

Frequently Asked Questions



Northumberland County Council

Nominating an Asset

What is the Community Right to Bid?

One of the principal provisions of the Localism Act 2011 was to introduce new powers for local communities, including a “Community Right to Bid” which came into force on the 21st September 2012.

Through the provisions in the Act, Northumberland County Council is required to maintain a list 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 “window of opportunity” – 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. This moratorium is in two parts: the first is an interim period of 6 weeks during which a qualifying community interest must submit an intention to bid to the Council in writing. The second part only occurs if the first part is met and extends to moratorium to 6 months less the 6 weeks, providing time for the community interest to produce a business plan and find the resources needed to submit a bid.

The owner of the asset does not need to accept a bid from the community, even if it is a higher amount, i.e. there is no right to buy. If there is no agreement, the owner is then free to sell the asset without restriction for 12 months, after which the restrictions will be reapplied.

What does “nominating” an asset of community value mean?

By nominating an asset of community value, the Council is obliged to consider whether the nomination meets the definition of community value. If it considers that it does meet this test, then it will be added to the Council’s public List of Assets of Community Value and will have restrictions applied to the HM Land Registry and Local Land Charge Register. 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?

The purpose of this provision is to provide communities with a fairer chance to bid to buy community facilities and buildings, such as public houses, shops, libraries, etc, when they come up for sale. Placing these assets on the List of Assets of Community Value means that the owner cannot sell them without allowing time for community interests to secure funding to purchase the assets. It may help

communities to maintain vital assets rather than face losing them from the community completely.

What is the List of Assets of Community Value not intended to be?

The List is not intended to be a comprehensive list of all assets that a community might value in their local area. It is intended for key assets where it is likely that the owner might put the asset up for sale and where there is a realistic prospect of community ownership. It is not intended for assets in public or other ownership that will remain in public use. It does not override individual property rights and it is not a right to buy. It is not intended to be a process that targets a particular owner in a vexatious way.

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, assets of community value could be village pubs and shops, community centres and library buildings.

A building or land is 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; 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).

Are any assets excluded from being listed?

The following are the exemptions which preclude the asset from being listed:

- Land and buildings which are primarily residential in purpose
- Licensed (and some unlicensed) caravan sites
- 'Operational land' as defined in s263 Town & Country Planning Act 1990 – which is land owned by organisations like the Post Office, Civil Aviation Authority, Transport providers, utilities, etc.

In addition, the Act excludes:

- The listing of assets which might have a community value in the future but which have not been used for that purpose for a long time – e.g. an area of derelict land that has been unused for some years. Assets are only apt to be listed by virtue of their present or recent use, not just by planned future uses.

- The listing of assets which are occasionally used for the social benefit of a local community but which are not primarily used for this purpose – e.g. a space used for an annual village fête. This would be deemed as an ancillary use.

Can anyone nominate an asset of community value?

Nominations can only be made by a 'relevant body', that is:

- A Town or Parish Council (including a neighbouring parish with a common boundary);
- An unincorporated group with at least 21 members who are on the electoral register in that local planning authority area;
- A Neighbourhood Forum (as established by the Localism Act 2011);
- A not-for-profit Company Limited by Guarantee;
- A local Registered Charity (including CIO);
- Community Interest Company (CIC);
- An Industrial & Provident Society;
- A Community Benefit Society.

How do I nominate an asset for listing?

Nominations must be made on the form provided by the Council for that purpose. The form is available on the Council website and should be returned via the email or address at the bottom of the form. The form requires that the nomination must include details about::

- You and your organisation (you must have authority to submit the form)
- The ownership of the asset (the nominator is responsible for establishing ownership)
- Why you believe it is of community value (this must demonstrate the case and not simply describe what it is, e.g. history of use, community engagement, evidence of current or recent use)
- How the asset would be used in future if acquired (again, this is an opportunity to make a case for what the community would do with it).

Nominations that provide little detail and do not make a convincing case for inclusion on the List may be unsuccessful.

Can I get any help completing the form?

The Council is responsible for assessing all nominations and acting fairly with regard to both the community and owners interests. It administers the provisions of the Act and cannot assist in a nomination or an objection to a nomination. Clarification on the Act and process will be provided on request. Further information and guidance is available on the Council website.

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

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:

- Have been nominated by an eligible organisation;
- Are deemed to be valid nominations as set out in the Act;
- Are judged to be of community value in contributing to social well-being.

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 5 working days.

If the form has been correctly completed then you will be notified of the outcome 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?

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.

How will the lists be made publicly available?

The Council publishes a List of Assets of Community Value whose nomination has been accepted, together with a list of those which were unsuccessfully nominated, and those which have expired or been withdrawn from the list for whatever reason.

The lists are available as a PDF files on the Council's website.

How long will an asset remain on the list?

Assets which are assessed as being of community value will stay on the list for five years. After this time they will need to be nominated again in order to be put back onto the list.