

COMMUNITY RIGHT TO BID - EXPRESSION OF INTEREST/INTENTION TO BID FORM

Only assets appearing in the Council's [list of assets of community value](#) can be subject to expressions of interest. Please read the note in the Annex below, before completing this form.

PART A: ABOUT YOU

| | |
|--|--|
| Title | |
| First name | |
| Surname | |
| Address | |
| Post code | |
| Telephone number | |
| Email address | |
| Your relationship to the organisation | |

PART B: ABOUT YOUR ORGANISATION

| | |
|---|----------------------------|
| Organisation name | |
| Organisation/head office address including post code | |
| Registration number if a company, charity, community interest company, industrial provident society | |
| 1. Organisation type | Tick as appropriate |
| Parish/Town Council | |
| Body designated as a neighbourhood forum under the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012 | |
| Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members | |
| A charity - if not a registered charity, please attach evidence of your organisation's status, such as Articles of Association | |
| A company limited by guarantee that is non profit distributing | |
| Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004) | |
| Industrial Provident Society that is non profit distributing (Industrial and Provident Societies Act 1965) | |
| Other – please detail | |

| 2. Please provide a copy of the following as relevant to your organisation type | Tick as appropriate |
|---|---------------------|
| Memorandum of Association | |
| Articles of Association | |
| Constitution/Terms of Reference | |
| Resolution/minutes (certified as being a true copy) | |
| Standing Orders | |
| Registration Form and Interest Statement for Community Interest Company | |

| | |
|---|--|
| Distribution of surplus funds - For companies limited by guarantee, industrial and provident societies and unincorporated bodies, please provide documentary evidence that any surplus made by the organisation is wholly or partly applied for the benefit of the Borough of Dartford or a neighbouring local authority area sharing a border. | |
| Membership of unincorporated bodies - Please confirm that at least 21 members are included in Dartford Borough Council's register of electors. | |
| Local connection - For organisations other than parish/town councils, please provide documentary evidence that the organisation is wholly or partly concerned with the Borough of Dartford or a neighbouring local authority area sharing a border | |

PART C: WHICH ASSET DO YOU WISH TO BID FOR?

| | |
|---|--|
| Name of asset (building or land) | |
| Address or location of the asset (including post code) <i>Provide an Ordnance Survey Plan/Land Registry Plan</i> | |

Name:

Position in Organisation:

Address (Including Postcode):

Daytime Telephone Number:

E-Mail Address:

I declare the information I have given on this form is correct and complete:

Date:

Please post your completed form to: Policy and Corporate Support, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR or Email:communityrighttobid@dartford.gov.uk

Data Protection Privacy Notice - We provide an Asset of Community Value Right to Nominate & Bid (ACV). We need to collect your personal information to administer this service. Our lawful bases for processing your personal information are:

- our legal obligations under the Land Registration Rules 2003
- our legal obligation(s) under the Localism Act 2011
- our legal obligation(s) under the Assets of Community Value (England) Regulations 2012
- necessary for the performance of a task in the public interest or in the exercise of official authority vested in us under the above legislation

Your information will be shared with the owner of the asset and the nominator. The name of the interest group will be publicised on our website (see the Annex below).

Please refer to our [Corporate Privacy Notice](#) and the [Privacy Notice for Assets of Community Value](#) for further details of how we process your personal information and for details on your additional rights.

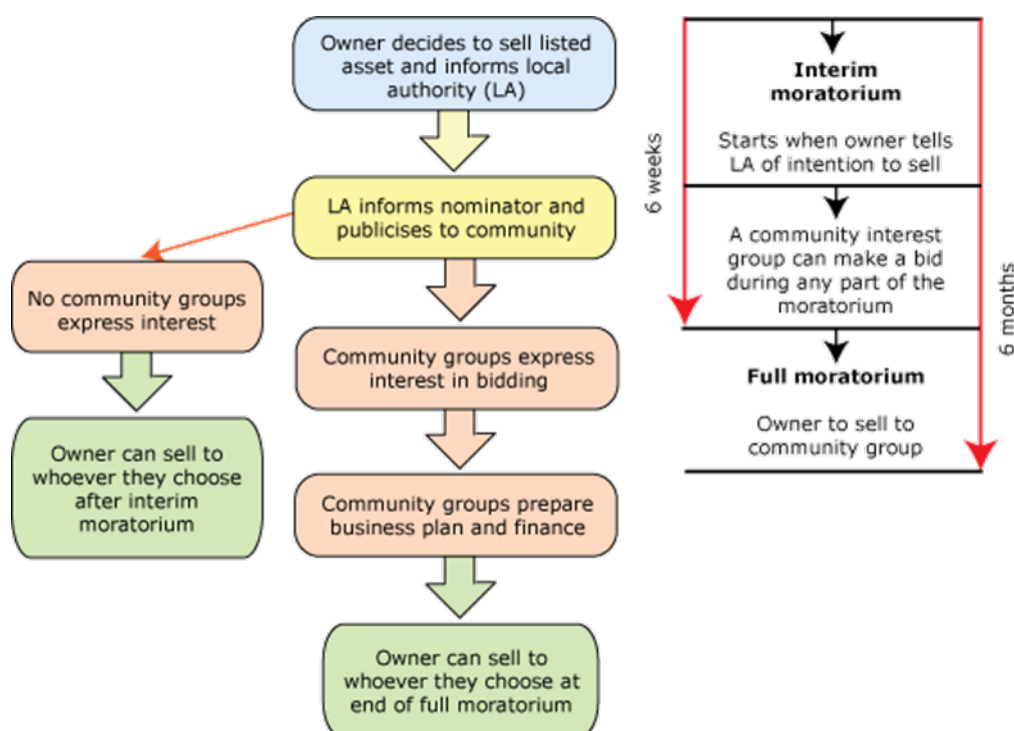
Please note that this Annex does not constitute legal advice. Independent legal advice should be taken when considering the Community Right to Bid process.

