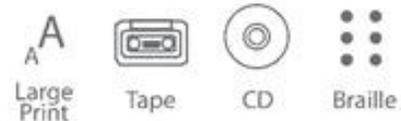


Community Right to Bid: Assets of Community Value Policy & Guidance

Other formats are available.
Please call 01706 217777 or
visit our One Stop Shop at
Futures Park, Bacup.

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|---------------------------------|--------------------------|--------------------------------|--|
| Responsible Section/Team | Business Directorate | Version/Status | 1.03 FINAL |
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Disclaimer

This is a guide intended as an introduction to the local scheme containing the initial procedures adopted by Rossendale Borough Council for the performance of its duty under Chapter 3 of Part 5 of the Localism Act 2011 and the Regulations. These procedures will be subject to frequent updates. The Guide is not and must not be taken as a statement of the law. Owners and community groups must obtain independent legal advice when considering their options when faced with choices under the scheme.

Introduction

The purpose of this policy is to set Rossendale Borough Council's approach to managing the Community Right to Bid provision within the Localism Act 2011. The Community Right is sometimes also referred to as Assets of Community Value.

In particular this policy will:

- Provide clarity so that officers and Members are able to effectively support the management of the process; and
- Provide transparency for community nominators and asset owners so that they are easily able to navigate the Council's process.

This policy should be read in conjunction with the Department for Communities and Local Government non-statutory guidance, which read together with Chapter 3 of Part 5 of the Localism Act 2011, provide full details of the legislative provisions.

Background

The Community Right to Bid ('the Right') also referred to as Assets of Community Value was introduced by the Localism Act 2011 ('the Act') and came into force in September 2012.

The aim of the Right is to ensure that buildings and amenities can be kept in public use and remain integral to community life by providing town and parish councils and local voluntary and community organisations with the right to nominate local land or buildings which they believe to be of importance to their community's social well-being, for inclusion on an assets of community value list maintained by the local authority, in this case Rossendale Borough Council.

The aim is that, if the asset nominated to this list subsequently comes up for sale, then the interested community group(s) will be given a fair chance to make a bid to buy it on the open market by delaying sale while the community prepare a bid to buy it.

The Right does not restrict in anyway who the owner of the asset can sell his property to, or at what price and it does not confer a right of first refusal to community interest groups.

The Right does not apply to residential property or operational land as defined in the Town and Country Planning Act 1990 Part 2.

The Community Right to Bid should not be confused with Community Asset Transfer or the Community Right to Challenge.

Strategic Links

The Community Right to Bid links to a number of policies and strategies, including, but not exclusive to:

- The Corporate Plan
- Core Strategy and related planning documents
- The Community Asset Transfer Policy
- The Community Right to Challenge Policy
- The Equality Policy
- The Asset Management Plan

The Community Right to Bid also supports the Council's corporate priorities:

Regenerating Rossendale: The Right supports the opportunity for community empowerment and an inclusive community. The Community Right to Bid is also likely to produce closer, strong and resilient communities as they work together to produce high quality community services. It means that assets considered of community value could be protected and gives the community the opportunity to prepare to take on the asset themselves, should it come up for sale – contributing to a 'regenerating' of people and places.

Responsive and Value for Money Local Services: The Right provides an opportunity to contribute to efficiency saving in relation to Council owned assets on the assets of community value list. This could help the Council to meet budget cuts and maintain levels of service in other areas.

Clean and Green Rossendale: As a consequence of the Right there is an opportunity for integral buildings and land within the community continues to be utilised for community benefit.

What is the Community Right to Bid?

The Community Right to Bid came into effect in September 2012, and it gives communities and community groups a fairer chance to prepare and bid for community asset (building/facility or land) that is considered to be of community value.

The right covers private as well as public assets.

There are some asset exemptions from the Community Right to Bid policy, for example, residential property.

The Council is required to keep a list of all of "assets of community value" for their area.

Assets can be nominated by a relevant community group to be added to the list which the Council must consider.

The Council then has 8 weeks to make a judgement about whether or not it meets the definition set out in Section 88 of the Act.

If the Council determines that the nomination *does* meet the community value definition, the asset then gets successfully listed as an asset of community value and all parties are notified. It must also be listed on the local land charges register and if the land is registered apply for a restriction on the Land Register. The asset is included in the list of assets of community value it will remain on that list for five years. The owner of assets placed on the list may appeal against its listing. See appeals section.

If the Council determines that the nomination *does not* meet the community value definition, the asset goes on a list of assets nominated but unsuccessful. This is also published.

Once the asset is successfully listed nothing further will happen unless and until the owner decides to dispose of it, in which case they must notify the Council. In turn the Council will then notify the nominating interested parties and publish the intention to sell on the Community Right to Bid pages of the website. Should they be interested in buying the asset they have *6 weeks* to make a written request to be treated as a potential bidder to the Council. If not done so in this 6 week period the owner is free to sell the asset. If a request is made, the relevant community group has 6 months¹ to prepare a bid to buy the asset before this goes on sale on the open market. This is called the 'moratorium period'. See below for further details.

The Right to Bid *only* applies when the asset's owner decides to dispose of it. There is no compulsion on the owner to sell the asset.

The scheme does not give first refusal rights to the interested community groups and it is *not* a community right to *buy* the asset, just to *bid*. This means that in some instances the local community bid may not be the successful one.

See Appendix B for process flowchart overview.

Who has the Right to Bid?

Under the Community Right to Bid the following voluntary or community bodies may make a community nomination:

Town or Parish Councils. This may be for an asset in its own area, or in the neighbouring parish council.

