

A Guide to Assets of Community Value and the Community Right to Bid

Local Authorities are obliged to keep a list of Assets of Community Value (ACV) in their area. These are land or buildings the Authority considers to have community value because either the primary or main current use(s) of the land furthers the social well-being or social interests of the local community; or it is realistic to think that the land can continue to be used in a way that will further the social well-being or social interests of the local community (in the same way as it did previously or in another way).

The Assets of Community Value lists can be found on our website [here](#) and includes a list of property and land that the Council considers to be an ACV and a list of unsuccessful nominations.

In order to nominate a building or piece of land as an ACV, there are a few things that you will need to consider. **We encourage you to read this guidance either before or as you work through submission of a nomination.**

What does it mean?

If the Asset is listed and it comes up for sale, then community groups will have six weeks to express an interest in buying the Asset. Once an expression of interest is received the owner will be unable to sell the Asset to other than a community group for six months (the moratorium period). This allows a community group time to prepare a bid for the Asset. At the end of the six months the owner can sell the Asset to any potential purchaser free of the nomination. There is no obligation to sell the Asset to a community group, and they may not force a sale. Nor are they entitled to a preferential price and must offer market value.

What is a valid nomination?

You will firstly need to prove that the nomination is being made by a group or organisation that is eligible to make a nomination under the Localism Act and the Assets of Community Value (England) Regulations 2012. These groups are set out in the Regulations and they include parish or town councils, charities, companies limited by guarantee, as well as community interest groups. Community interest groups can be formed by a group of at least 21 people who are registered as electors in the district or a neighbouring district. A larger national or County organisation may not make a nomination on behalf of their local

membership and accordingly details of the membership of these groups will be checked. A group must check that their memorandum of association or constitution does not permit the distribution of any funds to members if the group is to be eligible. A company limited by guarantee must make sure that they provide authority to a local branch to establish that the local branch can submit a nomination on their behalf.

Is the property or land suitable for nomination?

Most types of building or land can be subject to a nomination, whether they are privately or publicly owned. However, some types cannot be nominated including:

- any premises that are primarily residential,
- a place of worship

If the Asset is owned by UDC or another public body, it may be useful to discuss alternative options with the Council and it will only be in exceptional circumstances that land already owned by a nominator will be listed as an ACV.

Listing as an ACV does not protect land from development in a way that heritage listing may sometimes achieve.

What are the criteria?

We will assess your nomination against the criteria set out in the Localism Act:

“A building or land in our area will be listed as an Asset of Community Value if in the opinion of the local authority:

- If the current primary use of the building or land, or use of the building or land in the recent past, furthers or has furthered the social wellbeing or social interest of the local community
- It is realistic to think that now or in the next five years there could be continued primary use of the building or land to further social wellbeing or social interests of the local community (whether or not in the same way)”

Both elements of this test must be met.

Detailed information about the criteria is outlined on pages 4 and 5.

Please read the criteria in the legislation in full before applying:

<http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted>

The process is administered in accordance with The Assets of Community (England) Regulations 2012: <https://www.legislation.gov.uk/ukdsi/2012/9780111525791/contents>

Provision of supporting information or evidence

It is the responsibility of the nominating body to demonstrate and evidence the use of the property or land. This should be provided as part of the submission. It is not sufficient to simply list a series of sites already registered as ACVs or give a general explanation of what, for example, public houses contribute to a community.

It is for the nominator to provide detailed information to show how a potential ACV is used, who uses it and whether that usage is realistically likely to continue. That information should be provided in the form of documents from the users themselves, and not by the nominator on their behalf.

See pages 4-5 for examples of different types of information and if you wish to discuss the type of supporting information which may be appropriate please email planningpolicy@uttlesford.gov.uk

The Council is not required by the Regulations to conduct further research and the nominator must therefore provide enough information to prove their case.

Owner Review

Once an Asset is listed an owner can lodge a request for a review of the initial decision to list the Asset. Nominators do not have a similar right to a review of a refusal and the Council's decision is final.

This review may take place with or without an oral review hearing, and only the owner can request such a hearing.

If the review decision maker decides to retain the Asset on the list of Assets of Community Value, the owner can appeal to the General Regulatory Tribunal.

Where a property on the “unsuccessful nominations” list is nominated again

Where a property was previously nominated as an Asset of Community Value and that nomination was unsuccessful, the same property can be re-nominated.

However, the Council is not obliged to re-consider a case where the second nomination is in identical terms to the first and the applicant must produce additional, new evidence.

If a different nomination is made, then it will be considered on the merits.

The Council will expect a nominator to justify and evidence the differences from the previously unsuccessful nomination, explaining why the new nomination means that we should reach a different decision.

You must include that material with the nomination.

Please check the successful and unsuccessful list on our website before applying.

The effect of listing an Asset

The owner of a listed Asset cannot sell it or enter into a lease for over 25 years, without notifying the Council of their intentions. We will then notify the nominator to give them or another eligible group an opportunity to prepared a bid.

