

Community Right to Bid guidance

Guidance on the process of nominating 'assets of community value'

www.portsmouth.gov.uk





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Guidance on 'assets of community value'

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This document was updated on 31 January 2014. The council may update this document from time to time. Applicants should check the version of this document against the most recent version on the council's website.

Planning Policy
City Development & Culture
Portsmouth City Council
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Contents

INTRODUCTION

Overview	1
Contact	2

NOMINATING AN ASSET

How to nominate	3
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ASSESSMENT OF A NOMINATION

What can be nominated	4
Who can nominate	4
Assessment criteria	6

LISTING OF A PROPERTY

Register of Assets of Community Value	8
Register of Unsuccessful Nominations	8

LISTING REVIEW

Internal review	9
Tribunal review	9

SALE OF AN ASSET

Relevant disposal	11
Moratorium	11
Enforcement	13

COMPENSATION

Compensation claim	14
Internal compensation review	14
Tribunal compensation review	15

DELISTING OF A PROPERTY

Overview	16
----------------	----

APPENDIX – exemptions	17
-----------------------------	----

GLOSSARY	19
----------------	----

Introduction

Overview

- 1.1 The 'Community Right to Bid' (CRTB) was introduced in the Localism Act 2011 and came into force on the 21st September 2012.¹ The legislation gives community groups a window of opportunity of up to 6 months when only they can bid to buy or lease a listed 'asset of community value' which has been put on the market. The legislation only gives community groups the right to bid, not to buy or lease, and as such, after the 6 month moratorium period has finished the owner is free to sell the property on the open market.
- 1.2 'Community assets' are those which have, or until recently had, a use which promotes the social interests of the area (that is, cultural, recreational or sporting). The legislation aims to promote the continued use of the asset by giving community groups the opportunity to prepare a business plan and gather finances in order to buy or lease the asset.
- 1.3 Not every property is capable of being listed as a 'community asset'. For example, residential properties or those with ancillary uses, such as a café within a workplace (more fully described below), are exempt from listing.
- 1.4 In order to nominate a building or piece of land as an 'asset of community value', a voluntary or community group must submit a completed application form to Portsmouth City Council (PCC). The council will assess the nomination against the requirements set out in the Localism Act 2011, relevant Regulations, and its own policy, determining if the application is compliant with the requirements.
- 1.5 If the nomination is accepted by council, the property will be listed in the council's 'Register of Assets of Community Value' for a period of five years. Nominations which have been declined will instead be added to the council's 'Register of Unsuccessful Nominations', where the listing will be removed after five years. In both cases, there will be an opportunity for the community group and owner to request an internal review of the decision by the council. In certain instances, the owner can also appeal for compensation during the period in which the asset appears on the register.
- 1.6 With very specific exemptions, once an asset is listed, the owner must notify the council if they are planning to sell the asset. The council will update the register to reflect this and will notify the nominator and other interested parties of the owner's intention to sell.
- 1.7 A 'community interest group' (which is specifically defined) will then have a six week window in which they can express interest in bidding for the asset to the council. During this period, the asset cannot be sold on the wider market. An expression of community interest within the six week window will trigger a six month moratorium period within which the owner can only accept a bid from a community interest group. This will give the community an opportunity to prepare a full bid.
- 1.8 A 'community interest group' is defined under the legislation to include incorporated community body, which does not include neighbourhood planning forums and other unincorporated bodies. As such, the city council recommends that any community groups who are interested in bidding for a listed asset becomes incorporated if they are not already.

¹ The Assets of Community Value (England) Regulations 2012:
www.legislation.gov.uk/ukdsi/2012/9780111525791/contents

- 1.9 After the moratorium period has finished, and before the eighteen month 'protected period' has expired, the owner can sell the asset to whoever they wish and at whatever price they wish.

Contact

- 2.1 For enquires on the CRTB process, please contact Planning Services on:

Email: planningpolicy@portsmouthcc.gov.uk

Telephone: 023 9268 8633

Post: Community Right to Bid,
Planning Policy,
City Development & Culture,
Portsmouth City Council,
Guildhall Square,
Portsmouth,
PO1 2AU

Nominating an asset

How to nominate

3.1 The council strongly encourages any group who is interested in nominating an asset to engage in pre-nomination discussions with the city council, by contacting:

Email: planningpolicy@portsmouthcc.gov.uk

Telephone: 023 9268 8633

3.2 For a property to be nominated as an 'asset of community value', a CRTB application form needs to be completed and submitted to Portsmouth City Council. This form is available:

Online: www.portsmouth.gov.uk/living/27822.html

By post: please ring 02392 68 8633 to arrange for a form to be sent

Or collect in person from the Civic Offices

3.3 If submitting an application form, please make sure you attach all the required content, which is:

- i. A description of the nominated land including its proposed boundaries;
- ii. A statement of the information which the nominator has had regard to:
 - a) the names of the current occupants of the land;
 - b) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land;
- iii. A statement of the nominator's reasons for thinking that the responsible authority should conclude that the land is of community value:
 - a) that the actual current use, or use in the recent past, furthers the 'social wellbeing and social interests' of the local community (see paragraph 6.2);
 - b) that in the case of the current use, there is a 'realistic prospect' that this use could continue or in the case of use in the recent past, that there is a 'realistic prospect' that within the next five years the use could resume (see paragraph 6.3).

