



Guidance Notes on Assets of Community Value

What is an Asset of Community Value?

Assets of Community Value are those which defined community groups have asked the Council to list as important to them and thus of "community value".

There are some exemptions from what can be a Community Asset but generally there is now a legal right to ask for buildings to be registered as a Community Asset. Residential properties cannot be Community Assets. This is referred to as the Community Right to Bid. It is designed to give communities more opportunity to take control of the assets and facilities that matter to them.

If an asset is listed and then comes up for sale, the new right could give communities that want it a total of six months to put together a bid to buy it. This includes a six-week cut-off for an initial proposal to be put forward.

Who can nominate an asset?

Parish councils, community organisation (a body corporate) or neighbourhood forums (these are bodies designated by a Borough Council), can nominate both privately and publicly owned assets which meet the definition of community value.

Please contact us if you need any advice about whether your group qualifies.

The Definition of Community Value (from Localism Act Section 88)

- A building or land in the Council's area will be listed as an asset of community value if, in the opinion of the Council the current primary use of the building/land, or use of the building/land in the recent past, furthers the social well-being or social interests (cultural, recreational, or sporting interests) of the local community, and
- It is realistic to think that now or in the next five years there could continue to be primary use of the building/land which will further the social well-being or social interests of the local community (whether or not in the same way as before).

What happens once an asset is listed?

Owners of listed assets cannot dispose of them without:

- letting the local authority know that they intend to sell the asset or grant a lease of more than 25 years
- waiting until the end of a six week 'interim moratorium' period if the local authority does not receive a request from a community interest group to be treated as a potential bidder
- waiting until the end of a six month 'full moratorium' period if the local authority does receive a request from a community interest group to be treated as a potential bidder

The owner does not have to sell the asset to the community group.

There is also a 'protected period' (18 months from the time that the owner notified the local authority of their intention to dispose of the asset) – during this time there can be no further moratoriums.

The Process

The regulations and explanatory note published by the government provide detailed information on:

- The bodies that can make nominations (such as local parish councils)
- Land that is exempt from being listed (such as premises which are primarily residential)
- The steps that Pendle Borough Council has to take when considering whether to list land as an asset of community value and upon listing that land (including notifying relevant parties)
- Arrangements for owners to make appeals on decisions to list or award compensation on any losses incurred as a result of being listed (including internal reviews and external tribunals)
- Exemptions to the 6 month moratorium being applied when land is put up for sale or long term lease.

A decision will be made within 8 weeks of the receipt of nomination on whether to list the asset.

The Council will maintain a list of all assets that have been listed, have been taken off the list and are being considered for listing.

Guidance on Completing the Nomination Form to Register an Asset of Community Value

Please read the following information carefully as it will assist you in completing the form.

Completed forms should be sent to planning@pendle.gov.uk. We will acknowledge receipt of the form and send back details of what the Council will do with the request and the timescales for considering it.

The Nomination Form

Please refer to these notes in Filling Out each Section of the application forms
Eligibility

Section 1 – Your Details

This refers to your contact details only. Details about your organisation follow in Section 2.

Section 2 – Your Organisation's Details

2.1

It is essential that you have a legal right to bid. If you do not your nomination will not be processed. Only **voluntary and community organisations** with a **local connection**, in addition to Parish/Town Councils in England have the right to make community nominations of assets to be included on the list.

A 'local voluntary and community body' is defined as a body, other than a public or local authority, which may be incorporated or unincorporated, must not be run primarily for profit, and must have a primary purpose concerned with the local authority area, or the neighbourhood in which the asset is situated where this is in more than one authority's area. In practical terms, this means your organisation must be one of the following:

- A body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990;
- A parish council
- An unincorporated body whose members include at least 21 individuals, and which does not distribute any surplus it makes to its members
- 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 (defined as a body registered or deemed to be registered under the Industrial and Provident Societies Act 1965 which meets one of the conditions in section 1 of that Act) ; or

- A community interest company.

Anybody other than a Parish Council must have a local connection to the area as defined in the Regulations.

2.2

This should only be completed if your organisation is an unincorporated body.

2.3

This applies to all bodies except a Parish/Town Council. Your organisation must have a local connection with the Borough of Pendle. That means its activities wholly or partly be concerned with the administrative area of Pendle.

3 The Asset

Please make sure that the asset is eligible for nomination. The following are the legal tests set out for an asset to be eligible:

- a) The current main use of the building or land furthers the social interests or social wellbeing of the local community or a use in the recent past has done so. And, it is realistic to think that there can continue to be a main use of the building or land which will further the social interests or social wellbeing of the local community, whether or not in the same way as before.
- b) The main use of the building or land in the recent past furthered the social interests or social wellbeing of the local community and it is realistic to think that within five years the building or land can be brought back into a use that furthers the social interest or wellbeing of the local community, whether or not in the same way as before.

There are some categories of assets that are excluded from listing as assets of community value. The main one is residential property, including land and outbuildings connected with that property. However, there is an exception to this where an asset which could otherwise be listed contains integral residential quarters, such as accommodation as part of a pub or a caretaker's flat. Other exclusions include land licensed for use as a residential caravan site and operational land as defined in Section 263 of the Town and Country Planning Act 1990.

Please refer to Schedule 1 of The Assets of Community Value (England) Regulations for full details of land which is not of community value and therefore may not be listed.

<http://www.legislation.gov.uk/ukdsi/2012/9780111525791/schedule/1>

3.1 You need to provide clear details of the precise location, address and extent of the asset that is being put forward. If we cannot properly identify it we cannot consider it.

The information should include:

- Up to date office copy entries from the Land Registry entry including map with boundaries clearly marked and copies of the entries on the Register.
- A map of the site with the land outlined in red.
- A written description of the site with a clear explanation of where the boundaries are

You must clearly define its current use and whether it fulfils the legal criteria set out at 3 above.

Asset of Community Value Nomination Form

Section 1 – About You

TITLE	
FIRST NAME	
SURNAME	
ADDRESS	
POSTCODE	
TELEPHONE NUMBER	
E-mail address	
Your relationship to the organisation	
Date of nomination	

Section 2 Type of Organisation

2.1

Description	Tick which applies	Registration number of charity and/or company
Neighbourhood Forum		
Parish Council		
Charity		
Community Interest Group		
Unincorporated Body		
Company Limited by Guarantee		
Industrial and provident society		

If your organisation is not a Parish/Town Council please supply details of how it operates, its rules/constitution, its aims and objectives and how surplus funds are used.

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2.2 – Unincorporated Bodies ONLY

Number of members registered to vote locally	
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2.3 – Local Connection

For bodies other than a Parish/Town Council please explain in detail your local connection.

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3 The Asset

3.1 – Details of the Asset

Name of Asset	
Address	

Description of the asset and the site boundaries (attach land registry plans and Title details)	
Its current use or if you are relying on its recent past details of why you think it is eligible (it must fulfil the social/wellbeing test to be eligible)	
Please confirm the basis for your view that furthers social interest or the well-being of the area.	
Any further information (eg details of any additional information which will help us to identify the asset)	

4 The Owner(s) of the Asset

	Names	Address
Current occupants		
Freehold owner(s)		
Leasehold owner(s)		

Names of any other party with an interest in the land		
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