

Gloucestershire Association of Parish and Town Councils

The following ticket has been updated:

Ticket #	Client
1887159	Gloucestershire Association of Parish and Town Councils
Subject	Status
Asset Of Community Value	Open
Priority	Category
Urgent	Land & Property
Date	
Wed, 17 Jul 2024 09:55	

Alison Robinson said:

Hi Neil

My immediate thoughts are as follows:

The process for nominating Assets of Community Value (ACV) under the Localism Act 2011 allows for various groups to make nominations, not just the organization interested in potentially purchasing the property. Here's a breakdown of who can nominate and how it affects subsequent bids:

Who Can Nominate an ACV?

- * Parish Councils: Local councils, including Newland Town Council (NTC), can nominate buildings or land to be listed as ACVs.
- * Community Groups: Unincorporated groups with at least 21 members, neighborhood forums, community interest groups (such as charities, community interest companies, or industrial and provident societies), and not-for-profit organizations can also make nominations.

Purpose of Nomination

When a building or land is listed as an ACV:

- * The purpose is to give community groups the opportunity to bid for the property if it comes up for sale, rather than allowing it to go straight onto the open market.
- * The nominating body does not need to be the group that will eventually bid. The listing allows any eligible community group to trigger the moratorium period when the property is put up for sale.

Specifics for NTC's Role

In your case:

- * NTC can nominate the buildings as ACVs even if the intention is for another organisation to potentially purchase the buildings if they come up for sale. The nomination by NTC does not restrict the right to bid solely to the nominating council.
- * Other organisations interested in purchasing the buildings do not need to be the ones making the nomination. However, they will need to be an eligible community interest group to bid during the moratorium period once the property is listed and put up for sale.

Steps for NTC to Nominate

- * Gather Evidence: Collect evidence that the buildings are of community value. This could include how they are used and their importance to the local community.
- * Submit Nomination: Complete the nomination form provided by the local authority (Forest of Dean District Council, FoDDC, in this case).
- * Notification and Decision: FoDDC will notify the property owner and other stakeholders, then make a decision within eight weeks.
- * Listing and Review: If accepted, the property is listed as an ACV, and the owner can request a review of the decision.

Impact of Listing

- * Moratorium Period: If the owner decides to sell, a six-week interim moratorium is triggered, during which community groups can express interest in bidding. If an interest is expressed, a full six-month moratorium follows, allowing time to prepare a bid.
- * No Obligation to Sell to Community Groups: The owner is not obligated to sell to a community group but cannot sell to anyone else during the moratorium period.

Conclusion

NTC can indeed nominate the buildings as ACVs to enable any eligible community group to bid if the buildings become available for sale. The right to nominate is not restricted to the group that intends to purchase the property. This approach allows the community to have a say in the future of local assets and gives interested organizations a chance to prepare their bids.

By proceeding with the nomination, NTC facilitates the opportunity for community groups to preserve important local assets, even if those groups did not directly make the nomination.

Hope helpful, and happy to discuss further, as necessary

With Kindest Regards