

Community Right to Bid Policy Statement

Revised February 2024

1 Purpose of document

1.1 The purpose of this document is to explain:

- The background to the Community Right to Bid;
- Summary of the Community Right to Bid provisions;
- The mechanics of how the Council will administer the Community Right to Bid

1.2 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 Community Right to Bid

2.1 The Community Right to Bid (CRB), which is also known as Assets of Community Value is one of the new community rights derived from the Localism Act 2012 which aim to devolve power to local communities. It came into effect on 21st September 2012. It gives community organisations the right to identify assets they believe are of value to their community and nominate them to be listed on the Council's Register of Assets of Community Value.

2.2 The CRB has two main parts: (i) the right for community groups to nominate buildings and land (Assets) for listing as an asset of community value and (ii) to bid to buy such Assets.

2.3 The aim of the CRB is to provide an important tool to help communities looking to take over and run local assets. The scheme gives communities the opportunity to identify assets of community value and have them registered as a community asset. Should the owner of the asset wish to sell there is a six week window to allow time for the community to express its written intention to bid.

2.3 The CRB is not a right to buy and does not restrict in any way who the owner of the asset can sell to, or at what price.

2.4 Not every property is capable of being listed as a 'Community Asset'. For example the CRB does not apply to residential property or operational land as defined in the Town and Country Planning Act 1990 Part 2.

2.5 In order to nominate a building or piece of land within the council's area as an 'asset of community value', the voluntary or community body must submit a completed application form to Gravesham Borough Council. The Council will assess the nomination against the requirements set out in the Localism Act 2011, relevant Regulations together with this policy, to determine if the application is compliant with the requirements.

2.6 The Government has published an Assets of Community Value Policy Statement and Statutory Regulations, which set out statutory elements of how the CRB should

operate, however, they do not specify how the CRB process should be administered by individual local authorities.

3 The Process

3.1 This section of the policy statement explains how the CRB works and the timescales involved:

3.2 The process falls into three sections:

- i) Nominations and Listing
- ii) Reviews and Appeals
- iii) Sale

Flowcharts setting out the processes and timescales are attached as Annex A and Annex B.

3.3 Nominations and Listing

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

3.3.2 Nominated assets may be owned by anybody including the Council.

3.3.3 The voluntary or community bodies which can make 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

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

3.3.5 The local authority cannot list an asset on its own initiative – it must be nominated.

3.3.6 The local authority has eight 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.

3.3.7 If the nominated asset is properly nominated, is within the local authority's area, meets the definition, and is not excluded the local authority must list it and inform all specified parties. The local authority 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. Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it.

3.3.8 If the local authority does not agree that the asset 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.

3.4 Reviews and appeals

3.4.1 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 local authority 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.

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

3.4.3 View Annex A for the Nomination Process.

3.5 Sale

3.5.1 If the owner of a listed asset decides they want to sell it they are required to notify the local authority. This brings into force a 6 week initial moratorium (Initial Moratorium). The owner cannot sell the asset during this period. The local authority 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

Initial Moratorium to submit a written request to be treated as a potential bidder.

3.5.2 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

3.5.3 If a request is not received by the local authority during the Initial Moratorium then the owner is free to sell their asset at the end of the Initial Moratorium. If a community interest group does make a request during the Initial Moratorium period then the full 6 month moratorium (Full 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 either moratorium period.

3.5.4 If there has been no community interest either within the Initial Moratorium or the Full Moratorium the owner is free to sell to whoever they choose and at whatever price and no further moratorium will apply for the remainder of a protected period lasting 18 months.

3.5.5 The Moratorium process chart is included within Annex B.

3.6 Compensation

3.6.1 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. The local authority is responsible for administering the compensation scheme, including assessing and determining compensation awards.

3.7 Enforcement

3.7.1 The scheme provides for various mechanisms to encourage compliance of the legislation by requiring the local authority 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 been listed; and
- Apply for a restriction on the land register if the land is registered

3.7.2 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.

3.8 What the provisions do not do

- 3.8.1 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.
- 3.8.2 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.
- 3.8.3 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.

4 The Right to Bid in Gravesham - the mechanics

4.1 Nominations and Listing (8 week time frame)

4.2 Stage 1: Nomination – see Annex A

- 4.2.1 Nomination to list an asset received in written format. A nomination form can be found at [Community Right to Bid](#) – use ‘Make a Nomination’.
- 4.2.2 The completed form should be submitted to Community Right to Bid, Local Land Charges, Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent, DA12 1AU.
Email: community.asset@gravesham.gov.uk

4.3 Stage 2: Consideration

- 4.3.1 Assets owners notified of asset nomination and given opportunity to submit any evidence which they deem to be relevant in connection with the nomination.
- 4.3.2 Other interested parties are also notified, as Gravesham Borough Council so decides, e.g. relevant Parish Council and local Council members.
- 4.3.3 Senior officers from Legal and Local Land Charges will consider the nomination against the criteria set out in the Regulations and make a recommendation to the Director (Corporate Services) who will make the final decision.