3.4 Once all the required nomination content has been attached, the completed nomination form needs to be submitted to:

Email: planningpolicy@portsmouthcc.gov.uk

Address: Community Right to Bid,
Planning Policy,
City Development & Culture,
Portsmouth City Council,
Guildhall Square,
Portsmouth,
PO1 2AU

Assessment of a nomination

What can be nominated

- 4.1 For a property to be successfully nominated for listing as an ‘asset of community value’, the nominator must demonstrate that it both ‘enhances the social interests and social wellbeing of the local community’, as described in paragraph 6.2, and there is a ‘realistic prospect’ of the continued or future use of the asset as defined in paragraph 6.3.
- 4.2 Properties which cannot be listed include:
- i. residential properties and their associated land and outbuildings (integral residences in buildings which otherwise could be listed, such as a pub or caretaker’s flat, are not included);
 - ii. hotels, holiday homes and caravan sites²;
 - iii. uses whereby the social wellbeing or social interest use is secondary to a primary use which is not the social wellbeing or social interest use which forms the proposed justification for listing, i.e. that the social wellbeing/social interest use is only ‘ancillary’, (such as a café within a workplace);
 - iv. operational land of statutory undertakers (such as a utility company) as defined in section 263 of the Town and Country Planning Act 1990³.
- 4.3 Nominations for properties which are already on the ‘Register of Unsuccessful Assets’ will be assessed on their own merits, however reference may be made by the council of previously unsuccessful nominations, and the reason for their being declined.

² The Assets of Community Value (England) Regulations 2012, Schedule 1, paragraph 3:
www.legislation.gov.uk/ukdsi/2012/9780111525791/schedule/1

³ Town and Country Planning Act 1990, Section 263: www.legislation.gov.uk/ukpga/1990/8/section/263

Who can nominate

- 5.1 The CRTB is open to community and voluntary bodies with a 'local connection'. This means that it must be:
- i. a neighbourhood planning forum;
 - ii. a parish council;
 - iii. an unincorporated body whose members include at least 21 individuals;
 - iv. a charity;
 - v. a company limited by guarantee (and not distributing any surplus it makes to its members);
 - vi. an Industrial and Provident Society (again, not distributing surpluses to its members);
 - vii. a community interest company.
- 5.2 The requirements for the body to have a 'local connection' are that:
- i. The relevant body's activities are wholly or partly concerned with the local authority's area, or with a neighbouring authority's area;
 - ii. Where the relevant body's constitution allows for it to generate an operating surplus, that this is applied wholly or partly for the benefit of the local authority area, or for the benefit of a neighbouring authority's area.
- 5.3 Nominating bodies will be required to prove they are an eligible community group, as defined under paragraph 5.1 and 5.2. Suitable proof would be a list of at least 21 members if an unincorporated body, a Charity Commission/HMRC number if a charity, or a company number if a company or Industrial and Provident Society. The council will maintain a list of neighbourhood planning forums. Demonstration of the body's 'local connection' will also be required.

Assessment criteria

- 6.1 Upon receiving a nomination, the council will have eight weeks to reach a decision on whether to accept or decline the nomination.
- 6.2 Planning Services will undertake an initial assessment of the nomination to verify that the nomination is valid and has all the necessary information to be considered. Planning Services will then make all reasonable efforts to contact the owners and any known lawful occupiers and leaseholders of the nominated asset to ask for comments on the nomination. This will include putting up a site notice outside of the nominated land. Information in the nomination which the Council concludes to be commercially-sensitive, such as a business plan may not be released for comment.
- 6.3 If the nomination requires amendments or additional information, Planning Services will notify the community group of the amendments required, and if received, will incorporate them into the nomination, however the eight week period referred to in 6.1 above will only commence once the additional information is provided.
- 6.4 Once the initial assessment has been completed, a senior planning officer will assess the application against the council's adopted policy as shown in paragraph 6.5, and determine whether the nominated property 'enhances the social interest and social wellbeing of the local community' and if there is a 'realistic prospect' of the continued use or resumption of use.

