



# **Hertsmere Borough Council**

## **Community Right to Bid Policy Statement**

**January 2013**

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## **1. Purpose of document**

The purpose of this document is twofold:

1. To outline how the Community Right to Bid will operate
2. To explain how the Council will administer the Community Right to Bid

In particular the document will:

- provide transparency for community nominators and asset owners so that they can easily navigate the process
- provide clarity so that officers and Members are able to effectively support the process
- provide a framework for fair, consistent and timely decision making

## **2. Background to the Right to Bid**

The Community Right to Bid is one of a package of new rights included within the Localism Act, which aims to devolve power to local communities. The Right to Bid gives community groups the right to bid to buy community buildings and facilities that are important to them.

The Right to Bid provisions in the Localism Act<sup>1</sup> commenced in England on 21 September 2012 when the Assets of Community Value Regulations<sup>2</sup> made under those provisions came into force.

The Government has since produced a Community Right to Bid: Non-statutory advice note for local authorities<sup>3</sup> to assist with the implementation of the scheme.

The statutory regulations set out the statutory elements of how the Right to Bid should operate. However they do not specify how the right should be administered by individual local authorities.

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3>

<sup>2</sup> <http://www.legislation.gov.uk/uksi/2012/2421/contents/made>

<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/14880/Community\\_Right\\_to\\_Bid\\_-\\_Non-statutory\\_advice\\_note\\_for\\_local\\_authorities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community_Right_to_Bid_-_Non-statutory_advice_note_for_local_authorities.pdf)

### **3. Outline of how the Right to Bid works**

This section provides an outline of how the Right to Bid works. More detail can be found in Section 5: Frequently Asked Questions.

The scheme has two main parts:

1. nominating and listing assets
2. the moratorium

The provisions give local groups a right to nominate a building or other land for listing by the local authority as an asset of community value. When a listed asset is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy it on the open market.

#### **Nominations and listing**

An asset can be listed if a principal (“non-ancillary”) use of it furthers (or has recently furthered) their community’s social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future.

Nominated assets may be owned by anybody including the Council.

The voluntary or community bodies which may make community nominations are set out below:

- **Parish Councils.** This may be for an asset in its own area, or in the neighbouring parish council.
- **Neighbouring Parish Councils.** If the parish council borders an unparished area, then they may nominate an asset within that neighbouring local authority.
- **Unincorporated groups.** Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority.
- **Neighbourhood forums.** There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a ‘neighbourhood forum’. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation.
- **Community interest groups with a local connection.** These must have one or more of the following structures:
  - a) A charity
  - b) A community interest company
  - c) A company limited by guarantee that is non-profit distributing
  - d) An industrial and provident society that is non- profit distributing

Nominations may be made at any time, including after an asset has been put onto the market. However no restrictions on sale arise from nomination - it is only listing which brings the statutory provisions into play.

The Council cannot list an asset on its own initiative - it must be nominated.

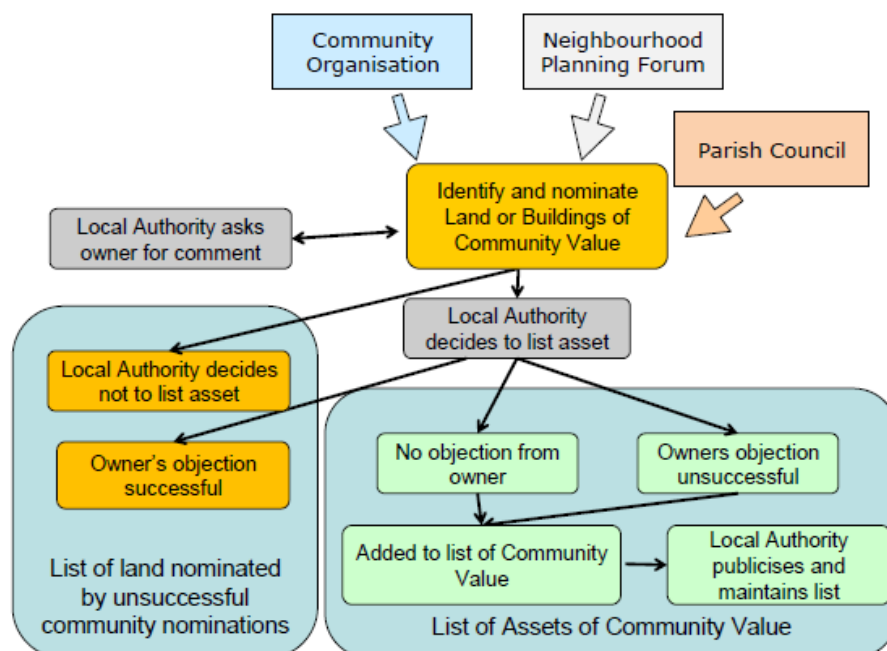
In its role as local authority Hertsmere Borough Council has 8 weeks to make a judgement about whether a nominated asset meets the definition of an Asset of Community Value as set out in the Localism Act or whether it falls into one of the excluded categories, including residential property.

