



Community Right to Bid

Assets of Community Value

Guidance Notes

“The Community Right to Bid allows communities and parish councils to nominate buildings or land for listing by the local authority as an asset of community value”

Introduction

The Community Right to Bid came into being as part of the Localism Act 2011. It enables local communities to nominate land or buildings to be registered as assets of community value. If a listed asset is put up for sale it will pause any sale for 6 months in order for the local community to raise finances and make a bid to buy it.

In these guidance notes you will find details of the criteria and eligibility for nominating an asset of community value. We have also provided information about the process nominations go through and details of where to get more advice and support.

We will treat all nominations fairly and decisions made will be based on the nomination form and local community evidence.

Contact details

You can contact us about the Community Right to Bid via telephone or e-mail.

Telephone: 01427 676676

E-mail: communityrights@west-lindsey.gov.uk

Assets of community value

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

- The use of the building or land currently, or in the recent past*, furthers the social well-being or cultural, recreational or sporting interests of the local community
- This use (as described above) of the building or land will continue to further the social well-being or interests of the local community
- The use of the building or land must not be deemed 'ancillary' i.e. for secondary purpose. This means that the use of the building or land to further social well-being or interests of the community must be its principle use.

* We generally consider the recent past to be within the past 5 years however each nomination and asset is considered based on individual circumstances.

Organisations/groups that can nominate

Only eligible organisations and groups can make a nomination. The organisations must 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 Lindsey District Council or a neighbouring local authority.

The following organisations and groups can make a nomination:

- Charities
- Parish and Town Councils
- Company limited by guarantee
- Industrial and provident societies
- Community groups *
- Local Neighbourhood Forums
- Community Interest Company

* Community groups must have 21 members who are registered to vote in the West Lindsey District Council area.

How to nominate an asset

Nominations must be made by submitting our Community Right to Bid Nomination Form. This form has a range of questions about the asset and asks for local evidence to show it is currently in or has recently been used for the benefit of the community.

In addition to completing the nomination form you must submit supporting evidence such as a map of the asset, photographs and other evidence showing the current or recent community use.

We also ask for a copy of your organisations constitution or similar governing document. This is not applicable to Parish and Town Councils.

Community groups must also send a list of 21 members who are registered to vote in the West Lindsey District Council area. This should include full names and addresses. We will check this information against the electoral register.

You can download a copy of the nomination form from our website or contact us directly to be sent a copy. The nomination form contains further guidance on how to answer the questions and what information to provide.

Download the nomination form from our website:
www.west-lindsey.gov.uk/communityrights

Nomination process

We have to decide whether or not to list the asset, within eight weeks of receiving a nomination. Once received we will check the basic details such as the eligibility of the nomination and the organisation submitting. We will check questions have been fully answered and may ask for further information.

Decisions on registering an asset of community value will be made by our Community Rights Panel. This panel has 3 Councillors and 2 Officers.

Assets that are considered to be of community value will be added to the 'Assets of Community Value Register'. They will remain on the register for 5 years and a land charge will be registered against the property. When the 5 years have expired, an eligible organisation can submit a new nomination.

We will take all practicable steps to notify the owner and lawful occupants that we are considering registering the property. We will also notify these people of the outcome of the nomination.

The organisation nominating the asset will be notified of the outcome along with reasons if the nomination is unsuccessful. They will also be notified if the asset is subsequently removed from the list, following a review of the decision.

Community Rights Panel

Our Community Rights Panel has a Terms of Reference for how it operates and makes any decisions on nominations in accordance with the Localism Act 2011 and other subsequent legislative acts and guidance issued.

The panel has 5 members. 3 members are councillors appointed to the panel at our Annual Council meeting. 2 members are officers at a management level.

As of 22 May 2023 the panel members are:

- Councillor Stephen Bunney
- Councillor Mandy Steer
- Councillor Trevor Bridgwood
- Grant White
Communities Manager
- Lyn Marlow
Customer Strategy & Services Manager

Nomination process – Step by Step Guide

Step 1 - Submit completed nomination form

We will make a decision on the nomination within 8 weeks of the date of receipt. An acknowledgement letter will be sent to the nominator, owner of the asset and any other stakeholders involved in the asset.

