

Please note that what follows is guidance based on the [Localism Act 2011 regulations](#) and [guidance](#) available at the time (October 2012) and it is important that you use these guidance notes in conjunction with the most up to date regulations and guidance available.

Background

- This new Community Right (sometimes called the “Community Right to Buy” or “Community Right to Bid”) allows local community groups, including Parish Councils, to ask the Council to list certain assets as being of “community value”. Assets could include public (including Council) and private buildings and land.
- If an asset is listed and then comes up for sale, the new right will give communities that are interested a total of 6 months to put together a bid to buy it (including a 6-week cut-off for an initial proposal to be put forward).
- A building or land in a local authority’s area will, subject to the [Act](#) and Regulations, be listed as an asset of community value if it is successful in the nomination process.

Once an asset is listed, the owner cannot then dispose of it without:

- letting the local authority know that they intend to sell the asset or grant a lease of more than 25 years.
- waiting until the end of a six week ‘interim moratorium’ period if the local authority does not receive a request from a local community interest group to be treated as a potential bidder.
- waiting until the end of a six month ‘full moratorium’ period if the local authority receives a request from a local community interest group to be treated as a potential bidder.

It is important to note that the owner does **not** have to sell the asset to the community interest group.

Nomination process

- Nominations will be accepted by e-mail or hard copy; however, submissions by e-mail are preferable. If submitting by hard copy, please ensure that the nomination form and supporting documents are attached together in a single pack.
- Forms should be returned by either:

E-mail: assets@bathnes.gov.uk

Post: Assets of Community Value
Policy and Partnerships
Lewis House
Manvers Street
Bath
BA1 1JG

01225 477290

Please do not hesitate to contact us if you have any queries or need assistance with the form.

- If your nomination form is complete we will acknowledge receipt within 5 working days and enter it into the assessment process.
- If your nomination form is not fully completed, illegible or the necessary documentation is not attached, it will be returned unprocessed within 5 working days of receipt to the contact person given on your nomination form.
- A decision on whether to list the asset will be made using the [evaluation criteria](#) within 8 weeks of the receipt of a completed nomination form. Following this, an outcome will be communicated to the contact person given on your nomination form.

Completing the Nomination Form

Please note that all but one of the questions in this nomination form are pass/fail.

Question C is divided into 4 sub-questions which are each worth 25% of the total score for this section. The nomination form must score a minimum of 55% in this section in order to be considered.

Contact details

Please give contact details of the organisation submitting the nomination form as well as the main contact person who can be reached if there are any queries about the nomination form and to whom correspondence can be sent.

A1) What type of organisation are you?

The types of organisations eligible for making a nomination are currently defined in [Paragraph 5 of the Assets of Community Value Regulations 2012](#).

Please state which of the following type of organisation you are and attach the related supporting evidence where appropriate:

Eligible organisation types	Evidence to be supplied
(a) a body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990; (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	<ul style="list-style-type: none"> • Articles of Association • Constitutions • Terms of Reference • Governance documents

A2) What is your local connection to the nominated asset?

Your organisation must have a local connection to the nominated asset which broadly means that you must be able to demonstrate that your activities are wholly or partly concerned with the Bath and North East Somerset area or with a neighbouring authority (which shares a boundary).

A “Local Connection” is defined in detail in [Paragraph 4 of the Assets of Community Value Regulations 2012](#)

Please explain what your organisation’s local connection is and provide any related supporting evidence (e.g. maps, documents).

A3) Please provide details of the land and/or building you wish to nominate.

We need to know the exact location and extent of the land and/or building you are nominating (e.g. you may want to include the car park area next to a building).

Please provide the following evidence in accordance with [Paragraph 6 of the Assets of Community Value Regulations 2012](#):

Evidence to be supplied
<ul style="list-style-type: none"> • A description of the nominated land including its proposed boundaries • The names of current occupants of the land • The names and current or last-known addresses of all those holding a freehold or leasehold estate in the land

Please ensure that the nominated asset is not in one of the categories of land and/or building which cannot be listed as a community asset, as set out in [Schedule 1 of the Assets of Community Value Regulations 2012](#). This can be broadly defined as residential property, land licensed for use as a residential caravan site and operational land of statutory undertakers.

