

# Guide to Assets of Community Value & Community Right to Bid

## Nominations

### Who can nominate an Asset of Community Value?

Only eligible voluntary and community organisations can make nominations. These 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 of the following:
  - a parish or town council
  - an unincorporated community group with at least 21 members who are registered to vote in West Berkshire
  - a local neighbourhood forum (not applicable in West Berkshire)
  - a charity, industrial and provident society, company limited by guarantee, or community interest company.

### How to nominate an asset of community value?

Nominations can be made using the form on the [Community Right to Bid webpage](#).

A nomination has to include certain information:

- evidence that the nominator is entitled to make a nomination
- the address of the property
- details of the extent of the site and its proposed boundaries (a map is useful)
- the names and addresses of the current owner(s)\* and occupant(s)
- how current / recent use of the site contributes / has contributed to the local community's social wellbeing or social interests, and if it is realistic to expect that this or another use of the site could continue to do so in future

*\* The owner is taken to be the freeholder where there is no qualifying leaseholder, or the leaseholder most distant (in terms of intervening legal estates) from the freeholder, holding a lease granted for at least 25 years.*

If you are uncertain of the ownership and boundaries of the building or land you wish to nominate, you will need to carry out a search through the [Land Registry website](#).

If the property is not registered, please provide the most accurate information that you can.

## What counts as an "Asset of Community Value"?

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

- it can be shown that the use of the land currently furthers the social wellbeing or cultural, recreation or sporting interests of the local community (or has done so in the recent past);
- this use or another such use could continue to further the social wellbeing or interests of the local community in the future;
- the use of the building or land is not "ancillary", i.e. of secondary purpose.

Residential property (including private homes and hotels) is exempt, except where this use can be shown to be ancillary to the main use (e.g. where a pub with letting rooms derives the majority of its income from the pub use).

## What happens following nomination?

Once a completed form has been received, the council has eight weeks to make a decision on whether or not to list the asset.

Once we have received the completed form, we will check:

- the eligibility of the organisation making the nomination;
- whether the asset meets the legal definition or is in an excluded category; and
- the completeness of the information supplied.

The decision as to whether the nominated asset is of community value is made by a specially convened officer group.

The council will take all practicable steps to notify the owner(s) and lawful occupant(s) and the relevant town / parish council that a nomination has been received. We will also notify these parties of the outcome of the nomination.

Successful nominations are 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. After five years, an eligible community organisation can submit a new nomination.

If the nominated asset is not considered to be an Asset of Community Value, or if the nomination was ineligible, the council will write to the nominating organisation to explain the reasons for the decision. The property will be added to the "List of Unsuccessful Community Nominations" and will remain on the list for five years.

The List of Assets of Community Value and the List of Unsuccessful Community Nominations can be viewed on the [Community Right to Bid webpage](#).

## The owner's right to object

If the council decides to list a property as an Asset of Community Value, the property owner can ask for a review of the decision. This will be carried out by a senior officer of the Council who was not involved in the original decision. A request for a listing review must be made in writing within eight weeks of the notice of listing. 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.

## Selling an Asset of Community Value

If an owner wishes to sell all or part of a listed Asset of Community Value, they must notify the council by emailing [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk), or by writing to: Service Director, Strategy and Governance, Council Offices, Market Street, Newbury, RG14 5LD. We will publicise this on our website and 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, we will inform the owner. The community group will have six months from the date when the owner originally notified the council of their intention to sell the asset in which to raise funds and submit their bid to buy the asset on the open market.

## Community Right to Bid

### 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 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 [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?

If an eligible community interest group wishes to submit a bid, it must notify the council within the initial six week period by emailing [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk), or by writing to: Service Director, Strategy & Governance, Council Offices, Market Street, Newbury, RG14 5LD.

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](#)

Last updated: 11 January 2021



West Berkshire  
C O U N C I L

# Appendix A: Summary of Listing Process for 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.

<b>Step A</b>	
<p><b>A1. Is the nominating organisation an eligible body to nominate?</b>                      The types of organisations eligible to make a nomination are defined in Regulation 5 of the Assets of Community Value (England) Regulations 2012 as below:</p> <ul style="list-style-type: none"> <li>(a) a parish council;</li> <li>(b) an unincorporated body:                             <ul style="list-style-type: none"> <li>(i) whose members include at least 21 individuals, and</li> <li>(ii) which does not distribute any surplus it makes to its members;</li> </ul> </li> <li>(c) a charity;</li> <li>(d) a company limited by guarantee which does not distribute any surplus it makes to its members;</li> <li>(e) an industrial and provident society which does not distribute any surplus it makes to its members; or</li> <li>(f) a community interest company.</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p><b>A2. Does the nominating body have a local connection to the asset nominated and, in the case of an unincorporated body, a company limited by guarantee or a community interest group, applies any surplus it makes wholly or partly for the benefit of the local authority's area or for the benefit of a neighbouring authority's area?</b>                      “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><b>A3. Does the nomination include the required information about the asset?</b>                      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"> <li>(a) a description of the nominated land including its proposed boundaries;</li> <li>(b) a statement of all the information which the nominator has with regard to:                             <ul style="list-style-type: none"> <li>(i) the names of current occupant(s) of the land, and</li> <li>(ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land.</li> </ul> </li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p><b>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) Regulations 2012?</b>                      Excluded categories include:</p> <ol style="list-style-type: none"> <li>1. A residence together with land connected with that residence</li> <li>2. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960</li> <li>3. Operational land as defined in section 263 of the Town and Country Planning Act 1990(c).</li> </ol>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>If “<b>Yes</b>” to all of step A <b>proceed to step B</b>.                      If “<b>No</b>” to one or more of step A, <b>inform nominator that nomination is ineligible</b>.</p>	

**Step B – Establishing the non-ancillary use that the application is based on**

**B1. Is the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?** Yes   
No

If the current or recent usage that is the subject of the nomination is actual and non-ancillary, **proceed to step C.**  
If not, **place on List of Unsuccessful Nominations.**

**Step C – Determining whether the current usage or usage in the recent past furthers social wellbeing or social interests**

**C1. Does the current or recent usage which is the subject of the nomination further the social wellbeing or social interests of the local community?** Yes   
No

Matters to consider include:

1. Who benefits from usage of the asset – the local community or others?
2. How does usage of the asset further the social wellbeing or social interests of the community on whose behalf the application is being made?
3. What evidence is provided?

If **“Yes”** to C above, **proceed to Step D.**  
If **“No”** to C above, **place on List of Unsuccessful Nominations.**



## Step D – Realism of future usage

**D1. 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 (whether or not in the same way) again within the next five years?**

Yes   
No

Matters to consider include:

1. Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is no longer fit for purpose?
2. In the event that a community bid were successful in securing the asset, are the proposed future use and operating model considered to be viable?
3. Could the asset be made fit for purpose practically and within reasonable resource requirements and timescales?

If “**Yes**” to D above, **place on List of Assets of Community Value.**  
If “**No**” to D above, **place on List of Unsuccessful Nominations.**

Decision made by officer Group	
Date decision made	
Date passed to Planning Registration Team	
Date entered onto Decision Register and registered on Land Charges	
Date instructions sent to Legal to register at the Land Registry	
Date entered onto Geographic Information System (GIS)	