If the nominated asset is properly nominated, is within Hertsmere area, meets the definition, and is not excluded, the Council must list it and inform all specified parties (including the parish council). The Council must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register.

If the Council do not agree that the asset nominated meets the definition, or it is in one of the excluded categories, the asset must be placed on a list of assets nominated but not listed.

If the owner objects to their asset being placed on the List of Assets of Community Value, they will have a right to an internal review by the Council of the decision to list. If an owner is successful in their appeal against listing at internal review or Tribunal stage then the asset must also be moved to the list of unsuccessful nominations.

If the owner remains in disagreement with the listing after the internal review they have a right of appeal to an independent Tribunal.



## Moratorium

Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it.

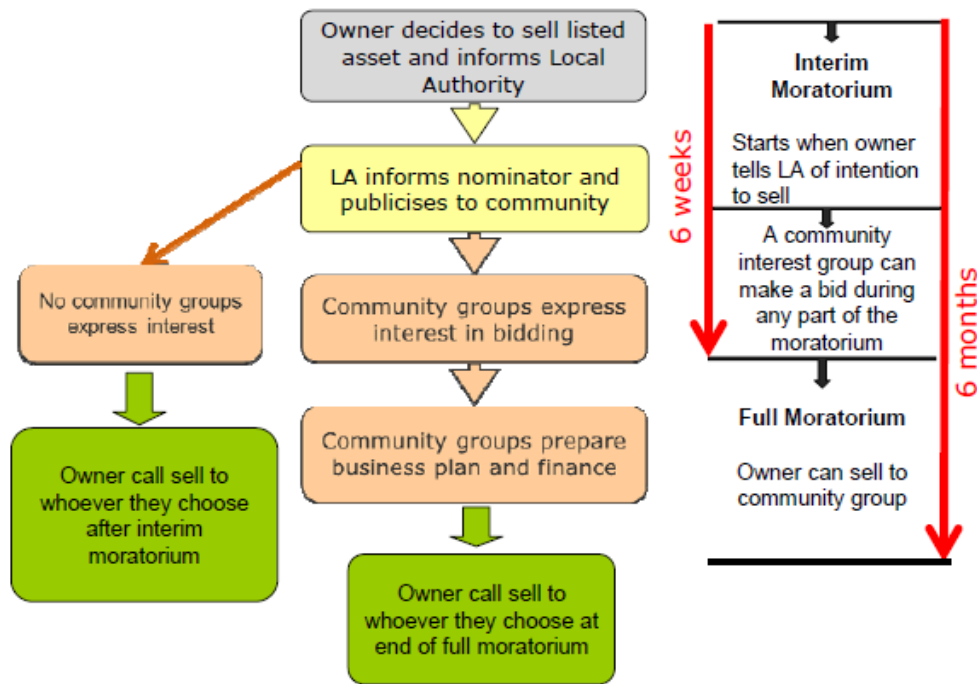
If the owner of a listed asset decides they want to sell it they are required to notify the Council. This brings into force a 6 week interim moratorium. The owner cannot sell the asset during this period. The Council must inform the nominator of the owner's intent to sell and publicise this to the community. Community groups have until the end of the interim moratorium to submit a written request to be treated as a potential bidder.

In order to make an expression of interest a group must have one or more of the following structures:

- (a) A charity
- (b) A community interest company
- (c) A company limited by guarantee that is non-profit distributing
- (d) An industrial and provident society that is non-profit distributing

If a request is not received by the Council during the interim moratorium then the owner is free to sell their asset at the end of the 6 weeks. If a community interest group does make a request during this interim period then the full 6 month moratorium comes into force. During this period the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period.

