

Community Right to Bid - Part 5, Chapter 3 of the Localism Act 2011

Assessment Criteria

The Community Right to Bid ('Assets of Community Value' in Legislation) is run by South Cambridgeshire District Council in accordance with the legislation and associated regulations. The process we have outlined in our 'Guidance and Procedure' document is necessarily a formal one. This and the assessment criteria below have been devised to support nominating bodies and owners of land/buildings to understand the process. We aim also to minimise the risk of error and challenge to nominating bodies, owners of nominated land/buildings and the District Council as the administering body.

The assessment criteria below are included to assist you in making a high quality, eligible nomination to include an asset on South Cambridgeshire District Council's register of Assets of Community Value (ACV). Please ensure that you do the following *before* completing this form:

- speak to one of our Development Officers for guidance – call 01954 713070 in the first instance;
- read the assessment criteria below – these have been devised based on experience and case law, and are designed to help you to make a high quality, eligible nomination;
- refer to the 'Guidance and Procedure' document which can be found on the council's website: www.scambs.gov.uk/community-right-bid
- inform the owner/tenant of the land/buildings of your intention to nominate – this will ensure as far as possible a 'no surprises', transparent approach.

In assessing nominations for the inclusion of assets in the South Cambridgeshire District Council Register of Assets of Community Value under the Localism Act 2011, there are non-discretionary and discretionary criteria as follows:

1. Non-Discretionary Criteria

	Criterion	Regulations Reference	Relevant section of the Nomination Form and
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			examples of evidence
1.1	Is the nominating organisation an eligible body to nominate?	<p>Regulation 5 of the Assets of Community Value (England) Regulations 2012:</p> <p>(a) a body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990(b);</p> <p>(b) a parish council;</p> <p>(c) an unincorporated body— (i) whose members include at least 21 individuals, and (ii) which does not distribute any surplus it makes to its members;</p> <p>(d) a charity;</p> <p>(e) a company limited by guarantee which does not distribute any surplus it makes to its members;</p> <p>(f) an industrial and provident society which does not distribute any surplus it makes to its members; or</p> <p>(g) a community interest company</p>	<p>Part A, Questions 1-6</p> <p>Evidence might include:</p> <ul style="list-style-type: none"> • Articles of Association • Constitutions • Terms of Reference • Formal resolution • Board minutes • Where applicable, it is necessary to submit details of at least 21 persons registered to vote in South Cambridgeshire District – this will be verified prior to a decision being made
1.2	Does the nominating body have a local connection to the asset nominated?	<p>For a full definition of “Local Connection” see Regulation 4 of the Assets of Community Value (England) Regulations 2012</p>	<p>Part A, Question 7</p> <p>Evidence might include:</p> <ul style="list-style-type: none"> • relevant and / or historical documents • maps
1.3	Does the nomination include the required information about the asset?	<p>Regulation 6 of the Assets of Community Value (England) Regulations 2012:</p> <p>(a) a description of the nominated land including its proposed boundaries;</p> <p>(b) a statement of all the information which the nominator has with regard to— (i) the names of current occupants of the land, and (ii) the names and</p>	<p>Part B, Questions 1-8</p> <p>The nomination will be checked to ensure the required information is supplied.</p>

		<p>current or last known addresses of all those holding a freehold or leasehold estate in the land;</p> <p>(c) the nominator's reasons for thinking that the responsible authority should conclude that the land is of community value; and</p> <p>(d) evidence that the nominator is eligible to make a community nomination (see question 1.1).</p>	
1.4	Does the nominated asset fall within the list of land/buildings which can be assets of community value?	<p>Schedule 1 to Regulation 3 of the Assets of Community Value (England) Regulations 2012.</p> <p>Land/buildings which is not of community value and may not be listed includes:</p> <ol style="list-style-type: none"> 1. A residence together with land connected with that residence 2. Is the asset, or part thereof, a hotel, or used principally for letting or licensing accommodation to paying occupants? 3. Land in respect of which a site license is required under Part 1 of the Caravan Sites and Control of Development Act 1960 4. Operational land as defined in section 263 of the Town and Country Planning Act 1990(c). 	<p>Part B, Question 3</p> <p>Evidence of current and recent use of the asset will be checked by the assessing officer against known information including Planning history.</p>

Please note: nominations will be considered against these non-discretionary criteria within 48hours of receipt, where practicable. Where the *non-discretionary criteria are not met*, the nomination will be returned to the nominating body.

