



# ASSETS OF COMMUNITY VALUE

TOWN COUNCIL MEETING

REPORT 5/14

13 JANUARY 2014

The purpose of this report is to record the successful nomination of three of the town's buildings as Assets of Community Value and to ask if there are other buildings the Town Council would wish to nominate for inclusion on the List.

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**No.    DETAIL**

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**1)    BACKGROUND**

- a) The Localism Act 2011 introduced the Community Right to Bid that gives Town & Parish Councils and other voluntary groups the right to nominate buildings and land for inclusion on a list maintained by the Isle of Wight Council of Assets of Community Value.
  - b) If a nomination is successful, the owner is not able to sell the asset without giving the opportunity to the nominating body and other voluntary organisations a period of 6 weeks in which to express an interest in purchasing it.
  - c) If that option is exercised, the 6 weeks moratorium is then extended to 26 weeks to give the time for that interested to be developed.
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**2)    SUCCESSFUL NOMINATIONS**

- a) Ventnor Town Council submitted nominations as Assets of Community Value on 21 October 2013 for Ventnor Library, Ventnor Youth Centre and St Boniface School.
  - b) Letters from Ashley Curzon, the Isle of Wight Council's Strategic Manager, Economic Development and Strategic Assets dated 16 December 2013 the Town Council was informed that all three nominations had been successful and would be included on their formal listing accordingly.
  - c) The list can be viewed by following [this link](#).
  - d) A copy of the letter in respect of Ventnor Library is attached for information. The other two are the same apart from the change of building name.
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**3)    OTHER NOMINATIONS**

- a) Members are asked to consider whether other nominations would be appropriate at this time.
  - b) The Public Buildings Working Group has identified both Rew Valley Sports Centre and the sports field on Lower St Boniface Road as possibilities for consideration.
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## Directorate of Economy and Environment

David Bartlett  
Ventnor Town Council  
Coastal Centre  
Salisbury Gardens  
Dudley Road  
Ventnor  
Isle of Wight  
PO38 1EJ

*From*

**Ashley Curzon**

Strategic Manager - Economic Development and  
Strategic Assets  
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Our Ref: **CRTB / AC / 008 / 13**  
Your Ref:

16 December 2013

Dear David

### **Community Right to Bid - Application CRTB / AC / 008 / 13, received 21 October 2013 in regard to Ventnor Library, Ventnor**

I write to inform you that the Council has come to a decision regarding your application to nominate the above named land or building as an Asset of Community Value.

Your application has been **successful**.

The result of this successful application is that the property will be placed on the list of Assets of Community Value, an electronic copy of which can be found at <http://www.iwight.com/Council/OtherServices/Strategic-Assest-Management/List-of-Assets-of-Community-Value>. In September each year the Council will review all assets which have been on the list for more than two years in order to confirm that each property is still considered to be of community value. Where the Council is of the opinion that the property is no longer of community value then, at the Council's absolute discretion, it will remove the property from the list. In any event, the property will be removed from the List of Assets of Community Value after 5 years and the Council will notify you in writing that the property has been removed.

The building's listing will also be placed on the local Land Charges Register and, where the property is registered with HM Land Registry, the Council will apply for a restriction on title on the Land Register. This restriction of title will mean that the owner will not be able to dispose of (which includes selling or leasing for more than 25 years) the property without first complying with the process set out below and must inform the council if they intend to dispose of the property. From the point that the owner informs the council of their intention to dispose of the property, they can market the property, but not enter into any binding agreement to dispose of it for 6 weeks (the 'interim moratorium period'). The Council will update the list of Assets of Community Value within 5 working days of being notified of the owner's intention to dispose of the property, so that your group, or any other interested local community group, are made aware of the owner's intention to dispose of the property and have the 6 weeks to declare to the Council the wish to be considered as a potential bidder for the property. The 6 week period does not apply if the disposal is to a buyer that is a local group, charity, non-profit organisation.

If your group or another local community interest group declares an interest to the Council in acquiring the property in writing within the first 6 weeks then the owner cannot dispose of the building other than to a local group, charity or a non-profit organisation for a period

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of 6 months ('the full moratorium period') from the point that the council are made aware of the owner's intention to dispose of the property. This is inclusive of the 6 week notice period. The 6 month period is to give your group or another local group time to raise funds to make a competitive bid for the property.

Even though your group has submitted the nomination you are not obliged to declare an interest in buying the property if and when the owner decides to sell it. If no local group informs the Council within the first 6 weeks that it wishes to be treated as a potential bidder for the property then the owner is unrestricted in to whom they may dispose of the property to for 18 months from informing the council of their intention to sell. If a sale cannot be agreed with any buyer within this time limit they are required to start the process again (from the point of informing the council of their intention to dispose of their property) should they wish to continue with the disposal of the property.

In any event, provided the owner adheres to the moratorium periods as outlined above, they are free to dispose of the property to any bidder and at whatever price they choose. There is no obligation on them to dispose of the property to any community interest group and there is no obligation or restriction on them to dispose of the property to any purchaser at a reduced or less than market-value rate.

Because this application has been successful the owner of the property is entitled to appeal against the decision of the council to put their property on the list of Assets of Community Value. If the owner exercises their right to appeal, the property will remain on the list and will be restricted as outlined above until the outcome of the appeal. If the appeal is successful the property will be moved to the list of unsuccessfully nominated Assets of Community Value and the owner will be unrestricted in to whom and when they can dispose of the property. If the appeal is not successful the property will remain on the list of Assets of Community Value. Because it may affect your position, you will be informed if the owner of the property appeals and then of the outcome of the appeal once it has been decided.

If you have any queries please contact me on 01983 821000 extn 6210.

Yours sincerely,

Ashley Curzon  
Strategic Manager - Economic Development and Strategic Assets