After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to whomever they choose and at whatever price and no further moratorium will apply for the remainder of a protected period lasting 18 months.



### Compensation

The scheme recognises that these provisions may have some financial impact on owners and provides a compensation scheme for private property owners. This will not be available to public bodies. Hertsmere Borough Council is responsible for administering the compensation scheme, including assessing and determining compensation awards.

### Enforcement

The scheme provides for various mechanisms to encourage compliance by requiring the Council to:

- inform owners and other interested parties that an asset has been listed
- enter on the local land charges register the fact that an asset has listed; and
- in the case of registered land, apply for a restriction on the land register

Additionally, to give a strong incentive to owners to comply with the scheme, non-compliant sales will be void (ineffective), meaning that the change of ownership has not taken place. However this penalty will not apply if the owner was unaware through no fault of their own that the land was listed when it was sold.

### What the provisions do not do

The Right does not restrict in any way who the owner of the asset can sell his property to, or at what price. They also do not confer a right of first refusal to community interest groups.

The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because planning policy

determines permitted uses for particular sites. As the Council has planning policies to protect key community facilities, a planning application involving the loss of a listed community asset could be refused unless it is no longer required or fit for purpose and there is no reasonable scope for alternative community uses on the site.

If a community group acquires the building there are no restrictions on how it may use the asset providing it complies with the approved use of the site.

Inclusion on the list does not necessarily mean that the facility/site will be considered a key community facility in Planning terms. Advice should be sought from the planning department on this matter.



#### 4. The Right to Bid in Hertsmere

##### Nominations and Listing

###### Stage 1: Nomination

Nomination to list an asset received in written format.

A nomination form can be found at [www.hertsmere.gov.uk/communityrighttobid](http://www.hertsmere.gov.uk/communityrighttobid)

Nomination forms and other written nominations should be submitted to:

Community Right to Bid, Planning Policy, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA Email: [communityrighttobid@hertsmere.gov.uk](mailto:communityrighttobid@hertsmere.gov.uk)

###### Stage 2: Consideration

Asset owners notified of asset nomination and given opportunity to submit any evidence which they deem to be relevant in connection with the nomination

A panel of senior officers comprising representatives from Planning and Building Control, Legal and Democratic Services and Corporate Support will consider the nomination against the criteria set out in the Regulations and make a recommendation to the Portfolio Holder for Planning and Localism for decision.

###### Stage 3: Notification

Within 8 weeks of receipt of nomination the Council provide written notification of its decision to:

- The nominating organisation
- The owner of the asset
- Any lawful occupier
- Any other parties who have stated their interest in writing

###### Stage 4: Post decision

Successful nominations will be placed on the List of Assets of Community Value. The list will state the date an asset was listed and the date that the listing of the asset expires.

The Council will enter on the local land charges register the fact that an asset is on the List of Assets of Community Value and in the case of registered land will apply for a restriction on the Land Register.

Unsuccessful nominations will be placed on the List of Nominated Assets not of Community Value. The list will state the date of decision on an asset along with a short explanation for why the bid was unsuccessful.

Up to date versions of the lists will be published on the Council's website and hard copies are available on request.

8 Weeks

## Reviews and Appeals

6 Weeks

### Stage 1: Request for internal review

Asset owner requests the Council review its decision to place an asset of the List of Assets of Community Value within 8 weeks of the written notification of listing.

Right of review will also be extended to a nominator where the decision has been taken that a nominated asset is not of community value.

Requests for an asset listing review should be submitted to:

Community Right to Bid, Planning Policy, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA Email: [communityrighttobid@hertsmere.gov.uk](mailto:communityrighttobid@hertsmere.gov.uk)

### Stage 2: Consideration

A reviews panel comprising the Director of Environment and the Director of Resources will carry out an asset listing review and make a recommendation to the Planning and Localism Portfolio Holder for decision.