- 6.5 A property that 'enhances the social interests and social wellbeing of the local community', is one that:
 - i. In its absence would deprive the local community of a building or property which is essential to the special character of the local area, and provides:
 - a) a place to meet and socialise; or
 - b) a place to shop; or
 - c) a recreational, sporting or cultural facility.
 - ii. The definition of the extent of the 'local community' will depend on the nature of the use and each case will be considered by the city council on its merits, with particular reference to the character and heritage of the local area, its community cohesion and its sense of belonging.
 - iii. A 'realistic prospect' of the continued or resumed use of the asset within the next five years, and in particular and where it is a matter relevant to that use, the commercial viability of the proposal (including the ability to raise funds) and the sustainability of that use.

- 6.6 To demonstrate a 'realistic prospect' of continued or resumed use of the asset, the council would have regard to;
- i. The amount of funds that would need to be raised by the community group and evidence that this is achievable. This could include;
 - a) proof of existing funds or previous fund-raising efforts;
 - b) a tentative letter of interest from a relevant grant body;
 - c) identified beneficiaries with evidence of their commitment of funds.
 - ii. Evidence of the community group's ability to fill volunteer positions if the asset is to be volunteer-led.
 - iii. An outline of how the future use and maintenance of the asset would be funded.
- 6.7 Once a decision has been made, a report will be published on the council website, and the community group, the owner and any leaseholders of the asset will be notified. The nominated asset will then be placed on the required register.
- 6.8 In either outcome, the owner and the community group will have the right to appeal against the decision within 8 weeks of the council notifying them of the decision.
- 6.9 If a nomination is successful, the city council recommends that any unincorporated community group who wishes to bid for a listed asset upon its 'relevant disposal' should become incorporated, as only incorporated 'community interest groups' are eligible to activate the moratorium period (for more information see section 11).

Listing of a property

Register of Assets of Community Value

- 7.1 Nominated properties which have been approved by the council as an 'asset of community value' are added to the council's 'Register of Assets of Community Value'. The register can be viewed via the council's website: www.portsmouth.gov.uk.
- 7.2 The council will also add the asset to the local land charges register and if the land is registered, apply for a restriction on the Land Register in Form QQ. There are also requirements on owners or mortgagees applying for first registration of listed land to apply for a restriction on the land register. They require a person who has become an owner of the land following a disposal to inform the local authority and provide ownership details.
- 7.3 The 'relevant disposal' of any listed asset is restricted by the moratorium requirements (for more information see section 11).
- 7.4 Listed nominations will be removed from the register after a period of five years, or through one of the circumstances shown in paragraph 17.1.

Register of Unsuccessful Nominations

- 8.1 Nominations which have been declined by the council will be added to the 'Register of Unsuccessful Nominations' for future reference.
- 8.2 Unsuccessful nominations will be removed from the register after a period of five years, or through one of the circumstances shown in paragraph 17.2.

Listing review

Internal review

- 9.1 Within eight weeks of being notified of their property being listed as a 'community asset', the owner can appeal to the council's Monitoring Officer for a 'listing review'. The asset will remain listed during the review period. The owner and the council will bear their own costs associated with the review. An appeal to the Monitoring Officer must be done in writing to:

Email: ctrbappeals@portsmouthcc.gov.uk

Post: CRTB Appeals, Chief Executive's Office, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AL

- 9.2 Within eight weeks of the nomination of an asset being declined, the nominating community group can appeal to the council's Cabinet for a review of the decision. An appeal to the Cabinet must be done in writing to:

Email: ctrbappeals@portsmouthcc.gov.uk

Post: CRTB Appeals, Chief Executive's Office, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AL

- 9.3 The council will have eight weeks from the date of receiving the request to carry out the review.

- 9.4 During a review, the owner and the community group can appoint a representative, to which the Council will provide the relevant documents. The city council recommends that the representative is legally qualified, however this is not a requirement. During the review process the owner, the community group and/or their representative may make representations orally and/or in writing.

- 9.5 Upon completion of the internal review, the council will publish a report of its findings and notify the owner and the community group of the outcome. Where a change in the status of the property occurs out of the review, it will then be moved to the appropriate register.

- 9.6 If the owner of an asset has been successful in having the asset moved to the Register of Unsuccessful Nominations, there will be no right of appeal for the nominating community group.

Tribunal review

- 10.1 If the owner is dissatisfied with the internal review, they will have 28 days from the date on which the council notifies them of the internal review decision to appeal for a review by the General Regulatory Chamber of the First-Tier Tribunal.

