

AMBER VALLEY BOROUGH COUNCIL

ASSETS OF COMMUNITY VALUE SCHEME

Guidance Notes for Applicants and Interested Parties

1. Introduction

1.1. The Assets of Community Value Scheme is intended to assist communities to preserve buildings or land whose main use they consider important to their social wellbeing. Also known as the 'Community Right to Bid', the benefit of listing community assets is that it effectively "stops the clock" on the sale of assets for a time to allow community groups to make a bid to purchase the asset and so preserve its social value.

1.2. It is important to note that there is no preferential right given to community groups to acquire the asset and the landowner is free to sell (or not) to any bidder.

1.3. There is no charge for nominating a property for addition to the register, however please note that the Council will only consider fully completed application forms. Applicants must provide full information as the Council cannot undertake this work.

1.4. In addition to these Notes, applicants are encouraged to consult the Regulations governing this Scheme and further sources of information and guidance. A list is attached at the end of the Guidance Notes. No liability can be accepted by the Council in the provision of this information.

2. Eligible Groups

2.1. To nominate a property for inclusion on the List of Assets of Community Value you must be an eligible community organisation. Private individuals are not eligible to nominate. Nominations may be made by:

- Town and Parish Councils
- Neighbourhood Forums as defined under Town and Country Planning legislation
- Unincorporated groups with membership of at least 21 local people on the Amber Valley Borough electoral roll or that of a neighbouring authority
- Incorporated groups with a local connection – a charity, a community interest company, a company limited by guarantee that is non-profit distributing or an industrial or provident society that is non-profit distributing

2.2 Local connection – In many cases it will be apparent from the other information provided that a group has a genuine local connection. However, any further supporting evidence of this, such as details of the activities that you carry out, recent local achievements, press cuttings etc., would be helpful.

2.3 Surplus Funds – as above, any supporting information you can provide to demonstrate that surplus funds are distributed for local benefit, such as details or case studies of local projects that you have undertaken, would be helpful.

3. About the Asset

3.1. It is essential that we can clearly identify the property that you are nominating for inclusion on the register. Land Registry documents are preferable, but not all land is registered with the Land Registry and as an alternative a clear map with the boundary of the property marked on them will be acceptable. We may have to return the form to you if we are unclear about the property you are nominating. If the land is registered, you will need to contact the Land Registry direct for Official Copies and they will charge a small fee (around £6 per title) for providing them.

The Land Registry website address is: <http://www.landregistry.gov.uk/>

3.2. Where a property is not currently being used in a way that benefits the community, (if it is empty for example) it can still be added to the register provided it can be demonstrated that it has been used for community benefit in the recent past. Please provide whatever relevant information you can about its previous use(s). Where an asset is not currently used for the nominated community use the Council will have regard to how practicable it will be to return the asset to the nominated use within a reasonable length of time.

3.3 There are a number of categories of property exempt from the Regulations and which cannot be listed, including residential property, caravan sites and property owned and used by statutory undertakers such as utility companies. Before you consider making your application therefore, you should refer to the Regulations to ascertain whether the property is likely to be exempt.

3.4 It is important that we have as much information as possible about anyone with an interest in the property, such as the owner and any tenants. The Council cannot carry out this work on your behalf. We realise that in some cases it will not be possible to find out all of this information, but we may have to return the form to you if there is insufficient information to allow us to proceed.

4. Nomination Procedure

4.1. Nominations will be assessed within 8 weeks from the date of receipt at the Council offices and the assessment will be based on the application form and other supporting information you may have provided. Applicants will be notified of the outcome of their application within 9 weeks of receipt.

4.2. The owner of the land and other interested parties (if known) will be notified of the receipt of a nomination and of the resulting decision by the Council.

4.3. A List of Assets of Community Value will be maintained by the Council and made available for inspection through the Council's website. Each property listing will remain in force for five years. A listing of unsuccessful applications including reasons for not listing will also be maintained by the Council and made available for inspection through the Council's website.

4.4. The Local Land Charges Register will be amended by the Council to show details of the listing and an application made by the Council to the Land Registry for entry of a restriction on the Land Register. The Council will apply to the Land Registry for cancellation of the restriction when any asset is removed from the list.

4.5. Landowners are entitled to request a listing review within 8 weeks of the listing decision. The Council will conduct a review including any oral hearings as required and make a review decision.

4.6. Applicants are entitled to challenge a decision not to list a nominated property. Challenges should be set out in writing with full evidence attached. The Council will conduct a review and notify the applicant of its review decision.

4.7. Completed forms, together with all relevant documentation, should be sent either by email to lee.gardner@ambervalley.gov.uk or by post to:

Lee Gardner
Borough Solicitor
Town Hall
Ripley
DE5 3BT

5. Sale of Assets

5.1. When the owner of a listed asset decides to enter into a sale of the asset they are required under the Localism Act 2011 to notify the Council. On receipt of a notification of a proposed sale the Council will amend the listing with details of the interim and full moratorium dates, notify the nominator of the listed asset and publicise the proposed sale to the community through, as a minimum, the Council website. Where a full moratorium is triggered by a community group wishing to make a bid the identity of the bidding group will be added to the listing.

5.2. The Council will not participate in any discussion or negotiation between the landowner and community groups in the disposal of listed assets, nor will they facilitate any purchase, except where considered appropriate by the Council.

6. Compensation

6.1. Claims for compensation from the Council arising from listing as an asset of community value by private landowners must be made within 13 weeks of the loss or expense incurring and must be made in writing stating the amount sought and supported by evidence. Any claim will be assessed against the criteria laid down in the Regulations. The claim will be considered as soon as practicable by the Council and written reasons for the resulting decision will be passed to the claimant.

6.2. Payment of compensation will be strictly limited to amounts directly attributable to the listing and considered to be covered by the Regulations.

6.3. Should a claimant request a review of a compensation decision, the Council will undertake a review of the decision and notify the claimant of the outcome.

7. Further Information

7.1. Further information on the Localism Act 2011 and the Community Right to Bid can be found at:

- [The Assets of Community Value \(England\) Regulations 2012](#) (National Archives)
- [Community Right to Bid: Non-statutory advice note for local authorities October 2012](#), (pdf from Department for Communities and Local Government)
- Understanding the Community Right to Bid. pdf from www.mycommunityrights.org.uk/community-right-to-bid/