

Community Right to Bid **Frequently Asked Questions**

Community Right to Bid was introduced by the Localism Act 2012 part 5 Chapter 3. The right came into force on the 21 September 2012, local community groups, parish and town councils, voluntary groups, neighbourhood forums, industrial and provident societies are able to identify land and buildings, in public or private ownership, that provide an important service in the local community and nominate these to be included on the list of assets of community value. If an asset on the list comes up for sale, community groups will have up to six months to raise the capital and bid to buy the asset, before it can be disposed of on the open market.

Section 88 Localism Act 2011 defines what constitutes an asset of community value; Schedule 1 of the Assets of Community Value (England) Regulations 2012 defines what excluded from being classed as an asset of community.

Section 88 Localism Act 2011 criteria must be satisfied before an asset can be accepted as being an asset of community value, the asset must be:

- a) the actual use not an ancillary one that furthers social wellbeing or social interest of the local community
- b) and it is useful to think that there can continue to be a non-ancillary use which will further (does not have to be the same use) the social wellbeing or social interests of the local community.

1. Who can bid?

- A local voluntary or community group that is not incorporated that has at least 21 members and who are currently registered to vote in the local authority area
- A parish or town council
- A neighbouring parish council that shares a boundary or boundaries with another parish or an unparished local authority
- A neighbourhood forum designated for planning purposes under the Town and Country Planning Act 1990
- A company or industrial or provident society which does not distribute its surplus to its members
- A community interest group.

A local community group must be able to demonstrate that its activities are wholly or partial concerned with the local authority area. The local voluntary or community group must be primarily a not for profit organisation, any profit must be wholly or partially for the benefit of the local authority area.

2. What assets can be included?

To be included on the list the asset:

- must be either be within the boundary of the local planning authority or partially within its boundary.
- the asset must be land or property or both
- must be being used for or partially used for community purposes and has a realistic prospect of continuing or five years
- or for education, health and well being or community safety
- or must have had such use in the recent past within five years
- the land may be owned by the local authority or privately
- the owner of the asset to be nominated must be known

Examples:

- local shop
- community centre
- pub
- library
- playground
- park
- swimming pool
- market
- nursery or school

3. What is meant by social wellbeing and interests?

This includes land or buildings that are currently, or have been or will be used for primarily cultural, recreational or sporting interests.

Additionally there must:

- be broad and inclusive use of the asset across the whole community or
- be used by a section of the community that would not otherwise be provided for or there is under-provision in the local community
- any proposed usage if different from the current use, must comply with planning regulations in force at the time.

4. What is meant by recent past?

The primary use of the land or building must in the previous five years have been for community or social wellbeing purposes. Also that it is realistic to think if the asset came up for sale in the next five years there would be a viable community use.

5. What Assets that will not be listed

- buildings and land purely used for residential purposes
- Land for which a site licence is required under Part 1 of the Caravan Sites Control of Development Act 1960
- boats

- buildings or land normally or partly used as a residence which may be wholly or partly temporarily unoccupied.
- holiday homes or lets
- a hotel or hostel wholly or partly used for paying occupants
- house of multiple occupancy
- operational land as defined by Part 11 of the Town and Country Planning Act 1990 for example highways or railways.

6. How to make a nomination

Nominations for all assets must be sent to Miss F Wilson, Head of Law, Castle Point Borough Council, Council Offices, Kiln Road, Thundersley, Benfleet, Essex SS7 1TF

7. What must the nomination include:

- the name and address of the asset
- the current function of the asset
- the name and contact details of the occupier or land owner
- the names and current last known addresses of all those holding a freehold or leasehold in the premises
- a description of the land area/site covered by the nomination including but not limited to all outbuildings, parking, gardens, or green areas
- an up to date plan showing the land area/site covered by the nomination including but not limited to all outbuildings, parking, gardens or green areas
- a description of how the community asset is being run, or has been in the recent past, and how it will be in the future to boost social wellbeing and interests of the local community.
- You must explain how the asset will be remain viable for the future
- You must explain which sections of the community will benefit from the community use is targeted at any specific group
- The name and address of the community or voluntary group, neighbourhood forum or parish or town council making the nomination
- Name and address of the person progressing the nomination on behalf of the group
- Evidence of status of the group i.e charity number, company number
- If unincorporated names and addresses of 21 members who are locally registered to vote, this information will be checked for accuracy.

This information will be made known to the owner of the asset should the decision be made to include on the list of community assets and they wish to appeal the decision.