### Stage 3: Notification

Within 6 weeks of receipt of the request the Council will complete the review and provide written notification of its decision to:

- The nominating organisation
- The owner of the asset
- Any lawful occupier
- Any other parties who have stated their interest in writing

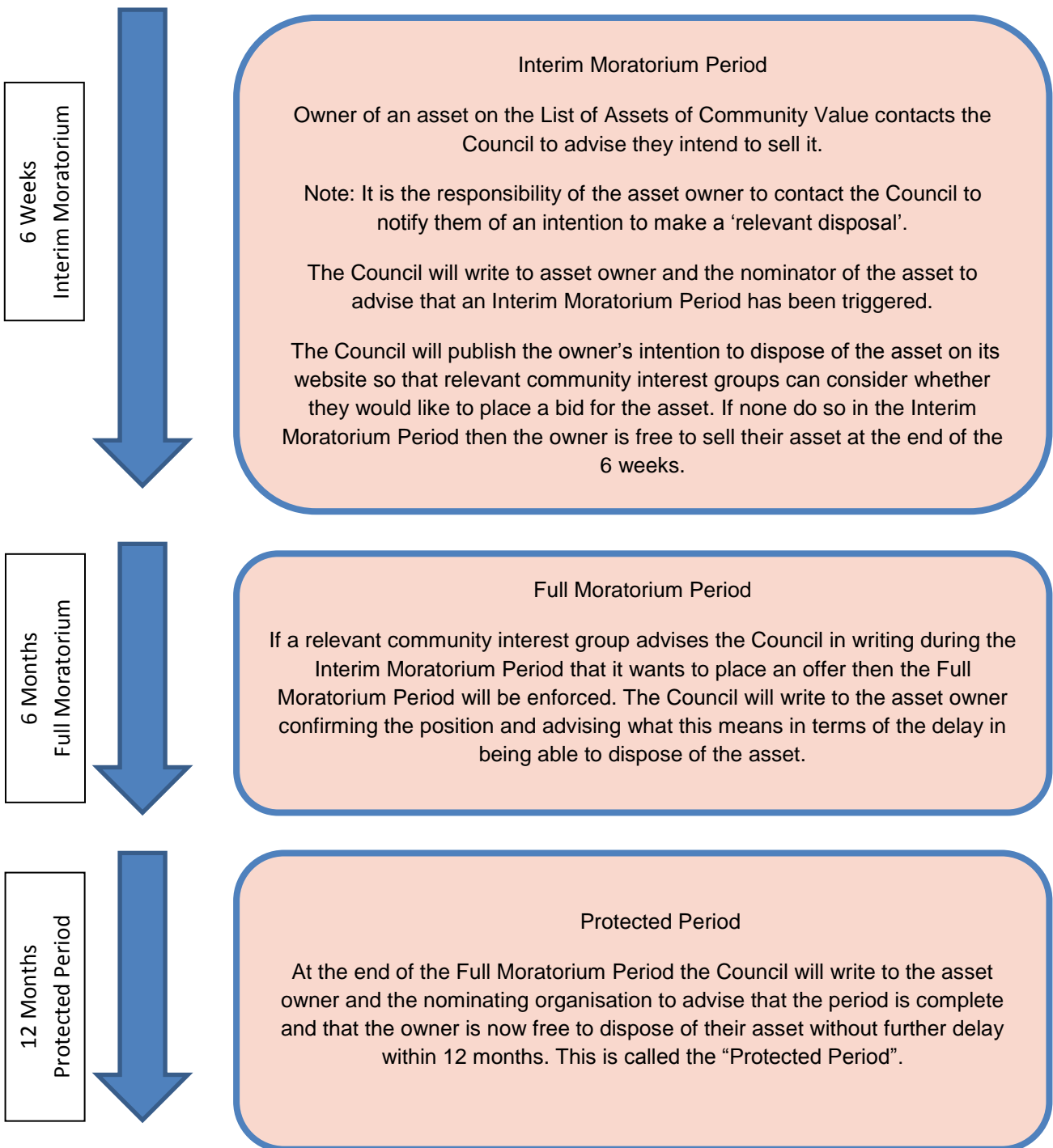
### Stage 4: Post decision

Review requested by asset owner: If the review finds in favour of the asset owner then the asset will be removed from the List of Assets of Community Value and placed on the List of Nominated Assets not of Community Value together with an explanation of the decision. The Council will also apply to have details on the listing removed from the Land Register.

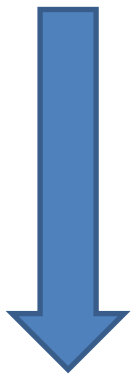
If the review finds in favour of the original listing decision then the owner has the option to take their appeal to the First Tier Tribunal.

