

# Community Right to Bid

## Guidance Notes



### **Background**

This Community Right (sometimes called the “Community Right to Buy” or “Community Right to Bid”) allows local community groups, including Parish Councils, to ask the Council to list certain assets as being of “community value”. Assets could include public (including Council) and private buildings and land.

If an asset is listed and then comes up for sale, the Community Right to Bid will give communities that are interested a total of 6 months (Full Moratorium Period) to put together a bid to buy it (including a 6-week cut-off (Initial Moratorium Period) for an initial interest to be expressed by the community).

A building or land in a local authority’s area will, subject to the Act and Regulations, be listed as an asset of community value if it is successful in the nomination process.

Once an asset is listed, the owner cannot then dispose of it without:

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

It is important to note that the owner does not have to sell the asset to the community interest group.

**This guidance note is designed to help community groups provide sufficient information for the nomination to be considered by the District Council. If you do not provide sufficient information your nomination will be returned to you or rejected.**

### **What to include in ACV nominations**

#### **Eligibility - What type of organisation are you?**

##### **Eligible organisations:**

- a) a body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990;
- b) a parish council;
- c) an unincorporated body—
  - (i) whose members include at least 21 individuals, and

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- (ii) which does not distribute any surplus it makes to its members;
- d) a charity;
- e) a company limited by guarantee which does not distribute any surplus it makes to its members;
- f) an industrial and provident society which does not distribute any surplus it makes to its members; or
- g) a community interest company

### **Evidence that can be supplied includes:**

- Articles of Association
- Memorandum of Association
- Companies House return
- Trust Deed
- Constitution / Terms of reference
- Standing Orders
- Interest Statement for Community Interest Company

### **What is your local connection to the nominated asset?**

Your organisation must have a local connection to the nominated asset. This means that you must be able to demonstrate that your activities are wholly or partly concerned with Harborough District or your parish area or with a neighbouring authority/parish (which shares a boundary).

### **Details of the land and/or building you wish to nominate.**

We need to know the exact location and extent of the land and/or building you are nominating (e.g. you may want to include the car park area next to a building, but evidence will be required as to why the car park furthers the social wellbeing or social interests of the community and why that use is a non ancillary use).

### **Evidence to be supplied**

- A description of the nominated land including its proposed boundaries
- The names of current occupants of the land
- The names and current or last-known addresses of all those holding a freehold or leasehold estate in the land

### **Types of assets that may be eligible to nominate include:**

- I. Sport, recreation and culture
  - parks and open green spaces
  - sports and leisure centres

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- libraries
  - theatres
  - museums or heritage sites
  - cinemas
  - swimming pools
- II. Community Assets
- community centres
  - youth centres
  - public toilets
  - hospitals
- III. Local democracy
- town, civic and guild halls
- IV. Any economic use (e.g. a business such as a shop) which also provides an important local social benefit that would no longer be easily available if the service should cease
- village shops
  - pubs
  - markets

You should ensure that the nominated asset is not in one of the categories of land and/or building which cannot be listed as a community asset, as set out in Schedule 1 of the Assets of Community Value Regulations 2012.

Assets that would **not** normally be considered as having 'community value'

- administrative offices
- land or property where community use is secondary to its main purpose
- land attached to residential property (although the regulations set out certain exceptions for shops and pubs)
- land covered by Caravan Sites and Control of Development Act 1960
- land used by public utilities, defined as operational land in section 263 of the Town and Country Planning Act 1990

### **What is the current or recent non-ancillary use of the land and/or building?**

NOTE: This is sometimes a complex issue that many groups struggle to understand.

For example, if school playing fields are used on a Saturday by a local sports club, or a scouting group uses a site one morning a month, that community use will be an **ancillary use** and the asset should not be listed.

In contrast the weekly use by a Scouts Group of a field held by a trust or other body for recreational purposes was considered a **non-ancillary use**. (*The Bay Trust v Dover DC CR/2016/0002*). In this case the asset is capable of being listed.

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Non ancillary has been further tested and a legal opinion has been given by Judge Lane in *General Conference of the New Church v Bristol CC supra*. The original and sole purpose of the nominated asset was use as a church and this was the primary purpose on the facts presented to the tribunal.

Other considerations made by Judge Lane were:

- The building had been used for dance classes, Brownies and other uses but this had dwindled to only one club on a regular basis.
- It was relevant that the running costs of the building were not being met by the community use.

In consequence Judge Lane *stated* “*the reality was that the church was still a church; not a community or social centre*”. In consequence the uses were ancillary and the church should not be listed.

A building or other land will only be considered for inclusion on the list of assets of community value if its **actual current, non-ancillary, use furthers the social wellbeing and interests of the local community** or a use in the recent past (usually up to three years, but can be longer in some circumstances) has done so. The identified use must not be an ancillary one.