2. Discretionary Criteria

Where the *non-discretionary criteria are met*, the nomination will be considered for listing against the discretionary criteria (below), in which case a listing decision will be made no later than 8 weeks from initial assessment.

	Criterion	Act / Regulations Reference	Relevant section of the Nomination Form and examples of evidence
2.1	<p>Establishing the status of use:</p> <p>Is / was the current or recent use which is the subject of the nomination an actual and non-ancillary use?</p>	<p>Section 88 of Chapter 3, Part 5 of the Localism Act</p> <p>A building or other land in a local authority's area is land of community value if in the opinion of the authority:</p> <ul style="list-style-type: none"> • an actual current use of the building or other land that is not ancillary use furthers the social wellbeing or social interests of the local community, AND • it is realistic to think that there can continue to be non-ancillary use if the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community. <p>A building or other land in a local authority's area that is not land of community value currently (as per the above) is land of community value if in the opinion of the authority:</p> <ul style="list-style-type: none"> • there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, AND • it is realistic t think that there is a time in the next five years when there could be non-ancillary use of 	<p>Part B, Question 5.</p> <p>Evidence of actual and non-ancillary use might include:</p> <ul style="list-style-type: none"> • numbers of people making use of the facility • session rotas for local groups, calendars, use history etc. • case studies of community / individual benefit <p>NOTE: A working definition of "non-ancillary" is that the use is primary, not supplementary or subordinate. The use is not providing support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary use.</p> <p>NOTE: Local Authorities are required to decide what 'recent' means in the context of the circumstances of a particular case. Indeed, the term 'recent past' is left deliberately loose and should not be defined further.</p>

		the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.	
2.2	<p>About the use of the asset:</p> <p>How and to what extent does the current (or did the recent past) use further the social wellbeing or social interests of the community?</p> <p>Who will be / was impacted with the use ceasing and how?</p>	<p>Section 88 of Chapter 3, Part 5 of the Localism Act</p> <p>See above</p>	<p>Part B, Questions 5-8.</p> <p>Evidence might include:</p> <ul style="list-style-type: none"> • Numbers of users/members/customers • Details of community events / clubs and societies delivered through the asset • Number of volunteer hours drawn in by the facility and scope of their involvement • Testimonials / case studies showing benefits provided and outcomes, such as: <ul style="list-style-type: none"> ○ impact on health, wellbeing, rural isolation ○ impact on sustainable living / local natural environment / wildlife ○ impact on cultural, sporting or recreational activities ○ Impact on community pride, cohesion, local areas of need, a sense of place • Equalities impact assessment, incl. accessibility • Impact on provision of and access to other services in the community (e.g. community post office) <p>Refer to SCDC policies, where relevant, such as Corporate Plan, Local Plan, Joint Strategic</p>

			Needs Assessment
2.3	<p>About the Community:</p> <p>To what extent does the local community support the listing of the land/buildings as an Asset of Community Value, with a view to potentially purchasing it, should the Council receive notification of the owner's intent to dispose?</p> <p>Is it realistic to think that (for current uses) the community use could continue or that (for uses in the 'recent past') there could be community use again within the next five years?</p>	<p>Section 88 of Chapter 3, Part 5 of the Localism Act</p> <p>See above</p>	<p>Part B, Questions 5-8.</p> <p>Evidence might include:</p> <ul style="list-style-type: none"> • Local stakeholder support for the nomination, e.g. surveys, petitions etc. • Evidence of soundness of the process for gathering community feedback and views • Reference to and evidence from Parish Plan, Neighbourhood Plan and/ or other local document as to the importance of this asset locally • Evidence / testimonials from the community and/or Elected Members • Market testing / intelligence • Planning history / advice from SCDC Planning • Business plan • Survey reports

- Following assessment of the nomination, officers will issue notice of the decision to all relevant parties. Please see the Council's 'Guidance and Procedure' document (which can be found on the council's website: www.scambsgov.uk/community-right-bid) for further information.

Data Protection Act 2018 - Statement

We will process the information provided in accordance with the Data Protection Act 2018 (GDPR) for the purposes of administering the Community Right to Bid procedure. The information provided will be stored securely by South Cambridgeshire District Council and will be destroyed after six years.

Information provided may be published on the Council's website and will be released in response to any reasonable request, subject to redaction of personal contact details

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