



Assets of Community Value Guidance Notes

These guidance notes are to help you with completing the nomination form for registering an asset of community value. They also contain some information about the process, outline the definition of an asset of community value and some of the things which are exempt.

Background

The Community Right to Bid, which was established by the 2011 Localism Act, came into force in September 2012. The right gives eligible groups the opportunity to identify and nominate assets that are of value to the local community and gives them a fair chance to make a bid to buy them on the open market if the owner decides to sell.

A community could use this right to buy a local asset like a village shop, community centre, library, children's centre, allotment or pub. The right covers private as well as public assets.

All nominations for land or property to be included on the list of assets of community value must be made using our assets of community value nomination form.

What is an asset of community value?

When we assess whether a particular building or piece of land is of community value, we must determine whether it meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011.

A building or piece of land in the City of York Council area is deemed to be of community value if, in our opinion

1. The current or main use of the building or land furthers the social interest or social well being 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.
2. The main use of the building or land in the 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.

3. Social interests include cultural, recreational and sporting interests. Social wellbeing is that which people value in their life that contributes to them reaching their potential (economic, social or environmental)

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 accommodation, 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

Lists of Assets of Community Value

City of York Council will maintain and publish a list of all successful nominations

A list of all unsuccessful nominations will also be published to avoid duplication of nominations for a building which does not meet the criteria.

CYC will also regularly update a list of nominations which are currently being considered.

Please ensure that you have consulted all three lists before submitting a nomination to list an asset of community value

Nominating an Asset of Community Value

You can fill in the nomination form online, download a copy from our website or we can e-mail a copy to you.

If possible please fill in the form electronically, if using a paper copy please type or write clearly in black ink.

The **nomination form** is split into sections covering

- The asset you wish to nominate
- Your organisation
- Why you believe the asset is of community value
- The boundaries of the asset being nominated

Please answer all the questions. The notes below explain what sort of information you need to include for each question together with some examples of what is required for some of the questions.

We will use the information you provide on the nomination form to assess whether your nomination meets the requirements of the legislation for designating an asset of community value.

Section 1: About the Asset being nominated. We will publish details about the type and location of the asset you are nominating on our website

Asset Type

Tell us what type of building or piece of land the asset is.

Examples – playing field, pub, community hall

Property Location

It is important that you provide the full name, address and postcode of the property being nominated

Property Ownership details

It is very important that you include these details as we will need to contact the owner to inform them of the nomination and allow them to comment

Current Occupier details

The current occupier may not be the same as the owner so it is important that we advise everyone affected if the asset is listed

Section 2: About your community organisation. We are asking for the information in this section to help us assess whether your organisation is eligible to make a nomination

Details of organisation

Enter the name and address of the organisation. We will publish this information on our website and may share it with the owner of the land you are nominating

Organisation type

You need to tell us what type of organisation you are as only the voluntary and community bodies listed below are eligible to make a nomination. We will not accept nominations from any other bodies.

Parish or town councils can make nominations for an asset in their own area or in a neighbouring parish/town council's area.

Neighbouring parish councils. A parish council may nominate an asset in an adjoining parish area where there is no parish council and where they have a shared boundary and the asset is within the City of York Council area.

Unincorporated community groups. The membership must include at least 21 local people who appear on the electoral roll within the City of York Council area, or a neighbouring local authority area. You will need to provide evidence of this by sending a list of 21 members names and addresses which will be checked against the electoral roll. The group must not distribute any profits it makes to its members.

Neighbourhood forums. A body designated as a neighbourhood forum as set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a neighbourhood forum. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation. For example a forum

should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the local community.

Community interest groups with a local connection. These must have one or more of the following structures

- A not-for-profit company e.g. a charity – companies whose activities benefit the community and who re-invest surplus made from trading back in to the community (often called Social Enterprises or Community Interest Groups)
- A community interest company (a company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004)
- A company limited by guarantee that is non-profit distributing which does not distribute any surplus to its members, but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area
- An industrial and provident society (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 the Act) which is non-profit distributing, it does not distribute any surplus it makes to its members, but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority

Registration number

If you are a charitable organisation or company please provide your charity or registration number

Section 3: Supporting information for the nomination

In this part of the form you need to give as much information as possible about why you feel the asset currently boosts the social interest and social wellbeing of a local community or, if it did in the past, why it is realistic to think that it could in the future. For example how the asset is currently used, what activities take place there, which groups use it or have done so in the recent past.

Social interests include cultural, recreational and sporting interests. Social wellbeing relates to social interaction and engagement.

Example – Community Hall

The hall is the only community facility in our village. It is heavily used throughout the week by a wide range of groups from the village including a mother and toddler group, cubs, Guides, exercise groups, over 60's, luncheon club and the parish council. The enclosed pages from the booking diary for the month of September give an indication of hall usage. Each year the hall hosts a number of events which attract audiences of all ages from the local community, these include the Spring fayre, village games, Christmas carol concert and village pantomime.

Section 4: Boundary of the Property/Land being nominated

Please give as much detail as you can about the extent of the property/land you are nominating; for example this may include the car park area. If possible please include a plan showing the location of the asset and a site plan with the boundaries marked on it. Any area which is in the ownership of a statutory undertaker (such as an electricity substation) cannot be listed.

Example – the asset comprises the entire village hall building plus the small area of grass to the rear and the parking area at the front. The boundaries are marked by the wooden fence on either side, the hedge at the back and the railings at the edge of the car park

Section 5: Attachment checklist

Please send all the relevant attachments with your form as we will not be able to assess your nomination without these. Please tick to indicate which items you are attaching

Section 6: Declaration

Ideally the form will be signed by a member of the group's management team or committee such as chairperson, secretary or treasurer. This should be the same person as in the contact details in Section 2

Disposal of an Asset of Community Value

Once an asset is on the List of Assets of Community Value, if the owner of that asset decides to sell the property they must inform the Council.

From the date the Council is informed of the owner's intention to sell an initial moratorium of 6 weeks is in place. During that time:

- The Council will inform the original applicant of the intention to sell
- The Council will publish a notice in the local paper and on its website informing the public of the intention to sell
- Expressions of interest in bidding for the asset are welcomed from eligible community groups
- The owner is prohibited from selling the asset

At the end of the 6 week moratorium if no potential bidder has come forward the asset can be placed on the open market.

If a written expression of interest from an eligible community group is received then a full moratorium period becomes active, 6 months from the date the owner of asset informed the Council of their intention to sell.

The full moratorium gives the potential bidder time to put an offer together and place a bid. During this time the asset cannot be sold unless it is sold to a community group.

When a bid is received by the owner of the asset they may choose to accept or decline the offer. The owner of the asset may still choose to sell the asset on the open market following due consideration of the community bid and at the end of the six month moratorium.

This process gives the community the opportunity to bid for an asset. It is not a requirement for the owner to sell to the community.