options**

(a) To refuse to list Olney Youth Centre as an ACV

This is not a viable option as Olney Youth Centre appears to meet the criteria to be listed as an ACV and Milton Keynes Council has a statutory duty to maintain the list of ACVs in its area.

(b) To list Olney Youth Centre as an ACV.

The Council consider the Property should be listed as an ACV on the basis of the nomination, as the actual current use furthers the social wellbeing or interests of the local community and will continue to do so. The requirements of section 88 (1) of the Act are therefore satisfied.

***This is the preferred option.***

#### 5. **Implications**

5.1 Policy

There are no policy implications resulting from this decision.

5.2 Resources and Risk

The Community Right to Bid process is currently managed within existing resources.

The owner of listed land can in certain circumstances claim compensation for the effects of it being listed. As the owner of the land subject to this application is Milton Keynes Council it is highly unlikely that such a claim would arise.

N	Capital	Y	Revenue	N	Accommodation
N	IT	Y	Medium Term Plan	Y	Asset Management

5.3 Carbon and Energy Management

Not applicable.

#### 5.4 Legal

The Community Right to Bid legislation is set out in the Localism Act 2011 and associated regulations.

The Council of the Parish of Olney is known as Olney Town Council (Local Government Act 1972). The nominating body is therefore a 'voluntary or community body' within the meaning of s5(1) Localism Act 2011.

The current owner of The Olney Youth Centre is Milton Keynes Council. This presents a potential conflict of interest for the decision maker as the Council is required to adjudicate on an application concerning its own property asset. For this reason it is recommended that the decision maker should not be the same Cabinet Member within whose portfolio the management of the property falls. Responsibility for Property and Facilities falls within the Cabinet Portfolio for Resources and Innovation. The decision maker in this instance is the Portfolio holder for Place.

#### 5.5 Other Implications

There are no other significant implications resulting from this decision.

N	Equalities/Diversity	Y	Sustainability	Y	Human Rights
N	E-Government	Y	Stakeholders	N	Crime and Disorder

Background Papers: Delegated Decision - 26 February 2013: Community Right to Bid

[Delegated Decisions - 26 February 2013](#)

**Annex A** Nomination Form (including Boundary Plan)

**Annex B** Flow Charts for Decision Process for Olney Youth Centre