

Bedford Borough Council guidance notes for voluntary and community groups interested in nominating assets of community value

The Community Right to Bid (Assets of Community Value) is part of the Localism Act 2011. It came into force on 21 September 2012.

In neighbourhoods across the country there are buildings and amenities that are important to the communities that use them – a village shop, a post office, a pub, a community centre, a recreation ground or a library, for instance. The closure or sale of these places can create lasting damage to communities.

Under the Localism Act, voluntary and community organisations can nominate an asset to be included on a list of ‘assets of community value’. The council will manage the lists of successful and unsuccessful nominations. Both lists will be published on our website and available on request.

You may nominate assets by completing a nomination form; this can be downloaded from our website. These guidance notes are designed to help you complete the form.

Section 1: ABOUT THE PROPERTY TO BE NOMINATED

Nominated assets may be owned by anybody, including the council and the Crown. A building or other land should be considered an asset of community value if:

- 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, i.e. of secondary purpose; 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); and
- It does not fall within one of the exemptions e.g. residential premises and land held with them.

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 contribute to them reaching their potential (economic, social or environmental).

Full details of the types of assets that are excluded from listing can be found in the Localism Act and the Regulations. Link to Localism Act and plain English guide (on webpage: http://www.bedford.gov.uk/business/land_and_premises/community_right_to_bid.aspx)

Section 2: ABOUT YOUR COMMUNITY ORGANISATION

We need to understand how your organisation is set up to see if your organisation is eligible to nominate. The criteria for eligibility have been set by the Government and are set out in the Localism Act and the Regulations.

Eligibility

Only voluntary and community organisations with a local connection, in addition to parish councils in England (and community councils in Wales) will have the right to make community nominations of assets to be included on the list.

A) A 'local voluntary and community body' is defined as a body, other than a public or local authority, which may be incorporated or unincorporated, must not be run primarily for profit, and must have a primary purpose concerned with the local authority area, or the neighbourhood in which the asset is situated where this is in more than one authority's area. In practical terms, this means your organisation must be one of the following:

B) A body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990;

C) A parish council;

D) An unincorporated body

E) Whose members include at least 21 individuals, and

F) Which does not distribute any surplus it makes to its members;

G) A charity;

H) A company limited by guarantee which does not distribute any surplus it makes to its members;

I) An industrial and provident society which does not distribute any surplus it makes to its members (defined as a body registered or deemed to be registered under the Industrial and Provident societies Act 1965 which meets one of the conditions in section 1 of that Act) ; or

J) A community interest company.

Local connection

Please provide evidence that your organisation has a connection to Bedford Borough.

A body other than a parish council has a local connection with land in a local authority's area if

(a) The body's activities are wholly or partly concerned with the local authority's area or with a neighbouring authority's area;

(b) Any surplus it makes is wholly or partly applied –

- for the benefit of the local authority's area, or
- for the benefit of a neighbouring authority's area; and

(c) A parish council has a local connection with land in another parish council's area if any part of the boundary of the first council's area is also part of the boundary of the other council's area. A parish council's area is within the local authority's area, but is not in any parish council's area if the council's area is within the local authority's area or any part of the boundary of the council's area is also part of the boundary of the local authority's area. You can include further evidence as part of your submission by attaching it to the form.

We would like to see documentary evidence of your organisation's status. This is particularly important for organisations that are unconstituted community groups, as only groups with 21 or more members are eligible to nominate.

About you

In this section, you need to provide basic information about you as the contact person representing the applicant organisation. We will use this information to contact you directly if we have any questions relating to your nomination and to give our decision on whether your nomination is accepted or rejected.

Please confirm that you have been nominated to represent the organisation and that the organisation has resolved to make the nomination. You will need to provide a copy of the minutes where the decision to nominate was taken or other evidence that you are empowered to act on behalf of the organisation.

Section 3: SUPPORTING INFORMATION FOR NOMINATION

This is your opportunity to explain why you believe the asset has community value as detailed in the guidance to Section 1. Whilst community value is to some degree subjective if you are able to provide evidence to support your reasons for nomination it will strengthen your proposal. There are a number of organisations that support local groups depending on the type of property or activity and they can often provide you with supporting evidence or advice on how to go about demonstrating your reasons.

Section 4: RUNNING THE ASSET

In order for the council to include the nominated property on the list of community assets it must satisfy itself that the community organisation could realistically purchase and then run the facility for the benefit of the community. The six month moratorium period initiated by the owner placing the asset on the market is there to allow interested community organisations to raise funds and to put an organisation in place to run the asset if successfully acquired.

At this time we do not require a full business case but we will need to be satisfied that the nominating community organisation has fully considered the practicalities of purchasing and then continuing to run the asset to further the wellbeing or interests of the local community. Whilst a large corporation may have the resources to operate a local shop or pub at a profit the community benefit may come from after school clubs or as a meeting place for local teams or groups. The viability of these two operations may vary considerably and you will need to satisfy the council that 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)

Section 5: BOUNDARY OF THE PROPERTY

Please attach any information e.g. a photo or map which will help to identify the asset if it does not have a street address. Please also include details of the asset's proposed boundaries.

Please note: it is very important that you provide clear and unambiguous details of the asset's boundaries, so that we can correctly identify the exact extent of the land or building that you wish to nominate. Uncertainty over the extent and boundaries of the asset may delay your nomination.

WHAT HAPPENS NEXT?

After receiving your application, we will make a decision on whether to accept your nomination within eight weeks, in accordance with the provisions set out in the Localism Act 2011.

We will contact you if we have any questions or queries about your nomination.

We are required to inform the owner of the land, any freeholders or leaseholders and the current occupants of the land of your nomination. They have the right to appeal against the listing.

FURTHER INFORMATION

If you require further information or guidance, please email

ownership@bedford.gov.uk