Step 2 - Advanced information

We may contact any stakeholders to clarify or request further information in relation to the nomination form. Officers may also conduct site visits to the asset.

Step 3 - Community Rights Panel

The nomination and any additional information obtained will be reviewed and a decision will be made based on the criteria of registering a community asset.

Unsuccessful Nomination

We will explain the reasons the nomination has been unsuccessful in writing to the nominator and all stakeholders involved in the asset. The asset will be added to our Assets of Community Value register as unsuccessful. The nominator has no right of appeal but may be entitled to re-submit.

Step 4 - Successful Nomination

We will inform the nominator and all stakeholders involved in the asset of the outcome. The asset will be added to our Assets of Community Value register for a period of 5 years. Entries will be placed on official Land Registry records relating to the asset.

Step 5 - Listing Review (if requested by the owner)

A request to review the decision to register an asset must be made in writing within 8 weeks of the date on which written notice of the registration was given. Written notice of a review taking place will be sent to the nominator. The owner will be invited to make representations to the council and a review decision will be made by Officers not involved in making the original decision.

Successful Review

Asset is removed from register

We will explain the reasons for removing the asset from the Assets of Community Value register in writing to the nominator and all stakeholders involved in the asset. The nominator has no right to appeal but may be entitled to re-submit a nomination.

Unsuccessful Review

Asset remains registered

We will explain the reasons the original decision to register the asset has been upheld in writing to the nominator and all stakeholders involved in the asset.

Step 6 - First-Tier Tribunal (if requested by the owner)

If the owner is un-happy with the Listing Review decision they have the right to appeal to the First-Tier Tribunal. The tribunal process will review the decisions made and make a final decision on whether the asset should remain registered.

The owners' rights

When an asset is nominated as an asset of community value the owner will be informed and has the opportunity to comment on the validity of the nomination. If their property is then registered they have the right to an internal review of the decision.

A request for a listing review must be made in writing within 8 weeks of the notice of listing.

The asset will remain registered whilst the review is carried out. The review will be undertaken by a senior officer of the council who was not involved in the original decision to register the asset. The owner can make representation to the reviewer and we will complete the review within 8 weeks of receiving the request. The owner and the council will bear their own costs of the review.

Only the owner of an asset can request a review of the decision. We won't accept a request to review from any other organisation.

If the owner is not satisfied with the outcome of an internal review they then have the opportunity to appeal. The appeal must be made to the General Regulatory Chamber of the First-Tier Tribunal within 28 days from the date on which notice of the decision appealed against (the outcome of the review) was sent to the owner. The asset remains listed during the appeal process.

Compensation

Private owners may claim compensation for loss and expenses incurred through the asset being listed or previously listed. Most claims will arise from the moratorium period being applied but may relate to loss or expense arising simply as a result of the building or land being registered.

Claims must be made in writing to us within 13 weeks from the end of the 6 week or 6 months moratorium period (as appropriate) or from the date when the building or land ceased to be listed.

You can view our compensation policy on our website:
www.west-lindsey.gov.uk/communityrights

Owners wishing to sell

The owner of the asset must advise us when they intend to sell the property and we will inform the organisation that submitted the nomination. If no eligible community organisation notifies us within 6 weeks that it wishes to bid, the owner is free to sell their property as they see fit.

If an eligible community organisation notifies us within 6 weeks that they wish to bid for the property, they will have up to 6 months in which to prepare the bid.

Support for managing community assets

Community Right to Bid can be used as a tool to protect local community assets. Further advice and support is available for the management and development of community assets such as village halls, community buildings and recreational facilities.



Provide advice and support for village halls and community buildings. Deliver a wide range of services to support rural community action and development.

Telephone: 01529 302466

Website: www.communitylincs.com



Run volunteer centres helping to recruit and train volunteers for a range of organisations. Provide advice and support to voluntary groups and charities on governance, management and funding.

Telephone: 01427 613470

Website: www.voluntarycentreservices.org.uk



Free online grant funding search tool. Use to search thousands of grant schemes for all types of community projects.

Website: www.west-lindsey.gov.uk/funding