

## **Community Right to Bid - Frequently Asked Questions**

### **What's the legal basis for the Community Right to Bid?**

The Community Right to Bid was introduced under [The Localism Act 2011 \(Chapter 3\)](#)

The [Assets of Community Value \(England\) Regulations 2012](#) provide further details of the legislative requirements.

### **What does the Community Right to Bid aim to achieve?**

The legislation aims to help communities faced with losing local amenities and buildings which are of importance to them, giving communities the opportunity to identify and nominate assets which are of importance.

### **Does the Community Right to Bid give community groups a right to buy assets within their community?**

The legislation only stalls the selling process to give suitably constituted community groups a period of time to prepare a proposal and raise the funds required to put in an offer. The sale takes place under normal market conditions and the owner is under no obligation to sell to the group.

### **Where can I get advice and help about getting an asset listed or making a bid to purchase an asset that's listed?**

Independent support is available from Locality, a national network of over 700 community-led organisations. Locality has been appointed by the Government to provide help and advice on community rights issues. They can be contacted on 0845 458 8336 or by email:

[info@locality.org.uk](mailto:info@locality.org.uk)

Further information is available on the [my community rights website](#) and the [gov.uk website](#)

### **Who is eligible to nominate an asset for inclusion in the list of assets of community value?**

Nominations may be submitted by the following:

- Town and Parish Councils

- Unincorporated bodies with at least 21 individual members, and which do not distribute any surplus they make to their members
- Charities
- Companies limited by guarantee which do not distribute any surplus they make to their members
- Industrial and provident societies which do not distribute any surplus they make to their members
- Community interest companies
- A body designated as a neighbourhood forum under the Town and Country Planning Act 1990 (as amended)

Groups will need to demonstrate a local connection such as:

- Activities wholly or partly concerned with local authority's area or neighbouring local authority area
- Any surplus made wholly or partly applied for benefit of local authority's area or neighbouring local authority area

### **What types of asset are eligible for listing?**

Land and buildings which can demonstrate 'community value' are eligible for listing.

### **How is 'community value' defined?**

Community Value is a building or land in the Council's administrative area which in the opinion of the Council:

- The current, main use of the asset furthers the social wellbeing or social interests of the local community and:
- It is realistic to think the building or land will continue to further the social wellbeing or social interests of the local community

Where the asset does not currently demonstrate 'community value' (as above), it may still be nominated where it is possible to demonstrate that the asset's main use in the recent past did further the social wellbeing social interests of the local community in the recent past and where it is realistic to think that it will do so again in the next five years.

### **What assets cannot be nominated as assets of community value?**

There are some types of land/buildings that cannot be nominated. The Regulations made under the Localism Act should be consulted for the full list of exemptions and related definitions.

### **How do I go about nominating an asset for inclusion in the list of assets of community value?**

Nominations must be in writing and in accordance with the regulations. You can [download an application form from the Wirral Council website](#) or request one from:

Wirral Council – Community Right to Bid  
Business Services  
Po Box 290  
Brighton Street  
Wallasey  
Wirral  
CH27 9FQ

Email: [communityrighttobid@wirral.gov.uk](mailto:communityrighttobid@wirral.gov.uk)  
Telephone: 07775 827 400

### **What kinds of documents should support the nomination?**

Generally, the more evidence you can send us to support the information in the nomination, the quicker we will be able to reach a decision on whether the asset is eligible for inclusion in the list of assets of community value.

As a minimum, the following should be provided:

- a) Evidence to support that the nominator is eligible to make a nomination (as appropriate to the organisation).
- b) Information about property use and location including good quality plans showing the boundaries of the asset being nominated.

### **How will the nomination be processed?**

If the nomination information does not comply with regulatory requirements we will return it to you to correct any omissions.

We will usually acknowledge receipt of a valid nomination within 3 working days.

We will need to notify certain people under the regulations that we have received a valid nomination and that the asset is being considered for listing. We will decide whether the nominated asset should be included in the list within eight weeks of receiving a valid application and will notify you of our decision and the reasons for it, and also other people we have to notify by law.