4.4 Stage 3: Notification

- 4.4.1 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
- Local Council members and the Parish Council

4.5 Stage 4: Post decision

4.5.1 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.

4.5.2 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 Registry.

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

4.5.4 Up to date versions of the lists will be published on the Council's website.

4.6 Reviews and Appeals (8 week time-frame)

4.7 Stage 1: Request for internal review

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

4.7.2 Requests for an asset listing review should be submitted to: Community Right to Bid, Local Land Charges, Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent, DA12 1AU.

Email: community.asset@gravesham.gov.uk

4.8 Stage 2: Consideration

4.8.1 The request for the review will be referred to the Chief Executive for decision.

4.9 Stage 3: Notification

4.9.1 The Council must complete their review within 8 weeks of registering the request to review (unless a longer period has been agreed in writing) 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
- The Parish Council (if applicable)
- Local Ward Members

4.9.2 The Owner and the Council will bear their own costs of the review.

4.10 Stage 4: Post decision

4.10.1 Review requested by asset owner (4.7.1). If the internal review finds in favour of the asset owner then the asset will be transferred from the List of Assets of Community Value to the List of Nominated Assets not of Community Value.

4.10.2 If the internal review does not find in favour of the asset owner then the Council will provide the asset owner with a written response of its decision and inform the asset owner of their right to an independent appeal.

5 Moratoria on Sale

5.1 Initial Moratorium Period (6 weeks)

5.1.1 Owner of an asset on the List of Assets of Community Value contacts the Council to advise they intend to sell it. NB It is the responsibility of the asset owner to contact the Council to notify them of an intention to make a 'relevant disposal'.

5.1.2 The Council will write to the asset owner and the nominator of the asset to advise that an Initial Moratorium has been triggered.

5.1.3 The Council will publish the owner's intention to dispose of the asset on its website so that relevant community groups can consider whether they would like to place a bid for the asset. If none do so in the Initial Moratorium then the owner is free to sell their asset at the end of the Initial Moratorium.

5.2 Full Moratorium Period (6 months)

5.2.1 If a relevant community interest group advises the Council in writing during the Initial Moratorium that it wants to place an offer then the Full Moratorium will be enforced. The Council will write to the asset owner confirming the position and advising what this means in terms of the delay in being able to dispose of the asset.

Protected Period (12 months)

At the end of the Full Moratorium the Council will write to the asset owner and the nominating organisation to advise that the period is complete and that the owner is now free to dispose of their asset without further delay within 12 months. This is called the 'Protected Period'.

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 the receipt of the claim.

Stage 2: Review of compensation claim

The claimant 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 claim. The deadline for appealing is specified in the procedural rules of that Chamber as 28 days from the date on which notice of the decision appealed against was sent to the Owner. Appeals may be both on points of law and findings of fact. The property will remain listed during the appeal process.

General facts

1 The legal basis for the Community Right to Bid

- 1.1 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.

2 The aims of the Community Right to Bid

- 2.1 The legislation aims to help communities faced with 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.

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

- 3.1 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.
- 3.2 Equally there is nothing to prevent the current owner, applying, obtaining and implementing a planning permission for a change of use to the building.

4 Advice and help about getting an asset listed or making a bid to purchase an asset that is listed

- 4.1 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/>
Alternatively email: info@locality.org.uk
- 4.2 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>

5 Who is eligible to nominate an asset for inclusion in the list of assets of community value?

- 5.1 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

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

- Activities wholly or partly concerned with the local authority's area or neighbouring local authority area
- Any surplus made wholly or partly applied for the benefit of local authority's area or neighbouring local authority area
- Unincorporated bodies must have at least 21 local members included on the register of electors. The applicant will need to provide a list of at least 21 of their local members' full names, addresses and signatures to prove this requirement is met.

6 The types of asset eligible for listing

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

7 How is 'Community value' defined?

7.1 Community Value is defined as follows:

- The principal 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

7.2 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.

