

# **Community Right to Bid - Nomination criteria**

## **Introduction**

The Community Right to Bid came into force on 21st September 2012. This allows community groups to identify and nominate assets which they consider to be of community value.

If agreed, and considered to be an asset of community value the nominated asset will be held on a register maintained by the Council. If the property owner decides to sell the asset at some point in the future then the community group will be given the opportunity to bid and purchase the asset on the open market.

## **What is an asset of community value?**

For an asset of community value to be listed on the register its current primary use, or primary use in the recent past, must contribute to the social well-being or social interests of the community including cultural, recreational and sporting interests.

Where it is realistic to consider that there will continue to be non-ancillary use of the building/land which will further the social wellbeing or social interests of local community.

Where there is a time in the recent past when actual use of the building/land furthered the social wellbeing or social interests of local community.

Where it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building/land that would further the social wellbeing or social interests of local community.

## **Step 1: nominating the asset**

### **Who can nominate an asset?**

Voluntary or community bodies with a local connection can nominate land or buildings that are in their local area. Regulations provide a definition of a voluntary or community body as:

- a Parish or Town Council
- a Neighborhood Forum
- an unincorporated body
- a charity
- a company limited by guarantee which does not distribute any surplus it makes to its members
- an industrial and provident society which does not distribute any surplus it makes to its members

Defining characteristics of a voluntary or community body with a local connection:

- Activities wholly or partly concerned with the local authorities (or neighbouring authorities) area
- Any surplus is wholly or partly applied for the benefit of the local authorities (or neighbouring authorities) area.
- The organisation has at least 21 local members (registered at address or on electoral register in local authorities (or neighboring authorities) area
- Parish Councils can have a local connection with land in another parish council's area (shared boundary)

## **Exclusions from listing**

- Residential property with connected land
- Operational land of statutory undertakers (as defined in Town & Country Planning Act 1990).
- Land use for residential caravan site

## **How to nominate an asset.**

Once a qualifying voluntary or community body with a local connection has identified an asset of community value in their area, and they have an interest in the purchase of the property for community use, they will need to nominate the asset by completing the Assets of Community Value nomination form (see form attached below). This should be sent to, Land & Property Team Manager, Land & Property Team, Riverside House, Main Street, Rotherham, S60 1AE or alternatively email [landandpropertyenquiries@rotherham.gov.uk](mailto:landandpropertyenquiries@rotherham.gov.uk)

If completed correctly this will provide us with all the information we need to make a decision and must include:

- Information on the asset being nominated including the property owners details
- Details of your organisation
- Evidence that the organisation is eligible to make the nomination
- Reasons for nominating the asset – why it is of community value
- Evidence of a local connection to the property being nominated
- Evidence that the property contribute to the social well-being or social interests of the community

## **Step 2: Decision on listing the asset**

When a nomination is received the Council has to decide whether it meets the definition of an 'asset of community value' set out in the legislation.

### **Nomination accepted:**

If the asset meets the nomination criteria, is in the local area and is not in an excluded category then the Council must list it as an asset of community value. Assets will remain on the list for five years and then will be removed. Previously listed assets can be nominated again.

If an asset is listed, the Council will inform the owner, occupier and the organisation who made the nomination. The Council has eight weeks to decide whether or not to list the nominated asset from the date of a valid application being received.

If the owner of the asset is unhappy that it has been listed, they can ask the Council, in writing, to review the decision. If the review is successful then the asset will be removed from the list,. If unsuccessful they have a further right to appeal to an independent tribunal.

The owner of an asset may be entitled to claim compensation for loss or expenses incurred as a direct result of the listing of the asset. Claims must be made in writing before the end of 13 weeks after the loss or expense was incurred or finished being incurred. A claim must state the amount of compensation sought for each part of the claim and be accompanied by documentary supporting evidence for each part of the claim.

### **Nomination rejected:**

If the Council decides that the nominated asset is not of community value and decide not to list the asset, we will provide the organisation who made the nomination with written reasons for this.

The list of assets of community value and also a list of rejected nominations will be published on the Council's website.

### **Step 3: A listed asset comes up for sale:**

If the owner of a listed asset wishes to sell it or grant a lease of 25 years or more then they have to inform the Council in writing and delay the disposal for a minimum of six weeks to give the nominating organisation time to confirm whether they wish to make a bid. Those that nominated the asset will be notified of its proposed sale by the Council with instructions on what to do if they want to make a bid.

If during the six weeks a request to bid is made, then the owner cannot dispose of the asset (other than to the community interest group) until the end of a six month period. This six month period allows time for the group to raise finance, put together a full business model and make a full bid for the asset for the owner to consider.

The owner of a listed asset does not have to sell it to a community group. At the end of the six month period the owner is free to sell it to whomever they wish under normal market conditions.

There are some exceptions under which the owner does not need to inform the council that they wish to dispose of the asset. These will be detailed in the Regulations when they are published.

**Note:** Rotherham Metropolitan Borough Council currently operate an Asset Transfer Policy to the Third Sector, which includes Voluntary Organisations, Community Groups, Charities Co-operatives and other not for profit organisations. An interest in property from such an organisation may be better served through the Asset Transfer Policy. For more information please write to the Land & Property Team Manager, Land & Property Team, Riverside House, Main Street, Rotherham, S60 1AE or alternatively email your enquiry to:[landandpropertyenquiries@rotherham.gov.uk](mailto:landandpropertyenquiries@rotherham.gov.uk)

## **Confidentiality and data protection:**

Information provided in association with the nomination of the asset, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

## **Further guidance and support:**

### **Government:**

<http://communityrights.communities.gov.uk/what-are-community-rights/community-right-to-bid/>

### **DCLG:**

<http://www.communities.gov.uk/communities/communityrights/righttobid/>

### **Locality:**

<http://locality.org.uk/movement/policy/community-rights/community-bid/>

<http://mycommunityrights.org.uk/community-right-to-bid/>