



North  
Northamptonshire  
Council

# Community Right to Bid (Assets of Community Value) Policy

May 2022 V1

[www.northnorthants.gov.uk](http://www.northnorthants.gov.uk)

# Document Version Control

**\*\*Complete this section, making sure to include the following information\*\*:**

Author (Post holder title): Assistant Director of Assets & Environment

Type of document: Policy

Version Number: 1

Document File Name:

Issue date:

Approval date and by who (CMT / committee):

Document held by (name/section):

For internal publication only or external also: Internal & External

Document stored on Council website or Intranet: Council Website and Intranet

Next review date: Annual

## Change History

Issue	Date	Comments
1		

## Consultees

Internal	External
Legal, Finance	
Executive Member	

## Distribution List

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners / Organisation(s)

## Links to other documents

Document	Link
Ministry of Housing Communities & Local Government	<a href="https://www.gov.uk/government/publications/youve-got-the-power-a-quick-and-simple-guide-to-community-rights/youve-got-the-power-a-quick-and-simple-guide-to-community-rights#were-helping-communities-to-take-control">https://www.gov.uk/government/publications/youve-got-the-power-a-quick-and-simple-guide-to-community-rights/youve-got-the-power-a-quick-and-simple-guide-to-community-rights#were-helping-communities-to-take-control</a>
House of Commons Library Briefing Paper, April 2021, Assets of Community Value by Mark Sandford	<a href="https://researchbriefings.files.parliament.uk/documents/SN06366/SN06366.pdf">https://researchbriefings.files.parliament.uk/documents/SN06366/SN06366.pdf</a>

Document	Link
Community Right to Bid Non Statutory Advice for Local Authorities, DCLG October 2021	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community_Right_to_Bid_-_Non-statutory_advice_note_for_local_authorities.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community Right to Bid - Non-statutory advice note for local authorities.pdf</a>
My Community	<a href="http://MyCommunity.org.uk">MyCommunity.org.uk</a>
Locality	<a href="https://locality.org.uk">https://locality.org.uk</a>
North Northants Property and Land register	<a href="https://www.northnorthants.gov.uk/your-council/transparency-and-open-data">https://www.northnorthants.gov.uk/your-council/transparency-and-open-data</a>
The Localism Act 2011	<a href="http://Localism Act 2011: overview - GOV.UK (www.gov.uk)">Localism Act 2011: overview - GOV.UK (www.gov.uk)</a>
The Assets of Community Value (England) Regulations 2021	<a href="https://www.legislation.gov.uk/ukdsi/2012/9780111525791/contents">https://www.legislation.gov.uk/ukdsi/2012/9780111525791/contents</a>

## Contents

Section	Page
1.0 Introduction/foreword	3
2.0 Scope	4
3.0 Policy outcomes	4
4.0 Community Right to Bid Policy	4
5.0 Nomination	5
6.0 Appeal	6
7.0 Moratorium	6
8.0 Compensation	7
9.0 Glossary of terms	7
10.0 Appendices	8

## 1.0 Introduction / foreword

- 1.1 The Localism Act 2011 and subsequent Assets of Community Value (England) Regulations 2012 provide for North Northamptonshire Council to keep a list of assets that have been nominated as assets of community value. The asset can be any land or property in North Northamptonshire (subject to specific exclusions e.g., residential property) that is nominated by local community groups or parish councils.
- 1.2 The published list contains assets that have been determined as assets of community value. A second list contains assets that were nominated but were not agreed to be assets of community value.
- 1.3 Should the owner of an asset of community value decide to sell the asset then a moratorium period follows, during which time the asset cannot be sold, and provide time to allow community groups to develop a bid for the asset.
- 1.4 As a unitary authority North Northamptonshire must administer the process for their geographical boundary and this policy outlines how this will be done.

