

My Community Rights

Community Right to Bid

Step 3:

Nominating an
asset of
community
value



The Social
Investment
Business



Nominating an asset

There is now a statutory duty upon local authorities, including:

- District Councils;
- County Councils (in an area where there are no district councils);
- Unitary Authorities; and
- London Boroughs

To maintain a list of assets of community value.

The local authority will determine the format of the list. The list should be made publicly available. Nominations for the list of assets have to come from the community itself. For the purposes of making a nomination, the request must come from a voluntary or community body with a local connection and relate to land in the local authority's area, or in the neighbouring local authority's area.

An eligible voluntary or community body is defined as:

- an unincorporated group of 21 or more people who appear on the local electoral register;
- a community interest group: i.e. a legally constituted organisation such as a charity, a company limited by guarantee that does not distribute profits amongst its members, an Industrial and Provident Society that does not distribute profits amongst its members or a Community Interest Company;
- a Neighbourhood Forum designated as such by the local planning authority;

- a Parish Council in respect of land in its own area.
- a neighbouring parish council - if the parish council borders an unparished area, then they may nominate an asset with that neighbouring local authority

It is likely that councils will appoint a single point of contact to manage community nominations if the nominated asset crosses local authority boundaries. If potential nominators are unsure which council to target within their local area, they should start with their local planning authority – search for your local planning authority, using a post code, at the Planning Portal:

The nomination process should be clear and simple. Any form of written nomination submission should be acceptable, whether on-line, by email or a letter. Eligible voluntary and community bodies can make as many nominations as they wish.

The regulations set out what is required in a nomination, as follows:

- a description of the nominated building or land including its proposed boundaries;
- a statement of all the information which the nominator has with regard to the names of the current occupants of the land and the names and current or last-known addresses of all those holding a freehold or leasehold stake in the land;
- the nominator's reasons for thinking that the asset is of community value; and

- evidence that the nominator is eligible to make a community nomination.

Once a nomination is made, the council will have up to eight weeks to decide whether or not to list the asset. The council must decide which nominations are eligible to be listed.

The council must give notice that it intends to list the asset to:

- the owner;
- the occupier (if the occupier is not also the owner);
- a parish council if any of the land is in the parish council's area.
- the nominating body

If a nomination is not approved, the council must write to the nominator and give the reasons why. There is no right of appeal against the council's decision.

There is also an eight week period during which the owner can request a review of the decision. The review must be carried out within eight weeks of the asset being listed and if the decision is still to list the asset, the owner has a right of appeal to a First Tier Tribunal.

If listed, the asset will remain on the list for a maximum of five years, at which point it can be re-nominated and re-listed subject to local interest and continued compliance with the definition of an asset of community value. In terms of maintaining the list, if the asset was included in the list in response to a community nomination, the council must give written notice of the asset's removal from the list to the person who made the nomination.

Some assets may not be listed. There is a list of exclusions in the regulations, but the most relevant ones to note are:

- residential property including gardens, outbuildings and other associated land owned by a single owner (unless the residence is a building that is only partly used as a residence and but for that residential use of the building, the land would be eligible for listing, for example: accommodation as part of a pub or a caretaker's flat);
- operational land of 'statutory undertakers', which covers mainly transport infrastructure such as ports, railways and roads;
- licensed, and some unlicensed, caravan sites.