Neighbouring Town or Parish Councils. If the parish council borders an unparished area, then they may nominate an asset within that neighbouring local authority.

¹ From the original point of notification of the intention to dispose of the asset.

Unincorporated groups. Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.

Neighbourhood forums. The procedure for becoming a neighbourhood forum is 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) A charity
- b) A community interest company
- c) A company limited by guarantee that is non-profit distributing
- d) An industrial and provident society that is non-profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force)

Nominations may not be made by individuals and principle local authorities *cannot* list their own assets it has to be nominated.

What is an asset of community value?

Both privately or publically owned land, or buildings may be nominated where it is considered that the asset has a 'community value'. An asset of community value is an asset that furthers the social well-being or social interests of the local community (or has done in the recent past). Social interests can include cultural, recreational and sporting interests.

A building or land is deemed to be of community value if, in the opinion of the Council:

- It is at least partly within the local authority's area
- Its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so
- That use is not an ancillary one - e.g. a space used for an annual village fete
- For land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in

the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past)

- It does not fall within one of the exemptions (Schedule 1). For example, resident property, land and building used for statutory undertakings.

Rossendale Borough Council's Core Strategy [Policy 7 Social Infrastructure] defines "Community Facilities" as "Provide for the social, educational, spiritual, recreational, leisure and cultural needs of the community".

Please see [national guidance](#) or the relevant [Regulations](#) set out within the Localism Act on exemptions for full details.

How does the Community Right to Bid Process work?

There are three key elements of this process:

- Nomination and listing
- Review and appeals
- Sale

This can be broken down to smaller steps:

If the asset is selected for nomination:

- Nominating an Asset of Community Value
- Review and Listing of Asset of Community Value
- Appeals
- Triggering the Moratorium - Getting ready to Bid
- Bidding for the Asset of Community Value
- Managing the Asset

See Appendix B for an overview flowchart of the process.

How to make a nomination

Nominations must be made using the Council's Assets of Community Value Nomination Form, available on the Council's website or in Appendix A of this policy.

The Council accept nominations at any time. However, before making a nomination the current listed assets of community value and list of unsuccessful nominations should be consulted to avoid duplication and multiple nominations.

How the Council will deal with the nomination

Receipt of nominations will usually be acknowledged within 10 working days.

Nominations will be considered in line with the requirements set out in the Act's regulations, including all practical steps to notify the following that the asset is being considered.

The Council will make a decision whether the nominated asset should be included on the assets of community value list within 8 weeks of receiving the nomination.

All nominations received will be considered by elected members for a decision.

Nomination received:-

↳ All elected members notified of nomination, and notification published on website.

↳ Nomination to be presented to the member 'Consultation Working Group' for decision.

See Appendix B for overview flowchart of the full process.

Disposal of a listed asset

Procedure where an owner wishes to dispose of an asset on assets of community value list

Where an owner wishes to dispose of an asset which is listed on the assets of community value list, they must notify the Council by email or in writing to:

Stuart Sugarman, Director for Business

Email: stUARTSUGARMAN@ROSSENDALEBC.GOV.UK

Address: Community Right to Bid: Assets of Community Value, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, Rossendale, OL13 0BB

We will acknowledge receipt of notification from the owner usually within 10 working days, confirming the dates upon which the interim moratorium took effect and when this period will end. This will then trigger an initial 6 week moratorium period.

We will notify the nominator in writing² that we have received notice of intention to dispose of the asset as soon as is practically possible, but within 10 working days of notification being received.

If the nominator wishes to bid, an intention to bid should be submitted in writing to the Council, who will inform the asset owner as soon as practically possible after receipt. This will trigger the full moratorium period of 6 months (from the original notification date) for the interested community body to prepare a bid. The sale takes place under normal market conditions.

The assets of community value list will be updated to show that we have received notification of an intention to dispose of the asset, together with the date of that

² Email or letter.

notification and the resulting interim and full moratorium periods and the protected period.

See Appendix B for an overview flow chart of the process.

The Moratorium Period

When something is listed as an asset of community value and the owner of the asset wishes to sell their asset, then they must inform the local authority and this triggers what is known as the 'moratorium period'.

During the moratorium period the owner cannot conclude the sale of the asset.

There are two moratorium periods to note, both start from the date the owner of the asset notifies the local authority of their desire to sell the asset;

'Interim moratorium period' – this is a six week period during which a community group wishing to bid for the asset must notify the local authority that they wish to be considered as a potential bidder. If this does not happen then the owner can proceed to a general sale of their asset.

'Full moratorium period' – this is a six month period during which a community group can develop a proposal and raise the capital required to purchase the asset.

There is also a 'protected period' of 18 months to protect the owner from repeated attempts to block the sale.

Appeal

In some cases, the asset owner whose asset has been included on the assets of community value list may wish to ask the Council to review its decision. In such cases, the asset owner must write to the Council within 8 weeks of receipt of the Council's notification that the asset is to be listed.

The asset owner must present a case for removing the listing based on whatever evidence they consider appropriate. The Council will usually complete this review within 8 weeks of receipt of the review request, unless a longer period has been agreed in writing. The owner and the Council will bear their own costs of the review.

If the asset owner is dissatisfied with the decision reached through the internal review process, then they are entitled to appeal to an independent body called the 'First Tier Tribunal' within 28 days from the date on which notice of the decision appealed against was sent to the owner. The property will remain listed during the appeal process.

First Tier Tribunal Contact details:
Tribunal Clerk

Community Right to Bid Appeals
HM Courts & Tribunals
First-Tier tribunal (General Regulatory Chamber)
PO BOX 9300
Leicester
LE1 8DJ

Email: GRC.CommunityRights@hmcts.gsi.gov.uk

See Appendix B for appeals process overview flowchart.