Review requested by nominator: If the review finds in favour of the nominator then the asset will be transferred from the List of Nominated Assets not of Community Value to the List of Assets of Community Value.

## Moratorium



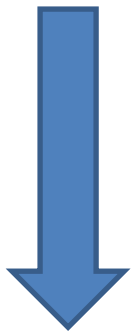
## Compensation



### Stage 1: Initial compensation claim

Claims received in writing within thirteen weeks after the loss or expense was incurred or finished being incurred. Claims should state the amount of compensation being claimed for each part of the claim and be accompanied by supporting evidence.

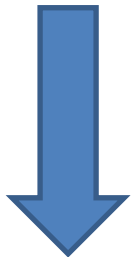
The Council will provide the claimant with written notification of their decision within 8 weeks of receipt of the claim.



### Stage 2: Review of compensation claim

The claimant claim may ask for a review of the decision reached in relation to their claim. This must be made in writing within eight weeks of the date that the Council advised of its reasons for the decision in relation to the claim.

The Council will provide the claimant with written notification of the review outcome within 8 weeks of receipt of the review request.



### Stage 3 – First tier tribunal

Where the owner remains dissatisfied with the outcome of the review, they may appeal to the general regulatory chamber of the First Tier Tribunal against the Council's decision on the compensation review.

## 5. 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. 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. The Community Right to Bid gives communities the opportunity to identify those assets which are of importance and to have time to prepare a proposal in the event that the asset comes up for sale.

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

No, 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?

For advice about the Community Right to Bid please contact:

Community Right to Bid  
Planning Policy  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
WD6 1WA

Email: [communityrighttobid@hertsmere.gov.uk](mailto:communityrighttobid@hertsmere.gov.uk)

Independent support is available from Locality, a national network of over 700 community-led organisations appointed by the Government to provide advice and help relating to the community rights agenda – see <http://www.locality.org.uk/> They can be contacted on 0845 458 8336 or by email: [info@locality.org.uk](mailto:info@locality.org.uk)

Other sources of information and support are available from

<http://communityrights.communities.gov.uk/>

<http://mycommunityrights.org.uk/community-right-to-bid/further-support/>

The full legislative arrangements are available at:

Localism Act Chapter 3 <http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3>

Assets of Community Value (England) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/2421/contents/made>

### 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 does not distribute any surplus it makes to its members
- Charities
- Company limited by guarantee which does not distribute any surplus it makes to its members
- Industrial and provident society which does not distribute any surplus it makes to its members
- Community interest companies
- A body designated as a neighbourhood forum under the Town and Country Planning Act

The above groups will need to demonstrate a local connection. The following are considered to indicate this:

- 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
- Unincorporated bodies must have at least 21 local members included on register of electors.

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

Land or buildings which can be demonstrated to have 'community value'. They can be in either public or private ownership.

### How is 'community value' defined?

Community Value is defined as follows:

- The principle use of the asset currently, or in the recent past, furthers the social wellbeing or cultural, recreational or sporting interests of the local community and
- This use 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.

What kinds of assets could be considered as having 'community value'?

The following examples give an indication of the types of assets which may be defined as having 'community value:'

*Education, health and wellbeing or community safety*

- Nurseries and schools
- Children's centres
- Health centres, surgeries and hospitals
- Day care centres, residential care homes

*Sport, recreation and culture*

- Parks and open green spaces
- Sports and leisure centres
- Libraries
- Theatres
- Museums or heritage sites
- Cinemas
- Swimming pools

*Community services*

- Community centres
- Youth centres
- Public toilets

*Local democracy*

- Town, civic and guild halls

Any economic use (e.g. a business such as a shop) which also provides an important local social benefit which would no longer be easily available if that service should cease

- Village shops
- Pubs

- Markets

What kinds of assets would not normally be considered as having 'community value'?

- Administrative offices
- Land or property where community use is ancillary to its main purpose
- Land attached to residential property (although the regulations set out certain exceptions for shops and pubs)
- Land covered by Caravan Sites and Control of development Act 1960
- Land used by public utilities, defined as operational land in section 263 of the Town and Country planning Act 1990

The Regulations 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. An application form is available on the Council's website [www.hertsmere.gov.uk/communityrighttobid](http://www.hertsmere.gov.uk/communityrighttobid) or by contacting:

Community Right to Bid  
Planning Policy  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
WD6 1WA

Email: [communityrighttobid@hertsmere.gov.uk](mailto:communityrighttobid@hertsmere.gov.uk)

What information will I need to provide?