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

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

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

- Parks and open green spaces
- Sports and leisure centres
- Libraries
- Theatres
- Museums or heritage sites
- Cinemas
- Swimming pools
- Community centres
- Youth centres
- Public toilets
- 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 such as:

- Village shops
- Pubs
- Markets

8.2 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

8.3 The Regulations should be consulted for the full list of exemptions and related definitions.

www.legislation.gov.uk/ukpga/2011/20/contents/enacted

<https://mycommunity.org.uk/understanding-the-community-right-to-bid>

9 How do I go about nominating an asset for inclusion in the list of assets of community value?

9.1 Nominations must be in writing. An application form is available on the Council's website [Community Right to Bid](#) – use 'Make a Nomination'.

or by contacting Community Right to Bid, Local Land Charges, Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent, DA12 1AU

Email: community.asset@gravesham.gov.uk

10 Information that will need to be provided

10.1 Nominations will need to include:

- A description of the nominated asset including its proposed boundaries clearly indicated and preferably 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
- The reasons for thinking that the Council should concluded 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)

11 What kinds of documents should support the nomination?

11.1 Generally the more evidence you can provide to support the information in the nomination, the quicker the Council 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:

11.1.1 Evidence to support that the nominator is eligible to make a nomination (as 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
- In the case of an unincorporated group the Council would expect to be provided with a form setting out the full names and addresses of at least 21 of their members together with their signatures indicating that they support the nomination.

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

11.1.3 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.

11.1.4 A written description with ordnance survey location, and explaining where the boundaries lies, the approximate size and location of any building/s on the land and details of any roads bordering the site.

11.1.5 A drawing or sketch map with boundaries clearly marked in red

12 Where should the nomination be sent?

12.1 Nominations should be sent to:

Community Right to Bid, Local Land Charges, Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent, DA12 1AU

Email: community.asset@gravesham.gov.uk

13 How will the nomination be processed?

13.1 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

13.2 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

13.3 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.

13.4 Information provided in the nomination form will be processed in accordance with the Data Protection Act for the purposes of administering the CRB 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.

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

14.1 On the Council's website [Community Right to Bid](#) we publish the list of assets of community value in Gravesham.

- The list of assets of community value
- A list of assets nominated by unsuccessful community nominations

15 How long will the asset remain on the list?

15.1 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).

16 What happens if the owner isn't happy that their asset has been listed?

16.1 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.

16.2 The request should be sent to:
Community Right to Bid, Local Land Charges, Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent, DA12 1AU.
Email: community.asset@gravesham.gov.uk

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

17.1 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.

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

17.3 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

17.4 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.

18 What happens if the owner of the asset is dissatisfied with the outcome of this review?

18.1 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
Email: GRC.CommunityRights@hmcts.gsi.gov.uk

19 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?

19.1 No the legislation provides no right of appeal for nominating groups.

20 What effect does the listing have?

20.1 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.

20.2 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 civic partners, upon inheritance and as a result of insolvency proceedings. The Regulations should be consulted for the full list of exemptions and detailed definitions.

20.3 This notification will trigger a moratorium period during which the owner may not dispose of the asset (other than where the disposal is exempt under the Regulations). The 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.

20.4 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.

20.5 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.

20.6 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 which 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.

20.7 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.

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

- 21.1 The Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 exempt certain types of disposal.
- 21.2 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.
- 21.3 The notifications should be sent to:

Community Right to Bid, Local Land Charges, Gravesham Borough Council, Civic Centre Windmill Street, Gravesend, Kent, DA12 1AU
Email: community.asset@gravesham.gov.uk

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

- 22.1 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.
- 22.2 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.
- 22.3 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.

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

- 23.1 An intention to bid may only be submitted by suitably constituted 'community interest groups' 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.
- 23.2 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'.
- 23.3 The intention to bid should be sent to:
Community Right to Bid, Local Land Charges, Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent, DA12 1AU.
Email: community.asset@gravesham.gov.uk
- 23.4 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.

- 23.5 We will pass the intention to bid to the owner of the land, or inform them of the details, as soon as practicably possible after receipt.
- 23.6 This will then trigger the full six month moratorium period during which the asset cannot be sold.

24 Can the owner market the asset during moratorium period?

- 24.1 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.

25 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?

- 25.1 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.

26 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?

- 26.1 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 Gravesham 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.
- 26.2 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.
- 26.3 Claims should be sent to: Community Right to Bid, Local Land Charges, Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent, DA12 1AU.
Email: community.asset@gravesham.gov.uk

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

- 27.1 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.
- 27.2 The request should be clearly marked Community Right to Bid and sent to:

Community Right to Bid, Gravesham Borough Council, Civic Centre, Windmill Street,
Gravesend, Kent, DA12 1AU

Email: community.asset@gravesham.gov.uk

- 27.3 We will acknowledge receipt of the request and advise of the procedure to be followed in connection with the review.
- 27.4 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.
- 27.5 We will notify the owner in writing of the outcome of the review.

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

- 28.1 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 Court and Tribunals, First Tier Tribunal (General Regulatory Chamber), PO Box 9300, Leicester, LE1 8DJ
Email: GRC.CommunityRights@hmcts.gsi.gov.uk