Compensation

How do I claim for compensation under the Community Right to Bid?

The owner or former owner of an asset included in the list of assets of community value is entitled to make a claim for compensation from the Council, in respect of incurred loss or expense in relation to the asset which would be likely not to have been incurred if the land had not been listed. The Regulations should be consulted for details of bodies which are not entitled to compensation. Claims should be made in writing and be made within 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed. Claims must state the amount of compensation being claimed for each part of the claim and be accompanied by supporting evidence of loss. The responsibility of proving the claim falls on the owner.

You may be entitled to claim for one or more of the following:

- Loss incurred arising from a period of delay in entering into a binding agreement to sell
- Legal expenses incurred in a successful appeal to the Tribunal
- Loss incurred as a result of the land merely being listed

Claims should be sent to:

Stuart Sugarman, Director for Business

Email: stUARTSUGARMAN@ROSSENDALEBC.GOV.UK

Address: Community Right to Bid: Assets of Community Value, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, Rossendale, OL13 0BB.

Once the compensation decision is made you can request an internal review of the compensation decision, followed by an appeal to Tribunal if you disagree with the review.

Review, Monitoring and Evaluation

This Policy will be reviewed at least every three years, and in accordance with legislative changes, best practice and learning as required.

Additional Information and Guidance

My Community Rights - <http://mycommunityrights.org.uk/community-right-to-bid/>

The Assets of Community Value (England) Regulations 2012 - <http://www.legislation.gov.uk/ukdsi/2012/9780111525791/contents>

Department for Communities and Local Government: [Community Right to Bid Non-Statutory Guidance](#)

The Asset Transfer Unit - <http://locality.org.uk/assets/>

Land Registry - www.landregistry.gov.uk/

Locality - <http://locality.org.uk/>

Council contact details:

Stuart Sugarman, Director for Business
Email: stuartsugarman@rossendalebc.gov.uk
Address:
Community Right to Bid
Rossendale Borough Council
The Business Centre
Futures Park
Bacup
Rossendale
OL13 0BB

Appendix 1A – Community Right to Bid Nomination Form

This is the Nomination Form for groups interested in nominating an asset to be considered for the list of assets with community value. It can also be downloaded from the Council’s website.



Community Right to Bid Assets of Community Value Nomination Form

Please refer to the Community Right to Bid Policy on our website before completing this nomination form.

A. About the Organisation Submitting the Nomination

**Nominations can be submitted by voluntary and community organisations with a local connection. Which of the following is your organisation?
(Please tick) Please refer to the policy for further information on eligibility for submitting nominations under this Right.**

| | |
|--|--|
| Town or Parish Council | |
| Unincorporated group (of at least 21 local people³) | |
| Neighbourhood forum (designated under the Town and Country Planning Act) | |
| Community interest groups with a local connection a) A charity b) A community interest company c) A company limited by guarantee that is non-profit distributing d) An industrial and provident society that is non-profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force) | |
| Proof of eligibility to make a community nomination: <i>E.g. This might be registration details, documentation demonstrating the nature of the organisation and the connection with the local area.</i> | |

³ Must be on the local authority Electoral Register to be eligible.

| | |
|------------------------------|--|
| Organisation name: | |
| Organisation address: | |
| Postcode: | |
| Main contact: | |
| Telephone: | |
| E-mail: | |

B. About the Asset

To help us identify and process your nomination as quickly as possible please provide as much detail as you can:

| | |
|---|--|
| Type of Asset: | Please circle: Building Land Both |
| Name of the Asset: | |
| Address of the Asset: | |
| Any other information that will help us identify the asset (E.g. an accurate map details of the land): | |

C. Asset Owner

Please provide all information about the current owner and/or occupant (if applicable) and information regarding the current or last known freeholder or leaseholder. **Your accuracy here will help us to reduce time and costs associated with processing this nomination to determine ownership. Your own searches can be undertaken online www.landregistry.gov.uk/**

| Owner / Occupant / Freeholder / Leaseholder Number 1 | |
|--|--|
| Name(s): | |
| Connection to the asset: | Please circle: Owner Occupant Freeholder Leaseholder |

| | |
|---|---|
| | Unknown Other, please state: |
| Address: | |
| Contact Number(s): | |
| Email: | |
| Owner / Occupant / Freeholder / Leaseholder Number 2 | |
| Name(s): | |
| Connection to the asset: | Please circle: Owner Occupant Freeholder Leaseholder Unknown Other, please state: |
| Address: | |
| Contact Number(s): | |
| Email: | |
| Owner / Occupant / Freeholder / Leaseholder Number 3 | |
| Name(s): | |
| Connection to the asset: | Please circle: Owner Occupant Freeholder Leaseholder Unknown Other, please state: |
| Address: | |
| Contact Number(s): | |
| Email: | |

(Please continue on a separate sheet if necessary)

D. Community Value

Under the regulation of the Community Right to Bid the nominated asset must have community value. A building or land is deemed to be of community value if, in the opinion of the Council:

- It is at least partly within the local authority's area
- Its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so
- That use is not an ancillary one - e.g. a space used for an annual village fete
- For land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past)
- It does not fall within one of the exemptions.

Please see [The Community Right to Bid FAQs](#) for further information on 'community value'.

Please see [National Guidance](#) or the relevant [Regulations](#) set out within the [Localism Act](#) on community value and exemptions for full details.

Please now provide reasons below why you consider the asset you have identified to qualify as an asset of community value.

