



A guide to Assets of Community Value

In order to nominate a building or piece of land as an asset of community value (ACV), there are a few things that you will need to consider.

What does it mean?

If the asset is listed and it comes up for sale, the community 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 for six months. This allows a community 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. There is no obligation to sell the asset to a community group.

What is a valid nomination?

You will firstly need to prove that the nomination is being made by someone who 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 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.

Are the premises 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 and this includes any premises that is primarily residential. If the asset is owned by us, it may be useful to discuss any other options with the Council.

What are the criteria?

We will assess your nomination on 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:

- Its 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)

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

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

Owner Review

Once an asset is listed an owner can lodge a request for a review of the initial decision to list the asset. This review may take place with or without a review hearing and only the owner can request a hearing. We have set out how we will deal with Review hearings on our website:

<http://www.stalbans.gov.uk/community-and-living/improvements/CommunityRights/assets.aspx>

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. We are not obliged to re-consider where the second nomination is the same as the first, i.e. a repeat. If a different nomination is made we will consider the merits. However, we will expect you to justify why the new nomination is different from the previously unsuccessful nomination. You should explain 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 us of their intentions. We will then notify the community to give them an opportunity

to prepare a bid. The owner cannot sell or lease the asset for a period of six weeks to allow the community 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 to allow the community to prepare a bid for the asset. The owner is under no obligation to sell the listed asset to the community group.

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 which means that 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.

Some tips before you submit a nomination

- Understand how the process works;
- Make sure the nominating group is a valid nominator – think about what documentation you will need to submit to support this;
- If you are an ordinary member of the group, provide proof that the nomination is on the group's behalf, and if necessary, that the local branch of a company have authority;
- Make sure you have considered the criteria - include as much detail about the community use as possible in your nomination form and accompanying material;
- Include a plan that meets our criteria and shows the exact site you want to nominate.
- Further helpful information can be found at:

<http://www.stalbans.gov.uk/community-and-living/improvements/CommunityRights/assets.aspx>

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.

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