Nominations will need to include

- A description of the nominated asset including its proposed boundaries clearly edged in red
- A statement of all information which the nominator has with regard to the names of current occupiers and the names and current, or last known addresses of all those holding a freehold or leasehold estate in the land
- Reasons for thinking that the Council should conclude that the land is of community value and



- Evidence that the nominator is eligible to make a nomination (in line with requirements set out above)

#### 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 (ass appropriate to the organisation):

- Memorandum of Association
- Articles of Association
- Companies House return
- Trust Deed
- Constitution / Terms of reference
- Standing Orders
- Interest Statement for Community Interest Company

b) Information showing the boundaries of the asset being nominated – for example through one or more of the following:

- Where the land is registered, the Land Registry Title Information document and map with boundaries clearly marked in red (less than one month old). Provision of Land Registry information is not essential but it may help us to reach a decision on the nomination more quickly.
- a written description with ordinance survey location, and explaining where the boundaries lie, the approximate size and location of any building/s on the land and details of any roads bordering the site.
- a drawing or sketch map with boundaries clearly marked in red

#### Where should the nomination be sent?

Nominations should be sent to:

Community Right to Bid

Planning Policy

Hertsmere Borough Council

Civic Offices, Elstree Way, Borehamwood WD6 1WA

Email: [communityrighttobid@hertsmere.gov.uk](mailto:communityrighttobid@hertsmere.gov.uk)

### How will the nomination be processed?

We will usually acknowledge receipt of the nomination within 5 working days. Nominations will then be considered in line with the requirements set out in the regulations including taking all practical steps to notify the following that the asset is being considered for listing:

- The relevant town or parish council
- The relevant Councillor/s for the ward involved
- The owner of the asset
- Where they are not the owner, the holder of the freehold estate and the holder of any leasehold estate
- Any lawful occupant

We will decide whether the nominated asset should be included in the list within eight weeks of receiving the nomination and will notify the following of our decision and the reasons behind this:

- The owner of the land
- The occupier of the land (if not the owner)
- The nominator
- Where they are not the owner, the holder of the freehold estate and the holder of any leasehold estate
- The relevant town or parish council
- The relevant Councillor/s for the area

The nominator's contact details as provided on the nomination form will be used for future correspondence, including, in the event that the asset is listed, notice that the owner has advised of an intention to dispose of the asset. It is therefore essential that the nominator ensures that any changes in contact details during the period of the listing are notified to the Council via the address above.

Information provided in the nomination form will be processed in accordance with the Data Protection Act for the purposes of administering the Community Right to Bid procedure. 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, but personal information (names and contact details) will not be released in responses to Freedom of Information requests.

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

We publish on the Council website <http://www.hertsmere.gov.uk/communityrighttobid>

- 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 the Civic Offices, Elstree Way, Borehamwood, WD6 1WA.

How long will the asset remain on the list?

Assets will be listed for a period of five years and be notified to the Land Registry as a registered restriction in the land register for the land (and a Local Land Charge).

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.

The request should be sent to:

Community Right to Bid  
Planning Policy  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
WD6 1WA

Email: [communityrighttobid@hertsmere.gov.uk](mailto:communityrighttobid@hertsmere.gov.uk)

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

We will usually acknowledge receipt of the request within 5 working days and advise of the procedure to be followed in connection with the review.

We will complete the review process within eight weeks of receipt of the written request for the review.

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, we will also notify:

- The occupier of the land (if not the owner)
- The nominator
- Where they are not the owner, the holder of the freehold estate and the holder of any leasehold estate
- The relevant town or parish council
- The Councillor/s for the area

Where the review concludes that a change to the listing is required, we will adjust the list of assets of community value and advise the Land Registry accordingly.

#### 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 the general regulatory chamber of the First Tier Tribunal against our decision on the listing review. Appeals should be sent to: Tribunal Clerk, Community Right to Bid Appeals, HM Courts and Tribunals, First Tier Tribunal (General Regulatory Chamber), PO Box 9300, Leicester, LE1 8DJ or via email to: [GRC.CommunityRights@hmcts.gsi.gov.uk](mailto:GRC.CommunityRights@hmcts.gsi.gov.uk)

#### Can the group nominating an asset appeal against the decision reached by the Council about whether the asset should be included on the list of assets of community value?