Please provide, affix or provide links to any relevant supporting information.

For example an accurate map identifying the asset being nominated or other documentation to support the case as an asset of community value use.

Please note:

The Freedom of Information Act 2000 (FOIA) applies to Rossendale Borough Council and therefore information provided by you may have to be disclosed by us in response to a request unless we decide that one of the statutory exemptions applies.

Any information you provide will remain confidential and will not be disclosed to any other party except where required either for official audit purposes or it is deemed subject to the Freedom of Information Act 2000 as detailed above.

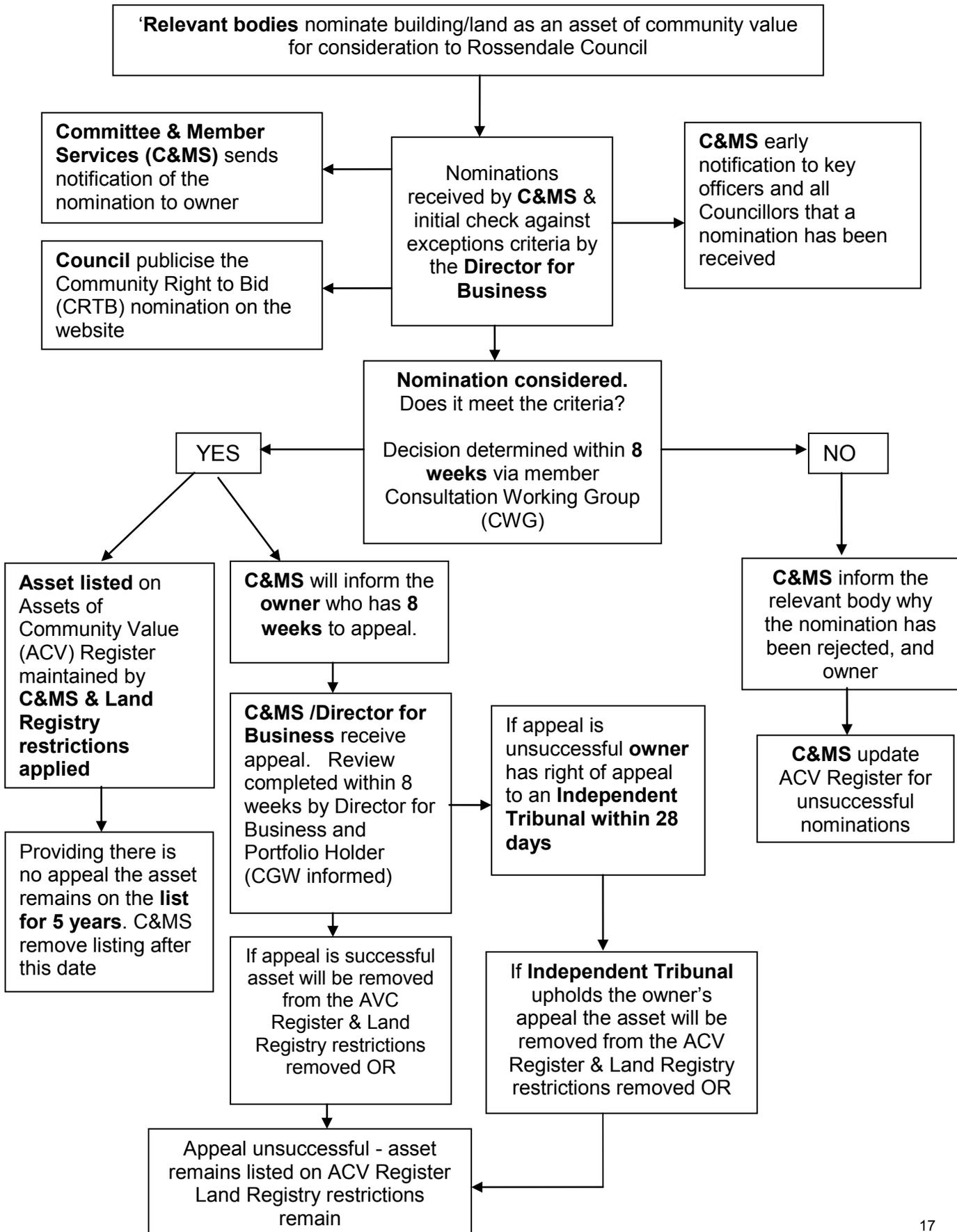
Completed forms should be returned to:

**Stuart Sugarman, Director for Business, stUARTSUGARMAN@rossendalebc.gov.uk
Rossendale Borough Council, The Business Centre, Futures Park, Bacup, Rossendale,
OL13 0BB**

