

# Community Right to Bid Frequently Asked Questions

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## **1 How do I nominate an asset?**

You can get a nomination form in the following ways:

Online: <http://www.northumberland.gov.uk/Councillors/Rights.aspx#communityassettransfer>

By email from: [neil.easton@northumberland.gov.uk](mailto:neil.easton@northumberland.gov.uk)

By phone: Neil Easton on 07979 233477

By post from:  
Community Right to Bid  
Economic & Inclusion Policy Team  
Planning & Economy  
Northumberland County Council  
County Hall  
Morpeth  
NE61 2EF

In person: at County Hall, Morpeth

The nomination process is complex so we strongly advise you to read the rest of these 'frequently asked questions' before proceeding.

## **2 How can I find out which assets have already been nominated?**

Online at: [View the list of assets here](#)  
(the list contains both successful and unsuccessful nominations)

By email, phone, post or in person: (details as above)

### **3 Who is eligible to nominate an asset for inclusion in the list of assets of 'community value'?**

Nominations can be submitted by:

- town and parish councils
- unincorporated bodies with at least 21 individual members and which do not distribute any surplus it makes to its members
- charities
- company limited by guarantee which does not distribute any surplus it makes to its members
- industrial and provident society which does not distribute any surplus it makes to its members
- community interest companies
- a body designated as a neighbourhood forum under the Town and Country Planning Act

The above groups will need to demonstrate a local connection:

- activities wholly or partly concerned with local authority's area, or neighbouring local authority's area
- any surplus made wholly or partly applied for benefit of local authority's area, or neighbouring local authority's area
- unincorporated bodies must have at least 21 local members included on register of electors

### **4 What types of assets are eligible for listing?**

Any land or buildings, in public or private ownership, which can demonstrate 'community value'. This includes part of a building, part of any other structure and mines and minerals – whether or not held with the surface.

## 5 How is 'community value' defined?

- 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.
- This use will continue to further the social wellbeing or interest of the local community.

If assets don't demonstrate the 'community value', they may still be nominated if it is possible to demonstrate the asset's main use in the recent past did further the social wellbeing or cultural, recreational or sporting interests of the local community, and it is realistic to think it will do so again in the next five years.

## 6 What kinds of assets could be considered as having 'community value'?

Sport, recreation and culture examples:

- parks and open green spaces
- sports and leisure centres
- libraries
- theatres
- museums or heritage sites
- cinemas
- swimming pools

Community services examples:

- community centres
- youth centres
- public toilets

Local democracy examples:

- town halls
- civic halls
- guild halls

Any buildings of economic use (e.g. a business) which provides an important local social benefit could also be considered, such as:

- village shops
- pubs
- Markets

## 7 What kind of assets would not normally be considered as having 'community value'?

- administrative offices
- land or property where community use is secondary to its main purpose
- land attached to residential property (although the regulations set out certain exceptions for shops and pubs)
- land covered by caravan sites and Control of Development Act 1960
- land used by public utilities, defined as operational land in section 263 of the Town and Country Planning Act 1990

For a full list of exemptions and related definitions, please see the regulations here. <http://www.legislation.gov.uk/ukdsi/2012/9780111525791/schedule/1>

## 8 What information will I need to provide?

Generally, the more evidence you can send to support the nomination, the quicker we can reach a decision. As well as the official nomination form you will also need to include:

- evidence to support that the nominator is eligible to make a nomination (as appropriate to the organisation):
  - memorandum of association
  - articles of association
  - companies house return
  - trust deed
  - constitution/terms of reference
  - standing orders
  - interest statement for community interest company
- information showing the boundaries of the nominated asset, through one of more of the following:
  - the Land Registry Title information document and map with boundaries clearly marked in red and less than one month old
  - the Provision of Land Registry information, this information is not essential but it may help us reach a decision quicker
  - a written description with ordinance survey location, explaining where the boundaries are, the approximate size and location of any building(s) on the land, and details of any roads bordering the site
  - a drawing or sketch map with boundaries clearly marked in red, google maps can help with this

## 9 How will the nomination be processed?

We usually acknowledge receipt of the nomination within three working days.

They will then be considered in line with the requirements set out in the regulations, including notifying the following of the asset consideration:

- the relevant town or parish council
- the relevant Northumberland Councillor(s) for the ward involved
- the asset owner
- the holder of the freehold estate
- the holder of any leasehold estate
- any lawful occupant
- statutory undertakers, such as utility companies

We will make our decision within eight weeks of receiving the nomination and will notify the following of the reasons behind this:

- the owner of the land
- the occupier of the land (if not the owner)
- the nominator
- the holder of the freehold estate
- the holder of any leasehold estate
- the relevant town or parish council
- the relevant Northumberland Councillor(s) for the area

Where we are unable to notify any of the above, we will try to bring the notice to the person's attention – for example by publishing the details on the Northumberland County Council website and in a local newspaper.

The nominator's contact details provided on the nomination form will be used for future correspondence, therefore it is essential the nominator contacts the council if there are any changes to contact details during the period of the listing.

All information provided in the nomination form will be processed in accordance with the Data Protection Act for the purposes of administering the community right to bid procedure. The information will be stored securely by Northumberland County Council and will be destroyed after six years. Name and contact details provided will be shared with the owner of the asset in the event the nominating organisation subsequently submits an intention to bid. The information provided will be subject to the Freedom of Information Act, but personal information (names and contact details) will not be released in responses to Freedom of Information requests

## **10 Making a bid (moratorium period)**

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 by advising us you want to bid. You will then have six months to put together the bid (this is not from when you inform us but six months from the owner advising us of their intention to sell and 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.

## **11 Sales outside of the Act**

There are some circumstances where the property owner does not need to comply with the Act, these are:

- Disposing the property in the form of a gift.
- Disposal of a property containing a business which uses the property and it is a going concern.
- Disposal within a family or a partnership or between trustees or a trust or between companies in a group.
- Disposal in the execution of a will or arising from various legal proceedings.
- Disposal of a property that is part of a larger estate, part of which is not listed, but where the whole estate is owned by the same person and is a single lot of land.

## **12 How long will the asset remain on the list?**

Assets will be listed for a period of five years and will be notified to the land registry as a registered restriction. When the five years have expired, you can submit a new nomination.