ANNEX

NOTE: - When the Council receives a request from a community interest group to be treated as a potential bidder for an asset of community value, the Council will add the following information to the relevant entry on its ACV list:

- that a community interest group has requested to be treated as a potential bidder for a particular land listed on the ACV list;
- the name of the community interest group submitting the request to be treated as a bidder;
- that restrictions on entering into a relevant disposal of the land to which the moratorium relates, continue to apply for six months during the full moratorium period, but that at the end of that period, the restrictions will then not apply for a year.

Moratorium periods and flowchart



(Flowchart reproduced under Crown copyright. Contains public sector information licensed under the Open Government Licence v3.0.)

COMMUNITY RIGHT TO BID PROCEDURE

1. The **interim moratorium period** is triggered by the owner's notification in writing to the Council of an intention to enter into a relevant disposal of a listed asset (exempt disposals¹ do not need to be flagged with the Council, but it would be helpful if they were).
2. Once the Council has been notified of the owner's intent to dispose, it is required to update its ACV list to show this and give the end dates of the interim and full moratorium periods and of the protected period.

¹ Section 95(5) of the Localism Act 2011 and Schedule 3 to the 2012 Regulations

3. The nominating community group must be informed and the Council must publicise the matter in the neighbourhood of the asset in question. It is for the Council to determine how this is done.

4. The interim moratorium period is the period of six weeks beginning with the date on which the Council receives notification in relation to the disposal. During this time, the owner *may not enter into a sale of the asset*, unless such a sale falls within one of the exemptions² or is to a local community interest group.

5. During the interim moratorium period a community interest group (not restricted to the nominating group), may request to be treated as a potential bidder for the asset. Receipt of a written request to be treated as a potential bidder triggers the full moratorium period.

6. The **full moratorium period** is the period of six months beginning with the date on which the Council receives notification in relation to the disposal. During this time, the owner *may not enter into a sale of the asset*, unless such a sale falls within one of the exemptions³ or is to a local community interest group.

7. The community interest group does not have to provide any evidence of intention or financial resources to make such a bid. However, they must provide evidence that they have one or more of the structures outlined above (see Part B, sections 1& 2 of the form).

8. The Council must as soon as is practicable, let the owner know that a request to be treated as a bidder has been received.

9. If no expression of interest to bid is forthcoming from a local community interest group during the interim moratorium period, the asset enters the **protected period**. Similarly, should no bid be forthcoming during the full moratorium period, or be unsuccessful, the asset enters the protected period at that point.

The protected period is 18 months beginning with the date on which the Council received notification from the owner in relation to the disposal. During this time, the owner is free to sell the asset to whomever they choose and without further delay.

10. If, after the full 18 months protected period, the asset has not been sold but remains for sale, the owner will again be required to notify the Council of the intention to enter into a relevant disposal and the moratoria will again be available to the community.

11. If a relevant disposal takes place within the full moratorium period to a local community interest group, or during the protected period on the open market, the asset is removed from the asset list.

For noting: After having requested to be treated as a potential bidder:

- there is **no** obligation for the community interest group to make an offer or to buy or acquire any interest in the asset;
- there is **no** right for the community interest group to buy or acquire any interest in the asset;
- there is **no** obligation on the owner to dispose of the land to the community interest group on any terms or accept a community bid even if the bid equals or exceeds any other offer received by the owner. However, if the owner is a charity or trustee, then (under charity law), the offer might have to be accepted);
- there is no restriction on what the owner can do with the asset once listed, subject to compliance with any requirement for planning approval from the local planning authority.

² Section 95(5) of the Localism Act 2011 and Schedule 3 to the 2012 Regulations

³ Supra