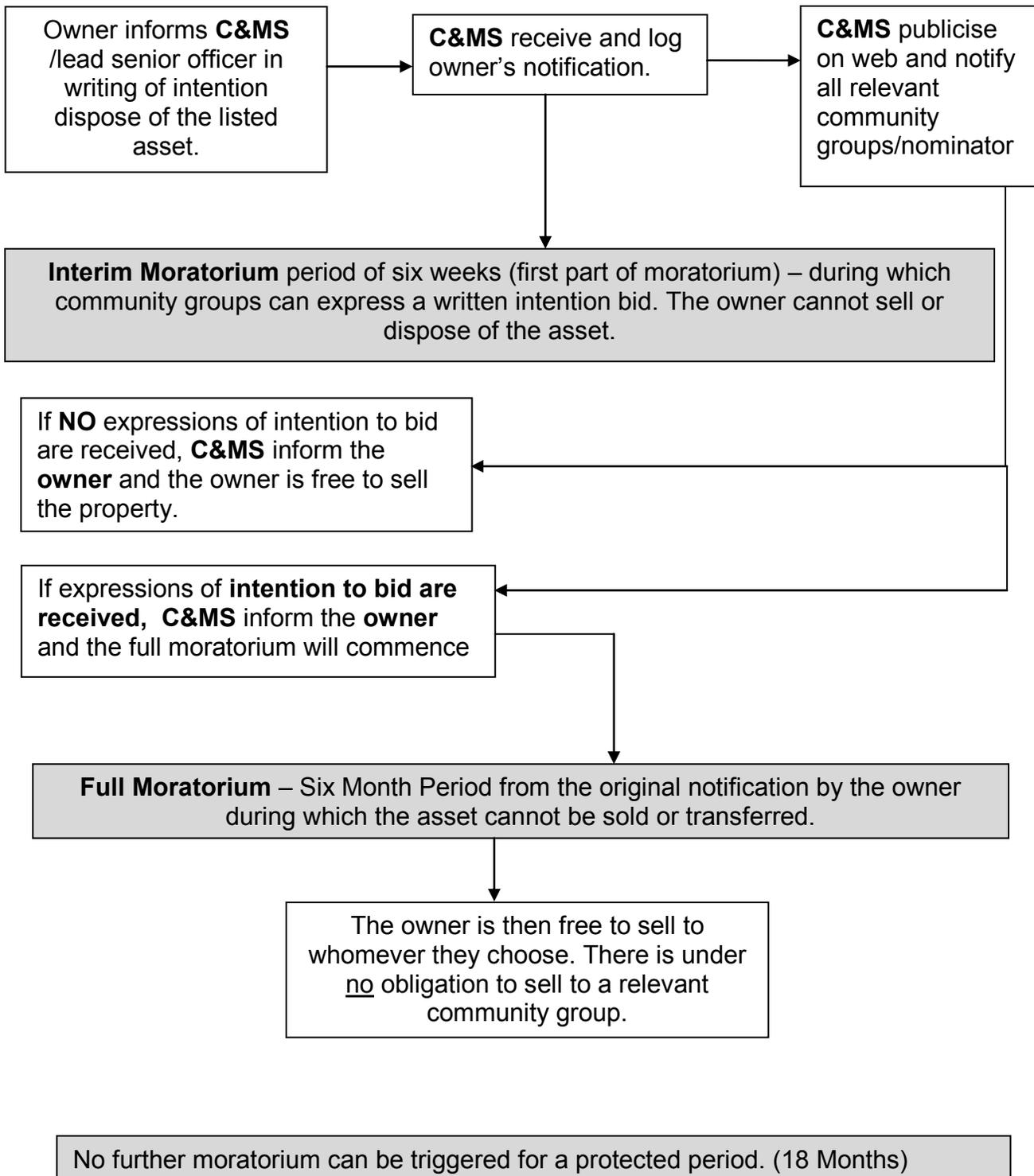
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Appendix 1B – Community Right to Bid Process Flowcharts

STAGE ONE – NOMINATION AND LISTING (OUTLINE)

