

The Community Right to Bid



Background

The Community Right to Bid (Assets of Community Value in legislation) is one of a number of new rights introduced in the Localism Act 2011 and came into effect 21 September 2012.

The Community Right to Bid allows communities and parish councils to nominate buildings or land for listing by Melton Borough Council as an asset of community value. An asset can be listed if its principal use furthers (or has furthered in the recent past) 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.

When an owner of a listed asset wishes to sell building or land, a moratorium on the sale (of up to six months) may be invoked, providing local community groups with a chance to raise finance, develop a business plan and make a bid to buy the asset on the open market.

The Legislation: How the Community Right to Bid will work

This is set out in the **Localism Act 2011 Part 5 Chapters 2 and 3** and **Assets of Community Value (England) Regulations 2012**: Local Authorities must keep a 'List of Assets of Community Value'; the legislation sets out in detail the process they must enter into and what information they must include.

The legislation also outlines the definition of an asset of community value, which groups can legitimately nominate an asset, the appeals process for land owners, timescales for groups interested in buying land or property on the list, and compensation available to the owners of land or property on the list.

What is an Asset of Community Value?

A building or other land is an asset of community value if its main use has recently been (in the last 5 years) or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that “social interests” include cultural, recreational and sporting interests.

Examples of a community asset could include:

- **Education, health and wellbeing or community safety**
Nurseries and schools

Health centres, surgeries and hospitals

Day care centres, residential care homes

- **Sport, recreation and culture**

Parks and open spaces

Sports and leisure centres

Libraries/Theatres/Museums or heritage sites

- **Community services**

Community centres/Youth centres

Public toilets

- **Any economic use (e.g. a business such as a shop)**

Village shops - which also provides an important local social benefit which would no longer be easily available if that service should cease

Pubs

The regulations list a number of situations where land or buildings are exempted from inclusion on the list or operation of the moratorium. These include homes, hotels, assets being transferred between kindred businesses, and Church of England land holdings.

Who can nominate Assets of Community Value?

A number of community organisations can nominate land and buildings for inclusion on the list:

- Parish Councils
- Neighbourhood Forums (as defined in Neighbourhood Planning regulations)
- Un-constituted community groups (with at least 21 members register to vote in the District of Melton)
- Not-for-private-profit organisations (eg charities)
- Community organisations (must have a local connection, so their activities are wholly or partly concerned with the area or with a neighbouring authority area)

Community Interest Groups are defined by **Regulation 12**

To make a nomination please complete the form, available to download from the Melton Borough Council website.

Decision and Appeals

If a community organisation nominates land or buildings that meet the definition of an Asset of Community Value, and the nomination process was undertaken correctly (i.e. came from a group entitled to nominate), then the Melton Borough Council must include the asset on its list which will remain on the list for at least 5 years.

If Melton Borough Council decides that the nomination does not meet the criteria, then we will write to the group who nominated the asset and provide an explanation.

Melton Borough Council will also keep a list of unsuccessful nominations for at least 5 years.

Landowners can ask Melton Borough Council to review the inclusion of an asset on the list; this review will be undertaken by the Community and Social Affairs Committee.

If landowners are still unhappy with the outcome of the Committee's decision they may appeal to an independent body, called a First Tier Tribunal by contacting:

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

There is no appeal or review process for nominating groups.

Moratorium Periods

The Community Right to Bid gives time for Community Groups to put together the funding necessary to bid to buy the asset on the open market. It does not, however, give the right of first refusal to community organisations to buy an asset.

If an owner wants to sell property or land that is on the list, they must tell the Melton Borough Council. If the nominating body wishes to develop a bid, they can then call for the District Council to trigger a moratorium period, during which time the owner cannot proceed to sell the asset but may still market the asset.

There are two moratorium periods. Both start from the date the owner of the asset tells the Council of their intention to sell:

The first is the '**interim moratorium**' period, which is **6 weeks**, during which time a community organisation can decide if they want to be considered as a potential bidder.

The other is a '**full moratorium**' period, which is **six months**, during which a community organisation can

develop a proposal and raise the money required to bid to buy the asset.

If a sale is not completed then there is an **18 month 'protected period'**(running from the date the owner notified the local authority of an intention to sell) during which the owner is free to dispose of the property without further moratoria.