### **Relevant evidence can include:**

- Numbers of people making use of the facility and what they have used the facility for
- Calendar/session rotas for local groups
- History of use

### **How does the nominated land and/or building meet the social interests of the local community?**

Please show how the current main use of the building or land furthers the social interests or social wellbeing of the local community as a whole, and not simply the users/customers of the specific service.

### **Relevant evidence can include:**

- Number of users/members/customers
- Number of volunteer hours spent at the facility
- Evidence of services provided
- Accessibility of asset
- Policies of the organisation using the asset
- Equalities impact to identify the impact it will have on different groups in the local community
- Involvement by the local community in running or managing the asset
- Positive impacts on:

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- Health and Wellbeing
- Local natural environment and wildlife
- Cultural, sporting or recreational activities

### **Why is the nominated land and/or building usage seen as having social value for the local community?**

Relevant evidence can include:

Highlighting the nominated asset's impact on;

- Local community pride
- Cohesion
- Sense of place (e.g. hosting community wide events)
- Sustainable living
- Areas of need

### **How strongly does the local community feel the land and/or building usage furthers their social interest?**

Relevant evidence to show that the local community strongly feels that the nominated asset furthers their social interest can include:

- Evidence supplied by local stakeholders to support the nomination request (e.g. surveys, petitions, social media)
- Evidence of whether the process for gathering community feedback and views is sound
- Reference to and evidence from Neighbourhood Plan or other local documents as to the importance of this asset locally
- Evidence and support from local ward members

### **What are the community groups plans for the future within reasonable resources and timescales?**

Relevant evidence can include:

- Outline business plans
- Survey reports
- Market intelligence
- Status and progress of proposals for taking over/managing the asset in the future

### **How do you get your chosen asset listed as an ACV?**

To get your chosen asset listed as an Asset of Community Value you will have to demonstrate to the Council how it adds value to your local community.

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Below are some suggestions of what you could include in the nomination. Where possible, you should also add in as much local information as you can.

### Events

- Live music events which brings the community together. This also provides a platform for local music artists and contributes to the local area's culture
- The asset hosts advertising for local events which encourages the community to come together to support local businesses.
- There are televisions screening sporting events enjoyed by users. This allows people in the community to come together to enjoy specific sporting events – providing a safe place to socialise and a specific sporting event.
- The asset hosts a regular quiz or other social night which brings people together from a variety of different backgrounds; furthering the recreational interests of the community.
- A local beer festival or gardening festival/show offering a range of local produce is hosted at a pub or other venue. This helps support local businesses as well as bringing people from the community together.
- During election periods, the asset is used to host election hustings or polling station
- The asset hosts a karaoke night which is enjoyed by people in the community
- The asset is used for events which raise money for local charities

### Facilities available

- There is additional land (car park/ garden) attached to the asset which is used and enjoyed by local people including families and is used for regular events that promote community cohesion or for fundraising events.
- A children's play area for local families is available at the asset
- The asset adjoins a sports field and users share the assets facilities. This not only encourages local residents to take pride in their local area, but also provides more use of the asset and allows people from different backgrounds to mix together.
- Does the asset serve food that is enjoyed by the local community. (It can also be mentioned whether there are any special food offers available for older people etc)
- Free wifi is available for customers which allows people to access the internet that otherwise would not be able to. The asset therefore provides a vital facility for people wanting to use the asset for more than just a social event.

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- There is free parking available which is accessed by the wider community. This allows people to get to/from the asset safely when transport is not available.
- There is good access for disabled people at the asset. This provides an easily accessible and inclusive space to meet with other members of the local community and provides a safe and enjoyable environment to be in furthering the persons individual wellbeing.
- Meeting spaces are available for local community groups and charities to use
- The asset provides other important local services to the community (This could include a library, a post office, a local shop or any other service that enhances social wellbeing)
- The asset offers games or recreational activities such as a dart board, quiz machine, a pool table and board game which are enjoyed by the community. The asset may also be a venue for local sports teams.
- There are good transport links available to/from the asset. This means that elderly members of the community can easily and safely get to/from it. It also means that people from surrounding areas can easily access and enjoy the pubs facilities.

### **Awards**

- Has the asset won a local or national award for the services it provides to the community?
- Has the asset has been included in a tourist and local asset guide, which attracts more people to the asset from surrounding areas and communities which helps boost the local economy?
- Has the asset been included in social media?
- Has the asset won an award for its commitment to raising money for local charity?

### **Other ways the asset might add value to the community**

- The asset sponsors a team which represents it in sports leagues furthering the sporting interests of the community
- The asset has special value to local heritage and culture which should be protected. Heritage forms an important part of the community's historic and cultural identity which furthers the cultural interest of the community.
- Is the asset used by a local MP, ward member or Parish Council to hold constituency surgeries or meetings?
- Does the asset provide training and development for employees/volunteers which increases individual wellbeing and supports people's professional development?

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- There are no other facilities in the area that provide the array of activities that this specific asset does
- The asset enables local people to meet and socialise in a welcoming environment which they find rewarding and enjoyable. Social interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well-being.