Information provided in the nomination form will be processed in accordance with the Data Protection Act 1998 for the purposes of administering the Community Right to Bid procedure.

The information will be stored securely by Wirral Council and will be destroyed after 6 years. Name and contact details provided will be shared with the owner of the asset in the event that the nominating organisation subsequently submits an intention to bid.

The information provided will be subject to the Freedom of Information Act. This can mean that personal information (names and contact details) will be released in responses to Freedom of Information requests as every Freedom of Information Request has to be dealt with on its own terms.

### **How can I find out which assets have been nominated for inclusion in the list of assets of community value?**

The following are published on the [Wirral Council website](#):

- The list of assets of community value
- A list of assets nominated by unsuccessful community nominations

Copies of these lists are also available for inspection at:

Wirral Council – Community Right to Bid  
Business services  
Po Box 290  
Brighton Street  
Wallasey  
Wirral  
CH27 9FQ

Email: [communityrighttobid@wirral.gov.uk](mailto:communityrighttobid@wirral.gov.uk)  
Tel: 07775 827 400

### **How long will the asset remain on the list?**

Assets will be listed for a period of five years.

### **What happens if the owner isn't happy that their asset has been listed?**

The owner of an asset included in the list of community assets may ask us to review our decision. This request must be made in writing within eight weeks of the date upon which we provided the owner with written notification of our decision, or longer where we have agreed to this in writing.

The request should be sent to:

Wirral Council - Community Right to Bid  
Business Services  
Po Box 290  
Brighton Street  
Wallasey  
Wirral  
CH27 9FQ

Email: [communityrighttobid@wirral.gov.uk](mailto:communityrighttobid@wirral.gov.uk)  
Tel: 07775 827 400

### **How will a request by an owner to review a listing be dealt with?**

We will usually acknowledge receipt of the request within 3 working days. The review will be undertaken by an officer independent of the original decision making process.

The owner may request an oral hearing and may appoint any representative to act on his or her behalf in connection with the review.

We will complete the review process within eight weeks of receipt of the written request for the review, or a longer period where this has been agreed with the owner.

We will notify the owner in writing of the outcome of the review and where the review concludes that a change to the listing is required and we will adjust the list and we will also notify the nominating group and other such persons as legally required.

### **What happens if the owner of the asset is dissatisfied with the outcome of this review?**

Where an owner remains dissatisfied with the outcome of the review, they may appeal to a tribunal against our decision. The owner should seek independent advice.

### **What effect does the listing have?**

Where an asset is included in the list of assets of community value, the owner is required to notify the Council in writing of their intention to dispose of the asset.

If any land included is in the Assets of Community Value List which is unregistered becomes registered the owner or new owner must notify the Council as soon as is practicable and complete the Land Registry's Form QQ to enter a restriction on their land register.

The Regulations detail circumstances where a disposal is exempt as of 2013. The Regulations should be consulted for the full list of exemptions and detailed definitions.

If the disposal is not an exempt one, the notification will trigger a period of delay during which the asset owner may not dispose of the asset. During this period of delay, suitably constituted community groups and organisations which can demonstrate a local connection may submit an intention to bid.

If the Council receive an intention to bid, a six month delay period (starting from the date upon which we receive written notification of the owner's intention to dispose of the asset) is triggered during which no disposal may take place except to a qualifying community group by negotiation.

This six month period is intended to enable the community group or organisation to prepare to be able to submit a bid to the owner to purchase the asset. Any subsequent sale takes place under normal market conditions.

The group has no rights of purchase over other potential buyers. The owner is under no obligation to sell the asset to the community group or any other person. If the owner decides to sell to the community group, they may do so within the six month moratorium period. Even if the group came forward with funding at the sale price the owner does not have to sell to the group.

If after the six month delay period the community group has not bought the property, a further 12 month protection period is triggered (the total eighteen month period commencing on the day upon we received written notification of the owner's intention to dispose of the asset). During this protection period the asset may be sold by the owner on the open market without the risk of any further delay period being triggered.