

Community Right to Bid for Assets of Community Value

The Community Right to Bid, introduced as part of the Localism Act 2011 enables town and parish councils and local voluntary and community organisations to nominate local land or buildings to be included in the List of Community Value held by the Council.

Who can do what?

This new right means that communities can now ask the local authority to list certain assets of community value. If the asset is listed and comes up for sale, community groups will have six months to prepare a bid to acquire the asset.

Parish Council's or community groups can nominate both privately and publicly owned assets if they meet the criteria of assets of community value.

A building or land in the local planning authority's area will be listed as an asset of community value if in the opinion of the local authority:

- Its current primary use of the building or land or use of the building or land in the recent past furthers or has furthered the social wellbeing or social interest of the local community.
- It is realistic to think that now or in the next five years there could continue to be primary use of the building or land to further social wellbeing or social interests of the local community (whether or not in the same way)

Owners of the listed assets cannot dispose of them without:

- Letting the local authority know they intend to sell or grant a lease of over 25 years
- Waiting until the end of the six week interim moratorium period if the local authority does not receive a request from a community interest group to be treated as a potential bidder
- Waiting until the end of the six month full moratorium period if a community group requests that they are treated as a potential bidder.

The owner is under no obligation to sell the listed asset to the community group.

There is a protected period for the owner of 18 months from the time the owner notified the local authority of their intention to sell were no further moratorium can be imposed.

The Process

The Assets of Community Value (England) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/2421/contents/made> and the explanatory guidance note provide further details:

- The groups that can make nominations, which include community groups of 21 persons or more, incorporated community groups, Parish Councils, neighbourhood forums and charities that have a local connection to the area
- Premises that are exempt which are primarily residential
- What steps the local authority would have to take to when considering to list land as an asset of community value and upon listing that land which includes notifying the relevant parties
- Arrangements for owners to make appeals on decisions to list or award compensation on only losses incurred in the as a result of being listed (internal reviews and external tribunals)
- Exemptions to the six month moratorium being applied when land is put up for sale or long term lease

A decision to include or not on the list will be made within eight weeks of the nomination. There are two lists on the website showing those that have been accepted and those that have not with reasons why they have not been accepted as assets of community value.

Who to contact

A nomination form can be found on the Watford Borough Council Website.

Other Considerations

- Support on the use of this right can be found at the Locality My Community Rights website: <http://mycommunityrights.org.uk/community-right-to-bid/>
- If a building is listed as an asset of community value this may be a material consideration if the owner applies for a change of use
- Neighbourhood plans can allocate assets for community use in site allocation proposal plans. If there is good evidence to support the case (which may include sites that do not meet the criteria for assets of community value) this may give additional weight to any decision and could inform, and be informed by the list of nominated community assets
- The Local Plan aims to promote the retention and development of local services and community facilities which will be taken into account when assessing planning applications

- If the local authority owns the building or land the community groups may wish to consider Community Asset Transfer more information can be obtained from the Asset Transfer Unit: <http://locality.org.uk/assets/>

For further information please see:-

Government advice note:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community Right to Bid - Non-statutory advice note for local authorities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community_Right_to_Bid_-_Non-statutory_advice_note_for_local_authorities.pdf)

Legislation:

Assets of Community Value (England) Regulations 2012

<http://www.legislation.gov.uk/ukdsi/2012/9780111525791/contents>