



Making a nomination guidance

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What is an asset of community value

Land or buildings which are used by the community, or have been in the recent past, and could continue in such a use are likely to be classed as 'assets of community value'.

These could include shops, pubs, libraries, community halls, sports facilities, town halls, village greens, churches and schools.

The building or land does not have to be in community ownership and can be in private or local authority ownership.

Community centres owned by the borough council and leased to community associations are already 'protected' for community use and their listing does not give any additional protection. Organisations are encouraged not to nominate these buildings.

Who can nominate an asset

Only community organisations can put forward nominations. Individuals and businesses are not able to do so.

For a local group to be able to nominate land it will have to demonstrate that its activities are wholly or partly concerned with the local authority area where the asset sits or with a neighbouring authority (an authority which shares a boundary with the authority in which the asset is located).

Groups able to make nominations must not distribute any surplus made to members. Eligible organisations include:

- neighbourhood forums
- parish and town councils
- unincorporated groups with a minimum of 21 members who are registered to vote locally and who support the nomination
- charities
- companies limited by guarantee
- industrial and provident societies
- community interest companies

Information required for a nomination

Before making a nomination, you will need to:

- define the exact boundaries of the building and/or land you wish to nominate
- find out as much as you can about its ownership. [Find information about property and land ownership \(GOV.UK\)](https://www.gov.uk/get-information-about-property-and-land) (<https://www.gov.uk/get-information-about-property-and-land>). We will have to contact the current owner and, if the owner has rented or leased the premises, we will also need to notify the current occupier, so please provide full names and postal addresses as relevant.

Please include:

- the relevant Land Registry Title Register/s and Title Plan/s with your nomination. The information provided must be up-to-date and ideally less than one month old. If the property is not registered, please provide the most accurate information that you can; for example, a drawing or sketch map or a Site Location Map, OS map or GIS map with boundaries clearly marked.
- evidence that you have been authorised by your community group to make this nomination on their behalf, for example through a copy of your meeting minutes. These should be from your most recent meeting.

Many towns and villages have several community groups. Where applicable, please liaise with other groups and work together to share the workload and avoid multiple nominations for the same property. A property requires only one nomination; several nominations will not add weight to the case for listing.

Evidence to support the nomination

For the council to consider ACV nominations, we need to see strong evidence to support the nomination and understand why you believe the nominated asset furthers the social wellbeing and/or social interests of the local community. For further information please see the [Asset of](#)

[Community Value legislation](#)

<https://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted#section-89-2-b-iii>.

This should include information on the **principal or primary** use of the nominated asset and whether this is a current use, or whether this was in the recent past. This should include:

- What type of activities and/or services are delivered by/from the asset?
- Who primarily benefits from these and how?
- Are there other similar assets available in your community or is this the only one?
- What impact would the loss of the asset have on the community and who would this affect/disadvantage?
- What is the level of community involvement with, and support for, the asset and its continued use?
- Why you feel it is realistic to think that the asset's **principal or primary** use will continue to further the social wellbeing and/or social interests of your community?

For assets which are no longer operating, please indicate how you feel this could be (re)used in the next five years (either in the same way or via alternative community use) to further the social wellbeing and/or social interests of the local community.

Please be specific and, where possible, provide evidence of the type and frequency of use, along with supporting evidence to underpin the nomination. This could include:

- numbers and make-up of individuals/groups using the asset
- bookings/dates of when services/activities took place
- testimonials and statements from attendees
- press articles and social media posts
- website extracts and online reviews
- photographs
- supporting statements from groups wishing to use the building or land in the future

What happens after you apply

On receipt of a completed nomination form, the council has eight weeks to make a decision as to whether to list the asset or not. In making this decision we will seek information from the owner, ward councillors and local groups (to verify whether or not the proposed asset meets the necessary criteria). We may also come back to you for further clarification.

If the nominated asset is properly nominated, is in the local authority's area, meets the ACV criteria, and is not in one of the excluded categories, we must list it and inform all relevant parties (including

the parish council). We must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Registry.

If we do not agree that the asset nominated meets the definition, or it is in one of the excluded categories, we must place it on a list of assets nominated but not listed.

The process when a listing ends

Listed assets will remain on the register for a five-year period. These will not automatically renew. If you wish to submit a nomination following the end of a five-year listing period, please treat this as a fresh application and follow the process noted above. Please note that you will need to provide up-to-date information and supporting evidence. Past listings will not guarantee future listings.

