

Guide to Community Right to Bid (also known as Asset of Community Value)

Nominations

Who can nominate an asset of community value?

Only eligible voluntary and community organisations can make nominations, not individuals, not the Council. The organisations must:

- (a) have a local connection to the property they wish to nominate; this means that its activities are wholly or partly concerned with the administrative area of West Berkshire or a neighbouring local authority;
- (b) be one or more of the following:
 - an unincorporated community group with at least 21 members who are registered to vote in the West Berkshire area.
 - a Parish Council
 - a Charity
 - an industrial and provident society
 - a local neighbourhood forum (not applicable in West Berkshire)
 - a company limited by guarantee or a community interest company.

For a full list of the criteria see:

[Explanatory Note - The Assets of Community Value \(England\) Regulations 2012](#)

[The Assets of Community Value \(England\) Regulations 2012](#)

[Appendix - Criteria for Community Right to Bid Nomination](#)

How to nominate an asset of community value?

A nomination has to include certain information:

- the address of the property
- details of the owner and current occupants
- the extent of the site and its proposed boundaries (a map would be useful)
- why you feel it is an asset of community value.

You must provide evidence of your eligibility to nominate.

To ensure that you comply with the requirements, please use the Community Right to Bid Nomination Form on the [Community Right to Bid webpage](#).

Full details of the process can be found in the Regulations and explanatory notes published by the Government (see links above).



What counts as an "asset of community value"?

A building or a piece of land is deemed to have a community value if:

- the use of the land or building currently, or in the recent past, furthers the social wellbeing or cultural, recreation or sporting interests of the local community;
- this use of the building (as described above) will continue to further the social wellbeing or interests of the local community;
- the use of the building or land must not be deemed "ancillary", i.e. of secondary purpose. This means that the use of the land or building to further the social wellbeing or interests must be its principal use.

What happens following nomination?

The Council has to decide whether or not to list the asset within eight weeks following the nomination. Once we have received the completed form we will check the technical issues, such as the eligibility of the nomination and the organisation making the nomination, completeness of the information supplied, and the fact that the asset is not in an excluded category.

Decisions as to whether the nominated assets are of community value will be made by a specially convened officer group.

Assets that are considered to be of community value will then be added to the "List of Assets of Community Value". Assets will remain on the list for five years and a land charge will be registered against the property. When the five years have expired, an eligible community organisation can submit a new nomination.

The Council will take all practicable steps to notify the owner and lawful occupants that it is considering listing the property. We will also notify these people of the outcome of the nomination.

The organisation which originally nominated the asset will be notified of the outcome, together with reasons if the application is unsuccessful. They will also be notified if the asset is subsequently removed from the list following a review of the decision.

If the nominated asset is not considered to be an asset of community value, or if the nomination was ineligible, we will provide an explanation as to why it was unsuccessful to the organisation which made the nomination. In such circumstances, the property will be added to the list of "Land Nominated by Unsuccessful Community Nominations" and will remain on the list for five years.

If we decide to list a property, the property owner can ask for a review and this will be considered by a senior officer of the Council. Further guidance will be provided in a letter to the property owner. Nominators are not able to appeal the decision made in respect of their nomination. However, they can make a complaint through the Council's complaints procedure if they feel we have not followed the correct procedure.



Viewing the list

The List of Assets of Community Value shows the current successful and unsuccessful nominations. The list can be viewed on the [Community Right to Bid webpage](#).

What happens when an asset is listed?

The owner of the property must advise us when they intend to sell the property and we will publicise this on our website and we will inform the nominator. If no community interest group notifies the Council within six weeks that it wishes to bid, the owner is free to sell their property as they see fit.

If an eligible community interest group notifies the Council within six weeks that it wishes to bid for the property, it will have up to six months in which to prepare its case.

Bids for Community Interest Groups

Who can bid?

Only community interest groups that meet the Government's criteria can bid, not all groups that are eligible to nominate are also eligible to bid. Community interest groups should have a local connection with the asset and be one or more of the following: a Parish Council; a registered charity; a community interest company; a company limited by guarantee or an industrial and provident society.

Full details of eligibility criteria can be found in the guidance notes for voluntary and community groups interested in nominating assets of community value and in the [Act](#) and [Regulations](#).

If more than one community interest group is interested in purchasing a property, we would encourage the groups to work together.

How do community groups bid?