- 10.2 Owners must submit their appeal in writing to the First-Tier Tribunal by either:

Email: grc.communityrights@hmcts.gsi.gov.uk

Post: Tribunal Clerk,
Community Right to Bid Appeals,
HM Court & Tribunals,
First-tier Tribunal (General Regulatory Chamber),
P.O. Box 9300,
Leicester, LE1 8DJ

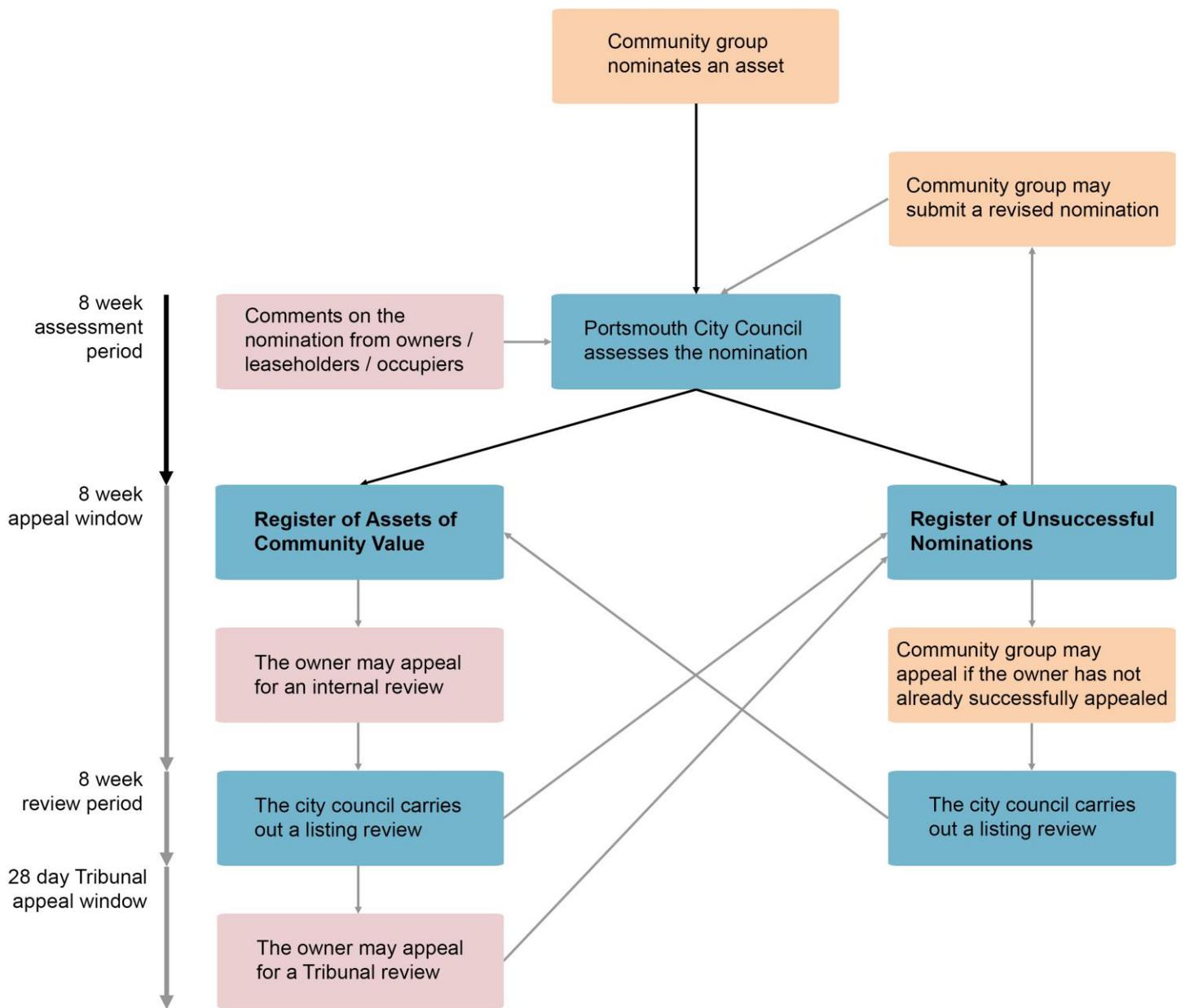


Figure 1 – the assessment, listing and review process

Sale of an asset

Relevant disposal

- 11.1 The moratorium provisions only apply to a 'relevant disposal' of a listed asset. A 'relevant disposal' is one where the sale of the asset transfers:
- i. a freehold interest if it is a disposal with vacant possession (as such, selling the business as a 'going concern' does not count as a relevant disposal);
 - ii. a qualifying leasehold interest (that is, the granting of a lease for a period of 25 years or more (or the transfer of a lease which was of 25 years or more originally) if it is a grant or assignment with 'vacant possession'.
- 11.2 There are exemptions for some types of relevant disposals. For the full list of exemptions please see the Appendix, however the most relevant exemptions are:
- i. disposals which are gifts or are between family members;
 - ii. disposals in accordance with a will or bankruptcy proceedings;
 - iii. the sale of land which has only been part-listed;
 - iv. legally-enforced disposals, including compulsory purchase orders or court orders;
 - v. transfers between subsidiaries of the same parent company;
 - vi. disposals for the purpose of a school or further education institute, or to allow the continuation of NHS provision on the land.
- 11.3 If an owner is looking to demolish a listed asset without sale, or apply for a change of use, this also does not count as a relevant disposal and will be dealt with within the planning system as usual. If the property is listed though, this may be a material consideration in determining whether to grant a change of use.
- 11.4 If an owner of a listed asset is unsure where the sale of their property will be a relevant disposal or not, they should notify the council as a precaution – non-compliant disposals may be set aside by the Land Registry. If the owner then enters into a binding contract for an exempt disposal during the moratorium period, the owner is encouraged to notify the council of the situation.

Moratorium

- 12.1 Once the owner of a listed asset has notified the city council of their intention to instigate a relevant disposal of the asset, a six week 'interim moratorium' period begins.⁴ The council will update the register to show the interim and full moratorium dates. The council will then notify the nominator and any community bodies who have registered interest, of the owner's intention to dispose. To join the council's Community Right to Bid database, please submit the relevant information by:

Email: planningpolicy@portsmouthcc.gov.uk

Telephone: 023 9268 8633

⁴ Localism Act 2011, Section 95: www.legislation.gov.uk/ukpga/2011/20/section/95

Post: Community Right to Bid, Planning Policy, City Development & Culture,
Portsmouth City Council, Guildhall Square, Portsmouth, PO1 2AU

12.2 Within this interim period, the owner can continue to market and negotiate the sale of the property, however, unless an exempt disposal applies, they can only sell the asset to a 'community interest group' as defined in paragraph 12.3. As such, during this period the council recommends that the owner markets the asset to all eligible community interest groups.

