

# Community Right to Bid

## Nominating an Asset of Community Value



### Guidance notes

These guidance notes are to be used when completing the Asset of Community Value (ACV) nomination form. As this process is both complex and legalistic, we strongly encourage any group who is interested in nominating an asset to take appropriate professional advice prior to submitting their application.

#### Background

Community Right to Bid (CRB) was introduced in September 2012 under the Localism Act 2011. It gives community groups and other prescribed bodies the opportunity to nominate community assets (buildings or land) for listing as an ACV. To qualify as an ACV the asset should promote the social interest and wellbeing of the area (see below).

CRB is a two stage process:-

1. Nomination of an asset as an ACV
2. Bidding on an asset listed as an ACV

If an asset is listed as an ACV community groups have the opportunity to prepare and gather finances in order to submit a bid to buy or lease the asset (in order to continue its use as a community asset) should the owner decide to dispose of it. The owner, however, is under no obligation to sell it to the group or indeed anyone else.

#### Definition of an Asset of Community Value

An asset is deemed to be of community value if, in the opinion of the Council:

- The current main use of the asset furthers the social interests or social well-being of the local community, **and** it is realistic to think that there can continue to be a main use of the asset which will further the social interests or social well-being of the local community, although not necessarily in the same way, or;
- The main use of the asset in the recent past furthered the social interests or social well-being of the local community and it is realistic to think that within five years the asset can be brought back into use that furthers the social interest or wellbeing of the local community, whether or not in the same way as before.

#### Social interest and social well-being

Social interests include (a) cultural interests; (b) recreational interests; (c) sporting interests.

Social well-being are the things that people value in their life that contributes to them reaching their potential (economic, social or environmental).

#### Nomination

To nominate an asset for listing as an ACV the [nomination form](#) must be completed and returned to Southampton City Council.

The nomination must come from:-

- An unincorporated body whose members include at least 21 individuals who are registered to vote within Southampton City or [Eastleigh Borough Council](#), [New Forest District Council](#) and [Test Valley Borough Council](#). \*
- A body designated as a Neighbourhood Forum
- A Charity
- A Community Interest Company
- A Company Limited by Guarantee which does not distribute any surplus it makes to its members
- An industrial and Provident Society which does not distribute any surplus it makes to its members

#### \* Unincorporated Bodies

For unincorporated bodies (a group of people), only groups with at least 21 or more members who are registered to vote in Southampton and/or neighbouring local authorities are able to nominate. You are required to provide evidence of this by submitting the names and addresses your members which will be checked against the electoral roll. (Please ensure that you obtain consent of your members before submitting their personal details) **Please note:-** For an unincorporated body to be able to lawfully apply to **nominate** an asset as an ACV it must be more than simply 21+ signatories on a petition. It must be a bona fide local organisation with a 'Constitution' (this need not be too detailed but there must be some formality). A 'template' constitution can be found on our [website](#).

#### Step by step guide to completing the nomination form

##### Question 1. Applicant / Nominee details

Insert the name of the nominee, this should be the main contact for the nomination and the person who signs the declaration at the end of the form. NB: Company/ organisations details will be open to publication and in the public domain.

##### Question 2. Nominees qualifying status

It is important you state which organisation type you are as only those shown above are currently eligible to nominate. Nominations received from any other body will not be accepted. You may also be required to submit evidence of your organisations eligibility to nominate and demonstrate your 'local connection'. Some examples of suitable evidence are:-

- A list of at least 21 members, if an unincorporated body, together with a Constitution (see above\*)
- A Charity Commission/HMRC number if a charity.
- A company number if a company or Industrial and Provident Society.
- The council will maintain a list of neighbourhood planning forums.

Demonstration of the organisations 'local connection' will also be required:-

- The organisations activities are wholly or partly concerned with the local authority's area, or with a neighbouring authority's area;
- Where the organisations constitution allows for it to generate an operating surplus, that this is applied wholly or partly for the benefit of the local authority area, or for the benefit of a neighbouring authority's area.

### Question 3. Asset nomination

Give the details of the asset (building or land) you wish to nominate. An example of a locality is 'Weston' or 'Lordshill'.

Political wards can be found by searching the asset's postcode, please visit the council's website <http://www.southampton.gov.uk/whereilive/addresslookup.aspx>

### Question 4. Location Plan

The Council needs to know the extent of boundaries of the asset you are nominating.

Ideally, include a location plan with the site boundaries in red on an OS licensed plan. You can create a map using the Council's [mapping tool](#)

However, if this is not possible please enclose a drawing or sketch map with boundaries clearly marked in red. If the boundaries/plan is not clear then the Council will contact you for further information, which could delay the process.

**NB:** It should be noted that any area which is in the ownership of a statutory undertaker (e.g. electricity substation) cannot be listed.

### Question 5. Owner

#### Freeholder's Name

Please insert the freeholder's details, as the Council are required to inform the owner of the asset of the nomination.

#### Leaseholder's Name

If relevant, please provide the name(s) and current or last known address of anybody that has a leasehold for all or part of the asset, it is important we advise all affected parties should the asset be listed.

### Question 6. Occupier

The current occupier may not be the same as the freeholder or leaseholder. For example, there may be a tenant occupying the asset.

### Question 7. Reasons for nomination

**Important:** Please note that any information entered in this section (and on separate sheets) may be copied and passed onto the owner of the asset you are nominating. So you may want to avoid naming individuals in this section.

This is where you get the chance to tell the Council why you think this asset should be listed as an ACV. It will be used as the main part of the assessment to decide if the asset is listed as an ACV or not so it is important that you include as much detail as possible, using a separate sheet(s) if necessary.

Things to consider (this list is not exhaustive so please include any other details you feel are relevant to the asset you are nominating):-

- Is the asset currently being used by the community, if so what for? Or if not how long since it was last used by the community?
- How the current use of the asset, or its use in the recent past, furthers the social wellbeing or social interests of the local community and how will continue to do so in the future?

- How you would fund the purchase of the asset if it ever becomes available? It would be useful if you could detail how you intend to raise the finance needed to purchase the asset.

For details of nationally of successful applications, which might give you some ideas for your nomination see [Case Studies](#)

## 8. Declaration

This must be signed by an executive member of your organisation i.e. the person who has the authority to be the nominator. If you are an unincorporated body then this must be the same as the contact details in question 1 of the nomination form.

## What happens next?

On receipt of a valid nomination form the council will notify:-

- The nominee that the nomination form has been received and the date the decision will be made.  
**The council has 8 weeks to make its decision.**
- The owner of the asset to inform them that a nomination has been made.
- The occupants or tenants of the asset to inform them that a nomination has been made.

For more information about how your nomination is progressed and what happens if the nomination is successful or unsuccessful please see our [webpages](#)