

**Application to Nominate Assets of
Community Value**

Guidance Note

February 2014

Application to nominate an asset of community value

If you wish to nominate an asset of community value for listing you will need to complete this application form. The responses to the questions in your application will enable the Council to reach a decision about your nomination. In the event that the information you supply is insufficient to make a decision, your application will be rejected.

Before completing this application **please read** the frequently asked questions section attached as an appendix. The explanations in that section will help you to better understand whether the asset you propose to nominate meets with the definition of an 'asset of community value'. They also provide additional information about your rights to nominate and bid for assets as well as the rights of asset owners.

Your completed application should be emailed to:

Devcontrol@warrington.gov.uk.

Your application will be processed by the Council's Development Management Service. Once the application is valid / registered you will be sent a letter confirming timescales and the name / contact of the officer that will deal with your application. The application will be assessed / determined by a member of the Council's Planning Policy & Programmes team.

For information, the table below summarises the 'assets of community value' nominating and bidding process in four simple stages.

Stage one: Identify an asset for nomination

If an eligible community or voluntary group thinks that a local asset meets the definition of an 'asset of community value' they can fill in an application form and ask the Council to list the property as an 'asset of community value'. If the nomination meets the relevant criteria and is approved by the Council, the asset will be included on the list. A list will also be compiled for any unsuccessful nominations that do not meet the criteria.

Stage 2: The owner wants to sell their asset

If the owner wants to sell their asset they must notify the Council, which will then notify the community group that nominated the asset and publicise the proposed sale to the wider community. If within six weeks of informing the Council of their intention to sell their asset an eligible community interest group does not come forward, the owner is free to sell their asset for a period of eighteen months from the date that they notified the Council of their intention to sell the asset.

Step 3: A designated community group wants to bid for the asset

If an eligible community interest group *does* express an interest in bidding for the asset, this group or groups will be granted extra time to prepare a business plan and gather the finance needed to purchase the asset. All in all, the time-frame for groups to put together their bids is six months starting from the time the asset owner informs the Council of their intention to sell the asset.

Step 4: The point at which the asset is to be sold

The six month window of opportunity is only for eligible community interest groups to put their business plans together and gather necessary funding. Once the six month

window has expired, the asset owner is free to sell their property to who they want. They are under no obligation to sell the asset to any eligible community interest group or groups who bid to purchase the asset.

Nomination application form

1. In this section, please describe the building or land you wish to nominate including its proposed boundaries

2. In this section, please provide all the information you have with regard to the names of current occupants of the building or land and the names and current or last known addresses of all those holding a freehold or leasehold estate in the land

3. In this section, please explain why you think that the Council should conclude that the building or land is of community value

In this section please provide evidence that you are eligible to make a community nomination.

Your details

Your Organisation	
Contact name	
Position held	
Address	
Postcode	
Telephone	
Email	

Notes

1. Submission requirements: Please send your completed form along with a site location plan (1:1250 or 1:2500 scale) with a red edge around the site/land/property in question to devcontrol@warrington.gov.uk

2. Legislation and advice: Please consult the following documents prior to submitting your application as this will determine who can nominate (eligibility) and the circumstances when land may or may not be listed as an asset of community value (such matters will be considered as part of the validation of the application):

- Part 5 Chapter 3 of the Localism Act 2011
- The Assets of Community Value (England) Regulations 2012
- Department for Communities and Local Government – Community Right to Bid: Non-Statutory Advice note for local authorities
- My Community Rights government website:
<http://communityrights.communities.gov.uk/H>

Appendix: Frequently asked questions

What is the definition of an asset of community value?

The legislation provides that an asset satisfies the definition of an asset of community value if:

- the local authority decides that the actual main, current use of the building or land is to further the social wellbeing or social interests of the local community 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 wellbeing or social interests of the local community; or
- in the opinion of the local authority there is a time in the recent past when the actual and main use of the building or land furthered the social well being or social interests of the local community and, it is realistic to think that there is a time in the next five years when there could be a main use of the building or land that would further the social wellbeing or social interests of the local community.