12.3 A 'community interest group' must have a 'local connection' as defined under paragraph 5.5, and be incorporated in one of the following structures:

- i. a charity;
- ii. a community interest company;
- iii. a company limited by guarantee that is non-profit distributing;
- iv. an Industrial and Provident Society that is non-profit distributing.

Please note: a neighbourhood planning forum or other unincorporated body does not constitute a valid 'community interest group'. As such, the city council recommends that any unincorporated community group who wishes to bid for a listed asset upon its 'relevant disposal' should become incorporated so that they constitute a eligible 'community interest group'.

12.4 During the interim moratorium period, if a community interest group expresses written interest to the council in bidding for the asset, the 'full moratorium' period will be activated. The council will require proof of the community interest group's eligible status, such as a company number or a Charity Commission/HMRC number if a charity. The 'expression of interest' does not need to include any financing details, nor does it bind the community interest group into making a bid.

12.5 The full moratorium period runs for six months from the date the owner notified the council of their intention to dispose of the asset. During this period, the owner can continue to market and negotiate the sale of the property, however, unless an exempt disposal applies, the owner can only dispose of the asset to a community interest group as defined in paragraph 12.3. The community interest group which bids for the asset does not have to be the same community group which nominated the asset and/or activated the full moratorium.

12.6 After the interim or full moratorium period has expired (as applicable), the owner will have an 18 month protected period from the date when they notified the council of their intent to dispose, where no further moratorium periods can be triggered. During the protected period, the owner can dispose of the asset to whoever they wish and at whatever price they wish.

12.7 Once the protected period has expired, if the asset has not been disposed of, the owner cannot enter into a relevant disposal. If the owner wishes to enter into a relevant disposal they will need to notify the council and the process begins again, with a six week interim moratorium period starting from the date the council was notified.

Enforcement

13.1 To prevent enforcement action (that is, the cancellation of a transfer), when the new owner applies to the Land Registry to register a change of ownership of a listed asset, they will need to provide the Land Registry with a certificate from a barrister, solicitor or a licensed conveyancer⁵ that the disposal (and any previous disposals if this is the first registration) did not contravene the moratorium requirements.

13.2 If a non-compliant disposal of a listed asset occurs, the transfer will be 'void', meaning that the change of ownership has not taken place. If the transfer has been erroneously registered on the Land Register it will still be void, and would have to be rectified. 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.