Community Right to Bid Nomination : The Red Lion – The Red Lion Car Park

Nominating Group: Stathern Parish Council

Lead Contact from Nominating Group: Parish Clerk:

Date of Decision: 28/11/2017

The nomination is assessed against the following criteria as identified in DCLG's guidance for Local Government covering Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Regulations 2012 on determining eligibility. A note recording the outcome of the decision is included below:

- a) **The nomination has been made by a community interest group in line with the regulations and is locally based.**

The nominating group is a Parish Council and therefore meets the criteria as set out in DCLG's guidance.

- b) **The information required on the nomination form has been fully completed.**

The application was fully completed.

- c) **An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community.**

The Red Lion car park has been closed to the public since December 2016.

- d) **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.**

The nomination form evidences that the car park was used by various members of the community, for different events such as fun run, car parking for school & school events, church and community events, parking for use of the play park. The community use of the car park furthers the social well being by providing safe parking for villagers and also allowing a meeting place for these events. In the recent past the car park has enabled these events to take place thus furthering the social interest and wellbeing of the community.

Above Satisfies Localism Act, Part 5, Chapter 3, s.88(2)(a).

- e) **It is realistic to assume that in the next five years there could be non-ancillary use of 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.**

It is possible to assume that the car park may be used for its principal use as a car park in the next five years and there is sufficient evidence to suggest that the car park can play a role in furthering the social interest of the community.

Above Satisfies Localism Act, Part 5, Chapter 3, s.88(2)(b).

Collectively the uses noted within the nomination for the Car Park are significant and all further the social wellbeing and social interest of the community.

Community Right to Bid

Nomination Form



The purpose of the Community Right to Bid legislation is to give communities a right to identify a building or land that is believed to be of value to their social interests or social wellbeing and gives them an opportunity to make a bid to buy the property on the open market if the property owner decides to sell. If your community group or organisation wants to nominate a building you should complete the following form.

Completed application forms should be returned to:

Harrinder Rai
Head of Communities and Neighbourhoods
Melton Borough Council,
Parkside, Station Approach,
Burton Street,
Melton Mowbray,
Leics, LE13 1GH

Tel: 01664 502 502

Email: HRai@melton.gov.uk

Section 1: Information about the property to be nominated

Name of the Property	The Red Lion Inn (Car Park)
Address of the Property	Red Lion Street
Postcode	LE14 4HS
Property Owners Name	Wayne and Karen Hammond
Address	The Dairy, Langar Lane, Langar, Nottingham
Postcode	NG13 9HB
Current Occupiers Name	N/A

Section 2: Information about your Community Organisation

Name of Organisation	Stathern Parish Council		
First name	██████	Surname	██████
Position in Organisation	████████████████████		
Email address	stathernparish@gmail.com		
Address	██		
Postcode	██████		
Telephone	████████████████	Mobile	

Section 3: What is your Organisation? (please tick)

<input type="radio"/>	Constituted Community/Voluntary Group	<input checked="" type="checkbox"/>	Parish/Town Council
<input type="radio"/>	Neighbourhood Forum	<input type="checkbox"/>	Un-constituted Community Group
<input type="radio"/>	Company Limited by Guarantee	<input type="checkbox"/>	Community Interest Company
<input type="radio"/>	Industrial & Provident Society	<input type="checkbox"/>	Charity

How many members do you have (this is particularly important for un-constituted community groups)?
6 councillors

Section 4: Supporting Information for Nomination

Any information entered in this section may be copied and passed onto the owner of the property you are nominating.

Why do you feel the property is an asset of community value? Please give as much information as possible.

Thanks to the co-operation of the previous owners of the Red Lion Inn, parking in their car park has been permitted for a number of years and enjoyed by the village. It is only since the withdrawal of this access that its true value to the community has been realised and therefore the application to make this an asset of community value.

Like many villages, Stathern has some very narrow, single track roads with no pavements. Two areas particularly affected by this are Stathern Primary School and St. Guthlac's Church. The primary school sits at the junction of

Water Lane (which is only 6'6" at one point) and School Lane, both single width lanes which are only suitable for very light or occasional traffic.

The previous owners of the Red Lion inn allowed the community to use their car park for parking for the school runs and school events, the church and for various village events and the loss of this facility during the year has been keenly felt within the village.

Since access was withdrawn by the current owner and the car park blocked off, there are issues with parking in the village. One of the roads is regularly blocked by vehicles stopping outside the school to drop their children off which is causing a problem for other road users. Some parents walk their children to school and the roads around the school now contain many more parked cars during the drop off and collection times, whereas previously the majority were in the car park. Many of the children are young and there is concern that there will be an accident as they navigate around and between the vehicles. Ideally, all parents would walk their children to school but many parents have to work so drop off children on route. The school takes children from surrounding villages so the use of a car is essential for parents as the bus service is not suitable and the majority of the children would be too young to travel independently.