Where the nominator is unhappy with our decision in connection with their nomination, they may request that we review our decision. This will be dealt with in the same way as an appeal for an asset owner would be.

#### 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.

The Regulations detail circumstances where a disposal is exempt – for example where the disposal is as a result of a court order, a separation agreement made between spouses or civil partners, upon inheritance and as a result of insolvency proceedings. The Regulations should be consulted for the full list of exemptions and detailed definitions.

This notification will trigger a moratorium period (a period of delay) during which the asset owner may not dispose of the asset (other than where the disposal is exempt under the Regulations). This interim moratorium is for a period of six weeks from the date upon which we receive written notification of the owner's intention to dispose of the asset.

During this six week period, suitably constituted community groups and organisations which can demonstrate a local connection may submit an intention to bid. Where this is received, the full six month moratorium 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. There is no obligation for the group to make a bid and 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.

If after the six month moratorium period the community group has not successfully 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 moratorium period being triggered.

If any land included in the Assets of Community Value List which is unregistered becomes registered for the first time (because of a disposal, mortgaging or voluntary registration), 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.

What does the owner need to do if they wish to dispose of an asset included in the list of assets of community value?

The Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 exempt certain types of disposal.

Where an owner wishes to dispose of an asset which is included in the list of assets of community value and it is not an exempt disposal, they must notify us in writing of their intention to do so.

The notification should be sent to:

Community Right to Bid  
Planning Policy  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
WD6 1WA

Email: [communityrightobid@hertsmere.gov.uk](mailto:communityrightobid@hertsmere.gov.uk)

What happens once an owner has notified an intention to dispose of an asset included in the list of community assets?

We will acknowledge receipt of the notification within 5 working days, confirming the date that the interim moratorium took effect and when the period will end.

The list of assets of community value will be updated to show that we have received notice of an intention to dispose of the asset, together with the date of that notification and the resulting interim and full moratorium periods and the protected period.

We will notify the nominator in writing that we have received notice of an intention to dispose of the asset and will publish details in the area where the asset is situated.

What does the community group need to do if it wishes to make a bid to purchase the asset?

An intention to bid may only be submitted by suitably constituted 'community interest group' which can demonstrate a local connection. Unincorporated organisations and neighbourhood forums are excluded. The Regulations provide a full definition of 'community interest group' for the purpose of the Community Right to Bid legislation.

The intention to bid should be submitted in writing together with evidence to support that the bid is being made by a suitably constituted 'community interest group'.

The intention to bid should be sent to:

Community Right to Bid  
Planning Policy  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
WD6 1WA

Email: [communityrighttobid@hertsmere.gov.uk](mailto:communityrighttobid@hertsmere.gov.uk)

We must receive the intention to bid within six weeks of the notice to dispose of the asset (normally ending at midnight on the last working day of that period). Nominators are advised to obtain proof of delivery either through using appropriate recorded receipt postage or by obtaining a receipt for hand delivered post.

We will pass the intention to bid to the owner of the land, or inform them of the details, as soon as practically possible after receipt.

This will then trigger the full six month moratorium period during which the asset cannot be sold.

Can the owner market the asset during the moratorium period?

Yes, there is nothing to prevent the owner actively marketing the asset during the moratorium period; the restriction refers only to exchange of contracts on the sale of the asset.

If the owner of the asset is happy to sell to a community interest company, can they go ahead with the sale without waiting for the moratorium period to end?

Yes, where the owner and a community interest company are able to agree terms within the six month period, they may proceed with the sale without waiting for the moratorium period to end.

What recourse does the owner have if they feel that they have suffered costs or expense as a result of their asset being included in the list of assets of community value?

The owner or former owner of an asset included in the list of assets of community value is entitled to make a claim for compensation from Hertsmere Borough Council in respect of incurred loss or expense in relation to the asset which would be likely not to have been incurred if the land had not been listed.

Claims should be made in writing and be made within thirteen weeks after the loss or expense was incurred or finished being incurred. Claims must state the amount of compensation being claimed for each part of the claim and be accompanied by supporting evidence.

