



Assets of Community Value – Guidance Notes

The Localism Act 2011 has introduced a new Community Right (referred to as the Community Right to Bid) which allows Town and Parish Councils and defined community groups to ask the Council to list certain assets as being of community value.

The purpose of the Community Right to Bid is to assist local community groups to preserve buildings or land which are of importance to their community's social well-being. The Right to Bid provision does this through regulating that when a listed asset comes up for sale there is a delay in the sale process. This delay should give an increased chance for the local community to bid to buy the asset.

What types of local assets can be nominated?

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. Additionally, it is also possible to nominate land / buildings where use in the recent past has furthered these interests and it is realistic to consider that the land/ buildings will further social interests (whether or not in the same way) again in the next five years.

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 and could include, for example – a village shop; community centre; library; local pub; area of open space etc.

Local Groups who can nominate an Asset of Community Value

The Government's Regulations dictate that only specific eligible voluntary and community organisations can nominate assets of community value. Town and Parish Councils and certain voluntary and community groups as set out in the Nomination Form can make nominations.

What happens following nomination?

On receipt of a completed nomination form the Council will decide on whether to list the asset within 8 weeks. The Council will then add the nomination to either the List of Assets of Community Value or the List of Land Nominated by Unsuccessful Community Nominations.

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 in such cases.

The owner of the land or asset has a right of appeal against the listing of the asset. Further guidance will be provided in the letter to the property owner.

What happens once an asset is listed?

Once an area of land or a building is listed as a community asset, the owner cannot then dispose of it without notifying the Council. Where the Council receives such a notification, it will then publicise the intended sale in the local community. There then follows a 6 week period where the sale is delayed and the community is given a chance to request that it is treated as a potential bidder for the asset.

If the community decides not to submit a bid, then the asset owner is free to dispose of it on the open market. If the community confirms that it does wish to submit a bid, the Council must then oversee a 6 month “moratorium” period where the sale is further delayed. This delayed sale allows time for the community to develop its bid to the asset owner. The asset owner cannot dispose of the land or building during this period, unless it is to the community group. The owner does not have to sell the asset to the community group.

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.

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.

In cases where no bid is received or accepted in the 6 month period, then the asset owner is free to dispose of the asset on the open market for a further period of 12 months. At the end of this further 12 months (if no sale has been achieved) the whole process begins again.

How to nominate an asset of community value

The Regulations require that specific information must be included when an asset is nominated.

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:

Community Development
Planning and Sustainable Communities
West Oxfordshire District Council
Elmfield
New Yatt Road
WITNEY
Oxfordshire
OX28 1PB
Email: community.development@westoxon.gov.uk

A Word version of the form is available on request to enable email submission. Please contact Community Development on the above email or telephone 01993 861481.

What help is available?

The information on the following web sites may be useful to you when considering a nomination.

mycommunityrights.org.uk
locality.org.uk

Viewing the lists

The List of Assets of Community Value (and the List of Unsuccessful Nominations) will be available to view on the Council's website once nominations have been made.

The Localism Act 2011 – Relevant Sections on Assets of Community Value

General information on the Localism Act 2011 and the Assets of Community Value provision can be found on the Department for Communities and Local Government Website at:

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

Localism Act Chapter 3 – Assets of Community Value

<http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3>

Assets of Community Value (England) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/2421/contents/made>