



Community right to bid

What you need to know

The Localism Act 2011 introduces an important new power for local communities to protect buildings and open spaces they value. The Community Right to Bid came into effect on 21 September 2012. This is relevant to all civic societies and community groups.

Why do this?

If an asset is listed and then comes up for sale, the new right will give communities that want it 6 months to put together a bid to buy it. This gives communities an increased chance to save much loved shops, pubs or other local facilities.

The “community right to bid” has two parts:

1. **Asset list** - A right for communities to identify a building or area of open space which they believe to be of importance to their social well being or cultural, sporting or recreational interests and submit them to their local authority to go on a register (or list). These “assets of community value” will be recorded on their list if your local authority agrees they are land of community value. The list has to be made public and provided free of charge on request. The local authority has to give written reasons if it decides not to include the asset on its list.
2. **Disposal moratorium** – A right for communities to make a bid to buy the asset if it is put up for sale. Your local authority will publicise the intended sale and a community interest group which can be a charity or an industrial and provident society will have 6 weeks to make a written request to be treated as a potential bidder. This will trigger a 6 month moratorium for the community to prepare a bid. A parish council which can also nominate an asset may also trigger a moratorium. After this period the owner can then sell to whomever they choose – there is no presumption of disposal to the community. Importantly, the fact of an asset being registered can be a material planning consideration when considering a change of use of a building – so a community building which might be turned into houses might be refused planning permission and this would also allow the community to draw up realistic proposals to take on responsibility for the asset and not be in competition with a much more financially valuable housing option

Exceptions

The main exceptions to the new right to register community assets are domestic houses and gardens; caravan sites; and land used by statutory undertakers (such as railways). Buildings with caretaker’s flats or other ancillary domestic use are not exempt. There are also a number of exemptions to the moratorium, including disposal of churches and by NHS bodies for providing health services and to new owners carrying on the same business.

Taking action

All civic societies will want to consider whether they should identify all the buildings and open spaces in their area which might be considered community assets and placed on the new register. This work might be undertaken by civic society volunteers and/or through a publicity campaign inviting members of the public to send in details of what they value in the area.

When nominating an asset to your local authority you will need to provide:

- 🗨️ A description which includes the proposed boundaries
- 🗨️ Any information you have on the owner or current occupants
- 🗨️ Your reasons for nominating the asset – why it is of value to the community
- 🗨️ Your eligibility for making the nomination as a group which has local connections.
- 🗨️ You will also need to ensure that 21 people support the listing of the building

It would be sensible to liaise with your local authority in preparing your proposals for potential assets. It is taking some time for the new measures to be understood and incorporated into every local authority's administrative processes and it will be best to work in collaboration with them wherever possible. You may also want to prioritise which assets you put forward for going on the register rather than submit them all simultaneously.

Once assets have been registered then you will want to keep a watching brief on them and campaign for their continued use as community assets where possible.

Ideas for registering what matters to you

- 🗨️ Contact your local conservation officer, planning officer and your Heritage Champion - tell them that what you are planning to do and find out if anyone else is doing it locally
- 🗨️ Issue a press release – invite suggestions for what should be put on the register. Speak to the local media and tell them why this list is important to you and why local people should be nominating. Maybe organise a public vote via the local paper on what should be put on the list.
- 🗨️ Contact other local groups such as resident associations, friends of parks, town or parish councils and building preservation trusts - tell them you are working on this list and encourage them to join you in nominating community assets
- 🗨️ Approach local councillors and your local MP to ask them what they think should be included on a list – it is a good opportunity for a meeting and to make them more aware of your work
- 🗨️ Many civic groups say that their number one priority is to involve a younger audience. Why not approach local youth clubs and schools to ask the younger generation what buildings/places they feel are important and should be included
- 🗨️ Do you have any local celebrities? Ask them what buildings they would like to see adopted? It is a good way to raise your profile via the local media.
- 🗨️ Why not consider holding a town stall on Civic Day (www.civicday.org.uk) to ask people what buildings they would like to see put on the list?
- 🗨️ Tell Civic Voice you are doing this so we can put you in touch with other civic groups to share lessons
- 🗨️ If you find developing a list of “community assets” worthwhile, why not prepare a “local list” of buildings of local Importance for you area, but be careful not to confuse the two!
<http://www.english-heritage.org.uk/caring/listing/local/>

For further information

- 🗨️ Locality has produced a useful briefing note here <http://t.co/AZMyxu14>
- 🗨️ You've got the power - quick and simply guide to community rights
- 🗨️ <https://www.gov.uk/government/publications/youve-got-the-power-a-quick-and-simple-guide-to-community-rights>
- 🗨️ Information is available from the Government here <http://www.communities.gov.uk/localgovernment/decentralisation/localismbill/communityrights/>