Assets of Community Value – Guidance Notes

What is a local Asset of Community Value?
An area of land or a building can be nominated as an asset of community value if its main use furthers the social well-being or social interests of the local community. It is possible to nominate assets that are in either public or private ownership.
The range of assets that can be considered to enhance a community’s social well-being is wide. The following examples give an indication of the types of assets which might be defined as having ‘community value’:

Sport, recreation and culture
- parks and open green spaces
- sports and leisure centres
- libraries
- theatres
- museums or heritage sites
- cinemas
- swimming pools

Community services
- community centres
- youth centres
- public toilets

Local democracy
- town, civic and guild halls

Any economic use (e.g. a business such as a shop) which also provides an important local social benefit that would no longer be easily available if the service should cease
- village shops
- pubs
- markets

Assets that would not normally be considered as having ‘community value’
- administrative offices
- land or property where community use is secondary to its main purpose
- land attached to residential property (although the regulations set out certain exceptions for shops and pubs)
- land covered by Caravan Sites and Control of Development Act 1960
- land used by public utilities, defined as operational land in section 263 of the Town and Country Planning Act 1990

See the Regulations for the full list of exemptions and related definitions.

Nominating an Asset of Community Value
The Government’s Regulations provide for only specific eligible voluntary and community organisations to nominate assets of community value. Town and Parish Councils and certain voluntary and community groups as described in the Nomination Form can make nominations. Nomination Form
Information required to make a nomination
The Regulations require that specific information must be included when an asset is nominated; and the council will need to see evidence of your eligibility to nominate and the existing use of the asset (see below). If you are eligible to nominate a building or an area of land as an asset of community value, please complete the Nomination Form and send the completed form to:

Assets of Community Value,
Corporate Strategy
South Oxfordshire District Council
135 Eastern Avenue
Milton Park
Milton
ABINGDON
OX14 4SB

Email: corporate_strategy@southandvale.gov.uk

A Word version of the form is available on request to enable email submission. Please contact Corporate Strategy on the above email or telephone 01235 540564

Documentary evidence to support the nomination
a) Evidence to support that the nominator is eligible to make a nomination (as appropriate to the organisation) e.g.
   - memorandum of Association
   - articles of Association
   - companies House return
   - trust Deed
   - constitution / Terms of reference
   - standing Orders
   - interest Statement for Community Interest Company

b) Information showing the boundaries of the asset being nominated – for example through one or more of the following:
   - where the land is registered, the Land Registry Title Information document and map with boundaries clearly marked in red (less than one month old). Provision of Land Registry information is not essential, but it may help us to reach a decision on the nomination more quickly.
   - a written description with ordnance survey location, and explaining where the boundaries lie, the approximate size and location of any building(s) on the land and details of any roads bordering the site.

The nomination - next steps
On receipt of a completed nomination form, the council must decide after validation whether to list the asset within eight weeks of receipt.
The council will then add the nomination to an Asset of Community Value List, which will list all nominated assets both successful, and unsuccessful.

Assets that are considered to be of community value and included on the List of Assets of Community Value will remain on the list for five years. A land charge will be registered against the property, land or asset in such cases.

**Selling/disposing of a listed asset**

If an area of land or a building is listed as an Asset of Community Value, the owner cannot then dispose of it without notifying the council in writing. It can only be disposed of under specific circumstances

**Interim moratorium:**

Where the council receives such a written notification from the owner, it will notify the nominating group of the intended sale. The owner is unable to dispose of the asset for a six-week period to give the nominating group the chance to request that it is treated as a potential bidder for the asset. The nominator must submit their intention to bid in writing, within the six weeks to the address below:

Assets of Community Value,
Corporate Strategy
South Oxfordshire District Council
135 Eastern Avenue
Milton Park
Milton
ABINGDON
OX14 4SB
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Telephone: 01235 540564

**Full moratorium**

If the nominating group confirms that it does wish to submit a bid, the six-month “moratorium” period commences from the date when the owner notified the local authority of their wish to dispose of the asset (six-week interim moratorium is included in the six-month moratorium period). The asset cannot be disposed of during this period. This allows time for the community to develop its bid to purchase the asset. The asset owner cannot dispose of the land or building during this period, unless it is to the community group or covered by one of the specific exemptions in the Regulations.

**Note:**
The sale of listed assets takes place under normal market conditions and, whilst the community group is given a chance to submit a bid, the owner is not bound to accept it.

If the nominator decides not to submit a bid, then the asset owner is free to dispose of it on the open market.
Exemptions
Certain buildings and land are excluded from the delayed disposal process. Examples include land attached to residential property and land used by public utilities. In addition, the moratorium rules do not apply to businesses and associated land that are being sold as a going concern and a wide range of non-commercial disposals of land, for example through the will of a deceased owner.

Protected period:
In cases where no bid is received or accepted by any community interest group or nominating group in the six month period, then the asset owner is free to dispose of the asset on the open market for a further period of 12 months, known as the protected period. At the end of this further 12 months, if no sale has been achieved, the whole process begins again.

Owner Review and Appeals
Review: The owner of an asset included in the list of community assets may ask us to review our decision to list the asset. The review will be undertaken by a senior officer, independent of the original decision making process. We will complete the review process within eight weeks of receipt of the written request for the review, or a longer period where this has been agreed with the owner.
Where the review concludes that a change to the listing is required, we will adjust the list of assets of community value and advise the Land Registry accordingly.

Appeal: Where the owner remains dissatisfied with the outcome of the review, they may appeal to the general regulatory chamber of the First Tier Tribunal.

Appeals should be sent to: Tribunal Clerk, Community Right to Bid Appeals, HM Courts and Tribunals, First Tier Tribunal (General Regulatory Chamber), PO Box 9300, Leicester, LE1 8DJ or via email to: GRC.CommunityRights@hmcts.gsi.gov.uk.

Owner Compensation
Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.

See the Regulations for details of bodies which are not entitled to compensation. Claims should be made in writing and be made within 13 weeks after the loss or expense was incurred, or finished being incurred.
Claims must state the amount of compensation being claimed for each part of the claim and be accompanied by supporting evidence.

Claims should be sent to:

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Corporate Strategy
South Oxfordshire District Council
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OX14 4SB
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What help is available?
The information on the following websites may be useful to you when considering a nomination:
mycommunityrights.org.uk
locality.org.uk

For reference, the legislation relating to Assets of Community Value was introduced under the Localism Act 2011 and is further developed in the Assets of Community Value (England) Regulations 2012:
http://www.communities.gov.uk/communities/communityrights/righttobid/

Localism Act Chapter 3 – Assets of Community Value

Assets of Community Value (England) Regulations 2012
http://www.legislation.gov.uk/uksi/2012/2421/contents/made

Viewing the lists
The List of Assets of Community Value, including unsuccessful nominations, will be available to view on the council’s website once any nominations have been determined.
Copies are also available at the council, offices to view.