Assets of Community Value
Community Right to Bid Policy

Nominations

1. Wealden District Council is the responsible authority for Assets of Community Value listing for the whole of Wealden District.
2. Assets for nomination must be located wholly or partially within the boundaries of Wealden District, including those Wealden parishes which lie wholly or partially within the boundaries of the South Downs National Park.
3. Nominations must be submitted to the Chief Executive on the relevant form, and must contain
    a. a description of the nominated land including its proposed boundaries
    b. a statement of all the information the nominator has with regard to
        i. the names of the current occupants of the land, and
        ii. the names and current, or last-known addresses of all those holding a freehold or leasehold estate in the land, and
    c. the nominator's reasons for thinking that the responsible authority should conclude that the land is of community value
    d. evidence that the nominator is eligible to make a community nomination.
4. Nominations will only be considered from those eligible under the Assets of Community Value (England) Regulations 2012 [hereinafter referred to as 'the Regulations').
5. Nominations will be assessed within eight weeks of proper submission, and determined by the nominated officer.
6. The owner of the land and other interested parties as determined by the Act will be notified of the receipt of a nomination as soon as practicable.
7. The nominating group, and the owner of the land and / or where applicable, the leaseholder, will be notified of the outcome of the nomination without delay.

List of Assets of Community Value

8. A list of assets of community value will be maintained and made available for inspection on the Council's website.
9. The Local Land Charges Register will be amended to show details of the listing and an application made to the Land Registry for entry of a restriction on the Land Register.
10. The listing will remain in force for five years, subject to listing review.
11. The authority will apply to the Land Registry for cancellation of the restriction when an asset is removed from the list.
12. A list of unsuccessful applications including reasons for not listing will be maintained by the Council for a period of five years for each nomination and made available for inspection on the Council's website.
13. Should the landowner / leaseholder request a listing review within eight weeks of the listing decision, an independent senior officer will conduct a review, including any oral hearings as required and make a review decision. Should the landowner's case proceed to First Tier Tribunal the Council's legal team will act for the Authority.
14. Should the nominating community group challenge a decision not to list through judicial review, an independent senior officer will conduct a review, including any oral hearings as required and make a review decision.

Disposal

15. Wealden District Council requests that owners/leaseholders inform them of any disposal of a listed Asset of Community Value even if they believe it to be an exempt disposal in relation to the listing. This is to ensure that current ownership details are maintained at the Council. This is important to enable appropriate notifications in the event of a relevant disposal under the regulations.
16. The owner of a listed asset who wishes to dispose of it, but is unsure whether they will succeed in making an exempt disposal should notify the Council of their intention to dispose as a precaution, since non-compliant disposals are not valid in law.
17. On receipt of a notification of a proposed relevant disposal under the Act, the Council will amend the listing with details of the interim (six week) and full (six month) moratorium dates, notify the nominator of the listed asset, and publicise the proposed sale to the community. Where the full moratorium is triggered, the identity of the community group will be added to the listing.
18. Wealden District Council will not participate in any discussion or negotiation between the landowner and community groups in the disposal of listed assets, nor will they facilitate any purchase.

Compensation

19. Claims by private landowners for compensation from Wealden District Council for loss or expense arising directly as a result of listing as an asset of community value must be made within whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date the land ceases to be listed. Claims must be made in writing stating the amount sought and accompanied by supporting evidence.
20. Should a claim for compensation be received, it will be assessed against the criteria laid down in the Regulations.
21. The claim will be considered as soon as practicable by the nominated officer and the claimant will be given written reasons for the resulting decision.
22. Any payment for compensation will be strictly limited to loss or expense directly attributable to the listing and, in the Council's view, considered to be covered by the Regulations[1].
23. The amount of compensation paid to landowners under the Regulations will be claimed from Government without delay subject to the relevant procedures.
24. Should a claimant request a review of the compensation decision in writing within eight weeks of its written notification provided to the owner, an independent senior officer will review the decision in accordance with the procedure for reviews set out in Schedule 2 to the Regulations.
25. Should the landowner wish to appeal against the review, he may appeal to the First Tier Tribunal. In such case, the Council's legal team will act for the authority.

WDC
November 2012

[1] The Assets of Community Value (England) Regulations 2012, para 14