The church has one small parking space and there are a few spaces outside some homes on Church Lane. However, parking on Church Lane means walking up or down a steep bit of hill and is therefore not suitable for some of our elderly residents who struggle with mobility issues or those who do not want to walk down or up a hill covered in ice or snow during winter. It is a relatively flat, short walk from the Red Lion car park to Church and therefore more suitable for people with mobility issues. If there is a funeral at the church or a wedding, both of which attract visitors into the village, then parking is once again an issue. The previous owner of the Red Lion did allow the church to use the car park for special events.

Like many communities, Stathern is always fund raising for various village groups and the support given by the Red Lion in the past via the use of the car park has been invaluable. Some events such as our 10K fun run and also the Stathern Duathlon have set off from the car park and the car park has been used to put up marquees for other fund raising events.

Section 5: Information about future Use

If you were successful in securing this property, what would your organisation use this building for? Please provide as much information as possible.

Although a car park is a car park, its proposed use would not be ancillary to the pub but would be available to the village at all times of the day and also enable people with disabilities to more easily access some of the village facilities.

Stathern has no car park in the village and having our own car park would be a huge asset to the village, both in terms of supporting residents, the village shops, the school, and the church. It is very much needed, as with the exception of the main road running through the village, the other roads are mainly single track roads, often with no pavements and therefore no parking.

As well as for parking for the school run, the school would be able to use this for some of their activities such as the cycling proficiency training they run which they currently have to do on the roads. This would be a safer option until the children are able to better manage their bikes. It would also make collection of children for school activities better by being able to bring a bus or mini bus into the car park without blocking the road.

It would encourage more visitors into the village, particularly the many walking groups with direct access from the village to the Jubilee Way as well as many other footpaths. This obviously then has the potential to benefit the shops, garage and our remaining pub as well as making the roads safer, particularly outside the shops where vehicles tend to congregate. There is a walking group who regularly meet in the Eaton Village Hall car park and it is hoped to attract similar groups to Stathern.

Our church is beautiful and we would like to encourage a greater use of this, particularly for weddings, which would provide funding and support to the church. However, having a trek to the church from any on street parking might be prohibitive for people and cause complaints from residents if cars are parked outside their properties regularly. The car park is extremely close to the footpath into the church and therefore we could provide parking for weddings and funerals as well as supporting the less mobile residents who attend the church or any disabled visitors.

Right next to the Red Lion car park is the Children’s Play Park. Considerable investment has been made in this by the parish over the last few years to provide an interesting and fun play area for the younger children. Having the facility to park next to it would support the use of the playpark and encourage outdoor play. Currently the playpark is primarily used after school. Many parents with young children live on the Valebrook/Swallows estate which is still a good walk with very young children or pushchairs. Parking next to the park will make it easier for parents to use this facility and encourage use at different times, particularly at the weekends as well as making it more accessible to parents from outside the village.

The village now runs an established Duathlon every year which attracts many participants from the county and beyond. Parking has been in a field on the outskirts of the village but this is likely to disappear shortly and a car park would be a big bonus in supporting this activity.

Finally, Melton Borough Council has a small recycling area on Parish Council land that is often used by fly tippers as it is screened from the road by trees. Many residents are unaware of its existence. The recycling area could be moved into the car park so that it is more visible, and it would encourage greater use.

Harby, which is close to Stathern, has a car park and it is always busy with people parking to go to the shop, attend events at the village hall and to use the playpark (which is also next to the car park). Eaton also has a large car park in the village hall and this enables it to attract people from outside the area to use this facility such as its Yoga and Art classes. Stathern is therefore missing an opportunity to bring people into the village to support its local economy and to support its residents.

Section 6: Boundary of Property

What do you consider to be the boundary of the property? Please provide as much detail as possible (please include a plan).

Please see the enclosed map. Areas highlighted in yellow show how close the car park is to the church, school and playpark.


Section 7: Attachment Checklist

<input type="radio"/>	Copy of the groups constitution (if you are a constituted group)
X	Name and home addresses of 21 members registered to vote in nominated are (if group is not constituted)
X	Site boundary plan

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Section 8: Declaration

I confirm that I have the authority to submit this nomination on behalf of the relevant body and that to the best of my knowledge the information contained in the application is complete and accurate.

Signed	
Position in the organisation	Parish Clerk
Dated (dd/MM/YYYY)	02/10/2017