

COMMUNITY RIGHT TO BID

This brief guide is intended as an overview of the Right to Bid process. Further information is available from the East Suffolk Council Communities Team

What is it?

The Assets of Community Value (England) Regulations give local groups the right to nominate land or property to be listed as an Asset of Community Value (ACV) if certain principles are met.

If successful, the nominating group is able to trigger a six month moratorium period if the asset comes up for sale, giving them time to mobilise themselves and submit a bid.

"Social Wellbeing/Interest"

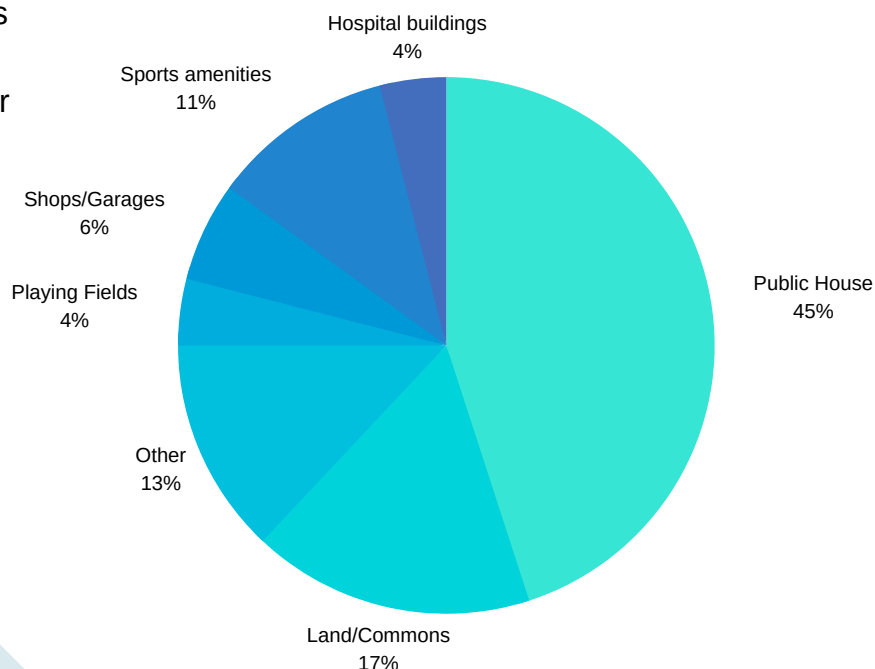
As in Section 88 of the Localism Act 2011, a building/land is an ACV if in the opinion of the Local Authority;

Its actual current main use 'furthers the social wellbeing or social interests of the local community, or

Buildings/land that 'in the recent past' had a use that furthered the social wellbeing or social interest of the local community, and its realistic to think that the use could be resumed in the next five years.

Examples of assets

There are currently almost fifty ACVs within East Suffolk, each listing lasting for five years. It is possible for listings to be renewed at the end of the five year period.



What can't be nominated?

Not all buildings/land can be nominated for listing. There are also some examples when a moratorium period doesn't apply. These include;

- Peoples homes
- Hotels and Caravan sites
- Assets being transferred between kindred businesses
- Church of England land holdings
- Sale of a business as a going concern
- Disposals between family members
- Disposals in connection with a will or under intestacy rules
- Disposals which are a gift

Opportunities provided by the legislation

The legislation;

- Gives the nominating group 6 months to prepare a bid, find the funding and make an approach to buy the Asset.

The legislation does not;

- Stop the owner from selling it
- Require the owner to accept the offer from the community group
- require the community group to be informed of a sale if it is an exempt disposal as above
- prevent development by the owner, subject to planning permission

Submitting an application

Applications can be submitted via the East Suffolk Council website.

It requires certain information to be provided by the nominator. If this is not provided, your application may be rejected immediately and a resubmission requested.

If in doubt, contact the Communities Team - communities@eastsoffolk.gov.uk

Best Practice

- Speak to the current owner about your plans prior to submission.
- Ensure maps provided are original downloads from the Land Registry.
- Provide as much detail as possible within the application - how does it link to social wellbeing or social interests? Examples can support a nomination
- Consider if it would be realistic for your community group to find the funds within 6 months if the Asset came up for sale.