

# **Assets of Community Value**

## ***Community Right to Bid***

**Localism Act 2011**

<b>Current Document Status</b>			
<b>Version</b>	<b>0.3</b>	<b>Approving body</b>	<b>Full Council</b>
<b>Date</b>	<b>November 2012</b>	<b>Date of formal approval</b>	<b>22 January 2013</b>
<b>Responsible officer</b>	<b>John Groves</b>	<b>Review date</b>	<b>December 2013</b>
<b>Location</b>	Intranet and Website		

#### **VERSION HISTORY**

<b>Date</b>	<b>Version</b>	<b>Author/Editor</b>	<b>Comments</b>
3 January 2012	0.3	Jessica Hall and Clinton Boyce	Approved by Full Council on 22 January 2013  Executive recommendation to Full Council on 9 January 2013

#### **Equality Impact Assessment Record**

<b>Date</b>	<b>Type of assessment conducted</b>	<b>Stage/level completed (where applicable)</b>	<b>Summary of actions taken decisions made</b>	<b>Completed by</b>	<b>Impact Assessment review date</b>
	(Initial)	Initial	(NFA)	Jessica Hall	December 2012
<b>Responsible officer</b>	John Groves	<b>Review date</b>	December 2013		

#### **Corporate Quality Assessment Record**

<b>Date</b>	3 January 2012
<b>Completed by</b>	Penny Mell

#### **Document retention**

<b>Document retention period</b>	Permanent
----------------------------------	-----------

#### **Protective Marking**

	Not protectively marked
--	-------------------------



## **Introduction**

The Localism Act 2011 provides for a scheme called 'assets of community value'. The scheme is in two parts: the Nomination and Listing of an asset and the Community Right to Bid.

The local planning authority is required to maintain a list of assets of community value. These assets can be nominated by community groups and Parish Councils to Copeland Borough Council and if the nomination is accepted by the Council it will be placed on the list. The group will be given time to bid for the asset if it is ever put up for sale in the 5 year period it is listed as an Asset of Community Value. This part of the scheme is known as **Community Right to Bid**.

Local communities have the right to nominate any land or property in their area which promotes the social wellbeing or social interests of the community to local authorities to include on the list of community assets. The asset can be in public ownership (local authority or Crown) or private ownership. Only local communities can nominate assets to be on the list.

*The Council will hold and maintain the List of Assets of Community Value. It will also hold a List of Assets Nominated but not Listed.*

## **PART 1 – Nomination**

### **Who can nominate an asset to the List of Assets of Community Value?**

The following groups can nominate an asset for inclusion on the list:

- Parish Councils – for an asset in its own area or in the neighbouring Parish Council.
- Neighbouring Parish Councils – if the Parish Council borders an unparished area they may nominate an asset in that neighbouring local authority.
- Unincorporated Groups – with a membership of at least 21 local people who appear on the electoral roll in the local authority or neighbouring local authority. For example groups which have formed to save an asset but which has not yet reached a charitable or corporate status.
- Neighbourhood Forums – The Localism Act 2011 added a procedure for becoming a Neighbourhood Forum into Section 61F of the Town and Country Planning Act 1990. Existing community groups, civic societies and other bodies can put themselves forward to be a neighbourhood forum. Prospective neighbourhood forums need to meet legislative conditions such as an open membership policy which draws members from across the neighbourhood and different sections of the local

community.

- Community Interest Groups with a local connection and one or more of the following structures:
  - A Charity
  - A community interest company
  - A company limited by guarantee that is non-profit distributing (any surplus is wholly or partly applied to the local authority area where the asset is based and not distributed to its members)
  - An industrial and provident society that is non-profit distributing (any surplus is wholly or partly applied to the local authority area where the asset is based and not distributed to its members)

### **What may be listed as an asset of community value?**

A nomination must be assessed to determine if the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act.

A building or piece of land is of community value if in the opinion of the authority:

- If an actual current use (not an ancillary use) of the building or land furthers the social wellbeing or social interests of the local community
- If it is realistic to think that there can continue to be non ancillary use of the building or other land which will further the social wellbeing or interests of the local community during the next five years.

The definition of an asset of community value is wide. It is recognised that this creates a range of possible assets which can be considered as suitable for nomination. The implementation of the assets of community value will be monitored closely as it is considered that as it proceeds, the definitions and categories of affected assets will develop further.

### **What may not be listed as an asset of community value?**

The following cannot be listed as assets of community value:

- Residential property cannot be listed unless it is a building which contains integral residential quarters. For example accommodation as part of a pub or caretakers flat.
- Land licensed for use as a residential caravan site.
- Operational land of statutory undertakers.

## How to Nominate an Asset of Community Value

Eligible groups can submit a nomination bid at any time in writing, using our [corporate template](#).