13.3 Owners are encouraged to seek independent legal advice on these points.

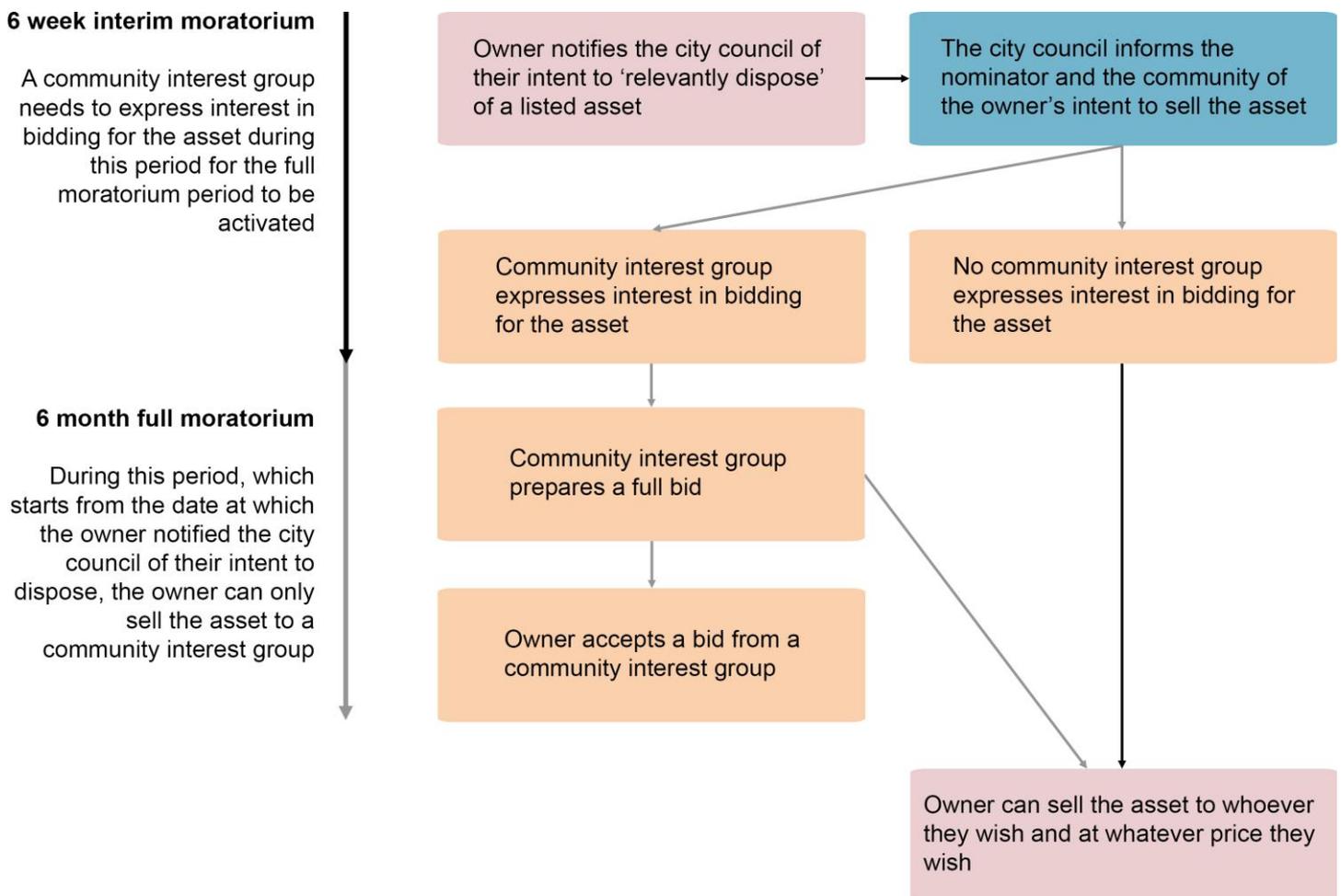


Figure 2 – the moratorium process

⁵ Land Registration Rules 2003: rule 217: www.legislation.gov.uk/ukxi/2003/1417/article/217/made

Compensation

Compensation claim

- 14.1 Private owners may claim compensation from the council for losses and expenses incurred which would not have occurred if the land had not been included on the list. This includes, for example:
- i. a delay in entering into a binding agreement to sell which is wholly caused by the moratorium period;
 - ii. legal expenses incurred in a successful appeal to the Tribunal.
- 14.2 The compensation scheme does not extend to public bodies defined as:
- i. government departments, authorities and other bodies to which section 6 of the National Audit Act 1983 applies;
 - ii. bodies which receive the majority of their funding from public sources which may be examined by the Comptroller and Auditor General under section 7 of the National Audit Act 1983; and,
 - iii. local authorities and other public authorities and bodies that are required to be audited under section 2 of the Audit Commission Act 1998.
- 14.3 A compensation claim must be made by the owner within whatever is earlier out of 13 weeks from the end of the interim or full moratorium period (as appropriate), or 13 weeks from the date when the land ceased to be listed.
- 14.3 Claims must be made in writing to the council, stating the amount of compensation sought and providing the necessary supporting evidence. The burden of proving the claim will fall upon the owner. To make a compensation claim please fill in an application form which is available at:
- Online: www.portsmouth.gov.uk/living/27822.html
- Post: CRTB Appeals, Chief Executive's Office, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth PO1 2AL
- 14.4 The council will consider the validity of the claim as soon as practical. There is no specific time frame for this due to the potential complexities of the case, for which the city council may need some time to consider and assemble all the necessary evidence.

