

Community Right to Bid: Guidance Notes for Completing the Nomination Form

The Localism Act introduced a Community Right to Bid (Assets of Community Value) which aims to ensure that buildings and amenities can be kept in public use and remain an integral part of community life.

Under the Localism legislation, voluntary and community organisations and parish councils can nominate an asset to be included in a 'list of assets of community value'. The local authority will then be required to maintain this list. If the owner of a listed asset then wants to sell the asset a moratorium period will be triggered during which the asset cannot be sold. This is intended to allow community groups time to develop a proposal and raise the required capital to bid for the property.

This document is designed to guide you, section by section, through the process of completing the form for nominating an asset of community value.

Section 1: Your details Eligibility to nominate

To be eligible, you must be part of a community organisation with a local connection to the asset you wish to nominate.

1A Community Organisation

Below describes the kinds of community organisation which are eligible to nominate an asset to be listed, and the supporting evidence that should be provided. Please note that all community organisations must be non-profit distributing, which means that any profit made must be reinvested back into community. If your community organisation has a website, you will be asked to enter the address here.

Community Organisation	Supporting evidence
An unincorporated body of at least 21 local residents who appear on the electoral roll of Sefton MBC or a neighbouring authority which does not distribute any surplus it makes to its members	Give list of all members. All members must be on the electoral register either in Sefton or a neighbouring authority sharing a border.

A body designated as a Neighbourhood Forum pursuant to section 61F of the Town and Countries Planning Act 1990	Any of the following: articles of association, constitutions, terms of reference, governance documents.
A Parish Council	As above
A Charity	As above
A Company limited by guarantee that is non-profit distributing	As above
An Industrial and Provident Society that is non-profit distributing	As above
A Community Interest Company	As above

Please note that although unincorporated groups may nominate an asset, only constituted groups will be able to bid.

1B Local Connection

Your organisation has a local connection if its activities are concerned with Sefton Council or a neighbouring authority (an authority which shares a boundary with Sefton). You will be asked to send in any evidence that you feel supports your local connection, for example, a document containing photographs of the asset in use, or a document detailing an event or project that took place at that location.

1C Personal details

You will then be asked to fill in your personal details, including an e-mail address, which will be used as the primary point of contact.

Section 2: Your Proposal Name of Asset and Owner

You will also need to know the name and address of the asset. If it is a piece of land with no street number, then enter the address manually rather than using the postcode lookup.

You must also provide the name address of the current owner.

If you do not know the name and address of the owner, this information can be found via the land registry website.

2A Description of Asset

You must provide a brief description of the land or property, including what it is made up of (i.e. a building and surrounding grounds) and where you consider its boundaries to be.

To complete this section, you will be required to send in a plan/map/diagram of the asset. A Title Plan Sourced from the Land Registry is preferred.

Section 3: Outcomes Assets of Community Value

What can and can't be nominated?

There are certain assets that cannot be nominated. The full list can be found in The Assets of Community Value (England) Regulations 2012. This includes: a residence and land connected with that residence, land which requires a site licence under Part 1 of the Caravan Sites and Control of Development Act 1960 and Operational Land as defined in Section 263 of the Town and Country Planning Act 1990.

The conditions which need to be met

There are two alternative sets of conditions which an asset must fulfil in order to be listed as an asset of community value, depending on whether it is currently being used to further the social interests or wellbeing of the local community or whether that use is in the past.

Social wellbeing means that people feel a sense of belonging in their local community. Social interests cover sports, recreation, and cultural activities. Further information about what contributes to furthering social interests or wellbeing is set out later in this guidance.

If the asset is currently being used for the benefit of the local community, the conditions it needs to fulfil are that:

a. The current principal use of the asset furthers the social wellbeing or social interests of the local community

AND

b. It is realistic to think that the current principal use of the asset will continue to further social wellbeing or interests

Essentially this is asking you if the main use of the asset currently benefits the community, and if it is likely that it will continue to do so in the future.

If it is not currently being used for the benefit of the local community, the conditions it needs to fulfil are that:

c. There was a time in the recent past when the principal use of the asset was furthering the social wellbeing and interests of the community

AND

d. It is realistic to think that in the next five years there could be a principal use that would further social wellbeing and interests, whether in the same way as before or not. Essentially, this is asking you if there was a time in the past when the main use of the asset benefited the community, and the asset could realistically have a main use that benefits the community in the next five years.

If an asset is not currently providing social or community benefit, a nomination is not in and of itself evidence that there is a realistic prospect of its coming back into use within the next five years.

Nominating groups would need to provide further evidence that this is realistic – for example, the owner demonstrating an intention to bring it back into use or a viable proposal by a community group to purchase or run the asset.

How to show that your asset is contributing to furthering the social wellbeing and interests of the community

You will be asked if your asset fulfils the criteria and asked to give some evidence for why you think this is the case. Please note that the Council can only consider evidence which has been submitted by the nominating group. You may wish to engage with the local community to gather evidence to support your nomination before submitting it if you think we should take other local views into account when assessing the nomination.

You may want to think about some of the following questions when asked to give evidence about how the principal use of the asset is, or recently was, furthering the social interests and wellbeing of the community.

- What do people use the asset for, and how does this benefit them?
- How many people use the asset in this way? Does it genuinely serve the local community, or is it used by just a few people? What do people think about the asset and its principal use?
- How accessible is the asset? Can anyone in the local community access and use it? Is it easy to find and get to? Do people know about the asset and what it is there for?
- Are there any rules or policies in place about how the asset should be used? Why are these in place?
- Is the asset inclusive of people from all backgrounds? What impact does the use of the asset have on different groups in the community? Does it benefit all groups? Can it be used by all groups?
- What is the role of the local community in the management of this asset? Are volunteers required? How are criteria such as managing the safety and cleanliness of the asset managed?
- What are the wider positive impacts with respect to health and wellbeing, the environment, and/or sporting, cultural or recreational activities?
- Are there any further impacts that ought to be considered? Does use of the asset increase the sense of belonging and pride residents feel in their local community? Does it support community cohesion?

How to show that it is realistic to assume that the asset will contribute to furthering the social wellbeing and interests of the community in the future

You may want to think about some of the following questions when asked to give evidence about why it is realistic that the main use asset will further the social wellbeing and interests of the community in the future.

If an asset is not currently providing social or community benefit, a nomination is not in and of itself evidence that there is a realistic prospect of its coming back into use within the next five years.

Nominating groups would need to provide further evidence that this is realistic – for example, the owner demonstrating an intention to bring it back into use or a viable proposal by a community group to purchase or run the asset.

- Does the current owner have any plans to change the use of the asset? Will this affect how the asset benefits the community? Will the main use of the asset still further the social wellbeing and interests of the community if this change happened?
- Would this use of the asset be financially sustainable? How can financial sustainability be guaranteed?
- How will the asset be managed? Are these arrangements sustainable?
- Are there any disputes relating to this use of the asset? Are there any known groups that have voiced concerns about this use of the asset?
- Is there a need in the local community for an asset of this kind? Will the main use of the asset fill a gap between need and provision in the community? What is this need? What current provision is there to fulfil this need? Why is this provision not enough for the community? How will use of the asset bridge this gap?
- Is there support from the community for this use of the asset? Outside of your community group, do people feel that this use of the asset would benefit the community?

Risks

Finally, you will be asked to consider any risks or barriers that may arise regarding the continued fulfilment of the criteria for assets of community value. The kinds of risks you may want to think about include:

- a lack of support from the community and/or any negative impact on any groups within the community as a result of use of the asset
- a possible lack of sustainable funding
- how this listing might affect the landowner
- any issues surrounding health and safety.