

### What are Assets of Community Value (ACVs) – and how do they work?

- **The ‘Community Right to Bid’**, introduced by the 2011 Localism Act, gives local communities the right to bid - but not a right to buy - properties that qualify as ‘assets of community value’. The core test is whether the property/land furthers the social wellbeing of the local community. For example: an asset such as a pub might be judged to be of community value if the local cricket club regularly meets/eats there after their matches, or if the pub hosts quizzes and local community group meetings.
- **Applications to list an asset as an ACV can be made by any community group**, but are usually made by parish councils. There is no fee for applications, other than the time and effort to draw together the evidence of community use during the past 5 years. If the application is made by a parish council, the application must reference and attach the minutes of the meeting at which the decision to apply for an ACV is made.
- **The application is assessed by the local authority’s ACV panel of lawyers** (in our case EHDC’s ACV panel), to determine if it meets the criteria. The criteria are quite specific – for example the pub part of a hotel may be listed as an ACV but the hotel accommodation is not part of the ACV. The panel’s recommendations are signed off by a Heads of Service – so the approval process can be relatively fast. In theory, an ACV application can be made after an asset is put up for sale, but this is not ideal.
- **Once listed as an ACV, a six month moratorium period is triggered**, during which the asset cannot be sold. First is a six week interim moratorium period (from the date the local authority receives notification of the proposed disposal), during which period the property owner can only dispose of the asset to a community interest group. If no request is made by a community interest group to purchase the property within this six-week period, the owner can dispose of the land at the end of the 6-week period. If a request to buy is made by a community interest group within the 6-week period, the local authority informs the owner of the community’s request and the full six-month moratorium period then operates. In this period, the owner can freely market the land and negotiate its sale, but until the full six months is up, can only exchange contracts or enter a binding agreement to exchange with a community interest group.
- **After six months, the asset owner can dispose of the property as s/he wishes.** The fact that an asset is an ACV is taken into consideration in planning decisions, but technically it doesn’t affect planning policies and so, often, has relatively little impact on the decision.
- **Once an asset is sold, the ACV expires.** A new application can then be submitted which, if approved, lasts for 5 years.
- **EHDC’s list of approved ACVs – and its failed applications – are both published online [here](#).** These lists show that Binsted Parish Council has only obtained one ACV listing - for The Cedars in 2014 - no fresh application was made after new owners took over the pub as the Binsted Inn.

### For discussion: Should Binsted Parish Council consider making an ACV application:

- **For the Jolly Farmer in Blacknest?**
- **For the Blacknest Golf and Country Club?**
- **For Binsted Inn?**