### What must a nomination include?

Before it can be considered by the local planning authority, the nominators you must include the following information (*Please note that the Council is unable to incur any costs to support this part of the nomination process. For example, cost of land charges etc.*):

- Your eligibility to nominate an asset as outlined at section 2. **Please tell us what type of organisation is making the nomination and its local connection. Please note we may request evidence of this.**
- A description of the nominated land including its proposed boundaries. (These boundaries do not have to be the same as the ownership boundaries nor is it necessary for all parts of the nominated site to be in the same ownership). **Please tell us the address of the property and the extent of the site in question.**
- Any information about the freeholders, leaseholders and current occupants of the land or property. **If it is not a Copeland Borough Council owned asset, please tell us who the owner is and provide us with the details of any current occupants.**
- The reasons for nominating the asset and why it meets the definition in the Localism Act. **Please tell us why you feel the asset is of community value, how it furthers the social wellbeing or social interests of the community and how it will continue to do so in the next 5 years.**

On receipt of a nomination bid, the Council will:

- Acknowledge receipt of the nomination bid in writing
- Inform the following:
  - The Parish Council where the asset is
  - The owner of the asset
  - Freeholders and leaseholders who are not the owners
  - Any lawful occupant
- The Council will assess whether an asset meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011 within **8 weeks** of its receipt.

### **Successful Nominations**

- If the bid meets the criteria of an asset of community value, it will be added to the 'List of Assets of Community Value' where it will remain for five years. We will notify the owner advising them of the listing, giving them guidance and outlining their obligations should they seek to sell the asset, register a land charge against the property and apply to Land Registry to register a restriction on the asset. *After 5 years the asset will be removed from the list and a new nomination will need to be made. The Council will only make further contact if the asset is put up for sale within the 5 year period so it is important that the nominating organisation is aware of its expiry date.*
- Please note that if the Council does list an asset, the owner of the property can ask for an internal review of the listing. If the Council upholds the decision, there will be a process for the owner to make an independent appeal through a tribunal. If the owner is successful at either of these stages, the nomination will be treated as unsuccessful.

### **Unsuccessful Nominations**

Any nominations not considered to meet the criteria of an asset of community value will be added to the 'List of Assets Nominated but not Listed'. The Council will notify the nominating body of the decision and the reasons why.

This will also be held for 5 years. There is no appeal or review process.

## **Part 2 - Community Right to Bid: Making a Bid**

Once an asset has been listed as an Asset of Community Value, nothing further will happen unless the owner decides to dispose of it. The owner is required to notify the Council of their intention to sell.

The following will then take place:

- We will notify the group who made the nomination of the owner's intention to sell, place a notification on our website immediately and update the list to reflect the intention to sell and the expiry dates for making any written requests and submitting a bid. The group will be advised that it has 6 weeks to make a written request to the Council to be treated as a potential bidder.
- If it decides to do this, we will notify the owner. If it does not decide to do this within 6 weeks, the owner is free to sell the asset and exchange contracts.
- Groups will have six months from the date the owner advises the Council of their intention to sell to the asset to prepare and submit a bid (this is known as a moratorium period). During this time, the owner is able to market and negotiate sales but NOT exchange contracts unless it is with the group.
- The owner will then have the option to accept your bid or sell the property on the open market. Please note that the owner can choose not to accept the bid and dispose of the asset to another bidder on the open market.

For further information please contact

John Groves  
Head of Nuclear and Planning  
Tel. 01946 598416  
Email. [John.groves@copeland.gov.uk](mailto:John.groves@copeland.gov.uk)