Internal compensation review

- 15.1 An owner who is dissatisfied with the council's response to their compensation claim can appeal for an internal review of the claim within 8 weeks of being notified of the council's decision.
- 15.2 The internal compensation review will follow the same procedures as the listing review with the owner appealing to the council's Monitoring Officer, however the process will not include the nominating community group.

Tribunal compensation review

- 16.1 An owner who is dissatisfied with the outcome of the council's internal review of their compensation claim can appeal for a Tribunal review within 28 days of being notified of the internal review decision. The Tribunal review will follow the same process as shown in Section 10 'Tribunal review', except that only the owner or former owner who originally appealed for compensation will be eligible to apply.

Delisting of a property

Overview

17.1 A property will be removed from the Register of Assets of Community Value if;

- a) it has been on the register for five years;
- b) the owner has been successful in a listing review;
- c) the council deems the listed asset to no longer be of community value.

17.2 A property will be removed from the Register of Unsuccessful Nominations if;

- a) it has been on the register for five years;
- b) the community group has been successful in a listing review.

17.3 When a property is removed from either registers the council will release a statement setting out the reasons for the removal. The council will notify the owner, any leaseholders and the nominator of the statement. In the case of an asset being delisted, the city council will also notify the Land Registry.

where else to look

- PCC's Register of Assets of Community Value: www.portsmouth.gov.uk/living/27822.html
- PCC's Register of Unsuccessful Nominations: www.portsmouth.gov.uk/living/27822.html
- The Localism Act 2011: www.legislation.gov.uk/ukpga/2011/20/contents/enacted
- The Assets of Community Value (England) Regulations 2012: www.legislation.gov.uk/ukdsi/2012/9780111525791
- Community Right to Bid: Non-statutory advice note for local authorities: www.communities.gov.uk/publications/communities/righttobidadvicenote

Appendix – exemptions

The full list of disposals exempt from the moratorium rules are shown below:

- a) disposals which are gifts (including transfer for no payment to trustees by way of settlement upon trusts);
- b) disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules;
- c) disposal by personal representatives of the deceased owner in order to raise money for matters connected with administration of the estate;
- d) disposals between family members (“family member” is defined in section 95(7) of the Act as the owner’s spouse or partner and descendants of grandparents – which includes the owner’s own parents, but not the grandparents);
- e) part-listed land – i.e. sale of a property only part of which has been listed;
- f) sale of land on which a business is carried on, together with sale of that business as a going concern (in such circumstances there would normally be payment separately for the business as a going concern, e.g. the value of equipment, stock and goodwill);
- g) disposals occasioned by somebody becoming or ceasing to be a trustee;
- h) disposal by trustees in connection with the trust, as specified;
- i) a disposal occasioned by a person becoming or ceasing to be a partner in a partnership;
- j) transfers made in pursuance of a court order;
- k) transfers (not in pursuance of a court order) as part of a separation agreement between spouses or civil partners (or ex ditto) including agreements for care of dependent children;
- l) a transfer (not in pursuance of a court order) for the purposes of any enactment relating to incapacity, with “incapacity” being widely defined to include physical and mental impairment and any interference with capacity to deal with financial and property matters;
- m) a disposal made in pursuance of a legally enforceable requirement that it should be made to a specific person, including disposals required under planning obligation agreements; and in the case of an option to buy, nomination right, pre-emption right or right of first refusal only if the agreement was entered into before the land was listed (and in this context it should be noted that an option etc entered into after the land is listed would count as a relevant disposal under section 96(4) of the Act);
- n) disposals of a description which brings them within the Crichton Down rules (where the land was acquired by compulsory purchase but is no longer needed, and the disposal is by way of return to the original owner or their descendants) – see DCLG Circular 06/04 “Compulsory Purchase and the Crichton Down Rules”⁶;
- o) sale by a lender under a power of sale (i.e. where the land was security for a loan);
- p) disposal of land under bankruptcy or other insolvency proceedings – the wording is “insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986”, which gives a very wide definition of insolvency proceedings;

⁶ Compulsory Purchase and the Crichton Down Rules:
www.communities.gov.uk/documents/planningandbuilding/pdf/1918885.pdf