B1) What is the current or recent non-ancillary use of the land and/or building?

NOTE: A working definition of “non-ancillary” is that the usage is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use.

A building or other land will only be considered for inclusion on the list of assets of community value if its actual current use furthers the social wellbeing and interests of the local community or a use in the recent past (up to three years) has done so. The identified use must not be an ancillary one.

Please state therefore what the current non-ancillary use of the nominated land and/or building is, and provide supporting evidence as below:

Relevant evidence includes:
<ul style="list-style-type: none"> • Numbers of people making use of the facility • Calendar/session rotas for local groups • History of use

C) Why do you believe the asset is of community value?

Please use this section to set out your reasons for believing that the local authority should conclude that the land is of local community value in line with [Paragraph 6c of the Assets of Community Value Regulations 2012](#). Each of the following four questions should be addressed within your response;

- **C1) How does the nominated land and/or building meet the social interests of the local community as a whole? (25%)**
Please show how the current main use of the building or land furthers the social interests or social wellbeing of the local community as a whole, and not simply the users/customers of the specific service.

An answer should reference the consequences for the local community if the usage ceases and include relevant evidence where possible:

Relevant evidence includes:
<ul style="list-style-type: none"> • Number of users/members/customers • Number of volunteer hours drawn in by the facility • Testimonials of service provided/outcomes

- Accessibility of asset
- Policies of the organisation using the asset
- Equalities impact (identifying the impact it will have on different groups in the local community)
- Involvement by the local community in running/managing it
- Positive impacts on:
 - Health and Wellbeing
 - Local natural environment and wildlife
 - Cultural, sporting or recreational activities

• **C2) Is any aspect of the nominated land and/or building's usage actively discouraged by the Council's Policy and Budget Framework? (25%)**

All nominations under this question will receive the maximum score unless there is an active discouragement of the asset's use within the Council's Policy and Budget Framework.

Relevant evidence:

- The following webpage provides further detail on the Council's Policy and Budget Framework: <http://www.bathnes.gov.uk/services/your-council-and-democracy/policies-and-plans/policy-and-budget-framework>

• **C3) Why is the nominated land and/or building usage seen as having social value for the local community? (25%)**

Evidence to show why the nominated land is seen as having social value for the local community includes:

Relevant evidence includes:

- Highlighting the nominated asset's impact on;
 - Local community pride
 - Cohesion
 - Sense of place (e.g. hosting community wide events)
 - Sustainable living
 - Areas of need

• **C4) How strongly does the local community feel the land and/or building usage furthers their social interest? (25%)**

Evidence to show that the local community strongly feels that the nominated asset furthers their social interest includes:

Relevant evidence includes:

- Evidence supplied by local stakeholders to support the nomination request (e.g. surveys, petitions)
- Evidence of soundness of the process for gathering community feedback and views
- Reference to and evidence from Parish Plan/Community Plan or other local documents as to the importance of this asset locally
- Evidence from B&NES local ward members

D1) Has the land and/or building requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?

Evidence to support your answer includes showing how changes to service requirements are in line with national trends, as well as market testing and planning history.

D2) If yes to D1 above, how could it be made fit for purpose practically within reasonable resource requirements and timescales?

Please outline how the nominated asset could be made fit for purpose during the next five years. Supporting evidence includes:

Relevant evidence includes:
<ul style="list-style-type: none">• Outline business plans• Survey reports• Advice from the Council's Property Services department• Market intelligence• Status and progress of proposals for taking over/managing the asset in the future

E) Checklist

Please ensure that you complete this section.

E1) Please confirm that you have read and understood the Guidelines -

i.e. these notes. It is a condition of your nomination form that you have read and understood the Guidance Notes before submitting your form.

If you answer 'No' to this question, it will not be possible to process your nomination form.

E2) Please confirm that you have answered all of the questions

Your application will be returned to you unprocessed if questions are unanswered.

E3) Please confirm that the contents of this form supplied by your organisation are correct, to the best of your knowledge

E4) Please ensure that you have attached all of the documents that are relevant to your application