“Social interests” includes (in particular) cultural, recreational and sporting interests.

Who can nominate an asset of community value?

The legislation sets out that the following bodies can nominate an asset of community value for listing:

- a charity
- an unincorporated body whose members include at least 21 individuals and which does not distribute any surplus it makes to its members
- a body designated as a neighbourhood forum
- 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
- a community interest company
- a parish council

To make a nomination, does a nominating body have to have any local connection to the area?

Yes it does. Organisations whose activities are wholly or partly concerned with the local authority's area or with a neighbouring authority's area can make a nomination. Certain other organisations can also nominate if any surplus they make is wholly or partly used for the benefit of the local authority's area or for the benefit of a neighbouring authority's area.

If my group nominates a community asset for listing will it also be able to bid for the asset if the owner decides to sell the asset?

The legislation sets out that only community interest groups can bid for assets. These are a charity, a company limited by guarantee which does not distribute any surplus to its members, an industrial and provident society which does not distribute any surplus to its members or a community interest company, in each case having a local connection to the building or land; or a parish council.

Who makes the decision on whether or not a nomination has been successful?

Decisions as to whether or not a nomination has been successful are made by the local authority – in this case Warrington Borough Council. In making its decision the local authority must comply with the legislation.

How long will the decision take and how will I find out what it is?

The local authority is required to make its decision within 8 weeks of receiving a nomination. The local authority will notify the owner and occupants of the asset that it is considering a nomination. If the local authority decides to list the asset, it will notify the owner, occupant and the community nominee. If the nomination is unsuccessful, the local authority will give the community nominee written reasons for its decision not to list.

Is there a right of appeal against a listing?

Yes there is. At the time when the local authority makes its decision it will take into consideration all relevant and available information. However, if after the decision has been taken to list an asset, the asset owner contacts the local authority within 8 weeks (or such longer period as the local authority may allow) asking for the decision to be reviewed, the local authority is obliged to carry out an internal review of its decision. This will generally be at an oral hearing which will be heard by a senior officer of the local authority who took no part in the original decision. If following that review (which must be completed within 8 weeks unless the parties agree otherwise) the local authority decides that the asset does not fit the criteria of an asset of community value, the asset will be removed from the list. If the local authority decides not to remove the asset from the list, the owner has a further right of appeal to an external Tribunal.

Once the local authority agrees to list an asset what happens next?

If the local authority agrees to list an asset, it will then be included on the local authority's register of assets of community value. This register includes details of all successful nominations; the description of the asset; who nominated the asset and the date when the asset was nominated. The register is available to view at all times on the Council's website or through appointment at the Council's main New Town House offices. Alternatively please contact the Council's Land Charges Service if you wish to know more about assets that have been listed in the Borough.

What happens if my nomination has been unsuccessful?

As well as a list of successful nominations, the local authority is obliged to maintain a list of unsuccessful nominations, both of which will continue to be made available to view on the Council's website. This list will include a summary of the asset that was nominated; the asset owner; the nominating group and the reason for the decision not to nominate the asset.

What sorts of buildings are exempt from listing as assets of community value?

The legislation sets out that there are some assets that are exempt from listing. These are:

- a private residence and land connected with that residence

- statutory undertakers' land
- caravan sites

If an asset is listed, how long does the listing last for?

The asset will remain on the list for 5 years, after which it will be removed. However, it can then be re-nominated to go back on the list. An asset can also be removed if, at any time, the local authority no longer considers it to be of community value. Notice of removal is required to be given to the owner, occupant and the community nominee who originally nominated the asset to go on the list.

How do I find out when an owner of a listed asset is proposing to dispose of it?

The owner must notify the local authority that it wishes to dispose of the asset. The local authority will then amend the list to show that notice of disposal has been received and the dates of the initial moratorium period (6 weeks from notification), full moratorium period (6 months from notification) and protected period (18 months from nomination). The local authority will give written notice to the community nominee who originally nominated the asset to go on the list and will publicise the proposed disposal in the area where the asset is situated. If the local authority receives a written request from a community interest group within the interim period to be treated as a potential bidder, it will pass the details to the owner of the land.