- q) compulsory purchase disposals (see the wide definition of “statutory compulsory purchase” in regulation 1, which includes disposals by a purchaser deemed to acquire the land compulsorily under a statutory blight notice, and also disposals by agreement where a compulsory power could be used);
- r) the grant of an agricultural tenancy to a successor on the death or retirement of the current tenant pursuant to Part 4 of the Agricultural Holdings Act 1986;
- s) transfers between connected companies in a group of companies (using the definition of “group undertaking” in section 1161(5) of the Companies Act 2006, modified to restrict “undertaking” to a body corporate);
- t) disposals of closed Church of England churches under Part 6 of the Mission and Pastoral Measure 2011: the lengthy process in Part 6 of the Measure involves public consultation, and at the end of it the building will either be sold or leased for an agreed purpose, or demolished, or transferred to the Churches Conservation Trust for preservation – following which outcomes it will once more be possible to list the building and land if appropriate;
- u) disposals by any owner for the purpose of continuing health service provision on the land (in accordance with section 1(1) of the National Health Service Act 2006);
- v) a disposal of land to be held for the purpose of a school (excluding independent schools), further education institution or 16 to 19 Academy;
- w) disposal of land subject to a statutory requirement regarding the making of the disposal, where that requirement could not be observed if the assets moratorium rules were complied with.

Glossary

Cabinet	The Cabinet is the council's executive, which is composed of the Leader of the Council, the members who hold portfolios such as Health & Social Care, and the council's committees, such as the Licensing Committee.
Community Interest Group	A 'community interest group' must have a 'local connection' and be incorporated in one of the following structures: <ul style="list-style-type: none">v. a registered charity;vi. a community interest company;vii. a company limited by guarantee that is non-profit distributing;viii. an Industrial and Provident Society that is non-profit distributing.
Community Group	A 'community group' must have a 'local connection' and be one of the following structures: <ul style="list-style-type: none">i. a neighbourhood planning forum;ii. a parish council;iii. an unincorporated body whose members include at least 21 individuals;iv. a registered charity;v. a company limited by guarantee that is non-profit distributing;vi. an Industrial and Provident Society that is non-profit distributing;vii. a community interest company.
Conveyancer	A 'conveyancer' is a: <ul style="list-style-type: none">i. a solicitor;ii. a licensed conveyancer within the meaning of section 11(2) of the Administration of Justice Act 1985(4);iii. a fellow of the Institute of Legal Executives.
Full moratorium	A six month period running from the date the owner notified the council of their intent to 'relevantly dispose' of a listed asset, where only a community interest group can purchase the asset. The full moratorium is activated when a community interest group expresses interest in bidding for the asset during the interim moratorium period.
Interim moratorium	A six week period running from the date the owner notified the council of their intent to 'relevantly dispose' of a listed asset, where only an eligible community interest group can purchase the asset. If a community interest

group expresses interest in bidding for the asset during this period, the full moratorium period is activated.

Internal review	A review of the decision made by PCC on a property's listing or an owner's compensation claim. Depending on the situation, this review is carried out by either the Monitoring Officer or the Cabinet.
Local connection	<p>The requirements for a community or voluntary body to have a 'local connection' are that:</p> <ol style="list-style-type: none">i. The relevant body's activities are wholly or partly concerned with the local authority's area, or with a neighbouring authority's area;ii. Where the relevant body's constitution allows for it to generate an operating surplus, that this is applied wholly or partly for the benefit of the local authority area, or for the benefit of a neighbouring authority's area;iii. That, where it is an unincorporated body, it has at least 21 local members.
Localism Act 2011	A wide-ranging piece of legislation that made amendments to planning regulations, including abolishing regional strategies, and introducing neighbourhood plans and the Community Right to Bid.
Monitoring Officer	The Monitoring Officer is the council's designated senior officer who is in charge of ensuring the council complies with legal requirements.
Planning Services	Portsmouth City Council's planning department.
Protected period	After the interim or full moratorium period has expired (as applicable), the owner will have an 18 month 'protected period' from the date when they notified the council of their intent to dispose, where no further moratorium periods can be triggered. During the protected period, the owner can dispose of the asset to whoever they wish and at whatever price they wish.
Relevant disposal	<p>The moratorium provisions only apply to a 'relevant disposal' of a listed asset. A 'relevant disposal' is one where the sale of the asset transfers:</p> <ol style="list-style-type: none">i. a freehold interest if it is a disposal with vacant possession;ii. a qualifying leasehold interest (that is, the granting of a lease for a period of 25 years or more (or the transfer of a lease which was of 25 years or more originally) if it is a grant or assignment with 'vacant possession'. <p>These transfers imply that there may be a change of use after the sale of the asset. For example, where an owner is selling a shop as a going concern is not a 'relevant disposal'.</p>

Tribunal review

A review of the decision made by PCC on a property's listing or an owner's compensation claim. This review is carried out by the General Regulatory Chamber of the First-Tier Tribunal.

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264