Within six weeks from the Council notifying the community that an owner wishes to sell their listed property, an eligible community interest group would need to let the Council know in writing that it wishes to bid. This then opens a six month period (from the day the owner notified the Council) in which to prepare a bid, this is known as the 'moratorium period'.

The Council will acknowledge the request to bid and will only notify the owner that the moratorium period has been triggered. The status of the listed asset on the list will be changed to reflect that it is for sale and that the moratorium has been triggered.



Support available (useful links)

[Right to Bid Advice Note](#)

Further details and background information

[My Community Rights website - Community Right to Bid](#)

[Community Right to Bid - The Implications for Supporters Trusts](#)

[The Assets of Community Value \(England\) Regulations 2012](#)

[Explanatory Note - The Assets of Community Value \(England\) Regulations 2012](#)

[Localism Act 2011](#)

[A Plain English Guide to the Localism Act 2011](#)



Summary of Listing Process for Community Right to Bid - Assets of Community Value

Guidance for the “Assets of Community Value” Group in determining applications for nomination on the West Berkshire Council List of Assets of Community Value.

Step A	
<p>A1. Is the nominating organisation an eligible body to nominate?</p> <p>The types of organisations eligible for making a nomination are currently defined in Regulation 5 of the Assets of Community Value (England) Regulations 2012 as below:</p> <ul style="list-style-type: none"> (a) a parish council; (b) an unincorporated body: <ul style="list-style-type: none"> (i) whose members include at least 21 individuals, and (ii) which does not distribute any surplus it makes to its members; (c) a charity; (d) a company limited by guarantee which does not distribute any surplus it makes to its members; (e) an industrial and provident society which does not distribute any surplus it makes to its members; or (f) a community interest company. 	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>A2. Does the nominating body have a local connection to the asset nominated?</p> <p>“Local Connection” is defined in detail in Regulation 4 of the Assets of Community Value (England) Regulations 2012.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>A3. Does the nomination include the required information about the asset?</p> <p>This is set out in Regulation 6 of the Assets of Community Value (England) Regulations 2012 as follows:</p> <ul style="list-style-type: none"> (a) a description of the nominated land including its proposed boundaries; (b) a statement of all the information which the nominator has with regard to: <ul style="list-style-type: none"> (i) the names of current occupants of the land, and (ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land; 	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

<p>A4. Is the nominated asset outside of one of the categories that cannot be assets of community value as set out in Schedule 1 of the assets of Community Value (England)?</p> <p>Regulations 2012, as summarised as:</p> <ol style="list-style-type: none"> 1. A residence together with land connected with that residence 2. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960 3. Operational land as defined in section 263 of the Town and Country Planning Act 1990(c). 	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>If “Yes” to all of step A move to step B.</p> <p>If “No” to one or more of step A, inform nominator that nomination is ineligible.</p>	

Step B – Establishing the non-ancillary use that the application is based on	
<p>B1. Is the current or recent usage which is the subject of the nomination an actual and non ancillary usage?</p> <p>If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to step C.</p> <p>If not, place on List of Unsuccessful Nominations.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

Step C – Determining whether the usage furthers social wellbeing or social interests		
Criteria	Evidence	Weighting
<p>C1. Who benefits from the use?</p> <p>Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service?</p> <p>Who will lose if the usage ceases?</p>		25%
<p>C2. What aspect of the usage delivers a social outcome in the Council’s Policy and Budget framework?</p>		25%
<p>C3. Why is the usage seen as having social value in the context of the community on whose behalf the application is being made?</p>		25%
<p>C4. How strongly does the local community feel about the usage as furthering their social interests?</p>		25%
<p>If the above meets a minimum scoring of 55%, go to Step D.</p>		

Step D – Realism of future usage

Is it realistic to think (for “current” uses) there will continue to be social use of the building or other land or (for “recent” uses) that it is realistic to think that there will be community use again within the next five years?

D1. Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose? Yes
No

If “No” to D1 above, **place on List of Assets of Community Value.**

If “Yes” to D1 above, **go to D2.**

D2. If you were successful in bidding for and agreeing a mutually acceptable price for the asset what do you propose to use the asset for and what model of operation would you see the community adopting in making the venture sustainable.

D2. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales? Yes
No

If “Yes” to D2 above, **place on List of Assets of Community Value.**

If “No” to D2 above, **place on List of Unsuccessful Nominations.**

Decision made by officer Group	
Date decision made	
Date entered onto Decision Register	
Date entered onto Geographic Information System (GIS)	