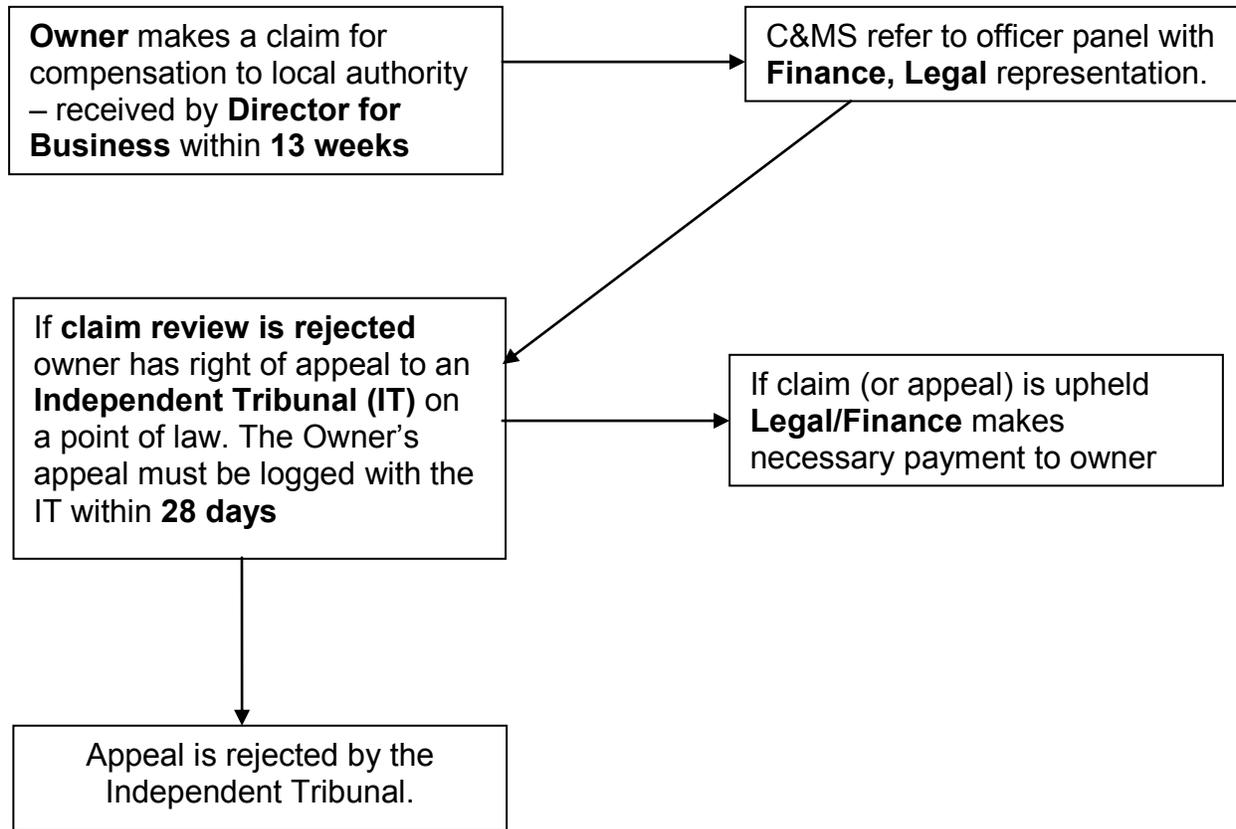


STAGE TWO – DISPOSAL⁴ OF ASSET (OUTLINE)



⁴ It should be noted that the notification of disposal must be determined a 'relevant disposal' as there are exceptions defined in the Act and Regulations that may mean that the disposal is not a relevant one.

STAGE THREE – CLAIMS FOR COMPENSATION (OUTLINE)



Claims for compensation must be made to the local authority within 13 weeks of the loss or expense being incurred. They must state that the amount of compensation being claimed with supporting evidence. The council is required to give the claimant written reasons for its decision.

Appendix 1C – Sample Assets of Community Value Register

NB: This will be published on the Council’s website.

Nomination received – awaiting decision

| Reference | Address of buildings/land | Date of nomination | Source of Nomination | Decision due by | Status |
|-----------|---------------------------|--------------------|----------------------|-----------------|--------|
| AVC/001 | | | | | |
| AVC/002 | | | | | |

Successful Assets of Community Value

| Referen ce | Address of building s/ land | Date of nominati on | Source of Nominati on | Date decisio n taken | Date asset entere d | Date the asse t will be liste d until | Date of any review reques t receiv ed | Review outcom e | Notificati on of intent to sell from owner | Notificati on of intent to bid from intereste d party | Interim moratoriu m expires | Full moratoriu m expires | Protected moratoriu m expires | Additional notes |
|---------------|---|---------------------------|-----------------------------|----------------------------|------------------------------|--|---|-----------------------|--|--|-----------------------------------|--------------------------------|-------------------------------------|------------------|
| | | | | | | | | | | | | | | |

Continued...

Unsuccessful Assets of Community Value

| Reference | Address of buildings/land | Date of nomination | Source of Nomination | Reason for decision | Date decision taken | Date of any review request received | Review outcome | Removal date | Protection period | Additional notes |
|-----------|---------------------------|--------------------|----------------------|---------------------|---------------------|-------------------------------------|----------------|--------------|-------------------|------------------|
| | | | | | | | | | | |

Appendix 1D - Frequently Asked Questions (FAQs)

[please note: FAQs will be published on the Council's website and will be added to as further questions arise]

What is the Community Right to Bid?

The Localism Act came into force on 15 November 2011. One of the principal provisions of the Act is to introduce new powers for local communities, including a Community Right to Bid. This came into force on the 21 September 2012.

Through the provisions in the Act, local authorities are required to maintain a register of land and buildings nominated by local voluntary and community organisations as well as Parish councils as assets that are of value to the community. When listed assets come up for sale, community interest groups will be able to trigger a six month moratorium – a delay before the owner can dispose of the asset - to prepare a business case and secure the funding to bid to buy them on the open market.

What does nominating an asset of community value mean?

This means proposing that a building or land is included on an 'assets of community value list'. This list will be maintained by the local authority. This type of listing should not be confused with the listing of buildings of special architectural or historic interest.

What is the purpose of the Community Right to Bid process?

It aims to give communities a fairer chance to bid to buy community facilities and buildings such as village shops, pubs or community centres when they come up for sale. Putting facilities on the Council Assets of Community Value Register means that the owner cannot sell it without giving the community the time to prepare to bid for it themselves.

What is the Community Right to Bid not intended to be?

It is not intended to result in a comprehensive list of all assets of community value in the local area. It is not intended for assets in public or other ownership that will remain in public use. There is only a benefit in listing an asset if it is likely that it might be put up for sale by the owner. It does not override individual property rights and it is not a right to buy.

Does the Community Right to Bid give community groups a right to buy assets within their community?

No, the legislation only provides for a delay in the selling process to give suitably constituted community groups a period of time to prepare a proposal and raise the funds required to put in an offer. The sale takes place under normal market conditions and the owner is under no obligation to sell to the group.

What is an asset of community value?

An asset of community value is an asset that furthers the social well-being or social interests of the local community (or has done in the recent past). Social Interests can include cultural, recreational and sporting interests. For example the village shop, the local pub, a community centre, former schools, a library, a children's centre, an allotment, or an open public space.

Assets are deemed to be of community value if, in the opinion of the Council:

- Its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- That use is not an ancillary one - e.g. a space used for an annual village fete; and
- For land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past).

How is 'community value' defined?

There is no clear definition of community value; however community value is defined by the current or previous use and potential use of the asset. The council will need to consider:

The principle use of the asset currently; or in the recent past furthers the social wellbeing or cultural, recreational or sporting interests of the local community and whether this use could continue to further the social wellbeing or interests of the local community.

Where the asset does not currently demonstrate 'community value' (as above), it may still be nominated where it is possible to demonstrate that the asset's main use did further the social wellbeing or cultural, recreational or sporting interests of the local community in the recent past and where it is realistic to think that it will do so again in the next five years.

