



## Assets of Community Value – Additional information

### 1. What is an asset of community value?

An asset of community value is a piece of land or a building, already or recently in community use, which promotes social wellbeing – in particular, though not exclusively, cultural or sporting or recreational assets, and will continue to further the social wellbeing or interests of the local community.

Where the asset does not currently demonstrate 'community value' it may still be nominated where it is possible to demonstrate that the asset's main use did further the social wellbeing or cultural, recreational or sporting 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.

### 2. What kind of assets could be considered as having 'community value'?

- Parks and open green spaces
- Sports and leisure centres
- Libraries
- Theatres
- Museums or heritage sites
- Cinemas
- Swimming pools
- Community centres
- Youth centres
- Public toilets
- Town, civic and guild halls
- Village shops
- Pubs
- Markets

### 3. What kind of assets would not be considered as having 'community value'?

Residential properties will be excluded from listing, unless they are integral to an asset of community value, such as living accommodation within a pub or a caretaker's flat within a community centre.

- Administrative offices
- Land or property where community use is ancillary to its main purpose
- Land attached to residential property
- Gardens, outbuildings and other associated land that is not physically attached to a residence including land that it is reasonable to consider as part of the land with the residence where it is separated from it only by a road, railway line, river or canal where they are in the same ownership as the associated residence.
- Key road and rail networks
- Land licensed for use as a residential caravan site (and unlicensed sites)
- Land used by public utilities, defined as operational land in section 263 of the Town and Country Planning Act 1990
- Assets which might have a community value in the future but which have not been used for that purpose for a long time e.g. a derelict piece of land
- Assets which are occasionally used for the social benefit of a local community but which are not primarily used for this purpose e.g. space used for an annual village fete.

Is a building or other land an "asset of community value"?					
Nature of use	Long Past	Recent Past	Present	Future	Covered by the Act?
(1) The main use of the land or building furthers the social wellbeing or social interests of the local community at the present time AND it is realistic to think that this can continue into the near future (even if the type of social use or benefit might change)			✓	✓	✓
(2) The main use of the land or building furthered the social wellbeing or social interests of the local community in the recent past AND it is realistic to think that this could again happen in the next five years (even if the type of social use or benefit might change)		✓		✓	✓
(3) The main use of the land or building furthered the social wellbeing or social interests of the local community <i>some years ago</i> but is not presently in use for a social purpose.	✓				X
(4) The land or building has not recently been, and is not currently, in use for a primarily social purpose.					X
(5) The land or building has been empty or derelict for many years and remains so today.					X

#### 4. Who is eligible to nominate an asset of community value?

Only the local community can nominate an asset for inclusion on the list. Nominations must come from;

- a parish council
- a community group with at least 21 members who are registered to vote in Worcester City
- a neighbourhood forum, set up in accordance with section 61F of the Town and Country Planning Act 1990
- a charity
- a community interest company
- a company limited by guarantee
- an industrial and provident society

#### 5. What types of property disposal are exempt?

Some types of disposal are exempt from the moratorium process, even if the asset is listed. The following exemptions apply;

- disposal through the gift of an asset
- disposal of an asset containing a business which uses the asset and which is a 'going concern' e.g. a shop still in operation
- disposal within a family or a partnership or between trustees of a trust or between companies in a group
- disposals in the execution of a will or arising from various legal proceedings
- disposal of an asset that is part of a larger estate, part of which is not listed, but where the whole estate is owned by the same person and is a single lot of land
- disposal from one NHS body to another
- disposal of Church of England holdings
- disposals for on-going educational provision
- disposals between connected companies
- disposals as a result of court order
- disposals as a result of bankruptcy or insolvency

#### 6. What happens if land owners do not comply with the legislation?

If an eligible property or asset of community value is sold without regard to the legislation the sale will be void, and ownership will default back to the original owner. A penalty will not apply if the owner was unaware, through no fault of their own, that the land was listed when it was sold.

## **7. What is needed within a nomination?**

Nominations may be made at any time and in written form.

Nomination will need to include;

- clear identification of the asset
- a reason why it qualifies as an asset of community value
- identification of the nominating organisation and some proof of eligibility

## **8. Against what criteria will nominations be assessed?**

A local authority must approve all nominations which are eligible i.e. all those aspects which;

- community value – are of community value in contributing to social wellbeing
- location – are located within the local planning authority area
- identity – have been nominated by an eligible organisation

## **9. How long will the process take?**

The decision to list an asset or reject an asset must be made within 8 weeks of receiving the nomination.

The owner has 8 weeks from the point they are notified of the decision to list to request a review of the decision.

The authority must complete an internal review within 8 weeks, unless a longer period has been agreed in writing.

From the point of notification from owner to dispose of asset, there is a moratorium period of 6 weeks to submit intention to bid and 6 months to formulate bid

If no interest is received from notification of disposal from owner, the owner may sell the asset following the 6 week moratorium.

If interest is received, the owner has to wait until the end of the full 6 month moratorium to sell (unless the owner deems to sell the asset to the community group, at which this can be done at any time).

## **10. How will interested parties be consulted?**

The local authority must take practicable steps to inform the following if an asset has been nominated;

- a parish council (if any) in which the land lies (or partly lies)
- the owner of the asset (i.e. the freeholder, the leaseholder)
- all others with a legal estate
- any lawful occupant (which could include a licensee)

On approval, the following must be given written notice of the inclusion/removal of the asset on the list;

- the person who nominated the asset
- the owner (the freeholder or a qualifying leaseholder if there is one, or if there are sub-leaseholders then the leaseholder who is the most distant from the freeholder)
- any lawful occupier

(The owner is defined as the freeholder or if there is a lease of at least 25 years, the leaseholder.)

Where are not able to give notice directly to the persons stated, reasonable alternative steps should be taken i.e. notice on property.

**11. Where is the information held on successful and unsuccessful nominations?**

You can view assets that have been successfully listed and details of nominated assets that have not been successful on our website.

**12. Appeal Process**

If the owner of the asset is not satisfied with the outcome of the internal review, the owner can lodge an appeal against a listing review. The listing review must be made to the General Regulatory Chamber of the First-Tier Tribunal. The deadline for appealing is 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and findings of fact. The property will remain listed during the appeal process.

Contact details: [GRC.CommunityRights@hmcts.gsi.gov.uk](mailto:GRC.CommunityRights@hmcts.gsi.gov.uk)

Tribunal clerk  
Community Right to Bid Appeals  
HM Courts & Tribunals  
First-tier Tribunal (General Regulatory Chamber)  
PO Box 9300  
Leicester, LE1 8DJ