### **Links to further sources of advice and guidance**

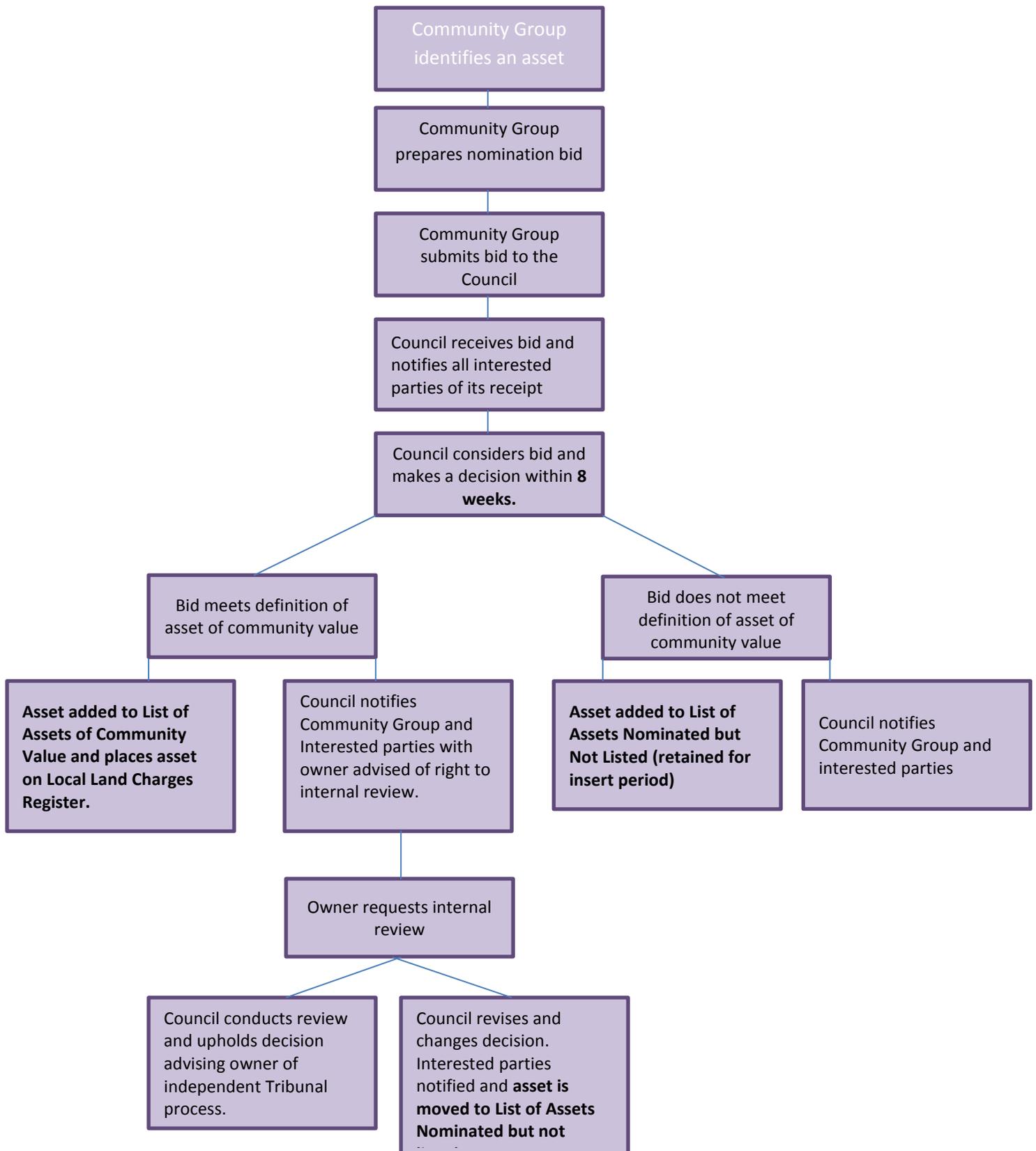
[Community Right to Bid: Non-statutory advice note for local authorities – DCLG](#)

