

Community Right to Bid

Assets of Community Value - Nomination Guide

This Nomination Guide is to help eligible community organisations complete Durham County Council's Assets of Community Value Nomination Form.

Further details about the Community Right to Bid scheme and relevant legislation can be found in the Council's Community Right to Bid – Further Guidance document which can be found on our [Assets of Community](#) web page.

Completing the Nomination Form

Nominations must be submitted using the Council's Assets of Community Value Nomination Form (<https://www.durham.gov.uk/media/3285/Community-Right-to-Bid-application-form/pdf/AssetsCommunityValueNominationForm2021.pdf>). Please ensure that the Nomination Form and all supporting documents are sent as a single submission. Nominations will be accepted by email or by hard copy and should be sent to right-to-bid@durham.gov.uk or to Community Right to Bid, Durham County Council, Asset Management, County Hall, Durham, DH1 5UL.

All questions in the Nomination Form must be completed.

Please note, any information entered into this section may be copied and shared with the owner of the property you are nominating.

Section 1: About you and your community organisation

1(A) Names and contact details

Please give the names and contact details of the community group submitting the Nomination Form and the main contact person progressing the nomination on behalf of the community group. Correspondence about the nomination will be sent to the contact person.

1(B) What type of organisation are you?

Only certain types of organisation are eligible to make a nomination. The types of organisation eligible to make a nomination are defined in Section 89(b) of the Localism Act 2011 and Regulation 5 of the Assets of Community Value Regulations 2012. You must tell us what type of organisation you are and provide us with supporting evidence relevant to the type of organisation.

Eligible organisations are:

- a neighbourhood forum designated as such under the Town and Country Planning Act 1990
- a parish council including a neighbouring parish council whose boundaries share a border with Durham County Council's area
- an unincorporated local voluntary or community group with at least 21 members who are locally registered to vote in County Durham, and does not distribute any surplus it makes to its members
- a charity
- a company limited by guarantee or an industrial and provident society which does not distribute any surplus it makes to its members

- a community interest company

The supporting evidence required could include:

- Memorandum and Articles of Association
- Constitutions
- Terms of Reference
- Governance documents
- Charity number

If you are a company limited by guarantee or an industrial and provident society, you must confirm that any surplus you make is not distributed to your members but is used for the benefit of Durham County Council's area or for the benefit of a neighbouring area.

If you are an un-incorporated body, you must provide us with the names and addresses of 21 individual members who are registered to vote in the Durham County Council area. Please note these details will be checked against the Council's Electoral Roll for verification. You must also confirm that any surplus you make is not distributed to your members but is used for the benefit of Durham County Council's area or for the benefit of a neighbouring area.

1(C) What is your local connection to the asset?

Your organisation must have a local connection with the asset being nominated. This means that you must be able to demonstrate that the activities of your organisation are wholly or partly concerned with the Durham County Council area or with a neighbouring authority's area. Please explain the activities your organisation, how they relate to and benefit the local community and if this relates to all or part of your activities.

Section 2: About the asset you are nominating

2(A) What is the name and address of the asset?

Please give the name and address of the asset you are nominating, including the postcode. The name could be what it is known as locally.

2(B) What is the location and extent of the asset you are nominating?

It is important we know the exact location and extent of the land and/or building you are nominating. Please provide us with as much information as you can including a description of the land area/site covered by the nomination as well as any buildings, outbuildings, parking, gardens or green areas and any boundaries.

Please provide us with an up to date plan showing the exact extent of the land area/site covered by the nomination and any other details that would help (such as roads). Please make the boundary of the land area/site clear on the plan.

2(C) Who occupies and owns the asset you are nominating?

Please give us the names and contact details of the current occupiers of the asset you are nominating, and of the owner or anyone else you know of who has a legal interest in the asset. This should be the current or last known contact details. If you do not know the details, please say not known. We are required to notify the legal owner and occupants (and the parish council) that we are assessing the nomination and will notify them of the outcome of the nomination. You are not required to inform or have any contact with the occupiers and/or owners but you may want to do so.

2(D) Is the asset exempt from nomination?

Schedule 1 of the Assets of Community Value Regulations 2012 identifies land which is not of community value and therefore may not be listed. We cannot consider a nomination if the asset falls into one of these excluded categories. Please confirm that the asset you are nominating is not covered by one of these exclusions. The three excluded categories are broadly defined as residential property, land licenced for use as a caravan site or operational land of statutory undertakers.

Residential property

This exclusion covers a residence together with land connected with that residence. A residence is defined as a building used or partly used as a residence.

The Assets of Community Value Regulations 2012 further define a residence as a building that is:

- normally used or partly used as a residence but which may be wholly or partly temporarily unoccupied
- let, or partly let, for use as a holiday dwelling
- wholly or partly a hotel or its principal use is to provide accommodation for paying occupants
- a house in multiple occupation

The Assets of Community Value Regulations 2012 state that a building or land is **not** a residence if:

- planning permission or development consent has been given for the construction of residences, but no residences have yet been built
- construction of a building intended to be a residence is underway but construction is not yet complete
- it was previously used as a residence but planning permission or development consent has been given for a change of use, for example, a decommissioned old people's home that developers intend to convert into offices

There may be an exception to the residential premises exclusion if residential quarters such as accommodation as part of a pub or a caretaker's flat are an integral part of a building which would otherwise be eligible for listing. You should provide full details if you are nominating an asset which includes residential quarters.