The owners right to object

When a property is nominated as an asset of community value the owner will be informed and has the opportunity to comment on the validity of the nomination. If their property is then registered as an asset, they have the right to an internal review by the council of the decision to list. **A request for a listing review must be made in writing within eight weeks of the notice of listing.**

The property will remain on the list while the review is carried out. The review will be undertaken by a senior officer of the council who was not involved in the original decision to list. The owner can make representation to the reviewer and the council must complete the review within eight weeks (unless otherwise agreed). The owner and the council will bear their own costs of the review.

Please note that it is only the owner who has a right to a review of a decision to register an asset. There are no rights for others to have the decision, to list or not to list, reviewed.

If the owner is not satisfied with the outcome of an internal review, they then have the opportunity to appeal. **The appeal must be made to the General Regulatory Chamber of the First-Tier Tribunal within 28 days from the date on which notice of the decision appealed against (the outcome of the review) was sent to the owner. The property remains listed during the appeal process.**

The community right to bid

The purpose of the register of Assets of Community Value is to ensure that, if a registered asset comes up for sale, a moratorium on the sale, of up to six months, can be used. This provides local community groups with a better chance to build a business case, raise finance and make a bid to buy the asset on the open market. However, the owner still has the right to sell to whoever they wish for whatever price at the end of the moratorium period. There is no first right of refusal for community groups.

The Community Right to Bid only applies to those community facilities which are on the Register of Assets of Community Value. The fact that a property is proposed or nominated for registration cannot delay or prevent a sale.

The sale of an asset of community value

If an owner wishes to sell an asset of community value they must first notify the council's Community Assets Team by emailing communityassets@basingstoke.gov.uk (<mailto:communityassets@basingstoke.gov.uk>) or by writing to Community Assets, Basingstoke and Deane Borough Council, Civic Offices, London Road, Basingstoke, RG21 4AH.

From the point that the owner notifies the council of their intention to sell, the first moratorium period of six weeks commences. At this stage the council will inform the local community groups it is aware of, local ward councillors and the parish council of the pending sale. The six-week period allows community interest groups to make a written request to be treated as a potential bidder. If no groups wish to bid for the property, it can then be sold at the end of the six-week period.

Only those groups which fit the definition set out by the government can use the right to bid.

If a community group makes a request to be treated as a potential bidder during the first six-week moratorium period, then the full six-month moratorium period commences. This starts from the date the owner notified the council of their intention to sell. During this time the owner can market the property or negotiate a sale but may not exchange contracts (or enter into a binding contract to do so later). The only exception is that the owner may sell to a community group during the six-month period.

The owner is free to sell to whoever they wish, at whatever price, at the end of the six-week period if there has been no community interest, or after the six-month period if there has been community interest. No further moratorium periods can apply for the remainder of a protected period lasting 18 months; starting from the point that the owner notified the council of their intention to sell.

Not all proposed sales or transactions have to be notified to the council, for example gifts or disposals in accordance with a will.

If you are the owner of a registered asset of community value, you must:

- make every reasonable effort to establish whether your property is a registered asset or not prior to selling (you are advised to have this confirmed in writing)
- inform the local council of your intention to sell the property
- not sell the asset until the end of the six-week period, or if there is community group interest in making a bid, within the six-month period (unless to a community group)
- inform the council that the land has been put onto the Land Registry as a result of an application for first registration
- inform the council if you have become the new owner of listed land (giving your name and address)
- **comply with this scheme because non-compliant sales will be void or ineffective, meaning that the change of ownership has not taken place**
- seek advice from the council prior to commencing a sale or property transaction

Compensation

Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. Most claims will arise from the moratorium period being applied but may relate to loss or expense arising simply as a result of the land being listed.

Claims must be made in writing to the council within 13 weeks from the end of the six week or six-month moratorium period (as appropriate) or from the date when the land ceased to be listed (when claiming expenses in relation to a successful appeal at a Tribunal).

Compensation claims are considered by the council. The owner may seek a review of a claim decision; this is an internal review undertaken by senior officers within the council. An owner may also appeal against the outcome of an internal review of a compensation decision. As with listing appeals, the appeal will be made to the General Regulatory Chamber of the First Tier Tribunal.

The information contained in these web pages is only an overview to give a general understanding of the purpose and process of Assets of Community Value and the Community Right to Bid. If you are an owner of a listed asset, you are particularly advised to take legal advice prior to selling an asset to ensure that you comply with the legislation.

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