Locality – <http://locality.org.uk/projects/community-rights/>

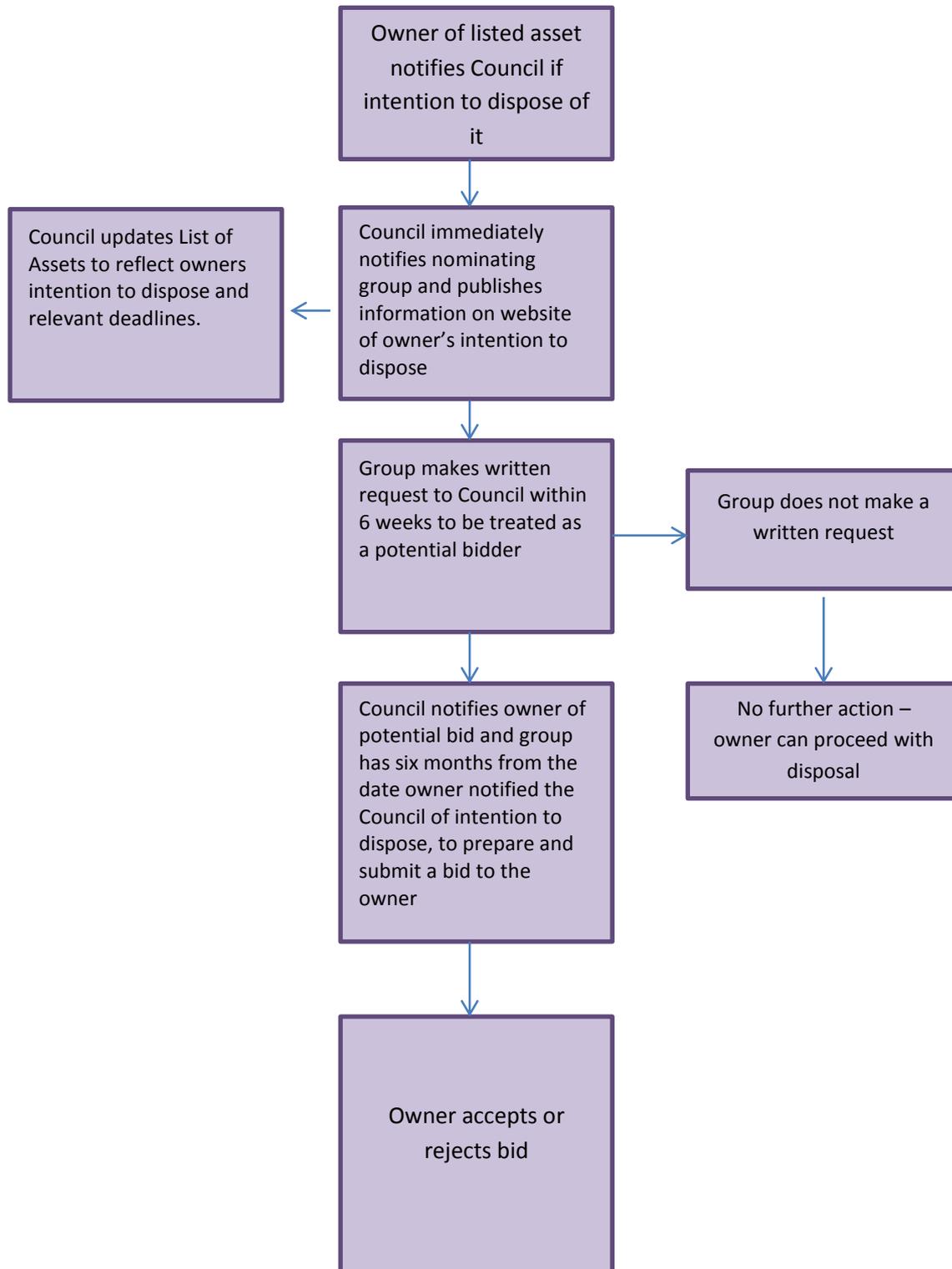
My Community Rights – Advice Line 0845 345 4564 (Mon-Fri 9.30am to 12.30pm)  
[www.mycommunityrights.org.uk/community-right-to-bid](http://www.mycommunityrights.org.uk/community-right-to-bid)

Asset Transfer Unit – [www.atu.org.uk](http://www.atu.org.uk)

## Part 1 - Process for Nominating an Asset of Community Value



## Part 2 - Process for Community Right to Bid: Making a Bid



## ACTION PLAN TEMPLATE

Please list the policy or strategy's objective in the table below. Try to be as specific as possible about what you are going to do and how you are going to measure both progress and success.

Objective	Link to Council/directorate Priority	Measure(s)	Target(s)	Projects/Actions	Resources	Responsible Officer	Impact
The specific objective identified in order to address a need. Please also indicate, in bold at the end of the objective, which balanced scorecard perspective the objective falls into- customer, process, finance or learning and development.	State which Council or Directorate priority, or statutory requirement, the objective is contributing to.	The measures you will use to assess progress and success; often these will take the form of performance indicators, but could also be significant outputs or benefits to be realised, etc	What level of achievement are you aiming to attain and by when, to know if you have delivered on the objective?	A breakdown of what you are going to do to ensure the objective is met, but ensure conciseness by listing only headline activities and/or key deliverables	Not an exact costing (unless you have one), but are the necessary resources available (money, staff, time, etc) to deliver the objective- YES/NO	Senior officer responsible for driving and delivering the objective	Does the objective require significant input from other services and partnership organisations or will it have significant impact upon other services or partnership organisations? If so list those here
The Council's Policy Position in line with statutory guidance	Statutory	Policy Review		Policy review	Not determined and Subject to review	John Groves	Legal services Members  Policy and Transformation

**Risks**- Please list the key risks to achieving the objectives detailed in the table above

<b>Risk number</b>	<b>Risk Name</b>	<b>Risk definition</b>	<b>Risk Score Likelihood x Impact</b>	<b>Current Position/Action Being Taken (including responsible officer</b>
Service initials followed by number E.g. F1 (Finance 1)	This should be a short name for the full risk	This should be in the following format: The risk is that the ....(Service, Directorate, Partnership, Contractor, Council) will fail to..... resulting in.....by.....	How likely is this:- 1-5 What would the impact be 1-5	What controls are currently in place? What needs to be done to reduce the risk and by whom?
F1	Financial implications of Compensation scheme	The risks will be monitored	3:3	Monitoring and Review – John Groves