## **2.0 Scope**

- 2.1 This policy provides information on the Council's administrative function as part of the requirements under the Localism Act 2011 and the Asset of Community Value (England) Regulations 2012. The policy is supported by a series of guides and further information can be found referenced in the "Links to other information" section above.
- 2.3 This Policy and associated annexes are intended to provide advice to community organisations, parish councils and owners about the procedure North Northamptonshire Council follows in discharging its responsibilities under the act and the regulations.
- 2.4 This policy is not intended to provide professional advice to community organisations, parish councils and owners about their legal rights, each party may choose to appoint their own advisors.

## **3.0 Policy outcomes**

- 3.1 The Council must discharge certain functions contained within the Localism Act 2011 and the Asset of Community Value (England) Regulations 2021. A structured and transparent approach supports the Council in relation to their responsibilities and this Policy is produced to guide all parties throughout the various stages.
- 3.2 This Policy contributes to the Corporate Plan and the vision for connected communities.

## **4.0 Community Right to Bid Policy**

- 4.1 The Community Right to Bid was introduced to address concerns that properties currently used, or recently been used, for the benefit of the local community are being developed for other uses and lost to the community.
- 4.2 The legislation provides a procedure to allow for properties to be nominated and, if successful, these are recorded as an asset of community value (ACV). All nominations are published by the Council whether they are successful or not.
- 4.3 There are mechanisms for owners to appeal the listing, and to apply for compensation should they suffer financial loss, and this policy documents the processes for the owner in connection with both of these matters.
- 4.4 Should an owner decide to dispose of an ACV within five years of the listing date, the owner is required to follow a statutory process, essentially a two-stage moratorium period, to allow a time for a community group to arrange a bid for the property and this policy provides detailed information on this process.
- 4.4 It is important to note that the Council's role is assessing whether to nominate an asset as an ACV is based upon the information provided by the nominator, in consultation with the community, Ward Councillors and the owner. It is not for the council to seek new information on the asset, but the council will take reasonable steps to validate the information and use this to inform the decision.

## 5.0 Nomination

5.1 The first part of the community right to bid is the nomination process. Community groups and Parish Councils may nominate an asset to North Northamptonshire Council. Only certain community groups are eligible to nominate an asset, these are:

- (a) a parish council,
- (b) a voluntary or community body with a local connection.

Further details on nominee criteria can be found in the FAQ guide annexed to this policy.

5.2 North Northamptonshire Council has produced a nomination form to be completed by the nominator. The nominator does not have to use the Council form to submit a nomination, provided all the requirements identified in the Council form are submitted and it is made in writing.

5.3 The nomination must include the following information:

- A description of the land and buildings including the proposed boundary.
- Provide names and addresses of the freehold and leasehold owner and any other occupant information.
- Care should be taken to establish and clearly confirm the status of the nominator.
- Give reasons (with supporting evidence) why the Council should conclude that the asset does qualify as an asset of community value.
- The supporting evidence must be provided by the nominator and not the Council. The Council will use this evidence to consult with other parties.

5.4 Each nomination will be given a reference and this reference number used in all communication with the nominator, consultees, and the owner.

5.5 During the review process, the Council may request further information, may meet with the nominator and/or the owner. There is an eight-week period of review, starting from receipt of the nomination, during which time a decision will be made whether or not to list the asset. The council does not have to wait for the review period to end before deciding.

5.6 Upon receipt of the nomination the Council will notify the owner, the parish council, ward members, any relevant leaseholders and other occupiers to allow representations to be received within the eight-week period.

5.7 In line with the Councils constitution, applications to list ACV will be determined by the Assistant Director Assets & Environment, in consultation with the Executive Member for Highways, Travel & Assets.

5.7 Further information can be found in the FAQ guide and the “Links to other documents” section above.

## 6.0 Appeal Process

6.1 An owner whose asset has been included on the list of assets of community value has the right to appeal against the listing. There is a two-stage process, the first

stage is an internal review by a senior officer who was not involved in the listing decision.