Can anyone nominate an asset of community value?

No, you need to be from what the Act classes as a relevant body, that is:

- A Parish Council in England
- An unincorporated group with at least 21 members who are on the electoral register in that local planning authority area;
- Neighbourhood forums (as established by the Localism Act 2011);
- Company limited by guarantee;
- Community interest groups – legally constituted community organisations such as charities,
- Community Interest Companies, Industrial & Provident Societies, etc.

What effect does the listing have?

The owner:

The owner is required to notify the Council in writing of their intention to dispose of the asset. The Regulations detail circumstances where a disposal is exempt from this – for example where the disposal is as a result of a court order, a separation agreement made between spouses or civil partners, upon inheritance and as a result of insolvency proceedings. The Regulations should be consulted for the full list of exemptions and detailed definitions. This notification will trigger a moratorium period (a period of delay) during which the asset owner may not dispose of the asset (other than where the disposal is exempt under the Regulations).

This interim moratorium is for a period of six weeks from the date upon which the council receives written notification of the owner's intention to dispose of the asset. During this six week period, suitably constituted nominating groups may submit an intention to bid. The owner is under no obligation to sell the asset to the community group or any other person.

If the owner decides to sell to the community group, they may do so within the six month moratorium period [second stage of the moratorium period should the nominating group express their intention to bid].

The Nominating Group:

If the owner of the listed asset wishes to dispose of the asset, the nominating group is given six weeks, interim moratorium, in which to decide whether or not to submit an intention to bid in writing to the council. Where this is received, the full six month moratorium period (starting from the date upon which we receive written notification of the owner's intention to dispose of the asset) is triggered during which no disposal may take place other than to the community group. This six month period is intended to enable the nominating group or organisation to prepare and submit a bid to the owner to purchase the asset. Any subsequent sale takes place under normal market conditions unless the owner decides to sell to the nominating group by negotiation, they may do so within the six month moratorium period.

There is no obligation for the group to make a bid and the group has no rights of purchase over other potential buyers.

How do I nominate an asset for listing?

By completing the Nomination form which is available on the Council's website and returning it by e-mail or post to the address shown on the form or by posting it to the address shown on the form. Please read the Council's Community Right to Bid Policy in full before completing a nomination form.

Can I get any help completing the form?

As the Council is responsible for assessing all nominations we are unable to help groups complete the form. The guidance that goes with the nomination form explains everything that needs to be included.

Does listing an asset place a restriction on what the owner can do with it, while it remains in their ownership?

No, because planning policy determines permitted uses for particular sites. However, the fact that the site is listed may affect planning decisions – it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

How will nominations be approved?

The Council will assess all nominations against criteria set by Government and list those assets which:

- Are judged to be of community value in contributing to social well-being; and,
- Are located within the local planning authority area; and
- Have been nominated by an eligible organisation.

See policy for full details.

When will I be told if my nomination is successful?

If there is a problem with the form itself then you will be contacted within 10 working days. If the form has been correctly completed then you will be notified within 8 weeks. If a nomination is not successful we will write to the nominator and give the reasons why within 8 weeks.

Can the owner of the asset object to being listed?

Yes. The owner will be contacted when a nomination is received so that they can comment on whether they feel the asset meets the criteria or not. If the Council approves a nomination but the owner does not agree with the decision, the owner can ask for a review, and if that does not succeed, they can take the issue to an Independent Tribunal. See below for further questions in relation to this.

How will the lists be made publicly available?

The Council will publish both a list of assets of community value whose nomination has been accepted and also a list of those which were unsuccessfully nominated. The lists will be available on the Council website, with hard copies or alternative format will also be available on request. The lists will be free of charge.

How long will an asset remain on the list?

Assets which are assessed as being of community value will stay on the list for 5 years in line with the Act's regulations. After this time they will be removed from the list. Such assets will need to be nominated again in order to be put back onto the list.

What does the owner need to do if they wish to dispose of an asset included in the list of assets of community value?

The Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 exempt certain types of disposal. Where an owner wishes to dispose of an asset which is included in the list of assets of community value and it is not an exempt disposal, they must notify the Council in writing of their intention to do so. The notification should be sent to:

Stuart Sugarman, Director for Business

Email: stUARTSUGARMAN@ROSSENDALEBC.GOV.UK

Address: Community Right to Bid: Assets of Community Value, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, Rossendale, OL13 0BB.

What happens once an owner has notified an intention to dispose of an asset included in the list of community assets?

We will acknowledge receipt of the notification, confirming the dates upon which the interim moratorium took effect and when this period will end. The list of assets of community value will be updated to show that we have received notice of an intention to dispose of the asset, together with the date of that notification and the resulting interim and full moratorium periods and the protected period.

What does the community group need to do if it wishes to make a bid to purchase the asset?

An intention to bid may only be submitted by suitably constituted 'community interest group'. The Regulations provide a full definition of 'community interest group' for the purpose of the Community Right to Bid legislation (Regulation 12). The intention to bid should be submitted in writing/email together with evidence to support that the bid is being made by a suitably constituted 'community interest group'. The intention to bid should be sent to:

Stuart Sugarman, Director for Business

Email: stUARTSUGARMAN@ROSSENDALEBC.GOV.UK

Address: Community Right to Bid: Assets of Community Value, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, Rossendale, OL13 0BB.

We must receive the intention to bid within **6 weeks** of the notice to dispose of the asset (ending at midnight on the last working day of that period). Nominators are advised to obtain proof of delivery either through using appropriate recorded receipt postage or by obtaining a receipt for hand delivered post. We will pass the intention to bid to the owner of the land, or inform them of the details, as soon as practically possible after receipt. This will then trigger the full six month moratorium period during which the asset cannot be sold.

