

Community Right to Bid (Guidance)

Part 5 Chapter 3 of the Localism Act (2011) details regulations for Asset of Community Value and sets out the Community Right to Bid.

The Right came into force on 21 September 2012 and its purpose is to give communities a right to identify a property that is believed to be of value to their social interests or social wellbeing and gives them a fair chance to make a bid to buy the property on the open market if the property owner decides to sell. Currently only eligible community groups, local parish councils or local neighbourhood planning forums and charities can nominate.

Making a nomination

It is important that your community group is eligible to nominate, you can only do this if you answer yes to the two questions below:

- Do you have a local connection to the property you are wishing to nominate? and;
- Are you an unincorporated community group with at least 21 members who are registered to vote in the Calderdale area, a parish council, charity, industrial & provident society, local neighbourhood forum, company limited by guarantee or community interest company?

To nominate you must inform us of the address of the property, details of the owner, the extent of the site and why you feel it is an asset of community value. You must also provide evidence of your eligibility to nominate.

In providing details of the owner(s), you must make enquiries with the Land Registry on (08448) 921111 or www.landregistry.gov.uk. You must obtain from Land Registry i) a Land Registry SIMR Search form and ii) an official copy of register of title (OC1) and file plan and send copies to us with your nomination form. Unless this information is received, we cannot process the nomination.

To assist you we have created a nomination form.

Further guidance on completing the nomination is provided in the Nomination Guidance sheet attached.

What we will do next

Once we have received the completed form, we will consider and check the eligibility of the nomination and if we feel the property does have community value it will be 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. We aim to assess nominations within eight weeks of receipt.

You will be advised that the property has been listed and the date in five years time when it will be removed. When the five years have expired you can submit a new nomination.

If we decide to list a property the property owner can ask for a review and there will be a process for an appeal to an independent body. Further guidance will be provided in the letter to the property owner.

We will notify the nominee should the nomination be ineligible and provide an explanation as to why it was unsuccessful. In such circumstances the property will be added to the list of 'Land Nominated by Unsuccessful Community Nominations' and will remain on the list for five years.

Nominees are not able to appeal the decision made in respect of the property however, a complaint can be made, if you feel we have not followed the correct procedure, through the council's complaint procedure.

Viewing nominated properties

You are able to view properties that have been successfully listed on the 'List of Assets of Community Value' and properties that have not been successful on the 'List of Assets Nominated by Unsuccessful Nominations' by clicking on the download tab at the bottom of this page.

Making a bid

It is important to note that not all groups mentioned under 'making a nomination' above are eligible to place a bid. All groups can nominate but only unincorporated groups cannot bid as they are unable to legally own property.

The owner of the property must advise us when they intend to sell the property and we will publicise this on our website as well as informing the nominator.

If you want to make a bid you must inform us within six weeks of us telling you the property is available to purchase. You will then have six months to put together the bid (please note - this is not from when you inform us but six months from when the owner advises us of their intention to sell (this is known as the moratorium period). If

there is more than one community group interested in purchasing the property we would encourage the groups to work together.

At any point before the end of the six months you may enter into negotiations with the property owner providing the owner is willing to do this. We would ask that we are kept informed of developments.

At the end of the moratorium period, if you have successfully put a bid together, the owner will have the option to either accept your bid or sell the property freely on the open market.

Community Right to Bid Nomination Guidance

This guidance has been put together to assist you with completing the nomination form for registering an asset of community value.

If you require further information / guidance please do not hesitate to telephone 01422 392192 or e-mail lee.wigley@calderdale.gov.uk

Current occupier

The current occupier may not be the same as the property owner so it is important we advise all affected should the property be listed.

Organisation type

It is important you state which organisation type you are as only those shown here are currently eligible to nominate. Unincorporated community groups are only able to nominate but not bid. Unfortunately any nomination received from any other body will not be accepted.

Contact details

The contact name must be the same as the person signing the declaration overleaf. Ideally, this will be a member of the management team (chairperson, secretary or treasurer).

Number of members (for unincorporated groups)

Only groups with 21 or more members who are registered to vote in the Calderdale and local area are able to nominate. You will need to provide evidence of this by sending a list of 21 member's names & addresses which we will check against our electoral role.

Supporting information for nomination

In here you need to put why you feel the property currently boosts the social interest and social wellbeing of the local community or if it had in the past why it is realistic to think that it could in the future.

Boundary of the property

We need to know the extent of the property you are nominating; this may include the car park area as an example. However, it should be noted that any area which is in the ownership of a statutory undertaker (i.e. electricity substation) cannot be listed.

What is the definition of an asset of community value?

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

- The current main use of the building or land furthers the social interests or social wellbeing 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 interests or social wellbeing of the local community, although not necessarily in the same way, or;
- The main use of the building or land in the recent 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 brought back into use that furthers the social interest or wellbeing of the local community, whether or not in the same way as before.

But what does social interest and social wellbeing mean?

Social interests include (a) cultural interests; (b) recreational interests; (c) sporting interests. Wellbeing is the things that people value in their life that contributes to them reaching their potential (economic, social or environmental).

PLEASE NOTE

We prefer to correspond via email to quickly and effectively deal with nominations and queries however, postal nominations will be accepted. If you cannot provide an email address we must have at least one contact number.