As stated above, the exclusion in the Regulations covers a residence together with land connected with that residence. The exclusion applies to both the building and land held with the residence owned by a single owner. This could go beyond the immediate gardens, outbuildings, yards etc. and extend to all land held by that owner. To be included, every part of the land must be able to be reached from the residence without having to cross land which is not held by the single owner unless the intervening land is a railway, road, canal or river.

Land licenced for use as a caravan site

This exclusion covers land used as a residential caravan site for which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960

Operational land of statutory undertakers

This exclusion covers land used for transport infrastructure (such as land held by railways, airports or highway authorities) and land held by other by statutory undertakers such as utilities undertakers (including gas, electricity, water and sewerage services).

Section 3: The reason for your nomination

To qualify as an asset of community value, the asset must meet certain requirements set out in the Localism Act 2011.

The Assets of Community Value Regulations 2012 require you to tell us your reasons for thinking we should conclude that the asset is of community value.

To help us decide if the asset you are nominating is of community value, we need to understand and consider its current or recent use and the likely future use, and if these further the social wellbeing or social interests of the community.

A building or land can be considered an asset of community value if:

- The asset is currently being used to further the social wellbeing or social interests of the local community, and this is its main use, not ancillary; and
- It is realistic to think that this use could carry on furthering the social wellbeing or social interests of the local community

or

- If the asset is not currently being used to further the social wellbeing or social interests of the local community, but it has done so in the recent past as its main use not ancillary; and

- It is realistic to think there could be a time in the next five years when it could be used again to further the social wellbeing or social interests of the local community

In each case the future community use does not have to be exactly the same as it has been in the present or past. If the proposed usage is different to the current use, it must comply with planning regulations at the time.

The use of the asset must not be deemed to be ancillary. This means that the use of the asset to further the social wellbeing or social interests of the community must be its main use.

What is meant by 'recent past'?

'Recent past' is defined by the County Council as being 'the last five years'. For example, a library that has been closed and unused for three years could still be nominated as an asset of community value if it is realistic to think that it could be used to provide viable community use within five years.

What is meant by social wellbeing or social interests?

This means land and buildings that are currently used (or have recently been used or will be used in the next five years) to particularly further cultural, recreational or sporting interests.

The use of the asset should also be:

- broad and inclusive across the community; or
- by a part of the community that is not, or would not otherwise be provided for in the locality

3(A) What is the current main use of the asset and how does it currently contribute to the social wellbeing or social interests of the local community?

or

3(B) If the current use does not contribute to the social wellbeing or social interests of the community, how has the main use of the asset in the recent past contributed to the social wellbeing or social interests of the local community?

Please provide as much detail as possible about the current use (or recent use) and how it contributes to the social wellbeing or social interests of the local community referencing the criteria and definitions above. You should also provide supporting evidence.

The following is not intended to be exhaustive or definitive but examples of the sort of detail you can provide include:

- The current or recent use of the asset (building or land) e.g. community centre
- How well it is (or was) used
- What different sectors of the community use (or used) it
- How does it (or did it) meet the social interests of the local community
- What will be the impact if the use ceases (or what has been the impact if it has already ceased)

Please note: The evidence provided as part of your application is crucial in supporting your nomination. You should provide as much evidence as possible of the community activities and how they meet the social interests of the local community.

3(C) Explain how this asset could provide a realistic future contribution (in the next five years) to the social wellbeing or social interests of the local community

Please provide as much detail as possible about how you think the use of the asset will continue to (or its future use will) provide a realistic future contribution to the social wellbeing or social interests of the local community in the next five years. The nomination must explain how it is proposed that the asset will remain viable in the future. You should also provide supporting evidence.

The following is not intended to be exhaustive or definitive but examples of the sort of detail you can provide include:

- The proposed future use of the asset (building or land) and how does this differ to the current use or how will it enhance use of the asset
- How it will meet the social interests of different sectors of the local community
- If a different use is proposed, will it require permission for a change of use (eg planning) and is this realistic
- If the proposed use involves physical changes to the asset, how this will be delivered and is this realistic

Supporting evidence could include:

- Demand for the types of activities that will be provided for the local community
- Evidence of support from the local community and different community groups
- Proposed arrangements for running and managing the asset
- Planning information
- Outline business plan / professional advice
- Survey report on condition on building

Declaration

Please sign and date the Nomination Form to confirm that the information contained in this nomination form is complete and accurate.

What happens next?

If you complete the Nomination Form and provide supporting evidence, we should have sufficient information to enable us to consider the nomination and make a decision. You can provide further information if you feel this would help us.

The process following the submission of the Nomination Form is set out in the Council's Community Right to Bid – Further Guidance document which can be found on our [Assets of Community](#) web page.