



THE LONDON BOROUGH

ASSETS OF COMMUNITY VALUE NOMINATION GUIDANCE

The Community Right to Bid is part of the Localism Act 2011 and came into force on 21 September 2012.

The provisions give local groups a right to nominate a building or other land for listing by the local authority as an asset of community value. When a listed asset is to be sold, local community groups will be given a total of 6 months to put together a bid to buy it.

Once an asset is listed the owner cannot dispose of it without letting the authority know. Community groups will then be given 6 weeks to decide if they want to make a bid. If they do, then there will be a 6 month moratorium period during which the owner cannot sell the asset. It is important to note that the owner does not have to sell the asset to the community group.

The lists of successful and unsuccessful nominations will be published on the website and a copy is available on request.

Completing the Nomination Form

PART A: ABOUT YOU

The contact person representing the applicant organisation should complete this section. This information will be used to contact you directly if there are any questions relating to your nomination and to notify you whether your nomination is accepted or rejected.

PART B: ABOUT YOUR ORGANISATION

Voluntary and community organisations with a local connection have the right to make community nominations of assets to be included on the list.

The voluntary and community bodies which may make community nominations are set out below.

In all the following cases please include written evidence of the status of the organisation (e.g. terms of reference; charity no; memorandum and articles; constitution; as appropriate to the type of group).

An Unincorporated Body

An unincorporated group with a membership of at least 21 local people who appear on the electoral roll within the local authority and which does not distribute any surplus it makes to its members. Please include a list of the names and addresses of at least 21 members who appear on the electoral register within the local authority with your application and ensure that the members give their consent to the inspection of the full register.

A Neighbourhood Forum

A body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011.

A Parish Council or Neighbouring Parish Councils

A Charity

A Company Limited by Guarantee

A company limited by guarantee which does not distribute any surplus it makes to its members.

An Industrial or Provident Society

An Industrial or Provident Society which does not distribute any surplus it makes to its members

A Community Interest Company

A company which satisfies the requirements of Part 2 of the Companies Audit, Investigations and Community Enterprise Act 2004.

PART C1: LOCAL CONNECTION

Your organisation must have a local connection to the nominated asset. The definition of local connection is defined in paragraph 4 of "The Assets of Community Value (England) Regulations 2012.

Basically your group's activities and use of any profits must be concerned with the local authority area or a neighbouring authority area. In the case of a parish council, the requirement is that it must share a border with the relevant area in which the asset lies. **Documentary evidence of your organisation's local connection should be provided.**

PART C2: ABOUT THE ASSET

The definition of an asset of community value is set out in Section 88 of the Localism Act 2011.

Land or a building is of community value if in the opinion of the local authority either:

- The main use of the land or building furthers the social well being or social interests of the local community and it is realistic to think that the main use can continue to be such a use; or

- The land or building has been used to further the social wellbeing or social interests of the local community in the recent past and it is realistic to consider will do so again during the next five years.

In order for the local authority to form an opinion about whether it is realistic to think that there is a time in the next five years that the asset could be used to further the social wellbeing or social interests of the local community, the nominating group is asked to outline its proposals to bring the asset back into community use.

There are some categories of assets that are excluded from listing:

- Residential property
- Land licensed for use as a residential caravan site (and some types of residential caravan sites which do not need a licence)
- Operational land of statutory undertakers

WHAT HAPPENS NEXT?

Please ensure that you have completed all sections in the nomination form, providing as much detail as possible and that you include any photos, maps, plans or other documents relevant to your application.

Please sign and date the nomination form.

Once the authority has received your nomination form, it will check that the form is complete and that your group is eligible to nominate. If so, it will be entered into the assessment process. If it is not complete, the necessary documentation is not attached or further information is required, the applicant will be contacted and asked to resubmit the form when corrections have been made to it.

The local authority will then have 8 weeks to make a judgement about whether the asset meets the definition set out in Section 88 of the Act or whether it falls within one of the excluded categories.

The owner of the asset and anyone with a freehold or leasehold interest in the land will be notified about the nomination.

The owner has the right to appeal against the listing.