Claims should be sent to:

Community Right to Bid  
Planning Policy  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
WD6 1WA

Email: [communityrighttobid@hertsmere.gov.uk](mailto:communityrighttobid@hertsmere.gov.uk)

*What happens if the owner is not satisfied with the way a compensation claim has been treated?*

The person making the compensation claim may ask for a review of the decision we reach in relation to their claim. This must be made in writing within eight weeks of the date upon which we have advised you of our reasons for the decision in relation to the claim.

The request should be clearly marked Community Right to Bid and sent to:

Community Right to Bid  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
WD6 1WA

Email: [communityrighttobid@hertsmere.gov.uk](mailto:communityrighttobid@hertsmere.gov.uk)

We will acknowledge receipt of the request and advise of the procedure to be followed 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.



What happens if the owner is not satisfied with the outcome of a compensation review?

Where the owner remains dissatisfied with the outcome of the review, they may appeal to the general regulatory chamber of the First Tier Tribunal against the Council's decision on the compensation review. Appeals should be sent to: Tribunal Clerk, Community Right to Bid Appeals, HM Courts and Tribunals, First Tier Tribunal (General Regulatory Chamber), PO Box 9300, Leicester, LE1 8DJ or via email to: [GRC.CommunityRights@hmcts.gsi.gov.uk](mailto:GRC.CommunityRights@hmcts.gsi.gov.uk)

**HERTSMERE BOROUGH COUNCIL**

**ASSETS OF COMMUNITY VALUE – COMMUNITY RIGHT TO BID**

**NOMINATION FORM**



Before completing this form, please read the material at:  
[www.hertsmere.gov.uk/communityrighttobid](http://www.hertsmere.gov.uk/communityrighttobid)

**Section A: About your organisation**

**A1 Organisation's name and address**

Name of organisation*
Address

*\*full name as written in your constitution or rules (if appropriate)*

**A2 Contact details**

Name
Position in organisation
Address
Daytime telephone no.
Email address
How and when is best to contact you?*

*\*by email or phone, and days of the week and/or times of day you would prefer*

**A3 Type of organisation**

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council		
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

**A4 Number of members registered to vote locally (unincorporated bodies only)**

In the case of an unincorporated body, at least 21 of its individual members must be registered to vote locally. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Hertsmere, please confirm which area that is.

**A5 Local connection**

In addition, your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Hertsmere Borough Council or a neighbouring local authority. In some cases this will be obvious, eg. a neighbourhood forum for an area within Hertsmere, or an organisation whose activities are confined to the city. If it is not obvious, please explain what your organisation's local connection is.

**A6 Distribution of surplus funds (certain types of organisation only)**

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that any surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Hertsmere or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

**A7 More about your organisation**

What are the main aims and activities of your organisation?

**A8 Your organisation's rules**

Please send us the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	Put a cross against the type of document that applies
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	

**Part B: About the land or building(s) you are nominating**

**B1 Description and address**

What it is (eg. pub, local shop)

Name of premises (eg. Royal Oak / Littletown stores)

Address including postcode (if known)

**B2 Sketch plan**

Please include a map of the land. This should show:-

- The boundaries of the land that you are nominating - The approximate size and position of any building(s) on the land.
- Any roads bordering the site.

**B3 Owners and others with an interest in the building or land**

You should supply the following information, if possible. If any information is not known to you, please say so.

	<b>Name(s)</b>	<b>Address(es)</b>
Names of all current occupants of the land		<i>Same as B1.</i>
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)		
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)		

**B4 Why you think the building or land is of community value**

*Note that the following are not able to be assets of community value:-*

- *A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.*
- *A caravan site.*
- *Operational land. This is generally land belonging to the former utilities and other statutory operators.*

Does it currently further the social wellbeing or social interests\* of the local community, or has it done so in the recent past? If so, how?

Could it in future further the social wellbeing or social interests\* of the local community? If so, how? (This could be different from its current or past use.)

*\*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

**B5 How could the building or land be acquired and used in future?**

*If it is listed as an asset of community value, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.*



## Section C: Submitting this nomination

### C1 What to include

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

### C2 Signature

*By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.*

Signature

### C3 Where to send this form

You can submit this nomination:-

**By post to:** Community Right to Bid  
Planning Policy  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
WD6 1WA

**By email to:** [communityrighttobid@hertsmere.gov.uk](mailto:communityrighttobid@hertsmere.gov.uk)