Can the owner market the asset during the moratorium period?

Yes, there is nothing to prevent the owner actively marketing the asset during the moratorium period; the restriction refers only to exchange of contracts on the sale of the asset.

If the owner of the asset is happy to sell to a community interest group (nominator), can they go ahead with the sale without waiting for the moratorium period to end?

Yes, where the owner and a community interest group (nominator) are able to agree terms within the six month period, they may proceed with the sale without waiting for the moratorium period to end.

What happens if the owner isn't happy that their asset has been listed?

The owner of an asset included in the list of community assets may ask the council to review our decision. This request must be made in writing within **8 weeks** of the date upon which we provided the owner with written notification of our decision, or longer where we have agreed to this in writing. The request should be sent to:

Stuart Sugarman, Director for Business

Email: stUARTSUGARMAN@ROSSENDALEBC.GOV.UK

Address: Community Right to Bid: Assets of Community Value, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, Rossendale, OL13 0BB.

How will a request by an owner to review a listing be dealt with?

We will acknowledge receipt of the request and advise of the procedure to be followed in connection with the review. The review will be undertaken by a senior officer independent of the original decision making process. The owner may request an oral hearing and may appoint any representative to act on his or her behalf in connection with the review. Where no request for an oral hearing is made by the owner, we will decide whether or not an oral hearing would be beneficial to the review process. The owner, or their representative, may make written and oral representation to the reviewer. We will complete the review process within 8 weeks of receipt of the written request for the review, or a longer period where this has been agreed with the owner.

We will notify the owner in writing of the outcome of the review and where the review concludes that a change to the listing is required. Where the review concludes that a change to the listing is required, we will adjust the list of assets of community value and advise the Land Registry accordingly.

What happens if the owner of the asset is dissatisfied with the outcome of this review?

Where an owner remains dissatisfied with the outcome of the review, they may appeal to the general regulatory chamber of the First Tier Tribunal against our decision on the listing review. Appeals should be sent to:

Tribunal Clerk, Community Right to Bid Appeals, HM Courts and Tribunals, First Tier Tribunal (General Regulatory Chamber), PO Box 9300, Leicester, LE1 8DJ or

via email to: GRC.CommunityRights@hmcts.gsi.gov.uk

What recourse does the owner have if they feel that they have suffered costs or expense as a result of their asset being included in the list of assets of community value?

The owner or former owner of an asset included in the list of assets of community value is entitled to make a claim for compensation from the Council, in respect of incurred loss or expense in relation to the asset which would be likely not to have been incurred if the land had not been listed. The Regulations should be consulted for details of bodies which are not entitled to compensation. Claims should be made in writing and be made within *thirteen weeks* after the loss or expense was incurred or finished being incurred. Claims must state the amount of compensation being claimed for each part of the claim and be accompanied by supporting evidence of loss. Claims should be sent to:

Stuart Sugarman, Director for Business

Email: stUARTSUGARMAN@ROSSENDALEBC.GOV.UK

Address: Community Right to Bid: Assets of Community Value, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, Rossendale, OL13 0BB.

What happens if the owner is not satisfied with the way a compensation claim has been treated?

The person making the compensation claim may ask for a review of the decision the Council makes in relation to their claim. This must be made in writing within **8 weeks** of the date upon which we have advised you of our reasons for the decision in relation to the claim. The request should be clearly marked Community Right to Bid – Compensation Review and sent to:

Stuart Sugarman, Director for Business

Email: stUARTSUGARMAN@ROSSENDALEBC.GOV.UK

Address: Community Right to Bid: Assets of Community Value, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, Rossendale, OL13 0BB.

We will acknowledge receipt of the request and advise of the procedure to be followed in connection with the review. The review will be undertaken by a senior officer independent of the original decision making process. The owner may request an oral hearing and may appoint any representative to act on his or her behalf in connection with the review. Where no request for an oral hearing is made by the owner, we will decide whether or not an oral hearing would be beneficial to the review process. The owner, or their representative, may make written and oral representation to the reviewer. We will complete the review process within eight weeks of receipt of the written request for the review, or a longer period where this has been agreed with the owner. We will notify the owner in writing of the outcome of the review.

What happens if the owner is not satisfied with the outcome of a compensation review?

Where the owner remains dissatisfied with the outcome of the review, they may appeal to the general regulatory chamber of the First Tier Tribunal. Appeals on compensation reviews should be sent to:

Tribunal Clerk, Community Right to Bid Appeals, HM Courts and Tribunals, First Tier Tribunal (General Regulatory Chamber), PO Box 9300, Leicester, LE1 8DJ or via email to: GRC.CommunityRights@hmcts.gsi.gov.uk

Can the group nominating an asset appeal against the Council's decision not to list an asset?

There is no statutory right of appeal for the nominator. Where the nominator is unhappy with the council's decision in connection with their nomination, we will consider this in accordance with the Council's complaints procedure.

Who can I speak to for more information?

In the first instance please fully read the Council's policy, FAQs and associated regulations and guidance that are available to try to resolve your queries. If you are unable to resolve your query please contact Stuart Sugarman:

Stuart Sugarman, Director for Business

Email: stUARTSUGARMAN@ROSSENDALEBC.GOV.UK

Address: Community Right to Bid: Assets of Community Value, Rossendale Borough Council, The Business Centre, Futures Park, Bacup, Rossendale, OL13 0BB.

We will endeavour to respond to all CRTB queries within 10 working days or as soon as is reasonably practicable.