In the meantime, the owner cannot sell or lease the Asset for a period of six weeks to allow an eligible group to submit an expression of interest in the Asset. If no expression of interest is received the owner can proceed. If an expression of interest is received, the owner has to wait for six months (the moratorium period) to allow an eligible group to prepare a bid for the Asset. The owner is under no obligation to sell the listed Asset to such a community group and they must offer market value.

There is a protected period for the owner of 18 months from the time the owner notified the local authority of their intention to sell. If an eligible group does not express an interest or prepare an acceptable bid, then the owner can sell if they wish during the remainder of the 18 months without any further restriction.

There are some occasions when a sale or lease will not trigger the moratorium.

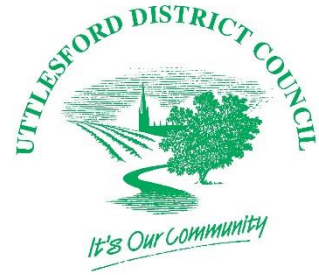
Privacy Notice

How we will use the information about you in relation to ACV is outlined in our privacy policy on pages 6 and 7.

Council Contacts:

We cannot provide advice on what to put in your nomination but we can assist with the process and advise you of the legal requirements for submission.

Joanna Hill
Planning Policy Officer
Uttlesford District Council
Tel. 01799 510737
Email: planningpolcy@uttlesford.gov.uk



Assets of Community Value - Criterion

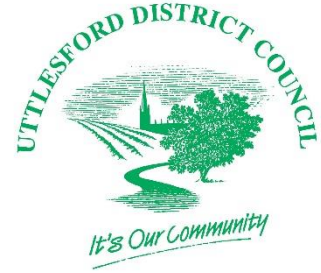
The information required by the regulations, and the supporting information and evidence required in order for Uttlesford District Council (UDC) to make an informed decision, is detailed in the tables below.

Essential criterion and information that may be provided as evidence:

	Essential Criterion	Regulations Reference	Examples of evidence
1	Is the nominating organization an eligible body to nominate?	Regulation 5 of the Assets of Community Value (England) Regulations 2012: (a) a body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990(b); (b) a parish council; (c) an unincorporated body— (i) whose members include at least 21 individuals, and (ii) which does not distribute any surplus it makes to its members; (d) a charity; (e) a company limited by guarantee which does not distribute any surplus it makes to its members; (f) an industrial and provident society which does not distribute any surplus it makes to its members; or (g) a community interest company	Evidence might include: <ul style="list-style-type: none"> Articles of Association Constitutions Terms of Reference Formal resolution Board minutes Where applicable, it is necessary to submit details of at least 21 persons registered to vote in Uttlesford District – this will be verified prior to a decision being made
2	Does the nominating body have a local connection to the Asset nominated?	For a full definition of “Local Connection” see Regulation 4 of the Assets of Community Value (England) Regulations 2012	Evidence might include relevant and / or historical documents and maps
3	Does the nomination include the required information about the Asset?	Regulation 6 of the Assets of Community Value (England) Regulations 2012: (a) a description of the nominated land including its proposed boundaries; (b) a statement of all the information which the nominator has with regard to— (i) the names of current occupants of the land, and (ii) the names and current or last known addresses of all those holding a freehold or leasehold estate in the land; (c) the nominator’s reasons for thinking that the responsible authority should conclude that the land is of community value; and (d) evidence that the nominator is eligible to make a community nomination (see question 1.1).	The nomination will be checked to ensure the required information is supplied.
4	Does the nominated Asset fall within the list of land/buildings which can be Assets of Community Value?	Schedule 1 to Regulation 3 of the Assets of Community Value (England) Regulations 2012. Land/buildings which is not of community value and may not be listed includes: 1. A residence together with land connected with that residence 2. Is the Asset, or part thereof, a hotel, or used principally for letting or licensing accommodation to paying occupants? 3. Land in respect of which a site license is required under Part 1 of the Caravan Sites and Control of Development Act 1960 4. Operational land as defined in section 263 of the Town and Country Planning Act 1990(c).	Evidence of current and recent usage of the Asset will be checked by the assessing officer against known information including Planning history

Supporting information and evidence required to make an informed decision:

	Why the information is required	Act / Regulations Reference	Examples of evidence that may be submitted to support the nomination
5	<p>Establishing the status of the usage:</p> <p>Is / was the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?</p>	<p>Section 88 of Chapter 3, Part 5 of the Localism Act</p> <p>A building or other land in a local authority's area is land of community value if in the opinion of the authority:</p> <ul style="list-style-type: none"> • an actual current use of the building or other land that is not ancillary use furthers the social wellbeing or social interests of the local community, AND • it is realistic to think that there can continue to be non-ancillary use if the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community. <p>A building or other land in a local authority's area that is not land of community value currently (as per the above) is land of community value if in the opinion of the authority:</p>	<p>Evidence of actual and non-ancillary usage might include:</p> <ul style="list-style-type: none"> • numbers of people making use of the facility • session rotas for local groups, calendars, usage history etc. • case studies of community / individual benefit <p>NOTE: A working definition of "non-ancillary" is that the usage is primary, not supplementary or subordinate. The usage is not providing support to the primary activities carried out in the Asset, but is itself a primary use.</p> <p>NOTE: Local Authorities are required to decide what 'recent' means in the context of the circumstances of a particular case. The term 'recent past' is left deliberately loose.</p>
6	<p>About the usage of the Asset:</p> <p>How and to what extent does the current (or did the recent past) usage further the social wellbeing or social interests of the community? Who will be / was impacted with the usage ceasing and how?</p>	<p>A building or other land in a local authority's area that is not land of community value currently (as per the above) is land of community value if in the opinion of the authority:</p> <ul style="list-style-type: none"> • there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, AND • it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community. 	<p>Evidence might include:</p> <ul style="list-style-type: none"> • Numbers of users/members/customers • Details of community events / clubs and societies delivered through the Asset • Number of volunteer hours drawn in by the facility and scope of their involvement • Testimonials / case studies showing benefits provided and outcomes, such as: <ul style="list-style-type: none"> – impact on health, wellbeing, rural isolation – impact on sustainable living / local natural environment / wildlife – impact on cultural, sporting or recreational activities – Impact on community pride, cohesion, local areas of need, a sense of place • Equalities impact assessment, incl. accessibility • Impact on provision of and access to other services in the community (e.g. community post office) <p>Refer to UDC policies, where relevant, such as Corporate Plan, Local Plan, Joint Strategic Needs Assessment</p>
7	<p>About the Community:</p> <p>To what extent does the local community support the listing of the land/buildings as an Asset of Community Value, with a view to potentially purchasing it, should the Council receive notification of the owner's intent to dispose? Is it realistic to think that (for current uses) the community use could continue or that (for uses in the 'recent past') there could be community use again within the next five years?</p>		<p>Evidence might include:</p> <ul style="list-style-type: none"> • Local stakeholder support for the nomination, e.g. surveys, petitions etc. • Evidence of soundness of the process for gathering community feedback and views • Reference to and evidence from Parish Plan, Neighbourhood Plan and/ or other local document as to the importance of this Asset locally • Evidence / testimonials from the community and/or Elected Members • Market testing / intelligence • Planning history / advice from UDC Planning • Business plan • Survey reports



Uttlesford - Privacy Notice

This privacy notice explains how Uttlesford District Council (as a Data Controller) will use any personal information we collect about you when you use our services. Our overarching privacy notice and the Planning Policy Privacy Notice can be found on our website [here](#)

What information do we collect about you?

The information that the Council will collect varies depending on how you use the Council's Services. We are using the information provided in this case because we have a legal obligation (Art. 6(1)(c)). This means we collect your personal information from you so that we can carry out a function we are required by law to carry out. In this case we are collecting personal information for your application to nominate an Asset of Community Value.

Please note if you're providing us with special category personal information (such as details about your health) we will be processing this under Art. 9(2).

How will we use the information about you?

We use the information to process your application. We will share the information with other departments at the Council to enable us to deal with your application and determine the outcome. We will only share the information to enable us to deal with this matter.

Your personal details may be shared with the owner(s) of the land/ and or the owner's solicitor on request.

The nomination form that you provide will be made available to the public on our website and on request. Your personal details will not be placed on the website as we will redact the nomination form.

We will not share the personal information we hold with any external organisations except for partner organisations. We may be required to share your personal information with the Police, Internal Audit or similar agency, or another Council for the purposes of preventing and detecting fraud.

We will ensure that all personal information is kept securely.

How long will we keep this information?

We will destroy this personal information in accordance with our Disposal Schedules. To determine how long we should keep information, we consider what the legislation states and what is good practice. This means we will securely destroy the information once we no longer need it. If you would like to know the specific period of time that relates to your personal information please contact dpo@uttlesford.gov.uk

Individuals' Rights

You can access the personal information that we hold about you at any time by submitting a Subject Access Request (SAR) to the Council. This request should be in writing and clearly specify the information you require.

Please email us at dpo@uttlesford.gov.uk or write to us at Uttlesford District Council, Council Offices, London Road, Saffron Walden, Essex, CB11 4ER. Alternatively, please complete and return the SAR form available on the Council's website [here](#) to assist you with submitting a request.

You can ask to change information you think is inaccurate, you should let us know if you disagree with something written on your file. We may not always be able to change or remove that information but we will correct factual inaccuracies and may include your comments in the record to show that you disagree with it.

Complaints or queries

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring it to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.

If you have any concerns, questions or comments please email the Council's Data Protection Officer: dpo@uttlesford.gov.uk or write to:

Data Protection Officer
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex, CB11 4ER

If having exhausted the complaints process you are still of the opinion that your request or review has not been dealt with satisfactorily, you can complain to the Information Commissioner's Office <https://ico.org.uk/> or by calling them on 0303 123 1113