- 6.2 The owner should write to the Council within eight weeks of receipt of the Council's notification that the asset is to be listed and the Council will confirm the review process to the owner. In some circumstances, by agreement the Council can extend the eight-week period.
- 6.3 The owner may appoint their own representative to act for them and may ask for documentation from the Council as part of the decision making process. The Council will ensure any information passed to the owner complies with the Freedom for Information Act 2000 and Data Protection Act 2018.
- 6.4 Upon receipt of a request from the owner the Council will confirm the procedure to be followed for the review.
- 6.5 If the decision is that the asset remains an asset of community value then the owner may appeal to the First-Tier Tribunal, there is a time limit of 28 days from the date that the notice of the review decision is sent out by the authority.
- 6.6 Further information of who to contact for the appeals process can be found on the Councils web site.

## **7.0 Moratorium**

- 7.1 If an owner wishes to make a relevant disposal (sale) of an asset of community value they must notify the Council, the date of notification is called the "notification date". The Council will then update the published ACV list to confirm receipt of such notification.
- 7.2 A relevant disposal for the purposes of this Act is:
  - A disposal with vacant possession of the freehold estate.
  - A grant of a lease for a term of twenty-five years or more.
  - The assignment of a leasehold estate when the original term was for twenty-five years or more.
- 7.3 The notification will trigger a six-week moratorium on the disposal. The Council will publish the date of the moratorium on the ACV register, write to the nominator of the ACV and publish details in the local area to notify community interest groups. The published details will include the dates within which a community interest group may make a written request to be treated as a potential bidder.
- 7.4 A written request to be treated as a potential bidder must be submitted by a community interest group. However, it is important to note that an unincorporated body does not qualify as a potential bidder.
- 7.5 If the Council receives a written request from a community interest group it will notify the owner and the moratorium period is extended to be six months from the "notification date". Negotiations to acquire the asset take place between the interest group and the owner and the owner is under no compulsion to sell the asset to the interest group. The Council takes no part in the negotiation.

- 7.6 Once the six-month period has expired, if the owner has not agreed a sale to the community interest group, they are free to dispose of the interest in an unrestricted manner for a protected period of twelve months. If there is a relevant disposal in this period, the asset will be removed from the ACV list.
- 7.7 Further information on the moratorium period can be found on the FAQ guide and in the “Links to other documents” section above.

## 8.0 Compensation

8.1 The Asset of Community Value (England) Regime 2012 provides for the owner, or former owner, to be paid compensation by the Council of an amount that the Council determines subject to the circumstances that apply in 8.2 below.

8.2 Regulation 14 (2) confirms the circumstances to be

*“that the person making the claim has at a time when the person was the owner of the land and the land was listed, incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.”*

The claim for compensation must:

- Be made in writing to the Council.
  - To be received by the Council before the end of thirteen weeks after the loss or expense was incurred or finished being incurred.
  - State the amount of compensation being claimed for each part of the claim.
  - Be accompanied by supporting evidence.
- 8.3 The Council will review the request and confirm their decision, including reasons for that decision, in writing. Any appeal would be considered by a senior officer and following this, a further appeals process to the First Tier Tribunal.
- 8.4 Further information of who to contact for the appeals process can be found on the Councils web site.

## 9.0 Glossary of terms

Use this section to give definitions to any words that require explanation – especially if this is a public document. If you can’t avoid jargon or technical terms, this is the place to explain them.

Terms in Reference	Definition
Assets of Community Value	Property and or land that has been determined by the authority as a community asset
Nominator	A qualifying nominator as defined by the ACV Regulations (England) 2012
Moratorium Period	A period of six weeks from the owner's notification of intention to make a relevant disposal, this is extended should a qualifying community group express an interest to bid. In such circumstances the total moratorium being six months from the owner's notification.
Review	A provision for the owner to request a review of a decision made by the authority
Compensation	A provision for the owner to claim for compensation.

## 10.0 Appendices

Appendix A: Community Right to Bid Nomination Form.

Appendix B: Community Right to Bid Process Guide

Appendix C: Community Right to Bid FAQ – Nomination

Appendix D: Community Right to Bid FAQ - Moratorium

Appendix E: Community Right to Bid Evaluation form