

Procedure for dealing with nominations for Community Right to Bid (Assets)

1.0 Background

- 1.1 The Localism Act 2011 introduces the concept of the Community Right to Bid, which enable eligible community groups to nominate an asset of community value with the local authority
- 1.2 Once a nominated asset has been accepted as a Listed Asset of Community Value, local community groups then have an extended period to exercise their right to bid for those properties listed as assets of community value on the open market, if & when they come up for disposal (for sale or lease for a period of 25 years or more).
- 1.3 The Act does not give an eligible community group an automatic right to purchase any nominated asset. The right to bid only applies when an asset's owner decides to dispose of it.

2.0 General Guidance

- 2.1 An eligible community group nominates an asset for community value status by completing a Nomination Form for the Council to assess.
- 2.2 A Nomination form must be completed for each asset nominated.
- 2.3 The information provided on the form will be the basis upon which the Council decides whether the required criteria (see Section 7 of this note) is met to register the asset as being of Community value.
- 2.4 The local authority must contact the nominator within 8 weeks of receipt of the completed form to confirm whether the asset is to be listed as an asset of community value or not.
- 2.5 Before submitting a Community Asset Nomination Form, applicants are strongly advised to read the information provided on the Borough of Poole [website](#), including links to Government guidance.

3.0 Application Procedure

- 3.1 Nominations must be made in writing using the form supplied (on our [website](#)) and submitted to the address/email stated on the form.

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- 3.2 A form must be completed for each asset being nominated. As an asset may be part of a property or be comprised of more than one property, an up-to-date plan indicating the asset(s) the nomination relates to must be submitted with the nomination form.
- 3.3 Upon receipt of a nomination form, we will confirm that the nomination is validly made, confirming the eligibility of the nominator and the eligibility of nominated asset(s).

- 3.4 We will inform the registered owner of the land or building, any occupiers where practicable (if this is different from the owners and their identity is known) and anybody else with a 'legal estate'¹, about the nomination and how to find the Council's guidance on the [website](#).
- 3.5 In the case of assets owned by the Local Authority, Financial Services – Corporate Estates will also be contacted as the representative for the council in its capacity as the landowner.
- 3.6 Where a pub (Class A4 Drinking Establishments) has been nominated the Planning Department will be notified. Statutory Instrument 2015 No.659 [The Town and Country Planning \(General Permitted Development\) \(Amendment\) \(England\) Order 2015](#), states that in the case of pubs nominated for asset of community value status, [permitted development rights](#) for that establishment will be withdrawn for specified periods.
- 3.7 All nominations will receive final assessment and sign-off by the Head of Growth and Infrastructure in consultation with the relevant officers, Service Unit Head and Members, as appropriate.
- 3.8 The assessment decision will be taken within 8 weeks of receiving the nomination, with the decision communicated to the nominating group and the owner. The local authority will give written reasons to the nominator if it does not accept the nomination and explain why the land cannot be included on the ACV list.
- 3.9 In notifying the owner their attention will be drawn to the statutory appeal process.
- 4.0 Registration
- 4.1 Applications where the nominated assets were not recognised as 'assets of community value' will be recorded on the 'Unsuccessful Community Asset' list, published on the BoP [website](#), for 5 years.
- 4.2 Those nominated assets that are approved as 'assets of community value' will be recorded on the 'Successful Community Asset' list for a period of five years, or until the asset is sold or deemed to no longer be of community value.
- 4.3 This list, known as the register of assets of community value, is a local land charge and is available for viewing on the BoP [website](#).
- 4.4 Where the asset is not owned by the Council a restriction will also be recorded against the property on the Land Registry title information. This will restrict the registration of a change of ownership unless a certificate is provided indicating that the requirements of the Localism Act 2011 have been met.
- 5.0 Owner's right of appeal against listing
- 5.1 If the asset is approved as an asset of community value then the owner has eight weeks to indicate in writing that they would like the decision reconsidered. They can submit additional documentation in support of their Appeal and request an oral hearing. Additional evidence will be considered by a Strategic Director when conducting the Review.
- 5.2 If the decision is upheld the owner will be able to appeal one further time to an Independent Tribunal.

¹ Legal estate is the lawful right as owner of an asset or property to hold the legal title/ownership. A lender has legal estate in a mortgaged asset used as collateral. Legal estate is held by a trustee for the benefit of its beneficiaries in the trust's assets.

6.0 Disposals and the moratorium periods

- 6.1 When an owner intends to dispose of a designated 'asset of community value' other than by way of an exempt disposal², they must inform the local authority through the Insight Policy and Performance Team. The local authority will inform the Nominator and publicise the owner's intention on the BoP Website.
- 6.2 Community Groups³ are given 6 weeks, from the published 'intention to sell' date, to express their interest in bidding for the asset in writing to the local authority. If no interest is received within 6 weeks, then the owner can proceed to sell the asset.
- 6.3 If during the six week period a community group expresses an interest in bidding for the asset, then they are given the remainder of six months from the published intention to sell to put forward their bid. A community bid does not have to come from the same organisation that listed the asset initially. Equally, there is nothing in the legislation to prevent two or more 'community' bids for the same asset.
- 6.4 During the 6 month 'moratorium period' the owner will only be able to sell the asset to a community group. However, the owner can continue to market the asset and negotiate a sale with a non-community group buyer during the moratorium period but the sale cannot be concluded during that period.
- 6.5 After the 6 month moratorium period the owner can sell the asset to whomever they choose for whatever price they choose. There is no requirement to co-operate with a community bid, for instance by providing additional information about or access to the property.
- 6.6 The asset remains on the register of assets of community values although no further moratorium periods are possible for a period of eighteen months following the initial notification of the owner's intention to dispose of the asset.

7.0 Acceptance Criteria

- 7.1 The Council's acceptance criteria for 'assets of community value' nominations are based upon those set out in [Part 5 Chapter 3 Section 88 of the Localism Act 2011](#).
- 7.2 The following categories are excluded from being listed as 'assets of community value':
- a) A residential property, including gardens, outbuildings and other associated land that is reasonable to consider as part of the land with the residence.
(This does not apply to assets that contain integral residential quarters such as a pub or caretaker's flat).
 - b) Land licensed for use as a residential caravan site (and residential caravan sites that don't need a licence)
 - c) Operational land of statutory undertakers as defined in section 263 of the Town and Country Planning Act 1990.

² Wealden District Council have produced a list of exempt disposals which are available [here](#)

³ Community groups are defined within the [regulations](#)